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SEVENTY-FIRST CONGRESS, THIRD SESSION

SENATE

SATURDAY, FEBRUARY 28, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

PRODUCTION OF TIMBER IN PORTO RICO

Mr. BINGHAM. Mr. President, late yesterday afternoon I submitted a concurrent resolution (S. Con. Res. 41) requesting the President to return the enrolled joint resolution (H. J. Res. 192) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico. The concurrent resolution was agreed to.

I did this because of the appearance in the joint resolution of the words "the Territory of" as relating to Porto Rico. Since then the Delegate from Porto Rico has called my attention to a most interesting and important opinion of the Attorney General in a letter to the President dated August 11, 1930, in which the Attorney General gives it as his opinion that Porto Rico is a completely organized Territory, and states specifically that he is of the opinion that the agricultural marketing act extends to the Territories of Alaska, Hawaii, and Porto Rico, but does not extend to the Philippine Islands.

In view of that opinion I ask unanimous consent that the vote whereby the resolution (S. Con. Res. 41) was agreed to, which I introduced, may be reconsidered and that the concurrent resolution may be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Ninety-four Senators have answered to their names. A quorum is present.

MODERNIZATION OF BATTLESHIPS (S. DOC. NO. 317)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation, fiscal year 1931, to remain available until June 30, 1932, for the modernization of three of the older battleships by the Navy Department, amounting to $10,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

VETERANS' ADMINISTRATION (S. DOC. NO. 316)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Veterans' Administration, fiscal year 1932, to be immediately available, amounting to $2,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

AIR MAIL CONTRACTS (S. DOC. NO. 315)

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General making a report in response to Senate Resolution 394 (submitted by Mr. DILL and agreed to January 21, 1931) requesting the Postmaster General to furnish information to the Senate regarding air mail contracts, which, with the accompanying papers, was ordered to lie on the table and to be printed.

TREASURY AND POST OFFICE PUBLIC BUILDINGS (H. DOC. NO. 788)

The VICE PRESIDENT laid before the Senate a joint communication from the Secretary of the Treasury and the Postmaster General reporting, pursuant to law, relative to public-building construction outside of the District of Columbia, and transmitting a report of the interdepartmental committee appointed by them to administer the details of the public-building program, being a composite report covering the allocation of all funds authorized for new construction outside of the District of Columbia, including the $115,000,000 authorized by the act of March 31, 1930, and the $100,000,000 authorized by the act of February 16, 1931, which report is approved and transmitted as their report, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

ADJUSTED-SERVICE CERTIFICATES

The VICE PRESIDENT laid before the Senate the following telegrams, which were ordered to lie on the table and to be printed in the RECORD:

NEWARK, OHIO, *February 28, 1931.*

The SENATE,
Washington, D. C.:

We the members of Post 1060, Veterans of Foreign Wars, wish to thank the Senate for their support of soldiers' bonus.

Commander GLEN DEBORD.

GRAND ISLAND, NEBR., *February 27, 1931.*

The MEMBERS OF THE UNITED STATES SENATE,
Washington, D. C.:

We extend our sincere thanks for the passing of the bonus bill over President Hoover's veto.

MILLIE HENDRIX,
President American Legion Auxiliary Unit 53.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts presented petitions of 2,027 citizens of the State of Massachusetts, praying for the

prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented petitions and letters in the nature of petitions of sundry citizens of the State of Vermont, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions numerously signed by sundry citizens of Wichita, Kansas City, Newton, and Manhattan, in the State of Kansas, and also of Washington, D. C., praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of Jorgem Boe and 28 other citizens of Kenmare, in the State of North Dakota, praying for the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

Mr. McGILL presented petitions and letters and papers in the nature of petitions from sundry organizations and citizens in the State of Kansas, praying that a tariff be placed on the importations of crude oil and its refined products, which were referred to the Committee on Finance.

He also presented petitions and papers in the nature of petitions, numerously signed, from sundry citizens in the State of Kansas, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. MORROW presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the passage of legislation making The Star-Spangled Banner the national anthem, which were ordered to lie on the table.

He also presented a resolution adopted by Pride of Ramsey Council, No. 141, Sons and Daughters of Liberty, of Ramsey, N. J., favoring the stringent restriction of immigration, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Borough Council of Glassboro, N. J., favoring the passage of legislation for the construction of a bridge or tunnel across or under the Delaware River from South Philadelphia to a suitable place in New Jersey, which was referred to the Committee on Commerce.

He also presented resolutions adopted by a convention of the New Jersey State Federation of Post Office Clerks, at Camden, N. J., complaining of the methods alleged to have been instituted in many of the post offices in New Jersey as the result of a "survey" made by the Post Office Department, creating a condition of distress and apprehension which tends to impair the morale and incentive of the postal employees, which were referred to the Committee on Post Offices and Post Roads.

PROPOSED FUR-BREEDING EXPERIMENT STATION IN MINNESOTA

Mr. SHIPSTEAD presented the following concurrent resolution of the Legislature of the State of Minnesota, which was ordered to lie on the table:

S. F. No. 564

A concurrent resolution (Res. No. 14) memorializing Congress to establish a fur-breeding experiment station in the State of Minnesota

Whereas the State of Minnesota, by reason of its climate and other natural advantages, affords unusual opportunities for the development of a large and profitable fur-breeding industry; and

Whereas there are upward of 2,500 licensed fur breeders within said State at the present time, with an investment of over $25,000,000 in breeding stock, besides the value of the real estate and equipment used in connection with said industry; and

Whereas there is a large traffic in furs in said State at the present time, said State being the fourth State in the Union in volume of such traffic, with total sales of raw furs within the State for the year 1930 of over $5,000,000, the greater proportion of which was derived from fur-breeding farms; and

Whereas the wild stock of fur-bearing animals in said State and the surrounding territory is becoming more and more depleted, and the fur trade is becoming more and more dependent for its supply upon the fur-breeding industry; and

Whereas the further promotion and development of said industry will not only benefit the fur trade but will provide employment for large numbers of persons, will render useful considerable areas of land and water not otherwise productive, and will create a demand for large quantities of agricultural and other products required for said industry; and

Whereas a large number of problems have arisen in connection with said industry, particularly with respect to the breeding and keeping of animals, requiring scientific investigation and experiment, the solution of which problems is vitally important to further progress of said industry: Therefore be it

Resolved by the Senate of the State of Minnesota (and the House of Representatives of the State of Minnesota concurring), That we most earnestly urge the Congress of the United States to provide for the establishment of a fur-breeding experiment station in said State as soon as possible; be it further

Resolved, That the secretary of the State of Minnesota be, and he hereby is, instructed to transmit certified copies of this resolution to the presiding officers of the Senate and the House of Representatives of the United States and to each Member thereof from the State of Minnesota.

HENRY ARENS,
President of the Senate.
OSCAR A. SWENSON,
Speaker of the House of Representatives.

Passed the senate the 20th day of February, 1931.

G. H. SPAETH,
Secretary of the Senate.

Passed the house of representatives the 20th day of February, 1931.

JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Approved February 26, 1931.

FLOYD B. OLSON, *Governor.*

Filed February 26, 1931.

MIKE HOLM, *Secretary of State.*

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original resolution in my office of S. F. 564, Laws 1931, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St Paul, this 26th day of February, A. D. 1931.

[SEAL.]

MIKE HOLM,
Secretary of State.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill, H. R. 303, for the relief of Charles Thomas and Edgar Thomas, reported it with amendments and submitted a report (No. 1808) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 4727. An act for the relief of the Federal Real Estate & Storage Co. (Rept. No. 1807);

H. R. 7339. An act for the relief of H. H. Lee (Rept. No. 1830);

H. R. 8953. An act for the relief of Thomas C. Edwards (Rept. No. 1809); and

H. R. 10562. An act for the relief of John Sanford Tillotson (Rept. No. 1831).

Mr. HOWELL also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 5521. An act for the relief of Louis Czike (Rept. No. 1810);

H. R. 7784. An act for the relief of Mrs. L. E. Burton (Rept. No. 1828);

H. R. 8785. An act for the relief of the Board of Underwriters of New York (Rept. No. 1811);

H. R. 9035. An act for the relief of Walter L. Turner (Rept. No. 1812);

H. R. 9575. An act for the relief of the New York Marine Co. (Rept. No. 1813);

H. R. 10631. An act for the relief of Barnet Albert (Rept. No. 1814);

H. R. 11911. An act for the relief of Frank J. Spencer (Rept. No. 1815); and

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds (Rept. No. 1829).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 6254. An act for the relief of United States Marshal George B. McLeod (Rept. No. 1816);

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox (Rept. No. 1817);

H. R. 7833. An act for the relief of H. L. Lambert (Rept. No. 1818);

H. R. 8983. An act for the relief of Charles S. Gawler (Rept. No. 1826);

H. R. 9354. An act for the relief of Okaw Dairy Co. (Rept. No. 1825); and

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co. (Rept. No. 1819).

Mr. STEPHENS also, from the Committee on Claims, to which was referred the bill (H. R. 12632) for the relief of Frank J. Michel and Barbara M. Michel, and others, reported it with amendments and submitted a report (No. 1832) thereon.

Mr. BROCK, from the Committee on Claims, to which was referred the bill (H. R. 10052) for the relief of A. J. Bell, reported it without amendment and submitted a report (No. 1820) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 6226) for the relief of Mildred B. Crawford, reported it without amendment and submitted a report (No. 1833) thereon.

Mr. REED, from the Committee on Military Affairs, to which was referred the bill (H. R. 3564) for the relief of John T. O'Neil, reported it without amendment and submitted a report (No. 1822) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 247) directing the President to proclaim October 11, 1931, General Pulaski's Memorial Day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, reported it with amendments and submitted a report (No. 1823) thereon.

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 408) to make a complete survey of cooperative credit laws and systems, reported it without further amendment.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on February 27, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 1072. An act for the relief of Gabriel Roth;

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928;

S. 3213. An act for the relief of E. F. Zanetta;

S. 4750. An act to authorize alterations and repairs to certain naval vessels; and

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park at Hot Springs, Ark., and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

A bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress; to the Committee on Commerce.

A bill (S. 6264) to establish a Federal Trade Court, and for other purposes; to the Committee on the Judiciary.

By Mr. WALSH of Montana:

A bill (S. 6265) relative to assumption of risks of employment; to the Committee on the Judiciary.

By Mr. DENEEN:

A bill (S. 6267) appropriating $690,000 for Federal participation in A Century of Progress, Chicago, Ill., in 1933; to the Committee on Appropriations.

By Mr. REED:

A bill (S. 6268) to protect the water supply of the town of Highlands, Orange County, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. BINGHAM and Mr. GOLDSBOROUGH:

A joint resolution (S. J. Res. 260) to provide for the naming of Blair Circle (with accompanying papers); to the Committee on the District of Columbia.

FUMES FROM SMELTER OF CONSOLIDATED MINING & SMELTING CO. AT TRAIL, BRITISH COLUMBIA

Mr. DILL introduced a joint resolution (S. J. Res. 262) to establish a joint congressional committee of the Senate and House of Representatives of the United States to investigate damages in the United States by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia, and for other purposes, which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Joint resolution to establish a joint congressional committee of the Senate and House of Representatives of the United States to investigate damages in the United States by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia, and for other purposes

Whereas, pursuant to Article IV, section 3, clause 2, of the Constitution of the United States, the Congress has under its control all the territory or other property belonging to the United States and no use of public lands can be made for any purpose but by the authority of Congress; and

Whereas as a result of investigations by the Bureau of Indian Affairs and of the General Land Office, under the direction of the Secretary of the Interior, it has been developed that substantial damages have been and are at present being caused to Indian allotments, where the legal title is in the United States, and on United States Government lands in the State of Washington by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia; and

Whereas as a result of an investigation by the Forest Service, under the direction of the Secretary of Agriculture, it has been developed that substantial damages have been and are at present being caused to the Colville National Forest in the United States in the State of Washington by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia, whereby the policy of Congress of preserving this area as a forest preserve is being defeated; and

Whereas as a result of an investigation by scientists of the Department of Agriculture it has been developed that fumes from the Consolidated Mining & Smelting Co. at Trail, British Columbia, have caused and are causing destruction of plant life and economic devastation in the upper Columbia River section in the United States over a region exceeding 125,000 acres, which includes Indian allotments, Government lands, and national-forest lands: Therefore be it

Resolved, etc., That a joint congressional committee is hereby established to be composed of three Members of the Senate, who are Members elect of the Seventy-second Congress, to be appointed by the President of the Senate, and three Members of the House of Representatives, who are Members elect of the Seventy-second Congress, to be appointed by the Speaker of the House of Representatives. The committee is authorized and directed to make a full investigation of the problem of ways and means to protect the sovereign rights of the United States in the State of Washington in its public capacity, the proprietary rights of the United States in Government-owned lands, in the Colville National Forest, and in Indian allotments and the rights of inhabitants of the United States in the area damaged by smelter fumes from the Consolidated Mining & Smelting Co. at Trail, British Columbia. The committee is also authorized and directed to investigate the problem of ways and means of providing relief for the inhabitants and private property owners in the damaged area. The committee shall report the results of its investigations to the Congress on the first day of the first regular session of the Seventy-second Congress, or as soon thereafter as is practicable, together with such recommendations as it deems advisable. The committee shall cease to exist upon the making of such report.

For the purposes of this resolution such committee is authorized to select a chairman, to hold such hearings, to sit and act at such times and places, and to employ such experts and clerical, stenographic, and other assistants, to administer such oaths, to take such testimony and to make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $10,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers to be approved by the chairman of the committee.

AMENDMENT TO THE COPYRIGHT BILL

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table and to be printed.

UTILIZATION OF THE WATER RESOURCES OF THE SACRAMENTO, SAN JOAQUIN, AND KERN RIVERS, CALIF.

Mr. JOHNSON submitted the following resolution (S. Res. 486), which was referred to the Committee on Irrigation and Reclamation:

Resolved, That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized and directed to make a complete investigation with respect to proposed legislation providing for the ultimate utilization of the water resources of the Sacramento, San Joaquin, and Kern Rivers, in the State of California, including irrigation and reclamation, improvement of navigation, flood control, and power development, as outlined in House Document No. 791, of the Seventy-first Congress, third session. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places within the United States, and to employ such clerical and stenographic assistance as it deems advisable. The cost of stenographic assistance service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, to take testimony, and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate, but shall not exceed $20,000. Such committee or subcommittee shall make a report of the results of such investigation with recommendations to the Seventy-second Congress, first session.

THE STORY OF THE CAMPAIGN AND SIEGE OF YORKTOWN

On motion of Mr. SWANSON, it was ordered that there be printed, with illustrations, as a Senate document, The Story of the Campaign and Siege of Yorktown, prepared by Dr. H. J. Eckenrode for the United States Yorktown Sesquicentennial Commission.

WITHDRAWAL OF PAPERS—JOSEPH M. HARRIS

Mr. DILL. Mr. President, I ask unanimous consent that the papers accompanying the special pension bill (S. 4346) granting a pension to Joseph M. Harris (71st Cong., 2d sess.), which has been rejected by the Committee on Pensions, may be returned to the parties in interest.

The VICE PRESIDENT. If there is an adverse report, it can not be done under the rule.

Mr. DILL. There has been no adverse report made to the Senate.

The VICE PRESIDENT. Without objection, the order will be entered.

EDITH BARBER

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1496) for the relief of Edith Barber, which was to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to consider the claim of Edith Barber, who is alleged to have contracted tuberculosis while in the performance of her duties as a nurse at the National Soldiers' Home, Johnson City, Tenn., and the National Soldiers' Home, Va.: *Provided*, That no benefit hereunder shall accrue prior to the enactment of this act.

Mr. MORRISON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MEXICAN CLAIMS COMMISSION

Mr. BORAH. Mr. President, it has been discovered that the General Claims Commission will not have sufficient time to hear the evidence and gather the facts with reference to a number of claims pending before it. I therefore am offering a resolution requesting the President to negotiate and conclude with the Mexican Government an agreement for the extension of the time.

This very important. I suppose almost every Senator knows that a number of the claims of the claimants are still unsettled, even the facts not yet having been presented. I ask permission to submit the resolution, and then I shall ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 480), as follows:

Whereas by Senate Resolution 73, which was considered and agreed to by the Senate on May 16 (calendar day May 25), 1929, the President was requested, in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as might be necessary and appropriate for the purpose of extending the duration of the General Claims Commission provided for by the convention of September 8, 1923, and of the Special Claims Commission provided for by the convention of September 10, 1923, between the United States and Mexico; and

Whereas in pursuance of the said resolution there were concluded with the Mexican Government conventions of September 2, 1929, and August 17, 1929, whereby the duration of the General Claims Commission and the Special Claims Commission was extended to August 30, 1929, and August 17, 1929, respectively; and

Whereas it has been brought to the knowledge of the Senate that it will not be possible for the said commissions to hear, examine, and decide in the manner contemplated by the said conventions within the time specified therein all the claims which have been filed with said commissions in accordance with the terms of the conventions; and

Whereas it is in the interest of both Governments fully to hear, judicially determine, and settle all such claims: Therefore be it

Resolved, That the President is requested, in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as may be necessary and appropriate for the further extension of the duration of the General Claims Commission provided for by the convention of September 8, 1923, and of the Special Claims Commission provided for by the convention of September 10, 1923, between the United States and Mexico in order to permit of the hearing, examination, and decision of all claims within the jurisdiction of said commissions under the terms of said conventions, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of said claims.

Mr. BORAH. Mr. President, I ask for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was agreed to.

The preamble was agreed to.

Mr. KING. Mr. President, I wish to say to the Senator from Idaho that for many years the two commissions have failed, in my judgment, to push with expedition the work devolving upon them. In 1912, as the Senator knows, more than 10,000 Americans came out of Mexico, many of them leaving that country in pursuance of a proclamation or order of the then President of the United States, Mr. Taft. The property of many had been confiscated, and since they left Mexico much of their property has been confiscated.

A committee of the Senate made an investigation, and found that more than $500,000,000 worth of property of American citizens in Mexico had been either confiscated or destroyed. Five hundred or more Americans were killed upon Mexican soil, and a considerable number were killed upon American soil by shots across the line, and a great many were maltreated. Not one penny in damages has been collected for those wrongs which were done to American citizens, not a penny has been paid to the families of those who were killed.

The two commissions which were appointed, I regret to say, have not pushed the work devolving upon them with that earnestness and zeal which I think should have characterized them. It may be said in extenuation, however, that one of the commissioners, a gentleman from Brazil, for some time declined to act, and that created an impasse. Nothing was done.

Scores of people who formerly had lived in my State were driven out of Mexico, their property confiscated or destroyed, and hundreds of them wandered along the border for years. Many of them died in poverty because all of their property had been destroyed. Not a single penny has been paid to them or to their heirs.

It does seem to me that these two commissions ought to proceed with the utmost earnestness to the settlement of these claims, and I do hope the State Department and the President of the United States will do all they can, in a proper way, to see that the commissions discharge their

duties, so that those who have been so wronged may receive some compensation before all of them shall die.

POEM BY HORACE C. CARLISLE

Mr. HARRIS. Mr. President, Horace C. Carlisle, of Alabama, has requested me to ask that a poem he has written be printed. I therefore ask that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, and it is as follows:

WAITING FOR THE CAT TO DIE

As the end of this memorable Congress approaches,
And the breaking of ties of endearment draws nigh,
When remorse upon merriment strangely encroaches,
And the heart melts to tears at the thought of good-by,
There is not one, perhaps, of all those that are leaving,
Upon whom the great masses have learned to depend,
Whose approaching departure is causing more grieving
Than TOM HEFLIN'S, the recognized common man's friend.

With a heart that's as big as his physical being,
And a courage as bold as the look in his eye,
He hews square to the line, without caring or seeing
Where the chips from his hatchet are going to fly—
But all over the country it goes without saying,
From his coming to Congress on through to the end,
That TOM HEFLIN has never been once found betraying
The American masses, who count him their friend.

An American first, and a southerner second,
A true friend to Democracy, trusted and tried,
A despiser of fraud and deceit, he is reckoned
As a foe to big business's arrogant pride;
But he's stood firm and strong as the Rock of Gibraltar
In defense of the flag—which he loves to defend—
With a courage too fearless to fail or to falter,
As he's proved himself always the needy man's friend.

In his fierce one man's fight to plant always Old Glory
Above all other flags on our warships at sea,
He has read into history's pages a story
That will startle the world in the years yet to be;
And because of his constant, unbridled contention
For the freedom of speech and the press to the end,
He's been wronged in more ways than these verses can mention—
Yet TOM HEFLIN stands firm as the "under dog's" friend.

From his good deeds in Congress his haters have whittled
Away all that is noble, worth while, and sublime.
All his outstanding acts they have shrewdly belittled,
Till his mole-hill mistakes appear mountains of crime.
But the truth will continue when falsehood and error
Shall be doomed to despair, with no fiend to defend—
While this spokesman for truth to the Nation grows dearer,
As his actions declare him the common man's friend.

His great heart has been pierced through with many a sorrow,
His proud head wears a crown, but it's platted with thorns,
He is hanging to-day on his cross and to-morrow
He'll be buried, they say, 'neath a mountain of scorns.
But he'll rise from this grave to which envy's consigned him—
Alabama will right every wrong in the end—
And the truth will rip off the false graveclothes that bind him,
And TOM HEFLIN will live as America's friend.

—Horace C. Carlisle.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolutions:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor, to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 40) accepting the statues of Junipero Serra and Thomas Starr King to be placed in Statuary Hall.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9599) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes.

The message also announced that the House had passed, each with an amendment, the following bills of the Senate, in which it requested the concurrence of the Senate:

S. 2811. An act for the relief of Oscar R. Hahnel; and

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico.

The message further announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3404. An act authorizing the Secretary of Commerce to dispose of a portion of the Amelia Island Lighthouse Reservation, Fla.; and

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; and

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 654. An act for the relief of Nelson M. Holderman;

H. R. 834. An act for the relief of John W. Barnum;

H. R. 1709. An act for the relief of Hedwig Grassman Stehn;

H. R. 4242. An act for the relief of Fred W. Boschen, lieutenant colonel, Finance Department, United States Army;

H. R. 4536. An act for the relief of John S. Stotts, deceased;

H. R. 4799. An act for the relief of James Johnson;

H. R. 4858. An act for the relief of Margaret Thomkin;

H. R. 5314. An act for the relief of W. A. Blankenship;

H. R. 6763. An act for the relief of Albert G. Dawson;

H. R. 7175. An act for the relief of Arthur A. Burn, sr., and J. K. Ryland;

H. R. 7520. An act for the relief of the estate of Clarendon Davis;

H. R. 7525. An act for the relief of Elizabeth J. Edwards;

H. R. 7798. An act for the relief of Mrs. Lawrence Chlebek;

H. R. 7943. An act for the relief of Stuart L. Ritz;

H. R. 8172. An act for the relief of William T. Roche;

H. R. 8585. An act for the relief of Maj. Thomas J. Berry;

H. R. 8548. An act for the relief of Daniel W. Seal;

H. R. 8858. An act for the relief of Elizabeth Moncravie;
H. R. 8998. An act for the relief of Dr. Luis H. Debayle;
H. R. 9526. An act for the relief of G. Carroll Ross;
H. R. 9816. An act for the relief of Thomas F. Gibbons;
H. R. 9866. An act for the relief of Walter G. Harrell;
H. R. 10888. An act for the relief of Margaret V. Pearson;
H. R. 11189. An act for the relief of Fritz Zoller;
H. R. 11464. An act for the relief of Charles A. Holder;
H. R. 11839. An act for the relief of Galen E. Lichty;
H. R. 12158. An act authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools of the District of Columbia, divisions 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906;
H. R. 12184. An act for the relief of C. B. Bellows;
H. R. 12239. An act for the relief of Lela B. Smith;
H. R. 12679. An act for the relief of Kenneth G. Gould;
H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.; and
H. R. 15984. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930.

NOMINATION OF JOHN P. M'MAHON

Mr. KING. From the Judiciary Committee I report favorably the nomination of John P. McMahon, of the District of Columbia, to be a judge of the police court of the District of Columbia. I shall ask as soon as may be practicable that the Senate proceed to the consideration of executive business for the purpose of confirming the nomination.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

Mr. KING subsequently said: Mr. President, a few moments ago I reported the nomination of John P. McMahon, of the District of Columbia, to be judge of the police court of the District of Columbia. I now ask unanimous consent, as in executive session, that the nomination of Judge McMahon may be confirmed.

Mr. McNARY. I ask the Senator if there is any emergency connected with the nomination.

Mr. KING. Judge McMahon's term expires within the next day or two, I am told.

Mr. McNARY. Very well.

The VICE PRESIDENT. Is there objection? The Chair hears none, and, as in executive session, the nomination is confirmed.

MUSCLE SHOALS—STATEMENT BY SENATOR BROCK

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Chattanooga (Tenn.) Times of February 25, 1931, containing a statement on Muscle Shoals by the junior Senator from Tennessee [Mr. BROCK].

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chattanooga Times, February 25, 1931]

HOPES SHOALS BILL WILL BE APPROVED—BROCK SAYS HOOVER CAN SETTLE CONTROVERSY—CITES ECONOMIC VALUE OF PLANT TO FARMERS IN FERTILIZER AT LOWER COST

By Russell Kent

WASHINGTON, February 24.—Hope that President Hoover will sign the Muscle Shoals resolution and thus by settling that question open the way for further development of east Tennessee was expressed to-day by Senator W. E. BROCK in a statement setting forth his position.

The compromise is not what he had desired, but the best that could be obtained, Senator BROCK said. So long as Muscle Shoals remains a political football the development of the Tennessee Valley will be delayed, he emphasized, and he urged voters to take an interest in the attitude of candidates on this subject.

A lessee for the fertilizer plants may be obtained who will use all of the power, Senator BROCK asserted, thus removing the Government operation of the power plants from controversy.

So far as concerns the power possibilities of Muscle Shoals, Senator BROCK quoted figures of the electric consumption of the four major cities of Tennessee, which consume more than Muscle Shoals produces, and with Cove Creek added would consume so much that there would be insufficient for the remainder of the State, not counting any communities in Alabama or elsewhere that could claim a part of this power.

After referring to the resolution now being up to the President, Senator BROCK said:

BELIEVES COMPROMISE BEST POSSIBLE PLAN

"While this bill as amended does not meet my views, it was the best we could get out of the conference committee, and if the bill is signed by the President and a lessee can be had for the nitrate plant that will use all the power at Muscle Shoals in the manufacture of fertilizer and other products and probably will be able to use the additional power created by the Cove Creek Dam by the time it is finished. If this is done, the Muscle Shoals political football will no longer stand in the way of the development of the Tennessee River.

"It is hard for me to understand, and it is hard for the people of my section to understand, why the development of the Tennessee River should be kept on the 'black list,' depriving us of what I think is our privilege and our State's right to develop our own God-given resources.

"We are just as much a part of the Federal Government as any other section in the United States, and feel that we should have the same consideration as any other section of the United States.

"Now that the conferees have agreed, and both Houses have passed the bill, our people will be more keenly disappointed than ever if the bill does not become a law.

"If the bill is signed, it will bring happiness to our people and they will feel that we are no longer on the black list and being discriminated against in developing our resources. They will feel that the doors are open for us to go forward in developing and building up our section, just as our sister States, namely, North and South Carolina, Georgia, Florida, Mississippi, etc., are doing—taking advantage of and developing their resources in the interest of their people, and I believe that the people of Alabama, Tennessee, and Kentucky should make the development of the Tennessee River an issue in all future political campaigns until the matter is settled, whether they be local, State, or otherwise, as the development of this river is the largest asset we have.

"We want to be a part of the great inland waterway system as provided in the rivers and harbors bill enacted July 7. We want a 9-foot year-around navigable channel in the Tennessee River for 652 miles to connect us up with the great inland waterway system. Yet, we know that until the Muscle Shoals matter is settled this great development will be delayed.

"We will not only lose the effect from operating this great plant at Muscle Shoals by making cheap fertilizer for the farmer and giving employment to the unemployed and increasing the consumption of our products, but we will lose the effect of our connection with the inland waterway system, giving cheap freight rates to both industrial and agricultural interests.

"The proposed project of the engineering department, which is a part of the rivers and harbors bill, calls for 32 low dams for navigation, or seven high dams. The advantage of the seven high dams, according to the engineers' report, is that they take the place of the 32 low dams as far as navigation is concerned and also affect the flood hazards of our section, saving hundreds of thousands of dollars' damage every year, in addition to the power possibilities of the seven high dams.

COVE CREEK DAM WOULD CONTROL FLOODS

"Take Cove Creek storage dam for instance. In addition to the effect of Cove Creek Dam on the power project, it gives effective flood protection on the main stream. The flood damage to Chattanooga alone averaged $687,000 annually. We are entitled to this protection which Cove Creek will give in addition to doubling the power at Muscle Shoals.

"The effect of Cove Creek Dam as a headwater dam is very essential in carrying out the $75,000,000 project adopted in the rivers and harbors bill of July 3, 1930, for a 9-foot year-around navigable channel connecting us with a 12,000-mile inland waterway system, with the prospective commerce given by the engineers' report at 17,800,000 tons by 1950, with the estimated saving on freight in the difference of water and rail of $22,000,000.

"It will mean a vast saving to the farmer in transportation costs of his fertilizer. It will be produced at Muscle Shoals, the center of the great fertilizer-consuming area of the United States, and the haul distance will be materially decreased.

"It is estimated by the Secretary of Agriculture that the freight bill paid by the farmers on their 7,900,000 tons of fertilizer for the year 1928 was no less than $20,000,000, and if made at Muscle Shoals this would be cut approximately in half.

"The other resulting saving would come from the reduction in the price of fertilizer itself, manufactured at Muscle Shoals.

"The American Farm Bureau Federation estimates the cost to the Tennessee farmer of fertilizer, as now purchased, to be $32.76 per ton, and that the cost to the Tennessee farmer when fertilizer is produced in quantities, and not by experimentation at Muscle Shoals to be $16.87 per ton, or a savings of 48½ per cent in the delivered cost of the product.

"According to the statistical abstract of the United States for 1930, published by the United States Department of Commerce, the farmers of the United States purchased more than 7,900,000 tons of fertilizer, of which the Southern States used 5,500,000.

"I have always felt that the advantage of Muscle Shoals to our section from a power point of view is not as important as a great many seem to think. I feel that if the power could be used for operating the nitrate plant and other industries, meaning employ-

ment of from 3,000 to 5,000 people, with the Muscle Shoals question settled so it will not interfere with further development of the Tennessee River, that is far more important to our section than the power question itself.

"To illustrate, I give you the amount of power consumed by four of the largest cities in Tennessee and the population of these cities.

	Kilowatt-hours	Population 1930 census
Power consumed during 1929:		
Chattanooga	226, 950, 000	119, 798
Nashville	114, 160, 000	153, 866
Memphis	160, 175, 000	253, 143
Knoxville	91, 925, 454	105, 802
Total	593, 213, 454	632, 609

Population of State, exclusive of the four cities mentioned above, 1,983,947.
Total population of State, 2,616,556.

"Muscle Shoals at present, on basis of 50 per cent load factor, would supply for general distribution 512,270,000 kilowatt-hours. This would lack 80,940,000 kilowatt-hours of supplying the four cities mentioned above. With Cove Creek Dam completed, there would be an excess amounting to 175,189,000 kilowatt-hours after supplying the four cities.

"In other words, if Tennessee got all the power from Muscle Shoals and Cove Creek, there would only be 175,189,000 kilowatt-hours left to supply the remainder of Tennessee's population of 1,983,947 after supplying the four cities mentioned, to say nothing of what Alabama and other interested States would be entitled to.

"The average amount of power consumed per person in the four Tennessee cities is 941 kilowatt-hours per annum, 78⅓ per month. Amount of Muscle Shoals power left, even with Cove Creek Dam completed, would give to each inhabitant of the State of Tennessee, outside of the four cities, 88 kilowatt-hours per year, or 7⅓ per month, which is not enough to make toast for breakfast.

"If all power at Muscle Shoals, with Cove Creek Dam completed, were sold for distribution on a basis of 50 per cent load factor, each of the 12,000,000 persons residing within a radius of 300 miles of Dam No. 2 would be entitled to 64 kilowatt-hours per annum, or 5⅓ per month. Compare this with the consumption per capita in the four Tennessee cities."

REMONETIZATION OF SILVER—ARTICLE BY DR. J. H. COLLARD

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the Remonetization of Silver, by Dr. J. H. Collard, of San Antonio, Tex.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Mr. Francis H. Brownell, chairman of the American Smelting & Refining Co., has presented a plan to stabilize silver, and has given it to the press; but his plan is so far-fetched and is subject to so many disadvantages that it seems to me any man, both the gold standard and the silver advocates, will reject it as untenable and impossible.

He says, first, get an informal agreement of all the governments who will accede to the plan "that no sale will be made for a stated period, or until further notice, of any silver owned by each government at less than a fixed price—for example 50 cents an ounce."

I may remark that these governments will never agree to such a plan, and that, although he disclaims any intention of fixing a price of silver, he does do it, and suggests 50 cents as a price, below which these contributing governments shall not sell silver or allow it to be sold. You can not fix the price of any commodity—gold, silver, wheat, cattle, cotton, or anything that has a market value.

He says, second, "that the governments will purchase the amount of silver they now are authorized to acquire for subsidiary coinage whenever the market price is under the figure agreed on."

The United States will not agree to authorizing our Government to coin silver they now own or purchase more, unless bimetalism is restored and silver is remonetized.

He says, third, "an agreement that the governments, particularly India, may sell government-owned silver whenever the price is more than 50 cents, for example, above the accepted quotation."

We have no authority for saying that India will agree to this plan, nor have we any authority for saying that India will sell any of the billions she now owns at any price; nor shall we assume that any of these governments would agree to such plan.

The initiative in the proposed modification, Mr. Brownell believes, should come from Great Britain or the United States. By a strange coincidence of national policies it was stated that the policy of Great Britain was to establish a gold standard and take silver out of the market to be used as money. That is to say, that England is informally asking the United States to reestablish silver as money just like they informally did when they established the gold standard, and the United States followed that policy and demonetized silver, and destroyed bimetalism. That is a roundabout way to secure the cooperation of the United States in stabilizing our currency.

Now, why not restore bimetalism, remonetize silver, and immediately put in circulation money produced by the sale of 500,000,000 ounces of silver? Why have an informal agreement with any other nation in restoring bimetalism and remone'tizing silver? Let the United States adopt a policy of her own and let these other countries follow the United States.

The Red Cross is feeding hundreds of thousands of starving families, and General Pershing is broadcasting a speech in support of what the Red Cross is doing. Mr. Bryan said in his famous Chicago speech: "They shall not press down on the brow of labor this crown of thorns; they shall not crucify humanity on a cross of gold." But they did that very thing, and millions of laboring men are without means to support their families, and humanity is struggling in the agonies of a crucifixion produced by the gold standard.

Mr. Brownell suggests that the gold being used as money shall be studied; it has been studied; and gold is being exhausted.

During the World War Mr. McAdoo was Secretary of the Treasury, and all of the gold producers of Utah and Colorado met for the purpose of asking the United States Government to give a bonus of $10 an ounce for all gold being produced at this time. They offered a resolution asking the United States Government to furnish them with that bonus. I arose to make them a speech as I was mining in Mexico at the time and was familiar with the entire question. I said to them about this: "I came down to this meeting to-day because I believe in you, because you are the men who produce the raw material of the money itself. Every ounce you put on top of the ground is worth $20.57 now and you have produced that much money that up to that time had no existence; but I can not see how giving such a bonus would not add to the price of gold, because if the Government gives you that bonus it will raise the price to $30.57; besides that Mr. McAdoo would never agree to it, and the southern Democrats would all oppose it, as it is the very essence of paternalism." They got up all over the house and said the gentleman had raised an impassable barrier; many of them made speeches in support of what I had said. Finally, the president of the Independence Mines at Cripple Creek arose and said: "The world does not know that we have reached the bottom of the well producing gold; there is no more gold to be produced, and we have to have help from some means." They disbanded the meeting and made an appointment for Salt Lake City, Utah, some months afterwards, but they never did anything.

I have written of this meeting and its results to show that what the president of the Independence Mines had said was giving out information that the gold-standard men ought to know. Hence the plan offered by Mr. Brownell could only enlighten the people as to what might be expected from the gold producers.

Now, let silver be remonetized and bimetalism restored to the place from which it was expelled and let her take her place in the stabilization of our own currency and you may rest assured all the great governments would follow them. When bimetalism is restored and silver remonetized this Government will put 500,000,000 ounces in circulation and stop all this depression. Why not adopt that plan at once and feed the starving families who are now being fed by the Red Cross? Money is right at our door—reach out your hand and take it. If the men who are holding our money would give one one-hundredth part of the money that Will Rogers is generously giving to help the unemployed, all this money would be put into circulation at once and hungry children and heart-broken women and agonizing fathers and husbands would stand again where they were when this depression came. They do not want charity. They want an honest chance to make money by their own labor. Again let me say submit this plan at once to all of our public men and stop this depression by restoration of bimetalism.

CONSTITUTION AND BY-LAWS OF THE AMERICAN VETERANS OF ALL WARS

Mr. McGILL. Mr. President, I ask unanimous consent to have printed in the RECORD the constitution and by-laws of the American Veterans of All Wars and the names of the officers of that organization.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CONSTITUTION AND BY-LAWS OF THE AMERICAN VETERANS OF ALL WARS

OFFICERS

National commander, Col. T. J. Rogers, United States Army, retired, Oklahoma City, Okla.

Chairman national executive committee, Lieut. Col. J. H. Stolper, United States Army Reserve, retired, Muskogee, Okla.

First vice commander, Dr. D. Natanson, New York City, N. Y.

Second vice commander, S. Sachs, Jersey City, N. J.

National chaplain, ——— ———.

General counsel, J. H. Stolper, Muskogee, Okla.

National adjutant, Maj. John L. DeGroot, Oklahoma City, Okla.

National treasurer, S. F. Stolper, Muskogee, Okla.

National sergeant at arms, Joseph J. Ehing, Fort Smith, Ark.

National organizer, Capt. John C. Hawk, National Military Home, Leavenworth, Kans.

Board of trustees: Lieut. Col. J. H. Stolper; Maj. John L. DeGroot; Pvt. William J. T. Stephens, Shawnee, Okla.

National executive committee: Lieut. Col. J. H. Stolper, Muskogee, Okla., chairman; Col. T. J. Rogers, Oklahoma City, Okla.;

William J. T. Stephens, Shawnee, Okla.; Angelo Carano, Krebs, Okla.; William M. Mayer, St. Louis, Mo.; Joe Mazinter, Shawnee, Okla.; D. Natanson, New York City, N. Y.; S. Sachs, Jersey City, N. J.; George Lintner, Dallas, Tex.; John L. DeGroot, Oklahoma City, Okla.

General offices: 316 North N Street, Muskogee, Okla.

CONSTITUTION

ARTICLE I. NAME

SECTION 1. The American Veterans of All Wars.

PURPOSE

SEC. 2. The purpose and aims of this organization is to bring together veterans of all wars and expeditions of the United States of America, for charitable, fraternal, and patriotic purposes; to perpetuate in veterans, their families and descendants, true love to our country and flag, a positive wholesome respect for life and rights of others; to help needy veterans to help themselves to become useful, self-supporting, good citizens; to give aid to dependent families of veterans; to help obtain for our membership all the rights they are entitled under the laws of the United States and any State; to teach respect and obedience to all laws, and particularly all laws and ordinances originating from and existing by virtue of the eighteenth amendment to the Constitution of the United States; to do all within our power by all honorable legal means to promote adequate national military preparedness, in order that knowing the horrors of war by being adequately prepared, we may avoid the necessity of making war; and to take an interest in all that goes into and tends to maintain, protect, and continue our existing form of government under the Constitution and the laws of the United States, and fight all the internal and external enemies of our form of government and its best interest to the best of our knowledge.

ARTICLE II. MEMBERSHIP

SECTION 1. Who eligible: Any veteran who has participated in any war or expedition of the United States by being in actual military service during such war, and was honorably discharged by lawful authority, or was separated under honorable conditions from the service from any of the military forces of the United States, or is yet in such service, may, by making written applications and proving a good, moral character, and paying such dues as shall be required by the by-laws made in pursuance of this constitution, become a sustaining member. Such member shall have the right to vote, hold office, and receive all the benefits as shall be furnished from time to time by this organization.

SEC. 2. Beneficiary members: Any person possessing the qualifications as provided in section 1, article 2 of this constitution, who is maintained in any hospital, national military home, or any other public institution, who does not receive any pension nor any compensation from the United States nor any State, may become a beneficiary member. Such members shall pay no dues, have no right to vote, and not be eligible to hold office, and shall be entitled only to personal services, and no other benefits. Members who are subject to pay dues, when they cease paying dues shall become beneficiary members.

SEC. 3. Associate members: Any person who has received an honorable discharge from any of the military forces of the United States, or is yet in such service, and is of good moral character and is not a veteran of any war, and any person who has served in the military forces of any nation which was associated or allied with the United States of America in any war, who possesses the qualifications provided in section 1, article 1 of this constitution, may become an associate member. Associate members pay dues and all assessments and shall receive all benefits as may be provided for sustaining members, but shall not be eligible to vote nor hold office in this organization.

SEC. 4. Honorary members: Persons who have rendered great and distinguished service, either to the United States of America, humanity at large, or this organization, whether they are veterans or not, shall, under rules and regulations as shall be provided hereafter in the by-laws, be eligible to become honorary members. Honorary members pay no dues of any nature, shall receive all the benefits that may be provided by this organization, but shall not be eligible to vote nor hold office.

SEC. 5. Oath: Every member of every nature, after duly elected, shall take the following oath: I hereby upon my honor solemnly promise to defend, protect, and to obey the Constitution of the United States and the laws made in pursuance thereof, the constitution and laws of my State and of the American Veterans of All Wars, and that I will not use, sell, give away, or ask any other member of the American Veterans of All Wars to use any intoxicating liquor of any nature while discharging any official function or while attending any official meeting or convention of the American Veterans of All Wars, so help me God.

SEC. 6. Forfeiture of membership: Any person who shall be convicted of any offense involving moral turpitude in any court of competent jurisdiction, or who shall offer any insult to the flag of the United States, or who shall bring, sell, use, or induce others to use any intoxicating liquor at any official meeting of any local or stated national meeting of this organization, and any officer and employee of this organization found intoxicated while attending any function of this organization, shall, upon conviction before a judiciary committee of this organization, forfeit membership and the office.

ARTICLE III

SECTION 1. Benefits in this organization: Members and needy veterans shall be entitled to all legal services before the Pension Office and Veterans' Bureau, and a legal-aid bureau is hereby created to be presided by a lawyer of not less than 10 years' experience in law, promoting by all lawful and honorable means beneficial legislation in the interest of veterans, obtaining hospitalization for the sick and food for the needy, loans without interest to needy members, death benefits for wives and minor children of deceased members of the sustaining, associate, and honor classes, and such other benefits as may be provided from time to time hereafter.

ARTICLE III. PLAN OF ORGANIZATION

Sec. 2. This organization shall when found desirable establish local and State subordinate posts; until this is done, the organization shall consist of one central headquarters post, with a general headquarters to be established by the by-laws of this organization, and the national executive committee hereafter in this constitution created shall when it shall be deemed desirable have authority to establish a ladies auxiliary to be a part of this organization.

ARTICLE IV. OFFICERS

SECTION 1. The officers of this organization shall consist of the governing body to be known as the national executive committee, the chairman of said committee, a national commander, two national vice commanders, national chaplain, board of trustees to consist of three members, general counsel, national adjutant, and national treasurer; a sergeant at arms and such additional officers and employees as the national executive committee may from time to time deem necessary to provide for.

Sec. 2. The national executive committee at the time of the adoption of this constitution shall consist of the board of trustees, the chairman of which board shall be chairman of the national executive committee, the national commander, national vice commanders, and five members to be elected at large, the first board to be elected at the time of the adoption of this constitution and thereafter every six years at national conventions of the membership; vacancies that may arise from time to time shall be filled by the national executive committee; the national executive committee shall be the governing body of this organization and shall have all the powers possessed by the national convention between conventions. Members of the national executive committee shall serve without salaries, but shall be paid their actual expenses when performing official duties by authority of the convention or the national executive committee.

SEC. 3. The chairman of the national executive committee shall, between the meetings of the committee, have all the powers of the committee, but all of his acts shall be subject to the approval of the national executive committee.

SEC. 4. The national commander shall preside at all conventions of this organization and shall be a member of the national executive committee.

SEC. 5. The national vice commanders shall in the absence of the national commander perform his duties in order of seniority and shall perform such additional duties as may be delegated to them by the convention or national executive committee.

SEC. 6. The national chaplain shall be elected by the national executive committee and shall perform the usual duties of his office.

SEC. 7. The national adjutant, treasurer, and sergeant at arms shall be appointed by the national commander during conventions; between conventions they shall be elected and perform such duties as shall be prescribed by the national executive committee.

SEC. 8. The board of trustees shall be elected by the national executive committee, shall consist of three members, who shall hold office during good behavior. The first board shall be named by the convention at the time of the adoption of this constitution, and thereafter upon the death, resignation, or removal from office by forfeiture of membership; such vacancies shall be filled by the national executive committee. The board of trustees shall elect one of its members to act as its chairman, who shall thereafter act as chairman of the board of trustees and the national executive committee. The board of trustees shall be the finance committee of this organization and all proposed appropriations for the expenditure of any funds shall first be submitted and acted upon by the board of trustees before any final action is taken by any other body of this organization. The board of trustees shall be the custodian of all property of this organization.

SEC. 9. The national executive committee shall, as soon as it deems desirable, create an advisory board to consist of prominent citizens, irrespective whether such are or are not eligible for membership, to advise with upon matters of policy whenever it is deemed desirable.

SEC. 10. The national executive committee may, when it deems it to be to the best interests of this organization, assign to one individual several offices, but the holding of one or more than one office shall entitle the holder to the salary whenever a salary may be paid for one office only.

SEC. 11. No salaries shall be paid to any officer or employee of this organization unless such salary shall first have been provided for either by the convention or national executive committee.

SEC. 12. The national general counsel shall be elected by the national executive committee and be a regularly qualified and licensed attorney at law with the right to practice law in the highest court of the land; he shall serve at the pleasure of the national executive committee, shall give either all of his time or as much as may be needed to the business of this organization, shall receive such salary and perform such duties as may be assigned to him by the national executive committee; but nothing

in this section shall be deemed as prohibiting or preventing the general counsel from continuing to practice law for private clients: *Provided*, That under no circumstances shall any suit ever be brought against the United States of America in the name of this organization.

ARTICLE V. CONVENTIONS

SECTION 1. Every six years this organization shall hold a national convention. This convention shall consist of delegates, to be elected, when subordinate posts shall have been established, by such posts, and in the manner and proportion as shall be determined for the second convention by the national executive committee, and thereafter by a vote of the convention itself. The convention shall have all the legislative, executive, and judicial powers of this organization. All acts of the national executive committee and every other body shall be reported to the convention which may approve or disapprove such acts: *Provided*, That all acts done and performed before such convention meets shall be in full force and remain in effect until the adjournment of such convention.

SEC. 2. The national executive committee shall select the meeting place of the second convention, and thereafter the convention shall determine the place of its future meetings. Extra meetings of the convention may be called by the national executive committee when deemed for the best interest of the organization, at an extra meeting of the organization, the convention shall act only upon such matter or subjects as shall be submitted by the national executive committee.

SEC. 3. Before any convention shall be held in any city, the authorities of said city shall satisfy the national executive committee, that all necessary precaution shall be taken to prevent the introduction, sale, or giving away of any intoxicating liquor in and around the proximity of the official meeting place and headquarters of this organization, any city violating such guarantees, shall forever remain disqualified from being host to any national convention, and no authority shall be possessed by any committee or any future convention to modify this provision.

SEC. 4. Publicity: The files and records of this organization shall at all times be open to the inspection of the pension commissioner, director of the United States Veterans' Bureau, any proper public authority acting in an official capacity, and all persons of good moral character not officers of any other veteran organization, who shall satisfy the proper officer of this organization that such inspection and information thereby obtained will not be used against any member of this organization.

SEC. 5. Any officer or employee of this organization who either directly or indirectly demands or obtains any pay from any member or any veteran for any service rendered to such member or veteran unless such pay is authorized by the laws of the United States, the constitution and by-laws of this organization, shall forfeit the office and never be eligible to hold office in this organization: *Provided*, That such act shall be proven after a full hearing before the national executive committee or any committee it may designate for such purpose.

ARTICLE VI, SECTION 1

Amendments: This constitution can be amended at any regular meeting of a regularly assembled convention by filing the proposed amendment three months before the date of the next convention with the national adjutant, who shall submit the same to the national executive committee not later than 60 days before the convention. The national executive committee shall submit the proposed amendment with its recommendation to the national convention, and it shall require three-fourths of the total vote of the convention to adopt any amendment, which shall take effect 30 days after adjournment of the convention.

Unanimously adopted this the 3d day of June, 1927, at Kansas City, in the State of Missouri.

J. H. STOLPER,
Chairman of the Convention.

Attest:

THURSTON BRAYTON,
Secretary of the Convention.

STATE OF OKLAHOMA,
County of Muskogee.

We, the undersigned officers of the American Veterans of All Wars, do hereby certify that the above and foregoing is a true and correct copy of the constitution of the American Veterans of All Wars as duly adopted at the convention in Kansas City, Mo., on June 3, 1930, and is in force and full effect at present, this 20th day of June, 1930.

J. H. STOLPER,
Chairman National Executive Committee,
American Veterans of All Wars.

Attest:

JOHN L. DEGROOT,
National Adjutant.

47810—7332

BY-LAWS

ARTICLE I

Office

SECTION 1. A general office is hereby established at 316 North N Street, Muskogee, Okla.

Seal

SEC. 2. An official seal is hereby adopted, to be circular in form, have around its circumference the words "American Veterans of All Wars" and the word "seal" in the middle, with such engravings as the committee appointed to procure a seal shall prescribe.

Dues

SEC. 3. The dues for sustaining members and associate members shall be equal to one day's income or earning of a member, the member to be the judge of said amount, but not less than $2.50 per annum payable on the 1st day of July annually.

SEC. 4. Upon the death of any sustaining, associate, or honorary member the national committee shall assess each sustaining and associate member the sum of 30 cents, 25 cents of which shall be paid to the widow and minor children of the deceased member, and 5 cents to defray the cost of the assessment; no assessment shall be made if the deceased leaves no widow and minor children or either.

SEC. 5. Honorary members, how elected: No name shall be considered for honorary membership unless such name is proposed by the chairman of the national executive committee, concured in by the national commander, and voted upon three times with an interval of six months each by the national committee. One adverse vote shall defeat the proposition; a person elected six consecutive years shall be a life honorary member.

ARTICLE II

SECTION 1. Amendments: These by-laws may be amended by three-fourths of the elected national executive committee voting affirmatively; amendments may be submitted by mail; all business of this organization which can be conducted by mail shall be so conducted.

Procedure

SEC. 2. Until otherwise provided, Roberts rules of order shall govern the order of business of this organization; where such rules are silent, the rules of the House of Representatives of the United States shall govern; where both such are silent, the ruling of the chairman of the national executive committee shall govern.

SEC. 3. The committee on the seal shall adopt an emblem, properly inscribed, to be worn on the lapel of the coat of members.

SEC. 4. The chairman of the National executive committee may for cause, to him to appear sufficient, issue for the fraction of a year complimentary memberships, such membership to have the same status as honorary membership but shall receive no death benefits.

Unanimously adopted this the 3d day of June, 1927.

J. H. STOLPER,
Chairman National Executive Committee,
American Veterans of All Wars.

Attest:

THURSTON BRAYTON,
National Adjutant.

STATE OF OKLAHOMA,
County of Muskogee, ss:

We, the undersigned officers of the American Veterans of All Wars, do hereby certify that the above and foregoing are a true and correct copy of the constitution and by-laws as duly adopted and in full force and effect on this the 20th day of June, 1930.

J. H. STOLPER,
Chairman National Executive Committee,
American Veterans of All Wars.

Attest:

JOHN L. DE GROOT,
National Adjutant.

TWENTY-FOUR-HOUR QUARANTINE INSPECTION SERVICE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5743) to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes, which were, on page 3, line 20, to strike out "876" and insert "875"; on the same page, line 22, to strike out "is" and insert "are."

Mr. COPELAND. Mr. President, the amendments simply correct a typographical error in one instance and a grammatical error in the other. I move that the Senate concur in the House amendments.

The motion was agreed to.

AMELIA ISLAND LIGHTHOUSE RESERVATION

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3404) authorizing the Secretary of Commerce to dispose of a portion of the Amelia Island Lighthouse Reservation, Fla.

The first amendment was to strike out all after the enacting clause and insert:

That upon the payment of $4,762.50 by the city of Fernandina, Fla., to the Secretary of Commerce such city is authorized to convey, without regard to the conditions and limitations of paragraph (6) of section 1 and of section 2 of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes" approved May 22, 1926, the lands conveyed to such city pursuant to paragraph (6) of section 1 of such act, except a tract bounded on the south by so much of the shell road as crosses section 12, on the east by the eastern boundary of section 12 with a water front of not less than 960 feet, on the north by a straight line extending from such eastern

boundary for 1,000 feet, more or less, to the western boundary of section 12, and on the west by the western boundary of section 12 extending 1,000 feet, more or less, to the shell road. Such tract shall contain not less than 20 acres and shall, together with the ocean beach and water front abutting on the eastern boundary thereof (including all easements and rights of ingress and egress), be devoted exclusively to public-park purposes. Any conveyance made by such city shall contain express conditions reserving to the United States (1) a perpetual easement for beams of light from the Amelia Island Lighthouse, and (2) the right to trim any trees and to limit the height of any structures erected on such property that may obstruct the beams of such light.

The next amendment was to amend the title so as to read: "An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation."

Mr. FLETCHER. I move that the Senate concur in the House amendments.

The motion was agreed to.

ADDRESS OF HON. HUGH GUTHRIE

Mr. SHORTRIDGE. Mr. President, William R. Vallance, president of the Federal Bar Association, has furnished me with a corrected copy of the address delivered by the Hon. Hugh Guthrie, Minister of Justice and Attorney General of Canada, at the Eleventh Annual Dinner of the Federal Bar Association, held on Thursday evening, February 12, 1931, at the Mayflower Hotel in this city. Mr. Vallance suggests that this address is of international significance and worthy of publication in our CONGRESSIONAL RECORD. I ask that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I felt greatly honored by your kind invitation to be a guest at your banquet this evening, and while I realize full well that my invitation was due not to any merit of my own but rather to the fact that, for the time being, I happen to be the titular head of the bar of Canada, nevertheless I embrace the occasion to tender to the Federal Bar Association the friendliest greetings and heartiest good wishes of your brethren of the bar who practice upon the northern side of the forty-ninth parallel of latitude upon this good Continent of North America.

I assure you that the occasions are not frequent when one of my humble position and humbler attainments is privileged to address for a short time so distinguished an assemblage of eminent jurists as I find gathered around your board to-night; and while it is a very great privilege and a very great honor to be with you to-night, I confess that I find myself appearing for the first time before one of the foremost jurists of the world in the person of the Chief Justice of the United States of America.

The Bar of Canada delight in according full honor and respect to the learned Chief Justice and to the exalted office which he occupies with so much dignity and ability, but we also desire to accord to the man, apart altogether from his high office, our unqualified admiration of his marvelous legal attainments, of his wonderful grasp of legal principles, of his marked ability in elucidating and applying those great principles in the adjustment of the many controversies of mankind, whether local, national, or international in their character and application. This country has been singularly fortunate in the men who have been selected under your Constitution to fill the highest judicial positions in the land. A glance at the past will recall many great names as occupants from time to time of your Supreme Court Bench. The names of Marshall, Story, Taft, and many others will not soon be forgotten by students and exponents of the common law in this and in other countries. Perhaps as one reflects upon the past one is inclined to magnify the reputations and achievements of the great lawyers of former times, for as one glances over the long list of great judges and lawyers in this country who have long since gone to their reward, one is tempted to believe that, in legal and intellectual stature at least, "there were giants in the world in those days."

And now, Mr. Chairman, before I proceed, may I be permitted to pay my modest tribute to the memory of that great man, in many respects "the noblest Roman of them all," the anniversary of whose birth into this world you so fittingly celebrate to-day. Time was, I admit, when Abraham Lincoln belonged to the United States. To-day he belongs to the world—one of the greatest of the world's great men whose life, whose work, and whose name will survive in world history until time shall cease to flow.

The sympathetic bond which has long existed between the bar of this country and of Canada springs, no doubt, from many roots. Proximity, environment, common habits, and a common language have all favorably influenced our professional and international relations; yet I am persuaded that the most potent influence in this respect arises from the fact that we are both disciples and teachers of the same great system of jurisprudence founded upon the ancient principles of the common law. From the cradle to the grave we both exist in what one might describe as a common-law atmosphere; and it is satisfactory to realize that almost the whole Anglo-Saxon world lives in the same common-law atmosphere as do ourselves. This, I believe, is the case, save only in Scotland, Quebec, and Louisiana, in which domains the legal principles expounded in Justinian's Corpus Juris still prevail. Both systems are very ancient—very wise and very serviceable to the complex problems of mankind. Each system has always had its champion, many champions, indeed, throughout all centuries; however, this is neither the time nor the place to discuss the merits or defects of either system, even were I competent to do so; but suffice it to say that, so early as the year 1607, upon the first settlement of Virginia, and in 1620 in Massachusetts, upon the landing of the Pilgrim Fathers, the principles of the common law were introduced into this continent to survive, I venture to say, for all time to come. In the introduction of the English common law into this country you were many years in advance of your northern neighbors. From the year 1535 until 1759, Canada continued to be a French possession, and the law of the land was civil law as administered in the France of those days. However, Nova Scotia, then called Acadia, early became a British possession and it is interesting to note as an historical incident that at Annapolis Royal in Nova Scotia in the year 1749, the people in lawful assembly solemnly adopted not the common law of England, as might be expected, but the common law of the Colony of Virginia—"the Old Dominion"—and this law continued in Nova Scotia for the next 40 years. Otherwise Canada remained a French possession and the civil law as administered in old France continued to be the law of the land until the great year 1759.

At this point, will you pardon a brief historical digression? I said the "great year 1759." Macaulay has termed it the greatest year in British history. The American Colonies were then still intact. George Washington was then a lieutenant colonel in a British regiment operating against Fort Duquesne in the fight with France for North America.

The year 1759 forms an important historical landmark in Canada. The great and decisive battle which took place upon the Plains of Abraham at Quebec has now become to us all a glorious and gallant incident in history. The names of Wolfe and Montcalm, who both fell in that great fight, are beloved and respected alike throughout Canada. To-day we look back upon that great victory without exultation on the one hand, and without bitterness on the other. That victory and the treaty of peace which followed proved the inception of a dual system of jurisprudence in Canada, and also of a bilingual system in our Federal courts and in our Federal parliament. So it is that in the great Province of Quebec to-day in civil matters, the civil law—the Code Napoleon—prevails, while throughout the rest of Canada, we live under the common law of England. And let me say that this dual system of jurisprudence has worked well in Canada. Complaints are rarely if ever heard in regard to it. And both in Quebec and in the other provinces it has given us many able lawyers and judges highly trained in the principles of both systems.

You will agree, Mr. Chairman, that I am wandering far from the subject which I was supposed to discuss very briefly this evening. The subject as announced on the program is "Law and Peace" and the central idea conveyed to my mind by these plain and simple words is that the supremacy of law is the surest guaranty of peace.

In his first letter to Timothy the Apostle Paul wrote, "For we know that the law is good if a man use it lawfully"—a trite saying which has as much application in the world to-day as it had 19 centuries ago and applies with equal force to our relationships, whether domestic, civic, national or international. Universal respect of law would produce a new world condition—not likely to be achieved in our time, perhaps not at any time. The best and the most that we can hope for is that substantial progress toward an ideal condition may be made in our day and generation in which progress the great jurists of the world must play a most important part.

You will find in this country, as in other countries, that lawyers generally become leaders in their local communities. They exert a marked influence in molding public opinion upon all important questions. The vast majority of lawyers are not only loyal to their profession but loyal also to those legal principles which have been their life study. All great lawyers respect and reverence the law—and if a portion of that respect and reverence of law could be infused into the masses in the various countries of the world improvement in world conditions would surely follow. And if one may be permitted to emphasize a platitude, let me repeat, Mr. Chairman, that a general recognition throughout the world of the supremacy of the law could prove the strongest guaranty of world peace.

But some one will say, "Oh, that is all very well—but whose law, what law, do you suggest?" My answer is in these United States, your own law; in Canada, our own law; and in every civilized country, its own law, so far as domestic matters are concerned; and in international affairs that system of rules and precedents and principles which are embraced under the general title of international law—which has been an established and recognized system of jurisprudence—at least since the days of Grotius, that great sixteenth century lawyer, scholar, and statesman who succeeded in placing a polish upon the rugged science of law, and who, in his great work, "De jure in belli et pacis," laid the foundation of what is sometimes called the science of international law, in spite of that line from the poet Tennyson, where he speaks of "The lawless science of our law."

I grant, Mr. Chairman, that the mere existence of an international code of law will not itself suffice. Great jurists throughout the world will differ as to the meaning and application of almost every subject mentioned in the code. Honest differences of opin-

ion are bound to arise from time to time. These differences must be adjusted and resolved by some tribunal which the nations of the world must approve. At this juncture, the lawyers of the world—those men who have all their lives proclaimed to the world "Fiat justicia ruat coelum" must lend their powerful support to the only fair, reasonable, concrete proposition which has so far been evolved from the mind of man for the peaceful and final settlement of international disputes. I refer, of course, to the Permanent Court of International Justice, commonly called the World Court at The Hague. Notwithstanding many early misgivings and forebodings, lawyers and statesmen throughout the world will to-day agree that the World Court has long since passed the experimental stage and has amply justified both the efforts and the hopes of its founders. It has now become a valuable bulwark for the peace of the world. While it is true that the World Court is a human structure, and, as such, is not in all respects a perfect model, yet it has already performed much valuable world service for which humanity may justly feel thankful. We must all strive to uphold the prestige and authority of that great tribunal in every possible way. I hope to live to see its functions enlarged and its jurisdiction extended to every quarter of the globe; and to this end we must enlist the very best brains and the very best efforts of the very best lawyers in the world.

No one realizes more fully than I, no one appreciates more highly than I the valuable cooperation, the wonderful practical assistance rendered by some of the great lawyers of the United States to the institution, the constitution, and the actual working of the World Court as it exists to-day. The great names of Root, Moore, Hughes, and Kellogg will always stand out preeminently in regard to the World Court, notwithstanding that this great and powerful Nation has not as yet given complete adherence to that tribunal. However, as to the attitude of the United States to the World Court, I offer no opinion, I make no suggestion, certainly no criticism. I merely express profound, and I think also, universal regret.

The chief object to be attained by a universal world court is the highest which the human mind can contemplate. It is peace—international peace, world peace, the avoidance of war, the negation of war, the abolition of war, with all its direful consequences. Do not think me presumptuous if I say that the most important policy, whether domestic or foreign of this and of every country in the world to-day, is the maintenance of peace—other policies and other problems fade into insignificance at even the remote possibility of another world conflict.

I grant that it is somewhat discouraging to reflect that during the past year of grace, military and naval armaments throughout the world were greater than they were prior to the outbreak of the Great War in 1914. Evidently the day has not yet arrived when men are found willing "to beat their swords into ploughshares, and their spears into pruning hooks." The world's military and naval expenditure has been increased, not lessened, and this in spite of world courts, leagues, covenants and treaties of limitation, of arbitration, and of renunciation. Perhaps it is too much to expect that the golden rule as laid down in Holy Writ can ever be applied internationally; but surely civilized nations may be induced to abide by some common and accepted code for the settlement of their differences. There must be common ground somewhere upon which all civilized nations can meet and agree. Has that common ground been found at The Hague? Many very eminent lawyers believe that it has. Once again let me quote, "For we know that the law is good if a man use it lawfully." Let us, therefore, resolve lawfully to use the law to hasten the achievement of the great end which all right-minded people so earnestly desire, namely, the settled peace of the world.

And now one brief reference to the League of Nations and I have finished. As you are aware, Great Britain and all her Dominions have given unqualified support to the League of Nations. I am well aware that throughout the world the league has many critics—and many detractors. While the original conception of a League of Nations certainly emanated from the mind of one of the great presidents of this country—the United States has not yet become a party to the league, and some other nations which were originally members have since withdrawn. Yet the work of the league has gone on for 10 years and more—much excellent work has been done—many excellent results have been achieved—but much still remains to be done because the peace of the world is not altogether free from menace to-day. Personally, I am a firm believer in the League of Nations as a most potent influence for good in the world. I hope and pray for its continued success. All I can say is that if the League of Nations shall succeed in removing from the minds of men the fear of war and the burdens of war from the backs of the weary multitudes, it will have done the greatest thing for mankind which has been done in this world since Christ was born in Bethlehem.

ECONOMIC CONDITIONS

Mr. BLEASE. Mr. President, the following editorial appeared in this morning's Washington Herald:

TIME TO THINK—AND TO ACT

The Washington Herald's call yesterday for a nonpartisan conference on means of preventing further economic upsets has stirred into being a widespread feeling that careful thought and suitable action can solve the present problem and do much to avoid the possibility of recurrent crises in trade.

A great many people obviously, from the reaction the Herald has received, are thinking purposefully along these lines, and to many of them also the idea of a national conference has occurred. The mechanism of such a conference is of minor importance; effectiveness alone is important. The intelligence of America brought to bear on any problem will solve it.

The present economic system is challenged in Italy and in Russia. Democratic institutions are challenged in those countries and in many other states. The Herald believes firmly in democracy, and has no fears for its survival. Neither does the Herald fear any overturn of the present economic system in America.

But the survival of democratic institutions depends upon keeping them democratic, and the survival of any economic system depends upon its practicability. It has been shown now over a period of a year that our economic order is functioning badly. And a remedy must be found.

The Herald has taken the initiative in seeking a solution because it believes that the time is ripe for action, and that some person or organization must set matters in motion. Now the start has been made, and the Herald is confident that the movement will soon have attained tremendous momentum.

All that was necessary was to broach the idea. Its intrinsic soundness will do the rest.

Business is seeking a remedy for its ills. Workingmen everywhere are thinking more deeply, perhaps, than ever before of the problem of stabilizing unemployment. Public-spirited citizens everywhere are deeply concerned with the matter of economic security for all groups in the population. This Nation, or any nation, for that matter, is healthiest and happiest when all its people are steadily employed and earning wages that make possible a comfortable standard of living and savings to provide for old age. Our resources are enormous; our productive mechanism can supply, bountifully, all the wants of our people.

Given constructive thought, the problem should not be difficult of solution.

And in reference thereto I ask unanimous consent to have inserted in the RECORD an extract from a letter bearing on present economic conditions, received by me from an ex-Member of this body, who lives in South Carolina.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

I look for boom prices as soon as the vast sums appropriated by Federal and State Governments get into circulation, backed by expenditures of corporations, but it will last only as long as the cash is poured out, then like a drink of whisky leave us flatter than ever. It is our present financial system that needs overhauling, and when we face the relentless fact that money, tariff walls, and labor unions alone can not repair our broken domestic structure, then is when we will really begin permanent improvement.

Mr. BLEASE. Mr. President, personally I repeat what I have heretofore said here and elsewhere that I favor a rich government and a rich people, but I prefer a poor government and a rich people to a rich government and a poor people.

VOCATIONAL EDUCATION AND CIVILIAN REHABILITATION IN PORTO RICO

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5139) to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico, which was, on page 2, line 24, to strike out all after the word "appropriated," down to and including "$15,000," in line 1, page 3, and insert "the sum of $15,000 annually for a period of two years, commencing July 1, 1931."

Mr. BINGHAM. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

UNEMPLOYMENT IN THE EAST

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Massachusetts [Mr. WALSH]? Did the Senator observe this morning the disquieting reports about unemployment in the East? The Potter committee in New York yesterday renewed its appeal for $10,000,000 to relieve unemployment distress in the city of New York. I am speaking of this because I know the Senator from Massachusetts has been interested and has been trying from the beginning to get action upon his bill relating to the subject of unemployment. May I ask the Senator what prospect there is for the consideration and passage of his relief bill, and what is delaying its passage?

Mr. WALSH of Massachusetts. I will say to the Senator from New York that the reason why we have not been able to secure action is because we have not been able to make my bill the unfinished business. It is a relief measure that would provoke a good deal of debate, is opposed by the

administration, and there has not been any opportunity to make it the unfinished business of the Senate. If the Senator has any influence with the steering committee of the majority party, he might be able to persuade them to give us an opportunity to make it the unfinished business, but I fear the opposition is too powerful. The legislative program of the majority prevents action.

Mr. COPELAND. Does not the Senator feel that the need for the measure is just as urgent now as it was at the time he presented it?

Mr. WALSH of Massachusetts. I certainly do feel so.

Mr. COPELAND. Would it not be a great mistake if the Congress should adjourn without having made some provision so that in the recess there may be a way of dealing with the problem as necessity may demand?

Mr. WALSH of Massachusetts. I agree with the Senator. Of course, the Senator knows, in view of the administration's opposition, that at this stage of the proceedings it would be impossible to get action by the House and the Senate on a matter of this importance. I doubt even if we could get action in the Senate. I will say to the Senator that one of the reasons for delaying action was that I felt that the petition of those from the drought area was more appealing, if that were possible, than the petition from the areas where unemployment is extensive, and I felt that no move ought to be made until the legislation asked for by the Senators from Arkansas for the drought victims had been disposed of. As the Senator knows, that relief measure took a very long period of time; for weeks we were discussing it; and I did not want to inject a new subject until that was disposed of. Since that time we have been unable to make my proposal the unfinished business.

Mr. COPELAND. I know the Senator, as I myself did, gladly aided the Senators from Arkansas in their noble and successful effort to secure relief, but I do feel, Mr. President, that we are so sheltered and protected here, and so remote from the evidences of unemployment and distress, that perhaps we are overlooking the fact that there is a serious situation in the country. While Mr. Green, the president of the Federation of Labor, this morning says he feels there is an upturn in general, there can be no doubt that the economic depression in certain sections is as great now as it was or greater than it was at Christmas time.

I feel that unemployment in my section of the country is increasing. We have 79 bread lines, where thousands of persons are being fed every day. I do not know that there is anything in the world that can be done by Congress to give greater relief than has been given. We have provided a building-construction program and perhaps that will help, but at the same time I do feel that there should be a reserve at the disposal of the President or some other person or somebody that might take care of the unemployment problem should it become more pressing.

Mr. WALSH of Massachusetts. Of course the Senator is not unmindful of the attitude of the administration toward relief measures of that kind. The Senator is aware of the fact that even in the case of supplying food to the drought areas in Arkansas there was insistence that relief should be in the nature of loans. In view of the attitude of the administration—and their leaders must accept the responsibility—it is inconceivable that we should get through here any measure extending aid to those municipalities and subdivisions and States which have been obliged to bear through taxation an extra heavy burden on property owners to extend relief by reason of unemployment.

Mr. COPELAND. I agree fully with the Senator that the responsibility is on the administration. No doubt, if the administration had been active from the beginning there would not be the same necessity for relief as there now is.

(At this point a message was received from the House of Representatives by Mr. Chaffee, one of its clerks, announcing, among other things, that the House had concurred in the Senate amendment to House bill 9599, to authorize the Secretary of Agriculture to carry out his 10-year program, etc. The message appears under its proper heading.)

Mr. CARAWAY. Mr. President, will the Senator from New York yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I yield.

Mr. CARAWAY. Mr. President, I notice that in the message just received from the House there was mention made of a bill to enable the Secretary of Agriculture to carry out his 10-year program. I am curious to know if the reference is to a measure to enable him to prepare blanks for the loaning of money under the $20,000,000 appropriation, because, at the rate he is traveling, he will need 10 years to put that bill into operation.

Seriously speaking, Mr. President, if the Senator from New York will yield to me a moment further——

Mr. COPELAND. I yield.

Mr. CARAWAY. The Secretary of Agriculture is deliberately—I say "deliberately" because I have been trying to ascertain every day what the plans are—holding up money that Congress authorized to be loaned to people in destitute circumstances, and is making it difficult, if not impossible, for the farmers in my State and other States to avail themselves of it and make a crop in 1931.

The Senate asked, through a resolution which I submitted yesterday, the Secretary to advise us when he expects to put this program into effect. My information is that he is off making a speech somewhere. Every time we ask for him he has gone to Cincinnati. I do not know whether a branch office has been opened in that city or not, but if so, if he is to spend his time there, I trust he will leave somebody in authority here to speak for him.

Mr. COPELAND. Mr. President, I agree fully with the Senator from Massachusetts that the responsibility rests on the administration, and it is a very solemn responsibility and it should rest heavily because certainly the burden is great.

I observe in the New York Times of to-day that Mr. Green says that there is some check to unemployment, but he assails cuts in wages. He urges more relief funds and says the jobless will suffer in March unless aided by agencies in the cities. That statement is confirmed by the report of the Prosser committee, submitted at Town Hall yesterday in New York, which asks $10,000,000 from the city for the jobless.

Mr. President, I have no wish at all to make an appeal for my State or my city. We can get on and will go forward, but if the conditions are universal, as indicated by the conditions in New York City and as indicated by Mr. Green, we have a problem that must be dealt with by somebody.

I do not know whether the plan proposed by the Senator from Massachusetts is the wisest plan in the world, but it is the only plan proposed; there is nothing else pending here, and it is my judgment that some action should be taken which will show the country that we are alert to the necessities of our citizens.

That is all I have to say, Mr. President; I had not thought to say as much; but I want to say to my friend from Massachusetts that he has stood almost alone here in his efforts to help the unemployed of the country. Other Senators who have fought for those in the drought area have stood, of course, for suffering humanity and have been successful in their fight, provided their efforts are not thwarted by the policy of the administration in putting legislation into effect; but there is a problem here which must be dealt with effectively by somebody.

Mr. WALSH of Massachusetts. Mr. President, does the Senator think the Senators from Arkansas have been entirely successful in their fight?

Mr. COPELAND. No; the junior Senator from Arkansas [Mr. CARAWAY] stated a few moments ago that it looks as if it might take 10 years to put the program into effect.

Mr. WALSH of Massachusetts. And they had to compromise their original proposition for a cash payment from the Treasury and accept a form of relief in the nature of an interest-bearing loan.

Mr. COPELAND. Does not the Senator agree with me that there has been an utter failure on the part of the administration and those in control to visualize the situation and to deal with it in any effective manner?

Mr. WALSH of Massachusetts. From the very outset of this session the administration made it clear that the relief problem was no financial concern of the Federal Government; that it was the concern of local charities, of municipalities, and of States; and in the first and most important measure that was urged and pushed here with vigor the compromise which was enacted provided, as the Senator knows, for an interest-bearing loan in the nature of relief to those in distress; and there is some serious question whether even that loan could be used for supplying food even if security was available to the homeless people in the drought area of this country.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield to the Senator.

Mr. BORAH. When the Senator from New York speaks of the lack of vision of the administration in dealing with the unemployment and drought situation, does he not think that he ought to add also lack of courage in the Congress to carry out its program?

Mr. COPELAND. Yes; I agree with the Senator. I said the other day, in language that I feared might be unparliamentary, that there has been a lack of courage. This picture has been painted; but who looks upon it with charity in his heart, or who is stimulated to some courageous act to give relief?

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. I do.

Mr. THOMAS of Oklahoma. I wish to call to the attention of the Senator from New York the fact that on the second day of this session I proposed a resolution providing for the creation of a select committee, composed in the main of the chairmen of the great standing committees of the Senate, having for its purpose the making of a survey of the entire problem, to the end that every section of our people should be considered—those in the drought area, the unemployed, and other classes who might be in need of relief. I remember well, when that discussion was up, that the Senator from Idaho made the statement that if we expected to get relief we could not get it under my resolution.

We are now in the closing days of this session. The class that I had in mind have not had relief.

Mr. BORAH. Mr. President, if we had disclosed the same lack of purpose and courage in carrying it out that we did in the other case, we would not have had it under the Senator's resolution. The Senator's resolution, in my opinion, as stated at the time, would have retarded action.

Mr. COPELAND. Mr. President, I know the Senator from Oklahoma will recall that I seconded his movement at the time, saying that "what is everybody's business is nobody's business." If we had had a special standing committee for the session, some plan might have been formulated; but we have not had any plan, and, apparently, there has not been enough courage on the part of those who have control of the Congress to offer us something that we could enact into law and make effective.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield to the Senator.

Mr. BARKLEY. All that the Senator from New York says about the lack of courage is true; but what good does it do to talk about that now when we are about to adjourn? How can we inject any more courage into Congress than we have displayed all during this short session? Has the Senator any medical remedy or any other remedy that might inject some courage into Congress, so that even if it should formulate a program it would stand by it long enough to get at least one House to agree to it?

Mr. COPELAND. No, Mr. President. My professional experience teaches me that the time to do something effective in the way of saving a man's life is in the beginning of the ailment and not when he is on his death bed.

Mr. BARKLEY. I agree with the Senator about that; but now that this Congress is on its death bed is there anything that can be done that would not only revive it but revive its courage?

Mr. COPELAND. I think that if the Senator from Massachusetts could find a way, or lead the way, or encourage us we might be helped somewhat; but he can not do it alone. He has not had any support, except such as he has had from his own side of the Chamber.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I do.

Mr. WALSH of Massachusetts. Does the Senator recall my asking that a program be outlined by the minority to deal with this subject early in the session?

Mr. COPELAND. Indeed, we must accept responsibility everywhere. That is the fact. Nevertheless, no matter whose fault it is, we have a situation; and, even though this session of Congress is on its deathbed, there ought now, if possible, to be found some means of oxygen administration which would stimulate the Senate to some action, and perhaps by that sort of recuperation and stimulation we might preserve our self-respect, and out of it do some good to the country.

As it is, however, I agree with the Senator from Massachusetts. I feel that he is depressed and discouraged, and he has a right to be. Nevertheless, a few of us have tried, have we not, to do this thing? There has not been any response, however, largely because the administration has not had the vision or the courage to go forward.

Mr. BARKLEY and Mr. WALSH of Massachusetts addressed the Chair.

The VICE PRESIDENT. Does the Senator from New York yield; and to whom?

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I wish to emphasize just the thought which the Senator has conveyed. Congress is about to adjourn for nine months. It has made no provision whatever to deal with the economic problem, except such provision as has been made in these loan bills, which in most cases will not reach the people who really are in need, either in the country or in the cities. It is about to adjourn without any general program that would, in any sort of emergency, enable the United States Government to deal with conditions as they may develop during the next year.

We might say that for all practical purposes Congress will be in recess until next January, because, although we shall be back in December, nothing is ever done prior to the Christmas holidays. All during this whole fight the administration has occupied the familiar posture of the ostrich with its head in the sand, unwilling to acknowledge, or at least to acknowledge publicly, the conditions which have existed, unwilling to offer any real remedy for the situation.

Now Congress is about to adjourn and go home and leave the United States Government helpless in the midst of this great tragedy, and powerless to render any real relief, except such sugar-coated relief as may come by reason of the long-delayed beginning of some blue print that may, at some distant day in the future, result in the erection of a public building somewhere.

Mr. SHORTRIDGE. Mr. President, I should like to ask the Senator a question.

Mr. COPELAND. I agree with the Senator from Kentucky; and I want to say for him and some of us here that what we are saying to-day is not any deathbed repentance.

Mr. BARKLEY. Oh, no.

Mr. COPELAND. We have been striving from the beginning to do this, and we are simply continuing to the very end our efforts to have something done by Congress.

Mr. BARKLEY. I make the prediction that when Congress has adjourned and there is no forum in which the conditions in our country can be publicly discussed, not only will a large measure of the relief now being accorded be withdrawn but there will be, I fear, very great reductions in wages by employers of labor throughout the United States. When we come back here next January we shall find that these conditions have been made worse, instead of better, by anything that will be done by those left in authority while Congress is in adjournment.

Mr. COPELAND. I hope the Senator is mistaken.

Mr. BARKLEY. I wish I might feel that I am mistaken.

Mr. COPELAND. I fear he is not, but I hope he is mistaken. This is no time for employers of labor to lower wages.

Mr. BARKLEY. Of course, the Senator is familiar with the fact that they have done it already. They lowered wages in January, according to the statement of the American Federation of Labor, and they are doing it in February; and I have no doubt, or at least I entertain the fear, that they may do it much more intensively and more universally throughout the country after the adjournment of Congress.

Mr. COPELAND. In reply to what the Senator has said, let me say that Mr. Green, in his address yesterday, said:

> This movement to reduce wages at the very moment when the business depression appears to be reaching bottom is most untimely. Wage reductions did not cure the business depression in 1921. The depression lasted 12 months after the liquidation of labor. A prominent industrial executive says that general reduction of wages would set back the impending recovery by at least two years.

Who can question that? Who are the people who buy the goods that are made? They are the workingmen and the farmers. If labor is not only largely unemployed but the earning power of those men who have employment is reduced, how can we hope to have an industrial recovery? Then, added to that, is the dreadful predicament of the farmers of this country; the wheat situation; the cotton situation.

I can not see how any man who has made the slightest study of the present situation can be anything else than distressed, and disturbed in mind, and fearful of the outcome. We sit here as if we felt that our social structure is as secure as the seven hills of Rome. How do we know it is secure? What is the thing that undermines the life of a nation more, what can be worse for a nation, than widespread economic distress?

Mr. BARKLEY. If the Senator will yield further, one of the things that can undermine the strength of a nation is a feeling on the part of great masses of the people that the Government cares only for those who are members of a special class. I think it is a tribute to the conservative, dependable spirit of the American people up to this time that we have proceeded so far within this tragic depression and economic distress without greater disturbance than we have witnessed among the people of our country.

Mr. COPELAND. I agree with the Senator; and when I see how deaf our people are to the economic depression, not only in America but in Europe—five or six or seven millions in Germany unemployed, increasing unemployment in France, unemployment in England, unemployment here as never before—I wonder where this will end. We sit here and give our attention to local bills and private bills and money bills, failing to catch the vision of what is going on in the wide world.

I know a place up in the mountains back of my home in the country where I can retire and build a log cabin and perhaps live on the game of the forest; but there are millions of people in this country and in the world who have no place to get any food; no place to get fuel. Where will it end? What will be the end of it?

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. I yield.

Mr. THOMAS of Oklahoma. If I may make a suggestion to the Senator from New York, my information is that already the game has been destroyed and depleted throughout the country. Even the rabbits and the jackrabbits are gone.

Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New York further yield to the Senator from Oklahoma?

Mr. COPELAND. I yield.

Mr. THOMAS of Oklahoma. What effort has been made at the hands of Congress to discover the cause of all this trouble? What effort has been made to provide some remedy for the existing conditions as we find them throughout the country?

Mr. COPELAND. Do not ask me. I do not know of any effort that has been made. If the Senator's select committee could have been established there would have been at least one group of men in the Senate who would have been studying all the problems to which he refers.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. SMITH. The situation to which the Senator refers, of course, is making itself manifest in unemployment and distress throughout the country. It is accentuated, of course, where providential interference has caused drought; but we are beginning now a new year. What encouragement is there for agriculture, for business, for production of all sorts in this country?

The distress is not limited to the drought-stricken area. It is universal. It is national and international; but it is particularly bad in this country. Here there is more wealth than there has ever been. There are more of the necessities of life than there have ever been. We are talking about reduction of acreage, curtailment of manufacture, in the midst of evidence that people are starving to death, are out of work. Somebody has to work to produce a surplus. We have a surplus. We have more than we know what to do with. We are trying to get rid of a surplus of wheat and a surplus of other things. We are trying to get rid of a surplus of manufactured articles. Yet, in the midst of that, people are unemployed, are starving, and naked, and there is distress throughout the country. The things we are doing are but temporary stimulants. Why do we not address ourselves to the fundamental cause, the thing which has produced this condition? I say that it is an indictment of this administration and previous administrations that we produce so much wealth that we go to the poorhouse, that we produce so much of the necessities of life that nobody can avail himself of any of the necessities.

The present condition is not local at all; it is a general condition, and an indictment of the legislative body of this country that we can not devise any means by which the vast wealth that is here available to everybody can not be obtained by those who really produce it. That can not be accomplished by temporary expedients. We have to find out the basic cause of this condition, and address ourselves to the remedy.

Mr. COPELAND. Mr. President, I agree fully with the Senator. He is entirely right. Who is making any effort to find the basic cause? Whose business is it to do it? Have we done our duty as a Congress?

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. I can not agree with the Senator's statement that we have done our duty as a Congress.

Mr. COPELAND. I said, "Have we done our duty?"

Mr. LA FOLLETTE. I have been endeavoring since last December to direct the attention of the Senate to the appalling situation which has existed in the metropolitan and industrial centers of this country. I presented the results of a questionnaire which took in over 300 cities throughout the United States, and in the replies to the questionnaire, 170 of the mayors of cities expressed the





opinion that they needed Federal assistance to meet the distressed condition.

In my judgment, the Senator should have made the speech which he is making now when we had before us the so-called compromise proposal on the Interior Department appropriation bill. The Senator realizes that this session of Congress is about to adjourn. If we had adhered to the position taken by the Senate, while I never contended that the sum provided in the Senate amendment was sufficient to relieve the situation, at least it would have been a fund which could have been used for emergency purposes. But because the Senate surrendered upon that issue, we now find ourselves, in the closing hours of this session, unable to do anything to relieve a situation which is already appalling, and which, in my judgment, based upon information in my possession, will grow more appalling as the months go by.

Mr. COPELAND. Mr. President, I am not quite sure, from what the Senator from Wisconsin said, whether he was finding fault with me personally for any lack of activity with reference to this matter or speaking of the Senate in general. Perhaps he misunderstood me. When I replied to the Senator from South Carolina I did not say that Congress had done its duty. I said, "Have we done our duty as a Congress?" That was a question I was asking.

Mr. LA FOLLETTE. Mr. President, I misunderstood the Senator. I thought the Senator said that Congress had done its duty.

Mr. COPELAND. Far from it.

Mr. LA FOLLETTE. And I wished to take exception to that statement.

Mr. COPELAND. I am not surprised that the Senator wanted to take exception to it, and in order that the Senator may now know how I feel about it, I say that the Congress has not done its duty. Is that clear enough?

I think it is a great pity to think that we should fail here, even at this late moment, to give consideration to what some of us have been begging from the beginning of the session might be studied. We have before us this matter of collectivism in Russia and the bringing in of goods manufactured at no cost. We are seeking to sell 35,000,000 bushels of wheat in the Liverpool market in competition with Russian wheat, which is produced without cost, because the wheat is produced in Russia by forced labor, by slave labor, by conscription of labor. How can we hope to raise wheat or cotton or any other product here and have our people live in accordance with the standard of living which we call the American standard, and maintain that standard, if there are countries on the face of the earth where, by reason of some political philosophy, the authorities can commandeer services and produce things which, so far as labor costs are concerned, have no labor costs?

Who is giving consideration to these matters? Who is giving any thought to what will happen in Germany if there is an economic breakdown and the Russian idea is carried into Germany? These political philosophies recognize no geographical boundary.

We are going on and on and on and doing nothing, so far as I can see, to relieve the situation in the United States, in order that our country may have its powers of resistance raised to the extent of making it possible to resist the invasion of these philosophical ideas and political ideas.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. I would like to get the Senator's opinion on the comments made by the Senator from Wisconsin [Mr. LA FOLLETTE]. Can the Senator conceive of a stronger case for Federal relief on the part of the Government than that which was made in behalf of those who are suffering in the drought areas?

Mr. COPELAND. No; I can not.

Mr. WALSH of Massachusetts. That case had behind it the whole minority in the Congress. It had behind it the directing force in the Senate of two of the strongest Senators in this body, the two Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY], and yet a compromise was forced which, in my judgment, ended any possibility of any further relief, except interest-bearing loans. If we can not get money from the Federal Treasury for people who are starving and without means of any kind or description, it does not seem possible to get any legislation here to share the burdens of relief with those communities which at least have some means of sustenance and have some power to tax their people to provide them with food and clothing. It seems to me the action on the drought case completely closed the door for any possibility of Federal relief in this emergency for the sections of the country where the costs of public relief to the unemployed has tremendously increased.

The policy of the administration with respect to Federal relief in the present emergency has made it apparent that the Federal Treasury could not be called upon to assist. When the drought relief bills failed, as proposed originally, the administration in control of Congress declared against other than relief in the nature of loans.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. It is because that compromise contained the surrender of the principle of Federal relief to the unemployed and the destitute that I was shocked to see representatives of the States in which this industrial depression is causing such widespread suffering on the part of millions of people voting to accept that surrender and to abandon the fight for Federal assistance in this most critical emergency.

Mr. COPELAND. Mr. President, I want to say a word in reply to the Senator from Wisconsin if I may have his attention. Many a brave army has surrendered in the face of superior forces on the other side.

Mr. LA FOLLETTE. I would like to know to what armies the Senator has reference. If it is the army that marched up the hill and then marched down the hill and never marched up again on this relief proposition, I will agree with him; but I do not agree with his characterization to the effect that the majority of that army were brave soldiers. They surrendered before a shot was fired.

Mr. COPELAND. The Senator from Wisconsin and I are so much in harmony regarding the principle involved that I am inclined to agree with his statement, but nevertheless I insist that we had to take half a loaf when we could not get a whole loaf.

Mr. LA FOLLETTE. I challenge the Senator to prove that there was half a loaf involved in the "Arkansas surrender." There was not even a crust in it so far as the people suffering in the industrial centers are concerned.

If the Senator will pardon me a moment further, this morning one of the chief proponents of the so-called compromise, the junior Senator from Arkansas [Mr. CARAWAY], has been criticizing the administration and claiming that even what he had hoped to obtain for his own people is being defeated by the administration of the law.

Mr. COPELAND. I fully sympathize with all that, too, but I will say, to change my figure of speech, that if we can not get a whole loaf we should take the promise of a half a loaf in the belief at the time the promise is made that it will be carried out in good faith. I agree fully with what the Senator said, that the administration through the Secretary of Agriculture is not carrying out that compromise.

Mr. LA FOLLETTE. Mr. President, will the Senator further yield?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. The thing I am pointing out is that in so far as the people for whom the Senator from New York has been speaking this morning, namely, those who are suffering want, privation, and hunger as the result of the industrial depression, could under no circumstances receive a penny of benefit under the terms of the amendment for which the Senator from New York and some other representatives of industrial States in this body voted when the issue was presented to them a few weeks ago.

Mr. COPELAND. When was any issue presented to us so that we could have voted to do the thing the Senator has in mind?

Mr. LA FOLLETTE. The issue was presented when the conference report was before the Senate on the Department of the Interior appropriation bill. The Senate had provided a $25,000,000 fund to be used for those who could not obtain food, clothing, and medicine from any other source. The Senate accepted a compromise, as the Senator calls it. I denounced it at that time as, and I still maintain that it was, an abject surrender. So far as the unemployed and their dependents were concerned, had the Senate stood by its position and carried out the bold threat made by the minority in this Chamber that they would force an extra session of Congress if they did not get what they demanded, I am yet to be convinced that the Congress could not have discharged its obligations to those millions of unemployed and their dependents and secured the enactment of such a law.

But before we could make a genuine fight for the Senate proposition the leaders who were carrying the banner struck their flag and surrendered. When they surrendered and when that surrender was denounced and pointed out on the floor of the Senate, the Senator from New York and some other Senators representing industrial States in this body voted to accept that abject surrender and thereby abandoned those for whom the Senator from New York is now raising his voice in the closing hours of the Congress.

Mr. COPELAND. If the Senator is right in his belief that, had we stood out, there would have been some means of relief for these people, I will plead guilty and say it was a wrong act. But I do not believe that we could have gone a bit further than we did go with an unwilling administration and with the present occupant of the White House to give final approval or disapproval.

Mr. LA FOLLETTE. Mr. President, will the Senator from New York yield for a moment further?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. In the first place, the very Senators who were leading the supposed fight were the ones who surrendered without making a fight. That is the first thing, I say; and I say that the record, surveyed by any impartial judge, will prove that statement to be correct.

In the second place, the Senator from New York is standing here this morning wanting to know why we do not enact some legislation to provide relief, in the face of the present emergency, for those who are suffering in the cities. The Senator from New York lost his chance to win such a fight when he joined in the abject surrender on the Department of Interior appropriation bill, and so did some other Senators representing industrial States of the Union who surrendered at the time that issue was before the Senate.

It can not be maintained, Mr. President, that the issue was not squarely presented to this body. It was. The issue was as clear cut as any issue which has presented itself since I have been a member of this body. It does not avail in this late hour of the Congress to plead for the enactment of legislation, and especially it does not become those Senators who joined in the abandonment of the 6,000,000 or 7,000,000 unemployed and their dependents in this country.

The Senator from New York has stated on the floor of the Senate time and time again that New York City will take care of its own. From evidence that comes to me, the city of New York and the people living in it have done heroic work, and I maintain, and I think the Senator, if he is entirely frank, will admit that the city of New York is not taking care of its own. The Senator knows furthermore that the Prosser committee, which raised $8,000,000 to assist the unemployed in New York City, is preparing to abandon its further work unless it receives an appropriation from the city government of New York. The mayor has already stated that he doubts whether the city has any constitutional authority to make such an appropriation.

This is the situation in the richest city in the country, if not in the world. I ask the Senator and the Senate to consider what is happening in the other large industrial centers of the country and in the smaller industrial centers. I presented a survey from 303 cities in the United States and a summary of the replies which came in response to a questionnaire sent out, showing that 174 mayors as long ago as last January stated that they could not care for the unemployed and their dependents without Federal assistance.

Mr. COPELAND. I wish to ask the Senator from Wisconsin if he voted against the surrender, as he calls it?

Mr. LA FOLLETTE. Yes, I did; and I am proud of it. I maintained then that when the Senate surrendered upon that issue it abandoned the pleas of distress coming from 6,000,000 unemployed persons in the United States and another 5,000,000 who are on part-time employment and who are receiving too small a wage to prevent their families from suffering privation and want.

Mr. President, right here in the city of Washington, which is not an industrial city, we have already seen that there are several thousand school children who are undernourished and underfed. Pleas are being made to Congress that money shall be appropriated in order that those undernourished children may be given enough food to enable them to attend school. With such a situation in the city of Washington, which is not an industrial city, I ask Senators to picture in their own minds what widespread suffering is prevalent in the industrial centers of the country as we approach the end of the second winter of unemployment.

Mr. COPELAND. Mr. President, I agree almost 100 per cent with what the Senator from Wisconsin has said, but he has been very free to criticize individual Senators for the way they have voted. I want to say that when a Senator, knowing that he could not get more than was provided in the promise made, knowing that there was hope of carrying out that promise, and that, if carried out, it would save life, relieve suffering, appease the hunger of little children in the drought-stricken areas, voted against it; I fail to see how he has a right to criticize me for the way in which I voted.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. Mr. President, I pointed out at the time the so-called compromise was under consideration in the Senate that it was based on a proposition to extend relief only to those who could furnish security; that it abandoned the thousands upon thousands of farmers and their families, who, as the result of the drought, have no security to offer as a basis of procuring loans for their relief.

This morning the junior Senator from Arkansas [Mr. CARAWAY], on the floor of the Senate has stated that the Secretary of Agriculture is so administering this provision that even those who have security are unable to obtain any relief under it; and, Mr. President, if I may be permitted to say so, the sham of the "compromise" is being more and more exposed as time goes on.

Mr. BORAH and Mr. BLEASE addressed the Chair.

The VICE PRESIDENT. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. I yield first to the Senator from Idaho.

Mr. BORAH. Mr. President, this debate this morning reveals, as the facts heretofore have been revealing, that Congress is going to adjourn upon the 4th of March without really having taken care at all of those who have no security to give for food. We have four days more in which we may possibly correct that error; but, as the Senator from Wisconsin has so emphatically and so eloquently said, we have really failed to reach those people at all by our legislation. Leaving out of consideration now the fact that even those who have security are having the law administered in such a way that they can not avail themselves of its benefits, we have not undertaken to reach the other people at all.

I suggest to those who know the situation the possibility of putting through by means of a joint resolution an appro-

priation of $10,000,000, to be used exclusively for the benefit of those who have not the security to give in order to enable them to obtain food. If we can do that before the session of Congress ends, we shall have gone far toward redeeming ourselves, in my judgment, with reference to the duty which has been devolving upon us for the last three months.

Mr. COPELAND. Mr. President, I thank the Senator from Idaho for what he has said, and I hope the Senator from Massachusetts [Mr. WALSH] will give consideration to the suggestion made by the Senator from Idaho.

However, I want to say a word or two more to the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senator holds a certain philosophy, a certain conviction, and I honor him both for his philosophy and his conviction. He believes that there should be general relief—and I follow him in that and approve of it—but when the Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY] found they had to take what they could get or nothing, when there was starvation and suffering in their State, they did not only the humane thing but, as I view it, the sensible thing; and I would not be proud, in defending a philosophy or a conviction, to state that I cast a vote against a measure which would permit some, at least, of those who suffer to be relieved of their suffering. I do not follow the Senator that far, and I am sure, when he gives mature consideration to the thought he has expressed this morning, he will take a different view.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. COPELAND. If there be a thousand people drowning, the rescuer does not defer all his efforts until he can find a piece of apparatus by which the whole thousand may be saved, risking the chance of having all of them drown, when by prompt action he may save 500 or 100 or even 10.

Mr. COUZENS. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield to the Senator from Michigan.

Mr. COUZENS. I wonder why the Senator from New York did not make the speech he is now making when we were considering the Arkansas surrender? That was the time when we might have gotten the relief about which the Senator is now talking.

Mr. COPELAND. I think this is the first time the Senator from Michigan has ever suggested that I make a speech. If there is any Senator in the body who has talked more frequently on this subject, as well as on some others, than has the Senator from New York, I should like to meet him. I have made speeches of this character in season and out of season all the time. The Senator from Wisconsin glories in the fact that he voted against surrender.

Mr. COUZENS. So did I.

Mr. COPELAND. Before the Senator from Michigan glories in it let me say that many a brave general has had to surrender and has had to accept terms of capitulation that were distasteful to him. Does not the Senator suppose that the Senators from Arkansas would have preferred to have the project carried through as they first proposed it? Of course, they would. But they found out—and nobody knows that better than does the Senator from Michigan—that they could not get what they wanted. Therefore they agreed to take what they could get.

I am not going to defend the administration in its failure to carry out its share of this responsibility or its share of what the Senator perhaps might call "the bargain." It has not carried it out; I do not think the Secretary of Agriculture has acted in good faith; but the Senators who were contending for human beings, for persons whom they knew, when they saw in it the hope of saving them from starvation did the natural and the proper and the wise thing as I see it.

Senators may come here and glory in the fact that they voted against the little relief which was given, perhaps to those only who could give security, but at least those persons obtained relief.

Mr. LA FOLLETTE. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. In the first place, Mr. President, evidence has been presented to the Senate this morning that even those who have security in the drought-stricken areas are not getting relief. In the second place, may I say that it was pointed out at the time the surrender was pending that the Secretary of Agriculture by the manner in which he was administering the $45,000,000 seed loan bill had demonstrated that he was not in sympathy with the legislation. Yet the Senator from New York and other Senators voted to turn over the second phase of the relief program for those who could furnish security to that same unsympathetic administration.

In the third place, the Senate brought forward the $25,000,000 proposition to provide medicine, clothing, and food for those who could not otherwise obtain it. Five other propositions were also brought forward as measures of relief. The Democratic leaders had a meeting, after which they declared those five propositions for relief were their minimum demands. They said further that they would force an extra session of Congress in order to obtain this program. The Democrats secured the support of Senators upon this side of the Chamber for that program. Then, Mr. President, weeks before the end of the Congress had been reached, weeks before they had carried their fight to its logical conclusion, they surrendered and they accepted the proposition for $20,000,000, to be loaned to those who had security.

In the first place, by that surrender they abandoned the other four propositions in their program. In the second place, by it they abandoned the thousands upon thousands of farmers in the drought-stricken areas who had no security and could obtain no relief under the bill, and, in the third place, they abandoned the millions of unemployed and part-time employed and their dependents in this country.

Now, I repeat to the Senator from New York, that I am not accustomed to engaging in sham battles. In so far as I am concerned, when I get into a fight I try to carry that fight through to its logical conclusion. I say further to the Senator from New York that if he had stood with those of us who wanted to carry the fight through to its logical conclusion we would by this time or at some time in the next few weeks have won our fight all the way along the line. I could not accept the sham compromise. I could not accept such an abject surrender of a vital principle. I said a moment ago, and I now repeat, that I am proud that I was not a party to the abandonment of the millions of men, women, and children in this country who in this very hour are suffering hunger, want, and privation.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. CARAWAY. Will the Senator permit me to interrupt him for a moment?

Mr. COPELAND. I yield.

Mr. CARAWAY. Mr. President, I engage in no kind of a controversy with those who disagree about the program. My good friend from Wisconsin has made reference to a surrender. I say most emphatically that there was no surrender, so far as I was concerned, and any statement of that kind is an utterly unsubstantiated statement. The legislation as it passed was the kind of legislation for which I asked every time I made a speech upon the floor of the Senate, and there is no one in the Senate who ever misunderstood my statement or my position with reference to it. That is not possible; it could not be done.

The $60,000,000 appropriation reported by the Senator from Oregon [Mr. MCNARY] carried a provision for loans secured by first mortgages or first liens on crops or other security. In the committee I had suggested that there ought not to be a lien on all the crop, but I was assured—and I examined previous legislation of similar kind—that in the entire history of legislation of this character there had always been made provisions for a first lien on the crop to

be grown with the seed and feed and fertilizer furnished to those who were in distress. So we accepted that provision.

The bill came upon the floor of the Senate and not a Senator who is now denouncing the legislation which has been enacted voted against it. There was no talk then of it not affording adequate relief. There is not a Senator who now denounces the legislation which has been enacted who did not support the $60,000,000 proposition, although it contained a less liberal provision to care for drought-afflicted people than that contained in the legislation which was enacted. Every one of them voted for it.

When the measure went to the other body it was amended by striking out "livestock" and substituting "work stock." Notwithstanding the fact that we had a Farm Board that was telling us that the 1-crop system was ruining us and that we ought to diversify, the body at the other end of the Capitol, I presume acting under instructions from the administration—because I think that has been pretty well understood, and that they voiced the administration's viewpoint—struck out "livestock" and substituted "work stock," so that a farmer in the drought-afflicted area was compelled to sacrifice all of his livestock. His milk cows, his hogs, and everything else must go because the administration would not permit a loan upon anything except work stock. It certainly was a bill written in aid of the mule and nobody else. It ought to have been so entitled.

The bill came back to this body under a conference report in which, as I said then and I want to say now, I am satisfied the conferees for the Senate did the best they could. I refused to criticize them then and I disclaim any criticism of them now. I said, however, upon the floor when the conference report was up, that it was a bill so restricted by its language, knowing the hostility of the Secretary and the administration to any liberal relief, that there was not a mouthful of food under the bill.

The conference report was agreed to. Then a bill making an appropriation of $45,000,000 to carry out its provisions came from the House to the Senate. I then offered an amendment to restore to it $15,000,000 to be made available as a loan with security to farmers under which they might borrow money to buy food. Every Senator who now criticizes the present measure voted for that $15,000,000 amendment to the drought appropriation bill.

I said then, and I repeat, that the people for whom I particularly spoke, those whose sentiments I professed to know, wanted an opportunity to save both their lives and their self-respect; that they represented the purest blood strain in America, so far as the Anglo-Saxon strain was concerned; that less than 1¼ per cent of them were foreign born; that the majority of them were qualified for membership either as sons or daughters of the American Revolution. They represented the oldest civilization we have.

I want to say, in addition to that, that in 1927 we had 4,000 square miles more of territory under water than the entire State of Maryland. We had 16,000 out of 52,000 square miles of our territory—and that is the most thickly settled—under water from 3 to 40 feet deep; and we survived that.

When legislation was passed in Congress to make appropriations to loan to farmers money to buy feed or seed or fertilizer, we never asked and never received a penny.

In 1928 we had other troubles.

In 1929 we had a fairly good crop and a poor price.

In 1930 we had the worst drought and the only severe drought we have ever had in our history. It was agreed that it was the worst-hit State, so far as the drought was concerned, of the 21 States affected by the drought.

I said then, however, and I repeat now, that we asked for an opportunity to borrow money under such conditions and on such terms as we could actually obtain it, and we would be able to raise ourselves out of our present disaster because—you will pardon me; I know you will recall it—I said that if our whole credit system had not broken down, we could yet get on without a dollar of governmental aid. Under the depression that struck all the country, however, and struck us particularly hard by reason of the severe drought, the greater amount of our credits was tied up in failed banks.

If you have not had a bank in a community, of course, you may not be much hurt; but if you have a bank in which every dollar of the public funds and most of the private funds are tied up, and it closes its doors, you not only have no credit facilities, but you have what resources you did have locked up in closed banks. Our credit situation, therefore, was destroyed; and we asked that you extend to us some credit medium through which we might obtain loans, and we would rehabilitate ourselves.

That has been my position from the beginning to the end. When the present so-called compromise bill came, it was better than the original $15,000,000 bill that I offered. It was better than the $60,000,000 bill, because it carried $5,000,000 more; and it added, as an additional purpose for which the $45,000,000 might be available, feed for livestock, so that the farmers could again feed their milk cows and their hogs and other livestock, and not be restricted to maintaining their work stock.

The $20,000,000 was made available, first, to establish credit by the way of establishing agricultural credit associations and livestock associations, under which those who could borrow through those means could get enough money to make their crop. Then we struck out the provision for a first lien on the crop, and merely inserted a provision for a lien, so that if a man already had a lien on his crop he might borrow under the bill and get food and medicine and clothes under its provisions.

It was charged here on the floor, and I do not think in bad faith at all—because I am not quarreling with the people of whose friendship we are the beneficiaries—that the language did not include these provisions. The Senator from Idaho [Mr. BORAH]—and I was awfully glad that he did it—proposed a resolution asking for its interpretation; and the Secretary of Agriculture gave us a statement of what he said would be his administration—a fair and sympathetic administration. The President promised us that; and let me say that the bill, as I said then and I am repeating now, was an agricultural and not an industrial relief bill. Under its provisions, if the Secretary of Agriculture will give us a fair and sympathetic administration of it, we can live. It seems to me, however, that he is deliberately suppressing the main part of the bill, the part of it under which we hoped to be able to make a crop. If he had given it to us, we could go to work, and we are glad to go to work. We wanted to save both our reputations and our lives.

Now, it is growing late. The bill was approved on the 14th day of February. This is the 28th of February. Anyone knows that in two hours the regulations for the administration of the $20,000,000 could have been written, and in two days it could have been put into administration, and people could have commenced to borrow under it, and could have made their arrangements to make a crop. As it is, they have to wait; and whether or not the Secretary is going to give us any relief under it I do not know.

Mr. BARKLEY. Mr. President——

Mr. SMITH. Mr. President, may I ask the Senator what reason the department has given for the delay? The farmers are there, the farms are there, and the money is made available.

Mr. CARAWAY. Mr. President, I can not get any reason. I have been promised from day to day that the regulations would be out within a day or two days, until yesterday I called up Mr. Warburton, and he said that he had prepared them, but the Secretary did not want to approve them, and had gone to Cincinnati to make some kind of a speech. I take it that he has moved the main office of the Secretary of Agriculture to Cincinnati, because that is where he had gone another time when we wanted him.

Mr. BARKLEY. Mr. President, if the Senator will yield——

Mr. CARAWAY. In just a minute. I think the Secretary is deliberately delaying putting into effect the second provi-

sion of the $20,000,000 loan bill, which was to loan farmers money to make a crop for 1931 for agricultural rehabilitation.

The Senator from Kentucky was the first to address me. I yield first to him, and then I shall yield to all of the Senators.

The VICE PRESIDENT. The Senator from New York [Mr. COPELAND] has the floor. Does the Senator from New York yield to the Senator from Kentucky?

Mr. CARAWAY. Oh. I beg the Senator's pardon.

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I desire to corroborate what the Senator from Arkansas has said. I was reliably informed just a few moments ago that the regulations for the distribution of the last $20,000,000 which we provided have not been promulgated, and there is no definite information as to when they will be promulgated.

In addition to that, while I am on my feet, I wish to call attention to the fact that until within the last very few days the Department of Agriculture had not provided in some of the largest counties in my State more than 25 application blanks upon which the farmers could make application for seed loans under the resolution we passed prior to the Christmas holidays; and only after the most urgent insistence, not only here at the Department of Agriculture but at the seed-loan office in St. Louis, have we been able to secure any assurance that application blanks will be provided to allow farmers to make application under the original appropriation, to say nothing about the last $20,000,000.

Mr. HARRIS. Mr. President——

Mr. COPELAND. I yield to the Senator from Georgia.

Mr. HARRIS. I called Doctor Warburton on the telephone this morning about the $2,000,000 loan fund, which interests about half the counties in my State, the others not being able to come in under the provisions of the $45,000,000 bill. He informed me that the applications are being printed, that it will be several days before the printing is completed, and that it will be some time next week before the applications can be distributed.

Mr. SHIPSTEAD. Mr. President, I am compelled to leave the floor in order to attend a committee meeting. Will the Senator yield to me to read a letter upon this subject from a farmer?

Mr. CARAWAY. The Senator from New York [Mr. COPELAND] has the floor. If he will yield to the Senator from Minnesota——

Mr. COPELAND. Mr. President, what is the request? I am very anxious to get through. I had no idea of holding the floor very long.

Mr. CARAWAY. Will the Senator yield to me, then, for just one moment longer? I want to say this in conclusion:

I merely want to keep the record straight. I am not pretending that this bill would have given relief to industrially depressed communities. It was not so designed. I have stood ready and I stand ready yet, as I said before, to support any measure that those who are more directly representative of the communities that are industrially depressed might think would afford them relief. I have not changed my position, however, nor do I purpose to permit anyone to misunderstand it or to misstate it on the drought-relief legislation. I have stood always exactly in the same position; but I am not quarreling with those people who do not think it went far enough.

Mr. SHIPSTEAD and Mr. GLENN addressed the Chair.

Mr. COPELAND. Just a moment before the Senator stops. Does the Senator consider that what we did was an abject surrender, in view of the promises made to us?

Mr. CARAWAY. Mr. President, it was more than we had first been promised. It was more than the original joint resolution. It was not a surrender upon the part of the people for whom I spoke and with whom I cooperated; but it was a retraction of the position of the administration, because it could have had on the 14th day of December the legislation it got on the 14th day of February.

After it had gone through all the protestations of undying hostility, actuated by certain principles it was alleged to possess, it came around and accepted in a more liberal form the bill introduced by the Senator from Oregon [Mr. MCNARY.]

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. COPELAND. I yield.

Mr. SHIPSTEAD. In view of the early approach of the spring planting season, and in view of the remarks which have been made about the machinery that is set up for the purpose of carrying out the provisions of the act of Congress, I am going to read to the Senate a letter I have received from a farmer in Mennesota, who has accepted the position of chairman for his county in supervising the Government loan. The letter is from Peter E. Stich, of Stephen, Minn., and reads:

HONORABLE SIR: I accepted the chairmanship of the county committee to pass on applications of farmers in the hailed-out area of Marshall County for loans from the United States Government for seed, feed, and fuel. We have received some supplies from Mr. Eliff, who is in charge of the Grand Forks seed-loan office of the United States Department of Agriculture. From reading these instructions and viewing the supplies I beg to advise you that the nature of the security required is such that it places the loan beyond the reach of 90 per cent of our farmers who need this financial backing to put in this year's crop.

This is an alarming situation and one which I am sure you are not aware of. We have had a dozen applicants, and three times that many who have talked to me, just in my home township of Tamarac (157–48). In practically every instance the farmer farms some rented land beside the farm on which he resides. The reason for this must be known to you, as it is the fact that absentee owners hold a lot of our land through mortgage foreclosures. Most of this land is being farmed by neighbors. The United States Department of Agriculture is requiring an absolute first lien on everything that the applicant is farming before they will loan him a cent. For instance, we will take a typical applicant of Marshall County, and one who started to make an application and then threw up his hands, when he learned of the waivers required. He owns his own farm and farms it, and rents adjoining land from two different absentee owners. He wishes seed, feed, and fuel to enable him to put the crop in on his own farm. The newspapers have informed him that the United States Government will loan him money for these purposes and he desires to obtain the loan as he can get the money nowhere else, for his chattels are mortgaged, and he has a real-estate mortgage on his farm. On the land he is renting the landowners are furnishing him with seed and renting on the usual half-share-rental contract. They will not waive their interests in the crop to be raised on their lands for which they are supplying the seed in order that this farmer can obtain seed, feed, and fuel for his own farm. Nor would you or any other good business man. But still this is what is being asked.

I fully realize that the time is at hand when the money is needed and seed should be purchased. In the State of Minnesota I understand that a seed lien is a first lien on the crop for which the seed is furnished. This fact should obviate the necessity of waivers from landowners. But this is not sufficient security for the loan. In addition there is asked a first lien on all the land which the applicant is farming and waivers from all interested owners or prior mortgagees. I think that if the matter can be arranged so that our farmers can obtain seed that they will be able to carry on for feed and fuel some way. I suggest a seed lien covering land for which seed is furnished. If this is not done the loan is beyond the reach of our farmers and of little if any benefit to this section of the country.

I believe that it was the intention of the United States Government through our Representatives and Senators to enact legislation and make an appropriation for these loans which would render assistance to those in need of it. This end has been defeated. Your immediate action appears to be the only thing which can remedy the situation. I shall await your advice as to whether there will be loans available to our farmers.

Mr. President, that letter comes from a man who has been appointed to supervise the loans to farmers in the county where he lives. I have every reason to believe that he states the facts as they are, and unless something is done to make it possible for these people in need, 90 per cent of whom can not avail themselves of loans under these rules and regulations, to get the loans, the purpose for which Congress passed the recent legislation will be thwarted, and the intended aid will not be given.

I thank the Senator from New York for yielding to me.

Mr. COPELAND. Mr. President, when we made what the Senator from Wisconsin calls "an abject surrender"—of course, I do not accept that characterization, and I put the words in quotation marks—we had a right to believe that the administration in all fairness and justice would go

forward with what the Congress adopted as its will. We had a right to believe that it would do that. If the Secretary of Agriculture has fallen down on his job, that is to be regretted, and it is the fault of the Republican administration. But when we adopted the proposal we took it in good faith.

A man certainly would not be proud, to use the language of the Senator from Wisconsin, for having voted against a measure which everybody thought would be carried out in good faith. No man could be proud of voting against something which would give food and sustenance to those who were starving or in distress. Of course, we have different ideas about what we should be proud of, and we hold different ambitions; but I could never be proud to think that I had voted against any measure which had in it the hope of saving human life. As it has turned out a man may stand up now and say, "Because the administration has not carried it out I am proud I did not vote for it." That is quite a different thing.

Mr. President, I will go as far as the Senator from Wisconsin will go in demanding relief in the industrial sections of our country. I was in the fullest sympathy with the appeal he made, and the equally eloquent appeal of the Senator from Massachusetts; but the Republican administration has utterly failed to measure up to its responsibility, and the responsibility rests there.

That there is widespread distress in this country, and that no effort is being made to relieve that distress, is the fault of the White House and the Republican administration. If the President at Christmas time had recognized the importance of the problem, the Red Cross would have been called into action, and the appeal for funds would have been made at a time when there would have been universal response to the appeal. But in the meantime, by reason of the delay, the funds which ordinarily go to the Red Cross had been absorbed by relief committees in the various industrial centers.

Mr. President, I heard what the Senator from Wisconsin said about my city. We do not ask for one penny of Federal funds, not one cent from the Public Treasury. There is no question about what the city of New York will do. The Prosser committee raised $8,500,000. The Senator from Wisconsin expressed doubt that the board of estimate would provide $10,000,000 more. I dispute the statement. There is every evidence, from the papers this morning, that on next Tuesday, at the executive session of the board of estimate, that $10,000,000 will be provided to take care of the people in my city. I am not making any appeal for the people of my community. We will take care of the people suffering in that community. The great heart of New York has never failed, and it will not fail now. There will be funds for our people.

My plea is for the country at large. I think the Senator from Wisconsin was somewhat heated this morning in what he had to say, and I do not blame him. I know how interested he is in this problem and how disappointed he is that the administration has not handled it. At the same time, he must not criticize those of us who did what we could and continue to do what we can to relieve distress.

My plea, and what I came here to say—and I had no thought of being on the floor more than five minutes—is that even yet the Congress may take some effective action in order that there may be left in the hands of the President funds to be used in case of necessity to deal with the increasing distress in the industrial centers as well as in the drought-stricken States.

Let me appeal to my friend from Massachusetts that he give early attention to the suggestion made by the Senator from Idaho that we now make an effort to put through a joint resolution to provide funds which may be used after we have adjourned this session.

Mr. President, I think there rests upon the President and on the Republican Party a responsibility which is theirs. If they had come here at the beginning of this session with a program of relief, there is no question but that every Senator on this side of the aisle would have voted quickly and enthusiastically to support the administration in an effort to relieve distress and unemployment. But the President did not see fit to do that, and the responsibility is his. It rests upon him and he will have to answer for the results.

GEORGE B. M'LEOD

Mr. HARRIS. Mr. President, I want to ask unanimous consent to bring up a bill, a counterpart of which is now on the calendar in the House, which has been reported favorably by the Committee on Claims in both Houses. There will be no debate on it, I am sure. I refer to Senate bill 6254, for the relief of United States Marshal George B. McLeod.

Mr. JOHNSON. Is the bill upon the calendar?

Mr. HARRIS. The bill was reported this morning for the calendar. A similar bill is on the House Calendar, and if the Senator will let me explain I am sure there will be no opposition to it.

The bill is to reimburse the United States marshal in the southern district of Georgia for the payment of $577 for services as stenographer in a court case. Competitive bids had been asked for the reporting, but the comptroller would not pay the bill because the man was drawing another salary, although the work he did as a stenographer did not in any way relate to his other work. I hope there will be no objection to the bill.

There being no objection, the bill (S. 6254) for the relief of United States Marshal George B. McLeod, which had been reported from the Committee on Claims without amendment, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of George B. McLeod, United States marshal for the southern district of Georgia, in the amount of $577.50, being the amount paid by him to J. W. Talbert for stenographic service in reporting the testimony of James J. McGrath in the matter of the United States against Sonia Goldbert and others in February, 1929.

UNITED STATES NAVAL ACADEMY ON PACIFIC COAST

Mr. JOHNSON. Mr. President, I ask permission to introduce a joint resolution and to have it read. I do not ask that it be considered at present, but I desire to spend two or three minutes making a statement in relation to it.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S. J. Res. 259) creating a joint select committee to investigate the question of establishing a United States naval academy on the Pacific coast was read the first time by its title and the second time at length, as follows:

Whereas the present number of midshipmen at the United States Naval Academy is insufficient to meet the needs either of a Navy of the size assigned to the United States under the limitation of armaments agreement or of a Navy corresponding to our rapidly growing maritime interests and proportional to the position on the seas that will be ours within a few years; and

Whereas the very rapid evolution of aviation afloat and ashore, both in the naval service and in civil life, requires in the immediate future many more naval aviators than can be supplied through the training of present complements at the United States Naval Academy; and

Whereas it is highly desirable in the interest of naval effectiveness that the Marine Corps and the staff corps of the Navy be regularly recruited from Naval Academy graduates, which will be impossible without increasing the number of such graduates; and

Whereas one of our greatest naval deficiencies is in the number of properly trained reserve officers, and this deficiency would be best filled from Naval Academy graduates who have entered civil life, the availability of any considerable number of whom would require surplus graduates of the Naval Academy return to civil life annually over and above the number needed for retention in the service; and

Whereas the continuous successful expansion of the American merchant marine, upon which the prosperity of our country so much depends, will be greatly aided by the recruiting of its officer personnel from Naval Academy graduates, at present impossible on account of the small number of such graduates; and

Whereas it is of great national benefit, as George Washington declared and experience proves, to have among our citizens civilians who have received the benefits of the education and training that the United States Naval Academy and the United States Military Academy gives, and since the number of such citizens

at present is small by reason of the small number of graduates from our two national academies: Therefore be it

Resolved, etc., That a joint committee of Congress, to be composed of three Members of the Senate, appointed by the Vice President, and three Members elect of the House of Representatives of the Seventy-second Congress, appointed by the Speaker of the House of Representatives, shall make an investigation relative to the practicability, advisability, feasibility, and location of a United States naval academy on the Pacific coast of the United States.

SEC. 2. For the purposes of this resolution the committee, or any subcommittee thereof, is authorized to select a chairman and to hold such hearings after March 4, 1931, to sit at such times and places, to employ such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to have such printing and binding done as it deems advisable.

SEC. 3. The head of any executive department, independent establishment, or agency in the executive branch of the Government shall, upon request of the committee or any subcommittee thereof, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the committee, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist such committee or subcommittee in carrying out the provisions of this resolution.

SEC. 4. The committee shall report to Congress the results of its investigations, together with its recommendations for legislation, if any, on or before December 18, 1931.

SEC. 5. To carry out the purposes of this resolution there is hereby authorized to be appropriated the sum of $10,000, one-half to be expended from the contingent fund of the Senate and one-half from the contingent fund of the House. All expenses of the committee shall be paid upon vouchers to be approved by the chairman of said committee.

Mr. JOHNSON. Mr. President, let me say in a word that the purpose of the joint resolution is not to retard legislation at the present time nor to interfere with any pending measures at all. Its design, sir, is in line with the dreams of some of us who live on the Pacific coast of possibilities there.

I can recall 30 years ago, when I used to speak of the possibilities of the coast, of its commerce, its importance, and its population, people were inclined to smile indulgently; and yet, according to the last census, the sixth State in the Union in population is to-day the State of California; its expanding maritime activities and its rapidly increasing commerce are recognized as of prime national importance. I can recall the times when we thought little of the commerce on the Pacific, and yet to-day, sir, there is no man of vision but realizes that ultimately the theater of world activity will be upon that ocean.

The mild Pacific, sir, washes the shores of more than a third of the earth's surface. The mild Pacific touches 70 per cent of the population of the entire globe.

My design is, and it is a dream which ultimately will come true, though not to-day, of course, upon the Pacific slope—and I count the Pacific slope all of that territory which is west of the Rocky Mountains—to have a naval academy finally, a naval academy not from the standpoint of militarism at all, but a naval academy which will furnish those who must necessarily finally, in the ever-increasing commerce of the Pacific and in the needs of the Pacific for national defense, provide the personnel for directing ships. It is not, I insist again, a design in erecting there a naval academy to increase the military forces of the land, nor is it directed mainly toward militarism.

There on the Pacific coast are harbors such as have no counterpart in all the world. No more appropriate place could be found for a naval academy. It interested me a few years ago in sailing about to observe harbors and make comparisons with harbors on the Pacific coast. Incomparably superior are our harbors to most in foreign lands. The commerce of the Pacific to-day by leaps and bounds has increased until very recently when difficulties have arisen in the Orient, and that commerce is destined to be even greater with the lapse of years. A naval academy such as suggested would accomplish many very important purposes.

Some of us who yet believe in national defense desire to have some measure of preparedness finally in case any differences may arise. We recognize that our Navy was stripped of its power by a naval treaty which we entered into just a few months ago. We recognize that then, under the pious cry of peace and protestations of what was going to be accomplished in the world, we reduced our Navy beyond that point at which we presumed it ever would be maintained. To-day, sir, not only have we done that, not only have we shot the Navy to pieces under a naval treaty, but the administration leaders in the House of Representatives have blocked any endeavor to build up even under that naval treaty, and to-day the Navy of the United States in comparison with the Navy of Great Britain is inferior and far from parity, and in comparison with that of Japan woefully inferior.

But this is not primarily a naval measure which I introduce. It is a measure for peace time and for the protection of our commerce, the education of those who ultimately may be sought to direct the shipping commercial interests upon the Pacific coast, the empire that is growing so to-day that a man needs no imagination to understand what its possibilities in a quarter of a century will be and how it will rank with all the world.

I ask that the joint resolution be referred to the Committee on Naval Affairs.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

WELFARE OF MOTHERS AND INFANTS

Mr. BARKLEY. I ask that the amendments just received from the House to Senate bill 255, for the promotion of the health and welfare of mothers and infants, and for other purposes, be retained on the Secretary's desk with a view to making a motion to concur in the House amendments. I do not make the motion now because of the absence of the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. The message from the House of Representatives will be retained on the Secretary's desk.

ELIZABETH LYNN

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6227) entitled "An act for the relief of Elizabeth Lynn," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

Mr. TYDINGS. What is the bill? One can not tell by the number.

Mr. HOWELL. These are certain claims where the Senate cut down the amount claimed as passed by the House and in conference compromises were made.

The report was agreed to.

JOHN MAIKA

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 531) entitled "An act for the relief of John Maika," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to each thereof with an amendment as follows: In lieu of the sum inserted by each of said amendments of the Senate insert "$3,000"; and the Senate agree to the same.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

GEORGE W. M'PHERSON

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8242) entitled "An act for the relief of George W. McPherson," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment of the Senate insert "$4,000"; and the Senate agree to the same.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

LAURIN GOSNEY

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2222) entitled "An act for the relief of Laurin Gosney," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

FEDERAL REAL ESTATE & STORAGE CO.

Mr. GOLDSBOROUGH. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4727) for the relief of the Federal Real Estate & Storage Co.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

Mr. DILL. Mr. President, is the bill on the calendar?

Mr. GOLDSBOROUGH. No; it was reported this morning. It simply refers a case to the Court of Claims for report back to Congress.

Mr. DILL. Is it a unanimous report of the committee?

Mr. GOLDSBOROUGH. It is.

Mr. DILL. I have no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment on page 1, line 4, after the word "determine," to insert the words "and report to Congress," so as to make the bill read:

Be it enacted, etc., That the Court of Claims of the United States is hereby authorized and empowered to hear and determine and report to Congress the claims of the Federal Real Estate & Storage Co. as owners of lands lying partly in Montgomery County, Md., and partly in the District of Columbia, arising out of the taking and closing of the Little Falls Road, leading from the Conduit Road to the aforesaid lands of the Federal Real Estate & Storage Co., by the building of the Delecarli filtration plant and other buildings in connection therewith, and for the closing of a road substituted therefor by the agreement of the United States district engineer and the Federal Real Estate & Storage Co., any statute of limitations to the contrary notwithstanding.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN INTERFERENCE WITH AMERICAN AFFAIRS

Mr. HEFLIN. Mr. President, under the rule I am required to give notice of a motion to discharge a committee from the further consideration of a bill. Accordingly I desire to enter a motion to discharge the Committee on Foreign Relations from the further consideration of the bill (S. 5868) making it unlawful for any American citizen to accept any office or title from any king, prince, or foreign state.

The PRESIDING OFFICER. The motion will be entered.

INVESTIGATION OF AGRICULTURAL CONDITIONS

Mr. WHEELER. Mr. President, I ask permission to introduce a resolution and to have it read, and then to make a very brief statement with reference to it. It will not lead to any discussion because I am going to ask that it be referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read the resolution (S. Res. 481), as follows:

Whereas the depression in agriculture continues unabated, and there are involved in the problem of prices for farm products, agricultural marketing, and financing, a number of questions which require detailed study and upon which Congress should have further information before considering remedial legislation: Therefore be it

Resolved, That a subcommittee of the Committee on Agriculture and Forestry, consisting of five members, including the chairman of the committee and four others to be designated by the chairman, shall be authorized, and is hereby directed to make full inquiry into the subject of agricultural conditions, including the efficacy of existing organizations for marketing and credit service

to agriculture, and report to the next session of Congress its recommendations in the premises.

Such subcommittee shall have full authority to administer oaths, or compel the attendance of witnesses and the production of papers, and to sit in Washington and such other places throughout the country as it may deem proper, and to sit while Congress is in session or during adjournment.

There is hereby appropriated from the contingent fund of the Senate the sum of $20,000, or so much thereof as may be necessary to defray the expenses of such inquiry.

The PRESIDING OFFICER. The Chair will state to the Senator that the resolution is not in proper form. It should provide an authorization and not an appropriation. The resolution reads:

There is hereby appropriated.

It should read "there is hereby authorized."

Mr. WHEELER. I desire this resolution to go to the Committee on Agriculture and Forestry. It does not provide for an appropriation, but for an investigation of agricultural conditions, the expenses to come out of the contingent fund of the Senate.

Mr. President, if I may say just a word, I will state there has been a considerable demand throughout the country that a general investigation of the Farm Board take place. I have been opposed to an attack on the Farm Board, but I feel that agriculture is in the most deplorable condition in which it has been for a number of years. I know that many members, if not a majority, of the Committee on Agriculture and Forestry are without any information as to exactly what has been going on in the Farm Board; how the four hundred or five hundred million dollars that have been placed at its disposal have been expended. So it seems to me that, during the recess, when Congress shall have adjourned, during the intervening nine months, the Committee on Agriculture and Forestry of the Senate ought to investigate farm conditions throughout the United States, and that it ought to examine and take testimony as to how the money appropriated for the Farm Board has been spent. It also ought to make a study of any proposed changes in legislation for the purpose of bettering the condition of agriculture. I hope, Mr. President, that the chairman of the Committee on Agriculture and Forestry will call the committee together and that we may get action upon the resolution in the immediate future.

Let me say to the Senate that while I have suggested the sum of $20,000, to be paid from the contingent fund of the Senate, to cover the cost of the investigation, I doubt if that much will be required, because most of the data which we desire, in my judgment, are available here in Washington or from the various cooperative organizations throughout the country.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Agriculture and Forestry.

WELFARE OF MOTHERS AND INFANTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. JONES. I move that the Senate disagree to the amendment of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON, Mr. JONES, and Mr. FLETCHER conferees on the part of the Senate.

SURVEY OF SEMINOLE INDIANS OF FLORIDA (S. DOC. NO. 314)

Mr. FLETCHER. From the Committee on Printing I report an original resolution providing for the printing of the document which I send to the desk, and I ask unanimous consent for the immediate consideration of the resolution. It will take but a moment.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 482), as follows:

Resolved, That the manuscript entitled "Survey of the Seminole Indians of Florida," by Roy Nash, be printed with illustrations as a Senate document.

Mr. FLETCHER. An estimate of the cost of the printing has been obtained.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

PROPOSED MERGER OF ROOSEVELT STEAMSHIP CO. AND INTERNATIONAL MERCANTILE MARINE CO. (S. DOC. NO. 313)

Mr. FLETCHER. Mr. President, yesterday there came to the Senate a report from the Shipping Board in response to a resolution which I had submitted. It is a very short report. It was ordered to be printed and to lie on the table. I ask to have the report printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the report was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

[Senate Document No. 313, Seventy-first Congress, third session]

PROPOSED MERGER OF ROOSEVELT STEAMSHIP CO. AND INTERNATIONAL MERCANTILE MARINE CO.

Letter from the vice chairman of the United States Shipping Board transmitting in response to Senate Resolution No. 431, information relative to the merger of the Roosevelt Steamship Co. and the International Marine Co.

UNITED STATES SHIPPING BOARD,
Washington, February 27, 1931.

Hon. EDWARD P. THAYER,
Secretary of the Senate, Washington, D. C.

SIR: In the matter of information requested of the Shipping Board by Senate Resolution 431, introduced by Mr. FLETCHER, I have the honor to advise as follows:

(1) What information the board has with respect to the merger of the Roosevelt Steamship Co. and the International Mercantile Marine Co.

It has been stated to the board indirectly that representatives of the Roosevelt Steamship Co. and associates have purchased a working control of the stock of the International Mercantile Marine Co.

(2) If the board has been consulted concerning this merger and what action or attitude the board took with respect thereto.

The matter has never been formally presented to the board although there was some informal discussion of the subject with representatives of the corporation in July, 1930.

(3) If the board permits any of its managing agents directly or indirectly to operate foreign-flag lines or vessels in competition with lines established and operated or sold by the board.

It is the recorded and established policy of the board to prevent such competition.

(4) What action the board contemplates taking as a result of this merger.

The investigations being made by the board have not developed to the point where that question can be definitely answered at this time.

(5) Whether any loan has been made by the Shipping Board for the construction of any ship now operated by any foreign company, or whether any ship for the construction of which loans have been made has been sold to and is now operated by any foreign company.

No.

Very truly yours,

E. C. PLUMMER, *Vice Chairman.*

STUDY OF UNEMPLOYMENT INSURANCE

Mr. WAGNER. Mr. President, the resolution submitted by me providing for a study of unemployment insurance was reported favorably by the Committee on Commerce and this morning was also favorably reported by the Committee to Audit and Control the Contingent Expenses of the Senate. Since then a defect has been discovered in the drafting of the resolution. So I am reintroducing the resolution in its proper form, and I ask that it may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New York that a better plan would be to wait until the report of the committee shall come in and then to move an amendment, because the Committee to Audit and Control the Contingent Expenses of the Senate will not again meet this session.

Mr. WAGNER. I consulted the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate and he suggested the procedure which I have proposed.

The PRESIDING OFFICER. If the Senator from New York desires to take the risk, it is all right, but the Chair suggests that there will be no further meeting of the Com-

mittee to Audit and Control the Contingent Expenses at this session, and there will be no polling of the committee.

Mr. WAGNER. I take it that after all the committee may modify its decision in that regard. Then, under those circumstances, since the resolution has already been reported favorably by the committee, I ask unanimous consent for its adoption.

The PRESIDING OFFICER. Is the resolution as reported on the calendar?

Mr. WAGNER. The report has not been submitted, but the Chair knows that the committee agreed to report the resolution providing for an expenditure of $10,000, and the resolution is in conformity with the report.

The PRESIDING OFFICER. The Chair is trying to assist the Senator in getting what he desires.

Mr. WAGNER. I appreciate that.

The PRESIDING OFFICER. The Chair will suggest that when the report comes in the Senator offer the resolution he now has as a substitute, and then it will be perfectly clear of any parliamentary confusion.

Mr. WAGNER. Very well.

THE MANGANESE INDUSTRY AND THE DUMPING OF MANGANESE ORES

Mr. HEBERT obtained the floor.

Mr. ODDIE. Mr. President——

Mr. HEBERT. Mr. President, the Senator from Nevada wishes to make a brief statement, and I now yield to him for that purpose.

Mr. ODDIE. Mr. President, it will take me but a few moments.

Mr. President, the American manganese industry, in response to the protection afforded in the tariff act of 1930, was making excellent progress and would have in 1930 produced about 200,000 tons of metallurgical-grade ore had it not been for the dumping of soviet ores at artificially low prices far below the cost of production in the United States.

When this dumping began the industry was compelled to shut down, and the situation was so serious that on July 30, 1930, I wrote to the Hon. Seymour Lowman, Assistant Secretary of the Treasury, setting forth fully the conditions and urging upon him the importance of affording relief under existing statutes. On August 2, 1930, additional information came to me to the effect that the price for the manganese ore also being sold by the Soviet Government in the United States was less than the cost of production in Russia, and on that date I conveyed this information to Mr. Lowman calling attention to the dumping of soviet manganese ores and asking that the liquidation of entries of such ore from Soviet Russia be suspended under the provisions of the antidumping act of 1921 and until a satisfactory ascertainment of the proper antidumping increment of duty should have been determined. I herewith submit for the RECORD my letters to Mr. Lowman of July 30 and August 2, 1930, and his reply of August 12, 1930.

The PRESIDING OFFICER. Without objection, the correspondence will be printed in the RECORD.

The correspondence referred to is as follows:

JULY 30, 1930.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury,
Washington, D. C.

MY DEAR MR. SECRETARY: The American Manganese Producers' Association, through its president, Mr. J. Carson Adkerson, informs me that since the 1930 tariff act became a law the Soviet Government has reduced the price of Russian manganese ore so low that American producers of manganese have been compelled to shut down mines and plants. I am also informed that the soviet manganese price is below the cost of production. Furthermore, production losses are being justified and sustained in order to establish foreign gold credits for purchases of steel, machinery, and equipment required under the Soviet Government's industrialization program. In substantiation, I quote from The Iron Age of May 8, 1930, as follows:

"HAMBURG, GERMANY, April 21.—Based on recent reports and statements by government officials in Soviet Russia, the government is losing heavily on manganese-ore production in the Caucasus. The director of mines has stated that production costs have advanced about 34 per cent recently. Estimates by German ore dealers show that the Russian Government is selling manganese ore from the Georgian mines at about 3d. (6 cents) per unit less than the cost of production. However, the Soviet Government is selling manganese ore regardless of costs to establish sufficient foreign credits for purchases of machinery and equipment required in its industrialization program."

When the Soviet Government adopts a policy to meet the American price without regard to the cost of production and the losses sustained, I submit that this constitutes "dumping" of manganese ore on the American market and that this "dumping" policy nullifies the provisions of paragraph 302–a of the tariff act of 1930 and prevents the operation and development of the American manganese industry.

A crisis exists in the American manganese industry which requires emergency relief by declaring immediately an embargo on the importation of Russian manganese ore.

Furthermore, the question as to whether the manganese ore in Russia is produced by convict, indented, conscript, or forced labor arises. Soviet competition has some unusual factors which should be taken into account if the interests of American capital and labor are to be considered and adequately protected. On this question I quote from the Business Week of April 9, 1930, as follows:

"The important factors that distinguish Russian competition are, first, that other countries have what are called labor costs, which determine prices, while Russian industry has no labor costs in the sense in which we understand them. All workers are practically State employees, and internal wages and prices are so regulated by the State that comparison between real labor costs in Russia and other countries is practically meaningless. At best they are merely subsistence costs, charged not to the industry or the product but distributed over the whole economic system.

"Costs of production in the usual sense do not begin until her exports pass her border and she has to commence paying both her transportation and handling charges in terms of wages of non-Russian workers. Consequently, prices on her exports can be fixed almost arbitrarily."

Under such circumstances the "dumping" of Russian manganese ore on the American market, regardless of price, and the system of using convict, indented, conscript, or forced labor, the duty in the 1930 tariff act is too low to afford adequate protection to the domestic manganese industry. The most immediate and certain relief from such arbitrary and unfair manufacturing and selling practices is the declaration of an embargo on imports of Russian manganese ore.

It is reported that representatives of the Amtorg Trading Co., the business organization of the Soviet Government in the United States, has stated that the consumers of manganese in this country are dependent on Russian manganese ore because of its superiority in grade to that of American origin. This statement has no foundation in fact. The manganese product of the Butte mines has for some time been used by the steel industry and preferred because of its freedom from objectionable impurities and its high grade of 60 per cent manganese content as compared with 50 per cent for Russian ore. The products of other domestic mines have also been used and found superior to the Russian ore.

The contention urged by the steel interests during the tariff debate that there were no satisfactory domestic ores has been completely dissipated by actual developments in the past two years. The production of marketable manganese from domestic mines in 1929 was 30 per cent greater than in 1923, and the production recorded during the first few months of 1930 indicates that the production for this year will be approximately 200,000 tons, or an increase of about 400 per cent over 1928, provided that there is a market for the ore.

The steel industry, grown fat on protection, urged Congress to restore manganese ore to the free list, and the Senate Committee on Finance so recommended. The Senate, however, voted 60 to 18 not only to restore the 1922 rate of 1 cent per pound on the manganese content but extended the duty to apply on ores containing from 10 to 30 per cent manganese, which in the 1922 act were on the free list. The conference committee on the 1930 tariff bill concurred in my amendment, as above stated, and the House of Representatives voted in its favor. There is no question but that Congress regards the development of a strong domestic manganese industry important to the Nation's peace-time economy and to its national defense.

The selfish views of the steel interests were overwhelmingly set aside by Congress in the 1930 tariff act in favor of a nationally progressive policy of development for the domestic manganese industry; and nothing should be allowed now to interfere with full operation of the protection afforded manganese ore in the 1930 tariff act. No doubt the Bethlehem Steel Co., obtaining most of its manganese supply from the Soviet Government, would like to continue to set aside the American tariff and obtain their product at the expense of American capital and labor and under the starving subsistence allowance paid to soviet convict, indented, conscript, or forced labor. The selfish desires of the Soviet Government and the American steel interests must again be set aside by an administrative order declaring an embargo on the imports of Russian manganese ore.

To allow the domestic manganese industry to be shut down because of these unfair and artificial trade practices of the Soviet Government would be indefensible in times of exceptional national prosperity and under the fullest employment of American labor. To permit this unfair trade practice to exist now, when this Nation is struggling to regain its economic equilibrium and to insure more employment to the American workingman, would be a national economic error of the first magnitude. The immediate declaration of an embargo on Russian manganese ore will not only protect the large amount of capital invested in the American manganese industry but will result in greatly improved employment conditions for thousands of American miners. Since

there are manganese deposits in 34 States of the Union, the benefits of increased labor employment from an expanding manganese industry would be generally well distributed throughout the Nation.

The present practices concerning the manufacture and "dumping" of Russian manganese ores in the American market are indefensible from any national or humane viewpoint. As chairman of the Senate Committee on Mines and Mining and leader of the 1930 manganese-tariff fight, I submit the question of declaring an embargo on the imports of Russian manganese ore.

Very sincerely yours,

TASKER L. ODDIE.

UNITED STATES SENATE,
Washington, August 2, 1930.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: With further reference to my letter of July 30, 1930, urging that an embargo be placed upon Russian manganese-ore imports, I desire to call your particular attention to the emergency relief which may be afforded under the provisions of the antidumping act of 1921.

It is generally known that the Harriman interests were forced to relinquish their concession on the Caucasus manganese deposits because they failed to meet production costs when the world price of manganese was 40 cents per long ton unit of 22.4 pounds of metallic manganese. It is, therefore, inconceivable that under the present soviet management, costs of production have been lowered sufficiently to permit this ore to be laid down in the United States at a cost of even 30 cents per unit. Notwithstanding this, Russian manganese is freely offered for sale delivered at American seaboard ports at 25 cents per unit plus the duty. Furthermore, it is understood that Russian ore has been sold in Europe at prices substantially higher than those at which similar ore is being offered and sold in American markets. It is also reported that agents of the soviet manganese-ore trust have assured consumers in the United States that they are prepared to undercuote domestic producers of manganese ore at all times.

Under these circumstances and the crisis which exists in the American manganese industry, with mines and plants being shut down due to the dumping and unfair trade practices of the Soviet Government, I hereby petition, under the provisions of the antidumping act of 1921, that from this date liquidation of entries of manganese ore imported from Soviet Russia be suspended until a satisfactory ascertainment of the proper antidumping increment of duty shall have been determined.

While it may require some little time to determine the facts upon which an embargo on Russian manganese ore, urged in my letter of July 30, 1930, can be made effective, this petition, if promptly acted upon, will afford a measure of immediate relief to the American manganese industry.

Very sincerely yours,

TASKER L. ODDIE.

TREASURY DEPARTMENT,
Washington, August 12, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR: Your letter of August 2, further in regard to importations of manganese ore from Russia, has been received and carefully considered.

Under the provisions of the antidumping act of 1921, dumping exists only where the purchase price or exporter's sales price, as the case may be, is less than the foreign market value; i. e., the price at which the same or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption—or if not sold or offered for sale for home consumption, then for exportation to countries other than the United States—or in the absence of such value, the cost of production.

Due to the fact that the Soviet Government of Russia has not been recognized by the Government of the United States, the Treasury Department has no representatives in Russia and has no other facilities for obtaining reliable information as to value, costs of production, or other conditions in that country which might warrant a finding of dumping, or obtaining competent evidence which could be used in appraisement or other court proceedings. As you are doubtless aware, general information and hearsay would not be admissible as evidence in any such proceedings.

Dumping has been alleged as to several commodities from Russia, but, due to conditions recited above, the Treasury Department has been unable to deal adequately with them. In a single instance, that of safety matches, the evidence was sufficient to warrant a finding of dumping. In this case the evidence, in the form of direct testimony and official trade publications of the Soviet Government, was obtained and presented by representatives of the industry in the United States. May I suggest a similar course for the consideration of the American Manganese Producers' Association.

In the present case there is no evidence whatever of a competent nature that the purchase price or exporter's sales price is less than the foreign value of the manganese ore imported from Russia and inasmuch as under present conditions, and so long as those conditions continue, there seems to be no likelihood that the Treasury Department will be able to obtain such evidence, I regret to inform you that the Treasury Department is not in a position to comply with your request that liquidation of entries covering manganese ore from Russia be suspended.

The Treasury Department is endeavoring in every way possible to carry out the policy embodied in the antidumping law, and any assistance which private interests may render which will enable it to enforce the law more effectually will be greatly appreciated.

Your letter addressed to the Hon. Edgar D. Brossard, chairman of the United States Tariff Commission, under date of August 1, 1930, in regard to importations of manganese ore from Russia has been referred to this department for reply.

The contents of the above-described letter appear to be identical with those of your letter addressed to the Secretary of the Treasury under date of July 30, to which I replied under date of August 2, informing you of the status of the particular matter and as to the Treasury Department's policy in respect to the enforcement of section 307 of the tariff act of 1930.

Inasmuch as the situation has not changed, as a reply to your letter to Mr. Brossard I refer you to my letter of August 2.

Very truly yours,

S. LOWMAN, *Assistant Secretary.*

Mr. ODDIE. Mr. President, on August 11, 1930, the American Manganese Producers' Association wrote to the Hon. Andrew W. Mellon, Secretary of the Treasury, requesting relief under the antidumping act of 1921 and petitioned the Secretary to withhold liquidation of entries of Russian manganese ores until the amount of actual dumping duty properly chargeable could be ascertained. I herewith submit this letter for the RECORD, together with a response by the Hon. Seymour Lowman, Acting Secretary of the Treasury, dated August 14, 1930.

The PRESIDING OFFICER. Without objection, the correspondence will be printed in the RECORD.

The correspondence referred to is as follows:

AMERICAN MANGANESE PRODUCERS' ASSOCIATION,
Washington, D. C., August 11, 1930.

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: (1) The American Manganese Producers' Association, under the provisions of the "antidumping act, 1921," respectfully petitions the Secretary of the Treasury to suspend the liquidation of entries of manganese ore exported from Russia to the United States pending an investigation by the Treasury agents of the increment of additional duty properly chargeable against imports of such ore, by virtue of the fact that such ore is freely offered and sold in the United States at less than its fair market value and at less than the indicated cost of production in Russia.

(2) Relief from this condition is requested under the "antidumping act, 1921," certain pertinent sections of which read as follows:

"SEC. 201. (a) That whenever the Secretary of the Treasury (hereinafter in this act called the "Secretary"), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies, in such detail as may be necessary for the guidance of the appraising officers.

"(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the reporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, then the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold its appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise."

(3) It is common knowledge that the Russian Soviet Government has determined to sell manganese ore in foreign markets as a means of creating gold credits, regardless of cost. This policy is clearly described in two memoranda, both dated August 5, 1929, prepared by Mr. E. C. Ropes, chief Russian Section, Division of Regional Information, United States Bureau of Foreign and Domestic Commerce, and supported by certain translations from the German press pertaining to Russian methods respecting the marketing of manganese. Copies of these memoranda constitute Exhibits A and B attached to this letter. Attention is directed especially to the following statements which appear in the memorandum marked "Exhibit A":

"Thus the basis for a dumping process of extraordinary nature and with far-reaching aims is present in Russia, and it is further extended by the difference maintained between the official valuation of the ruble in Russia and the actual value abroad. There is

thus added to dumping based on State capitalism a dumping based on the difference in exchange."

* * * "But the Russian effort is directed quite plainly further to shut out so far as possible, by quoting lower prices, other manganese producers and to assure a monopoly for itself."

* * * "The question is only whether the Russian policy will not lead to a further reduction of prices, with the result that their chief competitors can no longer meet them, and thus a Russian monopoly will be reached in the manganese market, as in the platinum market."

* * * "If the Russians once maintain a monopoly, which is quite easily possible with their opportunities for dumping, under the system where it is immaterial whether an export trust itself makes or loses, then they will very probably refuse to sell Russian ore to those plants which have adapted their processes at prices acceptable to the consumers, but will demand those rates that will suit them as monopolists."

The further reductions in manganese prices foreseen by Mr. Ropes a year ago have subsequently become an accomplished fact. As indicated by the Hamburg (Germany) correspondent of the Iron Age, and quoted by that well-informed organ of the steel industry, these low manganese prices resulted some months ago in a loss to the Russian export trust amounting to about 6 cents a unit. The article appearing in the Iron Age of May 8, 1930, is as follows:

SOVIET LOSSES HIGH ON MANGANESE ORE

"HAMBURG, GERMANY, April 21.—Based on recent reports and statements by government officials in Soviet Russia, the government is losing heavily on manganese-ore production in the Caucasus. The director of mines has stated that production costs have advanced about 34 per cent recently. Estimates by German ore dealers show that the Russian Government is selling manganese ore from the Georgian mines at about 3d. (6 cents) per unit less than the cost of production. However, the Soviet Government is selling manganese ore regardless of costs to establish sufficient foreign credits for purchases of machinery and equipment required in its industrialization program."

(4) That the efforts of the soviet manganese-export trust have not been in vain is evidenced by the following table which shows that the imports of manganese ore from Russia have increased at an extraordinary rate:

Imports of manganese ore into the United States

Year	Total from all countries (gross tons)	Imports from Russia	
		Gross tons	Per cent of total
1922 [1]	425,000	3,284	0.4
1923 [1]	419,000	23,340	5.9
1924 [1]	505,000	82,194	17.8
1925 [1]	615,000	229,074	40.0
1926 [1]	738,000	244,690	35.2
1927	622,067	253,544	40.8
1928	427,708	159,842	26.7
1929	664,209	329,338	49.6
1930 [2]	742,000	346,178	46.7

[1] U. S. Bureau of Mines estimate of gross weight, based on actual manganese content.
[2] Based on actual figures, imports for first 6 months of 1930 which show 173,689 tons from Russia and total from all countries 370,903 tons.

(5) The average price of manganese ore per unit for the five years ending January 1, 1929, was about 40 cents c. i. f. Atlantic seaboard. As a result of increasingly heavy importations of ore from Russia, however, manganese ore has been sold and is being sold on the Atlantic seaboard at approximately 25 cents per long-ton unit (22.4 pounds) or fully 15 cents below the average for previous years. The Summary of Tariff Information 1929, schedule 3, paragraph 302, page 598, presents a table of prices of manganese ore delivered in the United States. From this table it appears that the average price of foreign ore during the 5-year period ending January 1, 1929, was 68.19 cents per unit. This price includes the tariff of 22.4 cents per long-ton unit and freight equivalent to 5.04 cents per unit, and compares with the present price delivered at Pittsburgh, including freight of approximately 52.4 cents per unit.

(6) The dumping of larger and larger quantities of Russian ore upon the American market at continually lowering prices has recently compelled the major producers of manganese in the United States to close their mines and plants, throwing thousands of men out of employment. Furthermore, the normal expansion of the domestic industry has been definitely arrested, thus curtailing the possibilities of increased employmnet and seriously limiting the capacity of the industry to fully satisfy the manganese consuming requirements of the Nation.

(7) The recent developments in American manganese are well known. The production of high-grade manganese ore from domestic mines during the year 1929 was 60,000 tons or 30 per cent greater than during 1928, and the production accomplished during the first few months of 1930 indicates that the output during the current year would be in excess of 200,000 tons, or an increse of approximately 400 per cent, as compared with 1928, provided there is a satisfactory market for the orc.

The 60,379 tons of high-grade ore, containing 35 per cent or more manganese, shipped from domestic mines in 1929 was valued at the mines at $1,612,357. In addition the shipments of ore containing 10 to 35 per cent manganese amounted to 78,191 tons, valued at $451,843; and ore containing 5 to 10 per cent manganese amounted to 1,110,067 tons, valued at $2,822,623. Thus the total value of manganese and manganiferous iron ore shipped from domestic mines during the year 1929 amounted to $4,846,823. To this may be added freight paid to American railways amounting to over $3,000,000. This shows the total market value of the shipments of manganese and manganiferous iron ore from domestic mines during the year 1929 alone amounted to approximately $8,000,000.

The high-grade ore imported from Russia runs approximately 50 per cent metallic manganese. The major portion of the high-grade metallurgical ore produced in the United States runs from 56 to 62 per cent metallic manganese. The domestic manganese ore now produced from the low-grade deposits by the newer methods of beneficiation is the freest from impurities and is the highest-grade ore ever sold on the world's market.

(8) It is common knowledge that the Soviet Government is attempting to break down the capitalistic system and to destroy industries in United States. This is clearly outlined in an article appearing in the Business Week under date of August 9, a paragraph of which is as follows:

"Through her industrialization program and her state-controlled export activities Russia is aiming clearly to attack the capitalistic system in its most vulnerable spot and to speed up and force the collapse of free competitive markets by drastic price cutting."

See Exhibits C, D, E, F, G, and H.

(9) The policy and intent of Congress, as evidenced by paragraph 302 (a) of the tariff act of 1930, was to establish a domestic manganese mining industry based upon low-grade ore resources and newly developed processes. The policy and intent of Congress is rapidly being defeated by the aggressive dumping campaign of the soviet manganese ore export trust. During the last six months the price quoted by this organization has been progressively reduced and the assertion has been made that the soviet agents for the sale of Russian ore in the United States are prepared to undercquote domestic producers under any and all circumstances.

Our laws would not permit any American concern to destroy its rivals by such tactics, and our laws do not allow another country to attack us in this fashion. Relief to an American industry from this insidious foreign invasion is afforded through the provisions of the antidumping act, 1921.

(10) Manganese is essential to the production of steel and is an indispensable material in time of war. There is no substitute to take the place of manganese. Therefore, the development of the domestic manganese ore industry is fundamentally necessary to our national defense.

The evidence leads to the belief that Russian ore has been sold and is being sold at less than its fair market value and below its cost of production. The Iron Age article quoted above indicated that the loss suffered several months ago by the soviet manganese export trust amounted to at least 6 cents a unit of 22.4 pounds. The antidumping act, 1921, on the other hand, requires that instead of a loss a profit of not less than 8 per cent should be earned by Russia on such export manganese sales.

Since these practices constitute violations of the provisions of the antidumping act, 1921, resulting in serious damage and even the wreckage of the growing domestic manganese industry, I urge that proper action be taken by the Treasury Department to remedy this condition. In order to prevent further damage to the domestic manganese industry, prompt action is necessary, and I respectfully petition that the appraising officers and the collectors of the various ports be instructed to withhold liquidation of entries of Russian manganese ore until the amount of the additional dumping duty properly chargeable shall have been ascertained and assessed.

Respectfully submitted.

AMERICAN MANGANESE PRODUCERS ASSOCIATION,
J. CARSON ADKERSON, *President.*

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, August 5, 1929.

To: Minerals Division.
From: Russian Section, Division of Regional Information.
Subject: Soviet Monopoly of Platinum and Manganese. (Berliner Tageblatt, July 12, 1929.)

The fundamental attitude of Russia toward economic questions makes it possible for a number of agricultural products to be exported from Russia at prices which could never be accepted by private exporters. As it is the most important aim of the present Russian foreign-trade policy to accumulate the greatest possible amount of foreign exchange, it naturally follows that there is a tendency to export even when the prices received are above or very close to the costs of production. For what significance have cost prices in the Russian trade policy? The sale of a particular product may show a loss, when the actual cost prices and sale prices are compared, without seriously influencing the whole situation in Russian trade; what one trust loses, the other makes; what is lost to-day may be regained to-morrow.

Thus the basis for a dumping process of extraordinary nature and with far-reaching aims is present in Russia, and it is further extended by the difference maintained between the official valuation of the ruble in Russia and the actual value abroad. There is thus added to dumping based on state capitalism a dumping based on the difference in exchange.

On the strength of these possibilities the Russians have succeeded in practically monopolizing certain world markets during the past year. The experience in the egg market may be remembered, also the attempts, not entirely successful, in the flax market, and also the reentry of Russia as chief factor in the platinum market. There are other examples which might be mentioned.

This Russian dumping has, as a matter of fact, in some cases been of advantage to consumers in other countries because of the drop in prices which resulted. Since the reentry of the Russians into the international platinum trade prices on this metal have fallen from £28 per troy ounce to £13½ to £14. The object of this policy of the Russians is perfectly clear; indeed, there was no effort to conceal it. The purpose was to force from the market the Colombian production, which had arisen during the absence of Russia from the market, and also to prevent the development of the deposits in South Africa. This object was achieved by the Russians in a comparatively short time. Since the Colombian platinum costs more per ounce to produce than the Russians demand for their product in the world market, it is no wonder that the production there suffered a very rapid reduction, but the Russians certainly did not adopt this policy for the benefit of the European and American consumers but with the object of increasing the use of platinum to a considerable degree through the lowering of prices in order to concentrate in their hands the enlarged sales and thus establish the trade policy referred to above. If the Russians had achieved the desired result they then would undoubtedly have taken the next step of raising prices and taking advantage of their monopolistic position in the market, a perfectly possible proceeding if confined to rates under the reduction costs in Colombia. They made at least one mistake, however, for the reduction of prices had no appreciable effect on the volume of sales. This metal, still very high priced—in Germany a kilogram sells from eight to nine hundred marks—has now been so widely replaced in technical uses, particularly in chemistry by substitute materials, that the Russian policy would have failed for this reason, if it had been successful in reaching and holding its first planned stage of practical monopolization of the market.

In the case of materials, however, for which substitutes can not so readily be found the Russian attempt at monopoly by means of dumping may lead to more far-reaching results. We are obliged to think particularly of the manganese market, in which the Russians at present are active to an extent greater than in any other postwar period. The sales agency, which is centered in Germany, made contracts during the first six months of the Russian fiscal year for an even million tons, of which the greater part naturally did not stay in Germany; but we see, nevertheless, that the German steel industry has again almost entirely returned to the use of Russian manganese. But the Russian effort is directed quite plainly further, to shut out so far as possible by quoting lower prices other manganese producers and to assure a monopoly for itself. There is no doubt whatever that Harriman, their own concessionaire, was treated in a similar fashion by developing, contrary to his expectation, the south Russian mines in Nikopol at a forced rate and offering the ore produced there at prices with which it was well known that Harriman could not possibly combat. This is the reason for the large figures of German imports of Russion ore in 1927. There was an unquestioned dumping carried on with Nikopol ore against the Chiaturi ore, and Harriman got out from under after he had failed to secure control of the Nikopol mines. At the present time the Russians have forced Harriman out of the Caucasus and they can now direct their dumping moves against those countries where, as in the platinum market during the absence of the Russian production, considerable new production has developed or where the old production, as in British India, it has been enlarged.

It is undoubtedly a favorable feature both for the European and American consumers that the average price for manganese is now only 1s. 2d., while about four years ago it was nearly 1s. 8d. The question is only whether the Russian policy will not lead to a further reduction of prices, with the result that their chief competitors can no longer meet them, and thus a Russian monopoly will be reached in the manganese market as in the platinum market. The prospects in this field for the price policy of the Russians are quite different from those in the platinum market, for manganese is not a metal for which substitutes have thus far been found to as great an extent as with platinum. If the Russians once maintain a monopoly, which is quite easily possible with their opportunities for dumping, under the system where it is immaterial whether an export trust itself makes or loses, then they will very probably refuse to sell Russian ore to those plants which have adapted their processes at prices acceptable to the consumers, but will demand those rates that will suit them as monopolists.

E. C. ROPES,
Chief, Russian Section,
Division of Regional Information.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, August 5, 1929.

Memorandum

To: Minerals Division.
From: Russian Section, Division of Regional Information.
Subject: Russian Manganese.

The following articles from two German papers are submitted as of possible interest. The first article is called "The Export of Russian Manganese," and is taken from Berliner Borsen-Zeitung, June 26, 1929. The president of the State Manganese Export Co. "Export-Marganeta" is quoted in the soviet press as follows, in regard to the sale to date of Russian manganese abroad:

Up to the present time 95 per cent of the manganese to be produced at Chiaturi and 97 per cent of that from Nikopol has been sold. Actual exports of the company up to June 1, 1929, are nearly 550,000 metric tons. In addition, during the present fiscal year on the basis of old contracts with the Harriman Co. 60,000 tons of ore have been shipped abroad; the total export from October 1 is therefore approximately 610,000 tons. Consumers of Russian manganese are, first, America, with 275,000 to 300,000 tons; Germany, with 115,000 tons; Luxemburg, 105,000 tons; France, 100,000 tons, etc. The future prospects for the sale of Russian manganese ore in the world market are very favorable. Prices for ore have almost reached the lowest possible limit. If prices remain at this level for any considerable time, it may be predicted with certainty that a large portion of the foreign competition will be forced out because of high costs of production.

The second article is called "Russian Manganese for Germany," and is taken from Koluische Zeitung, June 25, 1929. The latest large sales of manganese by the Russians to German firms have been made at very low prices. One hundred thousand tons of washed ore have been sold at the price of 1s. 1d. per unit and ton c. i. f. and 75,000 tons of crude ore at a price of 1s. per unit and ton. The Indian mines complain of their inability to deliver at these prices unless cheap preferential freight rates from the mine to the port of shipment are extended. It is said that negotiations leading to the granting of such preferential delivery are in progress with the government. Until this is accomplished the Indian mines can not deliver under 1s. 2d. per unit and ton. They maintain, however, that the Russians are systematically dumping, in order to drive the Indian industry out of business, in the same way as they are attempting to ruin the Colombian platinum industry and trade in other fields.

E. C. ROPES,
Chief Russian Section,
Division of Regional Information.

TREASURY DEPARTMENT,
Washington, August 14, 1930.

Mr. J. CARSON ADKERSON,
President American Manganese Producers Association,
Metropolitan Bank Building, Washington, D. C.

SIR: I desire to acknowledge the receipt of your petition of the 11th instant requesting that the liquidation of entries of manganese ore exported from Russia to the United States be suspended pending an investigation of the fair market value of such merchandise in Russia and the price at which such ore is sold to the United States.

You submit that Russian manganese ore is being dumped into the United States at prices less than the foreign market value and request that corrective measures be taken under provisions of the antidumping act approved May 27, 1921.

May I assure you that this question will receive immediate attention. In the meantime may I request that you submit any evidence which may come into your possession showing the prices at which such manganese ore is freely offered for sale in the country of production—Russia.

Respectfully,

SEYMOUR LOWMAN,
Acting Secretary of the Treasury.

Mr. ODDIE. On August 22 a conference was held before Hon. Seymour Lowman to discuss the manganese situation, at which the American Manganese Producers Association, the American Iron & Steel Institute, and the Amtorg Trading Corporation were represented. At the conclusion of the meeting a representative of the firm of Simpson, Thatcher & Bartlett, the law firm which organized the Amtorg Trading Corporation, requested that an opportunity be afforded for them to prepare a brief, and Mr. Lowman extended the time until September 9, 1930, at which time another hearing was held. The American Manganese Producers Association was represented at this hearing, as was also the American Iron & Steel Institute, but the Amtorg Trading Corporation, which had previously through its counsel requested an opportunity to prepare a brief, failed to appear, and the attorney for the American Iron & Steel Institute volunteered the information that the Amtorg Trading Corporation was not interested. Evidently the Amtorg Trading Corporation was willing henceforth to rely upon the American Iron and Steel Institute to prevent the imposition of an embargo on soviet manganese ores.

On November 10, 1930, a formal printed brief was submitted by the American Manganese Producers Association to the Treasury Department for an embargo against the importation of Russian manganese, and in the latter part of November the American Iron & Steel Institute submitted another brief, to which reply was made by the

American Manganese Producers' Association on December 17, 1930. I herewith submit the briefs of November 10 and 17, 1930.

The VICE PRESIDENT. Without objection, the briefs will be printed in the RECORD.

The briefs referred to are as follows:

BRIEF OF THE AMERICAN MANGANESE PRODUCERS ASSOCIATION SUBMITTED IN SUPPORT OF REQUEST FOR PREVENTION OF SOVIET DUMPING OF MANGANESE ORE

THE HEARINGS

On August 11, 1930, the American Manganese Producers Association, by J. Carson Adkerson, its president, submitted to Hon. Andrew W. Mellon, Secretary of the Treasury, certain irrefutable evidence of the dumping in this country of manganese ore by the Soviet Government.

At the request of Senator TASKER L. ODDIE, chairman of the Committee on Mines and Mining of the United States Senate, and the American Manganese Producers Association, Hon. Seymour Lowman, Assistant Secretary of the Treasury, on August 22, 1930, in Washington, D. C., held a preliminary hearing. At that time and place, the American Manganese Producers Association appeared by Barron, Rice & Rockmore, its counsel. The American Iron & Steel Institute was represented by its counsel, Mr. Thomas J. Doherty, and the Amtorg Trading Corporation, the official commercial and business unit of the Soviet Government in this country, also appeared and was represented by the firm of Simpson, Thacher & Bartlett. At this hearing, various operators of manganese properties in the United States testified to the fact that as a consequence of the dumping committed by the Soviet Government, they had been forced to close their mines and practically go out of business.

The testimony on this score is wholly uncontradicted and unquestioned. It is so overwhelming and irrebuttable that it stands as an admitted and conceded fact that the American manganese industry, as a consequence of the soviet activities, has been seriously injured.

Counsel for the Amtorg Trading Corporation requested that the hearing be adjourned to September 9, 1930, in order to give them the opportunity to prepare and present certain facts in behalf of their client. The date of September 9, 1930, was fixed to meet the convenience of counsel for the Amtorg Trading Corporation.

On the adjourned date of the hearing, September 9, 1930, the American Manganese Producers Association again appeared with its counsel, but the Amtorg Trading Corporation and its counsel, who requested the adjournment to September 9, was conspicuous by its absence. They have not been heard from since the first hearing.

Instead, the so-called American Iron & Steel Institute appeared by its counsel to contest the application made by the American Manganese Producers Association for an embargo on soviet manganese ore.

The absence of the Amtorg Trading Corporation and its counsel is not without significance. Had they appeared and actively participated in the proceedings, they would undoubtedly have been compelled to answer some very pertinent questions and give authentic proof with reference to the fair value of manganese and the cost of its production in Soviet Russia. Obviously, a person who does not appear can not be questioned. There is no doubt that the absence of the Amtorg and its counsel from the hearing on September 9, and its complete silence from that time on, was inspired only by the soviet's desire to continue a policy of secrecy and concealment. No other possible explanation can be given for their absence from the hearings and continued silence during the entire controversy.

As above stated, in the absence of the Amtorg Trading Corporation and its counsel, the so-called American Iron & Steel Institute, by Mr. Doherty, its counsel, stepped into the breach so patently left by Amtorg Trading Corporation. Obviously, the American Iron & Steel Institute could not be questioned as to the fair value of manganese and the cost of production in Russia.

The American Iron & Steel Institute is an organ created and fostered by the steel industry of the United States, an industry which has consistently combated the progress of the American manganese industry. It has endeavored at every conceivable step to stifle and throttle the development and production of domestic manganese. It opposed the manganese industry in its attempt to obtain its first tariff in 1922. It opposed the manganese industry in its attempt to obtain an increased tariff in 1930. It purchased manganese abroad at a time when it might have purchased domestic manganese at prices much lower than that which it paid abroad. It has done in times of peace what—in time of war—would have been little short of treason.

The president of the American Iron & Steel Institute is also the chairman of the board of the Bethlehem Steel Corporation. The son of the vice president in charge of the purchases of raw materials for the Bethlehem Steel Corporation is the head of the corporation appointed by the soviet as its American sales agent for the disposition in this country of soviet manganese. See the Business Week of August 20, 1930.

This temporary alliance (Soviet Russia and the American steel industry) is the fantastic combination which appears to combat the life of an important and basic American industry.

Steel, the most carefully nurtured and best protected of all American industries, has become the spokesman for an international brigand. The reasons for this are obvious.

The brigand dare not speak lest he incriminate himself. Hence he attempts to speak indirectly from behind the mantle of steel's respectability.

In 1925 Russia's contribution to the world production of pig iron was 1.7 per cent, according to league figures. In 1929 it rose to 4.4 per cent, an increase of 334 per cent over her production of former years. In the same period Russia's share of world production of steel rose from 2.1 per cent to 4.3 per cent, an increase of 170 per cent over its 1925 production.

It is apparent from these figures that steel will inevitably have cause to regret the alliance. Its security in this country has befogged its vision. For, if Russia's production of steel in four years increased 170 per cent, it is a simple matter of mathematics to compute its steel production under its 5-year industrialization plan a few years from now. At that time, unquestionably, steel and the soviet will part company and steel will then be compelled to seek protection from an economic assault similar to that which manganese is being subjected to to-day.

We must not be misled by the purposes of the present alliance. The soviet is simply using the American Iron and Steel Institute as a means of defending itself so that the institute might speak for the soviet without the damage to it that would unquestionably flow if it were to take the stand in its own behalf.

Soviet Russia, not steel, is the defendant in this case.

THE RIGHT OF THE SOVIET TO APPEAR

The State Department has refused to recognize the Soviet Government for reasons indisputable.

The New York State Court of Appeals, in the case of the Russian Republic *v.* Cibrario (235 N. Y. 255), has held that an unrecognized government has no standing in our courts. The court of appeals, per Judge Andrews, said:

"We reach the conclusion, therefore, that a foreign power brings an action in our courts not as a matter of right. Its power to do so is the creature of comity. Until such government is recognized by the United States, no such comity exists. The plaintiff concededly has not been so recognized. With regard to the present Russian Government, the case is still stronger, even did comity not depend on recognition. We not only refused to recognize it; our State Department gives the reasons. In the face of these declarations it is impossible to hold that to-day any such relations exist between the United States and Russia as call upon our courts to enforce rules in favor of the latter depending on the comity of nations." (See also Penza, 277 Fed. 91.)

And the United States Supreme Court, in the case of Oetjen *v.* Central Machine Co. (246 U. S. 297), on page 302, says:

"The conduct of the foreign relations of our Government is committed by the Constitution to the executive and legislative—the political—departments of the Government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision."

If the refusal of the State Department to recognize Soviet Russia is binding upon our courts, and the courts hold, in view of such refusal of recognition, that Russia has no standing in any judicial tribunal of this country, neither has it any standing nor the right to be recognized as a party in any administrative or quasi-judicial hearing, such as this, before the Treasury Department.

Steel has no greater rights than the soviet for whom she speaks.

Since Russia's voice is stilled, both by the policy of the State Department and by the decisions of our courts in consonance with that policy, steel must likewise remain silent. It would be a novel proposition which would permit the alter ego to advocate that which the ego and principal is debarred from asserting.

PRELIMINARY HISTORICAL ANALYSIS

(*A*) *American manganese industry*

The manganese industry in the United States is in its infant stages. It has had a short and arduous career. Before the World War, domestic manganese production was negligible. World supplies came, for the greater part, from Russia and India.

During the World War when the Dardanelles were closed, the Russian source of supply ended.

Manganese is absolutely necessary in the manufacture of steel. Hence, the Allies' cause was considerably endangered as a consequence of the cutting off of the Russian supply.

There was then fostered the development of domestic manganese deposits and production of high-grade ore increased from about 4,000 tons in 1913 to over 300,000 tons in 1918.

It is safe to say that without this domestic manganese production, America's participation in the World War and its material assistance to the Allies would have been seriously curtailed. The shortage of manganese was so great and the need for it was so acute that the United States Government dispatched the naval collier *Cyclops* to Brazil for a cargo of approximately 15,000 tons of manganese. This situation was also reflected in the price, for at this particular time the price of ferromanganese went above $400 per ton.

The Government agencies of information, to wit, the Geological Survey and Bureau of Mines, had incomplete knowledge concerning manganese deposits in this country.

The steel industry contended, and still has the audacity to contend, that there is little or no manganese in the United States; and due to the lack of data from the American governmental sources of information, this erroneous conception was permitted to remain unchallenged.

But the war had awakened patriotic citizens of America to the knowledge that manganese was a necessity in the national de-

fense; and there were sufficient patriotic men who gave of their time and their money to an investigation of possible manganese deposits, in order that, in the event of national emergency, the United States would be independent, at least, as to this important mineral element. Of necessity, as an infant industry, it could not begin, much less endure, without tariff protection.

In 1922 the tariff bill gave to manganese the protection of 1 cent per pound on metallic manganese contained in ore running above 30 per cent manganese. Despite this inadequate tariff, American pioneers proceeded to make investigations and began investing their money to the extent of millions of dollars in domestic mines and plants. In this effort the Geological Survey and the Bureau of Mines cooperated to the fullest possible extent, and it soon became definitely established that manganese deposits in this country existed in at least 34 States, and that there were actually known deposits of at least 400,000,000 tons running from 5 per cent to 50 per cent in metallic content.

It is true that a great percentage of this ore was of low grade; but American ingenuity was not to be thwarted. In a comparatively short period of time beneficiating processes were evolved and developed on a commercial basis, among these being the leaching, flotation, and sintering processes, which, like alchemy, transformed the lower grade ores of this country into ores having a metallic content superior to that of any known in the world. The steel companies were and are as fully cognizant of this development in the domestic manganese industry as were the manganese producers themselves. This superior manganese was offered to the steel companies at prices per ton cheaper than that which they were buying abroad. Nevertheless, the steel industry practically ignored the American manganese producers and continued for the greater part with its foreign purchases.

In 1930 Congress gave to the manganese industry, despite the opposition of the American Iron and Steel Institute, a tariff of 1 cent per pound on metallic manganese contained in ore running above 10 per cent manganese.

Under the prospect of this additional tariff protection, production increased from 1928 to 1929 from 45,000 tons to 60,000 tons, and during the early part of 1930 domestic manganese production, from plants then completed, was proceeding on a basis of 200,000 tons per annum. The Soviet dumping commenced the demoralization of the domestic industry.

The Russian situation caused not only the cessation of the building of further plants and not only prevented the development of the increased production at the mines but brought about a situation where American consumers practically ceased to purchase from domestic manganese producers. In a short period of time the industry was paralyzed, an investment of many millions of dollars was idle, and thousands of workmen (in a recognized acute period of depression) were thrown out of work and added to the already increasingly large army of the unemployed.

(B) The United Soviet Socialist Republics

For many years prior to 1916, and under the czaristic régime in the Russian Empire, which possessed and under its present form of government possesses one-seventh of the territory of the globe, Russia was a great exporter of high-grade manganese ore. There was then little, if any, difference in the staple prices of this world-necessary commodity.

At the outbreak of the war, Russia, as an ally of France and England, was looked upon as the source of supply to these nations in the conduct of the war. The closing of the Dardanelles, however, shut off this avenue of supply, and much of the manganese thereafter came, for the greater part, from India and Brazil. Later, a substantial quantity came from the United States.

The treaty of Brest Litovsk in 1916 ended Russia's participation in the war as an ally of the civilized nations, and there came into being shortly after the Soviet Republic, a form of government which has been a nuisance to itself, a cruel and heartless master to its peoples, and a source of trial and tribulation to the rest of the civilized world. It stated at the outset—a point which we will develop later—that it would bring the world to its point of view and to its form of government; and that it would incite and encourage revolution in all the countries having a government different than its own. But it proclaimed to the world, anomalous as it may seem, that a free people have the right to determine for themselves their own form of government; and on May 7, 1920, concluded a treaty with the Republic of Georgia, headed "Treaty, May 7, 1920, between the Democratic Republic of Georgia and the Russian Soviet Socialist Federated Republic," Article I of which reads as follows:

"Based on the right proclaimed by the Russian Soviet Socialist Federated Republic, of all peoples to fully dispose of themselves to the extent of and including total withdrawal from the state of which they form a part, Russia recognizes without reservation the independence and the sovereignty of the Georgian State, and voluntarily renounces all sovereign rights which belong to Russia with respect to the Georgian people and territory."

The manganese which the Soviet Government exports is produced in the so-called Chiaturi district, which happens to be located in the Republic of Georgia. Despite the treaty which the Soviet Government entered into with the Republic of Georgia, the Soviet Government seized the Georgian Republic and its territory. The manganese mines were permitted to continue under the operation of a private organization known as "Tchemo" until 1925.

During this period the price of Russian manganese was in consonance with the prices quoted on the world markets. In 1925 a concession agreement for these mines was granted by the Soviet Government and Tchemo to W. A. Harriman & Co. W. A. Harriman & Co. operated this concession from 1925 until 1928.

During this period the prices of Russian manganese were consistent with the world prices thereof.

In 1928 W. A. Harriman & Co., finding its investment and its concession an unprofitable one, relinquished its concession. These mines, by the simple process of larceny, were seized by the Soviet Government, and from that time on the Soviet Government has itself carried on the manganese mining operations.

It is interesting to note that the agreement between the Soviet Government, Tchemo, and W. A. Harriman & Co., dated June 12, 1925, provided that in the event Harriman & Co. relinquished its concession in the properties involved before the expiration thereof that "all rights, titles, interest, and property belonging to Tchemo, transferred by them to W. A. Harriman & Co. under this agreement, except exported manganese ore, will revert to Tchemo, free of any encumbrances imposed by Harriman, except liens or claims arising by reason of the breach of this agreement by Tchemo."

Again, however, the Soviet Government violated its agreement, a practice in keeping with its usual policy. Instead of returning the mines to Tchemo, the soviet took over the mines completely, expelled Tchemo, and refused to recognize the right of Tchemo to the mines and properties in question. It is this ore which the soviets are now dumping the world over.

It was about that time that the soviet embarked upon its so-called 5-year industrialization plan.

Of necessity, its form of government was such and the official expressions of its authorized representatives of such an astounding nature that civilized countries refused to have business dealings with it on credit bases. Hence, the only way in which the soviet could obtain the imports which it so sorely needed was to sell to the various other countries of the world the raw materials which (however acquired) were under its control and as a consequence of these sales establish the necessary credits abroad to buy the materials that it needed to import.

It must be borne in mind that up to this time Russia had sold its products at a price consistent with the prices quoted in the world markets for similar products of other countries.

There would, of course, be no inducement to civilized nations to deal with an international brigand if it could obtain from other civilized nations the same products at the same prices.

Hence, it was incumbent upon Soviet Russia to reduce the prices of its export products, irrespective of their value and irrespective of their cost of production, in order to induce other nations to buy its products in preference to those of civilized nations.

This, of course, was not the only purpose, as we will demonstrate later; but whatever the design or the reason, it has succeeded admirably, and Russia has dumped its products not only in the United States, to the detriment of domestic industry and domestic labor, but is dumping its products all over the world, and is becoming—if it has not already become—an international industrial and commercial menace.

A Washington dispatch to the New York Times of September 23, 1930, says that information from accredited sources shows that Russian dumping activities are not confined to the United States. The practice has been in progress for the past eight months in the British Isles, Germany, Poland, Italy, Greece, Sweden, Mexico, Cuba, Belgium, Egypt, and Hungary.

A resolution, asking measures by the League of Nations to prevent soviet dumping in foreign countries, was filed with the commission on economics by M. Vannerstein, of Sweden, on September 22, 1930.

On October 3, 1930, France took direct measures to protect herself against Russian dumping, the cabinet having ordered by decree the application of the law of 1910, that imports from Soviet Russia should henceforth be subject to license.

On October 17, 1930, Canada issued an embargo against Russian anthracite.

The United States Government issued an embargo against Russian matches. The American Federation of Labor had its representative present at the manganese hearings before the Treasury Department at Washington on August 22 and September 9, 1930, and joined in the appeal of the American Manganese Producers' Association for protection against unfair soviet dumping.

The New Jersey State Federation of Labor, at its session at Atlantic City on September 16, 1930, unanimously adopted a resolution demanding that Congress immediately take steps for the absolute boycott of Russian products.

The reason for this agitation is quite apparent. Bulletin 99 of September 26, 1930, of the United States Department of Commerce, Bureau of Foreign and Domestic Commerce, gives certain figures from the newspaper Pravda, of August 21, 1930, which is the official organ published by the Soviet Government. We find this statement:

"On the whole, the accomplishment of soviet industries during the first nine months of 1929–30 were in excess of the 'control figures,' that is, the revised figures of the 5-year plan for the current fiscal year. According to the 5-year plan, the output of all industries in 1929–30 was to be 47.5 per cent greater than in 1927–28, while actually, the output of the first nine months of the former year was 54.7 per cent greater than the output in the corresponding period of the latter.

"The output of producers' goods during the first nine months was to be 58.4 per cent greater, but its actual increase was 75.5 per cent, the output of consumers' goods was 41.4 per cent, as against the planned increase of 40.1 per cent; the total shown area

has been increased by 15.2 per cent instead of the planned 12.4 per cent; the increase in total carloadings, 55.6 per cent instead of the planned increase of 23.4 per cent; the revenues of the State budget increased by 91.4 per cent as compared with the planned increase of 37.7 per cent."

It is quite apparent that if this plan of Russia proceeds successfully and it continues to sell its products at any price to the detriment of American industry it will be but a matter of time before we will be supporting Russia's industries at the expense of our own.

THE ATTITUDE OF THE STATE DEPARTMENT

We have heretofore shown that the State Department of the United States has it wholly within its power to determine whether or not a foreign government de jure or de facto shall be recognized; and this power of the State Department is final and not subject to review by the courts. It is not necessary that the State Department give reasons for its refusal to recognize.

From time to time the question of soviet recognition has come up. In each instance the State Department has ruled definitely and in no uncertain terms that it will not recognize the soviet.

On August 10, 1920, Hon. Bainbridge Colby, Secretary of State, issued a statement of his reasons for refusing to recognize Russia, from which we quote in part as follows:

"That the present rulers of Russia do not rule by the will or the consent of any considerable proportion of the Russian people is an incontestable fact. * * * At the moment when the work of creating a popular representative government based upon universal suffrage was nearing completion, the Bolsheviki, although, in number, an inconsiderable minority of the people, by force and cunning seized the powers and machinery of government and have continued to use them with savage oppression to maintain themselves in power. * * *

"It is not possible for the Government of the United States to recognize the present rulers of Russia as a government with which the relations common to friendly governments can be maintained. This conviction has nothing to do with any particular political or social structure which the Russian people themselves may see fit to embrace. It rests upon a wholly different set of facts. These facts, which none disputes, have convinced the Government of the United States, against its will, that the existing régime in Russia is based upon the negation of every principle of honor and good faith and every usage and convention underlying the whole structure of international law; the negation, in short, of every principle upon which it is possible to base harmonious and trustful relations, whether of nations or of individuals. The responsible leaders of the régime have frequently and openly boasted that they are willing to sign agreements and undertakings with foreign powers while not having the slightest intention of observing such undertakings or carrying out such agreements. They have made it quite plain that they intend to use every means to promote revolutionary movements in other countries. * * *

"In view of this Government, there can not be any common ground upon which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation of their obligations already in the mind of one of the parties. We can not recognize, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions, whose diplomats will be the agitators of dangerous revolt, whose spokesmen say that they sign agreements with no intention of keeping them * * *."

Our Government has not receded from this position. On March 25, 1921, Hon. Charles E. Hughes, Secretary of State, in rejecting trade proposals of the soviet, said:

"It is manifest to this Government that in existing circumstances there is no assurance for the development of trade, as the supplies which Russia might now be able to obtain would be wholly inadequate to meet her needs and no lasting good can result so long as the present causes of progressive impoverishment continue to operate. It is only in the productivity of Russia that there is any hope for the Russian people and it is idle to expect resumption of trade until the economic bases of production are securely established. Production is conditioned upon the safety of life, the recognition by firm guaranties of private property, the sanctity of contract, and the rights of free labor. If fundamental changes are contemplated, involving due regard for the protection of persons and property and the establishment of conditions essential to the maintenance of commerce, this Government will be glad to have convincing evidence of the consummation of such changes, and until this evidence is supplied, this Government is unable to perceive that there is any proper basis for considering trade relations."

We quote from the annual message of Hon. Calvin Coolidge, President of the United States, to a joint session of the Senate and House of Representatives, on December 6, 1923, with reference to the Soviet Government:

"I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles. These rights and principles must go wherever the sanctions of our Government go.

"But, while the favor of America is not for sale, I am willing to make very large concessions for the purpose of rescuing the people of Russia. Already encouraging evidence of returning to the ancient ways of society can be detected. But more are needed. Whenever there appears any disposition to compensate our citizens who were despoiled, and to recognize the debt contracted with our Government not by the Czar but by the newly formed Republic of Russia; whenever the active spirit of enmity to our institutions is abated; whenever there appear works meet for repentance our country ought to be the first to go to the economic and moral rescue of Russia. We have every desire to help and no desire to injure. We hope the time is near at hand when we can act."

On July 20, 1922, the Department of State issued the following statement to the press:

"In reply to inquiries, the American chargé d'affaires at The Hague was instructed on July 15 to say that the Government of the United States does not countenance any arrangements by its citizens with the soviet authorities that would jeopardize or prejudice the vested rights of the citizens of other countries in Russia and that the United States has complete confidence that the other governments concerned will adhere to the same policy."

On August 30, 1922, the Department of State issued the following:

"In reply to inquiries concerning a statement reported to have been made at Moscow regarding informal overtures by the American Government to the soviet authorities looking to the sending of an investigation commission to Soviet Russia, it was explained at the State Department that the American ambassador at Berlin had made inquiries with regard to the attitude of the soviet authorities should this Government consider sending to Russia in the future an expert technical commission to study and report on the economic situation there. There has been no question at any time of sending any commission to Russia, other than an economic commission of experts to investigate and report."

The Department of State, officially addressing the press, on September 18, 1922, said:

"The text of a statement by the Soviet authorities concerning the inquiry recently made with regard to their attitude should this Government consider sending to Russia in the future an expert technical commission to study and report on the economic situation there (see press notice of August 30, 1922), has been received at the State Department. It is not different in purport from the text reported in press dispatches from Moscow September 15. In view of the definite refusal contained therein, the matter is considered to be terminated."

On March 21, 1923, Hon. Charles E. Hughes, Secretary of State, said, in part:

"Not only would it be a mistaken policy to give encouragement to repudiation and confiscation, but it is also important to remember that there should be no encouragement to those efforts of the Soviet authorities to visit upon other peoples the disasters that have overwhelmed the Russian people. I wish that I could believe that such efforts had been abandoned. Last November—last November, Zinoviev said: 'The eternal in the Russian revolution is the fact that it is the beginning of the world revolution.' Lenin, before the last congress of the Third Internationale, last fall, said that 'the revolutionists of all countries must learn the organization, the planning, the method, and the substance of revolutionary work. Then I am convinced,' he said, 'the outlook of the world revolution will not be good but excellent.' And Trotsky, addressing the Fifth Congress of the Russian Communist Youths at Moscow last October—not two years ago, but last October—said this: 'That means, comrades, that revolution is coming in Europe as well as in America, systematically, step by step, stubbornly, and with gnashing of teeth in both camps. It will be long protracted, cruel, and sanguinary."

We quote an excerpt from an address on foreign relations, prepared by Hon. Warren G. Harding, President of the United States, intended to be delivered at San Francisco on July 21, 1923, but not delivered because of his illness:

"The problem of Russian recognition is complicated by a fundamental difficulty, because of a government régime there, whose very existence is predicated upon a policy of confiscation and repudiation."

On December 18, 1923, the Department of State authorized the following statement to be issued to the press:

"With respect to the telegram to President Coolidge from Tchitcherin, of December 16, the Secretary of State to-day made the following statement in reply:

"'There would seem to be at this time no reason for negotiations. The American Government, as the President said in his message to the Congress, is not proposing to barter away its principles. If the soviet authorities are ready to restore the confiscated property of American citizens or make effective compensation, they can do so. If the soviet authorities are ready to repeal their decree repudiating Russia's obligations to this country and appropriately recognize them, they can do so. It requires no conference or negotiations to accomplish these results, which can and should be achieved at Moscow as evidence of good faith. The American Government has not incurred liabilities to Russia or repudiated obligations. Most serious is the continued propaganda to overthrow the institutions of this country. This Government can enter into no negotiations until these efforts directed from Moscow are abandoned.'"

On December 19, 1923, the Department of State issued to the press a confidential release for publication:

"The Department of State made public to-day the text of instructions given by Zinoviev, president of the Communist International and president of the Petrograd Soviet, to the Workers' Party of America, the communist organization in the United States. The Department of Justice has assured the Department of State of the authenticity of these instructions. The Com-



munist International, with headquarters at Moscow, is the organ of the Communist Party for international propaganda. The soviet régime in Russia is the organ of the Communist Party for the governing of Russia. As Steklov, member of the Russian Communist Party and of the All-Russian Central Executive Committee and editor of the Isvestia, official organ of the soviet régime, has stated in this official paper:

"'The close organic and spiritual connection between the Soviet Republic and the Communist International can not be doubted. And even if this connection had not been admitted many times by both sides it would be clear to everybody as an established fact. * * * This connection is not merely of a spiritual but also of a material and palpable character. * * * The mutual solidarity of the Soviet Republics and the Communist International is an accomplished fact. In the same degree as the existence and the stability of Soviet Russia are of importance to the Third International, the strengthening and the development of the Communist International is of great moment to Soviet Russia.'

INSTRUCTIONS

"The Communist International notes with great satisfaction that the work of the W. P. A. for the past year has been expressed in a satisfactory, broad, and real revolutionary work. Particularly pleasing to us is the fact that all dissentions existing up to the present time in the ranks of the party have finally been liquidated and we hope that the W. P. A., the advance guard of the revolutionary proletariat of the United States of North America, will now more successfully conduct its revolutionary work among the millions of American proletarians.

"For more intensive revolutionary work we suggest that the following instructions be adhered to:

"1. All the activity of the party must at the present time be directed among the workers of the large industries, such as the railroad workers, miners, weavers, steel workers, and similar workers engaged in the principal industries of the United States.

"2. Among these workers in the factories, mills, plantations, clubs, etc., there must be organized units of 10. The head of this unit of 10 must, in so far as possible, be an old, trusted member of the party, who must once a week, together with his 10, study the communist program and other revolutionary literature.

"3. These units of 10 must be organized by occupation and nationality.

"4. The head of the unit must know intimately each individual member of his 10—his character, habits, the degree of his revolutionism, etc., and report everything direct to the central committee of the party.

"5. Each of these units of 10 must have their own fighting unit, of not less than 3 men, who are appointed by the leader of the unit with the approval of the central committee of the party. The members of the fighting unit, in addition to all other matters, must once a week be given instructions in shooting and receive some instruction in pioneer work (sapper work).

"6. All the unit leaders of each district must meet once every two months to discuss the progress of their work and their plans for further activities in the presence of a member of the central committee of the party.

"We are firmly convinced that work in the direction designated by us will give enormous results in the sense of preparing thousands of new propagandists, future leaders of the military forces of the party, and faithful fighters during the social revolution. With reference to the organization by the W. P. A. of the Federated Farmer Labor Party, the Communist International expresses its complete satisfaction and its approval to the central committee of the party for its boldness and tact in putting this idea into effect. We hope that the party will step by step conquer (embrace) the proletarian forces of America and in the not distant future raise the red flag over the White House."

The following is an excerpt from a statement entitled "Foreign Relations," by the Hon. Frank B. Kellogg, Secretary of State, published in 1928:

"* * * No state has been able to obtain the payment of debts contracted by Russia under preceding Governments or the indemnification of its citizens for confiscated property. Indeed, there is every reason to believe that the granting of recognition and the holding of discussions have served only to encourage the present rulers of Russia in their policy of repudiation and confiscation, as well as in their hope that it is possible to establish a working basis, accepted by other nations, whereby they can continue their war on the existing political and social order in other countries.

"Current developments demonstrate the continued persistence at Moscow of a dominating world revolutionary purpose and the practical manifestation of this purpose in such ways as render impossible the establishment of normal relations with the Soviet Government. The present rulers of Russia, while seeking to direct the evolution of Russia along political, economic, and social lines in such manner as to make it an effective 'base of the world revolution,' continue to carry on, through the Communist International and other organizations with headquarters at Moscow, within the borders of other nations, including the United States, extensive and carefully planned operations for the purpose of ultimately bringing about the overthrow of the existing order in such nations."

On February 1, 1928, the Department of State authorized the following statement to the press:

"The department objects to financial arrangements involving the flotation of a loan in the United States or the employment of credit for the purpose of making an advance to the soviet régime. In accordance with this policy, the department does not view with favor financial arrangements designed to facilitate in any way the sale of soviet bonds in the United States. The department is confident that the banks and financial institutions will cooperate with the Government in carrying out this policy."

Later and recent events have fully justified the decision of the American Government not to recognize Soviet Russia. In fact, their statements have been prophetic, for what they surmised would happen has actually happened. If the American Government feels, in effect, that what Russia has done is "seizure by bandits or by other lawless bodies" (Sokoloff *v.* National City Bank, 239 N. Y. 158), and has endeavored to dissuade American firms from dealing with Russia, the various branches of the Government must take cognizance of this decision and be guided accordingly.

NATIONAL DEFENSE

The Soviet Government has evidenced, in no uncertain terms and methods, that it is an international outcast. It has been a government of bad faith. It has been guilty of concealment, dishonesty, intrigue, conspiracy, and dissemination of the propaganda of revolution. It has consistently refused to live up to its contracts, its treaties, and obligations.

We have cited before the instance of the Soviet Government seizing the Chiaturi mines, in complete violation of its treaty with the Republic of Georgia.

We have mentioned previously the Soviet Government's breach of its agreement with Tchemo. Its confiscation of the property of foreigners has been the subject of comment by our State Department. It has refused to recognize its external obligations.

Prior to England again recognizing the soviet, it had been expelled from Britain for violation of its sacred agreement with that country, an agreement which covenanted that there was to be no revolutionary propaganda spread in England, a covenant which Russia very promptly violated. The same situation exists to-day and is presently the basis of discussion in Parliament.

It has been excluded from and is waging secret warfare against China.

It has been expelled from Mexico for a like violation of treaty.

It is a well-known and conceded fact that it has conspired against and incited revolution in India and China.

On August 20, 1930, a special cable to the New York Times from London stated:

"The soviet is busy stirring up unrest among the negro masses in Africa and America, according to dispatches from Riga, which announce that a new 'international negro committee' had been formed in connection with the Red Trade Union International Congress, now sitting in Moscow, to intensify its revolutionary work."

The soviet press, according to the Riga dispatches, asserts that the Profintern has done much work during the past two years among the natives of British and French Africa and the West Indies, and that its efforts have produced strikes and revolts at Durban and Johannesburg, and in Rhodesia, the Belgian Congo, French Equatorial Africa, Nigeria, and Tahiti, as well as negro unrest in the United States.

On September 22, 1930, London advised that the Soviet Government was holding 450 American mechanics virtually in prison, while their promised pay was being held up, although these mechanics went to Russia under agreements which promised to make such a situation impossible.

The situation with reference to Lena Gold Fields (Inc.) is well known. This British concern held a gold-mining concession in Russia. This concern was invited by the Soviet Government to invest in Russia under a liberal concession, but when the investment was made the Moscow régime became hostile and allowed thieves to prey upon this enterprise. The concession came under the attack of Stalin, and an intensive program for the communizing of that industry was pushed. Thereafter, all efforts on the part of the concessionaries were effectively blocked by the soviets. An agreement was finally reached to arbitrate the difficulties, and, in accordance with the agreement, a Russian, an Englishman, and a German were appointed the arbitrators.

While the arbitration proceedings were going on, the 14,000 employees in the gold fields, many of them foreign experts, complained that because of soviet interference operation of the mines had become an impossibility. Whereupon the authorities of the concession notified Moscow that operations would be discontinued awaiting the decision of the arbitration committee. Despite its agreement to arbitrate, the Russian arbitrator was withdrawn and Moscow requested new arbitrators to consider the new problem that had arisen. The remaining arbitrators heard witnesses, decided that Moscow was guilty of breach of contract, and adjudged that it should pay Lena Gold Fields (Inc.) $65,000,000. This judgment the soviet now ignores and in effect refuses to pay.

The activities of the soviet in its wheat operations in Chicago at a time when general depression existed, is too well known to mention. But we do recall the fact that the soviet was a party to the Kellogg treaty, outlawing war. When hostilities between China and Russia broke out involving the Manchurian railroad, Secretary of State Stimson, of the United States, very properly, in accordance with the Kellogg treaty, addressed a note to the Soviet Government, reminding it of its obligations under that treaty. The crude and boorish response of the Soviet Government to this note was an insult not only to our Secretary of State but to our Government and its people.

However, Russian conditions internally are no better than the soviet's attitude toward the world generally.

A Russian citizen has no right to leave the country under any circumstances without the permission of the Government. The home, the very foundation on which society rests elsewhere in the world, has been completely destroyed. Several families now occupy a single room. Religion, the spiritual basis of humanity, has been outlawed from this godless country. The churches, cathedrals, temples, and other places of worship have been destroyed. Marriage, the most sacred thing in human existence, has been ridiculed. There is on record an instance where two people were married and divorced in the short space of 15 minutes.

The collection of a few pieces of silver currency results in the infliction of the death penalty.

Starvation and hunger stalk Russia at all times. The food-card system is so generally known that it needs no comment. Children of tender years, for the greater part, are brought up not under the guiding influence of their parents but in public institutions, and taught only communistic and revolutionary doctrines. And while its own people are starving, necessary products are being exported to the detriment of the Russian people.

What is the purpose of all of this?

We repeat again the statement of President Coolidge in 1923 that the American Government could not negotiate for the recognition of Russia for many reasons—"most serious is the continued propaganda to overthrow the institutions of this country."

Secretary of State Colby in 1920 said:

"We can not recognize, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolt; whose spokesmen say that they sign agreements with no intention of keeping them."

These are the statements made not by laymen, based on mere assumption, but by the responsible formulators of our international policies, who are fully possessed of the necessary facts and who speak officially.

Zinoviev, the Russian leader, has said:

"The eternal in the Russian revolution is the fact that it is the beginning of the world revolution."

Lenin has said that:

"The revolutionists of all countries must learn the organization, the planning, the method, and the substance of revolutionary work. Then, I am convinced, the outlook of the world revolution will not be good, but excellent."

And Trotsky said:

"That means, comrades, that revolution is coming in Europe as well as in America * * *."

And the statement issued by the Petrograd Soviet to the Workers' Party of America ends:

"We hope that the party will, step by step, conquer the proletarian forces of America and in the not distant future raise the red flag over the White House."

We have, therefore, a situation where Russia has presently stated to the world its desire to overthrow all capitalistic governments and that, suiting action to word, has conspired in various countries to accomplish that purpose. Her great aim, openly expressed, is to overthrow the American Government.

What has all this to do with manganese?

Our learned adversary, Mr. Doherty, in his brief admits that ferromanganese is an absolute necessity in the manufacture of steel, and no substitute for it has ever been discovered.

A most important element in the matter of national defense is manganese, for if steel can not be manufactured without manganese, and no manganese were available, no guns, no vessels, no cannon, no ammunitions could be constructed without it.

Hon. Hanford MacNider, Assistant Secretary of War, wrote on October 3, 1927:

"It appears that manganese is essential to the production of steel, and without steel national defense is obviously impossible. The safety of the country requires that we have a readily available source of manganese within the United States."

Sir Robert Hadfield, the eminent British metallurgist, has written that—

"It would be safe to say that they who own the manganese of the world have largely in their hands the control of steel of satisfactory quality."

Russia, in her dumping activities, has conquered not only the American manganese industry but has effectively stifled the manganese industry of the world. It has caused a complete collapse of the manganese markets. In effect, it admits dumping, but contends that it is necessary to sell its products at a price even lower than production cost in order to create gold credits in foreign countries, and thus be able to purchase imports necessary to assist in the successful completion of its 5-year industrialization plan.

The soviet admits so much, but logic and reason and an understanding of soviet intrigue lead to a different and perhaps far more important conclusion.

That the soviet desires to overthrow and is planning the overthrow of capitalistic governments, it has openly proclaimed, and our State Department has taken official cognizance thereof. This the soviet is doing by a careful and systematic plan of propaganda.

Princess Kropotkin, of Russia, a sister of Prince Peter Kropotkin, who is an advocate of a conservative form of socialism, said, on October 14, 1930, upon her arrival in the United States:

"Every American dollar sent to Russia in the form of trade is a contribution of 50 cents toward a world revolution. All credit extended to the soviet is hastening the day when you will be driven out of your homes."

National defense is dependent on manganese, for without manganese steel can not be manufactured. By flooding world markets with manganese, the soviet is effectively killing the manganese industry. If this situation is permitted to continue, it is only a matter of time before the manganese mines of the world will be closed and abandoned. In the event of such a state of affairs, the world will be dependent upon Soviet Russia for its source of manganese supply, which would necessarily mean that in the event of national emergency we would have to import our manganese from Russia.

The revival of the manganese industry in this country, after prolonged abandonment, could not be accomplished in a short period. It took considerable time to develop the manganese industry to its present proportion. Hence, in the event of national emergency, we would be able to look only to Russia for our immediate source of supply, and the soviet could supply us, or not, as it saw fit, at prices which it could determine and collect if it provided us at all. But, more than the fact that it controlled the markets of the world would be the fact that it held in its hands the safety and the destiny of this country; and, certainly, if it is bent on overthrowing the Government of the United States, it would most certainly see to it that when the revolution was ready to be launched the United States would be wholly without manganese at whatever the price.

Mr. E. C. Ropes, Chief of the Russian Section of the Division of Regional Information, of the Department of Commerce, translating an article in the Berliner Tageblatt of July 12, 1929, says:

"If the Russians once maintain a monopoly, which is quite easily possible with their opportunities for dumping, under the system where it is immaterial whether an export trust itself makes or loses, then they will very probably refuse to sell Russian ore to those plants which have adapted their processes at prices acceptable to the consumers, but will demand those rates that will suit them as monopolists."

Woe to the country that looks to an international brigand, bent on its overthrow, for its sustenance and protection.

That England is aware of this situation is borne out by the fact that with her usual keen-sighted policy she is lending encouragement to the development of manganese deposits in India and in the Gold Coast of Africa. Control of these properties is retained by Great Britain, and the reserves are earmarked to supply the needs of the British Empire in case of an emergency; and though the cost of production there is very high, Datico Zereteli (a world famous authority on manganese ore, in his book entitled "Manganese Ore") says that more than once the British Government has come to the aid of the Indian manganese producers. In other words, Britain foresees the possible consequence of soviet machinations and as a matter of national safety is going to the extreme of even subsidizing manganese production elsewhere in order not to be dependent for it upon the soviet in time of emergency.

Mr. Paul Scheffer, for many years the Moscow correspondent of the Berlin Tageblatt and, perhaps, one of the best-informed men in the world on the soviet situation, has stated in an article written by him in Foreign Affairs that he is convinced that the communistic dictatorship in Russia is as determined as ever to push the revolutionary crusade and to upset, by efforts employed from without as well as within, the so-called bourgeois governments—that of the United States included. It is his view that Moscow's economic policy and its military policy are directed consistently to that end. He states that Russia is being strengthened by the admission of foreign capital and the encouragement of foreign trade as a preparation for political hostilities. The red army is being trained in supporting uprisings in neighboring states started by communistic conspirators and agents, and he then makes this significant statement: "Despite the country's exhausted condition, the red army is always being strengthened. No sacrifice is too great."

Since the soviet dumping commenced it has sold manganese at 40 per cent, and even lower than previous recognized world prices. If the sole purpose of soviet dumping were the establishment of gold credits for the purpose of developing purchasing power, she could still control the world's manganese markets by selling at slightly less than previous prices.

The fact, therefore, that the soviet is reducing prices to a point far beyond that necessary for it to establish its gold credits is proof positive of the fact that it desires not only to establish gold credits but to definitely destroy the manganese industry in this country, and thus take away from America a vital material necessary in its national defense.

America can do no less than to protect itself from the machinations and conspiracies of a government which our State Department has declared worthy only of distrust and bent on "raising the red flag over the White House."

THE LAW

In the tariff act of 1922 Congress for the first time took cognisance of the manganese industry, and written in that law is a provision of a tariff of 1 cent per pound of metallic manganese contained in ore running above 30 per cent manganese.

In 1930 Congress increased this duty by providing that there shall be a tariff of 1 cent per pound on metallic manganese contained in ore running above 10 per cent manganese because Congress desired to exclude a large and increasing manganese tonnage

of slightly less than 30 per cent metallic content avoiding the payment of the duty.

In 1921 Congress enacted what is known as the antidumping act, which we will hereinafter discuss at length.

The intent of Congress in providing for a tariff on manganese in 1922 and increasing the amount of the tariff in 1930 was solely for the benefit of this infant American industry.

The antidumping act of 1921 was designed in furtherance of the general policy of Congress to protect American industry from unfair competition and to prevent flooding American markets by foreign products.

The tariff act of 1930 specifically provided that nothing therein contained should be construed to amend or repeal the antidumping act of 1921. So that, coupled with the protection afforded manganese by the tariff act of 1930, are the provisions of the antidumping act of 1921. The ultimate aim, therefore, of congressional legislation was the protection, fostering, encouragement, and furtherance of American industry.

Every statute must be construed with reference to the object to be accomplished by it (36 Cyc. 1110, United States *v.* Musgrave, 160 Fed. 700). The statute should be given that construction which is best calculated to advance its object (U. S. *v.* Jackson, 143 Fed. 783) by suppressing the mischief and securing the benefits intended (Wheeler *v.* McCormick, 29 Fed. cases 17498).

Since the benefits intended for the protection of American industries and suppressing the mischief is the prevention of dumping of foreign products in this country, it is manifest that the antidumping act must be read most favorably to and applied most advantageously for the benefit of American industry.

Section 201 (a) of the antidumping act reads as follows:

"That whenever the Secretary of the Treasury (hereinafter in this act called the 'Secretary'), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies in such detail as may be necessary for the guidance of the appraising officers."

Section 201 (b) of the antidumping act reads as follows:

"Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign-market value (or, in the absence of such value, than the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold his appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise."

Section 201 (a) of the antidumping act states that if an American industry is being or is likely to be injured, or is prevented from being established by reason of the sale of foreign merchandise "at less than its fair value," the Secretary of the Treasury shall make a finding to that effect.

Section 201 (a) is the deliberate quasi-judicial method of embargo. Since it is undisputably proved and conceded that the manganese industry is being injured and prevented from being established, all that is necessary under 201 (a) is to show that Russian manganese is being sold at "less than its fair value."

Section 201 (b) is the arbitrary and summary method of preliminary embargo. If, under 201 (b), the appraiser has reason to believe or suspect that the situation is even more aggravated than under 201 (a), namely, that the purchase price of the merchandise is less than the "fair value," to wit, "is less or is likely to be less than the foreign market value," or, in the absence of such foreign market value, then less than the cost of production, the appraiser shall withhold his appraisal report until further order of the Secretary.

Manifestly, if Congress gave to the appraising officer the right summarily, and on mere suspicion, to withhold his appraisal report if the merchandise is sold at less than its foreign market value, or at less than the cost of production, it is clear that the foreign market value or the cost of production must necessarily be less than the fair value. As between the foreign market value and the cost of production (in the absence of the foreign market value), the cost of production is the lower. Hence in "cost of production" is the most offensive degree of price aggravation which warrants embargo.

In other words, if the sale price is less than the fair value, then only the Secretary of the Treasury, after investigation, can issue an embargo. If, however, the sales price is less than the fair value, to wit, "less than the foreign market value," the appraising officer may summarily withhold his appraisal report. If the price is even lower than the foreign market value, to wit, "the cost of production," the appraising officer may likewise summarily withhold his appraisal report.

Hence the degrees of price governing embargo are: First, fair value; second, foreign market value; third, cost of production, and below which, of necessity, and under civilized principles of merchandising nothing can be sold.

To bear out our contention that cost of production is the lowest item of the scale and that nothing can be sold under that sum, we point to section 206 of the antidumping act, provided that in computing the cost of production, and addition for profit of not less than 8 per cent of the sum under paragraphs (1) and (2) of section 206 should be added.

Under section 201 (b), if the appraiser suspects dumping he must act immediately and on his own initiative.

To assist in these endeavors article 710 of the regulations provides for an antidumping unit of the special agency service, and states further:

"Field investigations relating to suspected dumping will be centralized at this point."

Field agents, under the article, are instructed to forward an original and two copies of all reports to the unit, with a copy to the director of the Special Agency Service.

Under article 713 of the regulations, whenever dumping is suspected, the appraiser shall immediately request the importer, or his authorized agent, to appear before him in order that he may obtain whatever information the importer or his agent may have relative to the matter.

The burden is not upon the American industry affected to prove dumping, but, on the contrary, is on the exporter, in this case the Soviet Government, to disprove dumping.

The act becomes applicable under section 201 (a) if the Secretary of the Treasury finds that (1) an industry in the United States is being or is likely to be injured or is prevented from being established by reason of the importation into the United States of a class or kind of foreign merchandise, and (2) that the merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere, at less than its "fair value."

And the act becomes applicable under section 201 (b), under circumstances more aggravating than 201 (a), to wit, if the appraiser has reason to believe or suspect that the purchase price is much less than the fair value, to wit, is less or that the exporter's sales price is less or likely to be less than the foreign market value (or, in the absence of such value, than the cost of production).

That the manganese industry in the United States is being or is likely to be injured or is prevented from being established by the importation of Russian manganese has been demonstrated and proven by the testimony of witnesses who appeared before the Secretary of the Treasury, and all of whom stated in no uncertain terms that their mines had been completely shut down and that they had been unable to compete with Russian manganese, imported and sold in this country at a price of 25 cents or less per unit, c. i. f. Atlantic ports; so that the injury to the American industry has been completely established. As to this there can be no contrary contention.

Under section 201 (a) it remains to be seen, therefore, whether manganese is being sold in the United States at less than its fair value. Fair value, of necessity, must mean that value which is reasonably and fairly measured by civilized standards of computation. A fair value, of necessity, must be more than the cost of production. Certainly an article sold at less than cost of production is not sold at a fair value. Looking at the situation from an angle most favorable to the soviet, it is at most necessary to show that Russia is selling at less than cost of production. If it is doing that, it is selling at less than fair value.

The Amtorg Trading Corporation, representing the Soviet Government, has withdrawn from the hearings. Obviously, because it does not wish to be questioned as to what fair value and cost of production is. It is fair, then, to contend that the soviet, having failed to submit its proof and having retired from the hearings lest it be compelled to submit proof—which, if submitted, would show its violation of the antidumping act—has, of necessity, defaulted, and thus, inferentially, if not actually, has admitted its violation of the antidumping act.

It is important to remember that the United States has refused to recognize Russia, and as a consequence of that refusal we have no consular or diplomatic representative in Russia; hence the usual channels of information are not open to America when its citizens deal with Russia. The nonrecognition of Russia by our Government is, however, of her own doing. She alone is responsible for her position.

The hearings in Washington gave to Russia the opportunity to divulge and present to the Secretary of the Treasury what its cost of production is. It is certainly logical to assume that, if the price at which the soviet sold manganese in the United States was more than the cost of production, it would welcome with open arms the opportunity to present that evidence to the Secretary of the Treasury. The fact that it is silent, that it has withdrawn from the hearings in order to avoid being asked embarrassing questions, and the fact that it continues in its policy of concealment, bears the inference, if not establishing positively, that the cost of production is far greater than the sales price of Russian manganese in this country.

Russia, committing a wrong, is seeking by a policy of concealment to hide behind that wrong. It is axiomatic that "a right can not arise to anyone out of his own wrong" (31 Corpus Juris 183, citing Harton *v.* Little, 188 Ala. 640; Baird *v.* Howison, 154 Ala. 359). In T. B. Harms et al. *v.* Stern et al., 231 Fed. 645, at page 648, the court, quoting with approval from the language of the Supreme Court of the United States (5 How. 192) says:

"You (the wrongdoer) can not be admitted here to plead your own demerits; precisely, therefore, in the position in which you have placed yourself, in that position we must leave you."

Where every consideration of propriety and honest dealing would demand that Russia, through her accredited representatives, should speak, we have been met with a wall of silence. That silence has a legal as well as a practical significance.

In Jones on Evidence (second edition), section 19, it is stated that:

"The mere withholding or failing to produce evidence, which under the circumstances would be expected to be produced and which is available, gives rise to a presumption against the party. * * * The courts recognize and act upon the natural inference that the evidence is held back under such circumstances because it would be unfavorable."

In 22 Corpus Juris, 111, the rule is stated as follows:

"The failure of a party to produce evidence which is within his knowledge, which he has power to produce, and which he would naturally produce if it were favorable to him, gives rise to an inference that if such evidence were produced it would be unfavorable to him; and a similar effect attends an effort to suppress evidence."

In the New York (175 U. S. 187) the United States Supreme Court quoted with approval its statement in Clifton *v.* United States (4. How. 242) that "to withhold testimony which it was in the power of the party to produce in order to rebut a charge against him * * * might be as fatal as positive testimony in support or confirmation of the charge."

To like effect see Kirby *v.* Tallmadge (160 U. S. 379).

The withholding of information by the Soviet Government has led to similar action by those with whom it had dealings. It will be recalled that the Soviet Government gave to W. A. Harriman & Co. a concession in Russia for the operation of the manganese mines. Harriman found the operation an unprofitable one and relinquished it. The Soviet Government agreed to repay Harriman a substantial sum of money over a period of time.

We called W. A. Harriman & Co., spoke to one of their representatives, and asked them if they would give us their production costs in the mining of Russian manganese while they had the concession.

This information was refused us. Bearing in mind that the Russian Government owes Harriman money, it is logical to assume that if the revelation of these production costs would have shown that they were less than the amount at which Russian manganese is being sold in the United States, and thus favorable to Russia, Harriman would have been glad to reveal its cost.

Hence their silence and refusal can be construed only as showing that had they revealed these costs they would have shown that they were higher than the price at which Russian manganese is being sold in the United States, and hence might have put Harriman in the embarrassing position where, by giving evidence against Russia, they were endangering the payment of the moneys due them from Russia.

We shall hereafter show the production costs which the Soviet Government and its agents have been so anxious to conceal and were so constant in their endeavor to secrete.

We come, therefore, to the sole point at issue, namely, What is the cost of production, the most aggravating figure, which summarily and without hearing, but on mere suspicion, warrants a preliminary embargo?

We have pointed out heretofore that Russian dumping is not confined solely to the United States. It is world-wide. It has caused a complete demoralization of the manganese industry and of the manganese market throughout the world. The purpose of this demoralization and the motives behind it we have previously revealed.

It is inconceivable that Congress intended that the foreign market value should be less or might be less than the cost of production. No civilized industry can sell its product at less than cost and still endure. Bankruptcy in such an instance must inevitably follow. Clearly, therefore, Congress intended that the foreign market value must either be more than or at least equal to the cost of production. To construe the language of the statute otherwise would be to read into it an absurdity, for it would then permit in indirection what Congress expressly prohibited directly. If Congress says that a sales price less than cost of production constitutes dumping, then certainly a foreign market price which is less than production cost is likewise dumping.

All laws should be so construed, if possible as to avoid an unjust or an absurd conclusion. In Ah Tie (13 Fed. 291) the United States Supreme Court is quoted:

"General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language, which would avoid results of this character. The reason of the law in such cases should prevail over its letter." (United States *v.* Kirby, 7 Wallace, 482.)

For in no instance can it be conceived that a civilized exporter would in his own country or in the other markets of the world sell his products at less than cost. To sell legitimately at less than cost of production would be impossible. To sell at less than cost of production the world over can result only in the creation of a fictitious market. But Congress was not asleep. It specifically provided against such a contingency. In section 205 of the antidumping act the following is provided:

"In the ascertainment of foreign-market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account."

Irrespective of fair value, which manifestly must be more than cost of production; irrespective of foreign market value, which manifestly must be more than cost of production, if the cost of production is higher than the selling price of the foreign article in the United States, the Secretary of the Treasury is compelled by law to invoke the antidumping act.

Russia may, of course, contend that her production cost is low, since she is starving her people, since they are improperly and cheaply housed, since she has seized the mines from Georgia, since she has conscripted her labor, since she has confiscated transportation facilities, and all this is hers without cost. She might further contend that having stolen the mines she has no capital investment; and since the property in the first instance is the result of her larceny she need charge off nothing for amortization or depletion. And that since she disregards the law of nations and her duties as a government amongst nations, since she disregards treaties, breaches contracts, and violates every principle of humanity, that she can likewise disregard usual accounting custom and contend that any price that she sets is her cost of production.

Again, however, Congress has made adequate provision. Section 206 of the antidumping act provides:

"That for the purposes of this title, the cost of production of imported merchandise shall be the sum of—(1) The cost of materials of, and of fabrication, manipulation, or other process employed in the manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business; (2) the usual general expenses (not less than 10 per cent of such cost) in the case of identical or substantially identical merchandise; (3) the cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and (4) an addition for profit (not less than 8 per cent of the sum of the amounts found under paragraphs (1) and (2) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production, who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration."

If the sales price of Russian manganese in the United States is less than the cost of production computed as Congress has decreed the issue must be resolved in favor of the American industry.

Congress has declared that it is the duty of the Treasury Department to protect American industry. Certainly it is not consonant with reason or justice that an American governmental department is to go out of its way to assist an international renegade in the use of our markets, when that use is for the avowed purpose of destroying our Government and our institutions.

In a situation where an honorable and responsible government, would, in deference to its national and international integrity, be impelled to speak—and even welcome the opportunity of so doing—Russia has been guilty of a constant policy of silence, secrecy, and concealment. That she does not give any information is evidenced by the affidavit submitted by her official in charge of manganese export. We will consider this affidavit later. Suffice it to say that in submitting that affidavit, the Soviet Government had the opportunity of stating facts. It chose not to do so and, hence, the inference exists that if it had stated facts, they would have been inimical to Russia.

W. A. Harriman & Co. has likewise refused to give information, an opportunity which Russia would certainly have availed itself of if that information had been favorable to it.

The match situation offers an interesting example. Only by having a representative in Russia and obtaining its production cost was the match industry of America able to obtain information necessary to obtain its embargo. Since that time, however, the Soviet has been very careful not to permit such information to leak out. Obviously, if such information were to be divulged an embargo on any product involved by such information would quickly result. Her agents in this country and elsewhere are constantly warned and cautioned to give out no information.

B. W. Delgass, a former vice president of the Amtorg Trading Corporation, resigned from Amtorg and proceeded to tell something of Soviet methods. Mr. Delgass was forthwith sentenced to death by a Russian tribunal, and that penalty awaits him in event that he ever sets foot upon Russian soil.

But, despite Russia's attitude of secrecy and concealment, despite her refusal to give information, and despite the barriers of protection with which she has surrounded all sources of information, and despite every impediment which she has placed in the way of obtaining information by American industry, the American Manganese Producers Association has been successful in its search for data.

This evidence is irrefutable. The American manganese industry knows the production cost of Russian manganese. This we will later show.

It is important to note that while Russia has endeavored to conceal her production costs, she indirectly has revealed them. She admits that in order to carry out her 5-year industrialization plan she must sell her raw products abroad to enable her to establish gold credits; and, as we pointed out heretofore, if the prices of Russian products were the same as that of the products of a civilized country, dealing with civilized nations would be preferred, Russia can only obtain these markets by underselling her civilized competitors.

In the New York Times of Sunday, September 28, 1930, there appears an article by Michael Farbman, an expert economist who has had a long association with Russia, and who presents a sum-

mary of interviews he had with the Russian leaders of trade and industry, which took place during a recent visit by Mr. Farbman to Russia. He says:

"Strictly speaking, Russia has not and can not have any exportable surplus save such articles as timber, oil, and furs. But when it became a question of paying for imports with exports or of stopping imports altogether the government was compelled to put on the market any goods which could be sold, without regard to whether they were surplus goods or not. Discussing the economic position of Russia in 1929, the State plan commissioners declared that while the state of foreign trade was in general favorable in one respect it was extremely difficult.

"'Imports,' they said, 'had to be cut down because the international bourgeoisie increased their pressure on the Soviet monopoly of foreign trade, using for this purpose a financial blockade. Therefore, if we had in 1929 to record a considerable decrease of imports, this must be put down to the decrease of foreign credits. But, on the other hand, the same circumstance stimulated us to increase our export trade, the development of which must in the future remain our most important task, since the financial capital of the world is being organized against us.'

"This insistence on the fictitious character of the development of the export trade I came across again and again in Russia in the course of my conversations with the leaders of trade and industry. The failure to obtain credits compelled them, they confessed, to export everything and anything for which they could find a market. * * * To-day, then, they are bound to explore every avenue in an endeavor to find new exports and new markets. Moreover, they are bound to get rid of their exports as quickly as possible and at any price they can obtain."

We have, therefore, an admission from the Soviet Government's representatives that they must get rid of their exports at any price they can obtain, irrespective of what that price may be. That this is the true situation is borne out by the production costs which we now present

RUSSIA'S COST OF MANGANESE PRODUCTION

The world-famous expert on manganese, Datico Zereteli, has compiled records of the detailed labor costs of mining manganese in the Tchiaturi district of Russia. They are as follows:

Wages per day paid to laborers in the mines in rubles and kopecks

	1913		1922		1923	
	Rubles	Kopecks	Rubles	Kopecks	Rubles	Kopecks
Miners	1	70	1	50	1	23
Shovellers	1	50	1	37	1	12
Barrowmen	1	40	1	23	1	12
Sorters	1	20	1	10		90

Cost (in gold kopecks) of a pood of washed ore at Tchiaturi platform

	Before the war		1923		Per cent increase in cost
	Absolute	Per cent	Absolute	Per cent	
Cost at pit's mouth: Extraction, sorting, delivery at pit's mouth; Tools, propping, lighting, technical supervision, etc.; Lease; Unforeseen expenses; Transportation from the pit's mouth to the washery; Increase of the cost through washing	2.50	36.2	4.96 0.25 2.69	48.91	216.00
			7.90		
Expenses of washing	1.00	14.5	2.93	18.1	193.00
Transportation to railway platforms	2.03	29.2	2.50	15.5	21.18
Unforseen expenses; Amortisation	1.39	20.1	1.33 1.50	1.75	103.60
			2.83		
	6.92	100	16.16	100	133.53

The cost of transportation from Tchiaturi to Poti during 1923 (in gold kopecks) is as follows:

	During 1923 (in gold kopeks)
1. Loading into wagons at Tchiaturi	0.65
2. Loading into wagons at Poti	1.37
3. Railway charges between Tchiaturi and Poti	4.91
4. Supply of wagons at Tchiaturi—Tchiaturi-Poti	.18
5. Agencies at Tchiaturi and Shorapan	.05
6. Lease of platforms	.25
7. Agency at Poti	.15
8. Post telegraph, traveling, and sundry and unforeseen expenses	.30
9. Analyses, samples for	0.05
10. Loading installations at Tchiaturi-Poti	.50
11. Baths and workers' houses	.20
12. Dock laborers	.15
13. Expenses of "Temo"	.50
14. Tax per pood	1.50
Total	10.76
Received	10.86

The average cost of a pood of manganese from a period during the régime of the Czar, thereafter and up to 1925, was as follows:

	Lump ore	Washed	Peroxide
Franco-platform Tchiaturi	14.65	22.16	26.73
Tchiaturi-Poti	13.06	13.06	13.06
Expenses of TEMO	1.10	1.10	1.10
Tax on monopoly	.84	.84	.84
	29.65	37.16	42.57
Loss in transport	.89	.74	.85
Stamp duties	.03	.04	.04
Total	30.27	37.94	43.46

Translating these figures into American money, we find that the cost of production of a ton of manganese in Russia at that time was $11.80 per long ton in gold in the yards at Poti, Russia. This includes a charge of $4.04 per ton for transportation from Tchiaturi to Poti. The transportation from Poti to Atlantic seaboard ports is between a minimum of $3.75 and a maximum of $5 per long ton. If we then add the minimum ocean freight cost of $3.75 per ton, we get a cost price of $15.55 per long ton c. i. f. American Atlantic seaboard ports.

It must be borne in mind that, in making this computation there is not taken into consideration capital investment, interest on capital investment, amortization, depletion, depreciation, and the usual charges which enter into mining operations.

From 1919 to 1925, Tchemo with the sanction of the soviet operated the Tchiaturi mines. It is unfortunate that we can not, in this brief, mention the confidential source of the following authentic information. The original documents containing the same are being submitted by us herewith in confidence, to the Treasury Department.

These figures, showing the past and present cost of production of manganese ore from the Tchiaturi mines, are as follows:

Average cost of 600 poods of 52 per cent manganese ore f. o. b. Poti, Georgia (Caucasus), during years 1919–1925. (One pood equals 36 pounds avoirdupois)

4 laborers working with spade, at $2.50	$10.00
2 laborers working with shovel, at $2	4.00
1 laborer working on carriage, at $1.55	1.55
3 laborers working cleaners, at $1	3.00
Transportation of manganese ore from the mines to the works	
840 poods of ore (out of which 600 poods buddled)	$14.00
Buddling of 600 poods of ore	12.00
Transportation from the works to the railroad stations—600 poods	15.55
Railroad freight charges	
From Chiaturi to the port of Poti—600 poods	$18.50
Loading in Chiaturi, unloading and loading in Charabam and unloading and loading in Poti—600 poods	9.00
Overhead (management) expense—600 poods	6.00
Rental of the ore property—600 poods	6.00
Maintenance of the mines and roads—600 poods	10.00
Laborers vacations with pay—600 poods	8.00
Labor insurance, hospitals, public baths, police force, etc.—600 poods	12.50
Total for 600 poods	130.10
Per 60 poods	13.01

According to the official documents published in Union of Socialist Soviet Republics, the cost of living in Russia for the last five years increased by more than 50 per cent; accordingly, the immediate necessities, as well as labor, increased over 50 per cent. Also, according to the statement made by the so-called representative of the Georgian Manganese Ore, Mr. Mikadze, the laborers in Chiaturi are earning from $3 to $4 a day. Based on the above, we will increase our cost per 60 poods of manganese ore, $13.01, by 50 per cent, equaling $19.51 per 60 poods, f. o. b. Poti. (This means that a ton of 2,240 pounds of 52 per cent manganese ore costs $30.22 f. o. b. Poti.)

No charge per pood has been made for amortization, depletion, depreciation, brokerage, or other customary charges considered legitimate and necessary when compiling such cost.

Since 1925 and to the present time there have been no material installations of machinery or other improvements at the Georgian manganese mines which would permit the present soviet operators to mine and ship ore at a cost lower than the cost of 1925, as shown above.

If we add to the present cost of $20.22 per ton f. o. b. Poti the minimum cost of ocean transportation to American ports ($8.75 per ton), we find that the c. i. f. cost in this country, without the addition of any profit, is $23.97 per ton.

The Soviet Government can not contend that any material improvements have been made which would reduce the already absurdly low production costs claimed by them.

The United States Daily, on September 2, 1930, published a statement by Doctor Furness, of the United States Bureau of Foreign and Domestic Commerce, to wit: "That the Soviet Government, in taking back its concession from Harriman, did so under the contention that Harriman did not carry out the program of important improvements provided for in the agreement." That Harriman did not make any improvements is conceded.

Mr. Seth R. Swain, the American mining and metallurgical engineer employed by the Harrimans while operating their Russian concession, bears out the statement that no material improvements had been made by Harriman, and that the cost of mining and transportation, because of the antiquated methods used, was expensive.

Nor can it be contended by the Soviet Government that its labor costs have been reduced, which might justify any decrease in producing manganese ore.

An article in the Economic Review of the Soviet Union, of August 1, 1930, a magazine published by the Amtorg Trading Corporation, and hence, the mouthpiece of the Russian Government itself, published an interview with A. V. Mikadze, representative of the Soviet Manganexport Corporation in the United States, and A. E. Kalnin, president of Rudo-export, the Ore Export Corporation of the Union of Socialist Soviet Republics, which handles all soviet exports of ore, including manganese. Mr. Mikadze said:

"Soviet manganese is being purchased in the United States largely by the United States Steel Corporation and the Bethlehem Steel Corporation, who have been using Tchiaturi manganese ever since 1886. * * * According to soviet statistics, exports of manganese to the United States during the 12 months ending September 30, 1929, amounted to 338,500 metric tons. Soviet manganese imported into this country comes from the Tchiaturi mines (in the Soviet Georgian Republic), which are located not far from the Black Sea. About 7,600 workers are employed in the Tchiaturi mines at the present time. While the average wages amount to roughly 84 rubles per month ($43), some miners receive from 7 to 8 rubles per day ($3.50–$4). Benefits received by workers include free medical service, living quarters free or at nominal rent, free sickness, old age, and unemployment insurance. In addition, workers receive vacations of at least two weeks per year."

Nothing has transpired between 1928 when the Harriman concession ceased and the present time which would reduce the cost of production. On the contrary in view of the higher labor costs stated by Mr. Mikadze to be presently existing and the greater number of laborers employed the cost of production of manganese ore at the Tchiaturi mines is, of necessity, now higher than it was before.

Despite that fact, Russia is selling her manganese in this country at 25 cents and less per unit, or approximately $12.50 per ton, c. i. f. Atlantic ports, when the actual cost to them is $23.97 per ton. In other words, she is selling here almost 50 per cent less than the cost of production.

The Harriman concession commenced operations in 1925 and continued until the latter part of 1928, when Harriman publicly announced his renunciation of his manganese concessions in Russia because he could not sell manganese at a profit. Harriman was selling at a price of approximately 43 cents per unit, c. i. f. Atlantic ports, or in excess of $21 per ton. If, as Mr. Mikadze states, labor is being paid more and is employed in greater numbers now than it was during the Harriman régime, and Harriman could not make a profit at $21 per ton and was constrained to relinquish his concession, and Russia is now selling at $12.50 per ton, it is quite apparent, again, that she is dumping.

The Russian Government well knew that its production cost or world-market price was about $21 per ton, for the formal agreement between the Soviet Government and W. A. Harriman & Co. (Inc.), dated Moscow, June 12, 1925, the original of which is in our possession, states on page 16, section 27 thereof, as follows:

"The concessionnaire agrees to keep in his books a special account to be known as 'The Government Surplus Account.' In all cases, excluding peroxide ore (MnO_2), when sales of ore are made at a price in excess of $21 per dry ton, there shall be credited to said account one-half of the difference between the price abroad and $21 per dry ton. In all cases when sales are made at a price less than $21 per dry ton, there shall be debited to said account one-half of the difference between the sales proceeds and $21 per dry ton. Said Government Surplus Account shall be kept on the basis of c. i. f. prices, with references to invoices and 'facturae,' and shall in cases of necessity, be supported by same. At the end of each five years during the time this agreement is in force, said account shall be balanced. If it shows a credit, the amount of said credit shall be paid to the government. If, however, a debit is shown, no payment will be required of the government."

It is further provided, in section 49, page 27, that:

"Conditions of labor on the conceded enterprise shall be regulated by the appropriate laws in force in the Union of Socialist Soviet Republics."

It is quite apparent from this section of the agreement that the Soviet Government expected that the world price of manganese, including the price of soviet ore from Tchiaturi, would be approximately $21 per ton. Yet, at $21 per ton Harriman was losing and was constrained to relinquish his concession.

In spite of all this, and in the face of its greater production cost, Russia is selling at $12.50 per ton, c. i. f. Atlantic ports.

When it is remembered that Congress has decreed, under section 206 of the antidumping act, in defining what the cost of production shall be, to wit:

"(1) The cost of materials of and of fabrication, manipulation, or other processes employed in manufacturing or producing identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration, which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business."

We find that the cost in the usual course of business, at a time preceding the date of shipment of the particular merchandise under consideration was the Harriman cost, and the Harriman cost was approximately $21 per ton.

In paragraph 4 of section 206 Congress provides for a profit of not less than 8 per cent, "equal to the profit which is ordinarily added in the case of merchandise of the same general character as the particular merchandise under consideration by manufacturers or producers in the country of manufacture or production, who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration."

Harriman was engaged in the same general trade as and with the soviet. So was "Tchemo." Hence, again under the law we revert to the Harriman and Tchemo costs and these we have shown are far higher than the present selling price of the soviet.

On May 8, 1930, the Iron Age printed an article submitted by its Hamburg correspondent, which reads as follows:

"SOVIET LOSSES HIGH ON MANGANESE ORE

"HAMBURG, GERMANY, April 21.—Based on recent reports and statements by Government officials in Soviet Russia, the Government is losing heavily on manganese-ore production in the Caucasus. The director of mines has stated that production costs have advanced about 34 per cent recently. Estimates by German ore dealers show that the Russian Government is selling manganese ore from the Georgian mines at about 3d. (6 cents) per unit less than the cost of production. However, the Soviet Government is selling manganese ore regardless of costs to establish sufficient foreign credits for purchase of machinery and equipment required in its industrialization program."

The Daily Metal Trade, a prosteel publication, admits that Russia is selling at less than cost of production and at a loss, in its editorial of August 16, 1930, which says:

"True, exports of manganese ores from Russia have increased enormously. True, too, prices have gone down to a point where the soviet manganese-export trust may be losing 6 cents a unit, as some reports indicate. Quite probably it is also true that the soviets have determined to sell their manganese ore in foreign markets as a means of creating gold credits, regardless of costs."

That this price cutting has accomplished Russia's purpose is borne out by the following table of imports:

Imports of manganese ore into the United States

Year	Total from all countries, gross tons	Imports from Russia	
		Gross tons	Per cent of total
1922 [1]	425,000	3,284	0.4
1923 [1]	419,000	23,340	5.9
1924 [1]	505,000	82,194	17.8
1925 [1]	615,000	229,074	40.0
1926 [1]	738,000	244,690	35.2
1927	622,067	253,544	40.8
1928	427,708	159,842	26.7
1929	664,269	329,336	49.6
1930 [2]	742,000	346,178	46.7

[1] U. S. Bureau of Mines estimate of gross weight, based on actual manganese content.

[2] Based on actual figures, imports for first 6 months of 1930 which show 173,089 tons from Russia and total from all countries 370,903 tons.

Mr. E. C. Ropes, chief of the Russian section of the division of regional information, United States Bureau of Foreign and Domestic Commerce, has prepared the following translations from the German press, pertaining to Russian methods of marketing manganese:

"Thus, the basis for a dumping process of extraordinary nature and with far-reaching aims is present in Russia, and it is further extended by the difference maintained between the official valuation of the ruble in Russia and the actual value abroad. There is thus added to dumping, based on State capitalism, a dumping based on the difference in exchange."

And the final conclusive evidence is illustrated by the following:

The Domestic Manganese & Development Corporation, of Butte, Mont., had a contract for the sale of its manganese ore with a certain American manufacturer of ferromanganese.

The Domestic Manganese & Development Corporation had enlarged its plant and had reached a point where it could meet all of the requirements of its contract from the viewpoint of production.

Hardly had deliveries commenced under the contract than the same was canceled by the ferromanganese manufacturer. Mr.

Harold A. Pumpelly, vice president of the Domestic Manganese & Development Corporation, testified in Washington before the Treasury Department that he personally went to the ferromanganese manufacturer to ascertain the reason for the cancellation of the contract, and was informed that it was due to the fact that the price was too high. He then asked what price would be acceptable and was advised by the ferromanganese manufacturer that he had been informed by a representative of the Soviet Government that the Soviet Government was ready to undersell any competitor for the American business, at whatever price quotation, be they American or other foreign producer.

We have, therefore, incontestable proof of the fact that Russia is selling manganese in the American market at considerably less than her actual cost of production, computed on a basis most favorable to her; and since this is so, she is selling at less than fair value. Thus she is dumping in violation of the antidumping act of 1921.

But this is not the only law that Russia is violating.

The immigration act of 1922 was designed for the purpose of keeping out of America cheap foreign labor, which would come into our country and work at low wages, thus displacing the American workman from his job and bring down his standard of living.

By permitting Russia to import into this country merchandise manufactured by cheap forced, indentured, conscripted, and convict labor, Russia is as effectively evading the immigration act as if her workmen were actually in this country.

Title 30 of the Code of Laws of the United States of America, in force December 6, 1926, section 187, provides that in the mines owned by the United States, the employment of any boy under the age of 16, or the employment of any girl or woman, without regard to age, in any mine below the surface, is prohibited. Yet we find in an article in the New York Times, cabled to it from Moscow, by Walter Duranty, its correspondent, that tens of thousands of young communists, ranging in age from 8 to 16, and from 16 to 22, are actually being put into brigades on a military basis, and sent by tens of thousands for special service in mines and factories, and on railroads and building projects.

We respectfully submit that violations of these laws can not and shall not be tolerated in this country.

Our laws do not permit any American concern to destroy its rivals by such tactics, and our laws do not allow another country to attack us in this fashion.

REPLY TO THE DATA SUBMITTED BY THE AMERICAN IRON AND STEEL INSTITUTE

In the face of overwhelming proof submitted by the manganese industry, one would imagine that definite facts and figures would have been submitted by Soviet Russia in reply thereto.

We have pointed out heretofore that Soviet Russia abandoned the hearings and permitted, in effect, a judgment by default against it. We must assume, therefore, that she did this knowing that any defense she might interpose would be unavailing. We infer, too, that the default was occasioned by the fact that appearance would have meant questions, that questions would have meant answers, and that answers could not be forthcoming without incrimination.

Instead, Soviet Russia contents herself by submitting, through the American Iron & Steel Institute, an affidavit by A. E. Kalnin, who is the president of the rudo-export trust in the Union of Socialist Soviet Republics, the organization which has full charge of all exportations of manganese ore from Russia.

Strangely enough, despite the soviet's proclamations to the world that she has abolished religion and abandoned God, this affidavit is sworn to before a notary public. We respectfully submit that there could be no oath by an individual who denies the existence of one. But, in this so-called affidavit, Mr. Kalnin was afforded the glorious opportunity of presenting to the Treasury Department the cost of production of manganese at the Tchiaturi mines. But these production costs are conspicuous, by their absence. There is not a single word in the affidavit that has any reference to the cost of production or to fair value. Mr. Kalnin simply says that the purchase prices of manganese ore obtained in the United States for Tchiaturi manganese ore were at all times higher than the prices obtained therefor in countries other than the United States. His sole statement is an endeavor to rush for a loophole which does not exist. He does not even state what the prices in these other countries are. We have disposed of this argument previously in this brief, for we have shown that Congress has decreed that no ore can be imported into the United States at less than the cost of production. Cost of production is the minimum line. We have shown that Russia, through her dumping processes throughout the world, is selling in foreign markets as well as in our own for less than cost of production. Hence, even if the foreign-market value of the ore is less than the price received for it in the United States, since the foreign-market value of the ore is less than the cost of production, under the antidumping act, the cost of production controls and not the foreign-market value, and certainly not a fictitious market value which Russia herself has created.

Hence, Mr. Kalnin, by his very statement with reference to foreign-market value (and carefully refrained from showing what that value is), and by his silence as to cost of production and as to the overwhelming proofs submitted as to cost of production, has squarely brought himself within the antidumping act of 1921.

We have, therefore, a situation where the soviets, with full opportuntiy to present facts, have maintained a complete silence; and this silence has proclaimed more eloquently than words her violation of American law.

We come now to the statement of Mr. Thomas J. Doherty, tariff counsel for the American Iron & Steel Institute, indirect spokesman for the Soviet Government.

At the hearing on September 9, 1930, Mr. Doherty said that his only interest was the deep concern on the part of steel producers of the United States that an adequate supply of ferromanganese should be assured them. In the same statement Mr. Doherty says that a very informative article was published on page 396 of Commerce Reports, issue of August 18, 1930, by James W. Furness and Donald F. Lloyd, of the minerals division of the Department of Commerce, and he desired to point out (1): That there is a very large accumulation of manganese ore in British India awaiting a market. The other is the reference to Gold Coast production which says that (quoting from Mr. Doherty's memo):

"It has been reliably stated that the properties now being developed will be able to produce high-grade manganese for many years to come at a figure substantially lower than that in India, Russia, and Brazil."

Mr. Doherty says further that the point of all this is that if there are any additional burdens by way of duty on manganese ore from any one of the world's producers, or if there were a complete embargo of manganese ore from any of them or from all of them, except one, that one would be able to supply the entire demands of the American market.

If this latter statement of Mr. Doherty is true, then he should have no concern at all about an adequate supply of ferromanganese being supplied to the steel producers of the United States, for he himself says that any one of the other world producers could satisfy the needs of the United States.

And again, if any one of these other countries could satisfy the needs of the United States and thus relieve Mr. Doherty of all anxiety, why does he appear and contest the enforcement of the antidumping act against Russia?

We have no quarrel with India, the Gold Coast of Africa, or Brazil, any one of which, Mr. Doherty contends, could amply fill the needs of the American steel industry. Our contention is solely with Russia, and since, as Mr. Doherty admits, an embargo on Russia would in no wise affect the source of supply of the steel companies, he likewise admits that an adequate supply of ferromanganese is assured the steel industry.

But Mr. Doherty goes farther. He says that ferromanganese is an absolute necessity in the manufacture of steel and no substitute for it has ever been discovered.

Again we quote Mr. Doherty to the effect that this absolute necessity is available from sources other than Russia; therefore he has no cause for worry. We agree with Mr. Doherty that ferromanganese is an absolute necessity and that no substitute for it has ever been discovered. We also call to his attention the fact that, being a necessity for the manufacture of steel, it is likewise a vital necessity in the matter of national defense; and, since he is fighting the cause of Russia, we must assume that he desires the steel industry to be dependent upon Russia for its source of supply, thus indirectly placing our national defense in the hands of and at the mercy of Soviet Russia.

Mr. Doherty further contends that—

"In order to obtain manganese of 78 to 82 per cent content, you must have a manganese ore containing about 50 per cent metallic manganese. And that is just why manganese ore has to be imported from foreign countries. There is little or none of such ore found in the United States, and the relatively small quantity that is produced here is obtained through beneficiating processes which are very costly."

This statement of Mr. Doherty is not sworn to before a notary public.

The United States Bureau of Foreign and Domestic Commerce points out that from only one source in the world, namely, British India, does the average metallic content of manganese ore exceed 50 per cent. The figures are as follows:

	Per cent
Russia	49.95
Brazil	43.56
British India	51.94
Gold Coast	49.40
All others	48.14

making a total average content, even including British India, of 48.09 per cent.

In striking contrast to these percentages of foreign ores is the percentage of metallic manganese content in the United States ores.

In the Wall Street Journal of Friday, February 21, 1930, the following article appeared:

"The Anaconda Copper Mining Co. has proved that the large quantities of low-grade manganese ore in the United States can be commercially treated by the newer methods of beneficiation. The company has recovered manganese by flotation method, discovery of which was made by the United States Bureau of Mines, through its experimental station at Rolla, Mo., under the direction of Will H. Coghill.

"On December 16, 1929, a test run was started in one of Anaconda's commercial plants. Since that time approximately 12,000 tons of manganese (rhodochrosite) ore, averaging between 29.5 and 30 per cent metallic manganese and over 20 per cent silica, have been treated in this plant by flotation. The concentrates have averaged between 38 and 40 per cent metallic man-

ganese and under 6 per cent silica. The recovery of manganese in the flotation plant has averaged about 95 per cent.

"The material is being treated at the rate of 300 tons a day and the finished product shipped at the rate of 200 tons a day to the Domestic Manganese & Development Co. at Butte, Mont., for nodulizing. The nodulized product runs approximately 60.8 per cent metallic manganese and 6.9 per cent silica. This is the highest grade manganese ore ever introduced into the world's market."

We find, therefore, Mr. Doherty's statement to be far from the true facts. For the metallic content of American manganese is in the neighborhood of 60 per cent and is, therefore, the highest grade manganese ore in the world, a fact which Mr. Doherty's clients know for they have purchased this product from the American producers and have manufactured ferromanganese with it.

When it is borne in mind that these processes of beneficiation, resulting in the highest metallic content ever known have been evolved by the American manganese industry in the short space of two years, it is certain that if allowed to continue and to progress, it will make even greater strides.

If Mr. Doherty is worried about the source of supply and the metallic content, certainly these amazing figures of the American industry should completely relieve him of all anxiety.

We might add also that the output on plant capacity of manganese in the United States to-day is in excess of 200,000 tons per year. We might further add that if Mr. Doherty and his cohorts had not done everything conceivable in their power to injure the American manganese industry, that its output undoubtedly would long since have been sufficient to provide the greater part of the manganese needs of the United States; for we have shown heretofore that hundreds of millions of tons of manganese ore exist in the United States, awaiting similar beneficiation processing and shipment to the market.

The argument of Mr. Doherty as to the methods in which the antidumping statute may be violated we have already disposed of. His contention of the inherent improbability of dumping is negatived by the statement of Russian officials themselves, hereinbefore quoted.

The test, as we have said before, is whether or not the price in the United States is less than cost of production, and we have conclusively demonstrated not only that it is less but much less.

To further show the error of Mr. Doherty's contention we quote his language. He says "that there is a very large accumulation of manganese ore in British India awaiting a market." If Russia is not dumping, why is the ore from British India awaiting a market?

He further says, with reference to the Gold Coast of Africa that these properties "will be able to produce high-grade manganese for many years to come at a figure substantially lower than that in Indian, Russia, and Brazil." If these products are being produced at a figure substantially lower than that in India, Russia, and Brazil, and despite that fact, the ores of Russia for the greater part are being imported into this country, Mr. Doherty, by his own words, shows that since the manganese from the Gold Coast is coming into this country in lesser quantities than soviet manganese that Russia is selling even more cheaply than Gold Coast manganese, and Mr. Doherty himself says that the production cost of Gold Coast manganese is less than that of Russia.

His statements to the effect that there are world prices quoted freely for manganese are absurd. We have shown that Russia is dumping not only in the United States but in all the world markets. Russia is in the unique position where, having stolen the Georgian mines, she has no capital investment, and having conscripted labor and transportation facilities, and having everything governmentally owned and operated, she can sell at any price, irrespective of cost of production, because there is no capital being jeopardized.

In this unique and uncivilized position, she has caused a complete collapse of the manganese markets of the world. Hence, the only quotations for world markets are Russian quotations, and being Russian quotations, are meaningless.

Mr. Doherty's anxiety and fears we have shown have been alleviated by Mr. Doherty's words and conclusions. The important statement which he makes and which disposes of all his arguments is that "if there were a complete embargo of manganese ore from any of them, or from all of them except one, that one would be able to supply the entire demands of the American market."

We do not in this application object to the importation of manganese from Brazil, India, or the Gold Coast of Africa; and since any one of these would meet the needs of Mr. Doherty's clients as he himself admits, he could even, if an embargo were placed on Russian manganese, obtain his full needs for the purposes he mentions.

We respectfully submit that Mr. Doherty, by his own statement, has added the final argument in our behalf.

CONCLUSION

The picture of the Soviet Government as an international outcast spreading commercial ruin and disaster wherever it goes is indeed a novel spectacle, previously unheard of in the history of the world. The editorial in the Wall Street Journal of October 2, 1930, says:

"In one respect the Soviet Government is a unique historical phenomenon in that it aims openly at the destruction of those things which are the foundations of the western civilization. It has put us all upon notice that its word is worthless—even in business. It has struck at the home and family—the very building stones of the state. Even the Hottentot and the Bushman have a code by which they will live, but the soviet has none. And in order to make quite sure that there should be no mistake as to its purpose it has declared open war upon Almighty God Himself."

President Coolidge on December 18, 1923, refused to negotiate with reference to the recognition by our Government of Russia for several reasons, "the most serious is the continued propaganda to overthrow the institutions of this country."

We refuse to recognize Russia because she seeks to overthrow our institutions. Yet, we are permitting her to overthrow our industries and by obtaining the money in so doing, giving her the means to overthrow our institutons.

Secretary of State Colby refused to recognize Russia, "whose diplomats will be the agitators of dangerous revolt." Nevertheless, we are putting into the Russian treasury the necessary wherewithal to permit her to use her commercial agents rather than her diplomatic agents as agitators of dangerous revolt.

On December 6, 1923, Calvin Coolidge, President of the United States, said: "I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles." Yet, we stand idly by and, while supinely refusing to barter our cherished rights of humanity, are daily seeing them destroyed by the very government to whom the President's statement was addressed.

On March 21, 1923, the Hon. Charles E. Hughes, Secretary of State, said:

"* * * It is also important to remember that there should be no encouragement to those efforts of the soviet authorities to visit upon other peoples the disasters that have overwhelmed the Russian people."

Yet, if we permit the disposition of Russian products in this country at less than production cost, resulting in the collapse of American industries and the unemployment of American labor, we are assisting in the visitation of the very disasters which our own Secretary of State cautioned us to guard against.

On February 1, 1928, the State Department objected to American banks and institutions assisting the Soviet Government in the flotation of any loan in the United States. Yet, by permitting the sale of Russian products in this country on the basis mentioned, we are, in effect, giving to Russia the financial wherewithal as effectively as if we had assisted in the flotation of a Russian loan, and are again violating the instructions of the State Department.

The Hon. Charles E. Hughes, Secretary of State, quoted Trotsky as saying that revolution is coming in Europe as well as in America as a consequence of Russian propaganda. In the face of that knowledge, we put into the hands of Russia the very money, at the cost of the despoliation of our industries, to accomplish that revolution in America.

In the words of the Washington Post of August 25, 1930, "Russia is waging war disguised as trade."

We realize that Russia is buying considerable merchandise in this country for its uses at home. We do not object to Russia doing this. But we do say that it is un-American and unpatriotic to permit a few American industries to make a profit at the expense of the very life of many other American industries.

On October 21, 1930, the New York Sun quoted from articles in the official Russian newspapers Isvestia and Pravda to the effect that if America enforces its antidumping laws against Russia, Russia would retaliate by decreasing its purchases in this country and buying its necessary imports elsewhere. Soviet Russia is thus threatening America with reprisal should America enforce its laws for the benefit of its citizens.

This threat of reprisal is not only an admission of Russian dumping but it is a challenge to America which should not remain unanswered. Certainly our Government can not be put in the position where at the threat of a renegade it relinquishes its sovereignty and the duty to enforce its laws.

We believe that it is fundamentally and basically wrong to stand complacently by and lend substantial aid and comfort to an international enemy at the cost of the sacrifice of American industry and labor.

We believe that it is the paramount duty of the American Government to protect American industries and labor.

We are passing to-day through a period of general economic depression. It is the duty of the American Government to eliminate as quickly as possible the basis of this depression and to do all within its power to overcome it at the earliest possible moment. Certainly, the complete demoralization of many basic American industries, of which manganese is one, as a consequence of Russian dumping, has contributed in no small degree in creating the depression. Every American industry which ceases functioning and discharges its labor, adds to the economic depression and to the already too great number of the unemployed. An embargo will immediately enable the American manganese industry to create employment for thousands of laborers now idle.

Russia is violating, as we pointed out heretofore, not only the antidumping act but, indirectly, the immigration act and the mining act as well.

She is bent upon "raising the red flag over the White House."

The Treasury Department should go to every extreme to assist American industry and prevent Russia from accomplishing her insidious purposes openly expressed.

Americans will not tolerate the destruction of their industries.

America will not tolerate Russia accomplishing indirectly what our Government has decreed Russia shall not accomplish directly.

American sentiment is aroused against Soviet Russia, and it has been pointedly asked on more occasions than one whether our laws

are to be enforced for the protection of American industry or in the interests of Soviet Russia.

The Russian problem presents one of the most important facing the world to-day.

America by its fearless enforcement of the antidumping act can assist materially in the solution of that problem. The civilized world is waiting for America to act and to enforce its antidumping provisions. If the markets of the world are closed against Russian dumping, it is only a matter of time before Russia's 5-year industrialisation plan must fail; and if it fails, as it should, it can have only one consequence—that Russia must change its form of government and method of doing business; that it must subscribe as does the rest of the world to international custom and usage; that it must adhere to the laws of humanity; and it must finally, against the will of its rulers, but perhaps in consonance with the will of its own people, take its place again as a member of the family of nations.

The importance of the decision in the instant case can not be overemphasized.

The spirit of the American people is reflected by the statements and actions of its Government, and no government can afford, through its accrediated agents, to say what America's representatives have said and then act contrary to those declarations.

If we do not enforce the antidumping act in this case we will then be giving to Soviet Russia, whom we declare as unworthy of recognition, rights and prerogatives which only those nations have whom we recognize, yet with none of the duties and obligations that flow from such recognition. We will, in other words, give to Soviet Russia, unrecognized, a greater latitude than we give to other nations, whom we do recognize. We shall add to the prestige of an international brigand, while proclaiming to the world that he is unworthy of relationship with us.

We believe that the American people look with interest and anxiety to the Treasury Department's determination of the issues presented by this memorandum, and we feel and hope that a decision will come which is in harmony with American sentiment with the spirit of American fairness, with the principles upon which America is based, and in consonance with those ideals for which our forefathers so gallantly died.

We desire to make grateful acknowledgment to the American press generally for the very helpful and authentic information which the newspapers and other publications gave us and which proved so valuable in the preparation and drafting of this memorandum.

We desire also to acknowledge our grateful appreciation to the officials of the United States Treasury Department for the courtesy and considerate treatment accorded us at the hearings at which they presided.

Respectfully submitted.

BARRON, RICE & ROCKMORE,
Attorneys for the American Manganese Producers' Association.
BERNARD S. BARRON, *Of Counsel.*

[Before the Treasury Department of the United States in the matter of the petition of the American Manganese Producers' Association for an embargo against the importation of Russian manganese]

REPLY BRIEF OF AMERICAN MANGANESE PRODUCERS' ASSOCIATION

The brief heretofore submitted by us was the result of many weeks of profound research. It presents practically every impartial, pertinent fact and statement pertaining to the dumping of Russian manganese ore in the United States.

We have before us the amazing brief submitted by the American Iron & Steel Institute. In it we find no reply to the arguments, facts, and figures presented in our original memorandum. On the contrary, throughout the brief we find the words "allegations," "charges," "disingenuousness," "rodomontade"; "What there is of truthful statement in the brief is mostly irrelevant, and what is relevant is largely untrue;" "There is no evidence to discuss;" "There is nothing in the way of proof;" "old stuff;" "complete failure on the part of complainants to furnish any proof of their charges;" "greatly exaggerated;" "wild assertions;" "absurdly untrue;" "insinuations;" "innuendoes;" "demonstrably false;" and the like.

As a treatise embodying every conceivable form of ill-tempered denial it deserves great commendation. But while the abovementioned utterances pervade the entire brief, never in any instances are any of these heated denials supported by facts.

It is well, indeed, for a criminal when accused of crime to shout as loudly as possible that his accusers are liars, that they are making "wild assertions," that they are guilty of "insinuations and innuendoes," that they "greatly exaggerate," that "there is no evidence to discuss," that "there is nothing in the way of proof," and the like. But such assertions become meaningless when sticking out of the pocket of the thief is the very loot which he is accused of stealing; and when requested to take the stand in his own behalf, refuses so to do on the ground that it would tend to incriminate him.

In response to definite facts and figures, the American Iron & Steel Institute yells "liar," but submits absolutely no proof to sustain its assertions. On the contrary, to the great silence heretofore maintained by Amtorg and the soviet, is now added the silence of the American Iron & Steel Institute.

On page 9 of the brief submitted by the American Iron & Steel Institute, is the statement that they desire "to adhere closely to the exact question that is pending before the Treasury Department." This exact question is, of course, "Is Russia dumping manganese ore in the United States?"

There is no data in the institute's brief on this question. There is a reference to the previous tariff fight. There is a schedule showing the imports as far back as 1904. It might just as well have shown, in closely adhering "to the exact question" pending before the Treasury Department, that in nationalizing its women the soviet showed what a kind and loving people they are.

We ask the Treasury Department to find one pertinent statement in the brief of the American Iron & Steel Institute which is relevant to the question pending before it.

It is significant to note that, although we proved by public records, by the affidavit of one who worked in the Tchiaturi mines, and by the statements of Russian officials themselves that the cost of production of Russian ore was $23.97 a ton and that it is being sold for $12.50 a ton to this country, c. i. f. Atlantic ports, there is not a single word in the institute's brief controverting the proofs submitted by us on this point.

We have proved that anything sold at less than cost of production constitutes dumping. Certainly, the institute's contention that, since Russia is dumping in all other countries of the world by selling at less than "fair value," she can likewise dump in this country by selling at less than "fair value," is wholly contrary to the letter and spirit of the antidumping law.

It is incongruous to assert that it was the intent of Congress to permit American industry to be destroyed simply because industry in other countries is likewise being destroyed. On the contrary, section 201 (a) specifically forbids such a situation.

The construction of the antidumping act urged on page 4 of the institute's brief would render the law meaningless. There are two definite and specific sections of the law, to wit, section 201 (a) and section 201 (b).

At best, even if we assumed, without conceding, that the interpretation of the law as contended by the institute is correct, it would apply only to section 201 (b) and not to 201 (a).

Section 201 (b), however, applies only to preliminary, summary embargo based on belief, suspicion, or information presented to the appraiser Such preliminary embargo under section 201 (b) must, in any event, await final determination of the Secretary of the Treasury, based, not upon the grounds set forth in 201 (b), but on those set forth in 201 (a). Hence, where, as here, a final and complete embargo is requested, not based on appraiser's belief or suspicion, but based on the finding of the Secretary of the Treasury "after such investigation as he deems necessary" (which investigation has been made and hearings in the course thereof held), section 201 (a) alone controls, as it controls in any case where final embargo is to be applied. For section 201 (b) expressly says that the appraiser shall withhold his appraisement report "until the Secretary has made public his findings as provided in subdivision (a) in regard to such merchandise." The final action in any case must, therefore, be taken by the Secretary under 201 (a).

We may, therefore, completely disregard section 201 (b) even though, under the circumstances of this case, a preliminary embargo under section 201 (b) should be granted.

We find under section 201 (a) that only two things need be proved:

1. "That an industry in the United States is being, or is likely to be injured, or is prevented from being established by reason of the importation into the United States of a class or kind of merchandising"; and

2. "That merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value."

As to the first requirement, it has been definitely proved that the domestic manganese industry, because of Russian dumping, has been demoralized and ruined. That the mines have been shut down and all operations suspended. This situation is not denied by the Steel Institute.

As to the second requirement, we have shown that the production cost of Russian ore is $23.97 per ton (which the Steel Institute does not deny), and that its sales price in the United States is $12.50 per ton c. i. f. Atlantic ports (which the Steel Institute, in effect admits). A price of almost 50 per cent less than cost of production can not, under any circumstances, be considered a fair value.

Congress, in defining the most prejudicial sales price, to wit, cost of production, has decreed that even on this item a profit of 8 per cent must be included. Certainly, merchandise which is being sold at 50 per cent less than its cost of production, and at a price which ruins an industry throughout the world, is being sold at less than its fair value.

The contention of the institute is that "if the foreign market value is less than the price charged in the United States, there is no dumping," but the antidumping act itself vitiates this contention. The selling price of Russian ore in the United States is, we have shown, less than the fair value. If the selling price in foreign countries is even less than the price in the United States, such foreign selling price is, of necessity, much less than the fair value.

Section 201 (a), which controls the decision in this case, says that dumping is committed if the foreign merchandise "is being sold * * * in the United States or elsewhere at less than its fair value." "Elsewhere" can only mean foreign countries. Thus section 201 (a) specifically declares dumping to exist if merchandise is sold at less than fair value, not only in the United States but in foreign countries as well. Hence, the institute, by showing that the price of Russian ore in foreign countries is less than the

price in the United States, shows that Russian ore is being sold at less than fair value not only in the United States but elsewhere, and hence shows the very evidence necessary to bring the situation squarely within the provisions of section 201 (a).

The institute has thus confirmed our contention that under section 201 (a) of the antidumping act Russia should be embargoed.

The institute contends that the statement on page 34 of our brief, of an estimate of 742,000 gross tons of manganese ore as the importation of 1930, of which 346,178 tons are expected to be from Russia, is "greatly exaggerated." These figures for the first six months were furnished by the United States Bureau of Foreign and Domestic Commerce, and we submit that coming from this impartial governmental source the figures should be accepted as correct.

Let us assume, without conceding, that only 3,000 tons of manganese ore came from Russia during the month of October, 1930, as claimed by the institute. If so, it is probably due to the fact that in August the request for an embargo was first presented. With the feeling of guilt of dumping unquestionably in the minds of the soviet officials, and with the premonition that the requested embargo, because of dumping, would be granted against them, they probably cut down their exports of manganese ore to the United States.

On page 4 of the institute's brief is the statement that "it is our desire to present to the department all the information on the subject that is available." If the brief of the institute is supposed to set forth all the information that is available, it is, indeed, a sorry commentary on the knowledge of the institute with reference to the question presented.

Without any proof to support it, without any facts to substantiate it, without any logic or argument to corroborate it, the institute says that they "unhesitatingly affirm that there is no dumping of manganese ore into this country from Russia or any other country."

Such an affirmation may be considered proof in a radio-broadcast trial in Russia. But it does not constitute proof in a case such as this, where an American industry is faced with annihilation at the hands of an international brigand, and where American industry and American labor is being subjected to unwarranted, unjustified assault by the only nation which could perpetrate it; a nation unrecognized by our Government and declared by our State Department to be unworthy of official relationship with us.

Despite the fact that many millions of dollars have been invested in the American manganese industry, and despite the fact that during the war the American manganese industry helped to save American participation in the war from being futile, the insitute, in its brief, has the blatant effrontery to assert (p. 7) that there is no manganese industry in the United States. They base this strange assertion on their contention that in 1929 only 6.95 per cent of the American consumption of manganese was furnished by domestic producers.

If great potential production was small, it was due to the fact that the American steel industry refused to purchase from the domestic producers. Naturally, it would have been foolhardy to increasingly produce a product which could not be sold. We assert again that the steel companies bought abroad the identical manganese at higher prices than that which it might have bought from American producers at lower prices. This statement the institute's brief (p. 8) denies in the following language:

"No one can believe that American business men in a highly competitive industry would pay any more than the market price for any article or material no matter where it came from."

We agree that the American steel industry is made up of "business men." It is to be noted, however, that despite the very great use of adjectives in the brief of the institute, the adjectives "patriotic" and "idealistic" do not modify the words "business men."

The denial of the Steel Institute of this particular point is, unfortunately, not borne out by the facts.

On page 137 of the Tariff Hearings before the Senate Finance Committee the following testimony (under oath) appears:

"Mr. ADKERSON. No; but in this way—that the tariff of $11.20 per ton would be effective to domestic ores. As a matter of fact, it has not been. The domestic miners have not received the protection granted by the 1-cent tariff.

"For instance, I will make it plain in this way: According to the figures as given by the Tariff Commission under manganese ore as to the price the steel people have paid for foreign manganese during the 5-year period ending December 31, 1928, the steel makers of this country paid on an average of 68 cents a unit for foreign ores. During the same period of time there is not one instance that we know of where domestic operators producing high-grade ore, and ore running even higher grade than the best foreign ore, have received a price greater than 60 cents per unit. There is a differential of 8 cents per unit against domestic products and in favor of foreign products, which, of course, has held back domestic production.

"Senator KING. Why should they pay more for foreign than for domestic manganese ore?

"Mr. ADKERSON. That is a question we have been trying to get an answer for since the tariff has been on.

"Senator KING. Have you sought an explanation from those who purchased the manganese ore?

"Mr. ADKERSON. I have heard it said that——

"Senator KING. Have you sought one from those who did the purchasing?

"Mr. ADKERSON. Yes, I have; and the explanations are to the effect that productions are small, and that they had rather pay a larger price for larger tonnages of foreign ore. It must be remembered that manganese is an infant industry, and a production of 400,000 tons per year can not come forward overnight. We believe that in the spirit of helping to develop American industry and extend the markets for the domestic industry, we should be granted the same price as is paid for foreign ores, but even in instances where the domestic tonnages have been in cargo lots equal to some of the cargo lots of foreign ores, that same differential applied, so that that explanation does not hold good even when you have a large tonnage."

And on page 160 is the following sworn testimony:

"I wish to call the committee's attention to a comparison of the foreign and domestic prices on manganese ores for a period of seven years beginning 1922 and ending 1928. Basing my statement on United States Tariff Commission figures the average price paid for foreign ore, delivered at Pittsburgh, Pa., was 68 cents per unit. The highest price paid for domestic ore of a commensurate grade, delivered at Pittsburgh, Pa., was 60 cents per unit. This difference figured in dollars value on a grade of ore such as we produce amounts to $4.48 per ton against us as an American producer.

"Figured in tariff protection terms, it amounts to three-quarters of the tariff protection we are entitled to."

It is apparent, therefore, that based on the figures of the United States Tariff Commission, the average price paid for the foreign ore delivered at Pittsburgh, Pa., was 68 cents per unit, and the highest price paid for domestic ore of a commensurate grade, was 60 cents per unit.

Furthermore, we annex hereto two letters of the Bethlehem Steel Co., dated May 14, 1930, and March 17, 1926, respectively, showing that the Bethlehem Steel Co. was not interested in the purchase of domestic manganese ore, irrespective of price.

We have, thus, shown that the statement objected to by the steel institute is true. We can, perhaps, show why steel paid 8 cents more per unit, when it was unnecessary so to do.

The reasons may be summed up as follows:

First. That the steel industry might argue before Congress that there was little or no manganese produced in the country, and hence, a tariff was unnecessary. (This they did argue on the tariff hearings.)

Second. That there was no American industry to protect. (This statement is made on page 7 of the institute's brief.)

Third. That if the steel industry was not buying, even if there were a domestic industry, it would soon collapse.

Fourth. That in buying from Russia to help the soviet establish gold credits in this country, it could at the same time prevent the progress of the domestic industry.

Fifth. That it could eventually purchase at a much cheaper price due to Russian necessity and the ability of Russia to sell at any price.

Thus, while for a short period of time paying 68 cents per unit instead of 60 cents, it is now paying 25 cents per unit plus tariff and freight instead of 60 cents. Certainly it is good business to pay a little more for a little while to get something much cheaper for a great while, even though this profit to the steel industry necessarily means ruin to the manganese industry.

There is another statement in the institute's brief on page 3, that during the tariff hearings there was a confession of inability to meet foreign competition, "without any hint whatever of dumping on the part of foreign countries"; and that the argument there was as to tariff, whereas the present woes are due to dumping.

We prefer to assume that our learned adversary, in making this statement, commits unintentional error rather than deliberate misstatement. For if one refers to the exact pages mentioned, to wit, page 131 of the Senate Finance Committee hearings, the following sworn testimony will be found:

"Senator KING. May I interrupt you there, Mr. Adkerson? I was in Russia. I was at the oil fields at Baku, and at the Donusiaff coal mines, where they produce coal. It costs $6 in gold to mine and put at the tipple 1 ton of coal. I was all through the Ural Mountains and noticed their mining processes there. One miner in the United States would mine as much as half a dozen in Russia. I may be in error. It may have improved greatly since I was in Russia, but the cost of production in Russia, because of their antiquated methods and because of the inefficiency, and because of the general paralysis of the Government and the people, are very much greater than they are in the United States. That would be my judgment.

"Mr. ADKERSON. That may be true; but, at the same time, the ores are underselling the American ores in the domestic market, and also underselling some of the other ores from other foreign countries."

On page 139 of the same hearings there is as follows:

"Mr. ADKERSON. The duty of 1 cent per pound has proved insufficient in many cases, particularly so in view of the uncertainty of the world market for manganese. One cause of the price uncertainty is the necessity of the Soviet Government, which is striving to barter manganese for other materials and manufactures sorely needed in that country. I am not able to confirm Senator KING's inference that these ores are being dumped upon our markets, but the facts are clear that the sale of these ores is pushed for the purpose of establishing dollar credits rather than for the purpose of making a profit on the ore mined.

"Senator KING. Mr. Witness, I did not intend to convey the impression—and I do not think my language, properly interpreted, conveys the impression—that soviet ores were dumped upon this market. What I intended to say, from my investigations when I spent several months in Russia, in the mining regions, in the Ural Mountains, in the coal districts, in the oil districts, and in the Caucasus Mountains where these manganese mines are, was that labor there was so inefficient, and the methods of production were so antiquated, that the cost of production was very much greater than it was in America. I called attention to the fact that to put a ton of coal at the tipple cost, I have forgotten whether it was $6 in gold or $8 in gold, and you can see the disparity in prices. I have no idea as to the price at which they are selling their manganese ores, and when I was there a German company had the concessions for the mining of the manganese ores in the western part of the Caucasus Mountains there, close to the Black Sea. I did not intend to convey that impression.

"Mr. ADKERSON. My inference was that the cost of production there would be as high as, if not higher than, it was here, whereas at the same time they are underselling us in the markets.

"Senator KING. I think you are justified in inferring from what I said that I believed the cost of mining and the cost of production of any commodity in Russia was greater than it was in the United States because of the inefficient methods employed.

"Mr. ADKERSON. That the cost of production would be greater than it is in the United States?

"Senator KING. That certainly was the case when I was there, and I said there might have been some modification in the past few years, and still I think that the cost of producing oil and the cost of producing coal and the various minerals in Russia is greater than in the United States, all other things being equal, because of the inefficiency of the methods that are employed.

"Mr. ADKERSON. Would not that constitute dumping that material within the American market?"

Hence, it will be seen that even during the tariff hearings the American manganese producers showed the probability of injury from Russian dumping.

In the face of all the proof submitted by us in our original brief, no contrary proof has been shown.

On the question of the Amtorg default at the hearings there is complete silence.

On the attitude of our State Department there is complete silence.

On the question of national defense there is complete silence.

On our extended discussion and correct interpretation of the law there is simply set forth a contrary viewpoint, unsupported by reason or logic, and which in any event is inapplicable.

On the question of Russia's production cost there is complete silence.

On the question of the original contract between W. A. Harriman & Co. and the soviet there is complete silence.

On the statements of various trade papers, including even the prosteel publication, Daily Metal Trade, which admits Russian dumping, there is complete silence.

As to the statement of Mr. Mikadze that Russian costs are higher now than they were previously, there is complete silence; and in answer to all these definite figures, facts, proof, and logic the institute makes one solitary statement, unsupported, uncorroborated, and unconfirmed, that "there is no dumping of manganese ore into this country from Russia."

The quotations of prices referred to in our adversary's brief are, as pointed out in our original brief, meaningless, since they are the prices established by Russian dumping activities; hence, fictitious prices, which must be disregarded under the provisions of the antidumping act.

In our adversary's brief, on page 7, again appears the statement that "if the Russian ore were cut off there would be no diminution of importations, and there would be no advantage whatever to the domestic manganese industry."

The statement may be correct. If the statement is correct, why is the American Iron and Steel Institute fighting the cause of Russia? If there is to be no diminution of imports and it can obtain its products from other countries, why does it fight the cause of Russia?

As stated in our original brief, we have no quarrel with any manganese-producing country in the world other than Russia, and it is against Russia that we urge the enforcement of our antidumping law.

Certainly it is absurd to argue that a statute should not be enforced as against a country violating it, because it is claimed that an identical injury might be inflicted by other countries not violating the law.

If Russia is violating the antidumping act, as unquestionably she is, the law should be enforced against Russia.

That importations from the Gold Coast of Africa and Brazil would still continue to hurt the domestic-manganese industry is no argument to sustain the refusal of the enforcement of our laws against Russia.

If Russia has been dumping—as has been proved—the law should be enforced. That is the only question before this department.

We are confident that an American governmental department will be guided in a decision of the magnitude presented by the manganese petition by facts, figures, logic, and statements from competent authority, rather than by meaningless adjectives, illtempered and uncorroborated utterances of denial, and deliberate silence as to all important facts.

Respectfully submitted.

BARRON, RICE & ROCKMORE,
Attorneys for the American Manganese Producers' Association.
BERNARD S. BARRON, *Of Counsel.*

Mr. ODDIE. Mr. President, Mr. J. Carson Adkerson, president of the American Manganese Producers' Association, on December 10, 1930, addressed a letter to Assistant Secretary Lowman, which I submit for the RECORD, and in which he called particular attention to the possible loss of tariff revenue by the Treasury Department if it failed to suspend the liquidation of manganese ore entries. To this letter Mr. Lowman replied on December 27, 1930, 17 days afterwards, that he was accumulating the necessary evidence but without having taken any action in suspending the liquidation of entries. Sometime during the hearings on the Kendall bill prohibiting the importation of commodities produced by convict, forced, or indentured labor, before the Ways and Means Committee of the House, Assistant Secretary Lowman made statements to the effect that the steel mills of the United States would have to close down if an embargo were to be placed on Russian manganese ores. In the brief of the American Iron and Steel Institute filed with the Treasury Department on September 9, 1930, the following statement was made:

The point of all this is that if there are any additional burdens by way of duty on manganese ore from any one of the world's producers, or if there were a complete embargo of manganese ore from any of them (Russia, Brazil, India, and Africa), or from all of them except one, that one would be able to supply the entire demands of the American market.

Assistant Secretary Lowman's statement, therefore, was, first of all, not founded on fact and, in the second place, was decidedly unfair and hostile to the American manganese industry. This statement of Assistant Secretary Lowman's was made the subject of correspondence by Mr. Adkerson in a letter of February 16, 1931, and Assistant Secretary Lowman's reply of the same date. This correspondence is herewith presented for the RECORD.

The VICE PRESIDENT. Without objection, the correspondence will be printed in the RECORD.

The correspondence referred to is as follows:

DECEMBER 10, 1930.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury,
Washington, D. C.

MY DEAR MR. LOWMAN: Confirming my conversation with you of yesterday, will state that full information has been submitted the department showing the cost of Russian ores, cost, insurance, and freight Atlantic ports, at $23.97 per ton; whereas this ore is being sold at $12.50 per ton. The margin in favor of dumping is so wide that there can be no particle of doubt.

Soviet ores are still pouring into the United States. The act provides that in case dumping is suspected to be or about to be done, the Treasury Department has the right of withholding the assessment of the duty until an investigation is made and the dumping duty added. This gives the Treasury Department the right to collect the added dumping duty from the time the assessment is withheld. If the assessment is not held up the Treasury Department has no right under the law to go back and collect duties to which it is now entitled on the ores arriving from Russia.

There can be no doubt, from the evidence submitted, that dumping is being done. There can be no reasonable objection by the soviets or anyone else to withholding the assessment of the duty if, as they claim, dumping is not being done. Therefore, it is incumbent upon the Treasury Department to place itself in position to collect dumping duties to which the department is entitled while it is completing its investigation as to just exactly what the added dumping duty should be. This will give the soviets or any others ample opportunity to disprove dumping, if it is possible for them to do so.

Therefore, we earnestly ask that you withhold the assessment and collection of the present duties on soviet manganese ores as promptly as is possible.

Yours sincerely,

J. CARSON ADKERSON, *President.*

TREASURY DEPARTMENT,
Washington, December 27, 1930.

Mr. J. CARSON ADKERSON,
President American Manganese Producers' Association,
Metropolitan Bank Building, Washington, D. C.

SIR: Reference is made to your letter of December 10, 1930, regarding the alleged dumping in the United States of Russian manganese ores.

The manganese case is being considered in the Bureau of Customs and it has been found necessary to make further investigations in the United States and abroad. These investigations have been ordered and are in progress.

As soon as the necessary evidence has been gathered and considered, which it is hoped will be in the near future, decision will be rendered and you will be advised in the premises.

By direction of the Secretary:

Respectfully,

S. LOWMAN, *Assistant Secretary.*

AMERICAN MANGANESE PRODUCERS' ASSOCIATION,
Washington, D. C., February 16, 1931.

HON. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury,
Treasury Department, Washington, D. C.

MY DEAR MR. LOWMAN: According to press reports and your testimony before the Ways and Means Committee, you are credited with making the statement to the effect that in case an embargo is placed against Russian manganese the steel mills in the United States would have to close down.

This statement is not in accordance with the evidence before the Treasury Department in connection with the antidumping appeal against Russian ores.

The brief of the American Iron & Steel Institute filed before the Treasury Department September 9, 1930, in opposition to the soviet embargo, states as follows:

"The point of all this is that if there are any additional burdens by way of duty on manganese ore from any one of the world's producers, or if there were a complete embargo of manganese ore from any of them (Russia, Brazil, India, and Africa), or from all of them except one, that one would be able to supply the entire demands of the American market."

According to the final figures from the United States Bureau of Foreign and Domestic Commerce, the total manganese imports from Russia during the year 1930 were 225,888 gross tons of ore, containing 112,174 gross tons of metallic manganese.

The manganese producers in the United States are to-day ready and willing to immediately accept definite contracts for the delivery, during the next 12 months, of a total tonnage of domestic manganese ore equal to the total tonnage imported from Russia during the year 1930. Shipments can begin immediately from plants which have been completed, and which are now ready to supply this demand, but which are idle due to soviet dumping. The average grade of ore from these plants will be equal if not superior to the average grade of ore imported from Soviet Russia. The price under which domestic producers will contract will not exceed the average price shown by the United States Tariff Commission as having been paid by the steel industry for foreign ores during the 5-year period (January 1, 1924, to January 1, 1929) prior to the start of soviet dumping.

The time has come for American people to insist that facts from American citizens and American industries, and not falsehoods from Russian Bolsheviks, be accepted and considered by our own Government departments. It is up to the Government departments and the steel industry to accept this challenge as final and call on the manganese producers to deliver these contracts, with bond for their faithful performance, or such American industries as are now in an unholy alliance with Soviet Russia should forever remain silent.

Yours very truly,

J. CARSON ADKERSON, *President.*

TREASURY DEPARTMENT,
Washington, February 16, 1931.

MR. J. CARSON ADKERSON,
American Manganese Producers' Association,
Metropolitan Bank Building, Washington, D. C.

DEAR MR. ADKERSON: I have your communication in which you point out the fact that wide publicity has been given to a statement made by me before the House Ways and Means Committee upon a hearing on the so-called Kendall bill, dealing with convict, forced, and indentured labor, in which I was represented to have said that if an embargo was put on Russian manganese ore our steel mills would have to close down. It was developed at the hearing that a little more than 50 per cent of the manganese ore consumed in this country is of Russian origin. In 1929 something like 10 per cent of our consumption of manganese ore was of domestic production. Prior to that time, except for a brief period during the World War, when consumption was stimulated, the amount of domestic ore used was around 5 per cent.

My statement to the effect that our steel mills would have to close down without Russian manganese was based on present production of American manganese ore, and did not take into consideration the fact that the American manganese producers claim to have facilities for producing all the manganese ore required for American consumption. I have no personal knowledge of the capacity of American producers, and based my statement on the sources of manganese now consumed in this country.

Very sincerely yours,

SEYMOUR LOWMAN,
Assistant Secretary.

Mr. ODDIE. Mr. President, Hon. Andrew W. Mellon, Secretary of the Treasury, on February 24, 1931, issued a decision that a finding of dumping with respect to manganese imported from the Soviet Republic of Georgia, Union of Socialist Soviet Republics, was not justified and declined to issue such a finding. I submit this decision for the RECORD.

The VICE PRESIDENT. Without objection, the decision will be printed in the RECORD.

The decision referred to is as follows:

(T. D. ——)

ANTIDUMPING—MANGANESE ORE FROM THE SOVIET REPUBLIC OF GEORGIA, UNION OF SOCIALIST SOVIET REPUBLICS

The Secretary of the Treasury finds that the issuance of a finding of dumping covering manganese ore imported from the Soviet Republic of Georgia, Union of Socialist Soviet Republics, is not justified.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 24, 1931.

To Collectors of Customs and Others Concerned:

Upon complaint of the American Manganese Producers' Association, investigation has been made of allegations that manganese ore produced in the Soviet Republic of Georgia, Union of Socialist Soviet Republics, has been and is being dumped on the United States market contrary to the provisions of the antidumping act of 1921.

After an extended investigation and careful consideration of all the evidence presented by and on behalf of the parties in interest, I have reached the conclusion that a finding of dumping with respect to manganese ore imported from the Soviet Republic of Georgia, Union of Socialist Soviet Republics, is not justified and must decline to issue such a finding.

(Signed) A. W. MELLON,
Secretary of the Treasury.

Mr. ODDIE. Mr. President, the evidence presented by the American Manganese Producers Association to the Treasury Department clearly demonstrates that manganese ores since June have been sold at less than one-half of their cost of production in Russia, estimated on a normal basis, excluding capital charges and the 8 per cent profit which are included under the provisions of the antidumping act of 1921. Were an investigation to be made of the administration of the antidumping act of 1921 it is probable that information would be disclosed showing that the failure of the Treasury Department to suspend liquidation of manganese-ore entries when their attention was first called to the possibility of soviet manganese ores being dumped on the American market may have caused a considerable loss of revenue to the Government, to say nothing of the heavy damage which has been done to the American manganese industry, forced into idleness by soviet dumping. Certainly the Treasury Department had everything to gain and nothing to lose by suspending the liquidations of manganese-ore entries until it could determine the amount of the additional dumping duty to be assessed. Having failed to suspend the liquidation of entries, however, it is impossible now for the Government to go back and assess additional dumping charges. The antidumping act of 1921 provides that even if dumping is suspected to be taking place or about to take place, an order suspending the liquidation of entries should be made so that it would not require any more information than that notice which was submitted in my letter of August 2, 1930, to the Assistant Secretary of the Treasury in order to justify the Treasury Department to act in the premises.

I believe that an investigation made of the administration by the Treasury Department of the antidumping act of 1921 with reference to the importation of manganese ore from the Union of Soviet Socialist Republics of Russia would show that the act has been violated and the intent and policy of Congress to protect American industry through the antidumping act of 1921 wholly disregarded.

A news item from the Wall Street Journal of February 14, 1931, under the title "Mellon Interests in Bethlehem Steel" reads as follows:

Entrance of the Mellon interests in Bethlehem Steel is considered of vast importance to the company. Because of the acquisition of the McClintic-Marshall Co. the Mellon interests will receive a large block of stock in Bethlehem. In addition, it is contended in Pittsburgh that considerable accumulation of Bethlehem has taken place for the account of the Mellons. The belief is general that representatives of these important interests will be added to the board of directors of Bethlehem, probably at the annual meeting in April.

During the tariff debate on the manganese schedule information was placed in the record originating in the Bureau of Foreign and Domestic Commerce showing that

the value of manganese ore imports into the United States averaged 68 cents per unit of 22.4 pounds of metallic manganese for the 5-year period ending December 29, 1929. At 68 cents per unit the amount paid by the steel interests for foreign manganese was 8 cents more per unit than the highest price paid for domestic ore. It seems evident that the steel interests were willing to pay this additional price for foreign ore in order to prevent the development of the domestic manganese industry and to nullify the tariff protection which was afforded that industry in the 1922 tariff act, in spite of the fact that domestic ores are of equal, if not superior, quality to foreign ores. This again shows a very unfair attitude toward the development of the domestic manganese industry and a hostility that one would not expect from the steel industry, which has prospered from the benefits that have come to it from our tariff laws. During the consideration of the 1930 manganese tariff it was stated that Leonard A. Buck, the son of C. A. Buck, vice president of the Bethlehem Steel Corporation, was reported to be the manganese-ore agent of the Union of Soviet Socialist Republics in the United States.

The War Department on two occasions, the more recent being at the convention of the American Manganese Producers' Association during the past year, emphasized the importance of developing the domestic manganese industry to the defense of the Nation. It is quite natural that the Soviet Government would desire to make the development of the manganese industry in the United States impossible. The Hon. F. H. Payne, Assistant Secretary of War, made an address before the convention of the American Manganese Producers' Association on November 10, 1930, which I ask unanimous consent to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

[Address of Hon. Frederick H. Payne, The Assistant Secretary of War, Third Annual Convention, American Manganese Producers' Association, Washington, D. C., November 10, 1930]

A few decades ago there would have been something novel in the idea of a War Department official seeking the assistance of a group of industrialists in the development of a project connected with the national defense. Not until the World War had been raging for some time did we fully realize that modern conflict demands as much efficiency in productive activity at home as it does destructive activity on the battlefield.

In the same measure that armies have come to depend upon intricate weapons and special machinery for victory in battle, so have nations become dependent for success in war upon the industrial organization that produces these machines and weapons.

Most of the articles essential to an army in battle are noncommercial in nature. They are special appliances that are of use to us only in war. Peace-time demand for them by our little standing Army is so insignificant that we can not afford to maintain establishments equipped to fabricate them. This means that if we should suddenly be faced with a great emergency suitable manufacturing facilities would have to curtail production of commercial articles, and begin the fabrication of essential munitions of war. To effect such a change within a single factory is no simple process. When the whole industrial fabric of the Nation is affected, and the situation is further complicated by the necessity for speed under emergency conditions, the need for prior study and preparation on the problem are easily understood.

In the War Department my office is charged by law with the responsibility for adequate industrial preparation.

Industrial preparation consists in taking all practicable steps in time of peace to facilitate the change from peace to war production and to sustain the industrial effort throughout a war. Based upon possible military operations, we make estimates of the amounts and types of munitions we would need in war. For each essential item we search out a number of existing facilities that could most easily begin its manufacture in war, and each of the establishments so selected is informed of the task the Government will expect it to perform. We develop specific policies to govern all Government purchasing agents—so that there will be no confusion, interference, and competitive bidding between them.

As we contemplate further the difficulties to be met in assuring prompt production in war, our attention is naturally attracted toward the question of availability of the essential elements of production.

Having determined upon the approximate amounts of munitions needed, we can roughly translate these requirements into raw materials, labor, money, and transportation. Each factory that will produce an article the Nation needs must be assured of an adequate supply of these things. In some cases the problem involved is simply one of proper distribution of available supplies. In other cases, an interruption of sea communications would produce actual shortages in essential raw materials, and have a most serious effect on our production program. We will have to make the best use of what we have—use substitutes wherever possible—discover new sources of supply within our own country—and initiate strict conservation programs.

To do all these things in war will demand a governmental control of all national resources. An essential part of industrial planning is the devising of suitable machinery to assist the President in war in exercising these emergency controls.

Of the raw materials necessary to us in war, none is more important than manganese. The problem of providing an adequate supply is aggravated by the fact that we largely rely upon foreign sources to meet our demands in this material. Consequently, it is easy to see why we are so interested in the activities of the American Manganese Producers Association.

We take a deep interest in the efforts of the domestic manganese producers to develop processes that would enable the United States to utilize its large deposits of low-grade ore and be at least partially self-sustaining in this respect. The existence of an organization such as the American Manganese Producers Association implies a mobilization of the Nation's manganese resources and makes available a direct means of contact with the industry. The association has shown that it is a live, active body; in other words, a "going concern." As such, it can be of the greatest assistance to the War Department in developing a national industrial program for the Nation's use should we unfortunately be thrust into war.

I wish to assure you that I have enjoyed this opportunity to explain briefly the functions of my office, to thank you for the cordial and cooperative attitude of your association toward the War Department, and to express a hope for the continuation of these friendly relations.

Mr. ODDIE. Mr. President, the business relationship between the steel interests of the United States and those of the Union of Soviet Socialist Republics, therefore, becomes a very important factor in the national welfare and in the national interest I believe should be fully investigated by a Senate committee. I send to the desk a resolution which I will ask to have read and acted upon at this time.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 484) was read, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to investigate the following matters during the sessions and recesses of the Seventy-first and Seventy-second Congresses:

(a) The reported consolidation of the Bethlehem Steel Corporation and the McClintic-Marshall Co. with a view to determining the exact connection therewith of the so-called Mellon interests, together with the extent of the control of such consolidated corporation by said Mellon interests.

(b) The relationship of the United States Steel Corporation and/or the Bethlehem Steel Corporation to the Amtorg Trading Corporation and/or the Union of Soviet Socialist Republics, together with any and all contracts that may exist between said companies and said Amtorg Trading Corporation and/or the Union of Soviet Socialist Republics relative to the sale of manganese ore for delivery in the United States and/or the sale of steel or steel products made in the United States for delivery in the Union of Soviet Socialist Republics.

(c) The business relationship of C. A. Buck, vice president of the Bethlehem Steel Corporation, and his son, Leonard A. Buck, the so-called agent of the Union of Soviet Socialist Republics, in the sale of manganese ore mined in Russia and exported to the United States.

(d) The activities of the United States Steel Corporation, the Bethlehem Steel Corporation, the American Iron and Steel Institute, and the Amtorg Trading Corporation (including the activities of the firm of Simpson, Thatcher & Bartlett, legal counsel of such corporation) in opposing the administration of the antidumping act of 1921 for the protection of the American manganese industry from the dumping of manganese ore by the Union of Soviet Socialist Republics.

(e) The administration of the antidumping act of 1921 by Hon. Andrew W. Mellon, Secretary of the Treasury; Hon. Seymour Lowman, Assistant Secretary of the Treasury in charge of customs; and Hon. F. X. A. Eble, Commissioner of Customs, with particular reference to the dumping of manganese ore in the United States by the Union of Soviet Socialist Republics.

Such committee shall report to the Senate from time to time and submit a final report not later than January 1, 1932.

The expenses of the investigation authorized by this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. Under the law, the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Conven-

tion at Berne for the Protection of Literary and Artistic works.

The VICE PRESIDENT. The clerk will state the first amendment of the committee.

Mr. DILL. Before that is done, Mr. President——

The VICE PRESIDENT. Will not the Senator permit the first amendment to be stated?

Mr. DILL. No; one of the Senators desires to have the bill read formally, and to have the amendments taken up as they are reached. I think that is the proper course.

The VICE PRESIDENT. The bill will be read.

Mr. DILL. I desire, however, to suggest the absence of a quorum, because the Senator to whom I refer asked that that be done in his absence.

The VICE PRESIDENT. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The VICE PRESIDENT. Ninety-four Senators have answered to their names. A quorum is present. The bill will be read for action on the amendments.

Mr. HEBERT rose.

The VICE PRESIDENT. Does the Senator from Rhode Island desire to discuss the bill?

Mr. HEBERT. Mr. President, I promised that I would yield to the Senator from New Mexico [Mr. CUTTING] to address the Senate upon the provisions of the bill before it is taken up for action; so I yield to him for that purpose.

Mr. CUTTING obtained the floor.

Mr. NYE. Mr. President——

Mr. CUTTING. I yield to the Senator from North Dakota.

REPORT OF SELECT COMMITTEE ON CAMPAIGN EXPENDITURES

Mr. NYE. I desire to give notice that as soon as possible after the Senator from New Mexico has completed his remarks, I shall send to the desk and ask to have read a report from the Select Committee on Campaign Expenditures.

REPORTS FROM COMMITTEE TO AUDIT AND CONTROL THE CONTINGENT EXPENSES OF THE SENATE

Mr. DENEEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. CUTTING. I yield, provided I do not lose the floor.

Mr. DENEEN. I desire to make some reports from the Committee to Audit and Control the Contingent Expenses of the Senate. With the Senator's permission, I should like to ask unanimous consent for their present consideration. If there is any debate upon them, they will be sent to the calendar.

The VICE PRESIDENT. Does the Senator from New Mexico yield for that purpose?

Mr. CUTTING. I yield with that understanding.

Mr. DENEEN. I ask that the resolutions may be read and considered immediately in order.

The VICE PRESIDENT. The resolutions will be read for the information of the Senate.

CONTINUING THE INVESTIGATION OF LOBBYING

The Chief Clerk read Senate Resolution 475, submitted by Mr. CARAWAY on the 26th instant, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 1, line 6, after the word "exceed," to strike out "$2,000," and insert "$3,000," so as to make the resolution read:

Resolved, That the subcommittee of the Committee of the Judiciary appointed under Senate Resolution No. 20 is hereby authorized and empowered to pursue its investigation under said resolution during the recess of Congress and to make its final report at the first session of the Seventy-second Congress. The expenses not to exceed $3,000, to be paid out of the contingent fund of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

JULIA E. HAMMOND FOSTER AND OTHERS

The Chief Clerk read Senate Resolution 472, submitted by Mr. WATSON on the 26th instant, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate without amendment, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay out of the contingent fund of the Senate to Julia E. Hammond Foster, Elizabeth Hammond Van Wagoner, Addie Hammond Budd, Moses Hammond, and Matilda Worden, next of kin and dependents of John Hammond, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. JONES. Mr. President, I desire to ask if that is the usual provision. I thought six months' compensation was the usual provision.

Mr. DENEEN. The rule is that if the employee has served any time, his heirs are entitled to six months' compensation. If they have served 25 years, the rule is to pay them one year's compensation. This gentleman served 25 years.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

CONTINUING EMPLOYMENT OF A NIGHT WATCHMAN

The Chief Clerk read Senate Resolution 471, submitted by Mr. WATSON on the 25th instant, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate without amendment, and it was considered by the Senate and agreed to, as follows:

Resolved, That Senate Resolution No. 269, agreed to June 2, 1930, authorizing and directing employment of a night watchman by the Secretary of the Senate, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until otherwise provided by law.

UNEMPLOYMENT INSURANCE SYSTEMS

The Chief Clerk read Senate Resolution 483, submitted by Mr. WAGNER to-day, which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate favorably, without amendment, as follows:

Resolved, That there is hereby established a select committee to be composed of 3 Senators, of whom 2 shall be from the majority political party and 1 shall be from the minority political party, to be appointed by the President of the Senate.

The committee is authorized and directed to make a general study of the unemployment-insurance systems in use by private interests in the United States and by the foreign governments, with a view to determining (1) the manner in which such systems were instituted and are now being operated, (2) the cost involved and the results achieved under each system, (3) the relief, if any, afforded by each such system during the economic depression of 1930, (4) the condition of each such system on July 1, 1931, with particular regard to the manner in which it survived the economic depression of 1930, and (5) the relative State, Federal, or private responsibility in connection with any such systems. The committee shall report to the Senate on or before December 7, 1931, the results of such study, together with its recommendations for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require

by subpœna, or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. JONES. For what purpose is this committee to be created?

Mr. WAGNER. To study the subject of unemployment insurance.

Mr. JONES. I did not hear anything in the reading of the resolution to indicate the subject of the investigation.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

SENATORIAL CAMPAIGN EXPENDITURES

Mr. CUTTING. Mr. President, does the Senator from North Dakota desire to present his report at the present time? If so, I will yield for that purpose.

Mr. NYE. I would be glad to do so at this time if the Senator will yield.

Mr. CUTTING. I yield.

Mr. NYE. The reading of the report will require perhaps 20 or 25 minutes.

Mr. President, I send to the desk a report concerning the investigation made by the Select Committee on Senatorial Campaign Expenditures in Nebraska, and ask that it be read down to the summary of evidence, and that the summary of evidence may be inserted in the RECORD. I also ask that the report be printed and laid upon the desk of each Senator, and at the convening of the Senate on Monday I shall make some brief remarks concerning it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will read.

The Chief Clerk read as follows:

[Senate Report No. 1824, Seventy-first Congress, third session]

SENATORIAL CAMPAIGN EXPENDITURES, 1930, NEBRASKA

Mr. NYE, from the Select Committee on Senatorial Campaign Expenditures, submitted the following report (pursuant to S. Res. 215):

The Select Committee on Senatorial Campaign Expenditures, 1930, appointed pursuant to Senate Resolution 215, submits the following report on the senatorial primary and general election in the State of Nebraska for the year 1930:

The campaign expenditures by or on behalf of all candidates in the Nebraska senatorial primary and general election of 1930, so far as they have been reported or disclosed by the investigations of the committee, were as follows:

	Primary	General election
REPUBLICAN		
George W. Norris (Senator)	$2,775.38	$2,372.57
In behalf of Senator Norris:		
Labor	3,963.27	3,413.95
Judson King and others	2,015.70	
W. M. Stebbins	19,304.28	
Beatrice F. Craig—withdrew; no report filed		
Aaron Reed	97.22	
Geo. A. Williams—withdrew	50.00	
S. R. McKelvie—Filed by petition; did not accept; no report filed		
DEMOCRAT		
Gilbert M. Hitchcock	150.00	29,997.07
In behalf of G. M. Hitchcock:		
Hitchcock Republican Club		12,724.60
Frank B. Johnson		499.68
E. B. Stephenson		3,173.76
Jennie Callfas	2,600.00	
AGAINST SENATOR NORRIS AND NOT COVERED ABOVE		
Robert H. Lucas		752.52
Loyal Republican Club	216.13	
Walter W. Head, straw poll	4,000.00	
W. M. Stebbins, amount contributed to induce "Grocer" George W. Norris to file candidacy	850.00	

A casual view of the foregoing statement may lead to the conclusion that the campaign expenditures in Nebraska were not excessive. Such a conclusion would be justified by comparison with some other States. It is, however, of interest to note the difference in the amount of expenditures by or on behalf of leading candidates in this State. The primary and general election were orderly and free from such corrupt practices as fraudulent registration, employment of "repeaters," manipulation of ballots, and illegal counting of votes.

The committee, however, encountered throughout its Nebraska investigation and hearings a widespread condition of concealment, evasion, and deception. If the attitude of these witnesses, including men of supposedly high standing in their communities, could be regarded as typical it would indicate a grave decay of political morality. There would, in fact, appear to be widespread belief that acts which are wrong in the conduct of a business, in social or private life, are entirely justifiable in the conduct of political campaigns and in the protection of those who direct them. This attitude on the part of witnesses made it difficult for the committee to discover the truth. Its investigations were prolonged and the expense greatly increased by the will to conceal rather than reveal facts. It was necessary to summon scores of witnesses and extract the truth bit by bit from their unwilling lips, whereas one or two witnesses, had they been truthful in early appearances before the committee, could have revealed all that was unearthed by weeks of patient investigation. Not only were individual witnesses evasive or reluctant, but open attempts at intimidation were practiced to suppress the truth.

THE ANTI-NORRIS CONSPIRACY

In spite of the obstacles of evasion and perjury encountered by the committee, its investigations and hearings in Nebraska resulted in the disclosure of practices which appear to be as reprehensible as any of the better-known forms of fraud and corruption. They are the more sinister because, if the plans exposed by this committee had been successfully carried out, it would have resulted in completely thwarting or nullifying the will of the voters of Nebraska.

Because of the cunning with which every step was carried out and the willful perjury of witnesses, two of whom are already under Federal indictment, the committee has been unable to unravel all the threads in this complex plot. It has, however, been able to establish the principal facts and identify many of the principal actors, even if the "master minds" which conceived and directed it have not yet been fully revealed.

The purpose of the scheme, as admitted by those who played a principal part in it, was to make it impossible for the voters of Nebraska who favored the reelection of Senator GEORGE W. NORRIS to register their will in such a manner that the votes cast in his behalf could be certainly identified and counted for him.

To understand fully the extent and character of this conspiracy it is necessary to review briefly a series of events and circumstances, some of which may have been entirely proper in motive and conduct, but which are closely interrelated by reason of the identity of certain of the principal actors in each phase of the series.

THE SECRET STRAW VOTE

The first step in this series of events was the secret "straw vote" conducted to determine the strongest candidate to oppose Senator NORRIS. This poll was financed at an expense of $4,000 by Walter W. Head, chairman of the board of Omaha National Bank, chairman of the board of Nebraska Power Co., president of Foreman-State National Bank of Chicago, and director of many other corporations, now resident in Chicago although retaining his citizenship in Nebraska. According to the testimony of Samuel R. McKelvie, member of the Federal Farm Board and former Governor of Nebraska, there was an understanding with Head that if this straw vote should indicate that McKelvie would be the strongest opponent of Senator NORRIS, he would become a candidate.

The actual conduct of the poll was intrusted to Victor Seymour, an experienced Nebraska politician who had been a leader of the McKelvie forces at the Republican National Convention. Seymour was provided with funds by a somewhat circuitous process. Walter W. Head furnished Victor B. Smith, vice president of the Omaha National Bank, with funds with which the latter purchased drafts on New York and Chicago banks. These drafts were sent to Robert DeVoe, Lincoln lawyer, who in turn delivered them to Seymour, who deposited them in his name rather than that of any organization or committee. Elaborate precautions were exercised also to disguise the character of Seymour's office and to shroud his operations in a veil of secrecy.

The taking of this straw vote was begun as early as January, 1930, but much to the displeasure of Seymour and others connected with it, it revealed that Senator NORRIS was the choice of the voters of Nebraska. By the latter part of March, according to the testimony of Victor B. Smith, a financial associate of Head, "the poll itself confirmed the opinion that Senator NORRIS was way in the lead of any possible opponent." The poll was accordingly closed some time between the 5th and 10th of April. Nevertheless Seymour continued his operations and retained the use of this office until some time in July.

The character of Seymour's activities during this period of nearly three months after the straw vote was completed and prior to the filing of "Grocer" Norris's candidacy has not been revealed. The testimony shows, however, that in this office were held the conferences between Stebbins and Seymour and between Hugh Drake and Seymour in which preliminary arrangements were made for the filing of the "Grocer" Norris's candidacy.

THE "GROCER" NORRIS CANDIDACY

At about the same time that this straw vote indicated the impossibility of defeating Senator NORRIS by any form of legitimate opposition, a search was instituted throughout the State of Nebraska to find persons bearing the same or a similar name who might be induced to file as candidates for the Senate with the object of confusing the voters and making it impossible to de-

termine for which George W. Norris they were voting. This is the testimony of W. M. Stebbins, whose candidacy for the Senate was initiated as early as September, 1929, and who testified under oath that he personally supplied at least the initial funds necessary to procure the filing of "Grocer" George W. Norris, of Broken Bow, as a candidate against Senator GEORGE W. NORRIS. Whether Seymour conducted or participated in this canvass of duplicate candidates has not been determined, but the fact that Stebbins selected Seymour as his go-between in the dealings with the grocer would indicate that he did.

The admitted purpose of this filing by a second George W. Norris was to force Senator NORRIS to withdraw from the Republican primary and run as an independent candidate. Mr. McKelvie testified that he personally had sought to force such a withdrawal by the issuance of public statements. The testimony also indicates that if Senator NORRIS had withdrawn from the Republican primary to run as an independent, the grocer would also have withdrawn and filed independent so that the confusion would be continued in the general election.

At least four George Norrises were located in the State of Nebraska, but the grocer of Broken Bow appears to have been the only one who was legally entitled to file under exactly the same name as the Senator. According to the testimony of Stebbins, reports regarding the intention of filing the name of "Grocer" Norris were current in certain political circles as early as April, 1930.

STATE TREASURER STEBBINS ASSUMES RESPONSIBILITY

W. M. Stebbins, then State treasurer of Nebraska and a rival candidate for the Republican senatorial nomination, assumed responsibility for inspiring and financing the "Grocer" Norris candidacy, although he testified at the same time that he felt he had been "double-crossed." After three months of discreet silence, this confession was made by Stebbins, only when the committee's agent had traced the Liberty bond used in the transaction to his bank. He stated that he had voluntarily gone to Seymour whom he knew only slightly and believed to be politically unfriendly, and asked him to ascertain whether "Grocer" Norris could be induced to file for the Senate. Hugh H. Drake, a member of the State railroad commission, whose campaign for reelection was threatened by the grocer's reported filing for that post, also saw Seymour and cooperated in inducing Norris to withdraw from the race for the commission nomination and file for the Senate.

The actual procurement of the filing of "Grocer" Norris's candidacy for the Senate was accomplished through Victor Seymour on or about June 29. This occurred at a conference in Kearney, Nebr., participated in by Victor Seymour; Hugo H. Drake, a member of the Nebraska Railroad Commission, who was running for reelection; Oscar A. Drake, a brother; and A. Paul Johnson, an attorney of Broken Bow, who was representing "Grocer" Norris. The filing fee of $50 for the senatorial candidacy was furnished by Seymour to Johnson in cash during the course of this conference and was in due course placed in the hands of Norris. Seymour, upon his appearance before this committee at the beginning of its hearings, had testified under oath that he had no connection whatever with the senatorial campaign. This testimony was given less than a month after the incidents referred to above had taken place.

Seymour, according to the testimony before the committee, was furnished this $50 by Stebbins, and, in addition, received from him a liberty bond of $500 denomination, which he transmitted to Norris through Johnson, as well as $300 in cash, the disposition of which does not appear in evidence.

The filing of this application for the senatorial nomination in consideration of the pecuniary inducement set forth above appears clearly to be a violation of the Nebraska statute (32-2138 Compiled Statutes of Nebraska, 1929), which provides:

"It shall be unlawful for any person to * * * commit any * * * fraud or wrong tending to defeat the result of a primary election * * * offer to accept and receive or accept and receive, any money or valuable thing in consideration of his filing or agreeing to file, or not filing or agreeing not to file, nomination papers for himself as a candidate for nomination at any primary election; offer to accept or receive any money or accept or receive money or any valuable thing in consideration of his withdrawing his name as a candidate for nomination at such primary election. * * *

"Any person who shall offer or, with knowledge of the same, permit any person to offer for his benefit any bribe to a voter to induce him to sign any election or nomination paper or any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing * * * shall be guilty of a misdemeanor.

"Any person committing any of the acts herein declared unlawful shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by imprisonment in the county jail not less than one nor more than six months.

"Any act declared an offense by the general laws of this State concerning caucuses and elections shall also, in like case, be an offense in all primaries, and shall be punished in the same form and manner as therein provided, * * *."

THE FLAW IN THE CONSPIRACY

As a result of this inducement, "Grocer" Norris prepared his application as a candidate for the Senate and paid his filing fee of $50 on July 2, 1930. The application was not actually placed in the mails, however, until the morning of July 3, and, being registered, did not reach the office of secretary of state until the morning of July 5. As July 4, a holiday, was the closing date under the Nebraska law for the filing of such applications, this slight error in the time of mailing was the only flaw in the conspiracy. Secretary of State Frank Marsh, who was testified to have been a frequent visitor at Seymour's office, accepted the application as being technically filed on the date it was mailed. But Chief Justice Goss, of the Supreme Court of Nebraska, after a hearing at which all parties were represented, held that the application must be actually in the office of the secretary of state within the filing date, and, upon this basis, rejected the application of "Grocer" Norris as invalid.

"Grocer" Norris, immediately after mailing his application, gave up his job, left Broken Bow, and, after stopping with his brother in North Platte long enough to secure an advance upon the bond which he had received from W. M. Stebbins through Seymour, went secretly to Estes Park, Colo. He remained there under cover for several days, later returning secretly to Nebraska about the time that the contest of his application was being judicially determined.

Although the committee has been unable to determine that "Grocer" Norris received anything in addition to the $50 filing fee and the $500 Liberty bond, the fact that his attempted senatorial candidacy made it necessary for him to resign from a position as manager of a chain grocery store, paying a compensation of approximately $4,200 a year, would appear to indicate beyond question that he must have been promised or did receive a consideration considerably in excess of $500. This view is corroborated by the statement of "Grocer" Norris to one of the witnesses that "there would be big money in it."

During the primary campaign the opposition to Senator NORRIS charged him and his friends with engineering the filing of the grocer's candidacy to gain "sympathy" for himself. Stebbins's publicity agent issued a number of statements to this effect, and Stebbins himself in his speeches brazenly charged Senator NORRIS with the political trick for which he (Stebbins) now assumes responsibility and which had been paid for with his money. The language used by Stebbins in a radio speech was as follows:

"Both myself and my supporters have denounced the Broken Bow affair * * * as a scheme framed by long-time friends and political supporters of Senator NORRIS to win for him sympathy, using his cousin as, perhaps, the unwitting tool of their evil design. * * * He who would profit politically by the violation of an election law is no better than the bootlegger who profits by the violation of the Volstead Act."

Both Senator NORRIS and the "grocer" deny any relationship, so Stebbins's statement that they were cousins only emphasizes his deliberate campaign of duplicity and deceit.

The investigation of the committee into the circumstances surrounding the filing of "Grocer" George W. Norris's candidacy was greatly impeded by the persistent evasion of the principal witnesses. Two of these, namely, George W. Norris, of Broken Bow, and Victor Seymour, have been indicted for perjury by the Federal grand jury. The testimony of other witnesses, including Hugh H. Drake, member of the State railroad commission, and his brother, Oscar A. Drake, who had knowledge of, if they did not participate in, the "Grocer" Norris conspiracy, was characterized by persistent evasion, while Frank Marsh, secretary of state of Nebraska, was party to a deliberate attempt to intimidate Miss Alton, one of the principal witnesses before the committee, with a view to compelling this young girl to impeach her own testimony. This attempt at intimidation bordered upon, if it did not constitute, contempt of the Senate as defined in the Federal statutes.

SEYMOUR'S EMPLOYMENT BY REPUBLICAN SENATORIAL COMMITTEE

After Victor Seymour had completed the taking of the anti-Norris straw vote in Nebraska and had failed in his abortive attempt to procure the filing of "Grocer" Norris's candidacy for the United States Senate, he was appointed assistant vice chairman of the Republican senatorial committee upon the recommendation of Albert F. Dawson, who was its executive secretary, to take charge of the Denver office of that organization. The jurisdiction of the Denver office included the State of Nebraska. The Republican senatorial committee, therefore, must assume the responsibility for placing in a key position in the Nebraska Senator's candidacy and campaign one of Senator NORRIS's bitterest political enemies. The inference can not be avoided that he was selected as part and parcel of the plan of members of his own party to defeat the Republican candidate. Later when Seymour's part in the procurement of "Grocer" Norris's candidacy was revealed before this committee he was permitted to resign from this position.

THE NEBRASKA TAXPAYERS LEAGUE

The so-called "power issue" appeared in the Nebraska campaign not only by reason of the outstanding position of Senator NORRIS on that question but also because important initiative measures were voted upon at the general election. The committee was led into an investigation of some phases of this controversy by reason of the charge broadcast through advertisements in the name of the Nebraska Taxpayers League that some one representing himself to be an agent of the committee had sought to intimidate the president of the league.

The charge was false and absurd, but a brief investigation revealed that this advertisement as well as all other activities of the Nebraska Taxpayers League were paid for or expected to be paid for by the public utilities through their attorneys or agents. The interest of the committee was likewise aroused by the fact





that the same devices of willful duplication and concealment of funds encountered in the "Grocer" Norris conspiracy were found here.

The device of duplication was resorted to with the obvious intent of confusing the voters with reference to the municipal ownership initiative measure, generally known as the Sorenson bill. A similar measure was initiated in the name of the Nebraska Taxpayers League, which was identical in form and language, except for a single sentence which completely altered its intent and effect. They were as nearly identical as the names of the two George W. Norrises.

Although upon the admission of its president, William F. Adams, the so-called taxpayers' league had no dues-paying members and had raised no funds of its own, widespread advertising and use of the radio was conducted in its name at considerable expense. These expenses were in large part being carried by Bernhard McNeny, an attorney, but the testimony clearly showed that it was expected that they would eventually be paid by Thorne Browne, of the National Electric Light Association, or some other public-utility representative.

THE $10,000 M'KELVIE FUND

Samuel R. McKelvie, member of the Federal Farm Board and former Governor of Nebraska, states that on July 21, 1930, he placed in the hands of one Max V. Beghtol funds amounting to $10,000 to be expended at Beghtol's discretion in support of Stebbins, the only prominent candidate remaining in opposition to Senator NORRIS. Prior to that date McKelvie had held long-distance conversation with Seymour on July 5 (8 minutes), July 8 (14 minutes), and July 10 (14 minutes). McKelvie was himself a senatorial candidate until July 18, his name having been filed by petition.

The method of handling this $10,000 fund, contributed by a high Federal official, merits attention. According to McKelvie's testimony, the entire amount was placed in Beghtol's hands to be used in the campaign against Senator NORRIS in accordance with his own discretion. Not a dollar of it, however, appears in the reports filed on behalf of Stebbins or any other candidate as being contributed by either McKelvie or Beghtol. On the contrary, $2,500 appears in the report of Stebbins as having been contributed by Charles T. Knapp with the designation "personal and miscellaneous contributions."

According to Knapp's testimony, Beghtol, on a visit to Chicago, gave him his personal check for $2,500, which was deposited in the Harris Trust Co. to the account of Charles T. Knapp & Co., and Knapp in return gave Beghtol a check of the Charles T. Knapp & Co., in the amount of $2,500, payable to Charles T. Knapp and indorsed by him in blank. This check was in turn contributed to the Stebbins campaign fund, of which E. B. Stephenson was treasurer. Thus the identity of the real contributor, McKelvie, was completely concealed. A further concealed contribution out of this fund is said to have been made in the name of F. C. Foster. McKelvie testified that the balance of the $10,000 fund, amounting to $7,150, was retained by Beghtol until after the November election, when it was applied to the payment of a note previously given by McKelvie to Knapp for the purchase of bank stock.

This transaction violates the spirit, if not the letter, of the Nebraska election law in two particulars: First, the amount contributed was in excess of the legal limitation of $1,000 from any individual (32–2022, Compiled Statutes of Nebraska, 1929). The use of the designation "personal and miscellaneous contributions" in connection with the Knapp contribution would indicate a knowledge of this provision and a desire to evade it. Second, McKelvie did not report the making of this contribution to the clerk of the county, as provided by the Nebraska law (32–2023, 2024, 2027, supra), requiring every individual contributing in excess of $250 to make such a report.

CONCEALED CONTRIBUTIONS OF NATIONAL COMMITTEEMAN

A similar case of concealment of large contributions also occurred in the case of Charles A. McCloud, Republican national committeeman for Nebraska. He likewise contributed to the Stebbins fund an amount in excess of $1,000, but concealed its source by giving his own funds to various individuals, taking their checks for the respective amounts, and sending these alleged contributions to E. B. Stephenson, treasurer of the Stebbins fund.

This transaction appeals to the committee as violative, in several particulars, of the Nebraska election laws. The analogy is close between this and both the McKelvie and Lucas incidents as is also the circumstance of both Mr. Lucas and Mr. McCloud, officially members of the Republican National Committee, secretly plotting to effect the defeat of their party's candidate.

THE EXPENDITURES OF ROBERT H. LUCAS

The final episode in the plans to defeat Senator NORRIS was the secret expenditure of some $4,000 by Robert H. Lucas, executive director of the Republican National Committee, in connection with the circulation of scurrilous literature in Nebraska and other States. Mr. Lucas testified that these expenditures, which were sought to be concealed by the employment of a fictitious name, were his own, although the records of the bank show that funds of the Republican National Committee were pledged as security for the loan used in the payment of the printing bill. The total expenditures of Lucas for such literature, ordered from the publishers of the Fellowship Forum, of Washington, D. C., amounted to $4,237.27, of which $752.52 was allocated to the anti-Norris campaign. Lucas testified that prior to sending this literature he conferred regarding the Nebraska situation with Samuel R. McKelvie and E. B. Stephenson, treasurer for the Stebbins primary campaign as well as for the Hitchcock Republican Club. At this time Senator NORRIS had been designated as the Republican nominee by the voters of Nebraska and Senator FESS, chairman of the Republican National Committee, had publicly declared that NORRIS and all other Republican candidates would receive the support of his committee.

VIOLATION OF FEDERAL CORRUPT PRACTICES ACT

It would appear that Mr. Lucas violated the spirit, if not the letter, of the Federal corrupt practices act of 1925, particularly section 306, reading as follows:

"SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305."

Section 305 provides that reports of such expenditures shall be filed with the clerk at certain periods which are not pertinent here, and also between the 10th and 15th days, and on the 5th day preceding the date of a general election, and also on January 1. Mr. Lucas's expenditures, admittedly for the purpose of influencing elections in Nebraska, West Virginia, Kentucky, Montana, North Carolina, Ohio, Delaware, Massachusetts, and Indiana, were incurred shortly before the 15th day preceding the election. Reports, therefore, should have been made for the three periods cited above.

Section 314, providing penalty for violation of this act, read as follows:

"SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $10,000 and imprisoned not more than two years."

The testimony of the witnesses Blackwell (Rec. 827), Stengle (Rec. 847), and Johnson (840–920) indicates a deliberate effort to keep this transaction secret. The fact that Lucas paid the publisher the $4,000 in cash when it was his admitted custom to pay his bills by check, as well as the use of a fictitious name to conceal the transaction, strongly corroborates this testimony. Search of the records of the Clerk of the House fails to disclose any report in the premises by Mr. Lucas and he testified that none was filed there as provided by law. After this transaction was exposed by the investigations of this committee and after Mr. Lucas had been examined under oath and had admitted that he had filed no report (Rec. 870, Lucas), he filed a report with the Secretary of the Senate under date of December 22, 1930. This was not a compliance with the statute which definitely prescribes that the reports of individuals and treasurers of committees shall be filed with the Clerk of the House, and in no degree mitigates the failure to file upon the two previous prescribed dates.

The only conclusion which the committee is able to reach in respect of this incident is that Mr. Lucas attempted to conceal the transaction, designedly failed to report as required by the Federal corrupt practices act, and is chargeable with a willful violation under section 314, paragraph (b).

GENERAL CONCLUSION

How far the various methods outlined above were interrelated and constituted successive stages of a single conspiracy are yet to be determined. After the major facts became known, two of the principal figures in the conspiracy, "Grocer" Norris and Victor Seymour, were in process of indictment for perjury and were, therefore, not available as witnesses. The committee has been impressed, however, by the fact that all these activities have been actuated by the common motive of accomplishing the defeat of Senator NORRIS by fair means or foul; have been carried out by agents whom the record shows were in frequent communication; and have been characterized by the common features of concealment of funds, employment of fictitious names, and elaborate precautions to prevent either the actors or the source of the funds from being publicly disclosed.

Recommendations for legislation designed to curb or prevent the recurrence of the evils exposed by this investigation will be presented by the committee in due course. This is reserved for its final report, in connection with which it proposes to submit to the Senate within the limits of the Federal jurisdiction such measures as may seem appropriate upon mature consideration to cope with the evils disclosed by all its investigations.

GERALD P. NYE, *Chairman.*
PORTER H. DALE.
C. C. DILL.
ROBERT F. WAGNER.

SUMMARY OF EVIDENCE

The following is presented as a summary of the principal points developed in the hearings of the committee in connection with its investigation of senatorial campaign expenditures in Nebraska. These hearings were held at Broken Bow, Nebr., July 19, 1930; Lincoln, Nebr., July 21, September 22, 23, 24, and 25; Omaha, Nebr., October 22, 23; Lincoln, Nebr., November 17, 18,

and 19; Chicago, Ill., November 20; Washington, D. C., December 19, 20, and 22, January 6, 7, 13, 16, and 26, 1931.

In the course of these hearings 97 witnesses were examined, some of them upon several occasions, in an attempt to ascertain the facts regarding the senatorial primary and general election in the State of Nebraska.

THE SECRET "STRAW VOTE"

This was a "straw vote," "poll," or "survey" to determine the relative standing of prospective senatorial candidates. The poll was taken by a ticket listing all of the prominent potential candidates for the Republican nomination, to wit; GEORGE W. NORRIS (incumbent Senator), Samuel R. McKelvie, (former governor), Arthur J. Weaver (governor), George A. Williams (lieutenant governor), W. M. Stebbins (State treasurer), and Aaron Read. The ticket was prepared to show first and second choices, and the poll showed GEORGE W. NORRIS "in the lead of any possible opposition." (Rec. 408, Smith. The page references refer to the preliminary page proof and may differ slightly for pages beyond page 500.) The exact result was never made public and is not material.

The taking of this "straw vote" was conducted by Victor Seymour, a Nebraskan, who had been active in State and national politics for more than 30 years. He has held various appointive offices and in 1928 led the McKelvie forces at the Republican National Convention in support of the Hoover ticket. (Rec. 438, Stebbins.) Seymour is shown by the testimony of several witnesses to have handled the negotiations which led "Grocer" Norris to file as a candidate for the Senate, transmitted to him the money to pay his expenses, drafted his announcement and arranged for the employment of his attorney. (See testimony of Stebbins, Johnson, Norris, Hugh, and Oscar Drake, and Miss Alton.)

He was later appointed assistant vice chairman in charge of the Denver office of the Republican senatorial committee, but was permitted to resign when testimony before the campaign expenditures committee exposed his connection with the "Grocer" Norris candidacy and revealed his perjury as a witness before the committee. (Rec. 854, Dawson.)

This poll was financed by Walter W. Head, long prominent in Nebraska Republican politics, and later nationally prominent, having been either recommended or considered as both national chairman and national treasurer. Mr. Head is chairman of the board of Omaha National Bank, the largest banking institution in Nebraska, chairman of the board of Nebraska Power Co., president of the Foreman-State National Bank of Chicago, director in New York Life Insurance Co., Chicago & North Western Railroad, and a "number of other prominent corporations." (Rec. 485, Head.) He is also president of Boy Scouts of America, chairman of finance committee of Y. M. C. A., and an officer or director of several other character-building, religious, charitable, or philanthropic organizations. (Rec. 485, Head.) Although now making his headquarters in Chicago, he is a citizen of Nebraska and maintains legal residence in Omaha.

Mr. Head's testimony is not quite specific as to the inspiration of the poll. According to Mr. McKelvie, however (Rec. 796, McKelvie), Head importuned him to run against Senator NORRIS and agreed to undertake the survey to determine if McKelvie were the logical candidate to run against Senator NORRIS, in which event McKelvie agreed to become a candidate. Head agreed to assume the expense of this survey up to $5,000 (Rec. 408, Smith), but only expended $4,000, $3,500 of which was drawn on or before April 2, 1930. At this point he directed that the poll cease, it not being entirely clear whether he was dissatisfied with the method of conducting the poll or its result. Seymour claimed that this termination was not in accordance with his agreement and complained to Victor B. Smith, vice president of Mr. Head's Omaha bank, who gave Seymour another $500 on Head's account and on June 16 loaned him an additional $1,000 on his personal unindorsed note. (Rec. 408, Smith.)

Mr. Head transmitted the moneys to Mr. Smith, who in turn bought drafts on New York and Chicago banks and sent them to Robert Devoe, Lincoln attorney, who had arranged with Mr. Head for the employment of Mr. Seymour. (Rec. 408, Smith.) Devoe then delivered the drafts to Seymour, who deposited them in the First National Bank of Lincoln under his own name, and checked against them as needed.

The taking of the poll, and its results, were not made public, and apparently every effort was made to keep the matter secret. The stenographer in the office was instructed to tell visitors Mr. Seymour was attorney for an eastern trust company, and the fact that the office had any connection with politics was concealed. (Rec. 348, Alton.)

However, Mr. William E. Murray, an employee of the Republican National Committee, and acting secretary thereof (Rec. 839, Murray), knew something of Mr. Seymour's activities, as he was in Nebraska during this time on a political mission and spent considerable time in Seymour's offices (Rec. 345, Alton). Murray was posing as a newspaper man, and made at least one report from Seymour's office on the senatorial situation. (Rec. 346, Alton.)

The "straw vote" was practically completed during March and was definitely terminated between April 5 and 10, 1930. Head, who had already contributed $3,500 between January 27 and April 2, stated that he would not be further responsible, but under the insistence of Seymour advanced an additional $500 on June 9. (Rec. 408, Smith.)

Nevertheless the office was kept open until August and a stenographer was employed until July 1. On at least one occasion, however, the stenographer was not paid until after the 15th because the check "from the East" did not arrive. (Rec. 341, Alton.) Whether Seymour had some other source of income after Head withdrew his financial support is not disclosed.

The committee has likewise been unable to ascertain the character of Seymour's activities after the straw vote was completed early in April and before he undertook to procure the filing of "Grocer" Norris's candidacy during the latter part of June. Stebbins, who furnished Seymour with the money used to induce the grocer to file, testified that in April, or perhaps as early as March, the State was canvassed to discover duplicate candidates. (Rec. 425, Stebbins.) He also stated that "long prior to the time that my campaign started it was rumored that Mr. Norris of Broken Bow would be a candidate for the United States Senate if sufficient subscriptions were made to my campaign fund." (Rec. 423, Stebbins.)

Whether Seymour was concerned in this canvass that resulted in the discovery of "Grocer" Norris has not been determined, but the fact that Stebbins went to him when he became interested in having the duplicate filing made would indicate that he had.

THE "GROCER" NORRIS CONSPIRACY

Upon June 26, 1930, one George W. Norris, manager of a chain grocery store in Broken Bow, Nebr., perfected his application for State railway commissioner, with the treasurer of Custer County, Nebr. Upon July 2, 1930, he perfected his application with the same officer, for the office of United States Senator. (Rec. 7–8, Dady.) The first application was not filed with the secretary of state, but the latter, that for Senator, was sent to the secretary, reaching his office on the morning of July 5, 1930. (Rec. 362, Thomas.)

Both of these applications were sworn to by Norris in the office of A. Paul Johnson, attorney, of Broken Bow. (Rec. 20 and 23, Johnson.) On the evening of July 2 "Grocer" Norris handed a registered envelope to Walter Schnable, mail clerk in the local post office, requesting the same be withheld from train No. 44 of the Chicago, Burlington & Quincy, July 2, and that registration be not completed until too late to go on that train. (Rec. 12, Schnable.) This envelope contained Norris's application for a place on the Republican ballot as United States Senator in the pending primary election, and was addressed to the secretary of state at Lincoln. (Rec. 12–13, Schnable.)

Local inquiry develops that had this letter been forwarded on train 44 it would have, in the regular course, been delivered to the office of the secretary of state early July 3. As it was, although it arrived in Lincoln on the afternoon of the 3d, it did not reach the secretary of state's office until the morning of July 5.

On the evening of the 3d of July, Norris left Broken Bow, by automobile, having previously resigned his position.

Diligent search for Norris and investigation by the committee's agents failed either to locate Norris in time for the committee's first hearings in Nebraska, July 19 and 21, or to disclose the circumstances surrounding his filing.

These circumstances were prima facie suspicious. He had filed in exact duplication of the filing of the incumbent Senator, GEORGE W. NORRIS, and under the Nebraska law no designation could be placed on the ballot to differentiate one from the other; to add, to the complication, local requirements are that names shall be rotated in various congressional districts. It would have been manifestly impossible for a voter, even the two George W. Norrises, to have determined for which he proposed to vote, and was to all intents and purposes a complete disfranchisement of every voter desiring to vote for either. The grocer had never been active in politics, and these things, with his mysterious disappearance, forced the conclusion that his filing was fraudulent and corrupt and a matter for the attention of this committee.

The committee's agents in the first instance, and the committee itself in formal hearings with witnesses under oath, were met with evasion, equivocation, and even positive denial of knowledge in the premises on the part of persons whom the committee had every reason to believe were actually informed, if not participants, in the matter.

This attitude has continued throughout the Nebraska hearings, and two individuals have already been indicted by a United States grand jury at Lincoln for perjury before the committee.

Following the receipt of "Grocer" Norris's application for place on the Republican primary ballot, one Robert Smith, of Omaha, Nebr., protested his filing on the ground that it was received after the last date set by the Nebraska law. This proceeding before the secretary of state on July 15, was decided in favor of "Grocer" Norris upon the theory that his application had been placed in the mails within the statutory period. On appeal to the Nebraska Supreme Court, the decision was reversed by Chief Justice Goss and the application for place on the ballot denied upon the ground that the application must be physically in the office of the secretary of state to satisfy the statute.

All of the influences behind the grocer's filing are not yet developed upon the record. Sufficient facts, however, have been disclosed to show the filing was not in good faith, was inspired, procured, and paid for by interests intending to embarrass and defeat the incumbent Senator NORRIS, and disfranchise what voters wished to vote for him.

The grocer, Norris, had at one time conducted a grocery store in Kearney, Nebr. Hugh Drake, railroad commissioner and candidate for reelection, was also from Kearney, and knew the grocer, if not intimately, at least well. Oscar Drake, brother of Hugh, was a practicing attorney in Kearney, and also knew the grocer. I. D. Beynon, an attorney in the State banking department, was also

from Kearney, knew the grocer, and was apparently interested in his railroad commissioner candidacy.

W. M. Stebbins, State treasurer, was an active candidate for the Republican senatorial nomination. Others were the incumbent Senator NORRIS, Aaron Read, George A. Williams, and Beatrice Craig, by application, and Samuel R. McKelvie, by petition. Candidates by application had until July 18 to withdraw while the candidate by petition must, to secure place on the ballot, signify his acceptance by that date, which Mr. McKelvie did not do; and other candidates withdrawing, and the grocer being eliminated by judicial decision, Mr. Stebbins became the final candidate in opposition to the incumbent.

It developed that the immediate considerations for the grocer's filing were the payment of his filing fee of $50, and a United States Liberty (bearer) bond for $500. The committee secured the number of this bond and traced it to a Lincoln, Nebr. bank. The officers of the bank were reluctant to furnish any banking information excepting under subpœna and formal hearing, and were therefore informed subpœna would be issued for the next hearing before the committee.

Almost immediately thereafter, and following the committee's announcement of date of the next hearing, Mr. Stebbins published a statement in the Nebraska papers, assuming responsibility for procuring the grocer to run. Stebbins stated he paid the filing fee of $50; he also advanced an additional $300 in cash in connection with the grocer's candidacy. (Rec. 422, Stebbins.)

Both money and bond were handed to Seymour by Stebbins, for transmittal to the grocer (Rec. 427, Stebbins), and the $50 filing fee and the bond were received by the grocer through Attorney Johnson (Rec. 300, Johnson), who in turn received them from Seymour.

Drake insists his sole interest was to induce the withdrawal of Norris as railroad commissioner, and that he had nothing to do with the filing for Senator. It is not entirely clear, however, how he came to select Seymour, Stebbins's agent, to accompany him, as he did, in Seymour's car, with the expressed intention of seeing the grocer. (Rec. 634, Drake.) Nor is it entirely clear why Stebbins selected Seymour as his agent to negotiate with the grocer. Seymour was not friendly to his candidacy and their acquaintance was slight. (Rec. 428, Stebbins.) Also as Seymour was in charge of the poll conducted on account of Head's interest in McKelvie, the inference is that Seymour was a McKelvie supporter, and not primarily interested in Stebbins's candidacy. Stebbins states he had no conferences with Drake regarding the grocer. (Rec. 440, Stebbins.) Drake states he went to Seymour on the suggestion of Stebbins. (Rec. 605, Drake.)

Stebbins testified, in this general connection that it looked to him as though he "had been double crossed." (Rec. 433, Stebbins.) While Drake, speaking to the same point, said he believed he was brought into it as the "victim of a plot." (Rec. 625–630, Drake.)

However, both Stebbins and Drake were in conference with Seymour on June 28, whether together or otherwise is not disclosed; but on that day Seymour and Drake left together in Seymour's car to see the grocer, as a result of which trip the grocer was induced to withdraw as candidate for railroad commissioner, become a candidate for the United States Senate, and was furnished with the $50 filing fee and $500 bond.

Seymour apparently never met the grocer, his negotiations being conducted through A. Paul Johnson, of Broken Bow, at a conference in the Fort Kearney (Nebr.) Hotel upon June 29, the day following the trip of Seymour and Drake from Lincoln. At this conference, Seymour, Johnson, and the two Drakes were present, and the $50 filing fee was produced in the presence of at least Hugh Drake. (Rec. 612, Drake.)

Neither Hugh Drake nor his brother, Oscar Drake, impressed the committee by frankness in their testimony. A representative of the committee called upon each of them very early in the investigation and each failed to give him any information concerning Seymour's participation, or of the Fort Kearney Hotel conference. An honest statement on the part of either would have saved the committee much time and money; Oscar Drake, excused at the hearing of October 22–23, on condition that he be available at the hearing of November 17, not only did not present himself for further questioning, but could not be located by the United States marshal with subpœna. Hugh Drake's manner of testifying is best illustrated by the remark of Senator DALE.

"* * * if the committee is smart enough to think up some question that they can catch you on you are willing to be caught, but you don't propose to be caught * * *." (Rec. 635, Drake.)

The testimony of Hugh and Oscar Drake is widely as variance upon many material points, and the committee can not avoid the conclusion that if the two Drakes were not party to the procurement of "Grocer" Norris, they did at least have a guilty knowledge.

The reason for Johnson's participation or interest in the grocer's filing is not entirely clear on the record; he was present at the Fort Kearney Hotel conference, and personally delivered the $50 filing fee and $500 bond (received from Seymour) to Norris; the grocer's two applications for place on the ballot were sworn to in his office. On the other hand, the evidence is that he stated he would advise the grocer not to be a candidate for any office whatever. (Rec. 618–636–637, Drake.) "Grocer" Norris, and not Johnson, was expected at the conference at the Fort Kearney Hotel, in person (Rec. 638, Drake), but apparently the grocer asked Johnson to go in his stead. The record is not clear that either "Grocer" Norris or Johnson expected to find Seymour there, or anyone else other than the two Drakes.

While the committee has not been able to locate definitely any funds used in the procurement of "Grocer" Norris's candidacy except the $850 furnished by Stebbins, the fact remains that Norris had a good job as manager of a chain grocery which paid him about $4,200 a year and which he knew he would have to resign as soon as he became a candidate for the Senate. It is unreasonable, therefore, to believe that the $500 Liberty bond which he personally received would have constituted a sufficient inducement. On the contrary he stated in the presence of one witness that "there would be big money in it." (Rec. 294, Johnson.) That such "big money" would have been forthcoming if "Grocer" Norris had been permitted to remain on the ballot, not only to compensate him but to conduct a vigorous campaign in his behalf, appears therefore to be an inescapable conclusion.

THE M'KELVIE FUND

One William M. Stebbins, then State treasurer of Nebraska, was the final candidate in the Republican primary against Senator Norris. Among the contributions to his campaign fund was one of $2,500 on July 28, listed as being from "Chas. T. Knapp (personal and miscellaneous contributions)," and, on July 29, one of $250, listed as being from "F. C. Foster." (Rec. 327.)

It developed that both of these were from funds advanced by Samuel R. McKelvie, member of the Federal Farm Board, and until July 18 a candidate by petition in the senatorial primary. Mr. McKelvie, on July 21, 1930, gave one Max V. Beghtol, Lincoln attorney, his checks for $3,500 on Munsey Trust Co., Washington, and $6,500 on Continental National Bank, of Lincoln, Nebr., a total of $10,000 (Rec. 799–800, McKelvie), with instructions to Beghtol to use any or all of the money as he saw fit to assist in financing the campaign of Mr. Stebbins (Rec. 800, McKelvie).

None of this money was directly contributed in the name of McKelvie, but Beghtol made a trip to Chicago and gave Charles T. Knapp, president of Continental National Bank, of Lincoln, Nebr., and a real-estate operator in Chicago, Ill., upon July 25, 1930, his, Beghtol's, personal check for $2,500. Knapp deposited this, and in turn gave Beghtol the check of Charles T. Knapp & Co., 105 West Adams, Chicago, for $2,500, payable to and indorsed by Charles T. Knapp, which Beghtol in turn delivered to E. B. Stephenson, treasurer of the Stebbins senatorial primary campaign committee. (Rec. 787, Knapp.)

The witnesses are not entirely clear as to why this juggling of checks was carried out. Mr. McKelvie (Rec. 805) states that he did not care whether or not the contribution became public. Mr. Knapp (Rec. 787) suggests it was thought due to McKelvie's public position, and that it would be a waste of money, it would be better to make the contribution indirectly.

It appears Beghtol used only $2,850 of this $10,000 for the Stebbins primary campaign. (Rec. 800, McKelvie.) Besides the $2,500 previously mentioned, Beghtol stated to an agent of the committee, that he had given an additional check for $350 to F. C. Foster, an attorney at Lincoln, Nebr., to contribute to the Stebbins campaign. However, the statement of contributions credits Mr. Foster with only $250. As neither Beghtol nor Foster has been before the committee the discrepancy has not been explained.

Mr. McKelvie states the $10,000 was his own money and that it was not donated or advanced by anyone else. He further states Mr. Beghtol advised him he had applied the unusued balance, $7,150, to a note for $10,000 which he, McKelvie, owed Mr. Knapp for bank stock purchased some years prior. (Rec. 801, McKelvie.)

It is of record that Seymour and McKelvie were occasionally in telephonic communication, to wit, May 28, July 5, July 8, and July 10, 1930. Mr. McKelvie's memory is not clear as to the nature of these calls, but believes they were in reference to his desire to secure employment for Seymour. It does not appear just what this appointment was, nor whether it was the appointment Mr. Seymour afterwards secured with the Republican senatorial committee at Denver. (Rec. 810–811, McKelvie.)

Mr. McKelvie's name had been presented by petition as a candidate for the Senate; he had until July 18 to accept a place on the ballot, but did not do so. Mr. E. P. Brown, of Lancaster County, Nebr., made the petition filing for Mr. McKelvie. (Rec. 797, McKelvie.) Mr. Brown was a frequent visitor to the Seymour office, was there a great deal of the time, and seemed to be a part of the office organization. (Rec. 350, Alton.)

THE M'CLOUD CONTRIBUTION

During the Stebbins's primary campaign, E. B. Stephenson, Lincoln banker and insurance man, was treasurer of his committee. Mr. Stephenson urged or solicited Mr. Charles A. McCloud, of York, Nebr., for a campaign contribution. McCloud was the Nebraska Republican national committeeman. He opposed Senator NORRIS, but on account of his position with the national committee was reluctant to contribute openly. McCloud furnished the Stebbins chest with between $800 and $1,200, the exact amount being doubtful, but he believes it to be about $1,100. (Rec. 648, McCloud.) He concealed the source of this money by giving his own funds to various individuals, taking their checks for the respective amounts, and sending them to Mr. Stephenson. (Rec. 644, McCloud.) He states this was at no one's suggestion, but that he was contributing his own money, was national committeeman, and was trying to conceal it. (Rec. 645, McCloud.)

NEBRASKA TAXPAYERS LEAGUE

The committee's inquiry into the activities of the Nebraska Taxpayers League was occasioned by the publication on the morning of November 4, 1930, of a large advertisement in the daily papers throughout Nebraska stating in effect that men representing themselves as connected with the Committee on Senatorial Campaign Expenditures had called upon William F. Adams (Rec.

541, Adams), head of the Taxpayers League, and had coerced him into signing an affidavit wherein he repudiated certain literature (Rec. 569, Binfield) that had previously been sent out under his name as head of the Nebraska Taxpayers League. The testimony reveals that this advertisement was prepared by Morris Jacobs, of Bozell & Jacobs, advertising agents and publicity men for the Nebraska Power Co., at the dictation of Bernard McNeny, an attorney of Red Cloud, Nebr., and in the office of Thorne Browne (Rec. 527, 652, Jacobs), secretary of one division of the National Electric Light Association, and a secretary of an association of electric-light companies in Nebraska (Rec. 775, Browne). McNeny and Browne assumed responsibility for the payment of this advertising. (Rec. 762, McNeny; 783, Browne.)

The Nebraska Taxpayers League was organized in February, 1930; Adams called this organization meeting at the instance of McNeny, and it was attended by these two and three other persons. (Rec. 543, Adams.) Adams testified that the league was to have been financed probably by membership assessment, but they had never reached that point before expenditures were made for radio broadcasting and newspaper advertising and that those items were paid for by McNeny. (Rec. 544, Adams.)

Adams stated that the purpose of the organization was to lend itself against all measures that were going to increase taxation. (Rec. 544, Adams.) However, the only activity in which it did engage seems to have been its opposition to the so-called Sorenson power measure. In this opposition the policies of the league were dictated by McNeny, who worked in close cooperation with representatives of the power interests in Nebraska. (Rec. 761-762, McNeny.)

The so-called Sorenson measure derived its name from Attorney General C. A. Sorenson, of Nebraska, chairman of the Peoples Light & Power Association, who drafted the measure in the form of a petition bill, known as proposition 324, to be voted on at the general election held on November 4, 1930. The measure allowed publicly owned light and power plants to extend their lines into the country, so as to serve neighboring farmers. (Rec. 545, Adams.)

Soon after the petitions were circulated for this proposition it developed that petitions were being circulated for two other measures, one of which was so nearly identical in its terms with proposition 324 as to cause confusion comparable to that caused by the filing of Grocer Norris as a candidate for the Senate. These two latter measures were known as propositions 322 and 326. Proposition 326 employed the identical language and form of the so-called Sorensen measure except that the provision was made that before any municipality could extend its lines to serve rural patrons such proposed extension would have to be approved at a special election for the purpose. (Rec. 561, Beals.)

It developed that the petitions for propositions 322 and 326 were circulated by and under the direction of Frank P. Corrick. He stated he was doing the work for Nebraska Taxpayers League and was employed by McNeny and Adams. (Rec. 764, Corrick.) Corrick was to get $1,000 for his work. (Rec. 765, Corrick.) McNeny contributed $500 and among the other contributors was Thorne Browne, hereinabove mentioned. (Rec. 765, Corrick.) Adams stated that Corrick attempted to get Adams to accept $250 of the amount McNeny contributed and return it again to Corrick as a donation from Nebraska Taxpayers League. (Rec. 571, Madgett; 768, Corrick.) Adams refused to do this. Among other contributors to the fund was George A. Lee, an attorney for the Iowa-Nebraska Power Co. (Rec. 766, Corrick.)

The committee called Adams and other witnesses regarding the use of its name in connection with the alleged intimidation and clearly developed the fact that there was no substantial basis for the published charge. (Rec. 568-571, Binfield.)

THE LUCAS EXPENDITURES

Following Senator NORRIS's primary victory certain "regular Republicans" organized the Nebraska Hitchcock Republican Club, but apparently its object was not so much in behalf of Gilbert M. Hitchcock, the Democratic nominee, as against Senator NORRIS. E. B. Stephenson, a life-long "regular" Republican, formerly treasurer of the Stebbins committee, became its treasurer, and was at all times the driving force behind its operations.

Robert H. Lucas, executive director of the Republican National Committee, some time after the primary, conferred with Samuel R. McKelvie and states that McKelvie was apprehensive that Senator NORRIS would be reelected with the Democratic vote, although great numbers of regular Republicans were going to support Hitchcock. (Rec. 860, Lucas.) Stephenson was expected in Washington by McKelvie, who arranged to have him meet Lucas. Lucas, McKelvie, and Stephenson did in fact meet and discuss senatorial situation, and later Lucas and Stephenson had a further discussion. (Rec. 860, Lucas.)

Lucas promised Stephenson active support in the campaign against Senator NORRIS. (Rec. 861, Lucas.) Mrs. Lulah Andrews, director Bureau of Industrial Housing and Transportation, of the Department of Labor, and former vice chairman of the Nebraska Republican State Committee, also discussed the senatorial situation with Lucas, from an anti-NORRIS standpoint. (Rec. 860, Lucas.)

Following these conferences, Lucas, on or about October 18, 1930 (Rec. 923, Johnson), ordered $4,237.27 of pamphlets, cartoons, and other literature from the Independent Publishing Co., of Washington, D. C.; of this $752.52 worth of literature was specifically directed against Senator NORRIS. This consisted of a barroom cartoon suggesting Senator NORRIS favored the return of the saloon, a facsimile of an alleged letter purporting to come from a Tammany organization urging Democratic support of Senator NORRIS, and a booklet made up of reprints and editorials from hostile papers. (Rec. 825, Exhibits C, D, E, Blackwell.)

The balance of the above-mentioned literature was sent to other States in support of Republican candidates. That sent to Nebraska is the only instance where Lucas used it in opposition to a Republican nominee.

This transaction was shrouded with the utmost secrecy. The staff in charge of the execution and billing of the work were kept in ignorance of the real source of the work, but were told instead that the Nebraska order came from one John M. Fetters, of Omaha, Nebr. No person of this name could be located. They were also told the item was paid for by Fetters in cash, and it was so carried in the printing company's records. Finally, Charles F. Stengle, an executive of the publishing company, testified (Rec. 835, Stengle) that he was compelled to violate confidences in testifying truthfully, and that the order had been placed by Mr. Lucas, who had instructed that the order be placed in the name of Fetters (Rec. 835, Stengle) and that the finished order be shipped to E. B. Stephenson, treasurer of the Hitchcock Republican Club in Lincoln.

It developed that the apparent intent was to keep Lucas's part in the transaction even more secret than the records of the publishing company indicated, as even the listing of the item in the cashbooks of the publisher was a slip, and done by the bookkeeper under a misapprehension. (Rec. 929, Johnson.) No charge was made upon the books for either stock or labor used in this job, it being absorbed in the printing of a newspaper, the Fellowship Forum, also done by this firm.

Mr. Lucas also had the Nebraska literature sent directly by the publishing company to about 3,000 precinct committeemen in Nebraska, by mail, using the headquarters' list of the Republican National Committee. (Rec. 870, Lucas.) The cost of envelopes, postage, addressing, folding, and inserting the literature was not charged to the job, but was apparently absorbed in the general costs of the publishing company.

Lucas claimed that he paid the printing bill, aggregating $4,237.27, out of his own funds, and that he borrowed $4,000 with which to do it. (Rec. 865, Lucas.) He states:

"* * * I was very willing to make my personal contribution * * * and I couldn't do that through the committee and be entirely proper * * *."

However, upon October 23, 1930, a special fund of $40,000 of the Republican National Committee was placed under the control of Mr. Lucas in the Commercial National Bank of Washington under the following conditions:

COMMERCIAL NATIONAL BANK,
Washington, D. C.

GENTLEMEN: I am handing you herewith check payable to the order of the Commercial National Bank, $40,000, to open an account in the name of the Republican National Committee, special, J. R. Nutt, treasurer. Please honor checks on this account signed by Robert H. Lucas, executive director, and also my signature as treasurer, either one. Just one signature required.

I am placing this special account with you for the convenience of Mr. Lucas, who will handle everything in connection with it.

Yours very truly,

J. R. NUTT, *Treasurer.*

(Rec. 880, Cooper.)

The note given by Mr. Lucas after the publishing company had demanded payment in connection therewith the following memorandum, a part of the bank's record pertaining to the loan:

DECEMBER 3, 1930.

The undernoted securities hypothecated with note for $4,000 due January 2, 1931, have been received from and will be held subject to the order of Robert H. Lucas, side collateral, guaranteed by letter Republican National Committee, authorizing the withholding of $4,000 in special account. (Initialed by custodian.) (Rec. 887, Cooper.)

The letter above mentioned is as follows:

COMMERCIAL NATIONAL BANK,
Washington, D. C., December 3, 1930.

GENTLEMEN: You are requested to loan to Mr. Robert H. Lucas, $4,000 to be evidenced by his personal note, dated to-day, payable 30 days after date, and in consideration of your making said loan, which Mr. Lucas may, in his own discretion, renew from time to time, either in full or curtail, hold $4,000 of the balance on your books in the special account of the Republican National Committee as security.

Very truly yours,

REPUBLICAN NATIONAL COMMITTEE,
By ROBERT H. LUCAS.

(Rec. 877, Cooper.)

The treasurer of the Republican National Committee, Mr. J. R. Nutt, states the $40,000 fund was placed at Mr. Lucas's disposal exclusively for use in congressional contests (Rec. 935, Nutt), and that Lucas had exceeded his authority in pledging any part of it for the loan (Rec. 938, Nutt), and that Lucas did not advise him of the transaction. When he did learn of it, through the press, he personally loaned Lucas the necessary funds to take up the note. (Rec. 943, Nutt.)

In respect to the pledge, Mr. Nutt says:

"I don't think the security amounts to a snap of your finger. I don't think they had any, because there was not anyone that had the right to pledge that account for any purpose." (Rec. 943, Nutt.)

The fact can not be avoided, however, that Mr. Nutt's orders to the bank placed the account at Mr. Lucas's disposal without re-

striction or condition of any kind; on the contrary, the bank was specifically advised that Mr. Lucas "will handle everything in connection with it." With such broad discretion vested in Mr. Lucas in connection with the supreme position he apparently occupied as executive director of the Republican National Committee, and the bank being under no notice as to the specific character or purpose of the fund, it is difficult to avoid the conclusion that Lucas, under the power conferred upon him in Treasurer Nutt's letter, had power to pledge the funds of the Republican National Committee as security for the loan.

WIRE TAPPING

The committee was to some extent harassed by one Charles E. Matson, attorney, of Lincoln, Nebr., who charged wire tapping by a person representing himself to be a Government agent; several letters were written by Mr. Matson to the committee on this subject, each of which he gave to the press. An investigation of the incident was immediately undertaken by the committee's representative in company with the assistant United States district attorney, and the allegation was found to be without foundation. Mr. Matson's charges carried one of an impersonation of a Federal officer. The district attorney presented this charge to the United States grand jury, which dismissed it.

Mr. Matson, although charged with knowledge that the committee had made an investigation of the matter, and that the United States district attorney had also investigated, carried his campaign to the point of writing the Vice President of the United States, which letter was also given to the press by Matson. (Rec. 749, Matson.) However, Mr. Matson admitted he was inspired to write the Vice President by an agent of Mrs. RUTH HANNA MCCORMICK, and produced a letter from one of her representatives. (Rec. 749, 757, Matson.)

Mr. Matson's specific charge in his letter to the Vice President that—

"Certainly, the conduct of Senator NYE in ignoring information I tendered him in Nebraska * * * tends to degrade the entire Senate in the estimation of the people"—

has absolutely no foundation in truth or in fact. Mr. Matson himself never interviewed any of the persons whom he claims had knowledge of the alleged wire tapping (Rec. 751, Matson), but he did know that both the United States district attorney and a representative of the committee had investigated the matter.

While the committee does not complain of any charge, however wild and unfounded, the publication of the above charge, with its natural inferences, can only be considered as a deliberate attempt to harass, annoy, and degrade the committee in the opinion of the public, and an unwarranted interference in the conduct of its duties as prescribed by Senate Resolution 215.

ATTEMPTED INTIMIDATION OF WITNESS

Miss Esther Marie Alton, who was secretary for Mr. Seymour during the "straw poll" and who typed "Grocer" Norris's candidacy announcement, appeared before the committee as witness. (Rec. 281–341, Alton.) It was her testimony which definitely connected Seymour with the Norris candidacy.

She testified (Rec. 285, Alton) that Frank Marsh, secretary of state for Nebraska, among others, was a visitor at the offices of Seymour. Following this testimony, Mr. Marsh called on Senators NYE and DALE and complained of this testimony, but at the same time admitted that he had been a visitor there. (Rec. 359.)

Upon November 14, 1930, Mr. Marsh, with William M. Byrkit and Minor S. Bacon, called upon Miss Alton at her place of employment in Lincoln, and attempted to coerce her into signing an affidavit the effect of which would have been to impeach the testimony she had previously given before the committee respecting Mr. Marsh. Miss Alton was told that "there was danger of her later being arrested for perjury * * * if she didn't sign the affidavit." (Rec. 533, Bacon.)

Mr. NYE. Mr. President, there have been so many inquiries with relation to the plans of the committee as to its report covering the Pennsylvania investigation that I feel it proper at this time to advise the Senate that the committee fully intends to have its report upon that question before the Senate on Monday next.

PRINTING OF EXECUTIVE JOURNAL

Mr. SHIPSTEAD. From the Committee on Printing I report back favorably with an amendment Senate resolution 477, and ask unanimous consent for its immediate consideration. I call the attention of the Senator from Montana to the resolution.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 477) submitted by Mr. BORAH on Thursday, February 26, 1931, as follows:

Resolved, That the entire Executive Journal from the end of the Fifty-seventh Congress, special session, the date to which said proceedings have already been printed and published by order of the Senate, to the end of the Seventy-first Congress, third session, be printed under direction of the Secretary of the Senate, with a suitable index to each volume, and that 500 copies be printed.

Resolved, That the injunction of secrecy be not removed therefrom until said printing has been completed, nor until so ordered by the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WALSH of Montana. I have no objection to the consideration of the resolution, but I have an amendment I wish to offer to it.

Mr. MCNARY. I should like to inquire of the Senator from Minnesota if the resolution has been acted on by the Committee on Printing?

Mr. SHIPSTEAD. I polled the committee on reporting the resolution.

Mr. MCNARY. I should like to have the amendment read.

The VICE PRESIDENT. First the Chair will inquire if there is objection to the consideration of the resolution at this time? The Chair hears none, and the resolution is before the Senate. The amendment reported by the Committee on Printing will be stated.

The CHIEF CLERK. In line 10, after the word "completed," it is proposed to strike out the word "nor" and to insert the word "or," so as to read:

Resolved, That the injunction of secrecy be not removed therefrom until said printing has been completed or until so ordered by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH of Montana. I offer an amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The CHIEF CLERK. It is proposed to add at the end of the resolution the following:

Provided, however, That the counsel in any proceeding instituted pursuant to Senate Resolution No. 415, or any person deputed by any of them for that purpose, may have access to and the right to take copies of any portion of the said journal and to use the same in such proceeding.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

Mr. FESS. Mr. President, I should like to ask if this resolution includes the Journal up to the end of this session?

Mr. FLETCHER. I think it does; the resolution itself so provides.

Mr. FESS. My inquiry is inspired by the objections to the approval of the Journal of the last few days.

Mr. SHIPSTEAD. It was the intention that the resolution should cover the Journal up to the end of the present session.

Mr. LA FOLLETTE. Mr. President, may I inquire whether the adoption of the resolution will result in the approval of the Journal which has not yet been approved?

The VICE PRESIDENT. The resolution relates to the Executive Journal.

Mr. LA FOLLETTE. Then I withdraw any objection.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The resolution, as amended, was agreed to.

UNITED STATES AS PARTY DEFENDANT

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution coming from the House of Representatives and calls the attention of the Senator from Montana to it. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 52), as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. 980) to permit the United States to be made a party defendant in certain cases, heretofore agreed to by the two Houses, be amended by adding at the end of the amendment agreed to in the report the following new section:

"SEC. 7. This act shall not apply to any lien of the United States held by it or for its benefit under the Federal reclamation laws."

Mr. WALSH of Montana. I ask that the concurrent resolution be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The concurrent resolution will be referred to the Committee on the Judiciary.

MISSISSIPPI RIVER BRIDGE AT NEW BOSTON, ILL.

Mr. BROOKHART. Mr. President, on February 17 a bill was passed providing for a bridge across the Mississippi River at New Boston, Ill., into Iowa. There is a defect in that bill in that it is not according to the form which is being followed by the committees of the House and the Senate, respectively. There is no way to get such a bill through at this session unless it be repassed in the Senate and sent to the House for their calendar call on Monday evening. I, therefore, ask unanimous consent that I may introduce the bill in the form as reported to the House and that it may be considered at this time.

The VICE PRESIDENT. Is this an ordinary bridge bill?

Mr. BROOKHART. It is in the usual form; yes.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 6266) authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill., was read twice by its title, and by unanimous consent was considered, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 778. An act for the relief of Jeannette Weir;

H. R. 834. An act for the relief of John W. Barnum;

H. R. 1709. An act for the relief of Hedwig Grassman Stehn;

H. R. 4242. An act for the relief of Fred W. Boschen, lieutenant colonel, Finance Department, United States Army;

H. R. 5314. An act for the relief of W. A. Blankenship;

H. R. 7175. An act for the relief of Arthur A. Burn, sr., and J. K. Ryland;

H. R. 7520. An act for the relief of the estate of Clarendon Davis;

H. R. 7798. An act for the relief of Mrs. Lawrence Chlebek;

H. R. 8172. An act for the relief of William T. Roche;

H. R. 8585. An act for the relief of Maj. Thomas J. Berry;

H. R. 8998. An act for the relief of Dr. Luis H. Debayle;

H. R. 9526. An act for the relief of G. Carroll Ross;

H. R. 10888. An act for the relief of Margaret V. Pearson;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11464. An act for the relief of Charles A. Holder;

H. R. 11839. An act for the relief of Galen E. Lichty;

H. R. 12158. An act authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools of the District of Columbia, divisions 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906;

H. R. 12184. An act for the relief of C. B. Bellows;

H. R. 12239. An act for the relief of Lela B. Smith; and

H. R. 12679. An act for the relief of Kenneth G. Gould; to the committee on Claims.

H. R. 654. An act for the relief of Nelson M. Holderman;

H. R. 4536. An act for the relief of John S. Stotts, deceased;

H. R. 4799. An act for the relief of James Johnson;

H. R. 4858. An act for the relief of Margaret Thomkin;

H. R. 6763. An act for the relief of Albert G. Dawson;

H. R. 7525. An act for the relief of Elizabeth J. Edwards;

H. R. 7943. An act for the relief of Stuart L. Ritz;

H. R. 8848. An act for the relief of Daniel W. Seal;

H. R. 8858. An act for the relief of Elizabeth Moncravie;

H. R. 9816. An act for the relief of Thomas F. Gibbons;

H. R. 9866. An act for the relief of Walter G. Harrell;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society Daughters of the American Revolution, for use at Fort Frederick, Md.; and

H. R. 12918. An act to amend the national defense act of June 3, 1916, as amended; to the Committee on Military Affairs.

H. R. 15984. An act to amend an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930; to the Committee on Public Lands and Surveys.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. CUTTING. Mr. President, in view of the elaborate analysis of the bill made by the Senator from Rhode Island [Mr. HEBERT], I merely intend to direct a few remarks to the speech made yesterday afternoon by the Senator from Washington [Mr. DILL].

I want to say, in the first place, that I have great sympathy with the objections which the Senator from Washington voiced against the bill as it came from the House. It seemed to me that the bill in that form was very severe and probably unjustifiably severe toward the innocent infringer. I fully agree with the Senator from Washington in his desire to amend the bill so as to protect the interests of the innocent infringer, which, in the long run, do not conflict with the interests of the authors and composers of our country.

As has been repeatedly stated, the reason for haste in passing this legislation is the necessity for entering the International Copyright Union before August 10, 1931. On the other hand, I do not feel that the sole justification for this legislation is the desire to enter into the union. I have a good deal of sympathy with what the Senator from Washington said yesterday afternoon, when he stated:

> I am not particularly impressed that because other countries, with their kind of government, their customs, their censorships, and their paternalistic systems, with their social arrangements, with their commercial and industrial methods, may have a certain system that we should adopt that system.

If the facts were as implied in that sentence of the Senator's, I should be entirely in sympathy with him; but, to my mind, the reverse is the fact. We have lagged behind other nations in the progress which they have made with regard to copyright laws. Even if there were no necessity to join the Berne convention at this time, I should still hold that the provisions of this bill were more advantageous not only to the authors and composers but to the people of this country in general than the provisions which exist under the present law.

The Senator from Washington stated that he had repeatedly asked that anyone should give him one good reason for the adoption of a system of automatic copyrights. I wonder whether the question should not be put the other way. The Senate realizes that practically every other civilized nation on the face of the earth is operating to-day under the automatic-copyright provision, and most of them have been doing so for some time. The Soviet Government, the Senate will understand, is an exception to all rules of this kind. In Russia there is no such thing as private property, and therefore there is no copyright of any kind. With that exception, I think the United States and Siam and, perhaps, a few minor powers are about the only ones who are now operating under the antiquated system of compulsory registration.

Moreover, it seems to me that the automatic provision is in itself a natural and just provision.

A man who creates a literary work or a work of art has a distinct natural right to the product of his labor. When a man who owns certain materials makes a chair or a table out of them, he owns the piece of furniture. He is not obliged to register, or give notice to any one, or mark it with his name, in order to be protected in his rights.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CUTTING. Yes; I yield to the Senator from Washington.

Mr. DILL. The Senator, of course, does not mean that to be taken as a reason why a person should not mark copyrighted material that can not be bought and sold and can not be reproduced without paying a royalty.

Mr. CUTTING. No. I am just trying to get down to bedrock, to see what the reason is for the provision which has been adopted in this country, and used to be adopted in other countries, for the registration of this material. In other words, it seems to me that the question is rather "Is there any good reason for the registration system?" than "Is there any good reason for the automatic copyright?"

Mr. DILL. Mr. President, will the Senator yield further?

Mr. CUTTING. I yield to the Senator.

Mr. DILL. How does the Senator expect the public to know that there is a monopoly in being, and when the monopoly will expire, if there is no registration or notice?

Mr. CUTTING. If the Senator does not object I would rather come to that a little bit later in my argument.

Mr. DILL. How can they distinguish the new creation from those already in the public domain without registration and notice? I am speaking from the public standpoint, now, as against the standpoint of complete monopoly.

Mr. CUTTING. Mr. President, if the Senator does not object, I should like to answer that question a little later on; but as long as the question of monopoly has been brought up, I might say that I do not think copyright legislation creates a monopoly in the usual sense of the word. It seems to me there is a very great distinction between the monopoly created by a patent, for instance, and the system created by a copyright.

A patent creates a real monopoly. A man who has invented something and patents it prevents the public from using it. He may create a strangle hold on that particular thing if it is an invention which has to be used by manufacturers. On the other hand, he may decide not to put it on the market at all and put it to no use. In either case, he has complete control over the idea. If somebody else independently should think of the same idea, he has no right to manufacture an article which embodies it.

A copyright is something entirely different. It merely preserves the rights which the author originally had in the work which he created. It does not bar other people from using the same idea. It merely bars them from using the particular form which the author used. It is a matter of the actual form and not the substance. There is even some justification for the extreme position which was taken by Mark Twain and a great many others that for that reason copyrights should be perpetual. Of course, that is not feasible under our Constitution; but the actual passage of a copyright statute, it seems to me, is a limitation of a natural right rather than the creation of a monopoly. It is taking away from the exclusive right which a man had before his work was published.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New Mexico yield to the Senator from Washington?

Mr. CUTTING. I do.

Mr. DILL. It is not the right which the man has when he creates his work that is a monopoly as much as it is the right that the law gives him when he publishes it, when he reproduces it, when he vends it among the people of the country where the law is effective. That is a monopoly granted specifically by the statute, and without the statute he would not have any such monopoly; and that monopoly runs against the public. Since the public must pay the added expense of it, I again ask: Why should he not put his name upon it, and why not register it?

Mr. CUTTING. If this right runs against the public, it runs equally whether his name is on the work or not. The only question as to which the public is in doubt is whether this particular man owns the right or some other individual owns it. The members of the public are aware that they do not own it.

Mr. DILL. That is exactly true; and, because that is true, it is doubly important that the public shall know whose copyright it is, and when that copyright ends.

Mr. CUTTING. In a general way I agree with the Senator, and I think his amendment protecting the innocent infringer is quite right. I should like, however, to get back to the point I was discussing when I started out; namely, how this kind of legislation originated.

Mr. DILL. I do not want to interrupt the Senator further, other than to say this: I can not sit silent and allow to go unchallenged the argument that because somebody creates something, the Government is under obligation to give him a private monopoly in the manufacture and sale and vending of that work. I maintain that the Government is under no obligation except that which follows a privilege granted; and when it does that, he owes something to the public against whom the monopoly runs.

I shall try not to interrupt the Senator again.

Mr. CUTTING. Of course, what the Senator says is quite obvious, stated in that way. The Government is under no obligation. The Government, when it was first founded, placed in its Constitution this particular provision because it thought it of general public benefit; but I am trying to get back to the original foundation of legislation of this sort.

On looking up the matter I find that this copyright legislation traces its origin really to the printing press. After the invention of printing the unlimited autocracies which existed at that time were alarmed at the spread of printed matter, and they insisted that printers should have licenses before they could print works. They started the copyright system at that time. The Crown in Great Britain gave itself the copyright on a great many works, such as the Bible and the Prayer Book and the statutes and law reports, and it limited very strictly the right of anyone else to print matter of any sort at all. The laws became more and more complicated, and were codified in the time of Queen Anne in 1709; and that is where the provision was originally found that books, in order to be copyrighted, must be registered.

The statute of 1709 was copied almost verbatim in the first American statute of 1790. It is only in that sense that the system can be called an American system. It is true that prior to the statute of 1790 some of the Colonies had passed legislation in conformity with the statute of Queen Anne; but this legislation requiring registration in order to maintain a man's right in his own work was adopted in 1709, when Great Britain had legislation which permitted the burning of witches. This system is no more an American system than the system of witch burning could be called an American system.

The nations which adopted it at that time have, with practically no exceptions other than our own, rejected it. They have found that it did not work. They have substituted the automatic provision in its place.

The Senate is not asked to adopt legislation of this kind because other nations have adopted it, but because the experience of other nations have shown that it is a better system than the system which they rejected, and which we are now asked to reject.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. CUTTING. I yield to the Senator from Michigan.

Mr. COUZENS. I wonder if the Senator, at that point, could tell us just why the past system has not worked. Just in what respect has it not worked, outside of international relations?

Mr. CUTTING. It leads to almost unlimited complications in border-line cases, where the smallest error in registration may create an impossible situation.

I want to explain to the Senator that even under the pending legislation registration will be the rule rather than the exception. This measure does not prevent anyone from registering. On the contrary, the registration provisions are there. They will be used by practically everyone who sets any particular value on his work. The difference is that the failure to register will not deprive a man of the original right which he had in his work.

The Senator from Arkansas [Mr. ROBINSON] yesterday asked what I considered a very pertinent question. He was discussing the 70-year limit on the copyright, the increase of the time limit to 70 years; and he said:

> Assuming that a work is published in 1931, and 69 years later some one, without any notice, and without any information other than the knowledge that he himself did not write the book, which he undoubtedly would have, infringed a copyright, and the owner of the copyright brought suit. How would he establish that the suit was within the limitation of 70 years?

Of course, under the situation imagined by the Senator from Arkansas, it probably would be impossible for that man to establish the fact of his copyright. When he brings suit, the first thing he has to establish is that he has a copyright in this particular work. If he can not establish that, as this man undoubtedly could not, his case would be thrown out at once. The man who really values his product will have it registered, whether under this system or some other.

Mr. DILL. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. CUTTING. I do.

Mr. DILL. Does not the Senator think that there are those who might not register a copyright for the very purpose of being able to bring suit and make a great deal of trouble and get a settlement where otherwise they would collect very small fees?

Mr. CUTTING. The case mentioned by the Senator from Arkansas [Mr. ROBINSON] was the case of a man who had been dead for some 30 or 40 years, and whose family had no record as to when the work had been published. I see that the objection which the Senator from Washington now states might lie against the bill as it came from the House, but I am favoring the amendment suggested by the Senator from Washington on that point.

Mr. DILL. I appreciate that.

Mr. CUTTING. After that has been adopted, the only thing this man can do, if he has not registered or has not given notice, is to enjoin the copier; and I think, with that provision in it, that there is not much danger of any serious disturbance.

Mr. FLETCHER. Mr. President, may I inquire from the Senator what the author has to do in order to establish that he has a copyright? How does he establish that he has a copyright?

Mr. CUTTING. He can prove that by any means in his power. If he has registered, of course, that is sufficient proof. If he has not registered, he will have to prove it in some other way; but, under the amendment proposed by the Senator from Washington, if he has not registered he can not collect any damages. He can merely enjoin the copier from taking his work in the future.

There are one or two minor matters I should like to speak about, as long as I have the floor.

This bill contains in section 28 a provision that no American citizen may buy an English edition of a book published in both countries without the permission of the American publisher.

A great deal of objection has been raised to that, and I think justly. I do not believe in limiting the right of the American buyer to that extent, in view of the fact that in many cases the English book is an entirely different book, and has different matter in it. But I am convinced that an amendment to that section would imperil the whole legislation.

Mr. DILL. Mr. President, why does the Senator say that an amendment to the section which would prevent an American citizen from buying an English edition of a book without the permission of the American publisher would imperil the legislation?

Mr. CUTTING. Because this legislation, as it is now proposed, constitutes a compromise between so many different interests, that I feel—in fact, I may say I know—from what I have heard from well-informed people in all parts of this Capitol, that such an amendment would have no chance of remaining in the bill under any circumstances, and that it might endanger the chances of passing the legislation, which, as the Senator realizes, ought to be passed now.

My position is this, that the immediate thing now is to get into the International Copyright Union. That is the only reason for haste. It is not the only reason for this legislation, but it is the principal reason for passing the legislation at the present time.

If the legislation does not work out as well as some of us hope that it will, we can always provide amendments of that sort at future sessions of the Congress.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. DILL. I have not very much sympathy with the argument that we can not put this or that amendment on the bill because it would imperil the bill. I do not think it is half so important that we shall get into the International Copyright Union as it is that we shall pass a bill that will be fair to the American people. I am not concerned so much about the different factions around here as I am in the protection of the interests of the American public. What is there about permitting a man to order a book direct from the English publisher, or the French publisher, or anybody else, a single copy, that is so dangerous that it would overturn this legislation?

Mr. CUTTING. The argument made against it is that the books ordered abroad are cheaper, and that if the American public realized that fact they would all, presumably, buy their books abroad, and it would take away that amount of business from the American manufacturer and the American laborer. I am not saying I am in sympathy with that argument, but I am saying that it is an argument which is very potent, and one which, I think, would destroy the chances of the passage of the bill at the present time. I would rather amend that section later on and get into the union at the present time.

I will state to the Senator that if we were not in the last days of the session, I might take a very different view of this particular matter.

Mr. DILL. Of course, the Senator knows that it is simply ridiculous to say that the American people would buy all their books abroad, ordering them directly, if they are limited to one copy each. That is simply ridiculous. I want to say, frankly, that I feel less informed about this book section than about any other part of the bill. I have not been able to understand fully all of the provisions and their effects, because I have had only a short time to consider the bill. But I am rather impressed by the Senator's judgment. I had hoped American citizens might have the right we now have, to get a single copy abroad if we wanted it. The American public should still have some rights in this country, even if there are composers and publishers.

Mr. CUTTING. Personally, I should much prefer the bill in that form.

Mr. DILL. I wish the Senator would offer an amendment to that effect.

Mr. CUTTING. I have made up my mind not to offer an amendment along that line, because both the Senator in charge of the bill and the people who know most about the parliamentary situation assure me that such an amendment would gravely imperil the success of the bill as a whole.

The Senator from Rhode Island [Mr. HEBERT] has devoted an enormous amount of time to this legislation. The bill has been amended and substantially liberalized in the Committee on Patents. The committee has suggested a great many amendments which I hope will be agreed to. The Senator in charge of the bill is prepared, no doubt, to accept one or two other amendments from the floor. But I beg friends of the legislation to follow the Senator from Rhode Island in the recommendations which he makes as to individual amendments, because I fear that at this late date

that is the only way we are going to accomplish the purposes which friends of this legislation have in mind.

Mr. DILL. Mr. President, I just want to say, in response to that, that the Senator from Rhode Island might be wrong. I do not want the Senate to follow the Senator from Rhode Island just on the mere ipsi dixit of the Senator from New Mexico. I have great respect and regard for the Senator from Rhode Island, but I differ from him on some things, and I would not be an independent thinker if I did not. I think the Senator from Rhode Island is wrong as to some provisions of the bill.

Mr. HEBERT. Mr. President, I suggest that we proceed with the reading of the bill by sections, and that we consider the committee amendments to the sections as they are reached, all the way through the bill. Thereafter we can take up other amendments to the various sections of the bill.

Mr. DILL. Does the Senator think we ought to have a whole section read, or just have subsections read?

Mr. HEBERT. I think we ought to have a whole section before us, because one subsection hinges on another.

Mr. DILL. Some of these sections are quite long, four or five pages long, and it seemed to me that it might be better to take it up by subsections. But I have no objection to the suggestion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read.

The Chief Clerk proceeded to read the bill.

The first amendment of the committee was on page 2, line 14, to strike out the word "or" and to insert "and/or," so as to read:

To dramatize and/or make a motion picture with or without sound and/or dialogue of said work if it be a nondramatic work.

The amendment was agreed to.

Mr. KING. Mr. President, having been detained in a committee meeting, I am not acquainted with what progress has been made with the bill. May I ask the Senator what explanation was offered in regard to the provision on page 1, beginning with the first paragraph? It reads as follows:

That copyright throughout the United States and its dependencies is hereby secured and granted to authors, subject to the provisions of this act, without compliance with any conditions or formalities whatever, from and after the creation of their work and for the term hereinafter provided, in all their writings—

And so forth.

Is it the Senator's understanding that under this bill a copyright may be obtained without "any formality whatever," without filing with an agency of the Government an application for copyright? May a person entertain a thought, not expressed or written, for an indefinite period and secure the protection afforded by a copyright?

Mr. HEBERT. Mr. President, I discussed that matter quite at some length yesterday. The junior Senator from Washington [Mr. DILL] also explained it, and just now the junior Senator from New Mexico [Mr. CUTTING] went over it a third time.

Mr. KING. I regret that some Senators, I among them, have been in committees and were not able to be here during the entire session yesterday.

Mr. HEBERT. I will say, briefly, for the information of the Senator, that immediately a work is created, and without complying with any formality whatsoever, the author or artist or composer obtains copyright in that work.

There is one step further. When he seeks to get damages for an infringement of that copyright, as the Senator will see when we reach an amendment which is proposed further on in the bill, he must comply with giving notice or with registration before he can recover damages for infringement. This provides automatic copyright.

Mr. KING. This is an attempt to engraft upon our copyright system something which prevails in the Old World, as I understand.

Mr. HEBERT. Mr. President, it is intended to bring our legislation respecting copyrights up with that in force in practically all the civilized countries on the globe.

Mr. KING. Might it not be better to have the other countries bring their copyright systems up to ours?

Mr. DILL. Mr. President, I want to call attention to the fact that when the South American countries met and proposed an American copyright arrangement one of the things proposed at that meeting was that the owner of a copyright shall be registered. That is the American plan, as outlined at the Central American meeting two or three years ago. So that it is hardly accurate to say that it operates in all the world simply because these countries of the various unions recognize it.

Mr. KING. Mr. President, this bill, as Senators who have examined it know, is comprehensive in its scope and all-embracing in its purpose. It covers 54 pages of printed matter, and deals with existing legislation on copyrights, and repeals existing laws. It is affirmed that it is a consolidation of all laws bearing upon copyrights. I am inclined to regard with some little concern—I will not say suspicion—upon measures which aim at the consolidation of a large number of former acts, some of which may date back for a century. I have not, for lack of opportunity, given this bill the attention which its importance demands. I doubt whether a dozen Senators have read its many provisions or clearly understand its provisions. I confess that I do not understand its meaning or what effect it will have upon the matters with which it is supposed to deal.

I have had many letters and telegrams in opposition to the bill from my own State as well as from other States. In order that Senators may understand the concern in the minds of many, I am going to take the liberty of reading a few of these telegrams and letters. It is my thought that as we read the various sections of the bill the objections indicated in these letters and telegrams, if they have any merit, may be fully canvassed, and amendments adopted to meet them.

MEMORIAL TO THE SECOND DIVISION, AMERICAN EXPEDITIONARY FORCES

Mr. FESS, from the Committee on the Library, reported favorably S. J. Res. 233, to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces, with an amendment, and submitted a report (No. 1821) thereon.

Mr. REED. Mr. President, this is a joint resolution to allow the Second Division Association, at its own expense, without expense to the United States, to build a memorial in the city of Washington at such point as may be approved by the Public Buildings Commission of the District.

I hope the joint resolution may be passed, because, although a similar measure is on the House calendar, it will be difficult for them to reach it and act on it unless it is first passed by the Senate.

It is urged by General Harbord, who is the president of the association of the veterans of the Second Division. All of us are familiar with the glorious record that division made in France, and I think all of us are in sympathy with their desire to erect a suitable memorial here.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported with an amendment, on page 1, line 10, to strike out the words "along the north side of B Street NW., a short distance east of Seventeenth Street" and to insert in lieu thereof the words "in the District of Columbia," so as to read:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and is hereby, authorized and directed to grant permission to the Second Division Memorial Association, American Expeditionary Forces, through Maj. Gen. J. G. Harbord, United States Army, retired, president, or his successors in office, for the erection as a gift to the people of the United States on public grounds in the District of Columbia, a memorial to the Second Division: *Provided*, That the design and location for the memorial shall be approved by the National Commission of Fine Arts: *Provided further*, That such monument shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital and that the United States shall be put to no expense in or by the erection of said monument.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED RELIEF OF UNEMPLOYMENT

Mr. WHEELER. Mr. President, I ask unanimous consent out of order to introduce a joint resolution and to have it read.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. J. Res. 261) for the relief of unemployed persons in the United States, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000, to be expended by the President in such manner as he shall determine, for the relief of unemployed persons throughout the United States.

Mr. WHEELER. Mr. President, I desire to ask for the immediate consideration of the joint resolution. I assume there will be no objection to it because of the fact that it merely appropriates the money to be turned over to the President of the United States to be used in his discretion. In other words, if it is not necessary to use any of the money, then the President of the United States, of course, will not use it.

I want to call attention to the fact that we are about to adjourn for a period of nine months, that we have enacted legislation for the purpose of assisting the drought-stricken farmers and other farmers throughout the United States who have no money; but nothing has been done at this session of Congress, and nothing has been offered to be done at this session of Congress, for the relief of unemployment throughout the United States, for the relief of persons who are unemployed through no fault of their own and who are willing and anxious to obtain employment.

I appreciate the fact that this comes at a late hour in the session. Nevertheless, I realize that if the Republican Party and the President of the United States have no objection to it, we could at least appropriate the money and turn it over to the President of the United States to be used by him in his discretion in the event that the unemployment situation during the absence of Congress gets to a point where it is necessary for the Government to step in and take a hand.

This morning I was talking with a gentleman from the State of Massachusetts who told me of conditions in New England. He stated that in the mill towns of Lowell, Lawrence, and Haverhill there is a tremendous lot of unemployment and suffering, that people who own property are unable to pay their taxes, and that some of the cities themselves are actually going into bankruptcy. Not only is that the situation throughout Massachusetts and in some other New England States, but it is likewise true in most of the industrial centers throughout the country. In the coal regions of the United States a great many coal miners are out of employment and the local communities are unable to look after them. The coal companies themselves in some instances are very near bankruptcy.

I can see no objection and can not see why anyone should have any objection to turning this money over to the President of the United States to be used only in his sound discretion. I hope under these circumstances that there will be no objection.

Mr. MOSES. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. WHEELER. Certainly.

Mr. MOSES. Did the Senator say in the first sentence of his statement that he assumed there would be no objection to the present consideration of the joint resolution?

Mr. WHEELER. I assumed there would be none if the Senator from New Hampshire did not object.

Mr. MOSES. I want to say that the assumption was unwarranted, because I object.

The VICE PRESIDENT. The Senator from New Hampshire objects.

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted as a part of my remarks a poem by Berton Braley, an American writer, entitled "The Bread Line."

The VICE PRESIDENT. Without objection, it is so ordered.

The poem is as follows:

THE BREAD LINE

By Berton Braley

Well, here they are—they stand and stamp and shiver
Waiting their food from some kind stranger hand,
Their weary limbs with eagerness aquiver,
Hungry and heartsick in a bounteous land.

Yes; here they are—with gaunt and pallid faces,
With limbs ill-clad and fingers stiff and blued,
Shuffling and stamping on their pavement places,
Waiting and watching for their bit of food.

We boast of vast achievements and of power,
Of human progress knowing no defeat,
Of strange new marvels every day and hour—
And here's the bread line in the wintry street.

Ten thousand years of war and peace and glory,
Of hope and work and deeds and golden schemes,
Of mighty voices raised in song and story,
Of huge inventions and of splendid dreams.

Ten thousand years replete with every wonder,
Of empires risen and of empires dead;
Yet still, while wasters roll in swollen plunder,
These broken men must stand in line—for bread.

SENATOR FROM ALABAMA

Mr. SHORTRIDGE. Mr. President, will the Senator from Utah yield to enable me to submit a resolution?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California for that purpose?

Mr. KING. I do.

Mr. SHORTRIDGE. At the request of the Committee on Privileges and Elections I submit the following resolution and ask that it be immediately considered.

The VICE PRESIDENT. Does the Senator from Utah yield for that purpose?

Mr. KING. If it provokes no discussion.

Mr. SHORTRIDGE. I do not think it will.

Mr. KING. Very well; I yield.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 485) was read, as follows:

Whereas on the 24th day of February, 1931, the Senate referred to the Committee on Privileges and Elections the pending contest between J. Thomas Heflin and John H. Bankhead involving the question whether the said Heflin or the said Bankhead, or either of them, is entitled to membership in the United States Senate as a Senator from the State of Alabama: Now, therefore, be it

Resolved, That the Committee on Privileges and Elections is hereby authorized to hear and determine said contest and to take such evidence as it may deem proper in order to determine the questions involved, and certify its conclusions to the Senate.

Said committee is authorized by itself or by any subcommittee to investigate the questions aforesaid, and shall have authority to act by or through such agents or representatives as it may see fit to designate.

Said committee or any subcommittee thereof shall have power to issue subpœnas and require the production of all papers, books, documents, or other evidence pertinent to said investigation, and said committee or any subcommittee thereof may sit during the sessions of the Senate and during any recess of the Senate or of the Congress, and to hold its sessions at such places as it may deem proper.

It shall have authority to employ clerks and other necessary assistance and to employ stenographers at a cost not to exceed 25 cents per 100 words, and to cause to be taken and recorded all evidence received by the committee, and to have said evidence printed for the information of the Senate.

The Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections or any subcommittee thereof, and to execute its directions.

The chairman of the committee and each and every member thereof is hereby empowered to administer oaths and generally have such powers and perform such duties as are necessary or incident to the exercise of the powers and duties imposed by this resolution.

Said committee shall report to the Senate at the earliest practicable date.

The cost of investigations and proceedings in pursuance of the foregoing to be paid out of the contingent fund of the Senate and not to exceed $25,000 in addition to any unexpended balance of the sum previously appropriated in Senate Resolution 467.

Mr. DILL. Mr. President, may I ask the Senator from California a question? Has the Senator consulted either of the Senators from Alabama about this matter?

Mr. SHORTRIDGE. Yes; both Senators from Alabama have been consulted.

Mr. DILL. And are they satisfied with it?

Mr. SHORTRIDGE. Yes.

Mr. DILL. I note there is no authority given the committee to seize ballot boxes or to count ballots.

Mr. SHORTRIDGE. There was a resolution passed heretofore giving full power to the committee to take possession of ballot boxes and their contents, and with the resolution now before us full power will be given to the committee or subcommittee to take possession of all necessary papers, books, and paraphernalia bearing upon the question at issue.

Mr. DILL. I asked the question only because neither Alabama Senator is present.

Mr. MOSES. Mr. President, if the Senator will permit me, the Committee on Privileges and Elections have just met, and there were present both sitting Senators from Alabama and the Senator elect from Alabama, and this proceeding was agreed upon at the meeting of the committee.

Mr. KING. Mr. President, may I say to the Senator from Washington that the committee, of which I am the ranking Democratic member, have canvassed the matter. The contestant and the contestee were present and the program suggested by the Senator from California and the Senator from New Hampshire was agreed upon. There was the utmost unanimity. I see no objection to the adoption of the resolution.

The VICE PRESIDENT. The Chair would suggest that the resolution provides for an appropriation out of the contingent fund of the Senate. Therefore under the law the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. I suggest to the Senator from California that the resolution be referred to the Committee to Audit and Control with the request that they report it back this afternoon or early Monday morning.

Mr. DENEEN. Mr. President, the Committee to Audit and Control adjourned for the session on yesterday, but I shall call a meeting this afternoon.

Mr. KING. May I ask the Senator from Illinois if he can conceive of any objection to the execution of the will of the Senate in making the necessary appropriation contemplated?

Mr. DENEEN. None at all. We have to consider whether there are sufficient funds to pay the probable obligation.

Mr. SHORTRIDGE. Mr. President, may I ask the Chair if the rule is mandatory?

The VICE PRESIDENT. It is the law.

Mr. SHORTRIDGE. If it is the law, of course the resolution must be referred to the committee named.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DENEEN subsequently reported favorably, without amendment, the foregoing resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, and it was considered by unanimous consent and agreed to.

AMENDMENT TO COPYRIGHT LAW

The Senate resumed consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the protection of literary and artistic works.

Mr. KING. Mr. President, the measure before us is one of great importance and with which I doubt not most of the Senators are in sympathy; that is, the main purposes which are sought to be accomplished have the approval of most Members of the Senate. It is a measure, however, because of its magnitude and the ground which it covers, which necessarily will excite in the minds of legislators some little apprehension as to whether important provisions may have been eliminated or there may be some hidden or covert, not intentional, provision that will result in trouble in the future.

I confess I am anxious to do anything that will afford full and complete protection to those who are giving to our country and to the world books and the products of their genius. I am particularly interested in that fact because, as I am just advised—sotto voce—some Members of the Senate, and one of them is the distinguished Senator from New Hampshire [Mr. MOSES], have become literary stars and have had their writings published in important magazines. Of course, it is important to protect the writings of literary Senators. We have so few who reach that high station that it is important that we shall afford them the fullest protection possible.

Mr. TYDINGS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. TYDINGS. If I correctly understand the first provision in the bill, the speech of any Senator made in the Senate would be automatically copyrighted. Am I right in that assumption?

Mr. KING. Not being the interpreter of the bill, I will have to appeal to the distinguished Senator from Rhode Island [Mr. HEBERT], but I fancy that if a Senator should make a speech in front of the building it would be automatically copyrighted.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. The law forces copyright on everything that anybody produces of a literary nature—forces it on them.

Mr. KING. Mr. President, I rose merely for the purpose of calling attention to a number of communications which I have received, in order that as we proceed with the discussion of the bill these objections, whether meritorious or otherwise, may be considered, and if they lack merit we may understand that fact from the explanations made, or if they are meritorious and commend themselves to the proponents of the measure, then suitable amendments may be made to the bill.

I will say frankly, Mr. President, that I have had few objections to any measure that would afford ample protection to our writers and composers. I think there is a general feeling that they should be protected, but there are apprehensions as to the effect of this bill. Objections have been urged to the automatic feature of the bill; I have had many letters in which it is stated that from the beginning of the Government down to the present time, whenever there was any emendation of the copyright law, and efforts were made to have the copyright automatically given, objection was made, and the proponents of that proposition met with defeat. I confess that I am not now "sold"—to use the vernacular of the street—to the proposition that there should be automatic copyright.

The Senator has just suggested that we should have that in order to raise ourselves up to—did he say civilization or culture?—the standard at least of the civilized world? My friend from Washington indicated that Latin America did not accept such standards. May I say in passing, not for the purpose of being facetious, that if it is so important that we integrate ourselves with the rest of the civilized world, why not join the League of Nations? Why not promptly accept the World Court? Why not cooperate with the rest of the world in other things, economical and political?

Mr. DILL. Mr. President——

Mr. KING. I yield to the Senator.

Mr. DILL. Neither the League of Nations nor the World Court would require us to change our laws in order to get into them.

Mr. KING. That is a very pertinent remark. We may join the League of Nations without changing our laws, we may preserve our nationality and all of the vigor and power

of this great Republic; but we have, as I understand, to change our statutes in order to get into the International Copyright Union for which this bill provides. I shall have to be converted, Mr. President, to the theory of automatic copyright before I shall be willing to vote for that provision of the bill.

However, Mr. President, to return to a few of the communications which I have received, I hope that my friend from Rhode Island will take cognizance of them, so that, as I indicated a moment ago, if they lack merit I may be so advised, and if they have merit that we may address ourselves to proper amendments to the pending measure.

I have a letter here from one of the distinguished citizens of my State. It bears the date of January 6, 1931, and reads:

With further reference to H. R. 12549, known as the Vestal bill, there is inclosed herewith a copy of the bill with some suggested changes and some questions regarding various parts of the bill. It has been necessary to go over these matters rather hurriedly in order to get the copy back to you in time for consideration before the bill comes up. Some other items may have been overlooked and some changes proposed may not be in proper form.

Among other things, you will note that on page 3, lines 24 and 25, and page 4, lines 17 and 18—

He may not have had the print of the bill that we have before us, may I say to the Senator? I am not sure as to that—

certain words are stricken for the reason that performance can not be had without incurring expense which must be paid. The proceeds from entrance fees are used solely to defray expenses of performance and maintenance or upkeep of buildings used for religious and charitable purposes and not for profit. Why, then, the provision which reads as follows: "Unless a fee is charged for admission to the place where the music is so used"?

Where is the distinction between paying pew rent in a church, taking up collection, paying fees levied by charitable institutions, and charging a fee for admission to a musical entertainment given in a church building?

May I ask the Senator from Rhode Island—and I am asking for information—whether the bill as amended or as the committee proposes to amend it meets that criticism of my friend?

Mr. HEBERT. I suggest to the Senator that he withhold the reading of the letters he has received until we reach those parts of the bill to which they relate. Then we can take all of the objections up at one time. We not only will save time but we shall proceed in an orderly manner by doing that. Many amendments have been suggested to me, and I assume that many of those to which the Senator refers are included in the ones I have. I should be very glad to give attention to them when they are reached in the consideration of the bill.

Mr. KING. The Senator's suggestion would be a proper one under ordinary circumstances, and it may be proper now, but where a Senator receives letters that address themselves to half a dozen or more provisions of the bill, and the recipient is not entirely familiar with those provisions, he may not, as those provisions are reached, be able to assemble the points in the letters and present them in a focused way with reference to the particular amendment under discussion. My thought was that by challenging attention to these matters they would be in the mind of the Senator and in the minds of the Senate so that their merit or lack of merit could be understood in advance.

Mr. HEBERT. Mr. President, I want to be gracious to the Senator and do everything I can——

Mr. KING. I am sure of that.

Mr. HEBERT. To give him the benefit of any information which I have been able to gather from my study of this measure, but it is difficult at best to follow it in an orderly way. If, when we have gone over the amendments, the amendments which are proposed in the letters addressed to the Senator have not been taken care of, I shall be very glad to refer back to any part of the bill and give them due consideration.

Mr. KING. I appreciate the courtesy of the Senator, and perhaps that will be the wiser way, although—as I have indicated—I can not recall all the suggestions and the parts of the bill to which they are addressed, and I felt that by presenting these important objections to the Senate as the various provisions were reached, Senators might have in mind the criticisms which have been made and we might more intelligently discuss the provisions.

However, before proceeding further, I ask that the letter from which I have just quoted may be printed in the RECORD in full.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *January 6, 1931.*

HON. WILLIAM H. KING,
United States Senate, Washington, D. C.

DEAR SENATOR: With further reference to H. R. 12549, known as the Vestal bill, there is inclosed herewith a copy of the bill with some suggested changes and some questions regarding various parts of the bill. It has been necessary to go over these matters rather hurriedly in order to get this copy back to you in time for consideration before the bill comes up. Some other items may have been overlooked and some changes proposed may not be in proper form.

Among other things, you will note that on page 3, lines 24 and 25, and page 4, lines 17 and 18, certain words are stricken for the reason that performance can not be had without incurring expenses which must be paid. The proceeds from entrance fees are used solely to defray expenses of performance and maintenance or upkeep of buildings used for religious and charitable purposes and not for profit. Why, then, the provision which reads as follows: "Unless a fee is charged for admission to the place where the music is so used"? Where is the distinction between paying pew rent in a church, taking up collection, paying fees levied by charitable institutions, and charging a fee for admission to a musical entertainment given in a church building?

The question as to the time of expiration of copyright (pp. 9, 12, 13, 15) is important. To protect copyrighted work for 28 years with right of renewal for a like period is altogether unreasonable. Patents are only allowed for 17 years.

The question of differentiating property right from copyright (p. 7, sec. 6) "in any material reproduction of the work," is a dangerous and objectionable right. In comparing this with an invention, when a person buys a patented article, he pays whatever right as well as property the patentee may have in the article. He is then entitled to use it as he pleases. If the article is desirable the increased demand for it pays the patentee and manufacturer well. Why should not the same rule apply to the copyrighted work? The public presentation of any musical composition of merit increases the demand and consequent sales of copies of such composition. This has been repeatedly evidenced by radio stations where they have produced musical compositions that were entirely unknown, although copyrighted. As a result of the production of such compositions over the radio the demand for such compositions has increased tremendously with consequent profit to the copyright owners.

Should this provision not be considered sufficient, then some such addition as the following should be required: That any copyrighted work such as a musical or dramatic composition shall specify on the cover the terms and conditions to be fulfilled by any persons performing or using such work.

As the law stands at present, and as this bill would contemplate, the copyright owner can hold the owner of a radio station or hall liable at heavy cost for any copyrighted production used over such station or in such hall, whereas such owner is placed at great disadvantage in being held so liable. Why should not the performer be held liable, and why should not any such copyrighted work be required to specify the terms or restrictions on their use?

Again, the threatening of lawsuits for damages on account of infringement of copyright has placed radio stations entirely at the mercy of copyright owners and has led to the requirement that they pay licenses, arbitrarily fixed by the copyright owners. One group controlling certain copyrights compels the stations to pay certain heavy fees. Another group may control certain other works and fix any license they desire. Yet, under present conditions the station may use few, if any, of these works. A person may buy a piece of copyrighted music and yet be barred from singing it over the radio and probably also from singing it in a hall. The burden should properly be lifted from the owners of radio stations and halls and placed upon the copyright owners to give proper notice on the copyrighted work itself as to condition of use, and to hold the performer responsible.

Again there is a serious question as to the desirability of entering the International Copyright Union as provided in this bill, because, among other things, it only enlarges the difficulties already encountered as above stated, in addition to other troubles.

Finally, it would appear that in view of the already extended privileges enjoyed by copyright owners, there ought to be some means of regulation or review by the Federal Government as to license charges fixed by copyright owners to those who perform such works.

Your able influence in regard to these matters discussed herein will be greatly appreciated.

With kind wishes, I am sincerely yours,

SYLVESTER CANNON.

Mr. HEBERT. Mr. President, I think the Senator will find that the objections contained in the letters which he has received affect at most only three or four provisions of the bill, and there will be no difficulty whatever to follow

those as we go along in considering the amendments proposed by the committee.

Mr. KING. May I ask the Senator if he considers that the question of automatic copyright has been sufficiently answered and has been disposed of, because I wanted to challenge the attention of the Senate to an able brief or memorandum which I find in the hearings and to which my attention was called only this morning? I have not had time to read all of it, but I think it presents an intelligent and learned discussion of the question of automatic copyright as well as other questions included in this measure.

Mr. HEBERT. Mr. President, throughout the hearings held by our committee I am safe in saying that the unanimous opinion of those most conversant with the subject of copyrights was that we should have automatic copyright. It was the unanimous opinion of all those who appeared before the committee that we should enter the International Copyright Union. I am not familiar with the statement to which the Senator refers and which he says is published in the report of the hearings if it opposes the automatic copyright feature of this bill, for I do not recall having heard anybody at our hearings oppose that feature of the bill.

Mr. KING. I am rather astonished at that statement in view of the numerous protests which have come to me concerning the alleged evils of the automatic copyright.

May I say to the Senator that his judgment of course upon these specific matters is entitled to the highest weight, for the reason among other things, first, his superiority in the comprehension of this subject, for he has been studying it with all its complicated features for weeks, if not months, and therefore, being a good lawyer, his opinion, well matured, is entitled to great consideration at the hands of the Senate.

Mr. HEBERT. I thank the Senator for the delicate compliment which he is kind enough to pay me. I take it the Senator is aware that the main purpose of this bill is to enable the United States to join the International Copyright Union. The bill is here at this time, and there is urgency for its consideration and passage, because the United States, if it is going to enter the International Copyright Union, must do so before August next; that is, it must enter the Berlin convention as modified by the convention of Berne. It is universally thought among authors and composers and publishers that we ought to enter the International Copyright Union. In order to go into that union it is absolutely essential that we modify our copyright laws so as to provide for automatic copyrights, because that is a condition that is required, a condition precedent to our admission to the Berlin convention.

Mr. KING. Mr. President, is it made a condition precedent to our entering the union that we shall have automatic copyrights?

Mr. HEBERT. It is a condition. The Berlin convention has that provision in its constitution.

Mr. KING. Yes; I am familiar with that; but why is it so imperative that we join the union? I appreciate the fact that it gives our composers and authors privileges in other nations. We get the benefit of their copyright laws; and yet, as I understand, there are reciprocal benefits and advantages which may be enjoyed under existing laws or treaties or both.

Mr. HEBERT. Mr. President—

Mr. GEORGE. Mr. President, will the Senator from Utah yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield and if so to whom?

Mr. KING. I yield first to the Senator from Georgia.

Mr. GEORGE. I ask the Senator from Utah if he will yield so that I may ask the Senator from Rhode Island, who has the bill in charge, a question.

Mr. KING. I yield for that purpose.

Mr. GEORGE. I understand that, as the Senator has explained, one of the main purposes now is to put the United States in position to adhere to the Berne agreement or convention, and I further understand the Senator to say that the automatic copyright is a necessary condition precedent.

Mr. HEBERT. That is true.

Mr. GEORGE. I desire to ask the Senator a question.

Suppose we pass the legislation and ratify the Berne convention, and an American publishing house, for instance, has gone to great expense to issue a particular work of art or literature—if the assumption be not too far-fetched; I am sure it is applicable in some cases—and the foreign producer then comes into the American court to impose a penalty, or, if no penalty is imposed, to prevent the publishing house from producing that particular work of art or literature, upon the ground that it is infringing a copyright which has not yet expired. There being no provision for the registration of that copyright in the United States, the American citizen would be virtually helpless to defend the action; would he not?

The question is, How would the American citizen meet the allegations of the foreign composer or artist who claimed that his copyright had not yet expired?

Mr. HEBERT. Mr. President, the Committee on Patents, in its consideration of this measure, agreed upon an amendment, which will be voted upon, to provide that as a condition precedent to a recovery of damages there must be notice or there must be registration.

Mr. GEORGE. Oh, yes; but suppose no damages are asked, but the foreign composer or artist comes in and merely asks the court of equity to restrain the publication or the reproduction of this particular work of art or piece of literature, and he relies upon the fact that under the automatic copyright law which we are now asked to enact his copyright has not expired. What possible chance would the American citizen, who may have gone to a great deal of expense have to combat the evidence, to repel the claim—in other words, to defend the action? Although there be no damages recoverable unless he has registered or given notice of an unexpired copyright, it would be quite as effective if the courts should restrain the American publisher.

The point I am trying to get over to the Senator is that it seems to put our citizens at a tremendous disadvantage. It may be true that our citizens might go into a foreign court and assert a like right against a foreign publisher; but that is rather poor compensation or recompense for the publishing house in this country that has gone to very great expense in order to produce or to reproduce a particular work of art or particular bit or piece of literature. To have the foreign producer, or the alleged foreign producer, come into the court of equity and ask that he be restrained on the ground that he has a copyright in that article or in that product, which has not expired, would put upon the American publisher an almost impossible burden.

The Senator recalls, and it is a fact, that even in our tariff matters it is almost impossible to ascertain what the foreign cost of producing an article is. In many, many instances we have been utterly unable to find what it is; and when we send one of our citizens into a foreign country to fortify his position with evidence which he can get nowhere else on earth except in the foreign country, we virtually have put him at the mercy of any one who can with any show of equity say, "I have a copyright upon this article or this product which has not expired."

I have great sympathy with the purpose of the bill; but it seems to me that we are going quite too far in this automatic copyright provision, even if we leave the foreign producer, the person asserting the copyright, power under the court of equity actually to restrain any one in the United States from publishing or reproducing any work of art or literature.

Mr. HEBERT. Mr. President, I can not conceive such an extreme situation as the Senator describes; but again let me say that under an amendment which we have proposed to the bill, first, there must be either notice or registration before one can recover damages.

Mr. GEORGE. Yes; but that relates to damages only; and the damage is quite as tangible and sometimes very much more important if a person is merely stopped from doing something which he thinks he has a right to do.

Mr. HEBERT. If the Senator will let me conclude——

Mr. GEORGE. Yes; I want the Senator to conclude.

Mr. HEBERT. In addition to that, where, as in the case cited by the Senator, anyone has made an expenditure or contracted for the expenditure of money, and he proves that to the satisfaction of the court before which a case for infringement is pending, then, in lieu of an injunction which would do irreparable injury to such a person under those circumstances, the plaintiff may be relegated to his statutory damages, which in the main are negligible. So I think, perhaps, the apprehension which the Senator has will be pretty well taken care of by this amendment.

Mr. GEORGE. Let me ask the Senator, Is there any provision in this amendment that the plaintiff shall be relegated to statutory damages and shall not have the remedy of injunction?

Mr. HEBERT. Oh, yes. In order to recover damages, he must——

Mr. GEORGE. I am not talking about recovering damages. I am talking about the exercise of the equitable jurisdiction of the court.

Mr. HEBERT. Very well. If the person who is charged with the infringement has expended money for carrying on the work or has entered into a contract and assumed a liability for carrying on the work, then, in lieu of an injunction restraining that alleged infringer from proceeding with his work, he may be held to pay statutory damages, not exceeding $2,500 in any one case.

Mr. GEORGE. Is that a provision of the bill?

Mr. HEBERT. That is a provision which the committee has proposed by way of amendment to the bill.

Mr. GEORGE. But not that he shall be relegated to the recovery of statutory damages?

Mr. HEBERT. Oh, yes; it is mandatory in that case.

Mr. GEORGE. That would seem to answer my question, then.

Mr. HEBERT. If he be an innocent infringer, the Senator understands.

Mr. GEORGE. I understand; if he be an innocent infringer in the sense that he had no actual knowledge, and there had been no registration of the copyrighted production.

Mr. HEBERT. That is true.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. Just one moment. Does the Senator from Rhode Island desire to make any further statement?

Mr. HEBERT. No; I have concluded my statement.

Mr. KING. I yield to the Senator from Washington.

Mr. DILL. I want to say to the Senator from Georgia that the very same attorneys who pleaded so earnestly that we should have no copyright registration, and no notice, came to us after this bill was reported and told us what a terrible plight they would be in if they happened to produce in a motion picture something that had no notice of copyright upon it, and that they must have protection here in the form of being allowed, at their own option, to pay damages rather than take an injunction. These were the same attorneys who had argued so earnestly that a copyright notice and a copyright registration were useless and worthless; but they were arguing from the standpoint of buying copyright. When, however, it came to the standpoint of defending their own actions against infringement, they were the first to rush forward for protection, for fear that without notice and without registration they could not protect themselves.

It is the finest example that could be had of the difference of viewpoint when you are on the side of one who is having something copyrighted and when you are on the side of the individuals who constitute the public who may be sued for infringement of copyright.

So this very proposal has been agreed upon by members of the committee since the bill was reported, and the Senator from Rhode Island [Mr. HEBERT] has been authorized to report it.

Mr. GEORGE. I thank the Senator for his statement, which is most illuminating. Even if that amendment should be adopted, however, in the case which I have supposed of the expenditure of considerable money by an American publishing house, let us say, the foreign producers who would claim a copyright yet unexpired might come into equity and ask for an injunction against the production of the article; and then, as I understand, if the amendment now suggested be agreed to, the American producer would have the right to elect to pay the statutory damage—$2,500, let us say, for each production, or whatever amount it may be fixed at—or else suffer the injunction to go against him.

The point I have tried to make is simply this, and those who are urging this law will probably discover it later—that whenever the foreign producer who asserts that he is the owner of a copyright yet unexpired comes into the courts in this country, either to pursue his equitable remedy or to recover the statutory damage, the American infringer or alleged infringer will find himself utterly unable to go into the foreign country to gather the evidence to meet the issue. He simply will have to submit upon proofs brought by the litigant.

Mr. HEBERT. Mr. President, according to all the information that was adduced before our committee, that would never occur, because there is nothing better known than the publications of copyrighted works. We are told—and those who told us are familiar with the trade of publishing and with the sale of books and periodicals and their preparation—that very, very seldom does it happen that there is an infringement of a copyrighted work.

Mr. GEORGE. That may be true, but the Senator must bear in mind that this bill now is breaking down all the safeguards that have thus far safeguarded those who did not wish to infringe, because we have always had registration laws. We have always required them to register there.

Mr. HEBERT. I foresaw that the Senator was going to refer to the fact that we always have had registration. That is true in part only; and I shall proceed to explain to the Senator why it is true in part only.

A magazine, we will say, is published containing 100 articles, each article under its own title. The magazine publishes at its masthead, or on its editorial page, or on the front cover of it "Copyright registered," and that covers every one of the 100 articles in the publication. Neither the Senator from Georgia nor I nor anyone else alive could ever go through the files of the Copyright Office and find all of the articles that have been copyrighted in that way. There is no way to trace them. So, after all, it will be readily seen that the registration of copyrights is not such a protection as it would seem upon the surface until it is investigated and examined.

Mr. GEORGE. That may be true, Mr. President, but the point I am trying to make is that the effect would be to give to a foreign litigant against a citizen of the United States a right of action, of some character or kind, when that foreign litigant is required to do nothing in the United States, and when he relies solely upon evidence of transactions which occur outside of the United States. That would be putting our own citizens to a tremendous disadvantage if any possible case should arise. It may be true, as the Senator says, that a case would rarely arise. When and if one does arise, it will work a very serious hardship.

Mr. HEBERT. Mr. President, those who are most concerned about the very question which the Senator raises here are entirely satisfied with the provisions of this bill and are most desirous of its enactment.

Mr. GEORGE. Yes; but I understood the Senator from Washington to say that in the first instance some representatives appeared here and wanted the injunction feature to remain in, and insisted upon it, but after the report of the bill considered the effects of that kind of legislation they came here and said, "It would be disastrous to us if in lieu of the injunction we can not elect to pay a statutory damage."

Mr. HEBERT. No; either the Senator from Washington was in error, or the Senator from Georgia misunderstood him.

Mr. DILL. Mr. President, what I said was this, that these men came to us and earnestly pleaded against any require-

ment of notice or registration, saying it was useless and worthless, but when we put in the bill provision that there be no provision for damages, but only for an injunction, and they began to see the defendant's side of it, they became frightened at their danger from the lack of provision for notice or registration, and then asked for this provision to protect them when they might have their money invested.

Mr. GEORGE. I misunderstood the Senator.

Mr. KING. Mr. President, I regret that I am compelled to attend a conference on an important bill, one of the few bills carrying a large appropriation undisposed of. But I want to read a few sentences from the testimony to which I referred a moment ago bearing upon the question under discussion.

I may say to the Senator from Rhode Island that the thought of cooperating with foreign countries in matters relating to the welfare of the people of all nations does not frighten me. I voted for the entry of the United States into the League of Nations, and shall vote for our adherence to the World Court. I believe in the utmost cooperation, consistent with the maintenance of the prerogatives and independence of this Republic. I hope to see the day when there will be more fraternity among nations, more of a spirit of amity and world association to deal with international problems. So I have no objection to this measure, as I understand its provisions, merely because it contemplates the United States becoming a member of the International Copyright Union. I can see some advantages which are to be derived from a copyright union which protects American citizens here and abroad. But if adhering to such union results in no benefits to American producers, our authors, and permits any discrimination against them or places them in any disadvantageous position then I should look upon it with disfavor.

The testimony to which I refer is found in the Senate hearings, pages 250 to 260, and although I have hastily examined the memorandum there appearing, I believe it contains a rather critical and, as I read it, a fair interpretation of some of the provisions of this bill and an indication of its implications.

The memorandum was prepared by John D. Myer, of Philadelphia, for the Victor Talking Machine Co., of Philadelphia, and was submitted by John W. Ziegler, with the consent of Mr. Myer and the Victor Talking Machine Co.

It may be that this is a biased view, that the writer represents one line of thought which may not deal with the entire subject in a comprehensive manner.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. COOPER of Ohio, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Washington, Mr. CABLE, and Mr. BOX were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 778) for the relief of Jeanette Weir, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 53), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress, approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

REGULATION OF ADVERTISING IN THE DISTRICT—CONFERENCE REPORT

Mr. BLAINE. I call up the conference report on Senate bill 4022, which I ask may be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) to regulate the erection, hanging, placing, painting, displaying, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5 6, 7, and 9, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the said amendment insert "(in so far as necessary to promote the public health, safety, morals, and welfare) control, restrict, and "; and the House agree to the same.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.

F. N. ZIHLMAN,
ALBERT R. HALL,
MARY T. NORTON,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the adoption of the report.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator from Wisconsin to state what results the report carries.

Mr. BLAINE. Mr. President, the report itself is not of very great consequence. It is the bill that is of special consequence. The report does not change the bill very much.

Mr. ROBINSON of Arkansas. The Senator will recall that on a former occasion it was suggested that some provision carried in the report was of doubtful validity. Has that been eliminated?

Mr. BLAINE. Mr. President, that has not been eliminated. This bill was presented for consideration of the Committee on the District of Columbia at a time when I was absent. After it had been reported out, I called the attention of the corporation counsel to the probability of the invalidity of the bill on account of a provision giving power to the District Commissioners to regulate the placing of signs on private property.

The view then taken by the corporation counsel was that the insertion of the words " in so far as necessary to promote the public health, safety, morals, and welfare " might bring the bill within the Constitution and thereby it would be a valid enactment.

I called attention to the fact that the question had nothing to do with the public health, morals, safety, or welfare, but would have only to do with the esthetic taste of individuals.

Mr. ROBINSON of Arkansas. That can not be regulated by the police power.

Mr. BLAINE. That can not be regulated under the police power. The conference report does not change that language of the original bill. I see no objection to agreeing to the conference report; but that has nothing to do with the matter I have been discussing.

Mr. KING. Mr. President, I confess that my attention was diverted, and I did not gather the point the Senator was making. I was one of the conferees on this matter, and if the Senator takes the position that the validity would be challenged upon the ground of its constitutionality, it

seems to me we ought to consider it before the conference report is either agreed to or rejected.

Mr. BLAINE. Mr. President, the challenge I suggested does not go to the changes made by the conferees. It goes to the original bill. I will just read the provision; it is very brief. It is as follows:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered after public hearings to make and to enforce such regulations as they may deem advisable (in so far as necessary to promote the public health, safety, morals, and welfare) to control, restrict, and govern the erection, hanging, placing, painting, display, and maintenance of all outdoor signs and other forms of exterior advertising on public ways and public space under their control and on private property within public view within the District of Columbia, and such regulations as may be promulgated hereunder shall have the force and effect of law.

That is valid. The phrase "and on private property within public view" would give them power to control the display of signs on private property in public view.

Mr. ROBINSON of Arkansas. Mr. President, the question arises, What is the extent of the police power with reference to the erection of a sign which is not indecent or immoral, or objectionable from any standpoint of that character, when it is raised and maintained on private property? In other words, is it within the power of the legislative department to say that an executive authority may decide that a sign erected on some one's vacant lot, which can be looked at by the public, an advertisement, shall not be erected because it endangers the public health, morals, or safety? It has no relationship actually to the question of public morals, health, or safety.

Mr. BLAINE. It has no relationship to those questions.

Mr. KING. Mr. President, as I recollect, the corporation counsel, Mr. Bride, suggested an amendment to the bill, either the House bill or the Senate bill, by the insertion of the words "against public morals."

Mr. BLAINE. The insertion of several words, "public health, safety, morals, or welfare." My suggestion was that a sign placed on private property which would intercept the view of pedestrians, or others using the street, so as to endanger the life and safety of individuals, could be regulated.

Mr. ROBINSON of Arkansas. Certainly.

Mr. BLAINE. But that signs on private property which had nothing to do with those questions, which merely had to do with the æsthetic taste of individuals, were not subject to regulation by anybody, not even Congress.

Mr. KING. Suppose a sign erected upon private property were concededly immoral or indecent. Then could it not be dealt with?

Mr. BLAINE. That is not even under consideration now. There was no complaint on that score.

Mr. ROBINSON of Arkansas. There is no question about the erection of signs such as those referred to by the Senator from Utah. The purpose aimed at is to prevent advertisements on private property in places where they do not look well, where they are not pleasing to the eye, but where they do not in any sense endanger the safety of the public.

Mr. BLAINE. Personally, I was very much interested in the enactment of a bill which would preserve the scenic beauty in the District of Columbia, and in going as far as Congress could go in that direction. But I felt that this matter was not perhaps given the full consideration it ought to have had. I am not criticizing anyone, because there has been so much work to do in the Committee on the District of Columbia.

Mr. ROBINSON of Arkansas. It does not appear to me that the language of the bill is invalid. The bill itself, as it is now presented, is a valid exercise of police power because it does not authorize the prevention of advertisements which are objectionable merely because they obstruct the view, but it is limited to a proper exercise of the police power. The point is that in the exercise of power conferred by the act the executive authorities will not be able to do the things they might wish to accomplish.

Mr. BLAINE. I see no objection to the adoption of the conference report.

Mr. KING. May I say to the Senator from Wisconsin that even if the view which he is expounding is correct, under the well-known principle that a law invalid in one respect may be valid in other respects, if the validity of that part of the act were challenged in case an attempt were made to enforce it, it would not affect the rest of the act.

Mr. ROBINSON of Arkansas. The validity of the act is not affected at all, as I see it.

Mr. BLAINE. Only the power of the commissioners would be challenged, as I see it.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

SURVEY OF COOPERATIVE CREDIT LAWS AND SYSTEMS

Mr. DENEEN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, the resolution (S. Res. 408) submitted by Mr. BROOKHART on January 31, 1931, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. Let it be reported.

The Chief Clerk read the resolution, as follows:

Resolved, That in order to provide for a more effective use and control of credit for cooperative enterprises as distinguished from competitive, the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof be, and is hereby, empowered and directed to make a complete survey of the cooperative credit laws and systems and a full compilation of the essential facts and to report the result of its findings as soon as practicable, together with such recommendations for legislation as the committee deems advisable. The inquiry thus authorized and directed is to comprehend specifically the desirability of a cooperative banking system with respect to the use of its facilities for curbing and preventing speculation and encouraging and developing cooperative organization.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. BINGHAM. Will not the Senator let it go to the calendar?

Mr. DENEEN. I thought the Senator from Iowa [Mr. BROOKHART] was in the Chamber. He promised to be here. I think he just stepped out for a moment. I told him I would ask for immediate consideration of the resolution.

Mr. ROBINSON of Arkansas. Has the resolution been considered by a committee?

Mr. REED. Yes; it was considered by the Committee on Banking and Currency and then by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ROBINSON of Arkansas. I take it that a favorable report was made?

Mr. REED. There was a favorable report with an amendment by the Committee on Banking and Currency, and without amendment by the Committee to Audit and Control.

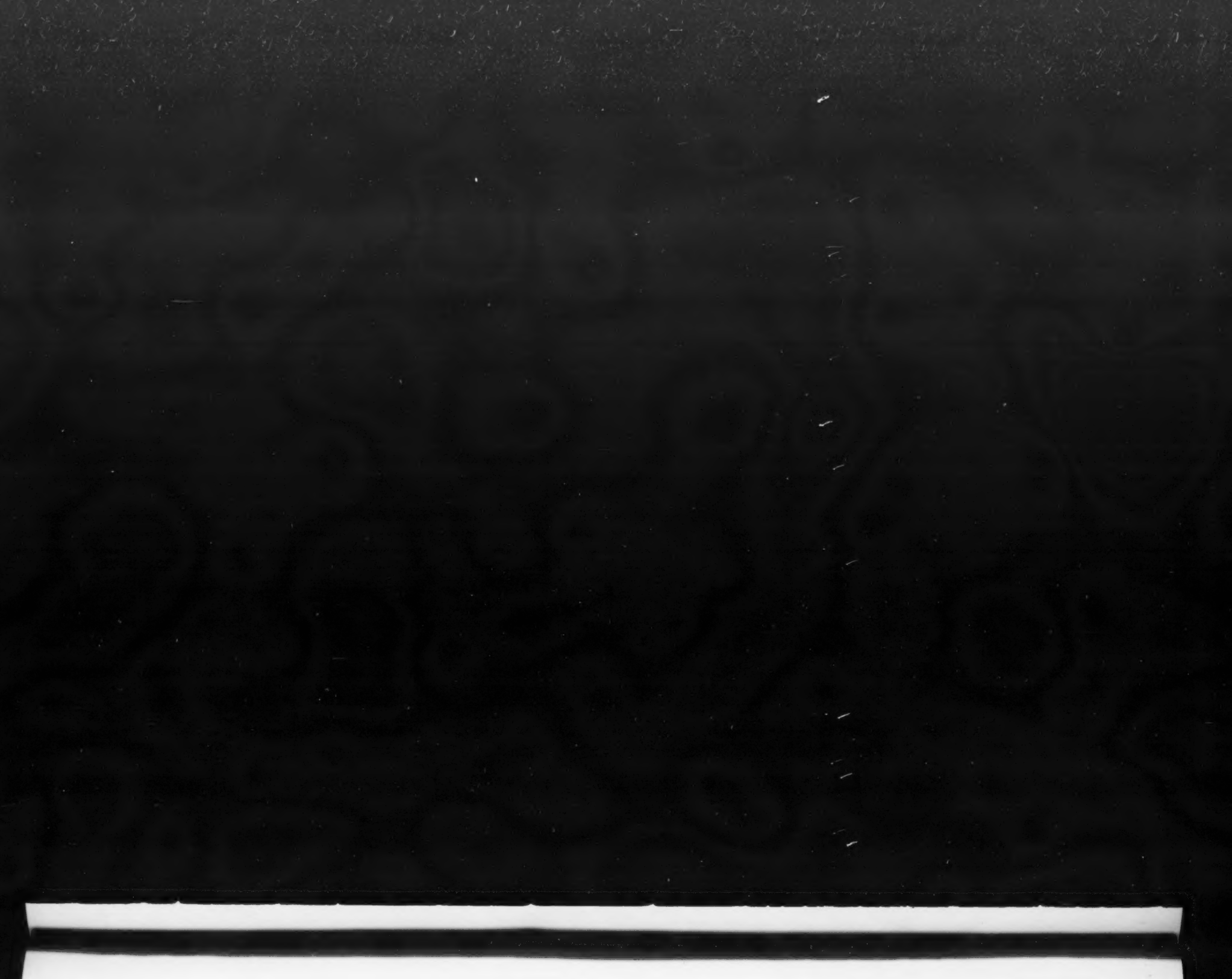
The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. McNARY. Mr. President, inasmuch as we shall have a call of the calendar on Monday and two Members of the Senate stated they would like to have an opportunity to consider this resolution before that time, I shall object to its present consideration.

The PRESIDING OFFICER. Objection is made and the resolution will go to the calendar.

COST OF PRODUCTION OF LACES AND LACE FABRICS

Mr. BINGHAM. Mr. President, day before yesterday I submitted a resolution (S. Res. 476) rescinding the action of the Senate on Senate Resolution 311, which I introduced at a previous session of the Congress, directing the Tariff Commission to investigate the cost of production of laces, lace fabrics, and lace articles. As I understand it there is





no objection to rescinding the previous resolution. I therefore ask that Senate Resolution 476 be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 476) was read, considered, and agreed to, as follows:

Whereas the United States Tariff Commission was directed by Senate Resolution 311, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles and of any like or similar foreign articles: Laces, lace fabrics, and lace articles: Therefore be it

Resolved, That such direction as to laces, lace fabrics, and lace articles be hereby rescinded.

The preamble was agreed to.

UNEMPLOYMENT IN TENNESSEE AND ARKANSAS

Mr. McKELLAR. Mr. President, I should like to have read at the desk a telegram addressed to William Green by the Memphis Trades and Labor Council.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

MEMPHIS, TENN., *February 26, 1931.*

WILLIAM GREEN,
President American Federation of Labor,
Washington, D. C.:

Whereas there are thousands of unemployed workingmen in Tennessee and Arkansas in dire distress without adequate food, clothing, and shelter, searching for an opportunity to work in an almost hopeless quest in order to keep life in the bodies of their wives and children; and

Whereas there is in the Memphis, Tenn., area a United States Government operation under the auspices of the United States Army Engineering Department that employs thousands of workers on the Mississippi projects that is practically permanent in character and who are compelled to work a minimum of 10 hours a day, and in many instances longer; and

Whereas there is, or appears to be, no desire on the part of the resident Engineers of the United States Army to apply the 8-hour day to these Government operations and thus relieve the tenseness of the unemployed situation in Tennessee and Arkansas, as well as many other Mississippi communities where conditions are equally distressful: Therefore be it

Resolved, That on this the 12th day of February, the anniversary of the birth of Abraham Lincoln, the Memphis Trades and Labor Council, in regular meeting assembled, does hereby petition the President of the United States, Hon. Herbert Hoover, to order the application of the 8-hour day to the improvement on and about the Mississippi River, and this order to continue until there is imminent fear of loss of life or property by reason of floods and the order will then be inoperative: And be it further

Resolved, That these resolutions acquaint the President with the fact that this river revetment and improvement is not comparable to emergency or flood danger as the Mississippi is at its lowest ebb in years, and if haste is required the application of three 8-hour shifts would be both humane and, we believe, economical to all concerned as well as conforming to the Borah-Hughes Federal 8-hour law.

MEMPHIS TRADES AND LABOR COUNCIL,
E. H. BARNUM, Jr., *Secretary.*

GEORGE WASHINGTON—ADDRESS BY THOMAS CAMPBELL WASHINGTON

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting address delivered by Thomas Campbell Washington, great-great-great-grandnephew of George Washington, over the National Broadcasting Co. network Monday night, February 23, on the subject "George Washington—His Farewell Address, and Its Applicability to Present-day Conditions."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GEORGE WASHINGTON—HIS FAREWELL ADDRESS AND ITS APPLICABILITY TO PRESENT-DAY CONDITIONS

It is a great pleasure for me to accept the invitation of the National Broadcasting Co. to discuss my illustrious great-great-great granduncle.

In the many observations concerning George Washington during this period of the one hundred and ninety-ninth anniversary of his birth there have appeared articles in hundreds of publications treating of most every phase of the life and works of that most patriotic father of this Nation.

The same is true of the hundreds of speeches which have been delivered in the past few days in connection with this notable national holiday. In all these discussions, however, I do not think there has been sufficient emphasis placed on that most priceless document, the farewell address, which our first President delivered in September, 1796, before he laid down the reins of government. I have, therefore, taken as the subject of my remarks this evening George Washington, His Farewell Address and Its Applicability to Present-day Conditions. In choosing this subject modesty forbids that I do more at present than bow in reverent homage to that historic document.

I know of no state paper in all our archives that is of greater service for our boys and girls to study deeply and learn by heart.

You can call it our code of national morality—our treatise on the etiquette of international relations—the parting warning of a parent to the heirs of his accumulated riches and wisdom—call it what you will—its observance by our people has, undoubtedly, preserved the independence and prosperity of this Nation up to the hour when apparently its holy counsel fell on ears unfamiliar to our traditional sentiments. I only wish it were George Washington, or at least the spirit of George Washington, that were speaking to you over this great radio network to-night. I am sure he would reaffirm to you his beliefs in the present-day application of the doctrines and counsels he so patriotically set forth on his retirement to private life.

In composing this farewell address, General Washington was mindful of his 40 years' experience as soldier and statesman, as well as of the old tradition by which his concept of nationality had been defined and founded: In war and peace, he and his companions had established a Government deriving all its just powers from the consent of the people organizing it, the very opposite of other foreign systems, which held mankind as merely cannon fodder in wars of aggression by one royal family upon the territory of another royal family. It happens that our Nation, like a distinct and homogeneous family of self-governing and independent individuals, maintains its peace and self-respect by avoiding interference in the domestic affairs of its neighbors. And our own peace and prosperity will be disturbed only when we allow our neighbors to impose their peculiar and destructive customs upon us.

You will understand the full significance of this farewell address if you get this notion of a happy family in your mind; you will realize the absurdity of throwing open your doors and allowing every family in the neighborhood to break into your parlor, or your kitchen, and upset everything by their abuse of one another and their mutual rivalries to get away with your best pieces of furniture. If you take sides with one of these invaders against the others, all the rest will combine against you, and the chances are that the one you have befriended will become offended by your imprudence and join with his former rivals in plundering you.

Such a condition is not purely imaginary. There are men and women, not only in Soviet Russia but right here in this country, who are so internationally minded that they would destroy our national family solidarity and make all our children the product of international promiscuous concubinage. They have the affrontery to tell you that if Washington were living he would be a leader of such "advanced ideas" of national enfeeblement and "universal brotherhood." The idea is preposterous. To impute to Washington's sublime ideal of the national family a concept of "brotherhood" arising from unrestrained and universal lust among disintegrating nations is a vile insult to his memory. Yet there are many who would have us do just that.

Washington would no more think of exposing his country to such an infamy than he would the virtues of that Mount Vernon family which he held sacred in his heart of hearts.

I am quite certain that if Washington were alive and speaking to you to-night he would reiterate these words of counsel and advice with greater power and emphasis than he did on that memorable day in September, 1796.

I am often told by many of our statesmen of the difficulties they encounter from agents of foreign nations who are constantly reminding them of Washington's position in our international relations. My notion of what Washington would reply is taken from his Farewell Address, and is in this language:

"Against the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. * * * Real patriots who may resist the intrigues * * * are liable to become suspected and odious; while the tools and dupes usurp the applause and confidence of the people to surrender their interests."

Let me quote a little more from this important pronouncement of Washington. * * * I think we all can listen to it with profit to ourselves and credit to our country:

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations,

under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

"It is our true policy to steer clear of permanent alliance with any portion of the foreign world."

I have been reading to you a portion of the Farewell Address. To my mind this Farewell Address should be brought before the people and considered deeply. This is particularly true to-day. Those same nationalistic jealousies which have been the cause of wars of the past are just as much a source of war-breeding developments to-day as ever.

If there ever was a time in the history of this country when the philosophy of Washington, as set forth in his Farewell Address, provided insurance for us against wars, that time is to-day. In the spirit of peace and good will it is a bond to preserve the health and prosperity of this Nation both for ourselves and for our children. I urge upon you, my friends of the air, to read again Washington's Farewell Address and consider deeply the need for its observance at this time.

I thank you for the pleasure of speaking to you.

I thank the National Broadcasting Co. for the courtesy they have extended me. Good-night.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. KING. Mr. President, when I was interrupted I was directing attention to testimony found in the Senate hearings. I desire to read a few paragraphs from the same.

Mr. KEAN. Mr. President, before the Senator proceeds let me state that the distinguished Senator from Utah spoke about the Victor Talking Machine Co. at Philadelphia. It happens to be located in Camden, N. J.

Mr. KING. I simply read from the hearings, where it is stated that the company referred to was domiciled in Philadelphia. Of course, I would not detract from the glory that belongs to Camden in having the Victor Talking Machine Co. located there.

I read from the hearings:

The issue presented by the Vestal bill is whether the present American method of extending international copyright on a basis of reciprocity, which permits full enforcement of the domestic law of each nation, is to be continued, or whether this policy is to yield to the European method of adopting and enforcing uniformity in the law among nations regulating the grant of copyright. Reciprocity fully protects the monopoly rights of American authors in the foreign countries entering into such relations with the United States and at the same time it involves no surrender of our domestic policy relative to the conditions imposed upon the grant of copyright.

If the writer is accurate in this statement, it would appear that there was no necessity for the legislation or at least a portion of the legislation contemplated by the bill before us.

Such uniformity, on the other hand, in so far as it would excuse foreigners from the duties imposed on American authors, would require a sacrifice of the policy of our own law and result in a discrimination against the American author and in favor of the foreign applicant. How vital that sacrifice would be can only be truly appreciated after a thorough consideration of the sources and the history of American legislation dealing with the duties of the applicant for copyright, and particularly with regard to the requirements of registration, deposit of copies, and notice of copyright claim.

Another consideration bearing directly upon the proposal to unite this country with the nations of Europe in the copyright union will be found in the dissimilarity between the American concept of legal monopoly as applied to copyright and the concept of many European nations. Juristic opinion in Europe has tended to regard copyright as a natural monopoly and has inclined to favor a liberal policy by the state in favor of the monopolist and against the public—a tendency not in harmony with the American viewpoint or the American Constitution.

In the present state of world unrest proposals of change are familiar enough. It is well to remember, however, before consenting to the changes in this country's domestic policy which membership in the International Copyright Union would require, that there is no emergency to justify such a step at the present time, and that our present copyright relations with the foreign powers afford alike justice to the foreign author and protection abroad to the American. Presumably the conservatism of America will hesitate long before accepting the supposed necessity for this departure from our domestic policy in the grant of copyright—a policy to which we now turn for consideration.

The first section of the original copyright act (act of May 31, 1790) provided that copyright should subsist "for the term of 14 years from the time of recording the title thereof in the clerk's office, as is hereinafter directed." The same section further provided that the copyright proprietor or his executors or administrators or assigns might enjoy a further term of protection of 14 years "provided he or they shall cause the title to be a second time recorded and published in the same manner as hereinafter directed," etc.

In section 3 the act declares that no person shall be entitled to its benefit—where publication had previously occurred—"unless he shall first deposit, and in all other cases unless he shall before publication deposit a printed copy of the title of such map, chart, book, or books in the clerk's office of the district court where the author or proprietor shall reside." The clerk is then directed to record the same forthwith, and the proprietor is required within two months from the date thereof to publish a copy of such record for four weeks in some newspaper printed in the United States. The author or proprietor is further required by section 4 to deliver to the Secretary of State, within six months after publication, a copy of the map, chart, or book, which copy is to be preserved in the Secretary's office.

Thus we find at the very threshold of copyright history in this country the recognition of the principle of requiring registration as a means of notifying all members of the public of the grant of each individual monopoly, and deposit of copies to provide a public record of copyright in published works. Weil says of these requirements:

"The object sought by compelling registration is that third persons, by inquiry, may ascertain whether or not any proposed acts or works would violate any existing statutory copyright. The primary object of requiring the deposit of copies is that the subject matter of works in which copyright is claimed may be made public and available for purposes both of information and of avoiding infringement. A purely secondary object is the enrichment of the Library of Congress." (Weil Copyright Law, 1917, p. 310.)

It will be observed that we are now demolishing the structure erected in the very first copyright act enacted by the Congress of the United States and perpetuated in each succeeding act, including the act of 1909, which was enacted after a long, careful, and thorough investigation. I believe the act of 1909 not only attempted to protect both the authors and composers, but also the public.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. TRAMMELL. The only reason that has been given for it—or, I will say, excuse, because it is not a reason—is to try to make our law conform to foreign law or at least to a foreign agreement among authors and copyrighters in foreign countries. There is no sound American reason which has been given here as to why we should abandon this principle of recording the copyright which has prevailed for 100 years in America.

Mr. KING. I am trying to discover a reason, but am still somewhat in the dark.

Mr. TRAMMELL. Nor have I found where the committee gives or attempts to give a reason—merely an excuse.

Mr. KING. The writer from whom I read states that under a system of reciprocity American authors may be protected abroad in their productions, and foreign authors protected in the United States.

I continue reading:

To demonstrate how continuously Congress has pursued the policy of requiring registration of copyright and deposit of copies, and has successively applied these requirements, with the further requirement of notice of copyright, to the new fields of protection that have from time to time been recognized, we will now briefly survey the subsequent copyright legislation.

I will ask leave, Mr. President, to insert in the RECORD, without reading, a number of paragraphs in which this writer reviews the various acts of Congress, all of which support the contention that from the beginning Congress has adhered to the policy of opposing automatic copyright and requiring registration. The writer of this statement also refers to a number of decisions by the courts of the United States, districts courts, as I recall, and one or two decisions of the Supreme Court in support of the propositions which he is expounding.

The PRESIDING OFFICER. Without objection, the matter identified by the Senator from Utah will be printed in the RECORD.

The matter referred to is as follows:

In the next copyright enactment of Congress, the act of April 29, 1802, which extended copyright to the arts of designing, engraving, and etching, the same stringent requirements of registration written into the act of 1790 were repeated, and in addition all copyright proprietors were required to give notice of their claim by causing, if a book, the "copy of the record * * * to be inserted at full length in the title-page or in the page immediately following," with corresponding requirements as to maps and prints. (Secs. 1 and 2.)

GENERAL REVISION OF THE COPYRIGHT LAW

This requirement as to notice of copyright continued in all subsequent legislation and a conspicuous feature of our copyright law has come before the Federal courts and its purpose has been interpreted and clearly stated. In Sarony v. Burrow Giles (C. C. S. D. N. Y. 1883; 17 Fed. 591, aff. Ill. U. S. 53), the court, dealing with an infringement of a copyrighted photograph, said:

"The object of the statute was to give notice of the copyright to the public; to prevent a person from being punished who ignorantly and innocently reproduces a photograph without knowledge of the protecting copyright."

So, in Bentley v. Tibbals (223 Fed. 247, C. C. A. 2d Cir., 1915), the court said:

"The only object of the notice required by the statute is to give notice of the copyright to the public. It is given to the public to prevent any person from making himself subject to the penalties imposed for violation of the copyright without knowledge of the copyright. And when the notice is printed on the title-page or on the page immediately following it of the book copyrighted there is no possibility of the public being misled as to what matter is copyrighted" (p. 253).

And in Steacher Lithographic Co. v. Dunston Lithograph Co. (D. C. W. D. N. Y. 1916, 233 Fed. 601, 603):

"The purpose in requiring publication or (probably intended for 'of') notice of copyright is to prevent innocent persons from suffering the penalty of the statute for reproduction of a copyrighted article."

In 1831, when for the first time musical compositions were accorded protection, we find the same requirements of registration, deposit of copies, notice of copyright, and newspaper publication repeated. (Act of Feb. 3, 1831, secs. 1–5.) Section 4 of the act prescribes that the author or proprietor must further cause a copy of his work to be delivered to the clerk of the district court within three months after publication, and that—

"* * * it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copyright, including the title so recorded, and the dates of record, and also all the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office."

In other sections of the same act infringements are defined strictly with reference to their occurrence after the recording of the title of the copyrighted work.

In 1834 a short but important supplementary act provided for the recording of the transfer or assignment of copyrights in the office where the original copyright had been deposited and recorded, prescribing that failure to record within 60 days would invalidate the assignment as against any purchaser or mortgagee without notice. (Act of June 30, 1834.)

In 1846 the author or proprietor was required within three months after publication to deliver one copy of his work "to the librarian of the Smithsonian Institution and one copy to the Librarian of Congress Library." (Act of August 10, 1846.)

In 1856 copyright in a play was extended to cover the dramatic or performing rights therein. The act in effect required of the proprietor the same duties as a condition for the protection of performing rights as has theretofore been prescribed for other copyrights. (Act of August, 1856.)

In 1859 the removal of all copies theretofore deposited in the Department of State, "together with all the records of the Department of State," to the Department of the Interior was required. (Act of February 5, 1859.)

In 1865 copyright was extended to photographs and the previous requirements of registration, deposit of copies, and notice of copyright made applicable with regard to this species of property. (Act of March 3, 1865.) It was further provided that a printed copy of every copyrighted work should be transmitted by the proprietor, within one month after publication, to the Library of Congress at Washington, with the provision for demand for such delivery by the Librarian, where the proprietor failed to transmit. (Secs. 2 and 3.)

The amendatory act of 1867 provided in its first section a penalty of $25 for failure of any proprietor to deliver to the Library of Congress a printed copy of his work. (Act of February 18, 1867.)

In the revision of 1870 (approved July 8, 1870) "all records and other things relating to copyrights and required by law to be preserved" were placed under the control of the Librarian of Congress, and all copies theretofore deposited in the Department of the Interior were required to be removed to the Library of Congress. (Sec. 85.) Registration of the work was henceforth to be made with the Librarian (sec. 90), who was required to make an annual report to Congress "of the number and description of copyright publications for which entries have been made during the year" (sec. 85).

Provisions for the grant of copyright follow those in the previous acts, vesting such copyright "upon complying with the provisions of this act" (sec. 86), the same to run for 28 years "from the time of recording the title thereof" (sec. 87), with provision for renewal for 14 years upon a second recording and newspaper advertisement of same (sec. 88). Notice of copyright is also similarly prescribed (sec. 97), as is the registration of assignments (sec. 89).

By this act the proprietor of every copyrighted book or other article was required to mail to the Librarian of Congress at Washington within 10 days after its publication "two complete printed copies thereof, etc." (Sec. 93.) This statutory requirement came before the Federal court for interpretation in Carte v. Evans (27 Fed. 861, 863, C. C. Mass. 1886); the court stating:

"* * * as the object of the registration is to give notice to the world that the author or proprietor has acquired the exclusive right of publication, the inference is that by 'two complete printed copies' is meant two printed copies with the title corresponding with the registered title and that for the purpose of identification the registered title shall be substantially reproduced on the title page of the published book."

The revision of the copyright law in 1873 contained a substantial reenactment of the previous requirements relative to registration, and of deposit of copies and notice of copyright.

The grant of copyright is again made to depend "upon complying with the provisions of this chapter" (Rev. Stat., sec. 4952), which include the requirements that before publication a printed copy of the title of the book or other article, etc., shall be delivered to the Librarian of Congress, and within 10 days after publication, two copies of the work deposited in the mail addressed to the Librarian of Congress. (Rev. Stat., sec. 4956.) The same secondary term of copyright for 14 years is granted "upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, etc."; and the proprietor must publish a copy of the record in one or more newspapers in the United States for the space of four weeks. (Rev. Stat., sec. 4954.) The act provides further that:

"No person shall maintain an action for infringement of his copyright unless he shall give notice thereof in inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words: 'Entered according to the act of Congress, in the year ——, by A. B., in the office of the Librarian of Congress, at Washington.'" (Rev. Stat., sec. 4962.)

Other provisions of the act deal with the duty imposed on the librarian of recording the copyright data which he receives.

The amendment of the copyright law enacted in 1891 is particularly significant here in view of the fact that six years previous the Berne convention had completed its labors and launched the International Copyright Union. As before noted, section 13 of this amendatory act contains our first legislative sanction of international copyright. It is significant that in thus extending protection to the works of foreigners this country made its grant of copyright to such foreigners dependent upon full compliance by each foreign applicant for copyright with all the requirements of our law, including that of registry, deposit of copies, and notice of copyright. Section 13 of the act begins with the sweeping words, "This act shall only apply to a citizen or subject of a foreign state or nation," and continues with the statement of the contingencies in which foreigners are entitled to avail themselves of the protection of our law. The intention to impose on such foreigners the same requirements that are imposed upon our own citizens applying for copyright is clear and unequivocal and the regular practice has been for each foreign author to register and deposit copies in the same way as our own citizens. (One exception only need be noted to this rule. The act of March 28, 1914, excused the foreign author who had published abroad and was entitled to copyright in this country from depositing more than one copy of his work, where the native author was required to deposit two. The reason for this relaxation in the rule requiring deposit was apparently due to a desire to lessen the greater burden and expense imposed on the foreigner in shipping certain deposited works from a distance.)

In this act of 1891 the grant of copyright is again made to depend "upon complying with the provisions of this chapter" (sec. 1), and the author is given his secondary term of 14 years "upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, etc." (Sec. 2.) Important provisions of this amendatory act relate directly to the subject of registry. The Librarian of Congress is required to furnish the Secretary of the Treasury with copies of the entries of titles of all books and other articles, etc., and the Secretary of the Treasury is directed "to prepare and print, at intervals of not more than a week, catalogues of such title entries for distribution to the collectors of customs of the United States and to the postmasters of all post offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them at a sum not exceeding $5 per annum." (Sec. 4 of act; Rev. Stat., sec. 4953.) In this provision we see an extension of the policy of providing the public with adequate means of securing copyright information.

There is nothing of importance here to be noted in the further acts of Congress relative to copyright until the revision of 1909,

now the basic law on the subject of copyright in this country. (Act of March 4, 1909.)

The provisions of the former law governing registration and deposit of copies are repeated in the act of 1909, but in a different form. It was found convenient to provide for the actual securing of copyright upon the publication of the work with the stipulated copyright notice affixed thereto. Previous to the passage of this act and since the revision of 1870 (sec. 97 thereof) the insertion in copies of the copyrighted work of a notice of copyright had been required as a condition precedent to the right in the copyright proprietor to bring suit against an infringer. By the act of 1909 the publication of the work with notice of copyright affixed thereto was made a condition precedent to the granting of copyright itself. (Sec. 9.) The requirement that copies of the copyrighted work should be deposited was again repeated in the act of 1909, but for the first time failure to deposit was made the subject of penalty and loss of the right to sue for infringement. (Sec. 12.) While under this act failure to deposit copies "in the copyright office or in the mail addressed to the register of copyrights" would not in theory prevent the vesting of copyright in the proprietor, nevertheless such copyright, as a practical matter, would be worthless in view of the disability of the proprietor to enforce his rights in the courts.

"No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this act with respect to the deposit of copies and registration of such work shall have been complied with." (Sec. 12.)

The provision for the recovery of penalties for failure to deposit copies is found in section 13:

"Should the copies called for by section 12 of this act not be properly deposited, as herein provided, the register of copyrights may at any time after publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying Territorial possession of the United States, or within six months from any outlying Territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of $100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work and, the copyright shall become void."

The time-honored policy of requiring from each copyright proprietor a full registration of the data concerning the grant of copyright to him is thus again enforced, though in slightly different form in the act of 1909.

By section 56 of the register of copyrights is required to "fully index all copyright registrations and assignments" and to "print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes" and further "at stated intervals" to "print complete and indexed catalogues for each class of copyright entries." Copies of these current printed catalogues are then made available to the public. (Sec. 57.)

ISLE ROYALE NATIONAL PARK, MICH.

Mr. VANDENBERG. Mr. President, will the Senator from Utah yield to me for a matter which I shall immediately withdraw if it requires any debate?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. KING. If I have the consent of the distinguished Senator from Rhode Island, I shall not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. VANDENBERG. The Committee on Public Lands and Surveys has unanimously reported the bill (S. 6221) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes. The report has behind it the enthusiastic support of the Department of the Interior and the National Park and Planning Commission. A similar bill has been reported to the House. The Senate committee has adopted a very appropriate amendment which was suggested by the Senator from Montana [Mr. WALSH]. Therefore, an agreement will have to be reached between the two Houses, and unless action shall be taken to-day I can not hope for that conference. Therefore, I ask unanimous consent for the present consideration of the bill. I am sure there will be no debate, because there is entire agreement on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BLEASE. I regret very much that I shall have to object. I myself have a bill providing for the establishment of a park at King's Mountain, S. C., which I have been trying to have considered by the Senate for some time. While I do not like to make an objection of this kind, I do not think we ought to establish parks at various other places in the country and then refuse to establish a park at a place where occurred a battle which the War Department itself says is second to no battle in our history except that of Saratoga. I think if any more parks are to be created, we certainly should have a chance to have one established at Kings Mountain in the State of South Carolina.

The PRESIDING OFFICER. Objection is made.

ST. DAVID, PATRON SAINT OF WALES

Mr. KING. Mr. President, the junior Senator from Pennsylvania [Mr. DAVIS] desires to occupy the floor for a few moments, and, with the consent of the Senator from Rhode Island, I yield to him.

The PRESIDING OFFICER. Does the Senator from Utah yield the floor?

Mr. KING. No.

Mr. DAVIS. I shall not ask the floor if the Senator from Utah has to yield it.

Mr. KING. If I lose the floor, I shall endeavor to get it again.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. DAVIS. Mr. President, to-morrow, March 1, will be St. David's Day, and Welshmen the world over, together with liberty-loving people of every nation, will observe the event in commemoration of the patron saint of Wales, who was a pioneer advocate of the doctrine of "liberty, justice, and humanity for the common people of the world," which he expounded back in the Dark Ages, when the absolute right of kings and the nobility was most firmly established and when expressed opposition to this principle of government meant torture and death on the axman's block.

However, St. David escaped this fate, and his inspirational message of liberty rang down through the years, to be culminated in such epochal documents as the Magna Charta, which was wrung from King John at Runnymede, the American Declaration of Independence, and the Constitution of the United States.

Celebrations in honor of St. David will be held in far-flung regions of the world to-night and to-morrow, but nowhere on the face of the earth will the saint's anniversary day be observed with more spontaneous acclamation than in the Principality of Wales itself, where formal and impromptu ceremonies will be held from Llanfairpwllgwyngyllgogerychwryndrobwllllandysiliogogogoch in the north to Pontllanfraith in the south, and many a toast and many a time-honored song will be offered to the memory of valiant St. David.

St. David's spirit fired the spark of liberty in the heart of Wales, and that gallant little nation fanned the flame of freedom until it spread to far-removed regions of the world, and particularly to the thirteen original States, upon which group this great Republic is founded.

But Wales gave more than the spirit of liberty to America. The homeland of St. David also gave its blood, brain, brawn, and energy to the cause of our national freedom and the economic and cultural progress of our Nation. Welsh blood flowed in the veins of Thomas Jefferson, author of the Declaration of Independence; John Adams and John Quincy Adams, Monroe, Harrison, Garfield, and Abraham Lincoln, the latter of whom traced his Welsh ancestry through his mother's side of the family.

Furthermore, 18 men of Welsh blood signed the Declaration of Independence, and Robert Morris, of Welsh ancestry, placed his fortune on the altar of liberty, so that the armies of Washington could carry on their fight against tyranny.

Chief among the Welshmen, who aided the cultural progress of our great Republic, we find the names of the following notables: John Harvard, who established Harvard University; Elihu Yale, founder of Yale University; the Rev. Morgan Edwards and Dr. Samuel Jones, who founded Brown University; John and Samuel Phillips, founders of Phillips Exeter and Andover Academies, and Colonel Williams, for whom Williams Academy is named. And last, but not least, Roger Williams, outstanding exponent of national tolerance, who founded no college but who taught the world the beneficial influences of fair play, religious lib-

erty, and freedom of thought and speech in the colony he founded and which he named Providence, as a mark of gratitude and appreciation for the Divine guidance he had received in the project.

Furthermore, much of the economic progress made by our Nation can be credited to the brain and brawn of Welshmen, who were pioneer developers of our iron, steel, and coal industries.

Mr. President, time does not permit further enumeration of our Nation's notables, who were linked by blood ties to Wales. In every crisis faced by our Nation from the American Revolution down to the World War, men of Welsh blood served our country in varied rôles of duty, some in high Government positions, and others on the battlefields and battleships. All of this, however, has been graphically set forth long ago on the floor of this hallowed Senate Chamber by a noted colleague of other days—the Hon. John Sharp Williams—who said that no other Nation on earth had done more for the development and the progress of our Nation than the valiant Principality of Wales, far across the Atlantic.

In conclusion, may I not suggest that St. David's day offers a fine opportunity for every American of Welsh ancestry to brush up his ideals on honest patriotism, love of liberty, and respect for the laws of our land, and to stand foursquare on the principles which were set forth at the birth of our Republic, namely the protection of life and property, the right of contract, and the right of free labor. Moreover, they can renew in their hearts the silent pledge that representative government shall not perish. They can summon to their aid in this regard, those homely virtues that were summed up by the ancient Druids and St. David in the motto of the Gorsed: "Y Gwir Yn Erbyn Y Byd," or "the truth against the world."

Mr. BLEASE. Mr. President, on last Sabbath day a lady who was born in the country of which the Senator from Pennsylvania has spoken celebrated her eighty-third birthday. She has lived in South Carolina since she was a small child. She is a good woman. She has rendered great service to her country in times of peace and war; and her children, both boys and girl, have been of credit to the State of South Carolina. I refer to Mrs. Kate A. Coates, of Helena, S. C. I ask to have inserted as part of my remarks the following article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.), State, of Friday, February 27, 1931]

CELEBRATES BIRTHDAY

NEWBERRY, February 26.—Mrs. Kate A. Coates, of Helena, Newberry County, celebrated her 83d birthday Sunday. A large number of her friends visited her during the day, taking remembrances. In spite of her advanced age, Mrs. Coates is very active and gives the impression of being much younger.

Mrs. Coates was born in Wales, England, and came to this country with her parents, Mr. and Mrs. Daniel Jones, while a small child. One sister, Emma Field, was born on board the ship and was named by the captain after the ship. She has a half-sister, Mrs. Maggie Bishop, in Laurens, and two children, Jesse Coates, of Virginia, and a daughter, Mrs. Nellie Coates Davis, who lives with her mother.

POSTING OF NOTICES OF CITIZENSHIP PETITIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON, Mr. REED, and Mr. KING conferees on the part of the Senate.

MONONGAHELA RIVER, FAYETTE CITY, PA.

Mr. REED. Mr. President, there is on the Senate Calendar Senate bill 6232, providing for the construction of a bridge across the Monongahela River at or near Fayette City, Pa. A similar bill is on the House Calendar except that the House has stricken out sections 3 and 4 as found in the Senate bill. It will be impossible to reach it, I am told, unless the Senate bill can be messaged over to the House to-day. I do not understand why that is so, but that is represented to me to be the situation. I ask unanimous consent that we may consider the Senate bill, amend it according to the House bill, and then pass it. It is approved by the War Department and by the committee, of course.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 6232) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Fayette, Pa., or its board of county commissioners, their successors or assigns, and/or to the county of Washington, Pa., or its board of county commissioners, their successors or assign, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near Fayette City, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the county of Fayette, Pa., or its board of county commissioners, their successors, and assigns, and/or the county of Washington, Pa., or its board of county commissioners, their successors and assigns; and any public agency or corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 4. The rights, powers, and privileges conferred by this act upon the county of Fayette, Pa., or its board of county commissioners, their successors or assigns, and/or upon the county of Washington, Pa., or its board of county commissioners, their successors or assigns, are hereby declared to be conferred upon the two counties or their boards of county commissioners, their heirs, successors or assigns, either jointly or severally.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. REED. I move to amend the bill by striking out sections 3 and 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISLE ROYALE NATIONAL PARK, MICH.

Mr. HEBERT obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator yield to me?

Mr. HEBERT. I yield to the Senator from Michigan.

Mr. VANDENBERG. The Senator from South Carolina [Mr. BLEASE], to whom I have explained the difference in the Isle Royale bill, has agreed to withdraw his objection; and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read Senate bill 6221, to provide for the establishment of the Isle Royale National Park, in the State

of Michigan, and for other purposes, which had been reported from the Committee on Public Lands and Surveys, with amendments.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. BLAINE. Mr. President, reserving the right to object, I should like to see the bill that is now before the Senate disposed of, so that we may take up the bill relating to oleomargarine. If everybody gets unanimous consent to consider other measures during the discussion of the copyright bill, I can very clearly appreciate that there will be no opportunity to give any consideration whatever to the oleomargarine bill. So I think we ought to stay here to-night until we finish this bill and complete the important legislation that is before the Senate. I am disposed to begin now to object to every proposed unanimous-consent agreement.

Mr. VANDENBERG. Will not the Senator begin objecting immediately after this item?

The PRESIDING OFFICER. Objection is made.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT. I ask that we proceed with the reading of the bill as previously arranged; and then, if any question is raised as to the amendments proposed by the committee——

Mr. KING. Mr. President, I yielded to the Senator from Pennsylvania [Mr. DAVIS]. I understood he had the consent of the Senator from Rhode Island [Mr. HEBERT]. Then several others intervened.

The PRESIDING OFFICER. The Chair will recognize the Senator from Utah, although he yielded the floor.

Mr. KING. Yes; I did, but——

Mr. McNARY. Will the Senator yield a moment for an inquiry?

Mr. KING. I want to complete the reading of several paragraphs from the memorandum to which I was calling attention, because, as the matter is now, it leaves the statement incomplete.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. KING. I yield.

Mr. McNARY. May I inquire whether an order has been made to read the text of the bill, or just the committee amendments?

The PRESIDING OFFICER. To read the text of the bill, upon the suggestion of the Senator from Rhode Island [Mr. HEBERT].

Mr. McNARY. Would not the Senator from Rhode Island be willing to amend his proposition by simply omitting the reading of the text and reading the committee amendments first?

Mr. HEBERT. Most assuredly, Mr. President. That was done at the specific request of the Senator from Utah.

Mr. GEORGE. Mr. President, I should be compelled, most reluctantly, to object to that.

Mr. HEBERT. I do not know but that there are other Senators on the other side who insisted upon the reading of the bill; and then I suggested that we limit ourselves to reading a section at a time.

Mr. DILL. Mr. President, it is useless to think that we can rush this bill by that method. This is a complete revision of the copyright law. I want to see a law passed; but there is nothing wrong about asking that this bill be read and taken up and amended as the Senator has secured consent to have done. The Senator from Utah [Mr. KING] suggested it, and I am in favor of it. I think we ought to legislate here in a deliberative way, because this proposed legislation affects every household in America. We might just as well understand that this is a legislative bill.

Mr. KEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. KING. I yield, but I do not want to lose the floor.

Mr. KEAN. A parliamentary inquiry: I understood that the Senator from Utah yielded the floor when he yielded to the Senator from Pennsylvania [Mr. DAVIS] to make a speech. Then the Presiding Officer recognized the Senator from Rhode Island. Is that correct?

The PRESIDING OFFICER. That is correct; and the Senator from Rhode Island yielded the floor, and the Senator from Utah was recognized.

Mr. KING. The Senator from Rhode Island can not hold the floor. If he wants to speak, I shall be glad to yield.

I think the Senator from New Jersey is rather ungracious in commenting upon the fact that I yielded to the Senator from Pennsylvania. The Senator from Pennsylvania came and asked me if I would yield to him, and I said that if it met with the approval of those on the other side, and particularly the Senator from Rhode Island, I would yield. I did it as an accommodation to Senators upon the other side of the Chamber, including the Senators from Pennsylvania and my friend from Rhode Island. I want to be courteous to all Senators; but if, when a Senator is courteous and yields to other Senators, he is to be criticised for so doing, he may hesitate in the future as to the course to be pursued.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. KING. Mr. President, I am anxious to proceed with this bill and have it fairly considered and then acted upon.

I was calling attention to the criticism of this able legal writer of some of the provisions of the bill; and I yielded, as I stated a moment ago, to the Senator from Pennsylvania. I desire now to resume.

The author of the memorandum discusses the various copyright laws enacted since the beginning of our Government. I omitted, however, in the interest of brevity, his discussion of many of these enactments. I come now to the conclusion:

> The revision of 1909 was not materially affected for consideration here by the amendatory acts of August 24, 1912, March 2, 1913, March 28, 1914, and December 18, 1919, which, therefore, need not be discussed.
>
> Nor need we deal in this memorandum with the second and fourth Pan American conventions, ratified, respectively, in 1908 and 1910, whereby the United States sought to establish copyright relations with the Republics of Central and South America, as neither of these conventions have been made effective, due to failure of Congress to pass enabling legislation. It is interesting, however, to note that at the Fifth International Conference of American States which met last year at Santiago, Chile, there was adopted at the instance of the delegation from the United States, a resolution which is described in the recently published report of this conference, as follows:
>
> "The delegation of the United States presented to the committee a resolution inviting the Governments which had not ratified the convention (the fourth Pan American) to do so, and furthermore, recommending to the Governments of all the American states *that the necessary steps be taken for the registering of the authors in each country and that such registration be given adequate publicity in order that merchants and other interested persons may know that such works are under the protection of the convention.*" (Italics ours.) (From p. 27 of the report by the American delegates to the Secretary of State.)
>
> It is thus clear that the policy of maintaining a full and authoritative record of the grant of copyright has been continuous throughout the history of our country, and is applied to-day with equal force to foreign authors as to native authors.

Then follows a discussion of the adverse results that would follow our adherence to the union. I shall not take the time of the Senate to read, at the present time at least, the rest of this able exposition of the subject under consideration. I ask unanimous consent to print as part of my remarks the residue of the memorandum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ADVERSE RESULTS THAT WOULD FOLLOW OUR ADHERENCE TO THE UNION

Besides the objection in principle to exempting foreigners from the requirements imposed by our law upon American authors,

there are grave practical inconveniences to which the native American would be subjected if this country were to adhere to the copyright union. The usefulness of the Library of Congress as affording a complete and reliable record of all grants of copyright in this country would at once be destroyed. The value of an official record of the grant or conveyance of any property lies in the dependence which the public is able to place in it as an authoritative record of all grants or conveyances. When exceptions are made by a government to its requirements for registry in such a record, the record instantly loses its character of completeness and can no longer be relied upon.

The exception of the large class of foreign authors from the requirements of registry at the Library of Congress would mean not only the exclusion of an official record of all grants of monopoly made by this country to foreigners under the union, but it would confuse the record of grants of monopoly to our own citizens. A book, for instance, by an American author and published in this country, but without compliance with the requirements of our law as to notice of copyright, registration, etc., and hence apparently in the public domain, would, nevertheless, be entitled to full protection here if the work had had its first publication in another convention country. The result might well be to mislead the public, naturally relying upon the copyright records here in connection with such works. Of course, the fact that the work had been first published in the foreign country—which was therefore the country of origin under the union—would not appear; nor could that fact be readily ascertained and verified.

However, it would be in connection with works of foreign authors that the most serious difficulties would result from our adherence to the union. There would be no public record in this country—as at present through registration—of the nationality of the foreign author, nor would such nationality, if it could be ascertained unofficially by investigation or otherwise, be of controlling effect in determining, as under the reciprocity proclamations, such author's right to protection here for his works. The determining factor would be whether the first publication of any given work had occurred in a convention country irrespective of whether the author was a citizen or subject of such country or living there at the time, and his nationality, if ascertained, would at most give only a clue as to where such first publication of the work most likely occurred. But the running down of such a clue would be a difficult and probably a time-consuming and expensive process, and if it did not lead to reliable facts regarding the first publication of the work, it might be necessary to pursue the international investigation in the various other convention countries in order to develop definitely the copyright status of the work.

Furthermore, the possession of a copy of the work from abroad bearing an indication of publication in a country of the union would merely furnish a similar clue and international investigation would still be necessary to determine legally whether that was the first publication of the work, and, if not, whether the first publication of the work had actually occurred in some other convention country so as to entitle the work to protection here.

Perhaps there might be indications on such a printed copy pointing to the author's being a Russian. As Russia is not a member of the union, and aside from the union has never enjoyed reciprocal copyright relations with the United States, the conclusion might then be drawn that the work was not entitled to protection in this country. Such a conclusion, however, would not be justified; for, as we have pointed out, not only are the works of natives of any of the countries which are members of the union protected, but the same protection is accorded the works of an author of any nationality who publishes the same for the first time in any one of the union countries. Thus, the Russian author in question might have first published his work in the Republic of Switzerland, although no indication of such origin might appear on the printed work itself, and in this event the unauthorized use of such work in this country would subject the American user to an infringement suit in our courts. So that one result of our entering the union would be that Russians, citizens of a country with whom the United States holds no intercourse, might, under the conditions just stated, secure copyright protection here, while American citizens would be denied protection in Russia.

Similarly, the natives of other nonunionist countries which do not have reciprocal copyright relations with the United States, and whose laws fail to give adequate protection to works of American authors, might be thus enabled to take advantage of the situation to gain protection here.

Another serious obstacle in the path of inquiry with regard to ownership in this country of any given foreign work would be the possibility that it might have been assigned after publication of the work, with no indication of such assignment nor the name of the assignee appearing on the work itself to afford even a clue to such ownership. In some cases not one but many assignments, by operation of law or otherwise, might have occurred by the time the American citizen desired to acquire or use the work. When it is borne in mind that the Berlin convention contains not only no provision for the registration of assignments but does away with all formalities, it would seem that the requirements of our own law on this subject (see secs. 42–46, act of March 4, 1909) would, in the event of our adhering to the union, have no application to assignments abroad of works first published in other unionist countries. The hardship thus imposed upon American citizens is obvious.

These are embarrassments which, of course, would be shared by all members of the public desiring to use any foreign work the copyright status of which they were concerned with. Adherence to the union would open a wide door to fraud of many kinds, and the American user, put to the necessity of investigation, would find that task more difficult than at present and perhaps impossible and be thereby discouraged from using a work which if in the public domain the law intended he should be free to use. Even under the carefully considered provisions of the existing copyright law in this country, it has been found that frauds have been perpetrated upon the public.

An illustration of this is found in the case of Bong v. Campbell Art Co. (214 U. S. 236). The suit was for infringement of copyright in a work of art which had been painted by one Hernandez and the rights in which had been assigned by him to the plaintiff, who had copyrighted the work relying upon the representation by Hernandez that he was a subject of Spain. Thus it was claimed that the work was copyrightable in the United States by virtue of the reciprocal copyright proclamation with Spain. In the course of the litigation, however, it developed that Hernandez's claim to Spanish allegiance was false and that he was in reality a citizen of Peru, a country whose citizens had "no right of copyright" in the United States. The plaintiff in relying upon the apparently bona fide representations of Hernandez had thus been fooled into purchasing alleged rights in this country which in reality did not exist.

To the difficulties of determining the copyright status of any known foreign work would be added the multiple dangers of innocent infringement of unknown foreign works. Our accession to the union would at once introduce into this country a vast body of copyright property of foreign origin, unknown to our citizens and unascertainable.

As under the union all of the intellectual works recognized by the Berlin convention would be protected here, many different industries and professions in this country would be confronted with the danger of unwittingly infringing such foreign copyrights.

Likewise in those classes of literary and artistic property now recognized alike by the law of the union and of this country there would be increased danger of innocent infringement. The users of foreign works are, of course, not confined to the book publishers. With all the contemporary literature of Europe and in the case of many countries that of several generations past protected in the United States, as it would be under the union, the opportunity of discovering therein a basis for the claim of copyright infringement is given an alarming extension and strong incitement afforded to the unscrupulous litigant, a danger against which the producer will be unable to effectively guard.

Under the present practice in this country it is a comparatively simple matter to determine in advance the prima facie copyright status of a foreign work it desires to mechanically reproduce and the name and address of the copyright proprietor with whom it must deal. Inquiry at the Library of Congress affords information as to whether or not a given work is duly registered, and if so, a certified copy may be obtained of the certificate of registration "* * * to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry * * *." (Amendatory act of March 2, 1913.)

Certified copies of the records as to assignments of copyrights can also be obtained. Moreover, the law at present provides that searches of the copyright office records will be made and the results reported by that office at nominal rates. The advantages of this system are apparent, and would to a large extent be lost upon accession by the United States to the union.

The sponsors of the proposed legislation which would involve the United States in the perplexities of this European convention have no concern, apparently, for those members of the American public who would thereby be subjected to great and unavoidable danger of infringement claims by foreigners. Great business enterprises in this country which have hitherto been enabled to reproduce for the American public, on the stage, on the moving-picture screen, on piano rolls, on talking-machine records, or on the radio the popular works of European authors and composers are now invited to discontinue this branch of their production or to operate it with no official record as a guide to the status and proprietor of such foreign works, and hence at the peril of being misled and subjected to continuous infringement claims.

There is no essential difference in this connection between the patent and copyright monopolies. No more reason exists for excusing foreign copyright proprietors from the requirements of our law as to notice of copyright, registration, and deposit of copies of their protected works than for excusing the foreign patent monopolist from the filing in Washington of his application for patent monopoly in the United States.

In article 2 of the International Convention for the Protection of Industrial Property (signed at Paris March 20, 1883; modified at Brussels December 14, 1900), to which the United States has adhered, the subject of international protection is dealt with as follows:

"The subjects or citizens of each of the contracting states shall, in all the other states of the union, as regards patents, industrial designs or models, trade-marks, and trade names, enjoy the advantages that their respective laws now grant, or shall hereafter grant, to their own subjects or citizens.

"Consequently they shall have the same protection as the latter and the same legal remedy against any infringement of their rights, *provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each state.*" (Italics ours.)

By virtue of Article IV of the same convention (as modified by the additional act signed at Brussels), the owner of a patent or trade-mark in any one of the contracting States is given a right of priority during a specified period in all the other States to secure protection therein. The period so prescribed for patents with respect to inventions is 12 months; and for industrial designs or models, and also for trade-marks, the period is 4 months. The only result of this provision, in so far as it affects international patent rights, however, is to allow the patent owner a specified period within which to make application in foreign countries and by complying with their formalities and requirements to secure for himself the same protection that is accorded citizens of those countries. No one else by prior application during the period in question can prevent such owner from perfecting his monopoly in the other member countries if he complies with the requirements of their respective laws.

It is obvious that under that convention the foreign inventor seeking monopoly in the United States is relieved from none of the requirements of our domestic laws; nor is it likely that any future modification of such convention will ever result in placing him, with regard to the securing of patent rights in the United States, in a more favorable position than the American citizen. Mere production and public use of an invention, or even publication of a description thereof, say in Switzerland, would never be accepted as the basis upon which patent protection would be automatically extended to the invention in this country. One can readily conceive of the outcry that would greet the proposal to admit foreign inventors to the privileges of American monopoly without any necessity on their part of formally applying for patent and making their rights a matter of official and public record. In the face of such a proposal every American manufacturer would be threatened with the danger of unavoidably infringing some foreign invention of which he had no knowledge or means of knowledge except the difficult, expensive, and uncertain means of investigation abroad, and would thus be left exposed to the attacks of foreign competitors and subjected to infringement suits in our own courts against which it might be impossible to establish any defense.

And if it be conceded, as it must be, that this country would never consent to foreign inventors enjoying a patent monopoly in this country without public record of their claims, on what ground can the grant of a similar monopoly to foreign copyright proprietors without registration be justified?

THE DANGER OF UNDULY EXTENDING MONOPOLY

The proposed legislation ignores the interests of the public in the subject of monopoly. The enjoyment of patent and copyright monopoly in this country to-day flows from the Federal Constitution and the laws enacted under it. The purpose inherent in the grant of monopoly in each of these branches of intellectual property is clearly expressed in the Constitution itself. Congress is there given the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." (Art. I, sec. 8.) The grant of monopoly is thus subordinated to the clearly expressed purpose with which Congress is to act in authorizing such grants, and the grants are further to be only "for limited times."

Our Government has never since been unmindful of the fact that monopoly, being a grant against the public, should be carefully limited in accordance with the established principles of the law and should not be extended beyond the bounds of a just necessity. As Macaulay said in his address in the House of Commons on the Talfourd copyright bill, "Copyright is monopoly and produces all the effects which the general voice of mankind attributes to a monopoly." So Mr. Justice Matthews, in Butterworth *v.* United States (112 U. S. 50), after quoting the provisions of the Constitution above referred to, said, with reference to the patent law:

"The legislation based on this provision regards the right of property in the inventor as the medium of the public advantage derived from his invention; so that in every grant of the limited monopoly two interests are involved, that of the public, who are the grantors, and that of the patentee."

Pursuant to the principle of making available to the public the beneficial use of such intellectual works, Congress, in its first copyright and patent enactments in 1790, and ever since, has not only narrowly limited the period of monopoly but prescribed that every author or inventor desiring to secure monopoly rights should take the initiative and comply with certain formalities effecting an official record of each grant and work protected.

In the member countries of the union, on the contrary, international copyright vests automatically in the author or composer upon the mere production or first publication of his work. No declaration of his desire to enjoy a period of exclusive use of his work is required. The monopoly is thrust upon him.

Furthermore, the absence of any requirement under the law of the union for the printing of a notice or claim of copyright on each copy of the protected work would inevitably result in the unwarranted extension of the owner's monopoly and an indefinite exclusion of his work from the public domain. For where the published work contains no notice of copyright and no date to mark the beginning of the period of protection, the subject of monopoly is not earmarked, and members of the public, being without information from which to determine the expiration of the monopoly, would be slow to use what the law intended should be open to their use. Moreover, as there would be no official record of the grant, a claimed date of expiration could not be readily verified. Thus monopoly conceived under such a law would tend in practice to become unlimited.

Finally, as under the union, the deposit of copies of foreign works will no longer be required in this country in connection with copyright protection, the future collection of these works at the Library of Congress would be curtailed, and the American public denied the benefit of official copies for reference there during the period of the monopoly and for purposes of use and exploitation of the work when this period expires.

In the theory of our law the consideration for the grant of limited monopoly is that the public should have the free use of the author's work upon the expiration of the period of protection, and it is clear that this consideration will be withheld, or at least its purpose will be impaired, if foreign works are to be granted protection in the United States, but no public record made thereof and no requirement exacted that the work should be disclosed through publication here and that copies circulated here should bear the customary notice of copyright, including the year from which the term of monopoly runs. Copyright on such a basis would not tend to carry out the underlying object expressed in the Constitution—"to promote the progress of science and useful arts"—nor would it mean the securing of protection "for limited times" only; for the copyrighted work, being in the nature of a secret monopoly, would tend to secure for itself an indefinite term of protection, extending perhaps far beyond the period prescribed by law. Such a condition of the law, favoring the monopolist at the expense of the public, would be repugnant to the basic principles of our Government.

The radical character of the proposed legislation is indeed such as might call in question its constitutionality. This is a question, however, which lies beyond the scope of the present memorandum.

One further feature of the proposed legislation must be noted as particularly menacing to the public interest. Instead of limiting the effect of the new law to works produced in foreign countries after the date of our accession to the union, the bill proposes that upon that accession copyright shall at once extend in this country to all works in which foreign copyright subsists at such date.

A work of foreign origin can now secure copyright in the United States, if otherwise entitled thereto, only by first or simultaneous publication, or the equivalent of simultaneous publication, in this country. Our courts and those of Great Britain have consistently held that where a work is first published abroad it is thereby rendered publici juris and available to the public in all countries where simultaneous publication or the equivalent has been omitted, and any subsequent publication in one of those other countries will not restore the author's rights, which have been lost to the public there. (Among the authorities so holding, the following may be noted: Universal Film *v.* Copperman, 212 Fed. 301; Savage *v.* Hoffman, 159 Fed. 584; Daly *v.* Walrath, 40 N. Y. App. Div. 220; Bouccicault *v.* Wood, 2 Biss. (Ill.) 34; Clementi *v.* Walker, 2 Barn. & Cr. 861; Guichard *v.* Mori, 9 L. J. Ch. O. S. 227; Jeffreys *v.* Boosey, 4 H. L. C. 852; Bouccicault *v.* Delafield, 1 Hem. & M. 597; Bouccicault *v.* Chatterton, 5 Ch. D. 267; Page *v.* Townsend, 5 Sim. 395.) This is undoubtedly true under our copyright act of 1909, the word "publication" in the clause in section 9 providing "that any person entitled thereto by this act may secure copyright for his work by publication thereof with the notice of copyright required by this act," clearly meaning publication in this country and not abroad. (See discussion of this point in Weil, pp. 270–286.)

Under our existing copyright law, therefore, every copyrightable work which has been first published in any foreign country and not simultaneously published in the United States has fallen into the public domain and become available for use and exploitation by the American public. The advocates of our accession to the union now propose that the American public be deprived of its rights in such works, and that copyright protection be automatically conferred at this late date on the vast number of such works for the benefit of the foreign authors and composers and their assignees. The great wealth of foreign material still untouched by American hands is to be lifted out of the public domain and given over to monopolistic ownership.

This was the very thing which our Congress, in its revision of the copyright law in the act of 1909, sought to guard against when in section 7 thereof they stipulated:

"That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this act and has not been already copyrighted in the United States * * *."

The present Congress, however, is asked to reverse this policy and to advance the interests of the foreign authors at the cost of the American public and to increase the drastic effect of the proposed legislation by making it retroactive as to all foreign works uncopyrighted here which have not actually been made the subject of use by American citizens.

The objections to the enactment into law of the proposed bill are thus seen to rest on fundamental grounds. The advantages which membership in the union offers to American citizens are nebulous. By the reciprocal copyright relations already established with other nations under our existing law a just and wide protection to American authors is afforded in foreign countries,

and nothing vital to adequate protection would be gained by our adherence to the union.

Advocates of adherence to the union have beclouded the issue with argument directed to the agreeable theme of world-wide uniformity in the grant of international copyright, uniting the authors of the world in a common fraternity of privilege. Such argument when applied to America is beside the question. By section 8 of the act of 1909, as formerly by section 13 of the copyright act of 1891, the President, at any time when investigation discloses that the just demands of reciprocity have been complied with by any foreign country with whom no copyright relations then exist, may proclaim that citizens of that country are entitled to all the privileges of American law, and such foreigners may therefore, by complying with the practical requirements of publication with notice of copyright, of registration, and of deposit of copies, place themselves on a parity with American authors. What more can foreigners justly ask of this country?

The extension of the right to copyright in this country to citizens of foreign countries not now enjoying the same, while not objectionable in principle, does not demand or warrant the extreme means proposed—involving incalculable loss and hardship to the American public and the advancement of foreigners to a more favorable copyright status than that of our own citizens—but should proceed in accordance with our own existing law and established policy.

Mr. KING. For the present, Mr. President, that is all I care to say.

REPORT OF COMMISSION ON SOCIAL SERVICE OF SOUTHERN BAPTIST CONVENTION

Mr. SHEPPARD. Mr. President, I submit for publication in the RECORD the Twenty-second Annual Report of the Commission on Social Service of the Southern Baptist Convention, made at the seventy-fifth session of that convention at New Orleans, La., May 14 to 18, 1930.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TWENTY-SECOND ANNUAL REPORT OF THE COMMISSION ON SOCIAL SERVICE OF THE SOUTHERN BAPTIST CONVENTION

As usual your commission limits its report to a few of the many things which might appropriately be dealt with in a report on social service. Necessarily the report must come within reasonable limits, and necessarily, therefore, many things that might be dealt with must be omitted. Only those things which for the time being seem most important and vital can be considered.

BROADCASTING PRIVILEGES

Immediately following the adoption of the last annual report of your commission the following resolutions were offered by John S. Ramond, of Louisiana, and adopted by the convention:

"Whereas reports in the public press indicate that the Federal Council of Churches in America announced at a recent convention their purpose and plan to secure contracts with radio broadcasting stations and organizations whereby no church service can be broadcast without the approval of the council; and

"Whereas such control of radio church services would be inimical to our church and denominational broadcasting services; therefore, be it

"*Resolved*, That we request our social service commission to look carefully into this matter and, if the facts justify, to make a vigorous protest to the Federal Radio Commission in our behalf."

In pursuance of this instruction the chairman of your commission took up this matter by correspondence with the editor of the Presbyterian paper, on whose editorial the resolutions were based, and also by personal conference with one of the chief officers of the Federal Radio Commission in Washington City. The correspondence with the editor revealed the fact that possibly the editorial was not so securely founded on fact as at first the editor had thought. The conference with the officer of the Federal Radio Commission brought from him the statement that the Federal commission has no control over broadcasting stations or companies, except to license them and to revoke licenses if in any case the broadcasting privilege should be abused by the use of improper or indecent language or by broadcasting matter not proper to be put "on the air"; that when a station or company is once licensed the Federal commission has no voice as to who shall use it or as to the manner of its use, except within the limits indicated; that the Federal commission had no knowledge or information to the effect that the Federal Council of Churches was planning such monopoly as had been suggested and that such monopoly would hardly be possible if attempted.

GREATER USE OF THE RADIO BY SOUTHERN BAPTISTS SUGGESTED

Our experience in looking into the foregoing matter has directed our attention to the fact that our Baptist people are not making as much use of the radio as we believe they should. It is good that a very considerable number of our churches have stations or broadcasting privileges over local stations, either for all their services or a part of them. But a larger number, if possible, should "go on the air." The radio is one of the largest factors in our present-day life. Instantly at any moment any bit of information, all the way from the most serious, heart-moving appeal of the gospel to the advertisement of tooth paste, can be conveyed to millions who "listen in." Surely our churches and pastors ought to make the most of this most modern and most powerful and most appealing means of communication.

It is not the function of the Commission on Social Service to suggest plans for the general promotional work of the convention, which work has been intrusted to the executive committee. With no thought of going out of its sphere your commission would express the hope that the executive committee, or whatever promotional agency the convention may at any time set up, may think it expedient and find it possible to establish a great central broadcasting station over which the work of the convention may be broadcast, accompanied by a deeply spiritual and a mightily appealing religious service. The hundreds of thousands of Baptist homes which have receiving sets could immediately be informed of, and in large measure enlisted in, the plans and tasks of this convention and of the progress of the Lord's work throughout the world. Surely our Baptist people would be more interested in such a program and in a "Southern Baptist hour on the air" than in the disgusting jazz and tawdry advertisements which daily pollute the air. It may well be doubted whether Southern Baptists can so well invest elsewhere the amount of money necessary for the establishment of such a station or the rental of the broadcasting privileges for an hour each day, or at least two or three times a week, from some station already in operation.

INDUSTRIAL RELATIONS

The partial reports which have been published of the recent United States census show that more and more the South is becoming industrialized. All of the industrial towns and cities show decided gains in population, while the purely rural and agricultural sections, and even towns supported wholly by agriculture, with few exceptions, show losses. This mass movement from the farm to the town and city, like all other mass movements, is fraught with tremendous consequences. Mass movements are not always easily understood and they are practically beyond our control. Much might be said concerning the effect of this movement on our church life, both in the town and the country, and upon our whole social order. One thing is certain—we are rapidly being confronted with all of the problems of evangelization and of industrial justice which are ever attendant upon rapid industrial development and characteristic of large industrial centers.

In its annual report submitted at the last annual session of that body, the Commission on Social Service of the Georgia Baptist Convention included a section devoted to industrial relations which, in the judgment of your commission, is so wise, sane, and just that portions of it are quoted and made a part of this report. We quote from this report both because it so happily and so well expresses our own views and what we believe to be the views of this convention, and also as indicating that our Baptist people are coming to be interested and alert about these matters and are demanding that the spirit of justice and good will shall prevail in the conduct of industries. Capital and labor must each see the interests and rights of the other; employer and employee must cooperate together and serve each other in the spirit of the golden rule; the mandates of the Christian religion must prevail in our whole social order if we are to have social peace and prosperity.

We quote from the Georgia Baptist Commission on Social Service, as follows:

"An underwage is a fruitful mother of poverty, disease, immorality, and crime. Long hours, low wages, docile labor is an economic mistake. A man's wage should be enough to support himself and his family in reasonable comfort. A wage that will not furnish a decent living for a man and his family is a social wrong. A fair wage to the workmen who produce it is a legitimate item in the sales price of any commodity; and the consuming public is willing that it be included, as in justice it ought to be.

"This commission recognizes the inalienable right of labor to organize, to bargain collectively, and to be represented at the council table by representatives of their own choosing. Capital and labor have equal right in organization. A lone workman is not on an equal trading basis with a big mill owner; he is helpless. The good wages that obtain in nearly all lines of industry are due to the work and influence of American organized labor.

"The religious forces of the South and of the Nation are standing for a shorter workday for mill operatives, for better wages, 'a fair day's wage for a fair day's work,' for the elimination of 'stretch-out system,' for the protection of the older children, and for the gradual and complete elimination of night work for women and children.

"In this connection we are glad to note that many of the leading textile industries have foreseen the necessity and the duty of considering the rights and welfare of employees as of paramount importance in the administration of their mills. * * *

"We strongly commend the justice and the wisdom of generous consideration for the personal and family welfare of mill operatives. We can not forget that the millions dependent on their labor in the mills of the South are predominantly Baptist people.

"In the most Christian spirit we urge these considerations upon our southern mill owners We are firmly convinced that in the long run they would be promotive of industrial prosperity and industrial justice as well."

LYNCHINGS DECREASE BY ONE

In keeping with its custom, the Tuskegee Institute, Tuskegee, Ala., has kept a record of the number of lynchings which occurred in the United States for the year 1929. A letter from the president of the institute, dated December 31, 1929, gives the following statement of facts:

Ten persons were lynched during the year 1929, 1 less than the number for 1928, 6 less than the number for 1927, 9 less than the number for 1926, and 7 less than the number for 1925. Six of the persons lynched were taken from the hand of the law, 5 from

jail, and 1 from officers of the law outside the jail. There were 27 instances in which officers of the law prevented lynching, 3 of these in the Northern States and 24 in the Southern States. In 24 cases the prisoners were moved and special care taken to see that they were not harmed. In 3 other instances armed forces were used to quiet mobs. Twelve white men, 20 negro men, and 2 negro women were saved from death at the hands of mobs. Of the 10 persons lynched last year 7 were negro and 3 were white. The offenses were as follows: 3 for raping, 2 for writing insulting notes, 1 for murder, 1 for wounding a man in a quarrel, and 2 for wounding officers; 1 not reported. The States in which the lynchings occurred are as follows: Florida, 4; Kentucky, 1; Mississippi, 1; Tennessee, 1; and Texas, 3.

We rejoice to note that the number of lynchings for the year shows a decrease of one over the previous year. But we shall not be satisfied until this foul blot is entirely removed from the garments of our civilization. Under our form of government and the guaranties of our Constitution, both Federal and State, every individual, no matter with what crime charged, is entitled to a fair and impartial trial under constituted authority, and punishment is not to be administered except by the due processes of law. As long as this sacred and fundamental principle is violated our civilization is in jeopardy. Mob law is no law; mob law is anarchy; mob law brings utter confusion and chaos. It will be observed that every one of the lynchings which occurred in 1929, occurred within the bounds of this convention. This very fact lays upon our Baptist people a heavy responsibility. Law must be upheld; lynchings must be stamped out. It lies largely within the power and influence of the Baptists of the South to create a respect for law and for the orderly processes of justice that will make lynchings impossible and to secure for every individual of whatever color, or of whatever station in life, the sacred rights which are guaranteed under constitutional and orderly government.

PROGRESS IN WORLD PEACE

Tuesday, April 22, the Naval Disarmament Conference between Great Britain, Japan, France, Italy, and the United States, the five great naval powers of the world, which had been in session in London for three months, came to a close and the treaty which had been agreed upon was signed by the representatives of these five powers. From published reports it appears that this conference did not accomplish all that we had hoped for, nor all that ought to have been possible, in view of the fact that all of the governments represented in the conference have ratified the Briand-Kellogg treaty renouncing war and pledging all signatories thereto to use only peaceful means in the settlement of international disputes or differences. But war has long been rooted in the thinking of the world, and it will require time to remove all feelings of suspicion and fear, and securely to establish the spirit of peace among all the nations.

While the conference did not accomplish all that we hoped for, apparently it did accomplish much. As this report is prepared, the terms of the treaty have not been published. But the President has given to the press a statement summarizing what he considers the results of the conference and the benefits that will come from the treaty. According to the President's statement, the treaty brings a perfect understanding between Great Britain, Japan, and the United States as to the matter of naval construction and removes the possibility of competition in the naval program of these three great naval powers. The President estimates that the actual money saving to these three countries will be $2,500,000,000, of which the United States will save $1,000,000,000. The President points out that under the terms of this treaty the United States will have to spend within the next six years between $550,000,000 and $650,000,000 to attain parity with Great Britain, whereas on the basis of the Geneva conference in 1927, the United States Government would have been compelled to spend between $1,400,000,000 and $1,640,000,000 within a similar period to have reached parity with Great Britain. The President points out that the removal of competitive naval construction will remove attendant fears, suspicion, and international friction.

Some questions between France and Italy were left unsettled and will be matters of further conference and negotiations. But in the judgment of your commission, the London conference marks another long stride toward permanent world peace. We can not but express the hope that the United States Senate will promptly ratify the treaty as submitted to it by the President. We are morally certain that the great bulk of public opinion in the United States utterly detests and abhors war and zealously espouses the cause of peace. In the free, frank, and open discussions which are had in international conference the cause of world peace will find one of its best supports and means of promotion. It would utterly misrepresent the spirit of the United States of America if the United States Senate should fail to ratify or even quibble about ratifying any international treaty which both in its purpose and in its terms is calculated to reduce the likelihood of war and to promote the spirit of fraternity and peace among the nations of the world.

PROHIBITION ENFORCEMENT

The enforcement of national prohibition is making steady progress in spite of the news and editorial columns of the wet press and in spite of the hue and cry of the wets. The Commission on Law Enforcement and Observance appointed by the President, after months of study and survey, has made a partial report recommending the enactment of a few laws calculated, in the judgment of the commission and of the President, to strengthen the hands of the administration and to make enforcement more effective. This recommendation was passed on by the President to Congress. The laws proposed are as follows: First, the transfer of the functions of detection and prosecution of prohibition cases from the Treasury Department to the Department of Justice; second, a measure to provide relief from congestion in the courts; third, extension of Federal prisons and a more adequate parole system and other modern treatment of prisoners; fourth, reorganization of the border patrol in order to consolidate various agencies so as effectually to prevent illegal entry both of aliens and goods; fifth, an adequate prohibition enforcement law for the District of Columbia.

On April 28 the President sent a special message to Congress reciting the progress made toward the enactment of each of these measures and appealing to Congress for speedy enactment of the proposed legislation. It ought to be considered the least that Congress could do to enact promptly all legislation necessary to aid and make effective the efforts of an administration honestly seeking to uphold and enforce the Constitution and laws of our Nation and to conserve the best in the economic and moral life of our people. Your commission would express the earnest hope that Congress may heed this special appeal of the President and speedily enact the desired legislation.

LET THE STATES DO THEIR DUTY

The one great hindrance which has handicapped national prohibition ever since its enactment 10 years ago has been the attitude of the States. States which already had State prohibition, immediately upon the enactment of national prohibition, slackened their efforts for the enforcement, even of their own laws; other States that were wet assumed the attitude either of noncooperation with the Federal Government or of open defiance. This, too, in spite of the concurrent power clause in the eighteenth amendment. As citizens we should see to it that the dry States do their duty, both in the matter of enforcing their own laws, in the exercise of the concurrent power conferred upon them by the eighteenth amendment, and in cooperation with and support of the Federal Government. If the States which were already dry will do their duty the Federal authorities will be free to devote themselves mainly to the enforcement of the law in the rebellious wet States. In this contest between the Government of the United States of America and those States which have set up a modern "whisky rebellion," it is earnestly to be hoped and confidently to be expected that the Federal power may prevail, and that our system of National Government under which the Federal Constitution and Federal law are supreme in all matters with which they deal, shall not break down. Our system of Government is now undergoing a test, if not a crisis. If the authority and powers of the United States may be openly challenged and defied by any State when the Constitution of the United States has been amended in the regular and orderly way and by the exercise of the sovereignty and power of each State acting in its own capacity through its own constituted legislature, as provided in the Constitution, then our Union of States will fall to pieces and we shall have confusion and ruin.

"GOOD FIGHTING ALL ALONG THE LINE"

In the language of the Confederate officer to the Confederate soldier of whom the lamented J. B. Gambrell, one of our greatest soldiers in this warfare and many years a member of this commission, used to tell, "There is good fighting all along the line." It may well be doubted whether the forces of lawlessness have ever before been so rampant, so defiant, and so insolent as they are at present. They are multiplying organizations and amassing huge sums of money. They are openly defiant of law and the officers of the law; they are insolent toward all constituted authority; they stop at nothing and scruple at nothing in their efforts to destroy law and order and to besmirch and blacken the names of public officials, of ministers of the gospel, of the churches, of the Anti-Saloon League, of the Woman's Christian Temperance Union and of all other individuals and organizations standing for law enforcement and law observance. If any of our people were lulled to sleep or carried away with the delusion that the fight against liquor was all over and that the lawless element would quietly submit to the will of the people and to the authority of government they have had a rude awakening and a sad disillusionment. Perhaps more than ever before we have come to a time to try men's souls in this cause which has its countless martyrs and may have many others before the day of final victory.

OPEN DEFIANCE ADVOCATED—ARMED REBELLION HINTED

As illustrating the extremes of unreason, fanaticism, and desperation to which the advocates of liquor are now driven, we cite two instances:

Representative JAMES M. BECK, of Pennsylvania, made an address in New York on April 13. He is quoted by the press as saying, "That revolt against the eighteenth amendment 'involves no disrespect to the Constitution of the father.'" In other words, a Member of Congress of the United States, sworn to uphold the Constitution of the United States, declares openly for defiance of the Constitution. In this Mr. BECK is only one of a type and represents the attitude of the defiant liquor element in Congress and out.

Henry H. Curran, president of the Association Against the Prohibition Amendment, on Wednesday, April 16, testified before a committee of the Senate investigating the lobbying activities of various and sundry organizations. In reporting the testimony of Mr. Curran a Washington dispatch says: "Asked if he would favor 'armed revolution' against the prohibition law, Curran replied that 'we will cross that bridge when we come to it.' He

added that there already was 'armed revolution' so far as some of the prohibition officers were concerned."

Thus it appears that Mr. Curran and his organization have in their minds armed rebellion as an ultimate step which they may take in their fight against the Constitution and laws of the United States, and that Mr. Curran regards the faithful and sacrificial efforts of law enforcement officers as on a plane with "armed revolution." We can not believe that in this Mr. Curran represents a majority of American citizens who, for one reason or another, are opposed to national prohibition. Of one thing we are certain, if it should come to that, and if the Constitution and laws of our Government could not be vindicated and upheld in any other way than by force, the spirit of American patriotism would not fail.

WET AND DRY HEARINGS

The wets always seize upon the meeting of Congress as a time and opportunity favorable to agitation and propaganda, because when Congress meets the ear of the people is turned toward Washington. Many bills are introduced in Congress for the modification or repeal of the eighteenth amendment or of the national prohibition code, for which bills the proponents have no hope of their ever being reported out of committee, much less of their being enacted into law. These bills are introduced solely for the purposes of agitation and propaganda. Many such bills have been introduced in the House of Representatives of the present Congress and referred to the Committee on the Judiciary. The chairman of this committee, Mr. GRAHAM, a dripping wet, without the authority of the committee or any action by the committee, ordered public hearings to be held on these bills. In a thoroughly unjudicial and partisan address in opening the hearings, in which he denounced prohibition, Chairman GRAHAM said it was proposed in these hearings to give those opposed to prohibition an "open forum" in which to present their side of the case to the American people. Such a conception of the purpose and function of high legislative committees need not be commented upon. The hearings lasted from February 12 to April 23. The wets made their usual amount of noise. It is enough to say that every argument presented by the wets was answered overwhelmingly by the drys and that, in addition, a great array of facts, scientific, industrial, commercial, and moral, was presented by the drys in support of the existing order. The hearings were staged by the wets as a means of wet propaganda. It is sufficient to say that they received much more than they asked for or desired.

STRAW BALLOTS

One of the approved methods of the wets for keeping up agitation is the straw ballot. It may be that some engage in this sort of thing without distinctively wet motives; if so, they are misguided, and their methods none the less irresponsible and foolish. The most pretentious and extensive effort in this field has recently been put on by an enterprising public journal which vehemently protests its own impartiality; and yet many of the comments made by this periodical on the figures of its poll seem to have a wet slant. The whole method is foolish and subject to serious question. Perhaps the highest motive that could be accorded such a performance would be to say that the journal saw an opportunity for a nation-wide advertising scheme and circulation campaign and was willing to commercialize a great moral cause for its own financial profit. To ask people to vote on whether they would have our laws so changed as to allow what the Constitution plainly forbids is to ask them to vote on nullification, and this is no compliment to the patriotism of the American people. The compilation of three or four million anonymous straw ballots from chosen lists, mainly in big wet centers, can not in any degree be regarded as expressing the solemn conviction of the American people on a great question of public policy on which they have repeatedly expressed themselves at the ballot box. It is sufficient to add that in 1922 this same public journal took a straw ballot on prohibition and almost immediately following that several of the States which had been listed as dripping wet by this journal gave overwhelming dry majorities in the regular election.

Concerning the futility and ineffectiveness of such straw ballots we quote the Atlanta Constitution, which, like many of our papers in the large centers, has recently been fighting prohibition tooth and claw, and which recently attempted to put on a straw ballot itself. In an editorial on Wednesday May 7, the Constitution says, "Whether the people are a majority for the policy of amendment or want a new treatment of liquor problems can not be assumed from straw votes or even from court decisions. Hence the country must accept the congressional elections as the best barometer of public sentiment. As long as Congress is dry by decisive majorities in the Senate and House one must believe that the people want prohibition and want it enforced to the limit."

Others may have their straw ballots; the friends of prohibition, sobriety, and good government will have their ballot at the ballot box in November and will elect Senators, Representatives, governors, and other public officials unhesitatingly committed to the perpetuation and enforcement of our prohibition laws.

THE NATIONAL PROHIBITION SURVEY

A young man came down recently from New York to Atlanta and took elaborate offices under the name of the National Prohibition Survey. He has announced that the organization is backed by impartial men in New York and Chicago; that the plan will be to send a questionnaire to every voter in the United States; that the survey is to be entirely neutral and impartial and will cost the modest sum of $7,000,000. Apportionments have been made, or will be made, to each State, which will be expected to raise its quota; governors and others prominent in public affairs, will be asked to serve on the advisory board; Georgia's quota is $45,037.60.

The character and objective of this organization can readily be seen by the questions to be submitted and by the fact that gentlemen in New York and Chicago come to Atlanta, the largest city in the Southeast and in the heart of the dry South, to put on their benevolent and unselfish campaign in the interest of humanity. Among the questons to be submitted to the voters are these: "11—Would you approve a national referendum after a presidential election? 12—Do you believe in State rights on the liquor question?" If these gentlemen were reasonably well informed as to the principle of our Government, they would know that there can be no such thing as a national referendum on this or any other provision of the Constitution and laws of the United States. Doubtless they do know this and know that all talk about a national referendum is intended to undermine one of the most fundamental principles of the Government of the United States. The Government of the United States is not a government of direct powers in which the voice of a popular majority controls; it is a government of States; it is a government of derived or delegated powers.

All of the hue and cry about a national referendum has as its motive the desire to give New York, Chicago, and other centers of drink and crime the power to break down State rights and State sovereignty in determining all questions of Constitution and law under our Federal system. And yet in the next breath those who raise this hue and cry extol State rights. We already have exercised State rights in the settlement of the liquor question. The highest expression of State rights is the act of the sovereign States in amending the Constitution of the United States. The States have acted and in their sovereignty they have said that the commercialized liquor traffic shall be banished forever from this Republic.

Our people will not be fooled or trapped by "the National Prohibition Survey," or any of the so-called neutral and impartial movements devised by our friends in New York and Chicago "to find a satisfactory solution of the liquor problem." There is no neutral ground in this war. It is "war to the knife and the knife to the hilt" between the forces of sobriety and orderly Government on the one hand and the forces of liquor and lawlessness on the other. A safe rule is to ignore all irresponsible straw ballots and movements and not to be overmuch influenced by what appear to be the returns of such ballots or movements, but to do full duty at the polls and see to it that nobody but patriots are on guard.

THE POLICY OF INTIMIDATION

The policy of intimidation is now one of the choice weapons of the wets. If they can browbeat and intimidate the preachers and churches; if they can successfully and securely brand as "lobbyists" and political corruptionists groups and organizations of good citizens who seek the enactment and enforcement of laws for the suppression of evil and the promotion of public morality, they expect to have easy sailing in their efforts to defy and break down all such laws. If we are a set of cowards, we will yield to their onslaughts and surrender before their attacks; if we are men and patriots we will assert our rights, repulse their attacks, and courageously and successfully defend the cause of good government and of laws enacted for the promotion of the peace and moral welfare of the people.

THE RIGHT OF PETITION VERSUS LOBBYING

Concerning the right of petition versus lobbying, we quote a statement issued a few weeks back by the National Conference of Organizations Supporting the Eighteenth Amendment. This statement is prepared by the chairman of your commission and expresses the conviction of your commission and the conviction we believe of our Baptist people in general and of all good citizens. It is as follows:

"The improper use of money or influence in any form by selfish and sinister persons or organizations for corrupt ends with the public servants of the people, whether legislative, judicial, or executive, can not be too strongly condemned or too promptly uncovered and punished. On the other hand, the right of petition and remonstrance is happily and securely embodied in the bill of rights, is one of the prime marks distinguishing a democracy from an autocracy or oligarchy, and is one of the foundation stones and safeguards of our Republic. To characterize the exercise of this right as lobbying in no way alters or abrogates the right as one of the guaranties of our liberties. Honest, patriotic, public-spirited citizens, both as individuals and by groups and organizations, have the inalienable right to make their will concerning any matter of public policy known to their public servants.

"It will be a sad day for us and will mark the day of the decline, if not the doom, of our Government when our public servants are too weak to resist the corrupt and corrupting lobbyist who would turn them aside from the path of duty and right, or when they are too proud to hear and consider the judgment, will, and desires of good and honest citizens and organizations properly and appropriately expressed.

"Citizens and organizations of worthy, patriotic, and unselfish motives and purposes, who seek the good of the people and of the Republic have nothing to cover or to conceal and nothing to fear from the searchlight of publicity whenever turned on. Let those who would turn on the searchlight be sure that it is so

directed as to reveal the activities and organizations which are openly committed to a course of defiance of and rebellion against the established policies of the Government and who would make barter of the health, happiness, and prosperity of the people."

REAL LOBBYING—INCLUDING AN ATTACK ON THE SUPREME COURT

While the lawless liquor element are seeking to brand preachers and churches and all other supporters of the law and order as "lobbyists," they themselves persistently carry on their nefarious, under-cover work and engage in lobbying of the worst and most offensive and corrupting character. At a recent session of the Senate lobby committee there were produced and read three letters which were written in 1929 by Thomas W. Phillips, of Pennsylvania, a director of the Association Against the Eighteenth Amendment. In an editorial headed "An astounding story," the Religious Herald, of May 1, comments on this episode as follows:

"Two of these [letters] were addressed to Justice Stone, of the Supreme Court, and a third to the late Justice Sanford, the letters to Stone, dated April 2 and 9, and the one to Sanford, March 30. They consisted largely of an attack on the prohibition law. Mr. Phillips is represented as saying that the Association Against the Prohibition Amendment had nothing to do with his letters, but Mr. Henry H. Curran, president of the association, declared that he approved them.

"Senator ROBINSON of Indiana said: 'It is the most amazing thing I have ever heard of. You are lobbying directly to the United States Supreme Court, apparently to influence that great court in its decisions. I have never heard of such a thing in a good many years of the practice of law.' Some notion of the impropriety of the correspondence may be gathered from this paragraph which occurs in the letter to Justice Sanford: 'I have but little doubt that if the judiciary lies down on its job and follows the mob along the lines of least resistance our form of government is doomed.' Or from these paragraphs addressed to Justice Stone: 'It is indeed unfortunate that so many men in public life, especially those who have served for years and years in Congress, in executive positions, and on the bench, become for all practical purposes out of touch with the busy workaday world. * * * In order to give you perhaps a new slant as to how some men are thinking and talking, a few days ago in the course of my conversation with an exceptionally keen young attorney, I ventured to remark that there were very many serious and far-reaching constitutional questions relating to the eighteenth amendment and enforcement measures that have never been submitted to the Supreme Court.' His comment took the form of a question, 'Do you have any idea that the Supreme Court, as now constituted, would have the moral courage to go into this question thoroughly?'

"The fact is that the whole business of the Association Against Prohibition seems to be in the control of a group of very rich men, and their representatives and associates evidently act under the impression that nothing that they do is likely to be called into question. We confess that we are not intimately acquainted with the rules of procedure which obtain between outsiders and our courts, but we had always supposed that any attempt to influence the decisions of our judges, save through the prescribed methods and under due legal form, was a grave impropriety. But of course, these extremely wealthy gentlemen are beyond the reach of the law, as they imagine, and the men whom they hire are similarly arrogant. Up to this time certainly the wets are fully welcome to all the results which have followed their attempt to bring their affairs to the attention of the public."

MEETINGS AND WORK OF THE COMMISSION

Your commission has had one meeting during the year, aside from the meeting held in New Orleans for the approval of this report. In keeping with the instructions of the convention the Sunday school board has defrayed the necessary expenses of the commission, for which we are deeply grateful. Throughout the year, as heretofore, the chairman has given as much time in the field of social service as he could do without neglecting his regular duties. Much of this has been possible without expense to the commission because of the chairman's connection with the Anti-Saloon League of America and the National Conference of Organizations Supporting the Eighteenth Amendment.

WORK OUGHT TO BE ENLARGED

It is perfectly clear to your commission that, in view of the present tense situation in our fight for the permanent and complete success of prohibition and in view of the many other things which need to be done in the field of social service, we ought to enlarge and strengthen our work. Several times in the past the convention has authorized the commission to make personal approach and appeal for funds adequate for a reasonable social-service budget and to employ some one to give all his time to the work. The commission has hesitated to take this step because of the pressing needs of other interests and the crowded condition of our denominational program. At one time the convention took specific action instructing the promotional commission to put a percentage in the budget for this work. But in the press of things the instruction of the convention was not carried out.

Many of our people have funds that they would cheerfully and gladly contribute to this work, but which they will not contribute to anything else. Some way should be found by which your commission could have at least a modest budget, adequate to the establishment and maintenance of permanent headquarters and to the employment of a wise and capable man to give all his time to the work, to the employment of necessary stenographic help, and to the creation of a leaflet literature that would set out the work of social service in harmony with our Baptist views and interpretations of the doctrines of the New Testament.

RECOMMENDATIONS

The commission recommends that the convention make the following declarations:

I. Concerning industrial relations

1. That we recognize the right of labor to organize and engage in collective bargaining.

2. That we recognize the right of laborers who may not wish to join a labor organization to employment.

3. That we believe in a fair, living wage for all who toil in factory and mine.

4. That we favor a day of not more than 9 hours and a week of not more than 49½ hours.

5. That we are opposed to the employment in factory or mine of children under 15 years of age, and we are opposed to all night work for women and minors.

6. That we favor good sanitary housing conditions for all factory and mine workers, such as will properly protect both the health and morals of their families.

7. That the teachings and spirit of the Gospel ought to control in all industrial relations and that they offer the only happy and peaceful solution of all our industrial problems.

II. Concerning law enforcement and observance

1. That the President of the United States, the governors of the several States, and all other public officials, executive and judicial, are entitled to the unwavering support of all citizens in all their honest and faithful efforts for the enforcement and observance of all law.

2. That we hereby pledge such support on our own part and appeal to all of our fellow Baptists and fellow citizens to give such support to all faithful public servants.

III. Concerning public office and elections

1. That we declare public office to be a public trust, to be held and administered only in the best interest and for the highest welfare of all the people.

2. That no person is worthy of public office who is not socially minded and does not believe in the enactment of such laws as will promote the moral welfare of the people, or who does not believe in the enforcement and observance of all laws.

3. That we recognize the right of all to advocate a change in any provision of our Constitution and laws, but, in the language of the President, which we quote with approval, "Our whole system of self-government will crumble either if officials elect what laws they will enforce or citizens elect what laws they will support. The worst evil of disregard for some law is that it destroys respect for all law. For our citizens to patronize the violation of a particular law on the ground that they are opposed to it, is destructive of the very basis of all the protection of life, homes, and property which they rightly claim under other laws."

4. That we are in no sense concerned with party politics nor with the fate or future of any political party. But in all great moral questions we are deeply concerned, both as citizens and Christians, no matter how they may become related to politics or questions of Government.

5. That, as we have frequently done heretofore, we declare our intention and purpose not to support for President of the United States, Senator, Representative, governor, or other officer of high and responsible position any candidate who is hostile to or does not openly and frankly support our present prohibition laws, but to seek the defeat of any such candidate no matter what party label he may wear.

IV. Concerning pending legislation

That your commission be authorized to urge upon Congress the speedy enactment of the several legislative measures recommended by the President in keeping with suggestions of the President's Commission on Law Enforcement and Law Observance.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. DILL. What is the amendment?

The PRESIDING OFFICER. The amendment will be restated.

The CHIEF CLERK. On page 2, line 17, it is proposed to strike out the words "or physical action."

Mr. GEORGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The PRESIDING OFFICER. Ninety-four Senators have answered to their names. There is a quorum present.

The reading was resumed, the next amendment of the committee being on page 2, line 17, after the word "words" to strike out the words "or physical action"; on line 20, after the word "work" and the comma, to strike out the word "or," and insert the words "and/or," and in line 22 to strike out the words "or physical action," so as to read:

(c) To dramatize and/or make a motion picture with or without sound and/or dialogue of said work if it be a nondramatic work; or to convert said work into a nondramatic or dramatic work expressed in words if it be a dramatic work in the form of a motion picture with or without sound and/or dialogue; or into a novel or nondramatic work, and/or motion picture with or without sound and/or dialogue, if it be a drama expressed in words.

Mr. TRAMMELL. Mr. President, as the bill passed the House, the words "or physical action" were in the text, and the Senate committee proposes that physical action shall not be subject to copyright.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The reading was resumed, the next amendment of the committee being on page 3, line 3, after the word "produced," to insert the word "reproduced," so as to read:

(d) In the case of a musical composition, to arrange or adapt said work, to perform said work publicly for profit or to make any arrangement or setting thereof or of the melody thereof in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read, broadcast, produced, reproduced, performed, exhibited, or represented.

The amendment was agreed to.

The reading of the bill was continued through the word "purposes," line 20, page 3, the last provision read being as follows:

That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes.

Mr. THOMAS of Oklahoma. Mr. President, on page 3, line 18, after the word "schools," I move that the words "agricultural fairs" be inserted. In support of that amendment I submit a telegram just received from Ralph T. Hemphill, manager of the Oklahoma State Fair and secretary of the International Association of Fairs and Expositions. I ask that the same be read.

Mr. HEBERT. Mr. President, let me say to the Senator that that amendment is not in order at this time. We are now considering only committee amendments. I know about the amendment which the Senator has just proposed, and I have reason to believe that the members of the committee would not object to it at the proper time.

Mr. THOMAS of Oklahoma. Then I ask unanimous consent that the amendment may be considered at this time.

Mr. HEBERT. I object.

The PRESIDING OFFICER. The Chair will state that he is informed that the request to proceed with the Senate committee amendments first was not granted.

Mr. DILL. Oh, yes, it was.

Mr. HEBERT. We were to proceed first with committee amendments.

Mr. DILL. That is correct. I am in favor of the amendment of the Senator from Oklahoma, but I do not think we should start in taking up individual amendments. If we do that, I want to offer an amendment on page 2. I did not do so because I understood the committee amendments would be taken up first.

Mr. MOSES. Mr. President, there are other Senators who have amendments to offer in exactly the same situation with the Senator from Oklahoma.

The PRESIDING OFFICER. The Chair was informed by the clerks at the desk that the request was made that committee amendments be taken up first, but was not granted. The Chair will put the request again.

Is there objection to proceeding with committee amendments first? The Chair hears none, and it is so ordered.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the telegram in support of the amendment I have offered be incorporated in the RECORD in connection with the few remarks I have just made.

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY, OKLA., *February 27, 1931.*

Senator ELMER THOMAS,
Senate Chamber, Washington, D. C.:

Understand bill has passed House and reported by Senate provided for collection of royalties by American Society of Authors, Composers, and Publishers and exempting schools, churches, and fraternal organizations, but not agricultural fairs. We urge that "agricultural fairs" be included for exemption.

RALPH T. HEMPHILL,
Manager Oklahoma State Fair,
and Secretary International Association
of Fairs and Expositions.

Mr. THOMAS of Oklahoma. I ask that the amendment may be ordered printed so that it will be ready when it is in order.

The PRESIDING OFFICER. The amendment will be printed. The clerk will continue the reading.

The CHIEF CLERK. On page 3, line 20, after the word "purposes," the committee proposes to insert a colon and the following provision:

And provided further——

Mr. HEBERT. Mr. President, I offer a substitute for the amendment proposed by the committee.

Mr. DILL. Let the amendment of the committee be read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. The committee proposes, on page 3, line 20, after the word "purposes," to insert a colon and the following:

And provided further, That the use of a machine, instrument, or instruments serving to reproduce mechanically and/or electrically such work or works shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

The Senator from Rhode Island offers the following as a substitute for the committee amendment:

Provided, That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine or an instrument or parts of instruments serving to reproduce mechanically a musical work, except where such reproductions are transmitted by wire or wireless broadcasting, said owner or operator shall not be deemed to infringe by a public performance for profit by the operation thereof unless a fee is charged for admission to the place where such reproduction or rendition of the copyrighted work occurred.

Mr. DILL. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DILL. The Senator offers a substitute for the committee amendment. I propose to offer amendments to the committee amendment to perfect it.

The PRESIDING OFFICER. To perfect a substitute?

Mr. DILL. To perfect the amendment proposed by the committee in the bill. I ask whether or not my amendments are not in order to be voted on before the substitute is voted on?

The PRESIDING OFFICER. The Senator is correct; the perfecting amendments would be voted on first.

Mr. DILL. Then I want to offer a perfecting amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. The Senator from Washington offers the following: On page 3, line 22, to strike out the words "mechanically and/or electrically," and after the word "works," to insert the words "except for wire or wireless broadcasting," so that the committee amendment will read:

And provided further, That the use of a machine, instrument, or instruments serving to reproduce such work or works except for wire or wireless broadcasting, shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Mr. HEBERT rose.

Mr. DILL. Mr. President, does the Senator want to discuss his amendment first?

Mr. HEBERT. Yes.

Mr. DILL. Very well.

Mr. HEBERT. Mr. President, the amendment in this section affects the production of disks and records for musical instruments of various kinds. Under the existing law the owner of a copyright in a musical composition, if he permits the producer of any record to make use of his copyrighted composition, to transcribe it upon a record or a disk, must of necessity permit any other manufacturer of like records to make use of it in the same way, and upon its use in that way the producer of the record is called upon to pay to the composer a royalty of 2 cents per record. That is the existing law.

That 2-cent limit of royalty has been eliminated by the provisions of this bill. There is no longer any limit which may be charged by a composer for the use of his work for reproduction upon a record or upon a disk. It occurred to the members of the committee that under those circumstances it should not be prohibited to the owners of musical instruments, player pianos, electrically operated Victrolas, and the like, to make use of the records without paying a royalty where no fee is charged for admission.

We learned, in the course of our hearings, that in some instance a drug-store owner who used one of these slot machines for reproducing music upon a record was called upon to pay a royalty to the owner of the copyright in the composition that was played.

Mr. DILL. Mr. President, the Senator is incorrect in that statement. I think he does not mean to be, but the present law specifically exempts the coin-operated machines from payment of any royalty.

Mr. HEBERT. Where it is done for profit, it does not exempt them.

Mr. DILL. I will read the provision of the law to the Senator, if he has any doubt about it. It is as follows:

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Mr. HEBERT. Mr. President, it is a fact that the statement was made at our hearings that the owners of drug stores were called upon to pay for the use of the coin-operated machines for reproducing records in their stores.

Inasmuch as we have removed from the law the maximum 2-cent royalty charge upon records, the committee believed that the amendment which I now propose should be incorporated in the bill. The amendment is satisfactory not only to the Society of Authors and Composers, which comprises some 90 per cent of all of the music writers of the country holding copyrights, but it is also satisfactory to the manufacturers of the coin-operated machines.

Mr. DILL. Mr. President, will the Senator yield to me?

Mr. HEBERT. I yield.

Mr. DILL. What evidence has the Senator that this is satisfactory to the manufacturers of coin-operated machines?

Mr. HEBERT. The same evidence that I have about many of the things concerning this bill, the testimony of people who have come before us, and the statements made to me by people who are interested in the bill.

Mr. DILL. I remind the Senator that when those men were before the committee, they did not agree to the amendment proposed by the Senator. They agreed to the amendment proposed by me, with the exception of the words "electrically" and "wire and wireless broadcasting." I want to know what evidence the Senator has to present that this is satisfactory to Mr. Capehart or Mr. Brokmeyer, the two men who appeared before the committee in that matter.

Mr. HEBERT. I repeat that I am relying upon the statements which have been made to me by representatives of the manufacturers. A majority of the committee were likewise satisfied that the amendment should be adopted and for that reason I am presenting it at this time.

Mr. TRAMMELL. Mr. President, may I ask the Senator from Rhode Island a question? I should like to ask the Senator if the 2 cents additional tax on some one that uses the record is not in the nature of a double taxation? The author or musician sells the right to the manufacturer; he produces the records and he has paid the copyright tax for the privilege of using them. Then if somebody else reproduces upon a mechanical machine they also have to pay a tax. It is a double taxation. Who pays it? The public pays it—is not that true?

Mr. HEBERT. The purpose of the amendment is to avoid the so-called double taxation.

Mr. McNARY. Mr. President, I ask unanimous consent that when the Senate finishes its business to-day a recess be taken until 11 o'clock Monday morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DILL. Mr. President, I want the Senate to understand the difference between the amendment presented by the Senator from Rhode Island [Mr. HEBERT] and the amendment presented by myself, which, with the exception of a few words, is exactly the wording presented by the men who came here to have the amendment put in the bill.

I want to call attention to the fact that the hearings disclose that Mr. Capehart, who is a manufacturer of a coin-operated machine, made the principal argument before the committee, and on page 40 of the hearings he suggested the amendment which he desired inserted in the bill. I will read it.

That the use of a machine or instruments serving to reproduce mechanically and/or electrically such work or works shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

That is the amendment which the committee adopted, word for word; the identical amendment we put in the bill. After the bill was reported to the Senate a member of the House Committee on Patents came and talked with us and called attention to the fact that the word "electrically" might enable the owners of discs which were manufactured with music on them—that is, phonograph records or music rolls produced electrically—to broadcast them over the radio without paying anything for it.

That was not the intention of the committee nor the purpose of Mr. Capehart or Mr. Brokmeyer. When the committee submitted it to me in the first instance, I said I was willing to accept it, because I did not want anything in the bill that would take away from the composer the right to charge a radio station for reproduction of his music. But when I come to examine with some care the wording of the amendment, I find, or believe I find, a difference.

Before I leave this point let me say that the language of the amendment presented by Mr. Brokmeyer, who is the man representing the drug-store people, is almost identically the same thing. I want to read that:

Provided the reproduction or rendition of a musical composition by or upon a coin-operated machine or on parts of instruments serving to reproduce mechanically the musical work shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

With the exception of the word "electrically," Mr. Brokmeyer's amendment is in exact wording with Mr. Capehart's amendment, and no one has shown me any evidence that either one of them will be satisfied with the proposal

brought here by the Senator from Rhode Island [Mr. HEBERT], which he says has their indorsement.

Mr. WATSON. Mr. President, I thought there was a time when the Senator from Washington himself acquiesced in this matter?

Mr. DILL. I did because I thought all it did was to take out the word "electrically"; but I find it is an entirely different amendment, and I want to analyze it.

Mr. WATSON. My understanding is that the manufacturers of this particular kind of machine want the amendment.

Mr. DILL. Not in the language presented here. Show me any evidence from any man that wants this wording. This is wording which has been improvised since those men were here.

Mr. WATSON. I think I can furnish the evidence.

Mr. DILL. Even if they were satisfied, I am not satisfied and I want to show why. The amendment provides—

That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine or instruments or parts of instruments.

What does that mean? It means that a record for phonographic use for which no fee can be charged, or a music roll for which no fee can be charged, must be a record upon which the manufacturer has paid a license in behalf of the operator. Does the Senator see the difference? For the ordinary record he simply pays a fee for reproduction, but under this amendment he must pay not only the fee for reproduction, but an additional fee on behalf of the operator. Therefore we have two kinds of records, one on which the fee for the operator has been paid, and another kind on which the fee for the operator has not been paid.

How did this system originate? The law of 1909 provided that whenever these musical compositions were placed upon a record the owner of the copyright should receive but 2 cents, and therefore another clause was inserted that he might receive additional compensation when that record was reproduced for profit, because otherwise he was limited to 2 cents; but now in this bill we are taking off the 2 cents. He can charge 5 cents a record; he can charge 10 cents a record; he can charge 50 cents a record; he can charge $1 a record; he can charge $5 a record; he can charge any price he pleases. I think that principle is sound, but having given the composer the right to charge any fee he may want to charge before he allows his music to go upon a record, I want to be sure that people may operate those records upon a phonograph without paying another fee unless there is an admission charged.

The amendment proposed by the Senator from Rhode Island is of doubtful meaning. It is almost certain to lead to two kinds of records being produced. There is no evidence here showing that the men who are afflicted and hurt by the bill as it came from the House are in favor of it. Their own testimony was that they wanted a provision in the law which would protect them just as they are now protected. I want to read the wording of the present statute to show how simple and clear it is:

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

That is so simple and so plain that even a layman can not misunderstand it. In the amendment now presented, however, there was no provision about phonographs, and so the composers have gone to the little corner drug store which has a phonograph record playing there to attract the attention of people, and have said "You are reproducing this music for profit and you must pay us a license fee." The drug-store people have said, "No, we do not get any profit out of this." The reply has been, "Yes, you do. You draw trade and you are liable for $250 statutory damages every time that you run a record in this place. You must pay us a royalty license fee for a year," and so the drug-store people have been held up for $250 or $500 or whatever the traffic would bear.

I do not want to prevent the composer from getting a fair return on his music when it is put on these records, but I want to stop this multiplicity of fees.

Speaking of the amendment which I have offered, it is in practically the same wording as the present law except that I have added the provision for instrument or instruments, and I have made it impossible to reproduce a phonograph record over the radio without paying for it. Let me make the comparison:

That the reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged.

There is a provision that "the use of a machine, instrument, or instruments serving to reproduce such work or works shall not be deemed a public performance for profit unless a fee is charged. I have left out the words "except in case of broadcasting" to make my language clear. The provision in the statute is clear and unambiguous and can not be misunderstood. That is what I want to have in the bill now before us, a provision that is clear, that is unambiguous, that can not be misunderstood, and that will result in but one kind of record being placed upon the market. The composer is not denied the right to charge any amount he wants on the record. Under the present law he was limited to 2 cents, but even then Congress limited it to coin-operated machines. They never dreamed that anybody would go to a little corner drug store or cigar store and hold up those dealers for fees because they might happen to attract some business or some attention in this way. To cure that practice it is proposed by this amendment to make it impossible for the composer to charge a fee unless there is an admission fee charged by the drug store or other store.

I submit that we are going a long way in this matter of fees. We give a copyright holder of music the right to charge a fee on printed matter. We give him the right to charge for reproduction of his music anywhere. We give him the right to charge for recording his music on a record or any kind of music roll, and we allow him to charge anything he pleases. Then we say unless the reproduction from the record or music roll is made in a place where admission is charged, he shall not charge another fee, but he can still charge another fee if there is admission charged.

The amendment of the Senator from Rhode Island is involved and of doubtful meaning. I want to read it:

Provided, That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine, or an instrument or parts of instruments serving to reproduce—

See the difference? In the one case where a machine for reproduction of music rolls is used there is a charge for any record that is made. In the case of the amendment of the Senator from Rhode Island there must be specific proof to the effect that fee for the man who will operate the machine has been paid. Thus we will have two kinds of records, two kinds of music rolls, one on which the fee has been paid for the operator and one on which the fee has not been paid.

The gentlemen who came before the committee and gave us their evidence in the hearings as I have read them asked to be freed from paying any additional fee unless they charged admission.

Mr. GLENN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Illinois?

Mr. DILL. I yield.

Mr. GLENN. As I understand the situation, the Senator's proposed amendment to the amendment of the Senator from Rhode Island would make it possible for the copyright owners to charge a fee where the records are used for broadcasting purposes.

Mr. DILL. Yes.

Mr. GLENN. That is practically the only difference, is it not?

Mr. DILL. That is the difference between my amendment and what the men who came here and asked for the amendment wanted; but the amendment of the Senator

from Rhode Island allows an additional fee to be charged on behalf of the operator. The operator is the man who puts the nickel in the machine and makes it run. Thus they propose to get an additional fee which they can not get under the present law when they are limited to 2 cents. Being limited to 2 cents on their rolls to-day they can not collect any fee on behalf of the operator of a coin-operated machine. The Senator from Rhode Island comes here with an amendment which proposes taking off the limit of 2 cents and letting them charge anything they please, letting them charge another fee on behalf of the operator of the coin machine. I submit it is unfair, it is unjust to put an additional burden upon the public and upon the use of these operated machines. First, I want my own amendment adopted to the committee amendment, and then I hope the Senate will reject the proposed substitute of the Senator from Rhode Island.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. TRAMMELL. It seems to me that this would be a pretty effective aid to the radio, as it would put machines of this character out of business. Would it not probably have that effect?

Mr. DILL. No; I do not think so. I put in the reference to the radio for the reason that I did not want any doubt about the use of a phonograph record in a radio station being freed from charges. I want to give the copyright owners the privilege of charging the radio station if it uses phonograph records; and that is why I have put the provision in the amendment. That was not in the amendment suggested by those who proposed this legislation.

Mr. TRAMMELL. The point I had in mind is that the amendment leaves it unrestricted, without a maximum charge for phonograph records. They can charge more, and can put the owners of the music out of business, and have it go over the radio.

Mr. DILL. That is possibly true.

Mr. TRAMMELL. Giving the radio people an opportunity to manipulate it for the purpose of putting out of business mechanical devices reproducing music.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment proposed by the committee. [Putting the question.] The Chair is in doubt. All those in favor of the amendment will rise and stand in their places until counted.

The Senate proceeded to divide.

Mr. DILL. I ask for the yeas and nays.

The PRESIDENT pro tempore. On this question the yeas are demanded. Will the Senator permit the Chair to announce the result of the division?

Mr. DILL. Very well.

The PRESIDENT pro tempore. The amendment to the amendment is agreed to.

Mr. SHORTRIDGE. Has the Senator the right to withdraw his demand for the yeas and nays?

The PRESIDENT pro tempore. The demand had not been sufficiently seconded.

The Senator from Rhode Island offers as a substitute for the committee amendment an amendment, which will be stated.

The CHIEF CLERK. On page 3, line 20, section 1, it is proposed to strike out the provision in italics and substitute therefor the following:

Provided, That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine, or an instrument or parts of instruments serving to reproduce mechanically a musical work, except when such reproductions are transmitted by wire or wireless broadcasting, said owner or operator shall not be deemed to infringe by a public performance for profit by the operation thereof unless a fee is charged for admission to the place where such reproduction or rendition of the copyright work occurs.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee in lieu of the committee amendment as amended.

Mr. VANDENBERG. Mr. President, I should like the attention of the Senator from Rhode Island so that I may clear up, if possible, what seems to be a difference of opinion respecting the intent of the language. The Senator from Washington, as I understand, declares that under the terms of the proposed substitute it would be possible to collect an additional fee on a coin-operated machine. Is that the statement of the Senator from Washington?

Mr. DILL. No; to collect an additional fee on the record to be used in a coin-operated machine in behalf of the operator.

Mr. VANDENBERG. I should like the opinion of the Senator from Rhode Island on that question.

Mr. HEBERT. This will not impose any fee whatever upon the operator of the coin-operated machine.

Mr. DILL. Provided that the manufacturer has paid for the operator. The Senator's own amendment says to provide.

Mr. HEBERT. Most assuredly. Somebody has got to be paid for the right to use a man's composition on these records, and, if the manufacturer does not pay, then the operator should. That is right in line with——

Mr. DILL. Mr. President——

Mr. HEBERT. If the Senator will permit me to continue for a moment, that is right in line with the argument of the Senator from Washington, that we are taking away the limit that may be charged for the use of these compositions on records for the reproduction of music and allowing the composer to charge 5 cents or 10 cents or $5, as the Senator himself put it. Now he wants to limit the composer again, and more seriously than he was limited under existing law.

Mr. DILL. Will the Senator yield for a question?

Mr. HEBERT. I have concluded.

Mr. DILL. I want to call the Senator's attention to the fact that under the present law all that the man who puts his music on a coin-operated roll can get is 2 cents; but he can not get anything at all on behalf of the coin-operated machine. Now, we have taken off the 2 cents, but the Senator wants to allow the composer to charge an additional fee because the machine is to be coin operated. We not only have no limit on the amount he can charge for putting it on in the first place, but we are going to allow him to have a second fee on behalf of the operator. That is the wording of the Senator's amendment. I simply want to leave the composer free to charge anything he pleases, and once the record or roll has been made let it be used anywhere and by anybody, unless an admission fee is charged. The Senator's amendment means that a record or a roll can not be used any place, even though no admission is charged, unless a royalty has been paid on behalf of the operator. That is what his amendment provides. Thus we have two kinds of record, one where a fee has been paid on behalf of the operator and one on which a fee will not be paid on behalf of the operator.

Mr. TRAMMELL. Mr. President, I think this amendment provides a system of double charge, and would result in a great imposition upon people who might use the records and reproduce them on mechanically operated machines. They would be constantly annoyed and held up for the payment of fees that probably had already been paid through the manufacturer. The manufacturer buys the records and he sells the records and that should end it, unless the records are used for a performance where fees were charged. This amendment contemplates that the manufacturer has to pay for that, and, in addition, the operator of the machine has to pay for it unless the manufacturers pay it for him.

Mr. President, who has to pay these fees? Ultimately it is the public, and I think when we are dealing with a copyright law that a little consideration at least should be given to the public interest. I never had occasion to study this bill to any considerable extent until last night, and when I read it I did not find anything in the way of protection to the public, but the idea of favoritism and discrimination in the interest of the author and the manufacturers of these different products was very apparent. The public has to pay the freight. It is proposed to adopt an amendment that authorizes a double fee or a double charge or a double tax on the people, without any maximum limit



as to the charge that can be made. Under the present law there is a maximum limit. If we adopt the amendment the public will have the bill to pay. In other words, the proponents of this proposition, who would inflict this double charge upon the people of the country or the public, are not satisfied with giving the owners protection under the copyright law to the extent of selling their records once and receiving fees for them once, but they desire also to give them an opportunity to double the expense to the public by the payments on the records.

If under the law we extend to the producers protection and a monopoly to the extent of the original sale of the product, why should not the purchasers have a right to sell it and have it used? That is what it is purchased for; that is what the manufacturer purchases it for. He does not purchase it for the purpose of destruction or for the purpose of keeping it in his house or in his place of business. He purchases it to sell; but though he does that, he has no right to sell for use in connection with mechanically operated machines even where a fee is not charged.

I want to deal encouragingly and beneficently with the producers, but, on the other hand, I want to give a little protection to the man who pays the fiddler—and that is the public. I see no reason for building up a double fee against him, as this amendment contemplates.

CLASSIFICATION OF CERTAIN OFFICIAL MAIL MATTER

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

L. C. PHIPPS,
GEO. H. MOSES,
KENNETH MCKELLAR,
Managers on the part of the Senate.

A. D. SANDERS,
CLYDE KELLY,
JAMES M. MEAD,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

FIVE CIVILIZED TRIBES

Mr. FRAZIER. Mr. President, there is on the calendar an Indian bill which the department is very anxious to have passed. Objection has been made to it for several days. The objections have been overcome by an amendment which I desire to offer.

I ask unanimous consent that Order of Business 1734, Senate bill 6169, which extends for 25 years the time of restriction of the Five Civilized Tribes of Oklahoma, be taken up at this time.

The PRESIDENT pro tempore. Is there objection?

Mr. BLAINE. Mr. President, a few moments ago I suggested that I would not consent to unanimous-consent agreements. However, so little has been done for the Indian, and so much has been done to him, that if this bill proposes to do something for him I can overcome my feelings with respect to other matters.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, which was read, as follows:

Be it enacted, etc., That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That restricted and tax-exempt lands belonging to members of the Five Civilized Tribes, acquired by inheritance or otherwise by persons of one-half or more Indian blood, including heirs born since March 4, 1906, shall after April 26, 1931, remain restricted and tax-exempt until April 26, 1956, unless the restrictions are removed in the meantime in the manner prescribed by existing law.

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any manner in which said restricted Indians may have an interest and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

Mr. FRAZIER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, beginning with the word "*Provided*," in line 2, strike out down to and including line 9, and insert:

Provided, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall after April 26, 1931, remain restricted and tax-exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land, held by any one, acquired as herein provided, shall not exceed 160 acres: *And provided further*, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired, shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928 (45 Stat., 495).

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Dakota.

Mr. THOMAS of Oklahoma. Mr. President, I offer an amendment to the amendment just suggested by the chairman of the committee, to come at the end of his amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. The Senator from Oklahoma offers the following amendment:

And provided further, That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized and empowered to approve trust agreements relating to restricted funds or other restricted property; and in the event any such trust agreement is annulled, canceled, set aside, or held to be void, the principal, together with all interest due, shall revert to the control and supervision of the Secretary of the Interior.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma to the amendment proposed by the Senator from North Dakota.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATTENDANCE OF SENATORS

Mr. WATSON. Mr. President, as we all know, we are approaching the end of the session; and, as usual on such occasions, many Members of the Senate are anxious to get away. Several Members have been to me to ask whether or not it is necessary that they remain until the session actually closes.

I am making this statement now for the purpose of urging all Senators to remain here until the 4th of March at 12 o'clock, when an adjournment shall be had. The appropriation bills that might necessarily force an extra session have been passed. All of us hope for the passage of the deficiency bill; but the Senator from Washington [Mr. JONES], the chairman of the Appropriations Committee, in-

forms me that it will not be possible for him to submit the conference report on that bill until Monday morning. Of course, we want it passed if there be any way of passing it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. WATSON. I do.

Mr. BORAH. Is the Senator in a position to advise the Senate as to the possibilities or probabilities of an extra session of the Senate?

Mr. WATSON. Mr. President, I have had several conversations with the President about that, covering many weeks. I am assured that if the appropriation bills are passed, and no necessity appears of Congress meeting again in extra session, there will be no special session of the Senate. This has been said several times.

Mr. BORAH. Do I understand that the Senator is stating that by authority?

Mr. WATSON. On one occasion the President said—I do not like to repeat conversations with the President, but this is a public matter——

Mr. BORAH. I do not particularly care to have the Senator repeat what the President said; but when the Senator says there will be no special session of the Senate, I should like to know whether or not he speaks by the authority of the President.

Mr. WATSON. I speak with such assurance from the only source that could call a special session of the Senate that I am entirely satisfied there will be none.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee in lieu of the amendment as printed in the bill.

The amendment to the amendment was rejected.

The amendment of the committee, as amended, was agreed to.

Mr. BORAH. Mr. President, I am about to move for an executive session unless there is some reason why I should not do so.

Mr. HEBERT. Mr. President, will the Senator permit me to interrupt him?

Mr. BORAH. I yield.

Mr. HEBERT. I had hoped that we might proceed with the consideration of the bill now before the Senate. I find that many Senators are anxious to secure a recess; and I wish to be reassured whether the motion which the Senator from Idaho proposes will displace the bill that is now before us.

Mr. BORAH. No.

The PRESIDENT pro tempore. Oh, not at all.

THE CALENDAR

Mr. VANDENBERG. Mr. President, will the Senator yield to me for an inquiry?

Mr. BORAH. Yes.

Mr. VANDENBERG. I should like to ask the Senator from Oregon [Mr. McNARY] when, in his judgment, we are going to have an opportunity to take up the calendar?

Mr. McNARY. Mr. President, I express the hope that that may be done Monday evening.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States transmitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, which messages were referred to the appropriate committees.

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. WALSH of Montana, from the Committee on the Judiciary, reported favorably the nomination of Luther B. Way, of Virginia, to be United States district judge, eastern district of Virginia, to succeed D. Lawrence Groner, appointed an associate justice of the Court of Appeals, District of Columbia, which was placed on the Executive Calendar.

Mr. JOHNSON, from the Committee on Commerce, reported favorably the following nominations in the Coast and Geodetic Survey, which were placed on the executive calendar:

Aid, with relative rank of ensign in the Navy:

Ernst Erbert Stohsner, of California, vice John Laskowski, promoted.

Chester Joseph Beyma, of Wisconsin, vice Ross A. Gilmore, promoted.

TREATIES

The Senate, as in Committee of the Whole, proceeded to consider Executive II (70th Cong., 2d sess.), being a convention relating to the organization of the Pan American Union adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928, which was read, as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the English text of a convention relating to the organization of the Pan American Union, adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928.

I invite the attention of the Senate to the accompanying report of the Secretary of State, in which the new features of this convention are recited.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 13, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified English text of the convention relating to the organization of the Pan American Union adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928.

This convention was not signed as a separate instrument, but was included in the final act of the conference which was signed on the part of all the governments represented at the conference. A certified copy of this final act in the Spanish language, furnished by the Government of Cuba, is submitted herewith.

This project regulates in conventional form the organization and functions of the Pan American Union. It entrusts to that union no function of a political character. In fact, the convention specifically states in article 6 that both the governing board and the Pan American Union shall discharge the duties assigned by the convention, subject to the condition that they shall not exercise functions of a political character. The convention, however, provides a new departure from the procedure heretofore observed regarding treaty formalities, in that it makes the union the depositary of the ratifications of the treaties, conventions, and other acts signed at an international conference of American states, and entrusts the union with the duty of notifying signatory states of the deposit of ratifications. The union would thus be given a diplomatic status to the extent that it is made the medium of communications between governments in so far as concerns ratifications of Pan American conventions. No objection to this is perceived.

Other new features of the convention are:

1. Heretofore the governing board of the union in whom the government of the union was vested, consisted of the diplomatic agents of the American Republics accredited to the United States, with the Secretary of State of the United States chairman ex officio. Article 3 of the convention vests the government of the union "in a governing board composed of the representatives that the American governments may appoint" and provides that the board shall elect its chairman and vice chairman annually. By this article a government's representation on the board is not restricted to its diplomatic representative at Washington, but that government may appoint whom it pleases, and the chairmanship of the board becomes an elective office, the Secretary of State of the United States being no longer ex officio chairman of the board.

It appears from the report of the American delegation to the conference that in the general discussions that preceded the detailed consideration of the articles of the convention, the delegation of the United States declared that any plan of organization that might be agreeable to the delegations of the other Republics would be entirely acceptable to the Government of the United States; that this Government had no desire that it should be given special privileges in the organization of the Union, that the Secretary of State did not wish for any position of prominence on the governing board; and that his only desire was to be considered a colleague and coworker of the other members of the board in advancing the purposes for which the institution was established.

2. That the governing board shall "fix the status of the members of the staff, determining their salaries and conditions of retirement" (article 10); and

3. That "the contracting States may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year." (Article 12.)

All the provisions mentioned above are likewise contained in a resolution (a copy of which is attached hereto) adopted by the conference, which provides that they shall remain in force pending the approval of the convention by all the Republics of the American Continent. This resolution therefore put into immediate effect the changes in the method of appointing members of the governing board, the declaration that neither the governing board nor the Pan American Union shall exercise functions of a political character, the provision relating to the determination of the conditions of retirement of the members of the staff, and the provision that the States members of the Union may withdraw from the organization at any time, but they shall pay their respective quotas for the period of the current year.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 12, 1929.

CONVENTION

[Pan American Union]

Their Excellencies the Presidents of the Republic of Perú, Uruguay, Panamá, Ecuador, Mexico, Salvador, Guatemala, Nicaragua, Bolivia, Venezuela, Colombia, Honduras, Costa Rica, Chile, Brazil, Argentina, Paraguay, Haiti, Dominican Republic, the United States of America, and Cuba, through their respective plenipotentiary delegates, have agreed upon the following convention, which shall be signed in the manner provided for in the final article:

The American Republics, whose moral union rests on the juridical equality of the republics of the continent and on the mutual respect of the rights inherent in their complete independence, desirous of promoting efficaciously the increasing conciliation of their economic interests and coordination of their social and intellectual activities, and recognizing that relations between peoples are regulated by law as well as by their legitimate individual and collective interests;

Agree to continue their joint action of cooperation and solidarity by means of periodic meetings of the International Conferences of American States, as well as by means of organs established by virtue of international agreements, and through the Pan American Union which has its seat in Washington and whose organization and functions shall be regulated by the present convention, in the following terms:

ARTICLE 1. ORGANS OF THE UNION OF THE AMERICAN STATES

The Union of the American States strives for the fulfillment of its object through the following organs:

(a) The International Conference of American States;

(b) The Pan American Union under the direction of a Governing Board with its seat in the city of Washington;

(c) Every organ that may be established by virtue of conventions between the American states.

Each state enjoys, as of right, representation at the conferences and on the Governing Board.

ARTICLE 2. THE INTERNATIONAL CONFERENCES OF AMERICAN STATES

The conferences shall meet at periodic intervals. The Governing Board of the Pan American Union shall determine the date on which they shall meet, provided that in no case shall a longer period than five years elapse between conferences, except in case of force majeure.

ARTICLE 3. GOVERNING BOARD

The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries in Washington.

Besides his own country, a member of the Governing Board may serve as special representative of one or more countries, in which case such representative shall have as many votes as countries represented.

The Board shall elect its Chairman and Vice Chairman annually.

ARTICLE 4. EXECUTIVE OFFICERS

The Governing Board shall appoint the following officers:

A Director General, who shall have charge of the administration of the Pan American Union, with power to promote its most ample development in accordance with the terms of this convention, the regulations and the resolutions of the Board, to which body he shall be responsible.

The Director General shall attend, in an advisory capacity, the meetings of the Governing Board, of the committees appointed by the Board, and of the International Conferences of American States for the purpose of giving such information as may be required. The necessary expenses shall be paid out of the funds of the Pan American Union.

An Assistant Director, who shall act as secretary of the Governing Board.

The Director General shall prepare the internal regulations by which the various divisions of the Pan American Union shall be governed, in accordance with the provisions of the present convention, and shall submit them to the Governing Board for approval.

The Director General shall present to the Governing Board annually, at the regular session of the Board in November, a detailed budget for the ensuing fiscal year.

The Director General shall submit to the consideration of each conference of the American Republics a detailed report on the work carried out by the Pan American Union during the period preceding the meeting of the conference.

The Director General shall appoint, with the approval of the Governing Board, the personnel necessary to the work of the Pan American Union, endeavoring as far as possible to distribute the positions among nationals of the countries members of the Union.

ARTICLE 5. MAINTENANCE OF THE PAN AMERICAN UNION

The Governing Board of the Pan American Union shall determine the quota which is to be paid by each of the governments members of the Union for the maintenance of the Pan American Union. But increases in the budget of the Pan American Union exceeding by more than twenty-five per cent the budget of the preceding year shall be approved by the unanimous vote of the Government Board, the representatives being given time to consult their respective governments. The quota shall be determined on the basis of the latest official statistics of population in possession of the

Pan American Union on the first day of July of each year. The budget shall be communicated to the governments members of the Union before the first day of the ensuing calendar year, with an indication of the quota which each country shall pay, such payments to be made before the first of July of that year.

The Governing Board shall elect from among its members a committee charged with examining, on the dates determined by the Board, the accounts of the expenditures of the Union, in conformity with the provisions established by the regulations and the opinion of three experts to be appointed for the purpose.

ARTICLE 6. FUNCTIONS OF THE PAN AMERICAN UNION

Both the Governing Board and the Pan American Union shall discharge the duties assigned by this convention subject to the condition that they shall not exercise functions of a political character.

The functions of the Pan American Union are:

1. To compile and distribute information and reports concerning the commercial, industrial, agricultural, social, and educational development as well as the general progress of the American Republics.

2. To compile and classify information referring to the conventions and treaties concluded among the American Republics and between these and other states, as well as to the legislation of the former.

3. To assist in the development of commercial, industrial, agricultural, social, and cultural relations, the study of the problems of labor and the furtherance of a more intimate mutual acquaintance between the American Republics.

4. To act as a Permanent Commission of the International Conferences of American States; to keep their records and archives; to assist in obtaining ratification of the treaties and conventions; to carry out and facilitate the execution of the resolutions adopted by the International Conferences of American States, within the limits of its powers; and to prepare in agreement with the governments the program of the International Conferences of American States, and submit to the conferences a project of regulations.

5. To perform such other functions entrusted to it by the Conference or by the Governing Board, by virtue of the powers conferred upon it by this convention. Whenever a state believes that its vital interests are involved in a question, or that an obligation may thereby be imposed upon it, such state may require that the resolution of the Board be adopted by unanimous vote.

6. The Governing Board may promote the meeting of international conferences of experts to study problems of a technical character of common interest to the countries members of the Union, and to this end may request the governments to appoint experts to represent them at these conferences, which shall meet at the place and time determined by the Board.

To carry out the purposes for which the institution is organized the Governing Board shall provide for the establishment of such administrative divisions or sections within the Pan American Union as it may deem necessary.

ARTICLE 7. DEPOSIT AND EXCHANGE OF RATIFICATIONS

The instruments of ratification of the treaties, conventions, protocols, and other diplomatic documents signed at the International Conferences of American States shall be deposited at the Pan American Union by the respective representative on the Governing Board, acting in the name of his government, without need of special credentials for the deposit of the ratification. A record of the deposit of the ratification shall be made in a document signed by the representative on the Board of the ratifying country, by the Director General of the Pan American Union, and by the Secretary of the Governing Board.

The Pan American Union shall communicate to all the states members of the Union, through their representatives on the Board, the deposit of the ratification.

ARTICLE 8. COMMUNICATION OF OFFICIAL DOCUMENTS TO THE PAN AMERICAN UNION

The governments of the countries members of the Union shall transmit to the Pan American Union two copies of the official documents and publications which relate to the purposes of the Union, as far as the internal legislation of the respective countries may permit.

ARTICLE 9. COOPERATION BETWEEN OFFICIAL PAN AMERICAN ORGANIZATIONS

For the purpose of coordinating the results of the work of other official Pan American organizations, and of establishing relations of close cooperation between them, the program of work and the development of their activities shall, as far as possible, be the subject of agreement between their directive bodies and the Governing Board of the Pan American Union.

The governments members of the Union which may not have an efficient organ for the study and investigation of Pan American affairs, shall establish a committee composed of persons of experience in such matters, or an office attached to the ministry of foreign affairs entrusted with Pan American affairs.

These committees or offices shall have the following duties:

(a) To cooperate with their respective governments to obtain ratification of treaties and conventions, and to the carrying out of the agreements adopted by the International Conferences of American States;

(b) To furnish the Pan American Union promptly with the information it may need in the preparation of its work;

(c) To present to the Union through the proper channels such projects as they may consider useful to the purposes of the Union.

ARTICLE 10

The Governing Board of the Pan American Union shall prepare the regulations and fix the status of the members of the staff, determining their salaries and conditions of retirements.

ARTICLE 11

All correspondence and matter transmitted through the mails to the Pan American Union, which bears the frank used by the Union, and all correspondence or matter transmitted by the Pan American Union, shall be carried free of charge by the mails of the American Republics.

ARTICLE 12

The contracting states may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

ARTICLE 13

This convention can not be modified except in the same manner in which is was adopted.

ARTICLE 14

The present convention shall be ratified by the signatory states, and is open to the signature and ratification of the states represented at the Conference that may not have been able to sign.

The President of the Conference, through the Government of the Republic of Cuba, shall send to the governments represented at the Conference an authenticated copy of the present project of convention in order that, if the governments approve, it may receive their adhesion. For this purpose, the governments that adhere to the convention shall authorize their respective diplomatic or special representatives in the city of Habana to sign the convention. All the states having signed, the convention shall be submitted by each government for ratification.

The present convention shall become effective when all the states represented at the Conference receive notice that all the ratifications have been deposited with the Pan American Union, and that the adhesions and ratifications of the twenty-one American Republics have been received.

In witness whereof, the delegates sign and affix their seals to the present convention.

Perú: Jesús M. Salazar, Víctor M. Maúrtua, Luis Ernesto Denegri, E. Castro Oyanguren.

Uruguay: Varela, Pedro Erasmo Callorda.

Panamá: R. J. Alfaro, Eduardo Chiari.

Ecuador: Gonzalo Zaldumbide, Victor Zevallos, C. F. Alfaro.

Mexico: Julio García, Fernando González Roa, Salvador Urbina, Aquiles Elorduy.

Salvador: J. Gustavo Guerrero, Héctor David Castro, Ed. Alvarez.

Guatemala: Carlos Salazar, B. Alvarado, Luis Beltranena, J. Azurdia.

Nicaragua: Carlos Cuadra Pazos, Máximo H. Zepeda, Joaquín Gómez.

Bolivia: José Antezana, A. Costa du R.

Venezuela: Santiago Key Ayala, Francisco G. Yanes, Rafael Angel Arraiz.

Colombia: Enrique Olaya Herrera, R. Gutiérrez Lee, J. M. Yepes.

Honduras: F. Dávila, Mariana Vázquez.

Costa Rica: Ricardo Castro Beeche, J. Rafael Oreamuno, A. Tinoco Jiménez.

Chile: Alejandro Lira, Alejandro Alvarez, C. Silva Vildósola, Manuel Bianchi.

Brazil: Raúl Fernandes, Lindolfo Collor.

DECLARATION OF THE DELEGATION OF ARGENTINA

The Argentine delegation declares, pursuant to express instructions of its Government, that it approves and will sign the project of convention; but that it now wishes to formulate the reservation that it regrets that the economic principles which it upheld in the committee have not been included in this convention.

Argentina: Laurentino Olascoaga, Felipe A. Espil, Carlos Alberto Alcorta.

Paraguay: Lisandro Díaz León, Juan Vicente Ramírez.

Haiti: Fernando Dennis.

Dominican Republic: Fraco. J. Peynado, Tulio M. Cestero, Jacinto R. de Castro, Elías Brache, R. Pérez Alfonseca.

United States of America: Charles Evans Hughes, Noble Brandon Judah, Henry P. Fletcher, Oscar W. Underwood, Morgan J. O'Brien, James Brown Scott, Ray Lyman Wilbur, Leo S. Rowe.

Cuba: Antonio S. de Bustamante, Orestes Ferrara, E. Hernández Cartaya, Arístides de Agüero Bethencourt, M. Márquez Sterling, Néstor Carbonell.

Certified to be the English text of the convention on Pan American Union as contained in the final act signed at the closing session of the Sixth International Conference of American States.

FRANK B. KELLOGG,
Secretary of State of the United States of America.

RESOLUTION

[Pan American Union]

The Sixth International Conference of American States, *Resolves:*

That the Pan American Union continue to be governed by the resolutions in force, until the states members of the Union resolve otherwise, with the following modifications:

1. The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American Governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries at Washington.

2. The Director General shall appoint, with the approval of the Governing Board, the personnel necessary to the work of the Pan American Union, endeavoring as far as possible to distribute the positions among the nationals of the countries members of the Union.

3. Neither the Governing Board nor the Pan American Union shall exercise functions of a political character.

4. The Governing Board of the Pan American Union shall prepare the regulations and fix the status of the members of the staff, determining their salaries and conditions of retirement.

5. The States members of the Union may withdraw from the Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

Mr. BORAH. Mr. President, the effect of this treaty is to put in permanent form the organization of the Pan American Union. It seeks to accomplish what we have heretofore accomplished by resolutions passed at different times. I only desire to call attention to one paragraph in the treaty, which says:

Both the governing board and the Pan American Union shall discharge the duties assigned by this convention, subject to the condition that they shall not exercise functions of a political character.

In other words, it creates the Pan American Union purely as a ministerial organization.

Mr. FLETCHER. Mr. President, are all the Central and South American countries members of the Pan American Union?

Mr. BORAH. Practically so. I have the names of the countries here, if the Senator wishes to have them.

Mr. FLETCHER. That is not necessary. The Senator might put them in the RECORD.

Mr. BORAH. The treaty will go in the RECORD, and it shows what they are.

Mr. FLETCHER. Very well.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDENT pro tempore. The question is on the resolution of ratification, which will be read.

The Chief Clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive II, Seventieth Congress, second session, a convention relating to the organization of the Pan American Union adopted at the sixth international conference of American States which assembled at Habana, Cuba, from January 16 to February 20, 1928.

The PRESIDENT pro tempore. The question is, Shall the Senate advise and consent to the ratification of the treaty? [Putting the question.] Two-thirds of all the Senators present having voted in the affirmative, the Senate advises and consents to the ratification of the treaty, and the injunction of secrecy is removed.

Mr. BORAH. Mr. President, the next number on the Executive Calendar relates to the subject matter which we are dealing with here by legislation. I ask that it go over until that matter is disposed of.

The PRESIDENT pro tempore. The next treaty will be passed over.

POSTMASTERS

Mr. PHIPPS. Mr. President, I ask that Calendar No. 2094, Camden, Tenn., and Calendar No. 2435, Allendale, S. C., go over without prejudice.

The PRESIDENT pro tempore. Without objection, that order will be made.

WISCONSIN

The Chief Clerk read the nomination of Bernard A. McBride to be postmaster at Adams, Wis.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Laurits S. Swenson, of Minnesota, to be envoy extraordinary and minister plenipotentiary to the Netherlands.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of George C. Hanson to be consul general.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read the nomination of Louie W. Strum to be United States district judge, southern district of Florida (additional position).

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. FLETCHER. Mr. President, this judge is very much needed, and has been for some months. He is approved by both Senators from Florida, and was unanimously approved by the subcommittee of the Committee on the Judiciary and

by the full Committee on the Judiciary. There is no opposition on record. I ask unanimous consent to waive the rule about two subsequent executive sessions, and that the President be notified with regard to this action.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida that the President be notified of the action taken in the confirmation of Judge Strum? The Chair hears none, and the President will be notified.

The Chief Clerk read the nomination of Jose Abad Santos, of the Philippine Islands, to be associate justice, Supreme Court of the Philippine Islands.

Mr. BINGHAM. I ask that this nomination and the next two may go over.

The PRESIDENT pro tempore. Without objection, the nominations will go over without prejudice.

Mr. KING. Mr. President, I hope that at the next executive session of the Senate these nominations will be taken up.

The Chief Clerk read the nomination of William N. Cromie to be United States marshal, northern district of New York, vice Clarence W. Weaver.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

CUSTOMS SERVICE

The Chief Clerk read the nomination of Robert E. Lee Pryor to be appraiser of merchandise, customs collection district No. 18, Tampa, Fla.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

Mr. PHIPPS. I ask that the nominations of the remaining postmasters be confirmed en bloc.

Mr. BLACK. I object, Mr. President.

Mr. PHIPPS. Was objection made to any one of those included in the list?

Mr. BLACK. Yes; I object. I have had one on file with the committee for some time. I did not know that the nomination had been reported here.

Mr. PHIPPS. If it refers to the nomination in Alabama that might go over without prejudice, but it should not disturb the others.

Mr. BLACK. I have no objection to the others.

Mr. HEFLIN. Mr. President, I should like to have a vote on the postmaster in Alabama. He was appointed about a month ago, and the matter was held up by my colleague. I have had quite a number of telegrams from the people down there wanting to know why he was not confirmed. He is eligible. He is assistant postmaster now. I should like to have a vote by the Senate. I do not think the nomination ought to be held up until my term expires. I want the Senate to decide what it will do about the matter.

Mr. PHIPPS. Mr. President, I merely report for the committee that the customary rule of the committee was observed. The nomination was held for a length of time at the request of the junior Senator from Alabama; and then the junior Senator from Alabama was notified by letter that, unless charges were filed within a period of time, the nomination would be reported favorably by the committee. Not hearing from the Senator from Alabama, that action was taken. The name was reported favorably by the committee.

Mr. BLACK. I object.

Mr. HEFLIN. Mr. President, I move the confirmation of Mr. Day to be postmaster at Decatur, Ala.

The PRESIDENT pro tempore. The pending question, anyway, is, Does the Senate advise and consent to this nomination?

Mr. BLACK. Mr. President, the nomination, I think, will not be voted on this afternoon. I may state to the Senate that, if this goes over until next week, I may agree to withdraw my objection. I knew only a few moments ago that it had been reported. I had stated to the committee that I had an objection to it. Objections have come to me about this gentleman. In the letter I received there was no statement made as to when the committee would meet. I ask that the nomination may go over until next week.

Mr. PHIPPS. The period of time in which charges might be filed was stated in the letter, and no charges have been filed. Would the Senator be willing to have this name passed upon at the next executive session, which probably will be on Monday?

Mr. BLACK. Mr. President, I may state to the Senator that unless I receive information of a definite nature I do not expect to prevent the confirmation before the 4th of March, but I am not ready at present to take up the matter. I did not know the name was on the calendar. I did not know it had been reported—had no idea that it had been reported.

Mr. PHIPPS. The only notice we could give the Senator was certainly given.

Mr. BLACK. May I ask the Senator when the committee met and acted on this nomination?

Mr. PHIPPS. There was no hearing on it. Simply the rule of the committee was followed in placing the nomination on the calendar when no charges had been filed against the nominee. May I ask the senior Senator from Alabama if he would be willing to allow the nomination to go over without prejudice?

Mr. HEFLIN. If my colleague will agree that we may dispose of it at the next executive session, I shall not insist on it.

Mr. BLACK. I do not make any agreement that I will be willing to dispose of it then. I do not know whether I shall be or not. I state this to the Senator from Colorado: That when the secretary of the committee talked to me about the matter I stated that when it came up before the committee I wanted to present the facts in connection with the appointment. It is an appointment where a man who had been postmaster 16 years has been displaced for no reason on earth, except, as stated to me, because he was a Democrat. No other reason is given. I have asked if there were any other reasons. I can get no other idea as to why this man who has served 16 years should be displaced except that. I desire to present the facts to the committee.

Mr. HEFLIN. Mr. President, may I just say that this man my colleague speaks of has been twice appointed to this position by Republican Presidents, and he was known by people down there to have been a Republican, or in sympathy, and so forth, when he got those appointments under a Republican President. Mr. Day was the postmaster, a Republican, at Albany. They abolished that office and created a suboffice, and he is assistant postmaster there. He has now been appointed to the position Mr. Crawford held in Decatur. My colleague objects, as he has talked to me about it, because they did not have a civil-service examination. A civil-service examination was not necessary for a man who is already in the service, and this man is a man of good character, a very competent man. I take no interest personally between them, but the patrons have wired me and wanted to know why he has not been confirmed. My colleague had the matter held up here for weeks, and I asked the chairman of the committee to appoint a subcommittee to give my colleague a chance to file any complaint he had, and be heard. He notified him of the subcommittee, and that this action would be taken. He says he has written him a letter, but no complaint has been filed, so far as I know. Now, we are right on the eve of adjournment, and it has even been suggested to me down there that the matter would be held up until my term expired, and that Mr. Day would not be confirmed. I want to be fair to all the people in my State while I represent the State, and I think it is nothing but fair that this man's claims shall be passed upon. I am willing to let it go over until Monday. My colleague says he does not know whether he is or not. I think the Senate ought to pass upon the matter, and let us have a vote on it.

Mr. BLEASE. Mr. President, I want to say to the junior Senator from Alabama that the rule followed by the chairman of the committee in this instance is the rule under which we have been working. I also have an appointment on this calendar which was handled by the chairman of the committee in the same way, and it is justified under the rules under which the committee operates.

Mr. BLACK. Mr. President, I do not want to go into this matter now unless the Senate desires to stay here and discuss the disposition of the postmastership question to-night. I can very frankly state that having reported, as I have stated, to the secretary of the committee that I wished to be heard by the committee, not having been notified of the time, it will not be voted on within the next few hours.

Mr. HEFLIN. Mr. President, I shall move and insist at the next executive session on a vote upon this nomination.

The PRESIDENT pro tempore. For the time being, the nomination is passed over without prejudice.

Mr. BLACK. Mr. President, I desire to state, as I stated in the beginning, that I do not know that I shall have any objection. I stated on the Senate floor a few moments ago that I had notified those who had objected that it would be necessary for them to give me their objections in such form that they could be presented to the committee, and I do not know that I shall object when the matter comes up again. But I do want it to go over this afternoon.

The PRESIDENT pro tempore. The nomination goes over without prejudice.

Mr. PHIPPS. Mr. President, I ask that the remaining postal nominations on the calendar be approved en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered. That completes the calendar.

CUSTOMS SERVICE

Mr. DENEEN. Mr. President, I report favorably from the Committee on Finance the nomination of Anthony Czarnecki, of Chicago, Ill., to be collector of customs for customs collection district No. 39.

I ask unanimous consent for immediate action on this nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and without objection, the nomination is confirmed.

The Senate resumed legislative business.

ENGROSSMENT AND ENROLLING OF BILLS AND JOINT RESOLUTION

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, to which he invites the attention of the Senator from Oregon. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 53) as follows:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress, approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

Mr. McNARY. I move that the Senate concur in the resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oregon to concur in the resolution.

The resolution was concurred in.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4030) to provide books for the adult blind.

The message also announced that the House had passed a bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

MINNESOTA RIVER BRIDGE

Mr. SHIPSTEAD (for Mr. DALE) from the Committee on Commerce, to which was referred the bill (S. 6260) granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River, reported it with amendments and submitted a report (No. 1827) thereon.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, Northfield & Southern Railway, a corporation organized under the laws of the State of South Dakota, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Minnesota River, at a point suitable to the interests of navigation, near the intersection of the Minnesota River and the north and south center line of section 8, township 115 north, range 21 west, fifth principal meridian, counties of Hennepin and Scott, State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Minneapolis, Northfield & Southern Railway, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments of the committee were to strike out, after the enacting clause, "That the consent of Congress

is hereby granted" and insert "That the act approved January 21, 1927, granting the consent of Congress"; and on page 2, line 2, to strike out all after the name "Minnesota" down to section 3, and to insert "be and the same is hereby revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years of the date of approval hereof."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River,' approved January 21, 1927."

AMENDMENT OF PUBLIC ACT NO. 624, SEVENTY-FIRST CONGRESS

Mr. NYE. Mr. President, I report favorably from the Committee on Commerce the bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress, and I ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. REED. Let it be reported.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of Public Act No. 624, Seventy-first Congress, is amended by adding before the period at the end thereof a colon and the following proviso: "*Provided*, That no such city or county shall exercise any rights or powers herein granted unless and until a majority of the electors of such city or county, voting at a general election, shall have expressed their approval of the exercise of such rights or powers, or if a special election is held therefor, unless and until 60 per cent of the electors voting at such election shall have expressed their approval of the exercise of such rights and powers."

Mr. BINGHAM. Mr. President, that is a very interesting bill——

Mr. McNARY. I think it is too important a measure for hasty action, with so few Senators in the Chamber, and I suggest that it go over until a regular call of the calendar.

The PRESIDENT pro tempore. The bill will go to the calendar, under the rule.

INVESTIGATION INTO WOOL, MOHAIR, AND GRAIN

Mr. WALSH of Massachusetts. Mr. President, I present two telegrams and ask that they be printed in the RECORD. They are in the nature of petitions.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *February 24, 1931.*

Hon. DAVID I. WALSH,
Washington, D. C.:

Answering letter 21st, it is very important that the McKellar resolution, including an investigation of wool and mohair, be passed at this session and that the committee investigate during recess. It means, in our opinion, the savings of millions of dollars of the taxpayers' money, and we believe it means the ultimate good to the farmers. If this resolution is postponed to next session it means the entire domestic clip of wool and mohair of 1931 will have moved out of hands of producers. Please use your utmost and valuable efforts to get the resolution through at this session. Please telegraph answer. Would a committee representing our association be of any assistance to you at this time.

BOSTON WOOL TRADE ASSOCIATION,
W. S. FEBIGER, *President.*

BOSTON, MASS., *February 27, 1931.*

Hon. DAVID I. WALSH,
Senate Office Building:

Many Boston dealers in wool, mohair, grain, and grain products respectfully urge passage of McKellar resolution with amendment providing for recess investigation of Farm Board dealings in above-named products.

HENRY I. HARRIMAN,
President Boston Chamber of Commerce.

IMPORTATIONS OF OIL

Mr. CAPPER. Mr. President, I ask unanimous consent to have a number of telegrams from Kansas printed in the RECORD. They tell of critical conditions which exist with reference to the oil industry in that State. Thousands of wells are now shut down. I have appeals here from Wichita, Hutchinson, Winfield, Dodge City, and many other cities, and very many of the business organizations, and a very strong appeal from the Wichita Rotary Club, asking for relief at this session of Congress.

I have for nearly a month been trying to get a bill reported favorably by the Committee on Commerce, without result. I want to give notice now that I shall make an effort before adjournment to get consideration of the bill, which we believe out in our part of the country means justice for an industry which is in a most distressing condition.

The PRESIDENT pro tempore. Without objection, the telegrams will be inserted in the RECORD.

The telegrams are as follows:

HUTCHINSON, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER:

In my opinion, the Capper and Garber embargo oil bills are very important to Kansas and the Southwest. Earnestly hope that every effort possible will be used for relief to the oil situation. This legislation will be a great benefit to the oil industry of the mid-continent field, also to most of the farmers of Kansas.

GEO. E. GANO.

WINFIELD, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Unless Capper-Garber bill is passed the independent producer will be bankrupt and the merchants in Winfield and the farming community will suffer greatly.

PAUL TREES.

WINFIELD, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Unless Capper-Garber bill is passed the independent producer will be bankrupt and the merchants in Winfield and the farming community will suffer greatly.

ARTHUR BREWER.

WICHITA, KANS., *February 25, 1931.*

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.:

As president of the Wichita Rotary Club, I beseech you in the name of Rotary throughout Kansas and Oklahoma to do all in your power to help the oil industry in these States in this critical hour. We all feel there is no good reason why Congress should not give us their assistance in these hours of peril. If there is anything Rotary can do to assist you in relieving this condition, please advise me.

Most cordially yours,

HARRY A. DOCKUM,
President Wichita Rotary Club.

WICHITA, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

We are all watching the fight you are making against oil imports and hoping for your success in order that we may continue in the oil business. Kansas was never in need of protection as much as to-day with the oil business and agriculture completely demoralized. If the Republican Party believes in protection now is the time to show it. Independent oil producers are in desperate situation. As a holder of leases covering 100,000 acres in Kansas and a well capable of making four to ten thousand barrels in Rice County shut in since August of last year, and with the fear of being eliminated entirely, I am fighting for my future. We need protection against monopolies that are tearing down the commercial fiber of this country. Success to you.

J. H. TATLOCK.

DODGE CITY, KANS., *February 25, 1931.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

I have been active worker in Republican Party for 40 years, as my father was before me. The Republican Party seems to have gone hog wild on tariff questions, especially oil questions. If relief is not given oil producers during this session of Congress, I'll vote and work for Democrats this coming fall and two years from now, and thousands of others in your district feel as I do.

DR. W. C. TEMPLETON.

ADDITIONAL ENROLLED BILL PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 28, 1931, that committee presented to the President of the United States the enrolled bill (S. 6106) to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park.

RECESS

Mr. McNARY. Mr. President, in accordance with the unanimous-consent agreement, I move that the Senate take a recess until Monday at 11 o'clock.

The motion was agreed to; and the Senate (at 6 o'clock p. m.), in accordance with the order previously entered, took a recess until Monday, March 2, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 28 (legislative day of February 17), 1931

UNITED STATES MARSHAL

George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana, to succeed William M. Palmer, whose term expired December 22, 1930.

ASSAYER IN CHARGE

Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28 (legislative day of February 17), 1931

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Laurits S. Swenson to be envoy extraordinary and minister plenipotentiary to the Netherlands.

CONSUL GENERAL

George C. Hanson to be consul general.

UNITED STATES DISTRICT JUDGE

Louie W. Strum to be United States district judge, southern district of Florida.

JUDGE OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA

John P. McMahon to be a judge of the police court of the District of Columbia.

UNITED STATES MARSHAL

William N. Cromie to be United States marshal, northern district of New York.

COLLECTOR OF CUSTOMS

Anthony Czarnecki to be collector of customs for customs collection district No. 39.

APPRAISER OF MERCHANDISE, CUSTOMS

Robert E. Lee Pryor to be appraiser of merchandise, customs collection district No. 18, Tampa, Fla.

POSTMASTERS

GEORGIA

James T. Dampier, Adel.

IOWA

Otto E. Gunderson, Forest City.
Isaac J. Phillips, Hiteman.
Harvey S. Bliss, Kensett.
Merle B. Camerer, Oto.

MINNESOTA

Edward Lende, Appleton.
Harold E. Bowers, Benson.
Edward F. Koehler, Mound.

MISSISSIPPI

William R. Anderson, Baldwyn.
Myrtle Starnes, Brookville.

NEW JERSEY

Herman H. Wille, Orange.

NEW MEXICO

Maud W. Lenfestey, Aztec.
Winnie E. Pittman, Cloudcroft.
Emma A. Coleman, Lovington.

NORTH DAKOTA

Walter L. Saunders, Ellendale.
Alexander R. Wright, Oakes.

WISCONSIN

Bernard A. McBride, Adams.

HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 28, 1931

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the judge and the ruler of all men with hearts strong and courageous, we would fling ourselves upon our tasks, yet allow them not to drown the voices of our souls. How precious is life, O Lord! To it belong the music and the language which are divine. Our Father, come to us from every angle; touch us at every point and enter every door of our natures; shape our lives and fill all their human powers, so that we may do our work in a faultless way to the full measure of our high calling. While in this world we shall never find perfect satisfaction, yet with our trust in Thee, unterrified amid the uncertainties of life, may we dauntlessly go on our way. Again we wait another moment with an upward spiritual gaze, and, listening, may we catch some far faint harmony from the unseen above. Let the light that is overhead come, and may its moral might and majesty direct us this day. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

The SPEAKER. The Chair proposes to delay recognition for unanimous-consent requests until later in the day. The Chair desires in the first place to recognize three motions for suspension of the rules. The first, a motion by the gentleman from Michigan [Mr. JAMES], to suspend the rules and pass the bill H. R. 12918.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. JAMES of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, with amendments suggested by the Secretary of War and agreed to unanimously by the House Committee on Military Affairs.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] moves to suspend the rules and pass the bill H. R. 12918, with amendments, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Organized Reserves, the Officers' Reserve Corps, and the Enlisted Reserve Corps."

SEC. 2. That the fourth paragraph of section 5 (b) of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 5. (b) All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the commanding general, District of Columbia National Guard.

"All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff to which shall be added an equal number of officers from the Organized Reserves: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Organized Reserves, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Organized Reserves. There shall be not less than 10 officers on duty in the War Department General Staff, 5 of whom shall be from the National Guard of the United States and 5 from the Organized Reserves. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving: *And provided further*, That the Chief of Staff shall transmit to the Secretary of War the policies and regulations prepared as hereinbefore prescribed in this section and advise him in regard thereto; after action by the Secretary of War thereon, he shall act as his agent in carrying the same into effect."

SEC. 3. That section 37 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers Reserve Corps consisting of general officers and officers assigned to sections corresponding to the various branches of the Regular Army and such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. All persons appointed in time of peace in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate. Appointment in every case in the Officers' Reserve Corps shall be for a period of five years, but an appointment in force at the outbreak of war shall continue in force until six months after its termination: *Provided*, That an officer of the Officers' Reserve Corps shall be entitled to discharge within six months after its termination if he makes application therefor. Any officer of the Officers' Reserve Corps may be discharged at any time, in the discretion of the President. In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States or of the Philippine Islands between the ages of 21 and 64 years. Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who is or has been an officer of the Regular Army at any time may be appointed in the Officers' Reserve Corps in the highest grade which he held or now holds or any lower grade. No other person shall in time of peace be originally appointed in the Officers' Reserve Corps in the Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant. In time of peace original appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to officers and former officers of the Regular Army; officers of the National Guard of the United States; graduates of the Reserve Officers' Training Corps, as provided in section 47 (b) hereof; warrant officers and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps; and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions in all grades of officers who have established or may hereafter establish their qualifications for such promotion and transfer shall be made under such regulations as may be prescribed by the Secretary of War, and shall be based, so far as practicable, upon recommendations made in the established chain of command. So far as practicable, in time of peace officers of the Officers' Reserve Corps shall be assigned to units of the Organized Reserves in the locality of their places of residence. An officer of the Officers' Reserve Corps who accepts appointment in the National Guard of the United States shall upon the termination of his service therewith, if he makes application therefor, be reappointed in the Officers' Reserve Corps in his former grade or such higher grade for which he may be qualified; in determining his qualifications for such higher grade credit shall be given for his service in the National Guard of the United States. General officers transferred from the National Guard of the United States shall not be eligible to assignment to command in the Organized Reserves in time of peace. Nothing in this act shall operate to deprive an officer of his reserve appointment he now holds."

SEC. 4. That section 37a of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37a. Reserve officers on active duty: To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than 15 days in any calendar year without his own consent. A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the pay and allowances provided by law, and the same mileage from his home to his first station and from his last station to his home as an officer of the Regular Army, but shall not be entitled to retirement or retired pay: *Provided*, That officers of the National Guard of the United States ordered to active duty shall be paid out of the whole fund appropriated for the support of the National Guard."

SEC. 5. That section 38 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 38. Officers, National Guard of the United States: All persons appointed, in time of peace, officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

"Officers in the National Guard of the United States shall be appointed for the period during which they are federally recognized in the same grade and branch in the National Guard: *Provided*, That an appointment in force at the outbreak of war shall continue in force until six months after its termination: *And provided further*, That such officer shall be entitled to return to inactive status within six months after its termination if he makes application therefor.

"Transfers between the National Guard of the United States and the Officers' Reserve Corps may be made under such regulations as shall be prescribed by the Secretary of War. Nothing in this act shall operate to deprive a National Guard officer of the appointment he now holds."

SEC. 6. That section 58 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 58. Composition of the National Guard and the National Guard of the United States: The National Guard of each State, Territory, and the District of Columbia shall consist of members of the milita voluntarily enlisted therein, who, upon original enlistment, shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistment shall be not more than 64 years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of 21 and 64 years: *Provided*, That former members of the Regular Army, Navy, and Marine Corps under 64 years of age may enlist in said National Guard.

"The National Guard of the United States is hereby established. It shall be a reserve component of the Army of the United States and shall consist of those federally recognized officers, warrant officers, and enlisted members of the National Guard of the several States, Territories, and the District of Columbia, who shall have been appointed and commissioned, appointed, enlisted and appointed, or enlisted, as the case may be, in the National Guard of the United States, as hereinafter provided, and of such other officers and warrant officers as may be appointed therein as provided in section 111 hereof: *Provided*, That the members of the National Guard of the United States shall not be in the active service of the United States except when ordered thereto in accordance with law, and, in time of peace, they shall be administered, armed, uniformed, equipped, and trained in their status as the National Guard of the several States, Territories, and the District of Columbia, as provided in this act: *And provided further*, That under such regulations as the Secretary of War shall prescribe, noncommissioned officers, first-class privates, and enlisted specialists of the National Guard may be appointed in corresponding grades, ratings, and branches of the National Guard of the United States, without vacating their respective grades and ratings in the National Guard."

SEC. 7. That section 60 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 60. Organization of National Guard units: Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units: *Provided*, That no change in allotment, branch, or arm of units or organizations wholly within a single State will be made without the approval of the governor of the State concerned."

SEC. 8. That section 69 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 69. Enlistments in the National Guard and the National Guard of the United States: Original enlistments in the National Guard and the National Guard of the United States shall be for a period of three years, and subsequent enlistments for periods of one or three years each: *Provided*, That in the event of an emergency declared by Congress the period of any enlistment which otherwise would expire may by presidential proclamation be extended for a period of six months after the termination of the emergency."

SEC. 9. That section 70 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 70. Men enlisted in the National Guard of the several States, Territories, and the District of Columbia, and in the National Guard of the United States, shall sign an enlistment contract and subscribe to the following oath or affirmation:

"I do hereby acknowledge to have voluntarily enlisted this —— day of ————, 19—, as a soldier in the National Guard of the State of ————, and in the National Guard of the United States, for a period of three (one) years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear or affirm that I will bear true faith and allegiance to the United States of American and to the State of ————; that I will serve them honestly and faithfully against all their enemies whomsoever; that I will render military service to the United States of America in obedience to a lawful order of the President in the event of a declaration of war or other national emergency by Congress or a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the call and orders of the President and of the officers by him appointed over me, until such emergency shall have been duly declared to have ceased to exist, or until I shall have been relieved from such service, or shall have been discharged by proper authority; and that I will obey the orders of the Governor of the State of ————, and of the

officers by him appointed over me, at all times when I am not in the active military service of the United States, under the call or order of the President."

SEC. 10. That said act be amended by adding section 71 thereto, as follows:

"SEC. 71. Definitions: In this act, unless the context or subject matter otherwise requires—

"(a) 'National Guard' or 'National Guard of the several States, Territories, and the District of Columbia' means that portion of the Organized Militia of the several States, Territories, and the District of Columbia, federally recognized as provided in this act and organized, armed, and equipped in whole or in part at Federal expense and officered and trained under paragraph 16, section 8, Article I of the Constitution.

"(b) 'National Guard of the United States' means a reserve organization of the Army of the United States composed of those persons duly appointed and commissioned in the National Guard of the several States, Territories, and the District of Columbia, who have taken and subscribed to the oath of office prescribed in section 73 of this act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

"(c) 'Call' means the exercise by the President of his power, under paragraph 15 of section 8, Article I, of the Constitution and the authority of Congress, to require any or all members of the National Guard of the several States and Territories and the District of Columbia in their militia status to render military service to the United States for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion.

"(d) 'Order' means the exercise by the President of his constitutional authority as Commander in Chief of the Army of the United States under the provisions of paragraph 12 of section 8, Article I of the Constitution, in the event of a declaration of war or other national emergency by Congress to put into execution the performance by part or all of the members of the National Guard of the United States of their obligation to render active Federal military service by virtue of the oath and contract of office and enlistment as is provided by this act."

SEC. 11. That section 72 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 72. An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe."

SEC. 12. That section 73 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 73. Oaths of National Guard officers—Appointment in the National Guard of the United States: Commissioned officers and warrant officers of the several States, Territories, and the District of Columbia shall take and subscribe to the following oath of office:

"I, ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the constitution of the State of ——— against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will render military service to the United States in obedience to a lawful order of the President in the event of a declaration of war or emergency declared by Congress or in obedience to a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the orders of the President and of the officers by him appointed over me until I shall have been relieved from such service by orders of the President; that I will obey the orders of the governor of the State of ——— and of the officers by him appointed over me at all times when I am not in the active military service of the United States under an order or call of the President; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and in the National Guard of the State of ———, upon which I am about to enter. So help me God.

"The President is authorized to appoint in the same grade and branch in the National Guard of the United States any person who is an officer or warrant officer in the National Guard of any State, Territory, or the District of Columbia and who is federally recognized in that grade and branch: *Provided*, That upon such appointment no additional oath of office shall be required: *And provided further*, That acceptance of appointment and commission in the same grade and branch in the National Guard of the United States, by an officer of the National Guard of a State, Territory, or the District of Columbia shall not operate to vacate his State, Territory, or District of Columbia National Guard office.

"Officers or warrant officers of the National Guard who are in a federally recognized status on the date of the approval of this act shall take the oath of office herein prescribed and shall be transferred to the National Guard of the United States without further examination, within a time limit to be fixed by the President, and shall in the meantime continue to enjoy all the rights, benefits, and privileges conferred by this act."

SEC. 13. That section 75 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 75. The provisions of this act shall not apply to any person hereafter appointed as an officer of the National Guard of the United States unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

"Upon being federally recognized such officers and warrant officers may be appointed in the National Guard of the United States: *Provided*, That the number of officers and warrant officers of the National Guard of the United States shall not exceed the maximum number required under war-strength tables of organization for the units of that component, plus one major general, Chief National Guard Bureau."

SEC. 14. That section 76 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 76. Withdrawal of Federal recognition: Under such regulations as the President shall prescribe the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. If the findings of said board be unfavorable to the officer under investigation and be approved by the President, Federal recognition shall be withdrawn and he shall be discharged from the National Guard of the United States. Federal recognition may be withdrawn by the Secretary of War and his appointment or commission in the National Guard of the United States may be terminated when an officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia, has been absent without leave for three months."

SEC. 15. That section 77 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 77. Elimination and disposition of officers of the National Guard of the United States: The appointments and commissions of officers and warrant officers of the National Guard of the several States may be terminated or vacated in such manner as the States shall provide by law. Whenever the appointment or commission of an officer or warrant officer of the National Guard of a State has been vacated or terminated, or upon reaching the age of 64 years, the Federal recognition of such officer shall be withdrawn and he shall be discharged from the National Guard of the United States. When Federal recognition is withdrawn from any officer or warrant officer of the National Guard of any Territory or the District of Columbia, as provided in section 76 of this act, or upon reaching the age of 64 years, he shall thereupon cease to be a member thereof, and shall be given a discharge certificate therefrom by the official authorized to appoint such officer."

SEC. 16. That section 78 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist in the inactive National Guard for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall sign an enlistment contract and subscribe to the oath or affirmation in section 70 of this act.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged."

SEC. 17. That section 81 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 81. The National Guard Bureau: The Militia Bureau of the War Department shall hereafter be known as the National Guard Bureau. The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had 10 or more years' commissioned service in the National Guard, at least five of which have been in the line, and who have attained at least the grade of colonel. The Chief, National Guard Bureau, shall hold office for four years unless sooner removed for cause and shall not be eligible to succeed himself, and when 64 years of age shall cease to hold such office. Upon

accepting his office the Chief of the National Guard Bureau shall be appointed a major general in the National Guard of the United States, and commissioned in the Army of the United States, and while so serving he shall have the rank, pay, and allowances of a major general, provided by law, but shall not be entitled to retirement or retired pay.

"For duty in the National Guard Bureau and for instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, to duty in the National Guard Bureau, nine officers who at the time of their initial assignments hold appointments in the National Guard of the United States, and any such officers while so assigned shall receive the pay and allowances provided by law.

"The President may also assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers who have been appointed officers in the National Guard of the United States, to duty with the Regular Army, in addition to those officers attending the service schools, and while so assigned they shall receive the pay and allowances provided in this section for officers assigned to duty with the National Guard Bureau.

"In case the office of the Chief of the National Guard Bureau becomes vacant or the incumbent because of disability is unable to discharge the powers and duties of the office, the senior officer on duty in the National Guard Bureau, appointed from the National Guard of the United States, shall act as chief of said bureau until the incumbent is able to resume his duties or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers assigned to duty from the National Guard of the United States shall be paid out of the whole fund provided for the support of the National Guard."

SEC. 18. That section 82 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 82. Armament, equipment, and uniform of the National Guard: The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army."

SEC. 19. That section 111 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 111. When Congress shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and the members thereof of the National Guard of the United States. All persons so ordered into the active military service of the United States shall from the date of such order stand relieved from duty in the National Guard of their respective States, Territories, and the District of Columbia so long as they shall remain in the active military service of the United States, and during such time shall be subject to the laws and regulations for the government of the Army of the United States. The organization of said units existing at the date of the order into active Federal service shall be maintained intact in so far as practicable.

"Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned in the Army of the United States, ordered into Federal service as herein provided, shall be ordered to active duty under such appointments and commissions: *Provided*, That those officers and warrant officers of the National Guard who do not hold appointments in the National Guard of the United States and commissions in the Army of the United States may be appointed and commissioned therein by the President, in the same grade and branch they hold in the National Guard.

"Officers and enlisted men while in the service of the United States under the terms of this section shall receive the pay and allowances provided by law for officers and enlisted men of the reserve forces when ordered to active duty, except brigadier generals and major generals, who shall receive the same pay and allowances as provided by law for brigadier generals and major generals of the Regular Army, respectively. Upon being relieved from active duty in the military service of the United States all individuals and units shall thereupon revert to their National Guard status.

"In the initial mobilization of the National Guard of the United States, war-strength officer personnel shall be taken from the National Guard as far as practicable, and for the purpose of this expansion warrant officers and enlisted men of the National Guard may, in time of peace, be appointed officers in the National Guard of the United States and commissioned in the Army of the United States."

SEC. 20. That section 112 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 112. Rights to pensions: When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of service, or at any other time in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

SEC. 21. That paragraph 7 of section 127a of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"PAR. 7. In time of war any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment. In time of war any officer of the Regular Army appointed to higher temporary grade, and all other persons appointed, as officers, shall be appointed and commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate: *Provided*, That an appointment, other than that of a member of the Regular Army made in time of war, shall continue until six months after its termination and an officer appointed in time of war shall be entitled to discharge within six months after its termination if he makes application therefor."

Mr. COLLINS. Mr. Speaker, I demand a second.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] is recognized for 20 minutes and the gentleman from Mississippi [Mr. COLLINS] is recognized for 20 minutes.

Mr. JAMES of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker, I ask not to be interrupted while I make a brief statement on this bill.

Mr. HUDDLESTON. Mr. Speaker, this is a very important measure. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama [Mr. HUDDLESTON] makes the point of order that there is not a quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 44]

Baird	Douglas, Ariz.	Jonas, N. C.	Prall
Beck	Doyle	Kemp	Pratt, Ruth
Bell	Drewry	Kiefner	Rowbottom
Black	Evans, Calif.	Kuns	Rutherford
Blackburn	Fenn	Langley	Shaffer, Va.
Brunner	Fort	Lanham	Simms
Buchanan	Fuller	Larsen	Spearing
Busby	Garrett	Linthicum	Sproul, Kans.
Butler	Goodwin	McCormack, Mass.	Stevenson
Byrns	Graham	McCormick, Ill.	Stobbs
Celler	Hall, Miss.	Mansfield	Sullivan, N. Y.
Clark, Md	Halsey	Michaelson	Sullivan, Pa.
Cooke	Hancock, N. Y.	Murphy	Taylor, Colo.
Coyle	Hancock, N. C.	Nelson, Wis.	Thompson
Craddock	Hoffman	O'Connor, La.	Wigglesworth
Davis	Hudspeth	Oliver, N. Y.	Wolfenden
Dickinson	Johnson, Okla.	Palmisano	Wurzbach

The SPEAKER. Three hundred and sixty-one Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

Mr. SPEAKS. Mr. Speaker and Members of the House, the main purpose of this bill is to make the National Guard immediately subject to the President's orders whenever Congress shall declare war or other national emergency, requiring military forces in excess of the Regular Army.

The bill calls for no wide departure from the system prevailing in our Military Establishment since the formation of the Government, and in reality is a step in the direction of reestablishing the defense plans created by the fathers.

The measure does not contain a word or provision which will in any manner create friction or discord between the various branches of the service, nor does it in any respect encroach upon the duties, prerogatives, or prestige of the regular Military Establishment.

The bill calls for no appropriation and will in no wise increase expenditures for national defense purposes. As a

matter of fact it will result in a saving when the guard is ordered for Federal duty.

The changes in the national defense act, which it is desired to accomplish through this measure, require minor amendments to a number of sections, but the principal alterations involve only a few sections. It contains some 26 pages and may appear somewhat complicated, but in reality it is very simple and easily understood after casual consideration.

Many Members will recall the delays and confusion heretofore experienced when mustering the National Guard into Federal service in times of national emergencies. When called for duty in the Spanish-American War, the Mexican border troubles and the World War much valuable time was lost in placing the guard at the disposal of the President, and in many instances units were completely disrupted, with consequent demoralization, disappointments, and loss of morale.

Through this bill it is proposed that in addition to its existence and duties as a State force the guard shall have a permanent Federal status for emergency purposes, and in the latter case to be known as the National Guard of the United States.

This arrangement will obviate the present drafting and mustering in of the guard in times of national emergency, this process being necessary by reason of the fact that the enlisted personnel and such of its officers as are not commissioned in the Officers' Reserve Corps have a militia status only and are available only as militia.

Enactment of this bill will accomplish the following purposes:

First. Upon the declaration of a national emergency by Congress, and without the necessity of draft legislation the National Guard will be immediately available as a reserve component of the Army of the United States.

Second. Upon the conclusion of such emergency it restores the guard to the respective States with its Federal status terminated, without the expense and demoralization incident to demobilization, and the consequent loss of military status.

Third. Pending the declaration of such an emergency, control of the guard by the respective States is unaffected and in no manner impaired.

The bill as amended has the approval of the War Department which recommends its enactment into law. It is also approved by the Adjutants General Association of the United States, composed of those officials who, under direction of the governors, speak for the people of the various States with respect to military matters, and finally by the National Guard Association of the United States, composed of officers from every State in the Union.

The guard organizations referred to embrace within their commissioned personnel many able lawyers and judicial officials of high standing who have carefully studied every legal phase of the measure and consider it entirely sound from a constitutional standpoint.

Under the proposed plan the governor of each State, in time of peace, will continue as commander in chief of the guard of his State, retaining complete control and supervision of the organization in the same manner as he does under existing laws and regulations. There will be no limitation on his authority to use the guard as he does at the present time.

But, when Congress declares war or a national emergency, the President may immediately order into Federal service the entire guard or such portion of it as may be necessary, when the organizations will respond with their units and personnel intact.

When the emergency has disappeared the organizations will be returned to their respective States intact, and again be under the control of the governors. Under the regulations governing at present when relieved from Federal service the guard loses its military status and must be reorganized.

The bill comes to Congress in the nature of a plea from the National Guard of the entire country with the request that it be enacted into law. In view of a long record of efficient service in State and Nation, and especially after recalling the historical fact that the guard furnished 11 of the 29 divisions which the United States placed on the battle front in France and Belgium, it is felt that the citizen soldiery should have a more definite and permanent status as a part of our first-line defense forces.

Mr. COLLINS. Mr. Speaker, I yield myself 10 minutes.

Ladies and gentlemen of the House, this is one of the most important bills that has engaged the attention of this Congress. It is farcical to consider it with only 20 minutes debate to the side and without the membership being permitted to offer any amendments. There is not a man or woman in the House who understands the bill. It was not even read section by section in the committee. Even the members of the Military Affairs Committee do not know the effects that will flow from its passage.

It covers 28 printed pages and embraces about 150 amendments to the national military defense act. In many instances it literally rapes that provision of the Constitution giving certain powers to the States over their own militia. I therefore think Congress could well afford to wait until the December session of Congress before passing this bill. I can see no good that can come from passing it without any consideration—and consideration is impossible here to-day.

In brief, this bill makes the civilian components of the Army a part of the Army of the United States. These civilian components of the Army, including the militia, become at once a part of the Army of the United States. To make the State militia a part of the Army of the United States, with full power vested in the War Department for its control and management in peace time, is a direct violation of that part of section 8 of Article I of the Constitution of the United States which provides that the Congress shall have power—

> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is literally impossible in the short time at my disposal to discuss every paragraph in this bill. However, I shall undertake to discuss certain parts of some of these paragraphs merely for the purpose of acquainting the Congress with some of the provisions of the bill and their effects if it should become a law.

(1) From section 2 of the bill I quote the following:

> All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff to which shall be added an equal number of officers from the Organized Reserves, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the District Commissioners: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Organized Reserves, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Organized Reserves. There shall be not less than 10 officers on duty in the War Department General Staff, 5 of whom shall be from the National Guard of the United States and 5 from the Organized Reserves; and if the service of any officer on such duty is satisfactory, the period of such War Department General Staff duty shall with his consent be not less than two years. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving.

This section deals with the Organized Reserves which are distinctly a Federal civilian branch of the Army. The States have no control whatever over it, but this section provides that the policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff together with an equal number of officers from the Organized Reserves.

The committee dealing with the militia or the Organized Reserves will consist of 10 Regular Army officers and 5 officers from the Organized Reserves and 5 officers from the militia.

Since a National Guard officer is likewise a reserve officer, it is possible that the five officers from the Organized Reserves may likewise be militia officers. This would result in a committee consisting of 10 Regular Army officers and 10 officers from the State militia. Such procedure would have the added result of placing the militia in charge of policies and regulations affecting the Organized Reserves which is distinctly a Federal organization. Certainly such a provision as this is a violation of the spirit if not the letter of the Constitution.

This quoted paragraph also provides that if the service of any officer on such duty is satisfactory, the period of duty shall with his consent be not less than two years. Of course, somebody or some agency must determine whether or not such duty is satisfactory. I submit that the statute is blank as to the determining authority.

(2) In Section 3, this language appears:

All persons appointed in time of peace, in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States.

Under existing law, officers in the Reserve Corps are commissioned as reserve officers. Under this provision they would be made officers in the Army of the United States, and ultimately this would mean an enormous increase in the number of Regular Army officers which would ultimately carry with it the pay and prerequisites received now by Regular Army officers.

(3) Also in section 3 this is found:

In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States or of the Philippine Islands between the ages of 21 and 64 years.

This provision means that a great many old men unfit for the duties of soldiering would be commissioned in the Army of the United States. It is well known by experience as reflected in all regulations of all of the countries of the world that the proper ages for soldiers is between 18 and 35. Some have deemed it advisable to make the age limit 45 years, but those persons over 45 as a class are unfit for military duty, and no act should be allowed to pass permitting an individual to be commissioned an officer in the Army of the United States who is 64 years old. That is the age at which officers in the Regular Army are now retired, and certainly persons so old should not be taken initially into our combat forces.

(4) This language appears in section 3:

Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who is or has been an officer of the Regular Army at any time may be appointed in the Officers' Reserve Corps in the highest grade which he held or now holds or any lower grade.

This provision likewise merely means that a large number of former officers can be taken into the Officers' Reserve Corps, notwithstanding their age limits or their unfitness for service. The Congress should not embark upon such a policy.

(5) Also section 3 includes this language:

No other person shall in time of peace be originally appointed in the Officers' Reserve Corps in the Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant.

This section embraces the fighting units of the Army and provides that if a person is appointed to one of these fighting units, he can not be originally appointed to a grade above that of second lieutenant. But if a person wishes to go into some noncombat unit of the Army where fighting will be foreign to his service, he can be originally appointed to a grade above that of second lieutenant. This section, therefore, gives a distinct advantage to the swivel-chair officer and is a clear discrimination against officers in the fighting units.

(6) From section 3 this language is quoted:

In time of peace original appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to officers and former officers of the Regular Army; officers of the National Guard of the United States; graduates of the Reserve Officers' Training Corps, as provided in section 47 (b) hereof; warrant officers and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps; and persons who served in the Army at some time between April 6, 1917, and November 11, 1918.

Among other things, this provision means that every officer of the National Guard can be an officer in the Organized Reserves. In other words, it invests these milita officers with a dual status. An officer should either be an officer in the militia or he should be an officer in the Organized Reserves. He should not be permitted to be an officer in both organizations. Likewise, it would permit men too old for service to be commissioned as officers in the Organized Reserves.

(7) Also in section 3:

Promotions in all grades of officers who have established, or may hereafter establish, their qualifications for such promotion and transfer shall be made under such regulations as may be prescribed by the Secretary of War.

The effect of this provision is to put into the hands of the Secretary of War the power to promote militia officers in spite of the provisions of the Federal Constitution which reserves "to the States, respectively, the appointment of officers."

(8) In section 4 this language appears:

Provided, That officers of the National Guard of the United States ordered to active duty shall be paid out of the whole fund appropriated for the support of the National Guard.

This makes all Federal funds appropriated for the support of the guard interchangeable. If money were appropriated for uniforms, it could be expended for pay. Congress certainly should not force itself to make provisions for lump-sum appropriations. This is a step in that direction. Congress should appropriate money for direct purposes and not leave the allocation of funds to interested persons. This is a duty that rests entirely upon Congress, and Congress should exercise it.

(9) The following is from section 5:

All persons appointed, in time of peace, officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

This language provides that a militia officer is an officer in the Army of the United States, and gives the power of appointment to the President. The very fact that these militia officers are likewise called officers of the National Guard of the United States can not keep them from being militia officers. They are officers in the various State militia and under the terms of section 8 of Article I of the Constitution of the United States their appointment is reserved to the States. The President of the United States has no authority whatever over their appointment, and any effort to change their status directly or indirectly is a violation of both the spirit and the letter of the Constitution.

(10) The following language appears in section 6:

The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein, who upon original enlistment shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistment shall be not more than 64 years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of 21 and 64 years: *Provided*, That former members of the Regular Army, Navy, and Marine Corps under 64 years of age may enlist in said National Guard.

This section is an exercise of control over the militia of the various States in time of peace, which Congress has no right to exercise under the Constitution. Even if the Congress did have the right to prescribe the ages of members of the militia, the maximum age of 64 is too high. It follows that Congress should not permit enlistments at that advanced age. The use of modern fighting implements is incompatible with advanced age, and every worthwhile authority on the making of modern armies recognized this. The Congress should not countenance an effort to add personnel and pay to individuals who are unfit for serious military duty.

(11) Section 9 is taken up merely with the oath of men enlisted in the National Guard of the various States, and is as follows:

I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the State of ——— and in the National Guard of the United States for a period of three (one) years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear or affirm that I will bear true faith and allegiance to the United States of America and to the State of ———; that I will serve them honestly and faithfully against all their enemies whomsoever; that I will render military service to the United States of America in obedience to a lawful order of the President in the event of a declaration of war or other national emergency by Congress or a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the call and orders of the President and of the officers by him appointed over me until such emergency shall have been duly declared to have ceased to exist or until I shall have been relieved from such service or shall have been discharged by proper authority; and that I will obey the orders of the Governor of the State of ———, and of the officers by him appointed over me, at all times when I am not in the active military service of the United States under the call or order of the President.

This oath not only violates that provision of the Constitution which concerns the control of the State militia when it is not in the service of the United States but likewise would make a failure to attend trials, training camps, and other well-known military duties subject to court-martial, and all laws providing for fine, imprisonment, and other punishments. I submit that this is a violation of congressional authority. The State militia is purely a voluntary State organization and the Federal Government should not encroach upon the constitutional control that should be rightly exercised by the States.

(12) Section 10, among other things, provides:

National Guard of the United States means a reserve organization of the Army of the United States composed of those persons duly appointed and commissioned in the National Guard of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of office prescribed in section 73 of this act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

This provision, as do several others, treats the State militia as a dual organization; it gives the State militia a dual status—first, as a State organization; and, second, as a national organization. It is my opinion that under the terms of the Constitution it is purely a State organization except that it can be called into Federal service in certain emergencies, but even when called into Federal service in certain emergencies it is still a State organization and no sort of legislative legerdemain can ever make it anything but a State organization. Any attempt to make it a Federal organization is a violation of the constitutional right of the States. Certainly the right to appoint its officers by the President is a plain violation of the written words of the Constitution. To illustrate: Suppose the President should decline to commission certain officers in the militia of a certain State that had been commissioned by the governor, then the Federal Government would withdraw the Federal support that was given for State militia organizations merely because the governor refused to recognize the power of the President of the United States to appoint officers of that State organization, and the State would be forced to accept the President's appointees. Assuredly no one can say that such action, if attempted, is not a violation of that provision of the Constitution reserving to the States the power of appointment of the officers of the militia.

(13) Section 11 provides:

An enlisted man discharged from service in the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe.

This is just another invasion of the constitutional rights of the States. The Congress has no right to designate a form of discharge for enlisted men in the militia of the several States and the Congress has also no right in time of peace to designate the Secretary of War as the proper person to determine the terms of enlistment for enlisted men of the militia of the several States.

(14) In section 13 we find this language:

The provisions of this act shall not apply to any person hereafter appointed as an officer of the National Guard of the United States unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

Certainly the Congress has no right to provide for the physical, moral, and professional fitness of officers of the militia of the various States. As has been pointed out by me already several times, the appointment of officers in the militia is reserved to the States. This section violates that provision of the Constitution by providing that the board of three commissioned officers in the Regular Army or the National Guard of the United States, or both, shall determine the physical, moral, and professional fitness of the officers of the militia of the several States.

The fact that the militia of the various States is also called the National Guard of the United States does not change the situation one whit notwithstanding the name that this statute undertakes to give the militia of the various States. Any effort to change their status by evasion or otherwise for the purpose of enabling the President through a board to determine the test for qualifications of the officers of the militia of the various States is a violation of the Constitution. This provision likewise is bad because it would create a conflict between the Federal and State authorities as to the fitness of officers. If these authorities differed and the State authorities failed to accede to the wishes of the Federal authorities the Federal support would be withdrawn. So in the end the control rests entirely with the Federal authority. A board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both, is created. These determining officers might be all from the Regular Army, National Guard, or both. If the National Guard of the United States is a State organization, the Federal Government has no power over it. If it is a national organization then National Guard officers have no control over it. Therefore, this provision likewise is an invasion of constitutional authority.

(15) Section 14, in part, provides:

Under such regulations as the President shall prescribe, the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

This likewise is an unwarrantable and unconstitutional control by the Federal Government of the militia of the various States.

(16) Section 16 creates an inactive National Guard. I have not been able to find out what that is unless it is just another attempt to create an organization purely for the purpose of molding a military-mindedness in this country. It certainly could not be called upon for active duty. This section, in part, is as follows:

Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged.

I can see how it would be possible for the States to form an inactive National Guard, but for the Federal Government to do so also seems to me an invasion of State author-

ity. Certainly the creation of another unit such as is contemplated here is a foolish and dangerous undertaking. Its creation is solely for the purpose of adding useless personnel to the Federal pay roll under the pretext of national military defense.

(17) A part of section 17 is as follows:

> The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers assigned to duty from the National Guard of the United States shall be paid out of the whole fund provided for the support of the National Guard.

This provision also gives authority to use the whole fund provided for the support of the National Guard for pay and allowances of the Chief of the National Guard Bureau and other officers from the National Guard assigned to active duty in times of peace. It should provide that they be paid out of appropriate appropriations made for that purpose, otherwise Congress would have no power over such expenditures.

(18) Also, in section 17 we find this language:

> The Chief, National Guard Bureau, shall be responsible for the preparation of the annual budget for the National Guard.

Of course, the Congress does not want to give to the Chief of the National Guard Bureau the power to prepare the annual Federal Budget for the National Guard, and I take it that no one in this House has any sympathy for this proposal.

(19) This section is as follows:

> When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of service, or at any other time in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

This section gives rights of pensions existing at the time of service to those officers, warrant officers, and enlisted men of the National Guard who are disabled by reasons of wounds or disabilities received or incurred in service provided they are not disabled while in military training. In other words, officers holding desk jobs who are injured for any reason are given rights to pensions, but officers and men who are training for worth-while military service, if injured, are not entitled to rights to pensions. If either class is to be preferred, certainly those that are injured in training for military service are the ones whose disability should be compensated for by the Government. If this section is enacted into law and is a constitutional exercise of congressional power, the time is only a short distance away when those in military training will demand the same rights and, in justice, will be given them. This will mean the giving of pension benefits to approximately 200,000 additional persons and in a very short while, a very much larger number.

If this bill is enacted into law and the officers of the militia are commissioned as officers in the Army of the United States, as is provided for in this bill, they will demand that the Congress give them the same retirement benefits that are provided now for officers of the Regular Army of the United States; and in view of the powerful political influence that the militia of the various States can exercise, the Congress will not hesitate to accord to these officers the same retirement privileges and ultimately the same pay and perquisites now granted officers in the Regular Army. I submit that our Army is already too large. Including the civilian organizations, we have in our Military Establishment now in excess of 800,000 men. A fraction less than 150,000 of these are in the Regular Army. The rest are civilian units and are part of our civilian population. I certainly do not want to see a unit such as the National Guard taken bodily into the Regular Army of the United States. Not because I have anything against the National Guard. I have not. I merely do not want to see the Regular Army increased by approximately 200,000 men by any such proposed unconstitutional methods. Of course, if this bill is enacted into law, it will not at once bring the entire 200,000 men now in the National Guard into the Regular Army of the United States, but ultimately it will, and in relatively a very short time.

Ladies and gentlemen of the House, I hope I have pointed out in the very short time at my disposal objections to this bill that will at least make the majority of you doubtful as to the wisdom of its enactment. Certainly it should not be passed in its present form. There is no immediate danger that can come to the country by waiting until Congress convenes again when we will have sufficient time to study the bill thoroughly and to give it the consideration that a measure of its consequence should have at the hands of thoughtful legislators. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. COLLINS. Mr. Speaker, I reserve the balance of my time.

Mr. JAMES of Michigan. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN], a member of the committee.

Mr. McSWAIN. Mr. Speaker and Members of the House, on February 23 the distinguished gentleman from Pennsylvania [Mr. BECK] discussed what he conjectured might be the view of George Washington with reference to certain present-day political and economic problems. This, of course, was pure guesswork, but I think we can say to-day with certainty that if George Washington were here to-day he would be in favor of this bill [applause], because this bill is essentially the very proposition that George Washington submitted to the Continental Congress on May 1, 1783, and the same suggestion that he submitted to the First Congress that convened under the Constitution in April, 1789. [Applause.] The records show this.

A most magnificant discovery of the hitherto dust-concealed unpublished manuscripts of George Washington by Gen. John McA. Palmer, United States Army, retired, published in the book that lies on the desk there [indicating] known as "Washington, Lincoln, and Wilson, the Three War Presidents," gives the attitude of Washington as to what should constitute "a well-regulated militia" and thus Washington's views are established beyond doubt.

The first few Congresses did not enact the law that Washington desired. The first few Congresses were so jealous of the concentration of authority, they reflected so fully the sentiment of great, noble, patriotic men like Patrick Henry, that they would not permit the Federal Government to have that direct control over the National Guard, then called the militia, that is now deemed to be necessary to insure efficiency and economy of preparedness.

Ladies and gentlemen of the House, this measure is the desire of the National Guard officers of the United States, having in view the recent experiences of the World War. You remember that there was great bitterness of feeling by the National Guard officers against the Regular Army officers as a result of the scrambling process that went on with reference to the National Guard organizations that were drafted into the service of the United States. [Applause.] National Guard organizations long established in popular affection were disrupted and lost their identity. Officers and men were drafted into the service as individuals and not as organizations. These volunteers who had been training for years to fight together and officers known to them and their families and loved ones, were scattered through several other different organizations. This was demoralizing and disappointing. It meant low morale. Then when the war was over and the Army demobilized, they were discharged as individuals and, organizations over 100 years old no longer existed and the National Guard had to be reorganized entirely. This bill of General Speaks, who has given over 40 years of his life to work in and with the National Guard, whose work for 10 years in Congress has been devoted to reforming these evils, will prevent these things from happening again.





Mr. JAMES of Michigan. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker and gentlemen of the House, this bill, if enacted into law, will in no way affect the status of the National Guard in time of peace in so far as the control of the States and the governors of the States are concerned.

The main purpose of the bill is to make the National Guard, which to-day, notwithstanding what was said by the gentleman from Mississippi [Mr. COLLINS], is a part of the Army of the United States, practically—because the National Guard to-day is practically supported or in a large measure supported by the Federal Government—to make it more available, and available in a smoother fashion for entry into the Federal service in time of war than it is to-day.

Mr. GRIFFIN. Will the gentleman yield?

Mr. WAINWRIGHT. I can not yield, having such a short time at my disposal.

The principal point of this bill is embodied in section 19, which changes the provision of the national defense act under which to-day the National Guard is made available for service as part of the armed forces of the United States upon a declaration of war.

To-day, under section 111 of the national defense act, the National Guard can only be inducted or drafted into service as individuals. The National Guard organizations, the regiments and brigades, can not in time of war be drafted into the service of the United States. They can only be taken in as individuals. By this change they will become subject to the orders of the President, so that, without all the machinery and all the confusion and disorganization incident to the draft, they can be ordered into the service of the United States by organizations, and that is all there is to this proposition. [Applause.]

This bill is asked for in an abundance of patriotism, realizing the part they must inevitably play in time of war, by the National Guard itself; it is their own bill. It comes to Congress from the national organization of the National Guard. They themselves want to be put in this relation to the Federal Government. It has the approval of the War Department. Every National Guard officer is for this bill, and it should pass, gentlemen. It should, in the interest of the national defense, become the law. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, I am in favor of this bill. Every officer and a great many of the men who served in the Twenty-sixth Division in France, who are now in the present National Guard in Massachusetts, say they want this bill. It does away with this old political business that we have in every State which has a National Guard, of political influence and appointing social lights as officers when you want soldiers. This bill will do away with the social business and give us real soldiers in the National Guard, and I am in favor of it. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield one-half minute to the gentlewoman from California [Mrs. KAHN].

Mrs. KAHN. Mr. Speaker, to me the attitude of many people on this bill is absolutely incomprehensible. We pride ourselves on the fact that our strongest line of defense is our citizen soldiery; that is the main reason we do not need a large standing army; and whenever an opportunity arises to help out and to strengthen our real line of defense—our citizen soldiery—we meet opposition from every side. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, the gentleman from Mississippi [Mr. COLLINS] has held up this bill and stated that it contains 28 pages and condemned it as if it marked some great departure from our present system of national defense.

The truth is, gentlemen, that these 28 pages constitute almost entirely a reenactment of the law as it exists to-day. No power is conferred by this bill upon the President or the Secretary of War, except perhaps in some very minor way, that the President or the Secretary of War does not have to-day.

The Federal Government is contributing each year over $30,000,000 to the maintenance of the National Guard of the United States, and in view of this contribution, of course, the Federal Government exercises certain supervisory and certain regulatory powers with reference to the guard.

The gentleman from Mississippi says that the bill will open the door wide for all kinds of salaries, pensions, and retirement claims. Nothing of the sort can come out of this bill, because the bill only becomes effective when war or a national emergency has been declared by the Congress. The gentleman from Ohio, General SPEAKS, has stated to you clearly and succinctly the major and dominant purpose of this bill. I shall not attempt in the brief time allotted me to reiterate

The able gentleman from South Carolina [Mr. MCSWAIN] has referred to the fact that this bill embodies the views voiced by George Washington. While still in command of the Continental Army General Washington prepared, at the request of Congress, his sentiments upon a peace establishment for the new Republic. Before complying with the request General Washington called upon all the generals at or near his headquarters for their written opinions. Their replies may be seen to-day in volume 219 of the Washington Papers in the Library of Congress. Among these documents are papers by Pickering, Putnam, Knox, and Baron von Steuben. After digesting the papers submitted to him by his trusted officers, General Washington wrote his own views in the matter under the title "Sentiments on a Peace Establishment." The Revolutionary War had been won by the Continental Army, which was an army of citizen-soldiers, and the modern prototype of which is our National Guard to-day. This bill would carry out the views of General Washington and give us a "well-regulated militia," as he so forcefully urged. It is in line with the policy of national defense which General Washington admonished us to adopt and which he so aptly expressed when he said that we should assume a "respectably defensive posture."

This bill comes before the House to-day largely because of the untiring efforts of its author, the gentleman from Ohio [Mr. SPEAKS]. There is, I am sure, no man in the Congress who has had a longer or more varied experience in the National Guard than he has. For 40 years he served in the guard of his native State of Ohio, entering as a private and rising at last to the high command of brigadier general. He served with the flag in the Spanish-American War, in the Mexican border trouble, and in the World War. All three of his sons answered the call in 1917, one serving with the Navy and the other two serving with the American Expeditionary Forces in France. On next Wednesday, having attained his seventy-third year, General SPEAKS leaves the Congress. I know that I voice the sentiment of all the Members of this House, Democrats as well as Republicans, when I say that it is with deep regret that we bid him adieu. A splendid citizen, a devoted patriot, a faithful legislator, a loyal friend of the people—in the words of Dryden—

> His name, a great example, stands to show how strangely high endeavor may be blessed where piety and valor jointly go.

[Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JAMES of Michigan. I yield to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I am heartily in favor of this bill. In every war in which this country has been engaged we have had to depend on our citizen soldiery. This bill is approved by the War Department, the adjutant generals of all the States, and the National Guard Association. I trust that the motion to suspend the rules and pass the bill will prevail by a large majority. [Applause.]

Mr. COLLINS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker and gentlemen of the House, this bill is another step toward the nationalization

of the National Guard and the wiping out of the State militia. How any Member from South Carolina or Alabama can defend this bill, in view of their historic position in upholding the rights of the States I can not conceive. Your forbears unsheathed the sword and sacrificed your all for the maintenance of the rights of the States, and also incidentally the right to maintain the militia inviolate.

Here in this bill the oath is changed materially, as it will appear in the report on page 5, whereby the National Guard man in taking the oath obligates himself to be subject to call in defense of insurrections, which means all kinds of local disturbances, no matter in what part of the country they occur.

My greatest fear is that you are going to discourage enlistments in the National Guard, because when you pass this bill you make the National Guard a part of the National Army of the United States, subject to the call of the President.

Now a transfer of the National Guard is only possible in time of war. If you look on page 10 of the report, you will see that the provision relating to pensions, by which they are only entitled to pensions in time of war, has been stricken out.

This bill, against my protest from the moment of its consideration by the committee, has not received the attention it deserved. I challenge any one of my colleagues on the Military Affairs Committee to say that this bill has at any time been read in the committee paragraph by paragraph. It was not. The bill was reported last June 30; it was referred back only the other day for the first report from the War Department.

The War Department recommended some minor amendments. Naturally the War Department would like to transfer the National Guard into the Regular Army, as this bill proposes to do automatically in time of emergency.

I am thinking what is best for the interests of the National Guard, what is best for the State militia. I do not want any of my boys to refrain from enlisting in the National Guard for fear that when they enlist in the National Guard they enlist in the Army of the United States. That is my fundamental objection to this bill, because when you pass the bill you make the National Guard no longer a State militia, but you make it a part of the National Army.

Mr. SHORT of Missouri. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SHORT of Missouri. If this bill works such hardships on the members of the National Guard, why is it that the National Guard is practically unanimously in favor of it?

Mr. STAFFORD. Oh, it is the right to certain perquisites, for example to pensions. On page 10 of the report the gentleman will find that. They are entitled to pensions now only in time of war. That has been stricken out. Of course it is natural for these officers to aggrandize themselves the same as everybody else. They want the same benefits and privileges as pertain in the National Army. This bill tends strongly in that trend.

Mr. SHORT of Missouri. Why should not they have them when they are a part of the defense.

Mr. STAFFORD. They want to be part and parcel of the National Army, to obliterate State lines. I appeal to you people from the South, and to you people from the North, who still favor the State militia not to have it become part and parcel of the National Army as this bill provides.

The SPEAKER pro tempore (Mr. HOOPER). The time of the gentleman from Wisconsin has expired.

Mr. JAMES of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker, it has been stated that the bill proposes Federal pensions for National Guard men who may become disabled during peace-time service. This statement is not true. Members of the guard are not eligible to receive Federal pensions except when disabled while in Federal service during war or other national emergency declared by Congress. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. CHIPERFIELD. Does the gentleman know of any reason that has ever been advanced why any man should be trained in the National Guard at the expense of the Federal Government and not respond to his Government's call in time of need? [Applause.]

Mr. SPEAKS. No reason in the world, except the absence of legislation such as is purposed herein. That is the purpose of this bill. The National Guard or Organized Militia in a sense is part of our national defense forces, but under existing law the organization is greatly demoralized by the archaic method of inducting them into Federal service. With respect to the Militia Bureau referred to by the gentleman from Mississippi [Mr. COLLINS] the bill changes the name to the National Guard Bureau, thus conforming to the general designation of the guard. The War Department objected to the chief of this bureau preparing the guard budget and that provision was stricken out. The War Department continues to have final authority in this matter regardless of the statement to the contrary by the gentleman from Mississippi [Mr. COLLINS].

Mr. NELSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I can not yield. The gentleman from Mississippi [Mr. COLLINS] criticizes the provision authorizing representatives of the guard to participate in the preparation of regulations for the government of the guard. All that is provided in this bill is that when policies affecting the National Guard are being considered a representation from the guard shall be a part of the War Department committee making the study and determining what the regulations shall be. The desirability of this arrangement is certainly apparent and this cooperation is desired by the War Department.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. GRIFFIN. The gentleman says there is nothing in this bill entitling an officer to a pension.

Mr. SPEAKS. Not unless he is disabled while in Federal service during a national emergency.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired. The question is on the motion of the gentleman from Michigan that the rules be suspended and the bill do pass.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 131, noes 33.

Mr. COLLINS. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and eighty-three Members present; not a quorum. The Clerk will call the roll. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and there were—yeas 304, nays 49, answered "present" 1, not voting 77, as follows:

[Roll No. 45]

YEAS—304

Abernethy	Brand, Ga.	Christopherson	Davenport
Ackerman	Brand, Ohio	Clague	Davis
Adkins	Briggs	Clancy	De Priest
Aldrich	Brigham	Clark, N. C.	DeRouen
Allen	Britten	Clarke, N. Y.	Dickinson
Andresen	Browning	Cochran, Mo.	Dickstein
Andrew	Brumm	Cochran, Pa.	Dominick
Arentz	Buchanan	Cole	Dorsey
Arnold	Buckbee	Collier	Doughton
Aswell	Burdick	Colton	Douglass, Mass.
Auf der Heide	Burtness	Condon	Dowell
Ayres	Butler	Connery	Doxey
Bacharach	Byrns	Cooke	Drane
Bacon	Cable	Cooper, Ohio	Drewry
Barbour	Campbell, Iowa	Cooper, Tenn.	Driver
Beck	Campbell, Pa.	Corning	Dunbar
Beedy	Canfield	Crail	Dyer
Beers	Carley	Cramton	Eaton, Colo.
Black	Carter, Calif.	Crisp	Eaton, N. J.
Blackburn	Carter, Wyo.	Cross	Edwards
Bland	Cartwright	Crosser	Elliott
Blanton	Chalmers	Crowther	Ellis
Bohn	Chase	Culkin	Englebright
Bolton	Chindblom	Cullen	Erk
Bowman	Chiperfield	Dallinger	Eslick
Boylan	Christgau	Darrow	Estep

Esterly	Hull, Tenn.	Martin	Snow
Evans, Mont.	Igoe	Merritt	Sparks
Finley	Irwin	Michener	Speaks
Fish	James, Mich.	Miller	Sproul, Ill.
Fisher	James, N. C.	Montague	Stone
Fitzgerald	Jeffers	Montet	Strong, Kans.
Fitzpatrick	Jenkins	Mooney	Strong, Pa.
Foss	Johnson, Ind.	Moore, Ky.	Summers, Wash.
Free	Johnson, Nebr.	Moore, Ohio	Swanson
Freeman	Johnson, Okla.	Morgan	Swick
Gambrill	Johnson, Tex.	Murphy	Swing
Garber, Okla.	Johnson, Wash.	Nelson, Mo.	Tarver
Garber, Va.	Jonas, N. C.	Newhall	Taylor, Colo.
Gasque	Jones, Tex.	Niedringhaus	Taylor, Tenn.
Gibson	Kahn	Nolan	Temple
Gifford	Kearns	Norton	Thatcher
Glover	Kendall, Ky.	Oldfield	Thurston
Goldsborough	Kendall, Pa.	Palmer	Tilson
Goodwin	Kerr	Parker	Timberlake
Goss	Ketcham	Parks	Tinkham
Granfield	Kiefner	Perkins	Treadway
Green	Kiefer	Pittenger	Turpin
Greenwood	Kopp	Pou	Underhill
Gregory	Kvale	Prall	Underwood
Guyer	Lambertson	Pratt, Ruth	Vestal
Hadley	Langley	Pritchard	Vincent, Mich
Hale	Lankford, Ga	Purnell	Vinson, Ga.
Hall, Ill.	Lankford, Va.	Quin	Wainwright
Hall, Ind.	Leavitt	Ragon	Walker
Hall, N. Dak.	Leech	Ramey, Frank M.	Warren
Hancock, N. C.	Letts	Ramseyer	Wason
Hardy	Lindsay	Ramspeck	Watres
Hare	Loofbourow	Ransley	Watson
Hartley	Lozier	Reece	Welsh, Pa.
Hastings	Luce	Reed, N. Y.	White
Haugen	Ludlow	Reid, Ill.	Whitley
Hawley	McClintick, Okla.	Rich	Whittington
Hess	McClintock, Ohio	Robinson	Wigglesworth
Hickey	McCormack, Mass.	Rutherford	Williamson
Hill, Ala.	McCormick, Ill.	Sanders, N. Y.	Wilson
Hoch	McFadden	Sandlin	Wingo
Hogg, Ind.	McLaughlin	Seger	Wolverton, N. J.
Hogg, W. Va.	McLeod	Selvig	Wolverton, W. Va.
Holaday	McMillan	Shaffer, Va.	Woodruff
Hooper	McReynolds	Short, Mo.	Woodrum
Hope	McSwain	Shott, W. Va.	Wright
Hopkins	Maas	Shreve	Wyant
Howard	Magrady	Sloan	Yates
Hudson	Manlove	Smith, Idaho	Yon
Hull, William E.	Mapes	Smith, W. Va.	Zihlman

NAYS—49

Allgood	Hill, Wash.	Oliver, Ala.	Sinclair
Almon	Huddleston	Palmisano	Sirovich
Bankhead	Kading	Parsons	Somers, N. Y.
Box	Kennedy	Patman	Stafford
Browne	LaGuardia	Patterson	Steagall
Busby	McDuffie	Rankin	Sumners, Tex.
Cannon	McKeown	Rayburn	Taber
Collins	Mead	Reilly	Tucker
Cooper, Wis.	Milligan	Romjue	Welch, Calif.
Cox	Moore, Va.	Sabath	Williams
Garner	Moorehead	Sanders, Tex.	
Gavagan	Nelson, Wis.	Schafer, Wis.	
Griffin	O'Connor, Okla.	Schneider	

ANSWERED "PRESENT"—1

O'Connor, N. Y.

NOT VOTING—77

Bachmann	Fuller	Kunz	Sears
Baird	Fulmer	Kurtz	Selberling
Bell	Garrett	Lanham	Simmons
Bloom	Golder	Larsen	Simms
Brunner	Graham	Lea	Snell
Celler	Hall, Miss.	Lehlbach	Spearing
Clark, Md.	Halsey	Linthicum	Sproul, Kans.
Connolly	Hancock, N. Y.	Mansfield	Stalker
Coyle	Hoffman	Menges	Stevenson
Craddock	Houston, Del.	Michaelson	Stobbs
Dempsey	Hudspeth	Mouser	Sullivan, N. Y.
Denison	Hull, Morton D.	Nelson, Me.	Sullivan, Pa.
Douglas, Ariz.	Hull, Wis.	O'Connor, La.	Thompson
Doutrich	Johnson, Ill.	Oliver, N. Y.	Whitehead
Doyle	Johnson, S. Dak.	Owen	Wolfenden
Evans, Calif.	Johnston, Mo.	Peavey	Wood
Fenn	Kelly	Pratt, Harcourt J.	Wurzbach
Fort	Kemp	Rainey, Henry T.	
Frear	Knutson	Rogers	
French	Korell	Rowbottom	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Snell with Mr. Mansfield.
Mr. Frear with Mr. Douglas of Arizona.
Mr. Wood with Mr. Brunner.
Mr. Johnson of South Dakota with Mr. Fulmer.
Mr. Knutson with Mr. Lanham.
Mr. Lehlbach with Mr. Oliver of New York.
Mr. Wolfenden with Mr. Linthicum.
Mrs. Rogers with Mrs. Owen.
Mr. Harcourt J. Pratt with Mr. Sullivan of New York.
Mr. Connolly with Mr. Henry T. Rainey.
Mr. Doutrich with Mr. Lea of California.
Mr. Graham with Mr. Kemp.
Mr. Denison with Mr. Celler.
Mr. Coyle with Mr. Larsen.
Mr. French with Mr. Whitehead.
Mr. Golder with Mr. Spearing.
Mr. Sullivan of Pennsylvania with Mr. Hall of Mississippi.
Mr. Halsey with Mr. Fuller.
Mr. Peavey with Mr. Bloom.
Mr. Selberling with Mr. Garrett.
Mr. Wurzbach with Mr. O'Connor of Louisiana.
Mr. Johnson of Illinois with Mr. Kunz.
Mr. Fenn with Mr. Doyle.
Mr. Korell with Mr. Hudspeth.
Mr. Menges with Mr. Bell.

The result of the vote was announced as above recorded.

The doors were opened.

MATTIE LONG

Mr. UNDERHILL. Mr. Speaker, I present a number of privileged resolutions from the Committee on Accounts.

The SPEAKER pro tempore (Mr. HOOPER). The gentleman from Massachusetts [Mr. UNDERHILL] presents a resolution (H. Res. 372) which the Clerk will report.

The Clerk read as follows:

House Resolution 372

Resolved, That there shall be paid, out of the contingent fund of the House, to Mattie Long, sister of Samuel J. Long, late an employee of the House, an amount equal to six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Samuel J. Long.

The resolution was agreed to.

GRAFTON E. JACKSON

The Clerk read the next resolution, as follows:

House Resolution 381

Resolved, That there shall be paid out of the contingent fund of the House of Representatives to Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray the funeral expenses and last illness of the said Lloyd Jackson.

The resolution was agreed to.

ADDITIONAL CLERICAL SERVICES IN ENROLLING ROOM

The Clerk read the next resolution, as follows:

House Resolution 382

Resolved, That there shall be paid out of the contingent fund of the House, during the remainder of the present session, an amount not exceeding $200 for additional clerical services in the enrolling room.

The resolution was agreed to.

JAMES W. BOYER, JR.

The Clerk read the next resolution, as follows:

House Resolution 347

Resolved, That there be paid out of the contingent fund of the House $600 to James W. Boyer, jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation during the third session of the Seventy-first Congress.

With the following committee amendment:

In line 4, after the word "legislation," strike out "during the third session of the Seventy-first Congress."

The committee amendment was agreed to.

The resolution was agreed to.

AMENDMENT OF THE NATIONAL DEFENSE ACT

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill (H. R. 12918) to amend the national defense act of June 3, 1916.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GRIFFIN. Mr. Speaker, it is because I am so heartily in sympathy with the main purpose of this bill that I feel constrained to protest against its consideration in these closing hours of the session when the House is so impatient that it will not even listen to the debate. This is a signal example of the evils incidental to a set day for adjournment. It recurs in the closing days of every Congress, making the time propitious for the passage of the very worst kind of legislation.

A bill of this importance should have a whole day's consideration. Instead of that, it is called up under a motion

to suspend the rules, which allows only 20 minutes on each side to inform the House of the arguments for and against it and precludes entirely the possibility of correcting errors by amendments.

Outside of the Committee on Military Affairs, which reported this bill, I doubt that there were 10 Members of the House familiar with its provisions.

Not one-half of the House was on the floor when it was debated and not even one-fourth of them could hear the debate owing to the persistent buzzing of conversation in all parts of the Chamber.

Yet when the vote was challenged, because of the want of a quorum, and the bells were sounded the Members came trooping in from the cloakrooms or from their distant offices in the House Office Building and were called upon to make up their minds on the instant on the merits of the bill.

If I had been called upon to vote on this measure when I first entered the Chamber, before I had read the bill consisting of 26 pages and the closely printed report of 21 pages, and before I had listened to the debate, I would unquestionably have voted in the affirmative because all my predelictions were in its favor.

The thing that gave me that bias was a letter from Brig. Gen. Robert J. Travis, vice president of the National Guard Association, in which he purported to indicate its features. He says:

1. It preserves unimpaired control [of the National Guard] by the respective States in time of peace.

Well, that is precisely what it does not do. It practically abolishes the National Guard of the respective States. Read this (sec. 5(b)) on page 2 of the bill:

SEC. 5. (b) All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the commanding general District of Columbia National Guard.

What else can this import except the abject surrender to a committee composed of members of the Regular Establishment and a few men from the National Guard—dominated by the War Department General Staff—of the complete control—lock, stock, and barrel—of the National Guard of each and every State?

The surrender or arrogant assumption of control even goes to the extent of permitting the President to appoint all officers below that of brigadier general—see page 7 of bill.

It is true that officers—

Who are in a federally recognized status on the date of the approval of this act * * * shall be transferred to the National Guard of the United States without further examination—

But that only takes care of the "old fellows" that are already in. It is not surprsing then that they should all be in favor of it. But even though a State National Guard organization happens to be federalized, I question the wisdom of taking away from the governors of the respective States the right to issue commissions to the officers of their own State forces, thus inviting intrigue among the Regular Establishment for places of command and renewing the old controversies as to whether a National Guard regiment or battery should be commanded by a National Guard colonel or some shavetail from West Point.

PENSIONS

I venture the thought that the amendment on page 25 of the bill, modifying the pension clause of the national defense act of June 3, 1916, ought to be redrafted. Unless that is done we are opening the door to an ever-increasing host of men who will be entered on the pension rolls for coughs, cold, rheumatic ailments, sprains, cuts, bruises, and other complaints due to their service in times of peace.

I append herewith the new section 112 of the bill, showing the changes. This is taken from page 10 of the report (No. 2058) on this bill:

Section 112 of said act, with the old language struck out shown inclosed in black brackets and the new language shown in italics, reads as follows:

"SEC. 112. RIGHTS TO PENSIONS: When any officer, warrant officer, or enlisted man of the National Guard *or the National Guard of the United States called or ordered* [drafted] into the service of the United States [in time of war], *or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training*, is disabled by reason of wounds or disability received or incurred while in the active service of the United States [in time of war], he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States [in time of war], or in returning to his place of residence after being mustered out of [such] service, or at any other time in consequence of wounds or disabilities received in such [active] service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

I ask the sponsors of this bill why the only safeguard against frivolous claims for pensions embodied in the phrase "in time of war" was stricken from the law as it now stands.

While I am wholly and heartily in sympathy with the general purpose of this bill and believe federalization of the National Guard is a good thing in itself, I repeat that a bill of the importance of this should be carefully considered before enactment into law.

In concluding, I desire to pay a tribute to my friend and colleague, Gen. JOHN C. SPEAKS, who introduced this bill on June 2, 1930. His long association with the National Guard of Ohio, his services in the Spanish-American War, on the Mexican border, and the World War entitle his opinions to the highest respect.

It is to be regretted that, although his bill was reported and has been on the calendar of the House since July 2, 1930, he was never given an opportunity to bring it up for consideration until this late day, when the conditions in the House precluded the possibility of its being properly discussed.

RATES OF WAGES FOR LABORERS AND MECHANICS ON PUBLIC BUILDINGS OF THE UNITED STATES

Mr. WELCH of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, by contractors and subcontractors, and for other purposes.

The SPEAKER pro tempore. The gentleman from California [Mr. WELCH] moves to suspend the rules and pass S. 5904, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract which can not be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WELCH] is recognized for 20 minutes, and the gentleman from Texas [Mr. BLANTON] is recognized for 20 minutes.

Mr. WELCH of California. Mr. Speaker, the House Committee on Labor has had before it H. R. 16619, which is identical with S. 5904, now before the House for final passage. Our committee has held extensive hearings on the bill which is to require contractors on public buildings of the United States or the District of Columbia to pay the prevailing wage rate when such wage rates have been established by private industry.

Secretary of Labor Doak, Assistant Secretary of War Payne, and Mr. James A. Wetmore, Acting Supervising Architect, attended the hearings before the committee and made strong arguments in behalf of the bill. The bill was reported by the committee by a unanimous vote.

The Federal Government has entered upon an extensive public-building program throughout the United States. This program will continue for a period of 8 or 10 years and will result in the expenditure of approximately a half billion dollars. It was intended that this vast amount should be expended not only to house Federal offices in their own buildings but also to benefit the United States at large through distribution of construction throughout the communities of the country without favoring any particular section.

Though the officials awarding the contracts endeavored to persuade contractors to pay local prevailing wage scale, some successful bidders have imported labor from distant localities and have exploited this labor at wages far below local wage rates. This selfish group of contractors believe that Congress authorized this great building program for their special benefit. They base their estimates for labor upon the low wages they can pay to unattached migratory workmen who in some cases the contractors house and feed in temporary quarters adjacent to the building under construction and pay them whatever they will accept.

This bill, if enacted into law, will correct this condition and will give local workingmen, who pay taxes and who in many cases support families, the opportunity of securing employment on these buildings constructed by the Federal Government. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield myself five minutes. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, in connection with my remarks I ask unanimous consent to incorporate a letter which the Comptroller General of the United States, Gen. J. R. McCarl, has written the chairman of the committee respecting this bill, and the decision mentioned by him, attaching also a communication to the President of the United States by some of the parties interested.

The SPEAKER pro tempore. The gentleman from Texas asks to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The communication from Gen. J. R. McCarl is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 12, 1931.

Hon. GUY E. CAMPBELL,
House of Representatives.

MY DEAR MR. CAMPBELL: You have referred in your telephone conversation with me this morning to S. 5904 and H. R. 16619, relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, and have requested me to advise you as a member of the Committee on Labor whether the original bills, or certain proposed amendments, hereinafter stated, will give a better accounting basis for the settlement and adjustment of claims arising under contracts containing a stipulation as to the payment of the prevailing rate of wages to the employees of contractors engaged in the construction of public buildings.

The Senate and House bills are in identical terms and provide that—

"Every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract, which can not be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination, and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

The amendments apparently suggested to section 1 of the bill would make said section read as follows:

"That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision stating the minimum rate of wage that shall be paid for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract, which rate shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there. The said minimum rate of wages equal to the prevailing rates of wages for work of a similar nature applicable to the contract shall be determined by the head of the department or establishment concerned, and shall be stated in the advertisement for proposals, and shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act."

Under the bills without the amendment neither the United States nor the contractors could know at the time of contracting the prevailing rate of wages which the contractors must pay during the progress of the work. Dependent upon the facts, the rate of wages could be increased or decreased by a determination of the Secretary of Labor. A prudent contractor would necessarily be required to include in his proposal sufficient sums to protect him against any increase in wages, and if the increase did not take effect the public would nevertheless be required to pay the contractor the agreed price for the performance of the work, and thus the contractors would secure unjustified profits for the work. On the other hand, if the wages were increased above the amount included by the contractors for such increases, the probabilities are that many contractors would default in the performance of the work, and it would have to be completed by either the surety or the United States, and the Government would be under the necessity of attempting to recover the excess costs from the contractors and/or their sureties. This office can only conjecture what would be the situation of materialmen and laborers in the event of such default and the bond was not sufficient to pay both the excess cost and the unpaid sums to materialmen and laborers. There is thus an apparent impracticability under the provisions of the bills as unamended.

The proposed amendments, above quoted, to section 1 of the bill will eliminate this doubt and uncertainty by the requirement that the prevailing rate of wages be determined by the head of the department concerned prior to the advertisement for proposals and be stated in the proposals, and that there shall be included in the contract a stipulation that the contractors shall pay as a minimum such determined and stated rate of wages. This will place all contractors on a parity in so far as rates of wages are concerned in the submission of their proposals. Such an amendment will eliminate the doubt and uncertainty with respect to the rate of wages which must be paid by the contractors and will insure to laborers the rate of wages prevailing when the advertisement was issued.

As between the two bills as they now stand and the bills with the suggested amendment to section 1, this office has no hesitancy in informing you that the amendments are desirable and will reduce the doubt and uncertainty which would inevitably arise under the unamended bills, and to that extent would simplify the accounting procedure in the settlement of claims arising under the contracts.

I do not know whether your attention has been invited to decision dated January 10, 1931, of this office, concerning, among other things, a stipulation in contracts for the payment of the prevailing rate of wages, and if not, a copy of such decision is inclosed herewith.

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

Mr. BLANTON. Mr. Speaker, the decision by Gen. J. R. McCarl is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 10, 1931.

The honorable the SECRETARY OF THE TREASURY.

SIR: There has been considered your submission of November 3, 1930, as follows:

"There is inclosed herewith copy of letter of July 31, 1930, from the President, addressed to the Secretary of the Treasury, in which the President calls attention to complaints that contractors engaged in Government work are employing alien labor and that they are in certain cases transporting labor long distances into localities where there is already considerable unemployment. You will note that the President suggests the inclusion of a paragraph in the specifications of Government contracts to remedy this evil.

"This department has also received numerous complaints of this character and also that contractors are taking advantage of the unemployment situation to cut wages below the prevailing wage scale or are transporting cheap labor to jobs to the detriment of local labor.

"The situation is one which should not be endured. This department bases its estimates for appropriations on the fair wage scales prevailing throughout the country, and expects contractors to employ the best type of American mechanics and laborers on Federal work. The Government should be the last employing agency to expect or countenance the performance of its construction contracts at the sacrifice of its citizens. In the absence of any law forbidding the practices above named it is the desire of the department, in accordance with the President's wishes, to include in its specifications a paragraph which will give the department the control of the type of labor employed on its contracts and the wages to be paid such labor.

"In this connection the following paragraph has been prepared and is submitted to you for your consideration:

"NOTICE TO BIDDERS

"In preparing their estimates bidders should keep in mind the policy of the Treasury Department to maintain the local wage scale, which in case of dispute will be determined by the Secretary of Labor. Furthermore, the contractor and/or his subcontractor or subcontractors will be required to give preference at the time of employment of skilled and unskilled labor to ex-service men of the United States Army, Navy, and Marine Corps and to citizens of the United States and/or aliens who have taken out their first papers of citizenship: *Provided*, That exceptions to this requirement will be permitted only to such extent as may be shown to be necessary when the number of qualified skilled and/or unskilled laborers can not be obtained: *And provided further*, That the term 'labor' as herein used shall not include the contractors or subcontractors or subcontractors' managerial or supervisory officers or employees: *And provided further*, That the contracting officer or his representative may require the contractor and/or his subcontractor or subcontractors to discharge any laborer or mechanic employed on the work at the site thereof.

"It is not intended to place this paragraph in the contracts, but it will be inserted in the specifications as a notice to bidders.

"It will be appreciated if you will express your views as to whether in your opinion there is any legal obstacle to the inclusion of this paragraph in the specifications of contracts for Federal building construction under the control of the Treasury Department, and if the paragraph meets with your approval. Also the department will be glad to receive your suggestions as to any changes in phraseology which in your opinion would more certainly attain the desired object."

It is noted that the paragraph quoted in your submission, requiring maintenance of the local wage scale and preference for ex-service men and citizens of the United States, including aliens who have taken out their first papers of citizenship, is proposed to be inserted in the advertised specifications as a notice to bidders, but is not to be included in contracts.

No lengthy discussion would seem necessary to reveal the impropriety of what is thus proposed. If the paragraph is to be more than a gesture, there must be adequate means provided to insure observance of its stipulations by contractors. Then, too, to encourage bidding in amounts adequate to maintain the local wage scale and to give the preferences stipulated for, without providing the means necessary to insure strict observance of such requirements, would be unfair to the Public Treasury and involve an unauthorized use of the appropriation chargeable for the accomplishment of the work.

It is assumed, however, that the proposed paragraph is intended to be more than a gesture and that your submission involves the question whether existing laws controlling the uses of appropriated moneys will permit the inclusion of the proposed paragraph in specifications advertised for bids—with adequate provision in contracts for strict enforcement, and it will be considered accordingly.

With respect to the proposal to require contractors on public work of the Treasury Department to give preference to ex-service men of the United States Army, Navy, and Marine Corps, there was before this office in decision of November 8, 1930 (A–33826 and A–33890) section 9 of the act of December 21, 1928, 45 Stat. 1057, which required that preference be given to such ex-service men in connection with the construction of the Hoover Dam. This office held in said decision that the statutory requirement as to preference for ex-service men in connection with construction work on the Hoover Dam must be observed but the difference between the case considered in said decision of November 8, 1930, and that phase of the case here presented is that there is no statute authorizing or requiring preference to be given to ex-service men over other American citizens by contractors engaged on construction work for the Treasury Department. It is to be further noted that a similar statutory preference was required by certain earlier appropriation acts to be given to ex-service men. See in particular the act of February 28, 1919 (40 Stat. 1201), relating to the construction of public roads aided by Federal funds, which required such preference and specifically prohibited other discrimination among citizens of the United States as unlawful. The Congress having made the matter of giving preference to ex-service men over other American citizens the subject of legislation by enacting specific provisions for such preference in certain instances, it is not open to administrative consideration to exact that preference where the Congress has not seen fit to do so; that is, by requiring preference to be given by contractors on Treasury Department construction work in employing their skilled or unskilled laborers to ex-service men over other American citizens. There is no authority of law for making such discrimination between different groups of American citizens.

With respect to the preference proposed to be required of contractors on construction work of the Treasury Department to be given to American citizens and/or aliens with first citizenship papers over other aliens, it was held by this office in decision of November 8, 1930, supra, that in a clearly proper case objection would not be made by the accounting officers to a requirement that preference be given to American citizens, on public work, over aliens, and in the particular case then under consideration—construction of the Hoover Dam near the Mexican border—the facts and circumstances appeared such that it was concluded objection might properly be withheld as in the public interest if the President should conclude in such connection to approve such modification of the form of contract theretofore prescribed by him as for uniform use in such cases. While what was therein said and held had relation to the particular case then under consideration, including its own facts, circumstances, and conditions, there appears no present requirement for any modification of what was therein said and held in such regard, nor has there been suggested reason for enlargement to include aliens who have secured their first citizenship papers.

In this connection it seems not improper to invite attention to your communication of September 29, 1930, to the President, made in response to his letter of July 31, 1930, referred to in the first paragraph of your submission herein. Attached to your communication of September 29 there was a tabulated statement of the number of men employed on 26 construction projects under the Treasury Department, located in various parts of the United States, as follows:

Number of men employed on various jobs

Building	Total	Alien	Local	Outside
Asheville, N. C., post office	65	0	60	5
Boise, Idaho, post office	60	0	33	27
Boston, Mass., post office	48	0	36	12
Brooklyn, N. Y., post office	13	0	13	0
Dallas, Tex., post office	131	0	117	14
Denver, Colo., customhouse	90	0	81	9
Fargo, N. Dak., post office	78	0	26	52
Haverhill, Mass., post office	53	3	35	18
Juneau, Alaska, Federal building	101	9	39	62
Lima, Ohio, post office	50	0	34	16
Lowell, Mass., post office	27	0	27	0
Memphis, Tenn., post office	140	1	126	14
Milwaukee, Wis., post office	100	2	100	0
New Orleans, La., marine hospital	32	0	32	0
Oshkosh, Wis., post office	34	0	21	13
Passaic, N. J., post office	27	0	23	4
Pullman, Mont., post office	20	0	20	0
Racine, Wis., post office	32	0	28	4
San Francisco, Calif., marine hospital	117	2	117	0
Seattle, Wash., immigrant station	50	0	50	0
Scranton, Pa., post office	103	5	96	7
Springfield, Ill., post office	65	1	41	24
Tampa, Fla., post office	65	0	53	12
Tucson, Ariz., post office	161	0	103	58
Tyrone, Pa., post office	12	0	0	12
Watertown, N. Y., post office	50	11	45	5
	1,724	34	1,356	368

It would appear, as pointed out in your letter of September 29, 1930, that the number of aliens so employed is relatively small—34 out of a total of 1,724.

There would appear for consideration in such connection also, as having some relationship thereto, the immigration policy of the United States as it has heretofore been and as it now exists, as disclosed by the enactments on the subject, and from which this problem arises.

From what has been pointed out it necessarily follows that only in a clear case of necessity in the public interest could the accounting officers properly withhold objection to the uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have obtained first papers of citizenship over other aliens lawfully here, without legislative authority therefor.

With respect to the question remaining:

It is proposed by the submission to now include in requests for bids in cases where public work intrusted to the Treasury Department for accomplishment is to be let to private contractors, a stipulation requiring the successful bidder (the contractor) "to maintain the local wage scale, which in case of dispute will be determined by the Secretary of Labor," or as has been suggested informally, language having like purpose and effect, such as a requirement that "contractor pay not less than the prevailing rate of wages in the locality or metropolitan area in which the

project is being constructed." While a somewhat similar matter was treated in certain text submitted here by the Secretary of the Interior in the Hoover Dam case, decided November 8, 1930, the precise question here involved was not raised, considered, or decided therein.

The Supreme Court of the United States has had recent occasion to consider and express decision on strikingly similar language in Connally *v.* General Construction Co. (269 U. S. 385). This was an action involving an Oklahoma statute requiring "laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts with the State" to be paid by the contractor or subcontractor "not less than the current rate of per diem wages in the locality where the work is performed * * *." The statute provided a penalty of fine or imprisonment for violations. A dispute arose as to the amount of the current rate of per diem wages being paid labor in the locality where the particular work was being performed, and the Commissioner of Labor having determined, after investigation, that $3.60 was such current rate of wage in the locality, and contractor insisting upon and paying only $3.20 per day, contractor was threatened with prosecution in the event there was not paid the rate of wage so determined by the Commissioner of Labor, and applied for injunction to restrain the State officials from enforcing the statute because unconstitutional. In affirming the decree of the lower court granting injunction relief the Supreme Court said:

"We are of opinion that this provision presents a double uncertainty, fatal to its validity as a criminal statute. In the first place, the words 'current rate of wages' do not denote a specific or definite sum, but minimum, maximum, and intermediate amounts, indeterminably, varying from time to time and dependent upon the class and kind of work done, the efficiency of the workmen, etc., as the bill alleges is the case in respect of the territory surrounding the bridges under construction. The statutory phrase reasonably can not be confined to any of these amounts, since it imports each and all of them. The 'current rate of wages' is not simple but progressive—from so much (the minimum) to so much (the maximum), including all between; and to direct the payment of an amount which shall not be less than one of several different amounts, without saying which, is to leave the question of what is meant incapable of any definite answer. See People ex rel. Rodgers *v.* Coler (166 N. Y. 1, 24–25).

"Nor can the question be solved by resort to the established canons of construction that enable a court to look through awkward or clumsy expression, or language wanting in precision, to the intent of the legislature. For the vice of the statute here lies in the impossibility of ascertaining, by any reasonable test, that the legislature meant one thing rather than another, and in the futility of an attempt to apply a requirement, which assumes the existence of a rate of wages single in amount, to a rate in fact composed of a multitude of gradations. To construe the phrase 'current rate of wages' as meaning either the lowest rate or the highest rate or any intermediate rate or, if it were possible to determine the various factors to be considered, an average of all rates, would be as likely to defeat the purpose of the legislature as to promote it. See State *v.* Partlow (91 N. C. 550, 553); Commonwealth *v.* Bank of Pennsylvania (3 Watts & S. 173, 177).

"In the second place, additional obscurity is imparted to the statute by the use of the qualifying word 'locality.' Who can say with any degree of accuracy what areas constitute the locality where a given piece of work is being done? Two men moving in any direction from the place of operations would not be at all likely to agree upon the point where they had passed the boundary which separated the locality of that work from the next locality. It is said that this question is settled for us by the decision of the criminal court of appeals on rehearing in State *v.* Tibbetts (205 Pac. 776, 779). But all the court did there was to define the word 'locality' as meaning 'place,' 'near the place,' 'vicinity,' or 'neighborhood.' Accepting this as correct, as of course we do, the result is not to remove the obscurity but rather to offer a choice of uncertainties. The word 'neighborhood' is quite as susceptible of variation as the word 'locality.' Both terms are elastic and, dependent upon circumstances, may be equally satisfied by areas measured by rods or by miles. See Schmidt *v.* Kansas City Distilling Co. (90 Mo. 284, 296); Woods *v.* Cochrane & Smith (38 Iowa 484, 485); State ex rel. Christie *v.* Meek (26 Wash. 405, 407–408); Millville Imp. Co. *v.* Pitman, etc., Gas Co. (75 N. J. Law, 410, 412); Thomas *v.* Marshfield (10 Pick. 364, 367). The case last cited held that a grant of common to the inhabitants of a certain neighborhood was void because the term 'neighborhood' was not sufficiently certain to identify the grantees. In other connections or under other conditions the term 'locality' might be definite enough, but not so in a statute such as that under review imposing criminal penalties. Certainly, the expression 'near the place' leaves much to be desired in the way of a delimitation of boundaries; for it at once provokes the inquiry, 'How near?' And this element of uncertainty can not here be put aside as of no consequence, for as the rate of wages may vary—as in the present case it is alleged it does vary—among different employers and according to the relative efficiency of the workmen, so it may vary in different sections. The result is that the application of the law depends not upon a word of fixed meaning in itself or one made definite by statutory or judicial definition, or by the context or other legitimate aid to its construction, but upon the probably varying impressions of juries as to whether given areas are or are not to be included within particular localities. The constitutional guaranty of due process can not be allowed to rest upon a support so equivocal."

While the Oklahoma case involved a statute imposing a fine or imprisonment as penalty for violation and was thus penal in its nature, it is assumed there will be provided, as would appear necessary if it should be held permissible under existing law to include the suggested language in contract matters as proposed, adequate means to accomplish and insure full compliance, including penalty for violation.

But, aside from this aspect of the matter, there remain other serious questions—whether under existing law the matter of so fixing the wages an employer must pay in the doing of Government work is one authorized to be accomplished in connection with the contracting therefor pursuant to section 3709, Revised Statutes; and, if so, whether an appropriation, general in terms, may properly be held available for payments in such connection.

It has long been the rule, enforced uniformly by the accounting officers and the courts, that an appropriation of public moneys by the Congress, made in general terms, is available only to accomplish the particular thing authorized by the appropriation to be done. It is equally well established that public moneys so appropriated are available only for uses reasonably and clearly necessary to the accomplishment of the thing authorized by the appropriation to be done.

Usually the thing so authorized to be done may be accomplished either through a governmental agency employing the necessary labor, purchasing the needed materials, etc., or, in a proper case, through contracting with a citizen to do the job, who, by his contract, assumes the responsibility for supplying everything needed to fully discharge his contractual obligations, including labor, materials, etc. In so contracting the basic statute to be observed is section 3709, Revised Statutes. The clear purpose of this statute is to secure full and free competition in supplying the needs of the United States (which needs are required to be clearly stated in the request for bids) and the benefit to the Treasury of required acceptance of the low responsible bidder.

The clear intent of the suggested language, employed in connection with bidding and contracting as proposed, is to benefit those employed on the work by contractors and to insure them against wage reductions below the "local wage scale" or the "prevailing rate of wages in the locality." In fact, the suggested language admonishes bidders to include in their bids amounts with which to so make payments, and it must be assumed the bidding will be accordingly.

No matter how worthy may be the object or end sought to be attained through action by the executive branch, where the use of public money would be involved in its accomplishment, it becomes necessary, if our system of government is to be faithfully observed, for the accounting officers to question the proposed use, unless by them found to be reasonably within the law of the appropriation proposed to be employed. Then, if agreement to the proposed use must be by the accounting officers withheld, the matter may go to the Congress, the source of all authority for the uses of public moneys.

However desirable the contrary may be, it seems clear that in the present state of law the proposal to fix by contract the minimum rate of wages the contractor must pay his employees in the doing of the contract work, assuming a contract otherwise valid and enforceable could be drawn, clashes with the long-recognized intent and purpose of section 3709, Revised Statutes, in that it removes from competitive bidding on the project an important element of cost and tends to defeat the purpose of the statute—that is, to obtain a need of the United States, authorized by law to be acquired, at a cost no greater than the amount of the bid of the low responsible bidder, after full and free competitive bidding.

But were it possible to surmount this obstacle, could it properly be held that the fixing of the minimum wages to be paid employees, as proposed, has such intimate relationship to the single matter of accomplishing the thing authorized by the appropriation to be done as to properly permit its being held, in other than a most extraordinary case, reasonably necessary to such accomplishment, so as to meet the test long applied in determining the availability of an appropriation general in terms for proposed or accomplished uses? I fear not. That the cost to the United States because of the admonition to bidders to so bid as to be able to pay the wages as so fixed, whether actually so paid or not, would be increased, seems too clear for question. Such added cost in the matters involved in the submission would seem to have no relationship to the actual accomplishment of the work authorized by the appropriations to be done, and consequently could not properly be paid from such appropriations.

What is here involved appears a matter which, in the present state of the law is not for adjustment through administrative action in contracting, and uses of appropriated moneys in such connection without further expression and authority thereon from the Congress may not properly be approved by the accounting officers.

That the Congress regards the problem as one for adjustment through legislative enactment, possibly because of the effect on the economic structure, is evidenced by Senate amendment No. 14 to the bill H. R. 14804, recently considered and enacted after elimination of the said amendment, and other measures now pending.

Answering specifically your submission I feel compelled to hold—

1. That to include the proposed language in requests for bids without providing adequate means for exacting complete compliance therewith would not be authorized.

2. That only in a clear case of necessity in the public interest may the accounting officers properly withhold objection to the

uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have taken out first papers of citizenship over other aliens lawfully here without further legislative authority therefor than now exists.

3. Discrimination between different groups of American citizens through exacting preference for one over the others by contractors engaged on public work is unauthorized other than when specifically so required by law.

4. To include in requests for bids a provision admonishing bidders to so bid as to be able, in the event of being awarded the contract, to pay employees on the contract work the "local wage scale" or "the prevailing rates of wages in the locality or metropolitan area in which the project is being constructed," even with adequate provision for complete enforcement against contractors, would in general and in the present state of the law be unauthorized. Only in such rare case, if one there might be under existing conditions, where the need for such stipulation could on the facts be held as required to accomplish the thing authorized by the appropriation to be done, could objection be properly withheld.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. Speaker, the letter from some of the interested parties, the Associated General Contractors of America, to the President of the United States is as follows:

ASSOCIATED GENERAL CONTRACTORS OF AMERICA (INC.),
Washington, D. C., February 8, 1931.

The PRESIDENT,
White House, Washington, D. C.

DEAR MR. PRESIDENT: Under date of January 26, 1931, there was introduced in the Senate S. 5904, and on January 27, 1931, in the House H. R. 16619, both relating to the rate of wages of laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors. S. 5904 was reported January 26, 1931, calendar day February 3, 1931, and H. R. 16619 was reported January 31, 1931, and, as you doubtless know, S. 5904 has recently passed the Senate and H. R. 16619 and the Senate bill are both pending in the House.

As you will remember from your recent telegram sent to this association, the association was holding its annual convention in San Francisco, Calif., and many of the members of the association were either en route to or attending the convention when these bills were introduced into Congress and reported by the respective committees of the Senate and House. Consequently this association did not have an opportunity to present its views in the matter, and upon contacting Saturday, February 7, 1931, with some of the Members of the House it seemed to be the impression of these Members that these bills were administration measures and that even though the contracting industry had not been heard in the matter the bills could not be amended to correct obvious possibilities of endless disputes and of increased costs to both the taxpayers and the contractors.

At the outset this association desires to be understood as favoring during this emergency period the principle that contractors on Government public-building work should pay the prevailing local rate of wages, and the association condemns those few contractors who cut wages below the local rate, whether on public-building work or on the vast highway program participated in by both the States and the Federal Government. These bills under consideration do not touch this latter class of highway contracts. This position of the association is clearly stated in the following resolution which was adopted at the annual convention in San Francisco on January 29, 1931:

"An extensive study of conditions now prevailing in the construction industry has indicated to the Associated General Contractors of America the advisability and propriety of enunciating the following principles with respect to wages and hours of labor:

"First. It is contrary to the best interests of the construction industry and society at large for contractors or other employers to utilize the present surplus of workmen as a means of depressing wages or establishing excessive hours of employment.

"Second. It is contrary to the best interests for a public body to award a contract to a contractor whose bid is predicated upon the exploitation of labor by either excessive working hours or reduced wages.

"Third. It is contrary to the desires of the people, as expressed by the extraordinary appropriation of Congress during the present emergency, that workmen's wages paid out of public moneys should be depressed below that required for a decent standard of living: Therefore be it

"*Resolved*, By the Associated General Contractors of America, that public awarding agencies have a moral obligation to cooperate with the responsible contractors of the country in preventing exploitation of labor; be it further

"*Resolved*, That the Federal Government when assisting the States financially and the States when assisting any political subdivision should enforce such regulations as may be necessary during the present emergency to maintain a reasonable scale of wages."

Favoring the principle that Government contractors and subcontractors should be required to pay the local prevailing rate of wages, this association most strenuously objects to S. 5904 and H. R. 16619, which would throw the entire contracting industry, in so far as it is engaged in the construction of Government buildings, into confusion; would largely increase the expense to the taxpayers of the country of necessary public buildings, and would lead to endless dissatisfaction and bickerings between contractors and the contracting officers, between labor and both the contractors and contracting officers, and would not insure to labor what the proponents of the bills seem to think that labor should receive.

It would seem to require no argument to demonstrate that if contractors must bid on public work with the uncertainty confronting them that the Secretary of Labor could and probably would change the rate of wages a number of times during the progress of the work, such contractors must add to their proposals sufficient sums to protect them against any such possible increases. If the increases do not take effect, such additional sums would accrue to the contractors in addition to their ordinary allowance and would represent an unnecessary expense to the public. Without further argument you will appreciate from your experience in the business world that anything which leads to doubt and uncertainty, or increases the risks on construction work, must necessarily increase the bid price for performance of such work. If the Government assumed these risks in a cost-plus contract, the situation might be different, but it is not understood that these bills contemplate cost-plus contracts, and if the risks are to be imposed on the contractor, the public must necessarily pay therefor.

Under present competitive conditions the constant tendency will be for bidders to reduce this margin to a minimum to protect against changes in wage rates with the result that undoubtedly the number of failures of contractors will be increased, resulting in losses to material men and laborers, delay in securing the completion of the work, and increased expenditures by the Government for supervisors, attorneys, etc., in connection therewith. All this public and social loss can be and should be reduced to a minimum through the enactment of proper legislation under which operations are to take place.

As stated above, and as shown by the above-quoted resolution, this association is in favor of the Government contractors paying the local prevailing rate of wages during this emergency, but it does believe that legislation to that end should be definite and certain. This association believes, in substance, that the minimum rate of wages to be paid laborers and mechanics should be determined by the department having in charge the construction work and not by the head of some other department who is not charged with the responsibility for the expenditures of the public funds provided for such work. Also that the rates of wages to be paid should be stated in the advertisement for bids so that all prospective contractors will be informed as to the rate that they must pay so that they may intelligently compute their costs. No intelligent estimate of cost of labor can be made without this information, and this without reference to the possible effect of the rates of wages on Government building projects on the general economic structure.

This association would have no objection to the legislation, if the bills were modified to read, as follows:

"*Be it enacted, etc.*, That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision stating the minimum rate of wage that shall be paid for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract, which rate shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia, if the public buildings are located there. The said minimum rate of wages equal to the prevailing rates of wages for work of a similar nature applicable to the contract shall be determined by the head of the department or establishment concerned and shall be stated in the advertisement for proposals and shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

Since these bills are reported to be administration measures and we feel that the President of the United States can properly take no position which is not in the best interests of the taxpayers of the United States, labor, and contractors—all of their interests being considered—we earnestly request that you make known to Congress your approval of the amendments, which we believe necessary in these bills so as to remove doubt and uncertainty so as to insure that labor will receive the rate of wages prevailing at the date of the advertisement for bids so that contractors may bid and contract for public buildings with some degree of certainty as to their probable cost and so that they will not be required in self-defense to include in their proposals unallocated items to take care of possible increase of wages required by Government officials to be paid after the contracts have been entered into.

Respectfully,

A. P. GREENSFELDER, *President.*

Mr. Speaker, if this bill were not demanded by organized labor it would not have a chance of passage in this House under suspension of the rules. This is the most ridiculous

proposition I have ever seen brought before a legislative body. You are called upon by the provisions of this bill to make a contract between every contractor and his employees, respecting the construction of every public building that may be built in every district in the United States, whether it suits the contracting parties or not. You are taking away from American citizens, contractors, and laborers alike the sacred, inherent right of contract—the right to make their own contracts for themselves.

We are thus proposing by this pernicious bill to interfere with a sacred, inalienable right that has given initiative and independence to men for ages past. It would make the advertising by the Government for the "Lowest reputable bid" ridiculous and a farce.

I am for organized labor when it is right, and I dare to exercise my own judgment and refuse to obey its commands when it is wrong. I have supported every proper demand that has been made by organized labor during the 13 years I have been in Congress.

I saw fit in this House during the war, when men who had been exempted from the draft to work for their Government and were getting $30 a day as skilled laborers in the shipyards, and who kept striking until there were 6,000 strikes against the Government during the war—I was one who voted for the famous "work or fight" amendment, which would make them fight when they refused to work. I was then denounced by organized labor as its enemy, but I am one of those who is not afraid to stand up here and refuse to let a bill like this pass without raising my feeble voice in protest. I know that in this atmosphere this bill will pass this House to-day, but I can not believe that the President will allow it to become a law.

The Comptroller General sent a letter to the chairman of this committee, which I have put in the RECORD, suggesting a salutary amendment, providing that when the rates of wages are fixed they shall be fixed by the department having charge of the construction and not by the Secretary of Labor; that the rates of wages shall be stated in every advertisement for building construction, so that the contractors may understand what they are going to have to pay laborers when they take a contract. That is a reasonable and a fair provision and should have been placed in this bill, and without which this bill ought to be defeated. I know I can not defeat it here, but I believe this protest will cause it to be defeated elsewhere.

Are there of you, my colleagues, men who, because organized labor demands that you do something, are going to do that something when you know it is against your best judgment?

I can not forget that I have seen men on this floor, like my former friend from Georgia, Hon. Bill Upshaw, of Atlanta, who for years blindly obeyed organized labor in every demand it made, and yet when he needed a few votes down in Atlanta they turned him down and defeated him. I can not forget my good friend, JIM O'CONNOR, of New Orleans, who during his entire stay here, with his eyes shut and his ears closed and his brain stopped working, blindly obeyed every demand of organized labor, and yet when he needed a few votes down in New Orleans in the last election they turned him down and defeated him.

Mr. SABATH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SABATH. I know the country would be interested if the gentleman would insert in his remarks the votes he cast in favor of organized labor, because I can not think of a single vote the gentleman has cast that would have been in favor of organized labor but was in the interest of contractors and special interests.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I yield myself five additional minutes. I want to answer my friend from Illinois. I have never voted against any just demand of organized labor. I challenge any Member to name one vote of mine against any demand of organized labor that was just and right. Down in my district, every time I run for office, organized labor from Washington comes down there and buys up the advertising space in all the newspapers that are published in my district and they say exactly what the gentleman from Illinois says, and yet I get about 60 per cent of all the organized vote in my district every time I run, because they have confidence in me and they know I do not fight them when they are right and they know I dare to tell them to go to hell when they are wrong.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WOODRUFF. My friend from Texas knows, of course, that we have either got to accept this bill or vote it down.

Mr. BLANTON. Yes; just the way it is written. You have got to vote it up or vote it down. You can not dot an "i" or cross a "t." We can not amend it. You have got to take it just like organized labor has written it for you, like a bunch of mocking birds with their mouths open and their eyes shut.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. BLANTON. Certainly.

Mr. WOODRUFF. Will the gentleman point out to the House where there is any provision in this bill which prohibits the Treasury Department from specifying the rates of wages that shall be paid for the different classes of labor employed in construction? Is there anything in the bill to prevent the Treasury Department from doing exactly what the gentleman demands?

Mr. BLANTON. The Senate bill, which is the same as the House bill, requires that if there is any dispute about the prevailing rate of wages it is to be settled in Washington by the Secretary of Labor, for those buildings to be constructed in New Mexico, in Oregon, or in Florida. It is the Secretary of Labor who shall say what the rates of wages shall be paid by the contractors in those States to their employees. I am not in favor of such a provision. I want the right of contract between Americans to remain inviolate. Let them meet each other across the table and agree upon what they are going to do.

Mr. SCHAFER of Wisconsin and Mr. SHORT of Missouri rose.

Mr. BLANTON. I want to yield first to my friend from Wisconsin.

Mr. SCHAFER of Wisconsin. I know the gentleman from Texas wants to be absolutely correct.

Mr. BLANTON. Always.

Mr. SCHAFER of Wisconsin. The gentleman made the statement that a former colleague, Mr. Upshaw, always blindly followed organized labor in every demand. I want to call the gentleman's attention to the fact that the American Federation of Labor at many national conventions, by an almost unanimous vote, has asked for the return of beer and light wines, and yet the gentleman from Georgia, Mr. Upshaw, did not follow that demand.

Mr. BLANTON. I am glad that my friend has mentioned that demand of the American Federation of Labor. It proves the fact that some demands are ridiculous, and even require Members to nullify the Constitution itself. I remember that under the whip and spur of labor Bill Upshaw voted for the Hawley bill that would have put this Government into the distillery business, and placed Mr. Secretary Mellon at the head of Government distillery corporation, with $100,000,000 capital. But fortunately that did not become law.

I will give you an illustration of what organized labor will do for the faithful. You take our good friend, FRED ZIHLMAN, who hasn't been quite dry all his life—he was born that way [laughter]—he has lived that way, and he will die that way. He has faithfully obeyed organized labor in every demand they have ever made; yet, when he needed a few votes this time, they quit him and kept him at home; and I will tell you this: You would better quit depending on organized labor in particular and depend on American citizens generally for reelection.

Mr. SHORT of Missouri. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SHORT of Missouri. Organized labor opposed me at the recent election, but for that reason I am not going to oppose the passage of this bill because section 2 protects the contractor by making the wage scale apply only to contracts that are let in the future and not to those that are now outstanding.

Mr. BLANTON. But you are fixing this law for all time in the future.

Mr. SHORT of Missouri. But the contractor knows this at the time he makes a contract.

Mr. BLANTON. This is to become permanent legislation, and you will have contractors from now on like a bunch of puppets following the dictates of a bureau here in Washington. I want to help get these matters back into the States and away from Washington where they have to be controlled by a little bureau here every time Americans turn around. Why, they will not be able to make a contract to construct a building in the United States without being directed by a little bureau here as to what kind of contract they shall make. This is not right. It is not proper, and I am one of those who is not going to be compelled to obey their orders. I shall vote against the bill even though I know you will pass it.

The SPEAKER pro tempore. The gentleman from Texas has used an additional five minutes.

Mr. BLANTON. Mr. Speaker, I reserve the balance of my time. I would like to use further time, but I promised to yield some time to my friend from New York [Mr. FISH].

Mr. WELCH of California. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, there is not a reputable, responsible contractor in this country who is opposed to this bill. [Applause.] All that this bill does is to carry out the policy of the Government of appropriating sufficient funds to pay the prevailing rate of wages on all Government contracts.

Mr. MICHENER. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I have only a few minutes. I want to say that every contractor who understands his business when he makes his estimate, bases the estimate on the prevailing rate of wages. Every contractor does that. The unfair and unethical contractors however, after getting the contract and being paid on such basis, turns around and imports labor from other localities at low and reduced prices, not only exploiting his own workers, but all to the discrimination and disadvantage of labor living in that vicinity. Let me make this clear. The contractor invariably is paid by the Government on the basis of prevailing rates but does not do so. Therefore this bill is for the protection of the Government and the workers.

Why, the gentleman from New York who introduced this bill had such an experience right in his district. A contractor from Alabama was awarded the contract for the Northport Hospital, a Veterans' Bureau hospital. I saw with my own eyes the labor that he imported there from the South and the conditions under which they were working. These unfortunate men were huddled in shacks living under most wretched conditions and being paid wages far below the standard. These unfortunate men were being exploited by the contractor. Local skilled and unskilled labor were not employed. The workmanship of the cheap imported labor was of course very inferior.

Gentleman, there is not a municipality but what has the same kind of law for public works in any city, and all that this bill does, gentlemen, is to protect the Government, as well as the workers, in carrying out the policy of paying decent American wages to workers on Government contracts. [Applause.]

Mr. WELCH of California. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BACON.]

Mr. BACON. Mr. Speaker, I do not know what bill the gentleman from Texas [Mr. BLANTON] was talking about, but I do not think it is the bill under discussion at the present time.

The purpose of this measure, stated simply, is to require, through a clause in the Government contract form that contractors and subcontractors engaged in constructing, altering, or repairing any public buildings of the United States shall pay to labor the prevailing wage rates in the city, town, village, or other civil division of the State in which the public buildings are located. It provides further that in case of any dispute which can not be adjusted by the contracting officer that the matter shall be referred to the Secretary of Labor for determination, his decision to be final and conclusive on all parties to the contract.

This measure has the support of the administration as expressed through the approval of it by the Treasury Department, the Department of Labor, the War Department, the Navy Department, and the Veterans' Bureau, or all those departments of the Government most directly concerned in the current building program of the Government.

Hearings were held in both the Senate and House committees. In the House extensive consideration has been given to this or similar bills since 1927, and in each instance the Committee on Labor made a favorable report.

In the formulation of the provisions of this bill there has been full and painstaking cooperation by the Department of Labor, the Treasury Department, the War Department, the Navy Department and the Veterans' Bureau, and in the framing of this measure there was also the collaboration of the solicitors of these departments.

Therefore, this measure comes before the House with the united support of the executive departments, the unanimous reports of both the Senate and House committees, and the knowledge that it passed the Senate without opposition.

A practice has been growing up in carrying out the building program where certain itinerant, irresponsible contractors, with itinerant, cheap, bootleg labor, have been going around throughout the country "picking" off a contract here and a contract there, and local labor and the local contractors have been standing on the side lines looking in. Bitterness has been caused in many communities because of this situation.

This bill, my friends, is simply to give local labor and the local contractor a fair opportunity to participate in this building program.

I think it is a fair proposition where the Government is building these post offices and public buildings throughout the country that the local contractor and local labor may have a "fair break" in getting the contract. If the local contractor is successful in obtaining the bid, it means that local labor will be employed, because that local contractor is going to continue in business in that community after the work is done. If an outside contractor gets the contract, and there is no discrimination against the honest contractor, it means that he will have to pay the prevailing wages, just like the local contractor.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. BACON. Yes.

Mr. McCORMACK of Massachusetts. This bill also compels, does it not, the unscrupulous contractor to enter the field of fair competition?

Mr. BACON. The unscrupulous contractor who hitherto came in with cheap, bootleg labor must now come in and pay the prevailing rate of wages in the community where the building is to be built, and I submit that this puts all contractors on a fair, equal, and equitable basis.

Mr. JOHNSON of Washington. I want to say that I am for the bill. Suppose a contractor gets a Government contract—which I know to have been done—and then requires the common laborer to work at a lower price and provide his own pick and shovel, which he has not got. He gets the wages down from $4 to $2.75 and requires each laborer to get his own pick and shovel.

Mr. BACON. The contractor on all Government jobs must conform to the prevailing wages in that community. He can not shave that price, but he must pay the prevailing wage. The Government must not be put in the position of helping to demoralize the local labor market.

Mr. JOHNSON of Washington. That will help.

Mr. MICHENER. Will the gentleman yield?

Mr. BACON. I yield.

Mr. MICHENER. How is the contractor going to get the information as to what the prevailing wage is in a community?

Mr. BACON. The Secretary of Labor and the different departments have given this bill great consideration, and——

Mr. MICHENER. But the gentleman does not answer my question. How is the contractor going to know what the prevailing wage is in the community? Will the Government furnish it to him? Will the Government furnish him the information as to the going wages at that time?

Mr. BACON. Certainly not, as a pegging proposition. A local contractor knows the local prevailing rates; an outside contractor must find them out. But he does this to-day if he is intending to use the local labor supply.

The Secretary of Labor, Mr. Doak, when testifying before the house committee, stated that he considered this emergency legislation. I believe the membership of the House generally knows why this is so. The Government has embarked on a large construction program, perhaps to a total of some five hundred millions of dollars. The translation of this program will mean new and improved courthouses; Federal post-office buildings at practically every first and second class post office, and in every part of the country; new hospitals and additions to hospitals for the Veterans' Bureau, the Public Health Service, and the Army and Navy; new customhouses or additions thereto; additional Army and Navy building projects of every character; et cetera.

This proposed legislation is a most necessary and desirable complement to the building program of the Government. Its purpose is to see to it that the benefits of the program are spread equitably throughout the country, alike to labor and to the contracting industry.

Members of Congress have been flooded with protests from all over the country that certain Federal contractors on current jobs are bringing into local communities outside labor, cheap labor, bootleg labor, or that they are taking an unconscionable advantage of demoralized labor conditions generally by cutting the prevailing wage scale, leaving a resentful and embittered community, and giving rise to the complaint by local labor that the Government is in league with contract practices that make it possible to further demoralize local labor conditions.

Unless this bill is passed I think it is fair to assume that all of the complaints that have come to the administration and to Members of Congress thus far will be increased in precise ratio to the momentum the building construction program will gain through the construction of post offices, courthouses, hospitals, and so forth, in all districts of the country that have not so far had any Federal construction work.

The President, as is well known, is very anxious that the wage scale be not reduced. The administration has done everything it possibly could, with the scant power it at present wields, to have contractors on Federal jobs agree to maintain the current wage obtaining in the communities where the Federal work has gone forward. But notwithstanding all of the Government's efforts, the results have been indifferent, and many complaints are pouring in.

These complaints have also come to the President's Committee on Unemployment, some of them as recent as January and February of this year. This committee has also indorsed this legislation and feels that it will materially help in relieving the unemployment situation and in spreading its benefits equitably throughout the country to as many people as possible.

In its practical operation the bill sets up a simple and direct method of assuring the payment of the prevailing wage by the contractor in the community where the work is performed. The Secretary of Labor anticipates no difficulties of administration. In 90 per cent of the cases he feels there will be no dispute of any kind. Where there is a dispute, which can not be ironed out on the spot by the contracting officer of the Government, the matter would be referred to the Secretary of Labor for final decision. The Labor Department has a well-organized conciliation service; and the administration feels that the offices of this service, when called on, will be able, without trouble, to settle disputes amicably, expeditiously, and to the satisfaction of everyone.

The bill does not put the Government in the position of price fixing or of anticipating wage levels; it does not attempt to peg a price for either the benefit of the contractor or labor. It does not disturb the methods or causes that finally evolve a scale of wages. It leaves that to employer and employee, where it belongs.

In case of dispute and where the Secretary of Labor must make the final decision, the function of the Secretary will be to apply to the contract the wages he ascertains constitute the prevailing rates. That is all he would do. He would make an ascertainment of fact, pure and simple, and apply that ascertainment to the contract.

We have the condition to-day on many Federal construction projects, where the terms "local labor" and "prevailing rates of wages" mean absolutely nothing; where local workmen are merely envious onlookers, off the reservation, simply because the Federal contractor concerned has been able to bring into the local community a cheap, itinerant labor supply or to severely cut the wages normally paid to the workmen in the community. He does this with profit to himself and perhaps also, I am ashamed to say, with profit to the Federal Government. We have instances where contractors are dumping this cheap labor into an already demoralized labor market at the expense wholly of the local workman, his family, and his community.

To permit the Federal Government to aid in the disruption of stable labor conditions is not fair or decent. Nor is it fair or decent to permit practices that discriminate against the local contractor or the general contractor who does not believe in taking advantage of demoralized labor conditions in any community in which he may operate.

This measure is also indorsed by labor generally and by the American Federation of Labor and its affiliates. It also has the support and indorsement of building contractors. Just as a brief illustration I want to read three indorsements that have come to me from contractors and contractors' organizations. The first is from the Thompson-Starrett Construction Co. It reads:

FEBRUARY 24, 1931.

Hon. ROBERT L. BACON,
House of Representatives:

We heartily indorse your bill entitled, "Prevailing rate of wages," and believe the passage of this measure will be a great aid in stabilizing labor conditions and permitting legitimate contractors to figure on public work.

THOMPSON-STARRETT CO. (INC.).

The next is from George A. Fuller Construction Co., reading as follows:

NEW YORK, N. Y.

Congressman ROBERT BACON,
House Office Building:

Supplementing our wire of yesterday requesting consideration of amendment introduced by Associated General Contractors to bill for prevailing rate of wages, we are in favor of original bill without amendment if amendment would jeopardize passage of bill.

GEORGE A. FULLER CO.

And the last one is from the Mason Contractors' Association of the United States and Canada, reading as follows:

MASON CONTRACTORS' ASSOCIATION OF
UNITED STATES AND CANADA,
St. Louis, Mo., February 20, 1931.

Representative ROBERT BACON,
House of Representatives, Washington, D. C.

TO REPRESENTATIVE ROBERT BACON: There has come to our notice the Davis-Bacon bill, regulating the pay of labor and mechanics on Government contracts which provides that contractors pay the prevailing rate of wages in the locality of the job.

This organization is vitally interested in its passing, and on behalf of the Mason Contractors' Association of United States and Canada, I would ask that you indorse the Davis-Bacon bill.

Respectfully yours,

T. W. KIRK, *Secretary.*

Under this measure the benefits of the public-building program will be spread out equitably over the country. The discrimination that both labor and the legitimate contractor are now suffering from, through unfair practices on the part of unscrupulous contractors, will be cured, and the

communities that this public-building program will touch will be dealt with beneficially and not adversely; the latter being often the case to-day.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Speaker and gentlemen of the House, I think it very generous of the gentleman from Texas to yield me this time, for he knows that I am heartily in favor of the bill.

I sincerely hope that the Members of the House will give their unanimous support to this bill on account of its importance at this time, in view of the great number of contracts for Federal buildings soon to be awarded throughout the country.

May I say that I have had some personal knowledge of this matter during the recent erection of a Federal hospital in my State, and I believe this bill will safeguard a great many States against unjust contracts and discrimination against labor, as was the case to which I have referred in New Jersey. Organized labor has suffered much through selfish importation of labor from distant localities. While this bill may not absolutely prevent such condition, it is at least a step in the right direction, and will go a long distance to prevent the intolerable conditions labor has been subjected to in the past. [Applause.]

Our committee unanimously indorsed this bill, believing that the Secretary of Labor will render a just decision if and when cases are referred to him for determination in the event that a dispute arises with regard to the prevailing wage rates.

Under this bill the Government does not set up any new wage scale. It simply insists that the prevailing wage scale in the vicinity of Federal building projects be complied with; and this, I contend, is a matter of plain justice to the employees, the contractors, and the Government. Surely no Member of this House will vote against this humane and just bill.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, the gentleman from Texas said that this was "the most ridiculous piece of legislation ever brought before a legislative body," when he should know there is not a progressive State or municipality in the Union that has not had identical legislation of this kind for years. Many of them have laws which go much further than this proposal.

While I am heartily in favor of the bill, I regret there is not included in it, as I have advocated for some time, some teeth, some penalty or forfeiture, so that the contractor can be compelled to live up to his contract and the law.

The appeal made here in behalf of the contractor is entitled to no consideration. The contractor does not pay this money out of his own pocket. The wages he pays are of no concern to him. The money comes out of the Treasury of the United States. The contractor figures what the prevailing wages are when he submits his bid. He is able to find out what the prevailing wages are much better than the Government. That is his business. He gets the money from the Government, and so far as he is concerned it makes no financial difference whether he pays the prevailing rate of wages or not. He includes it in his bid.

Mr. SNELL. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. SNELL. Is not this practically the New York State law on the same proposition?

Mr. O'CONNOR of New York. It is. New York was the pioneer in such legislation. Not only do all contractors on State and city public works have to pay the prevailing rate of wages, but recently the law was extended to include railroad grade crossing elimination work, because the State contributes a part of the cost of such work. The New York statute has penalty and forfeiture provisions which I hope in time will be incorporated in this law.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, I appreciate this opportunity to indorse this measure and thank the gentleman from Texas for yielding to me when he knew I was not in accord with his views.

Mr. Speaker, this legislation is not only fair to the employee but most fair to the employer. It protects the local contractor from competition with an outside contractor who employs cheap labor, inferior labor.

Two great buildings, a Federal office building and a new post office, involving an expenditure of nearly $10,000,000, are to be constructed in my city, St. Louis. I would like to see those buildings constructed by a St. Louis contractor and by St. Louis labor. This law will apply and the local contractor will not be required to compete with a foreign contractor who, if he secured the contract, would be required to import cheap labor. What would result if cheap labor was brought into my city? It would be resented, and trouble would result.

In the last few days contractors from my city have wired urging that this bill be amended. These telegrams result from a general letter sent out from Washington by the contractors' association. Amendments can not be offered under the rule. It is now too late to change the bill. It seems to me if there was objection to this particular bill the contractors' associations should have made their views known before the committee. I have indorsed the principles of this legislation before the Committee on Labor on several occasions at open hearings.

Union labor understands that under the Constitution the Treasury Department can not specify the use of union labor in connection with the construction of public buildings. Organized labor does not ask special favors. In supporting this bill all it asks is fair play. I feel that instead of opposing this bill all reputable contractors should feel indebted to those responsible for its enactment because in the end it will be beneficial to them.

The Congress should never overlook an opportunity to maintain the present standard of wages.

The enactment of this bill to-day means much to the Government, as it will result in the employment of the best class of mechanics in the construction of public buildings.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Texas for yielding time to me. I do not agree with his expressed views on this bill. I think it will be very helpful when it is enacted into law, and it will be particularly helpful I hope to the district which I represent, which includes the Military Academy at West Point, by empowering the Secretary of Labor to adjust labor disputes based on prevailing wage scales. For many years past I have had innumerable complaints from organized and unorganized labor stating that the West Point authorities did not pay the wage scale that prevails in the near-by towns and cities. Every complaint that came to me I forwarded to the War Department. The War Department forwarded that complaint back to West Point, with the result that nothing has been done in all these years. I hold in my hand a letter addressed to me dated May 6, 1929, from Mr. Green, president of the American Federation of Labor, which reads as follows:

DEAR SIR: A copy of your letter of April 24 to Hon. James W. Good, Secretary of War, is a practical plan of removing the grievances of the building-trades workmen at West Point. I understand that Representative JAMES has insisted that all future construction at West Point Military Academy should be submitted to public bids for the purpose of avoiding the methods used for some time in that Army post. It is also true that much criticism has arisen about the wages paid. It has been the practice to pay the workers at West Point less than they receive in near-by towns. Your letter to Secretary Good is appreciated, and I have sent a copy to Mr. William J. Spencer, secretary of the Building Trades Department.

Respectfully yours,

WILLIAM GREEN.

What I want to find out from the introducer of this bill is whether the provisions of the bill will apply to the con-

struction work that is being done and will be done in the future at the West Point Military Academy.

Mr. BACON. The provisions of the bill apply to all building constructions carried on by the Government, whether through the Treasury, the Veterans' Bureau, the War Department, the Navy Department, or any other department.

Mr. FISH. As I understand the bill, it applies to contractors. Suppose the military authorities do the work themselves, does it apply to them?

Mr. BACON. This does not apply to river and harbor work, or road construction.

Mr. FISH. The quartermaster does some of the work at West Point. Would it apply to that work?

Mr. BACON. Technically, no; this bill would not apply to that.

Mr. FISH. The gentleman from Michigan [Mr. JAMES] is here, and I serve notice now that I will try to provide that all future work be done by contract, instead of by purchase and hire by the quartermaster.

Mr. DOWELL. When this bill becomes the law, as it should, it seems to me the Government will be bound to observe its provisions as well as individuals.

Mr. BACON. This bill declares the policy of the administration, and I think they will be morally bound, in carrying out this policy, to do themselves what they require others to do.

Mr. FISH. That is the kind of statement and interpretation of the bill that I hoped to get into the RECORD.

Mr. JAMES of Michigan. It is not necessary for the gentleman from New York to serve notice on the chairman of the Committee on Military Affairs, because he stated on the floor that if the War Department had any construction work themselves and exceeded the limit, he would introduce a bill to prevent that thing.

Mr. FISH. In conclusion I want to say that I am wholeheartedly for the bill. I do not think it goes far enough. I am sorry there is not a clause in the bill to give preference to local and American labor over alien labor.

Mr. BACON. My original bill, which I introduced in 1927 and again in 1928 and 1929, had that additional provision in it, namely, to provide that citizen labor be employed on Federal works. This bill was drawn by five departments, and agreed on by five departments, and is introduced here as an emergency measure. I hope in the next Congress to again introduce a bill to provide that American workmen shall get absolute preference on all work carried on by or for the Federal Government. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, the sponsors of this legislation are to be congratulated for the good work they have done in bringing this bill before the House for final action. This is, in my judgment, good legislation, and I shall support it. In these days of improved methods and modern machinery we find the employer class generally resisting wage increases and work-period reductions. This false economic philosophy is in a large measure responsible for the terrible situation the country finds itself in to-day. It is apparent that machines are producers, but they neither purchase nor consume. The people are the consumers, and a vast majority are wage earners, who can only consume that which they can buy with the wages they receive for their labor.

With consumption falling far behind production and resulting in economic stagnation, it is our chief concern to maintain the wages of our workers and to increase them wherever possible. Wages should be maintained, and especially on Government work, for to fail in this regard would be setting a bad example for private enterprise and permitting a gross injustice to be perpetrated upon our citizens. This bill is a step in the right direction and should pass at this session of Congress.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Speaker, I think this is one of the most advanced pieces of legislation which has been enacted by Congress in a very long time. I have known in communities throughout the United States, and even in my own, the utmost difficulties encountered by contractors, who figured upon paying the regular prevailing local wage scale, in obtaining Government building contracts, which otherwise they could have gotten, but were denied by reason of having to compete with outside contractors who did not feel constrained to abide by these regulations. This legislation, I understand, will in the future prevent any condition of that kind and enable the Government to get better returns for its money in higher efficiency and greater skill, and the localities and those who live in them will be benefited thereby. It is particularly important that the Government in its public-building program, and especially in periods of great unemployment, should endeavor to have local labor employed in the communities where the buildings are to be constructed, and to discourage the practice of importing labor from other States and regions when local labor and their families suffer for lack of work and an opportunity to earn their livelihood. This measure will go a long way in according to home labor in every community where a Government building is to be constructed the consideration to which it is justly entitled.

Mr. WELCH of California. I yield one minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. As the ranking Democratic member on the Committee on Labor, I wish to say this was a unanimous report by our committee. This is a good bill, and I am sure you ladies and gentlemen realize that this law prevents in every district in the United States the bootleg contractor, as the gentleman from New York said a while ago, exploiting labor and refusing to pay real wages to the American people, to which they are entitled.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. ALLGOOD. Reference has been made to a contractor from Alabama who went to New York with bootleg labor. That is a fact. That contractor has cheap colored labor that he transports, and he puts them in cabins, and it is labor of that sort that is in competition with white labor throughout the country. This bill has merit, and with the extensive building program now being entered into, it is very important that we enact this measure.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WELCH of California. I yield to the gentleman from Massachusetts [Mr. GRANFIELD].

Mr. GRANFIELD. Mr. Speaker, ladies, and gentlemen, the legislation under consideration deserves the support of every Member of this Congress, it should be passed by this branch and sent to the President with as much dispatch as the circumstances permit. It ought to be enacted into law before the adjournment of this Congress.

This bill is an emergency measure, and it is needed in order that the Government might be able to protect the rights of the workingman in the various communities in which Federal construction is contemplated. There is a crying need for this legislation. Its passage is indispensable at this time, in order to abolish the sharp business practices resorted to by certain contractors engaged in Federal construction.

We are in the throes of an unemployment depression, the worst in the history of this Nation. The Government is confronted with a stupendous task in its efforts to execute the greatest building program ever attempted by this Nation or any other nation in the history of time.

I am particularly interested in this legislation for the reason that Wednesday of this week bids were opened for the construction of a post office in the city of Springfield, which is in my district. This contract is to be awarded to a firm from Chicago. Other post-office projects under this program, I expect, will be allocated some time in the future. I am anxious that this policy of regulation be established at this time by our Government to protect those projects. This legislation will compel the contractors to pay the prevailing wage scale in the vicinity of the building projects and will prevent the importation of labor from distant points at wages far below the prevailing rates.

We have had some sad experiences in the past in other parts of the Commonwealth of Massachusetts. Some of you gentlemen are aware of the fact that a post office was erected in Lawrence, Mass. In order that you might understand the methods of some of the contractors that are doing Government work, with your indulgence, I will read a letter in connection with the Lawrence post office, addressed to me by Mr. P. H. Triggs, secretary and treasurer of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America:

Congressman WILLIAM J. GRANFIELD,
Springfield, Mass.

DEAR CONGRESSMAN: At the July convention of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, held at Brockton, Mass., the conditions under which our Federal Government is permitting some of the work on local post offices to be conducted was brought to our attention, one of the most flagrant violations was the repainting of the post office in Lawrence, Mass., recently.

The Goldman Construction Co., of New York, was awarded this contract, being the low bidder; local contractors' bids were higher because they were based on decent conditions of employment and wages established in that city. The employees of the Goldman Construction Co., without any regard for these established conditions, worked 12 to 15 hours per day including Sunday; it was reliably reported that these workmen did not even shave during the three or four weeks they were on the job. As a further climax to such a spectacle, they worked on this job July 4, our national holiday. No official of the Government interfered, but local workmen disturbed by this lack of respect for the day we all celebrate, went to the job and asked them why they did not stop work out of respect at least for our national holiday. They are reported as replying "the 4th of July did not mean anything to them."

You can well imagine the reaction that resulted locally, many out of employment through no fault of their own, anxious and willing to work if they could procure it and when our Federal Government, in pursuance of their program of building construction and repair, permit such a condition to exist—is it any wonder that the present unrest is augmented? As a Representative in Congress we believe that such a condition would not be condoned by you or permitted if you were consulted, and we are in the hope that you will bring this matter to the attention of the proper authorities in Washington and also to the Committee on Labor who are considering H. R. 7995, H. R. 9232, and H. R. 10256, which bills include citizen's preference and the payment of the prevailing rate of wages on construction and alteration work for the Federal Government similar to the law in Massachusetts and other States.

We are in hopes that the Committee on Labor will report favorably on this subject matter because if the present system of awarding contracts is permitted to continue with no protective labor clauses, a repetition of the conditions complained of in Lawrence can be expected in other localities, a condition that makes a mockery not only of local labor conditions and wages, but the very reverence that the Sabbath and our national holiday is expected to instill in the minds and hearts of loyal and patriotic citizens of our great country.

We vigorously condemn such a situation as presented by the Lawrence post office job and we believe that you share with us this opinion and would respectfully urge that any immediate action that may appear necessary will be taken by you.

Hoping that you will acknowledge receipt of this protest and thanking you for any action you may take in the matter, we are

Very truly yours,

MASSACHUSETTS STATE CONFERENCE,
By P. H. TRIGGS, *Secretary-Treasurer.*

The conditions described in Mr. Triggs's letter ought not to be tolerated by our Government.

In consequence of this letter I communicated with James A. Wetmore, Acting Supervising Architect, Treasury Department, on August 8, 1930, calling his attention to the facts transmitted to me in the Triggs letter. My letter to Mr. Wetmore was as follows:

AUGUST 8, 1930.

JAMES A. WETMORE,
Acting Supervising Architect,
Treasury Department, Washington, D. C.

DEAR MR. WETMORE: At the July convention of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, which was held at Brockton, Mass., certain conditions were discussed relative to the construction of the post office at Lawrence, Mass.

I am informed that the Goldman Co., of New York, which was awarded this contract, permitted its employees to work 12 and 15 hours per day, including Sundays, and that they engaged in work on the Fourth of July. Of course this condition ought not to exist under any circumstances, and particularly ought not to occur during these times of unemployment.

I am very much interested in the proposed construction of the Springfield post office, and I am interested that the work on this building be done by local workmen.

It seems to me that the Federal Government ought to adopt a policy that would give employment to men in the locality in which a public building is being constructed. To bring in outside contractors and outside labor into a community where there is a great deal of unemployment is an affront to the citizens of that community.

In awarding the contract in connection with our post office at Springfield, Mass., I trust you will give thought to these considerations.

I join with the members of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America in their protests of the conditions that prevailed during the construction of the post office at Lawrence, Mass. I trust that the citizens of my district will not be forced to observe persons outside of our own locality engaged in work when they are unemployed.

I shall be pleased to hear from you relative to this matter at your earliest convenience.

Very sincerely,

WILLIAM J. GRANFIELD.

According to the terms of this bill contractors and subcontractors engaged in the construction and the alteration of public buildings in the United States, and the District of Columbia, will be forced to pay their employees the prevailing wage rate of the community in which the work is done. Many advantages will accrue by the enactment of this bill, not only to the artisan, the mechanic, and the laborer, but to the contractor as well. For instance, a contractor coming from Chicago, as is the case with the Springfield, Mass., project, if he is forced to pay the prevailing wage rate in the city of Springfield, he will be inclined to engage workmen who reside in that city. To follow this course would be the sensible one in order to avoid the expense he would incur in the transportation of labor from Illinois to Massachusetts. The contractor and the Government would receive the fruits of contented labor, and the people in the particular location where the project was under construction would not be forced to sit in idleness while strangers came into their community to engage in employment that was rightfully theirs. The practice of importing cheap labor is an affront to the man who is willing and able to work.

The passage of this legislation would tend to force general contractors to recognize subcontractors in the locality where the building is to be constructed, and the community in the vicinity of the construction would receive the benefits that would accrue from the materials and accessories manufactured and used in the construction of the building. This regulation would maintain the standard of living in the community in which the building was under construction. This has been one of the aims and one of the purposes of our Government throughout this depression. All contractors would be placed on a fair and just basis in the submission of bids for the various Federal contracts. Our Government does not intend that contractors doing Federal work should employ cheap labor, neither does it expect that a contractor will make an unjust profit upon the toil of man. Our Government has always fostered the ideal that the standard of living during this depression should be conserved and maintained, and that it is the duty of every contractor in America to subscribe to this policy.

If the contractor fails to carry out the provisions contained in this bill and a dispute arises as to the prevailing wage rate, it is provided in this legislation that the matter of the dispute shall be referred to the Secretary of Labor for determination, and that the Secretary's decision as to the wage rate shall be conclusive on all parties to the contract.

According to the testimony of Secretary of Labor Doak, facilities for the conciliation of these disputes can be adequately and effectively taken care of by his department. This legislation has the approval of the Secretary of Labor, and every man who is behind the building program in our Government. It was stated by Mr. Wetmore of the Treasury Department and Mr. Doak, that this legislation was and is most urgent. It was their contention that if this regulation is made a part of each contract the Government would not only be in a position to enforce the prevailing wage scale but the legislation would create jobs in the localities where the work is being done.

I regret that this bill has not heretofore been enacted into law. I say this because I have some concern about the projects in my own district. I do not want to see workmen will-

ing and able to work, walking the streets, unable to obtain employment, suffer the affront of witnessing strangers take jobs from them to which they are entitled, and I serve notice now upon the contractor who is to be awarded the contract for the post office in Springfield, Mass., that if the Congress of the United States enacts this law that I shall expect, and the Government shall expect, the contractor to observe this policy of regulation. We do not want to witness in my district the scandalous spectacle that occurred in Lawrence when bootleg labor was imported into that city, and where the citizens of that community were forced to observe not only violations of our labor laws, but a disrespect for the Sabbath and a national holiday. The citizens should not be forced to endure these conditions. The underlying provisions of the building program are to provide employment and to maintain the standard of living. Importation of foreign labor into a community in these times by foreign or local contractors is an insult to the unemployed in the locality where Federal construction is in progress.

In connection with the Springfield project I have this day urged James A. Wetmore, Acting Supervising Architect of the Treasury Department, that he impress upon the general contractor adherence to the provisions of this regulation, and that he employ, whenever possible, local labor. I have the assurances of Mr. Wetmore that he intends to do everything in his power to have the contractor on the Springfield project recognize the rights of our citizens, and give them employment and pay them the wages according to the wage scale that prevails there.

It is unfortunate that under the law in communities where firms of high standing in the business world, with facilities adequate to construct a project of the type of the Springfield post office, can not be given a preferential status. Springfield is fortunate in that it has among its many business enterprises such construction concerns as the Fred T. Ley Co., J. G. Roy & Sons Co., and A. E. Stephens, contractor. If any one of these concerns had been awarded the Springfield contract, the propositions which concern us to-day would be avoided so far as that project is concerned. The Fred T. Ley Co., the J. G. Roy & Sons Co., and A. E. Stephens, contractor, would recognize not only the prevailing wage scale in the community; they would also employ local labor.

There is another feature of this building project that the citizens of New England are vitally interested in. We believe that in the construction of our buildings materials manufactured in our locality should be used. It was the intention originally of our Government to use limestone entirely in the construction of the various Federal buildings. To follow this plan would be unjust and unfair to the people in the granite industry. New England is foremost in the production of granite. Indiana is foremost in the production of limestone. In fairness to New England industries granite should receive the consideration of our Government wherever possible so that this industry which has been lagging, like all others during this depression, could be revived.

Under date of February 21, 1930, in a letter to the Supervising Architect of the Treasury Department, and which I include as a part of this speech, and which is as follows—

FEBRUARY 21, 1930.

SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

DEAR SIR: Several of my constituents have placed before me their objections to the use of limestone as a building material in the construction of our proposed post-office building in Springfield, Mass. Limestone was used in the construction of our municipal group, and we have found that it is not a good material for our climate and that our municipal group, by reason of the fact that the limestone is fast going to pieces, requires constant patching up.

I thought it might be well for me to give you this information, for I, as well as a great many people in the city of Springfield who will have occasion to use the post-office building, believe that granite should be the material used in the construction of this building, instead of limestone.

I trust you will give this matter your earnest consideration. I shall be happy to discuss this matter with you at any time at your convenience.

Yours very truly,

WILLIAM J. GRANFIELD.

it was urged that the Treasury Department consider granite in the construction of our post office. I called attention to the fact that many constituents were anxious that granite be used in the Springfield project. Hon. Joseph B. Ely, Governor of the State of Massachusetts, in his efforts to relieve unemployment in that Commonwealth, has repeatedly urged Members of Congress and the Government to give the granite industry of New England the consideration to which it is entitled. On the floor of this Congress it has been urged with great force by the Members from the New England States that the Government give consideration to the granite industry of our section of the country. I wish to urge upon the officers in charge of the Treasury Department that they accept the granite bid which was submitted by the contractor engaged to construct the Springfield post office.

I trust I have made the necessity of this legislation plain to the Members of this House. If it is adopted it will not only regulate the conduct of contractors who build our post offices, but it will be far-reaching in its effects upon every building contract entered into by our Government where the sum involved is in excess of $5,000. This bill has the approval of contractors, leaders in industry, and labor organizations throughout the United States. It has the approval of every person designated by the Government to carry out the public work program. It is urged and advocated by the Secretary of Labor, Mr. Doak. I trust that this House will pass this legislation, which is of great merit, unanimously.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WELCH of California. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Speaker and ladies and gentlemen of the House, we have been passing through a period of depression and unemployment and to aid in relieving the situation the Government has entered upon a very extensive public building program. It has been the desire of the President and of the administration generally to maintain the existing wage rates. Under the law, however, the Government has been compelled to award the contracts for public buildings to the lowest responsible builders. This has enabled contractors who had recruited cheap labor to go into communities where higher wage rates prevailed and outbid the local contractors. As a result, the local contractors have not had a fair chance, and local workmen have often been compelled to walk the streets while strangers have done the work.

Not only have the cheap wage rates paid to imported workmen made it possible for their employers to secure public building contracts, but they also have had a strong tendency to depress the wage rates generally in the communities where public buildings have been constructed.

The purpose of this bill is to require the contractors, including subcontractors, to pay not less than "the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia, if the public buildings are located there." With that purpose every good citizen must agree. No one asks the contractors to pay more than the prevailing rate in the community where the work is done. This bill simply requires the contractors not to pay less than is paid in private industry. It is simply insisted that the Government shall not use its power to demoralize the wage rates in places where public buildings are constructed. Nothing could be fairer. Nothing could be more just and equitable. This is a policy to which no one can take exceptions.

With the purpose of this bill all must be in accord, but it may be asked, Will the bill, if enacted into law, accomplish its purpose? That is a fair question. It may be pointed out that there is no penalty in the bill for its violation. That is true, but nevertheless violators of the law can be easily and

effectively penalized. If contractors pay less than the prevailing rates, and thus violate both the law and their contracts, the Government can in the future refuse to recognize them as responsible bidders. [Applause.] It is believed that this power in the hands of the Government will prove a very persuasive argument and will prevent violations of the law. It is not improbable that this power will be more effective than would be provisions in the bill containing penalties and forfeitures.

It may be pointed out that the term "prevailing rate" has a vague and indefinite meaning, and that therefore the law can not be enforced. The Supreme Court of the United States in Connally *v.* General Construction Co. (269 U. S. 385) has held that the term "current rate," as applied to wages, is uncertain in meaning, and I think that if the term "prevailing rate" were before the same court the ruling would be the same. Nevertheless, I believe this bill, if enacted into law, can be, and will be, effectively enforced. Under this bill the power will be given in each case by contract to the Secretary of Labor to determine what the prevailing rates are, and I know of no reason why such a contract will not be valid and binding.

It has been suggested that the Secretary of Labor might make one decision as to prevailing rates to-day and a different decision to-morrow. Some contractors have stated that the uncertainty of the "prevailing rate" would compel them to add a margin of safety to their bids. I do not speak for the Secretary of Labor, but I think it is safe to assume that the Secretary of Labor will formulate a fixed and definite method for determining the "prevailing rate," and make it known to the contractors. That will enable the contractors to bid intelligently and will give all a fair chance, no matter how many competitors there may be.

A method for determining the prevailing wage rate might have been incorporated in the bill, but the Secretary of Labor can establish the method and make it known to the bidders.

It may also be claimed that this bill, even if enacted into law, will not have any force or effect unless the officials letting the contracts for the Government and the Secretary of Labor are in sympathy with the law. I concede that this is true. Without officials in sympathy with the law it will be of no value, but I fully believe that the officials, no matter which party may be in power, will do their duty. The Secretary of Labor, Mr. Doak, is heartily in favor of this bill and will do his utmost to carry out its provisions. Mr. Payne, The Assistant Secretary of War, appeared before the Committee on Labor in behalf of the bill. As you know, Mr. Payne is from Massachusetts. In the language of our most distinguished private citizen, I say: "Have faith in Massachusetts." Mr. Wetmore, the efficient and capable Supervising Architect of the Treasury, has strongly indorsed the bill. In his own vigorous way he told the committee that he could and would enforce the law. Mr. Wetmore comes from the State of New York. Having known Mr. Wetmore for some years, I feel fully justified in saying "Have faith also in New York." At the present time the officials who will let the contracts for public buildings are in entire sympathy with the bill and every effort will be made by them to enforce the law. If we ever have officials not in sympathy with the law, it will then be time either to change the law or to change the officials. [Applause.] Probably the latter will be the wiser thing to do.

The present conditions are intolerable. Immediate action is necessary, as many contracts are to be let in the near future. Perhaps somebody could draw a better bill, but thus far nobody has done so, and we can not wait longer. This bill should be passed at once. Do it now. Mr. Speaker, I am glad to give this measure my hearty and earnest support. [Applause.]

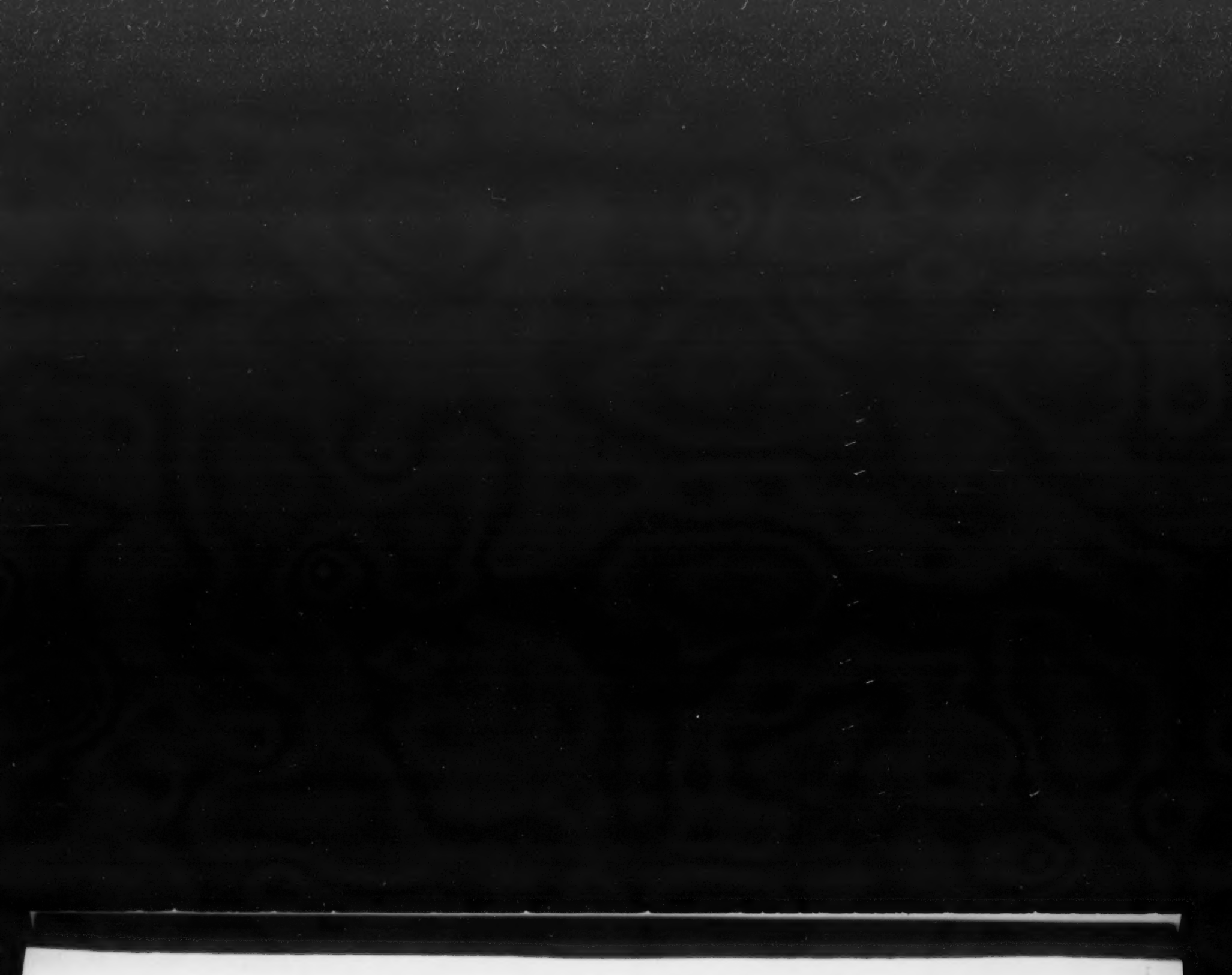
Mr. WELCH of California. I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK of Massachusetts. Mr. Speaker, the bill under consideration, known as the Bacon bill, is one that should become a law this session. It is a bill which has been unanimously acted upon by the Senate only a few days ago, and a bill identical in form and phraseology has been favorably reported by the House Committee on Labor. There is an urgent demand and necessity for the passage of this bill. It is aimed to correct a condition which now exists, as a result of which unfair and unscrupulous methods are employed by certain contractors who are awarded governmental contracts for the construction of Federal buildings. The main purpose of this bill is to compel, by indirection, contractors awarded Federal building contracts to pay those whom they employ the "prevailing wage scale" in the district or community in which construction work is being done. By accomplishing this the bill also brings benefits to those contractors who, in submitting bids, intend and desire to pay a decent wage to those whom they may employ. It will force the contractor who heretofore has used cheap, imported labor to submit bids based upon the payment of the "prevailing wage scale" to those employed. That is as it should be. It will thereby enable honorable and decent contractors to submit bids with the knowledge that, so far as wages is concerned, the unfair competitor of the past no longer exists. It compels the unfair competitor to enter into the field of fair competition. It also compels such contractors to pay a living wage and, of necessity, to give consideration to the employment of local labor.

In the past it has been very difficult for a contractor who intended to pay and did pay a living wage to successfully compete with the contractor who had no regard for such considerations. This is particularly so when it is understood, except where time is the essence of the contract, that awards must be given to the lowest responsible bidder. While this bill does not change the necessity of a contract being awarded to the lowest responsible bidder—which, I hope, some day will be changed, residing in the officials awarding the contract some discretionary powers—nevertheless it does provide that the payment of the "prevailing wage scale" shall be made a part of the contract. The contractor in submitting his bids must give this important change in existing law consideration. In the case of the contractor who has been in the habit of employing cheap labor, which might, in a sense, be termed forced labor, and usually imported labor, it will compel him to increase his bids. While the purpose of this bill is to assure to those employed on Federal construction work the payment of the "prevailing wage scale" and to also assure employment of local labor, one of the effects of the passage of this bill will be to compel unfair contractors to stand on the same footing, in submitting bids, as honorable contractors, who have always had a regard for and lived up to the "prevailing wage scale" that existed in communities in which they were doing Federal work.

The importance of the provisions of this bill and the effect that it will have if it becomes law can not be underestimated. Its passage will meet the approval of everyone except the contractors who, in the past, have been using imported labor, which is invariably cheap labor.

The passage of this bill removes from a contractor the incentive or motive to import cheap labor from one section of the country to another. It will in no way affect the use by a contractor of his regular and permanent supervising force. This type of legislation has been agitated and urged for many years and has the united support of all elements of organized labor, and particularly that great, progressive, and constructive labor organization, the American Federation of Labor. This type of legislation commanded my attention shortly after I became a Member of the Congress. At that time I introduced a bill which incorporated therein the provisions of the pending bill, and in the last session of the Congress, when the House Committee on Labor held hearings on various bills referred to it, I appeared before that committee and urged the passage of legislation of the kind contained in the pending bill. One of the strongest, if not the strongest, proponents of this type of legislation in either branch of the Congress is the able and brilliant gentleman from New York [Mr. BACON]. He has fought for the passage of this legislation for several years,





and during the hearing before the House Committee on Labor made an argument which was brilliant and convincing. I want to congratulate him for his adherence to such a worthy and constructive cause. In the main, the present status of this bill is due to his untiring efforts, and its passage will be a monument to the character of service that he renders.

I urge the passage of this bill, that there will be no further delays, in order that its provisions may be made a part of all contracts that may be awarded from now on. We have provided for a very extensive building program for the purpose of trying to relieve the acute and distressing unemployment that exists. In times of economic distress such as exists to-day unscrupulous contractors can impose almost any wage conditions upon persons who are seeking employment. At the present time employees are competing with each other for employment, and the natural result is that they in their anxiety to secure work underbid each other. An unscrupulous employer on Federal work will take advantage of these conditions unless this bill becomes law.

If ever there was a time that conditions warranted, yes, demanded, the passage of such legislation, it exists at this time. This bill establishes a logical and proper policy, and we are justified, in fact, I consider it my duty, to commit the Federal Government to this policy. While this bill is a decided step in the right direction, nevertheless, it has one weakness which is likely to impair its effectiveness, unless the representatives of the Federal Government are insistent that violations of the "prevailing wage scale" provision in a contract are enforced by resort to the courts to enforce its terms, or unless they consider a contract breached if a contractor fails to comply with the terms of the contract. In the pending bill there is no provision for a penalty in the event of a violation. If that existed there would be less likelihood of attempts being made, after a contract has been awarded, to evade its terms. However, it was impossible to have provisions for a penalty included at this time, and rather than have no legislation at all, it is best to accept the pending bill and, if necessary, to later seek additional legislation. If the representatives of the Federal Government insist upon contractors adhering to the "prevailing wage" part of a contract there will be no necessity for additional legislation. I have confidence that contractors will be expected—and where they do not made—to live up to the intent of the Congress in passing the pending bill, if it becomes a law.

There has been some objection advanced by some of that large group of fair contractors who submit bids on Federal work that what constitutes the "prevailing wage scale" in a community should be determined and made known to them in advance. I agree that there is considerable logic to this contention, and would like to see the bill drafted in such a manner that this valid objection might be taken care of. However, an attempt to amend the bill at this late date means its defeat for this session, and probably for many years to come. The bill has reached its present stage only after many years of patient and faithful effort by those who favor it. We can not afford to endanger its passage now. I am satisfied that the operation of this bill will prove satisfactory to the objecting contractors.

The intent of the Congress is clear on this question and objection. It is our intent, as I understand it, that Federal departments shall cooperate in every way possible in giving contractors all information in determining what is the "prevailing wage scale" in a community in which work is to be done. The department awarding the contract has the implied power under the provisions of this bill to take such steps as will carry out the intent of the Congress and, if necessary, to investigate and determine what the "prevailing wage scale" is, where work is to be done, in assisting contractors in submitting bids. In any event, if this bill passes and a department leaves the determining of the "prevailing wage scale" to contractors, and this condition results in a hardship, it can easily be remedied in the next Congress by an amendment. Once the pending bill becomes law it will be easier to amend it in the event of necessity and in response to the principle of fairness.

At this time I am particularly anxious to see this bill become law, so that its provisions may apply to the awarding of the contract on the new Boston post office. At the present time 11 per cent of the employees of Boston are out of employment. If local labor is employed, this work will greatly minimize the suffering that exists. The passage of this bill will assure employment of local labor and also bring to them the payment of a wage that will assure to them the American standard of living.

The following editorial which recently appeared in the Washington Star ably states the advantages of this bill and the necessity for its passage:

CHEAP LABOR AND LOW BIDS

The low bid for a school-building project in Washington—an 8-room addition to the Stuart Junior High School—again has been submitted by an out-of-town contractor, and unless there are unusual conditions relating to discretion in the use of materials, the commissioners under the law have no alternative and must place the contract with the low bidder. The low bidder, in this case, enjoys a favored position among other bidding contractors because of the use of cheap, nonunion labor. The differential in the wage scale largely accounts for the difference in bids.

The situation in connection with the award of contracts for District of Columbia public buildings is well enough known by this time to be understood by everybody. By law the commissioners have no discretion in the matter. And as the law works, contractors from out of town are able to submit bids based on low wages, eventually bringing in mechanics from the States to compete with Washington mechanics, who have established themselves in the community on a recognized scale of wages that should not be reduced. To reduce the scale of wages means to lower the standard of living. Some of the very mechanics who are denied work on these local projects contribute through their taxes to the public money that finances the projects.

On last Wednesday the Senate unanimously passed and sent to the House a bill by Senator DAVIS, of Pennsylvania, requiring contractors on public buildings in Washington and elsewhere to pay laborers and mechanics the wage scale prevailing for similar work in the community, and setting up the procedure for determining the prevailing wage scale. The purpose of the bill, which received the favorable indorsement of Government officials and the heads of labor organizations, is to prevent the very condition that exists here when a low bidder from out of town brings in foreign, cheap labor to fulfill his contract. The bill merely enacts into legislation a policy already urged by the Treasury Department in connection with the Government's public-works program.

The House should take up this bill and complete its enactment at this session. Furthermore, the bill should be clear as to its application to public works undertaken by that agency of the Federal Government, the District of Columbia, and should remove any conflict which may exist between its provisions and the mandatory provisions of the District appropriation bill regarding the award of contracts to the lowest responsible bidder.

It is only through the passage of this legislation that the workingmen of the District may receive the protection against unfair competition that is given the workingmen of other jurisdictions by their local governments. It is the reasonable approach to a serious problem. Bids for District of Columbia work can not and should not be restricted to local contractors. But the low bidder should be compelled to base his bid and fulfill his contract obligations on a scale of wages determined by the prevailing scale of the community.

Mr. WELCH of California. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. I am for this bill. I am for it not only because organized labor is for it, but I am for it because of the bitter experience of my home city, Dayton, Ohio, in the erection of the new Hospital at the Central Branch of the Soldiers Home. The contract for this more-than-a-million-dollar construction went to a corporation from a distant State. Subcontracts for work and material went to remote places. The contractor had obtained the contract by competitive bidding. He intended to make a profit. He was entitled to make a profit. There was nothing in his contract to compel him to pay the prevailing rate of wages although that is a settled Government policy where the Government engages in construction without the intervention of contractors. Men were lured from distant places to work on this new hospital, the construction of which started about May 1, 1930. Thousands of men were already

out of work in the city. The situation was acute. Would it have been less than human for the contractors to take advantage of the depression to get the work done cheaply; to beat down the local standard of wages and demoralize labor conditions by hiring those from distant points who were willing and eager to take less and crowd out the local people? Not only did the labor organizations protest, but the Builders' Exchange, the local contractors, and more significant than all, the officers of the community chest, who could foresee at the termination of the work, these people from miles away stranded as derelicts on the community for our already outraged people to support.

Although it is a settled Government policy to pay the prevailing rate of wages in communities where Government work is carried on, yet no provision is made for the enforcement of this wise policy where competitive bids for construction are required as on this hospital. I understand that the Comptroller General has ruled that it would be unlawful to write such a specification into a contract. No way remains then but for us to enact the proper legislation to permit and to compel the observance of the established governmental policy on all important public constructions.

Local standards of wages and living must be upheld and it is by such a law as we here propose that we may accomplish what we seek.

The gentleman from Texas [Mr. BLANTON] denounces this bill as ridiculous and charges us who advocate its passage with being influenced solely by the clamor of organized labor. And he speaks of organized labor as ungrateful and unappreciative.

If organized labor in my district is interested in the passage of this bill, as I hope they are, they are strangely silent and apathetic. They seem like so many others keenly alive to a present situation, aroused and indignant when they saw the demoralizing conditions of the hospital being built, but now that there is no other immediate Government project in sight in the community, they show little concern. No one can nor should expect applause or appreciation from the passage of this bill. Anyone who votes for this bill or any bill simply to curry favor with any class of people, believing it to be economically unsound, is likely to be disappointed.

It has been charged that the erection of the hospital, the expenditure of more than a million dollars of Government money in my home city, was not a benefit but a curse.

We have undertaken a great public-building program throughout the Nation. We are to spend more than $600,000,000. Do you want other communities to have the expeperiences that Dayton, Ohio, and Northport, N. Y., have had? If you want our building program to alleviate distress and to be a blessing instead of a source of dissatisfaction, demoralization, resentment, and unhappiness, then vote for this bill.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired.

Mr. SIROVICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIROVICH. I would like to ask the distinguished gentleman from Texas [Mr. BLANTON] if it is not a matter of fact that every improvement which labor has received from the social, economic, and human standpoint has come through the medium of the American Federation of Labor?

Mr. BLANTON. Yes; that is so; but in the splendid, enterprising, progressive open-shop city of Dallas, Tex., the open-shop contractors are paying higher wages to-day under the open shop than union contractors are paying for union labor.

The SPEAKER pro tempore. The gentleman from New York did not propound a parliamentary inquiry, nor was the answer of the gentleman from Texas parliamentary. All time for debate has expired.

Mr. ARENTZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARENTZ. Is there any way by which any Member of this House can have placed in this bill an amendment providing for the same sort of conditions at Boulder Canyon Dam?

Mr. BANKHEAD. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will state, in answer to the gentleman from Nevada, that there is no such way.

Mr. CONNERY. Mr. Speaker, is it in order now for the chairman of this committee to ask that all Members be permitted to revise and extend their remarks on the bill just passed?

The SPEAKER pro tempore. That is in order.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that all Members may have until the end of the session to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, Senate bill No. 5904, which is now before us for consideration is, in my opinion, one of the best bills proposed for the protection of labor. The bill provides that every contract in excess of $5,000 in amount to which the United States or the District of Columbia is a party which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia shall contain a provision to the effect that the rate of wages for all laborers and mechanics employed by the contractor or subcontractor on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city, town, or village or other civil division of the State in which the buildings are located.

The bill further provides that in case there is a dispute as to what is the prevailing rate of wages the matter is to be referred to the Secretary of Labor, and his decision shall be final. The bill further provides that in the case of a national emergency the President is authorized to suspend the provisions of the act.

This bill has the indorsement of the Secretary of Labor, the Secretary of the Treasury, the War Department, and the representatives of labor. The report on this bill further shows that the builders throughout the country advised the committee considering this bill that they favor it. The bill does not undertake to fix a wage scale. It simply protects labor in the city or town in which the building is to be built for the Government, so that imported labor will not be brought in and displace local labor.

Government contracts are required to be let to the lowest bidder. Some contractors will underbid others engaged in the same business and import his cheap labor or transient labor and pay such a small scale of wages that no one can live on it. It also unjustly deprives the local laborers who have built their homes in the city, pay their taxes to support a city, State, and National Governments, that help to support local schools and churches, of an opportunity to follow their trade in their own locality.

This bill is very important for the protection of labor in my State, the great State of Arkansas, where more Federal buildings are to be built this year than has ever been built in this great State. The total cost of the construction of Government buildings in this State is $4,855,000, and these are to be constructed this year. I will give you a list of the buildings to be erected in Arkansas, and they are as follows: Hot Springs Army, Navy, and veterans' hospital, $1,500,000. Post offices: Blytheville, $95,000; Brinkley, $65,000; Conway, $90,000; Eldorado, $425,000; Forest City, $85,000; Jonesborough, $110,000; Little Rock, $1,435,000; North Little Rock, $110,000; Pine Bluff, $55,000; Stuttgart, $95,000; Texarkana, $790,000. If foreign or transient labor was imported to take the place of the laborers and mechanics who will be employed and should be employed to build these buildings, it

would be very hurtful to local labor in each of these cities. I am very glad to have the privilege of supporting this bill, which will mean so much to the laborers and mechanics of my State.

Mr. CONDON. Mr. Speaker, if we wish to do something of real benefit to labor before this House adjourns, we can do nothing better calculated to effect that happy result than to pass this bill to maintain the general standard of wages on Federal building projects in the communities from which we come. This legislation has already passed the Senate. Favorable action in this House to-day will advance it immediately to the President, where they are assured it will receive Executive approval. Nothing said in debate thus far appeals to me as a sound reason for our standing in the way of the enactment of this bill into law. On the contrary, much has come out in the course of the discussion that leads one irresistibly to the conclusion that this legislation has been too long delayed.

Much harm and injustice have already been done by greedy and unprincipled contractors who have taken advantage of their freedom from such restraint as here proposed to exploit the desperate unemployed by transporting laborers and tradesmen to distant points in order to employ them at starvation wages far below the scale in effect in the locality where the Government building is being erected. Thus a program which this Congress authorized to aid the unemployed and distribute widely throughout the country opportunities for local employment has been perverted into an instrument of oppression. By the transportation of low-paid labor from distant points local labor has been unfairly and unjustly deprived of the opportunity which Congress intended to provide in its behalf. Not only have the local unemployed suffered thereby but those already employed in such localities have been threatened with a lowering of their scale of wages because of the depressing effect of the importation of this cheap labor.

As I see it, we must pass this bill or stand condemned as furnishing a powerful bludgeon for the use of these unprincipled contractors to browbeat labor and force other honest and legitimate contractors to resort to lower wage scales to meet this unfair competition. In fact, the conditions in this bill ought to have been made an integral part of the emergency building-program legislation which we enacted at the very outset of this session. We can not undo the harm that has already been done by our failure to foresee and provide against the abuses which we now know exist, but we can by favorable action here to-day prevent future injustices.

I am intensely interested in doing all I can by my vote to get such legislation enacted immediately because of several very important projects about to be awarded in my State. I am especially anxious that there shall be no importing of cheap outside labor into Rhode Island at wage scales under those generally prevailing there. If such a thing should happen, I know that the people of my district, far from looking upon the construction of a Federal building as a boom to the district, would view it as a distinct and most unfortunate calamity. I have had letters from reputable contractors and from labor leaders in my district who fear this very thing, and not without just cause, as the facts brought out in this debate to-day well illustrate. The news of these abuses related here would seem to have traveled far and wide, and with good reason.

I want to be able to assure the people of my district, particularly those of the cities of Pawtucket and Woonsocket, where two post-office buildings are about to be erected, that they need have no fear of the importation of cheap labor on these projects. I can do this if this bill passes to-day, and I therefore intend to vote for it and hope it will receive the unanimous support of the House. I have already in several communications to the Supervising Architect of the Treasury urged that local labor and locally produced materials be utilized in the construction of the new Federal buildings not only in my district but throughout the State of Rhode Island. I have particularly urged upon him the use of Westerly granite in these buildings in preference to limestone. This particular granite is a Rhode Island product and universally recognized as a superior type of building stone. It seemed to me and to the people of my district that for Rhode Island buildings, at least, this material ought to be used and thus assist in reviving a local industry. I want to say here that my suggestions in this regard were favorably received by the Supervising Architect's Office, and I have been assured that this Rhode Island product would be used wherever the appropriation permitted. If, now, we can be absolutely assured, as we shall be by the passage of this bill, that local labor will have first call at prevailing rates of wages locally on these buildings, the result will be most happy. Wages will be maintained, resentment at imported labor at work on a local project while local labor looks on helpless and unemployed will be removed; local subcontractors will have a fair chance to participate in the work, and generally the local community will feel that the great Federal Government is doing something real and tangible to help business out of this seemingly endless depression.

For these reasons, Mr. Speaker, I gladly support this measure and at the same time add my word of commendation of the distinguished gentleman from New York [Mr. BACON], who has labored so persistently to get this matter up for the consideration of the House in these crowded closing days of the session.

Mr. PRALL. Mr. Speaker, ladies and gentlemen of the House, Senate bill 5904 provides that every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, or repair of any public buildings of the United States, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other subdivision of the State in which the public buildings are located; and a further provision that, in case any dispute arises as to what are the prevailing rates of wages, the matter shall be referred to the Secretary of Labor for determination, and his decision shall be conclusive on all parties to the contract.

This bill which is before us to-day is, in my opinion, one of the most advanced and far-reaching pieces of legislation, beneficial to labor, that has come before us for consideration by this Congress, and I sincerely hope it will be approved.

That its objective will work out in practice as effectively as we desire, I am not certain; but in any event, with the whole-hearted cooperation of department heads, I am sure labor will be protected and a fair wage paid on all public buildings erected by the Government of the United States.

That is what the mechanic wants; it is what the contractor wants; and in these stressing days of unemployment it is what every community needs. There seems to be some apprehension lest the objects of the bill will not be attained. The Comptroller General has suggested that "A prudent contractor would necessarily be required to include in his proposal sufficient sums to protect him against any increase of wages; and if the increase did not take effect, the public would nevertheless be required to pay the contractor the agreed price for the performance of the work, and thus the contractor would secure unjustified profits for the work. On the other hand, if the wages were increased above the amount included by the contractor for such increases, the probabilities are that the contractor would default in the performance of the work and it would have to be completed either by the surety or the United States."

While that may be a discouraging picture of the possibilities, it is not, I am sure, probable that increases of wages will occur during the interim dating from the award of the contract to the completion of the work. Shifting of wage rates do not come upon us quite as unexpectedly or as suddenly as that. I am in agreement with the idea that has

been expressed here to-day that it might be advantageous for all parties concerned to have the wage rate for all labor stipulated in the contract. Such a provision would reduce any uncertainty that might prevail.

I, also, observe the bill fails to provide penalties for violations of its provisions. This omission, I think, is serious. Penalties severe enough to guarantee performance should have been provided. However, if the bill passes, and I am sure it will, we will try it out. If we find unscrupulous contractors attempting to beat the law, we can quickly amend it by putting teeth in it.

This law, Mr. Speaker, will remedy some long-existing evils in connection with public letting of Government building contracts. It will guarantee fair wage scales throughout the country on all public-building construction. It will prevent unreliable contractors bidding against reputable contractors and the transporting of cheap labor to the scene of operation in order to reap profits. It will prevent contractors taking advantage of the unemployment situation by lowering wages after securing contracts on bids based upon higher or prevailing rates of wages. It will mean more employment of local contractors and local labor. It has already been well stated that the Goverment should be the last employing agency to expect or countenance the performance of its construction contracts at the sacrifice of its citizens.

This law will prevent a recurrence of a situation that unfortunately developed in the erection of a new building on the Fort Wadsworth Reservation in my own district. On this job secured by a private contractor 50 per cent of the carpenters employed at one time were aliens, while thousands of unemployed American citizens were tramping the streets looking for work. It may also prevent a recurrence of the employment of civilian prisoners at no wages in Army reservations for the purpose of erecting buildings for which no appropriations have been made by Congress.

During the year 1930, and I presume up to the present time, civilian prisoners have been transported from the Federal prisons and have performed the work of skilled mechanics at Army reservations in competition with honest labor, and when I complained to the President of this condition I received little satisfaction and the unemployed received none.

The Government has entered upon a gigantic building program, perhaps the greatest the civilized world has ever contemplated, and it is but fair, just, and reasonable to expect that its benefits should go to the citizens of the communities wherein new public buildings are to be constructed and not to the unscrupulous contractor or to bootleg labor.

Mr. ZIHLMAN. Mr. Speaker, as a former chairman of the Committee on Labor, and as ranking member of that committee, I take pleasure in supporting this legislation, and I congratulate the committee and Congress for having given attention to the subject matter of this very important measure, which will not only protect the rate of wages for the various communities, but will be a substantial contribution to local contractors where local labor is used in the extensive building program now under way by the Federal Government and the District of Columbia government.

Under the provisions of this bill, in the awarding of every contract over $5,000, contractors and subcontractors engaged in constructing, altering, or repairing any public building of the United States or the District of Columbia are required to pay their employees the prevailing wage rates existing in the community, which have been established by private industry. In the event a contractor is unable to adjust any dispute as to the prevailing wage rates, this bill provides that the matter shall be referred to the Secretary of Labor for determination, and the Secretary's decision as to the wage rates shall be conclusive on all parties to the contract.

The Federal and District of Columbia governments have entered on an extensive building program throughout the United States and in the District of Columbia, and it is expected that during the coming 8 or 10 years more than $500,000,000 will be spent for the construction, alteration, and repair of public buildings.

Not only is it intended that ample facilities shall be afforded for the housing of Federal activities and the activities of the municipal government of the District of Columbia but this program is entered upon at this time as an aid to unemployment and a benefit to every element in the various communities, by furnishing employment and accelerating every avenue of trade.

The Federal Government must, under the law, award its contracts to the lowest responsible bidder, and this has prevented the departments involved from requiring successful bidders to pay wages to their employees comparable to the wages paid for similar labor by private industry in the vicinity of the building projects under construction. Officials have endeavored to persuade contractors to pay local prevailing wage scales, but have been unable under existing law to make this mandatory; and so in many cases successful bidders have selfishly imported labor from distant localities and have exploited this labor at wages far below local wage rates.

Many of the local contractors of the District of Columbia have felt this unfair and unhealthy competition. Local artisans and mechanics, many of whom are family men owning their own homes and whose standards of living have long been adjusted to local wage scales, can not hope to compete with this migratory labor.

A number of contracts here in the District of Columbia have been awarded to a firm from Alabama who have imported labor and established a wage scale which the local laborers and mechanics can not meet. The very element of the community is affected and local contractors have been placed at a serious disadvantage, as they find it impossible to compete with these outside contractors who base their estimates for labor upon the low wages they can pay to unattached migratory workmen imported from a distance, and for whom the contractors have, in some cases, provided housing facilities in flimsy temporary quarters adjacent to the project under construction.

The question of having contractors pay existing local wage rates has been the subject of long consideration, and the departments have endeavored to correct the situation without seeking authority of law, but have been unable to do so. The legislation here proposed will provide a more equable distribution of employment, especially in the present time of depression, and will benefit the country at large by requiring that those who have been awarded public-building contracts pay their employees wages comparable to the prevailing wage scales where they are employed.

The importance of the provisions of this bill and the effect it will have if it becomes a law can not be underestimated. Its passage will meet with the approval of everyone, with the exception of the contractors who in the past have been using imported cheap labor, and it will remove from a contractor the incentive or motive to import cheap labor from one section of the country to another. It will in no way affect the use by a contractor of his regular and permanent supervising force.

This measure does not require the Government to establish any new wage scales but simply gives the departments power to insist that contractors—who are successful in obtaining contracts—pay their employees the prevailing wage scale existing in the locality where the contract applies.

This proposed legislation is a most necessary and desirable complement to the building program of the Government. Its purpose is to see to it that the benefits of the program are spread equitably throughout the country alike to labor and to the contracting industry.

The Secretary of Labor advises that he anticipates no difficulties of administration—that in 90 per cent of the cases there will be no dispute of any kind, and where there is a dispute which can not be ironed out on the spot by the contracting officer the matter can be taken up by his well-organized conciliation service, investigated and settled amicably and expeditiously to the satisfaction of all concerned.

The bill is indorsed by labor generally and by the American Federation of Labor and its affiliates, and I urge the passage of the measure that there may be no further delays

in making its provisions applicable to all contracts that may be awarded from now on.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to suspend the rules and pass Senate bill 5904.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker, there was not sufficient time for all Members to have an opportunity to speak on the bill just passed. As a member of the Committee on Labor I was glad to work for its report and passage. I was glad to support the bill, because I believe in the dignity of labor and in the majesty of toil. There is no aristocracy except that of honor and no rabble save that of crime. This bill will protect laborers and also inculcate a higher code of ethics among contractors. [Applause.]

The SPEAKER pro tempore. Without objection a similar House bill (H. R. 16619) will be laid on the table.

There was no objection.

ST. LAWRENCE SHIP CANAL

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. SNELL. Mr. Speaker, I will not object to this request but I shall object to any further requests.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, my first formal address in this House was delivered December 5, 1921, upon the subject of improving the St. Lawrence River as a ship canal, opening up the ports of the Great Lakes to ocean traffic.

I am making my last talk before this body during this session of the Seventy-first Congress upon the same subject, the St. Lawrence waterway. I am pleased, my colleagues, to report substantial progress upon this world project between these two dates. My first bill introduced in January, 1922, has been used both in this country and in Canada as a foundation for the final construction of this seaway. The last bill I introduced on the subject on April 11, 1930, took care of the construction of the longest reach of this improvement, 67 miles from Tibbetts Point on Lake Ontario to the towns of Ogdensburg, N. Y., and Prescott, Ontario. This bill was included in the omnibus rivers and harbors bill of the Seventy-first Congress and was signed by the President and became a law on July 3, 1930.

I am taking your time to-day to make these statements so that the country may understand that a substantial beginning has been made looking toward the construction of this American seaway. The project from Lake Ontario to Montreal covers a distance of 182 miles. The International Board of Engineers, for construction purposes, have divided this section of the river into five divisions or reaches. The division already ordered improved is the longest one. The other four will be cared for later. As is quite generally known, the President and the Canadian Premier have recently been in conference upon the subject of this improvement. One of Washington's local papers recently carried an editorial which I am quoting to show the general sentiment of newspaper and magazine editors, who are posted upon this very important and desirable improvement.

The visit of Richard B. Bennett, Prime Minister of Canada, to Washington last week revived interest in the proposed St. Lawrence ship canal between the Great Lakes and the Atlantic. Mr. Bennett is known to have a deep interest in the subject and President Hoover has been one of the promoters of the project for years. Reports indicate that a joint Canadian-American commission will be appointed in the near future to complete negotiations between the two Governments.

Most of the opposition to the St. Lawrence seaway in this country has disappeared. No valid objection has been raised. New York has entertained some fears that part of the traffic from the Middle West would not pass through that city's bottle neck if the international ship canal were constructed. But the selfishness of New York's protest is everywhere recognized, and it can not be expected to halt this great project. On the Canadian side some objections have been interposed by Montreal and other shipping centers along the river, on the ground that when the canal is completed ships would pass them by without paying tribute in the form of transshipment charges. When the objections of New York and Montreal are removed from the respective city limits they become convincing arguments in favor of an international St. Lawrence seaway.

There is no more propitious time than the present to begin work on this gigantic project. Thousands of jobs would be created. And what is far more important from the standpoint of economic recovery, a new waterway into this heart of North America's chief agricultural region would be opened up. Farmers of both the United States and Canada would be able to send their produce to world markets by the shipload at reduced costs. Other nations would be able to send their products into the heart of America by water. All commerce which spans the Atlantic should be stimulated. It is too much to expect that work on the project could begin immediately. The mill of international negotiation grinds slowly. There are a number of difficult problems on both sides of the border that must be solved. But negotiations that have already been carried on suggest that none of those problems are insoluble. If both Governments are really anxious to proceed, it is conceivable that the project might be started in time to add another stimulus to business recovery.

Development of the St. Lawrence seaway may be regarded as inevitable. It is only a question of time until the demands of the vast interior States and provinces must be met. A project so obviously beneficial to both nations should not be longer delayed. If President Hoover and Prime Minister Bennett can arrive at a definite agreement, the St. Lawrence ship canal will become a moment to both of them.

Since New York has come to the support of the St. Lawrence improvement, it seems to me that that makes it unanimous. An official copy of a resolution passed by the Senate of the State of New York, in Albany, dated February 9, 1931, and concurred in by the assembly, came to my desk last week. This resolution was addressed to the President of the United States, asking him to proceed forward to a treaty with Canada for the development of the international rapid section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the joint board of engineers and submitted to President Coolidge, December 27, 1926. This, you will remember, is the report of the Hoover commission appointed by President Coolidge and contained in Senate Document No. 183, Sixty-ninth Congress, second session. Showing the change of attitude of New York for this great project, I desire to quote the following paragraph from this resolution formally adopted by the New York Legislature:

Whereas the landlocked interior of the United States is deeply concerned and in urgent need of the relief which would accrue to that area by the opening of a seaway via the St. Lawrence River from the Great Lakes to the Atlantic Ocean—also the citizens of New York are directly interested in the improvement and early utilization of the large reservoir of cheap power which would be made available—legislative expression being given to such improvement in section 6, chapter 207, Laws of New York, 1930, to wit, "In such manner and under such conditions as shall insure fair and partial treatment of consumers on a basis of charges, the lowest compatible with a fair and reasonable return on the cost thereof."

The construction of the St. Lawrence ship canal is a very easy engineering problem. There are only four more reaches to build, covering a distance of 115 miles. There are no such engineering difficulties as are found in the construction of the Panama or Nicaraguan Canals. I beseech you, my colleagues, to build this American seaway and, believe me, it will solve the difficulties of the mid-West farmers for years to come. In my judgment, when this waterway has been opened up, making the ports of the Great Lakes ocean ports, it will be the greatest blessing and benefit to humanity that will come during this century. It will bring the blessings of prosperity to all of our people, and will be heralded in the years to come as the greatest bit of constructive statesmanship of our time. [Applause.]

NATIONAL ARBORETUM

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4586, to authorize additional appropriations for the National Arboretum.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of Senate bill 4586, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4586) to authorize additional appropriations for the National Arboretum, as amended.

The SPEAKER pro tempore. The gentleman from Iowa moves to suspend the rules and pass the bill (S. 4586) to authorize additional appropriations for the National Arboretum, as amended, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, in addition to the sum authorized by section 2 of the act entitled "An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes," approved March 4, 1927, the sum of $200,000, for the purposes and subject to the conditions specified in such act: *Provided*, That in the payment of awards under condemnation proceedings for the acquisition of lands under the act of March 4, 1927, limitations as to price based on assessed value shall not apply.

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. Mr. Speaker, I demand a second.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 20 minutes and the gentleman from Illinois for 20 minutes.

Mr. HAUGEN. Mr. Speaker, the bill authorizes an appropriation of $200,000 for the acquisition of about 78 acres to complete the tract necessary for the arboretum.

Mr. MICHENER. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MICHENER. Is this any part of our farm-relief program?

Mr. HAUGEN. This is for the arboretum and it fits in with farm relief and forestry.

Mr. MICHENER. Where is the arboretum?

Mr. HAUGEN. It is just outside of the city proper.

Mr. MICHENER. What is the purpose of it?

Mr. HAUGEN. The experimental planting of trees, shrubs, and other plants.

Mr. MICHENER. How much money does the bill carry?

Mr. HAUGEN. Two hundred thousand dollars. The original bill passed on March 4, 1927, and carried an appropriation of $300,000.

Mr. MICHENER. Is this a similar bill to the one that the gentleman had before the House a year or two ago providing that we purchase this property at a sum not to exceed $300,000?

Mr. HAUGEN. Yes.

Mr. MICHENER. And the gentleman at that time assured us he would not be back here for more money.

Mr. HAUGEN. No; the original estimated cost was $500,000.

Mr. MICHENER. I asked the gentleman at that time if this was a farm relief bill, and he said it was and that it would only take $300,000. Now, the gentleman is back here for $200,000 more.

Mr. HAUGEN. I will explain. The original estimated cost of the tract of land was $500,000; the committee authorized only $300,000. The $300,000 has been found to be insufficient and it is now found necessary to authorize about $200,000 more to purchase the additional 78 acres. About $71,000 is now in the Treasury, but under the ruling of the Comptroller General it is not available for the payment of awards under condemnation proceedings for the acquisition of land already condemned. Therefore, it is necessary that we should pass this bill so as to make the $70,000 available to pay the awards under the condemnation proceedings for part of the 190 acres condemned.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. STAFFORD. Will the gentleman explain how much additional money is required to meet the amount of the awards under the condemnation proceedings?

Mr. HAUGEN. The money is there in a sufficient sum, but not available because of a decision of the Comptroller General.

Mr. STAFFORD. As I understand the amendment proposed to the House by the gentleman, it lifts the limitation that the price of the land shall be not more than the assessed value of the property.

Mr. HAUGEN. Yes.

Mr. STAFFORD. As I understand further, from the exposition of the gentleman, there are ample funds to purchase this additional land for this arboretum but the limitation prevents the purchase of the land.

Mr. HAUGEN. No; there are ample funds to pay for what has been purchased—about 190 acres—but not to purchase the additional 78 or 79 acres and improvements, and $200,000 more will be required to acquire title to the 79 acres.

Mr. BOYLAN. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. BOYLAN. What is the proposed total area of the arboretum?

Mr. HAUGEN. One hundred and ninety acres has been purchased and 78 acres more is required to complete the tract.

Mr. BOYLAN. In the gentleman's opinion, as a skilled agriculturist, is this sufficient ground?

Mr. HAUGEN. In the opinion of the committee it is sufficient ground and is what is required. The committee has made a personal survey of the tract.

Mr. BOYLAN. Has the gentleman given any thought to the future expansion of the aboretum, and has the gentleman provided for that?

Mr. HAUGEN. I think this will be sufficient for all time to come, in the opinion of the department.

Mr. BOYLAN. For what period has the gentleman provided?

Mr. HAUGEN. We have no specific period in mind.

Mr. BOYLAN. Does the gentleman think we have enough ground for a period of 20 or 30 years?

Mr. HAUGEN. I could not answer that definitely. That, of course, depends on expansion.

Mr. CLARKE of New York. They think the ground will be plenty big enough to carry on for generations.

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, when I had the privilege of introducing this measure in behalf of all the large societies in the country concerned with the growing and sale of flowers, shrubs, and trees, it was expected that the land for this arboretum could be bought for $500,000. This was cut down to $300,000. At that time, gentlemen in Congress were of the belief that it might be possible to secure throughout the District of Columbia a fairer system of taxation if by the requirement that we should spend for such purchases as the Government wished to make not more than 25 per cent above the assessed value we could bring an influence to bear which would work upon the assessors and secure the desired result; and an amendment was put upon the bill limiting the Department of Agriculture in the acquisition of this land to a price 25 per cent above the assessed value.

There was then fair reason to expect that a large part of the land would be sold to the Government within this figure. It turned out that some of the owners from whom this had been expected were unwilling to meet the requirement, which brought the purchases into a difficult situation. The Department of Agriculture was at a loss to know what to do, hampered as it was with the 25 per cent proviso. As the sponsor of the measure I was consulted in the matter, and I will take the responsibility for having advised the Secretary of Agriculture to go ahead and get everything he could within the 25 per cent. With the knowledge, and, as I understand, the approval of the President, this procedure was followed.

The outcome is that the department now finds itself with an irregular-shaped tract of land, insufficient for the needs

contemplated; and right into this land, as if you put the fingers of one hand through the fingers of another, goes this privately owned land which can not be bought for less than 25 per cent above the assessed value.

We are assured that, in the case of condemnation, the value would be placed at more than 25 per cent above the assessed value. Under these circumstances the Committee on Agriculture has come before you, with the approval and support of the Department of Agriculture, asking that this tract be rounded out by paying the necessary price—and I think no more—for the land we wish to secure. In other words, it is a case where, having put our hands to the plow, we ought not to turn back. We should do now what otherwise is sure to be done later, in order to carry out the program as originally indorsed by Congress, desired by the Department of Agriculture, and earnestly approved by many thousand members of garden clubs of America, various horticultural societies, and other organizations desiring to establish here a standard body of trees, which may be to the benefit of not only the nurserymen but everybody else interested in arboreal work.

Mr. HASTINGS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. HASTINGS. The total amount of acreage desired to be acquired is 260 acres?

Mr. LUCE. Yes.

Mr. HASTINGS. How many have you got now?

Mr. LUCE. 190 acres.

Mr. HASTINGS. And you desire 78 acres more?

Mr. LUCE. Yes.

Mr. HASTINGS. What has been the average cost of the 190 acres—the cost per acre?

Mr. LUCE. That would be found by dividing 300,000 by 190.

Mr. HASTINGS. So that $300,000 has already been expended for the 190 acres?

Mr. LUCE. I would not say that all of it has, but the greater part of it. Mr. Speaker, I yield back the remainder of my time.

Mr. SABATH. Mr. Speaker and gentlemen, additional proof has been furnished us to-day that it is not always wise to rely on promises that are made on the floor when a bill appropriating thousands of dollars is before this body.

If my recollection is correct, at the time this bill was originally considered in the House, we were assured that the amount of money asked for would be sufficient, because some of the property owners were ready and willing to give to the Government some of these parcels of valueless land at a nominal price.

The House believing that that assurance would be carried out appropriated $300,000. No sooner was the $300,000 appropriated than every property owner who had assured us that they were desirous of aiding the Government immediately started to raise the price of the land. So that to-day not only that additional amount is required, but we here have a request that the House place in the bill a proviso which reads as follows:

Provided, That in the payment of awards under condemnation proceedings for the acquisition of lands under the act of March 4, 1927, limitations as to price based on assessed value shall not apply.

I would now like to know why that limitation is placed in the bill for the purchase of this property.

Mr. LUCE. Will the gentleman yield?

Mr. SABATH. Yes. I want information and that is why I demanded a second.

Mr. LUCE. The law now says that you must not pay more than 25 per cent above the assessed value. If the condemnation proceedings is 40 or 50 per cent above the assessed value, you can not get the land unless you change the law; so we are up against that condition, which we can not get around. That expectation has been proved by the purchase of land all around the Capitol—that the court will give more, and often very much more, than the 25 per cent increase.

Mr. SABATH. May I ask whether this was taken out by the Congress or by the jury in the condemnation proceedings which allowed this additional 25 per cent above the original authorized valuation, but to my mind the 100 per cent above its actual value?

Mr. LUCE. That is a situation I would join the gentleman in attempting to remedy. It was thought this 25 per cent proviso would help, but it has not accomplished the result. If the gentleman can suggest any way to get the assessed value of this district up to anywhere near where it ought to be, I should be very glad to help him; but nobody has been able to present a remedy for the situation which Congress itself by judicial processes has created. When the condemning authorities say the land is worth more than 25 per cent above the assessed valuation and the restriction applies, you must either take off the restriction or go without the land.

Mr. SABATH. I think it is deplorable that such a situation should exist, because this is not the first time and I presume it will not be the last time whereby the Government will be obliged to pay 100 to 200 per cent more than it is worth for the property that it desires to acquire by condemnation.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. KETCHAM. The gentleman should be advised that since the passage of the original bill real estate values in that particular section either within or without have been naturally increased and I do not think that you can say that the real estate men are unusually high in their prices; but of course they are naturally trying to share in the general increase in property values.

Mr. SABATH. Yes; they desire to share in the general prosperity which prevails throughout the country. Please understand, I am not objecting to people receiving a fair compensation for their property at any time, but the gentleman knows and I know that the value of property in every section of not only the district, but also of the country, has been lowered, and you can now buy property under present prevailing conditions, at 50 cents on the dollar; but here we are met with a situation where we are asked to increase the appropriation and provide more money because the award is far above the original assessed valuation and price placed upon it by experts at that time.

Mr. KETCHAM. The gentleman might be interested to know that in the purchases that have already been made it was the testimony of those that came before our committee that that land already possessed by the Government has likewise increased in value, and that if we were to sell it now we could realize a substantial profit upon it, which indicates that these men who own this land have been trying to share in the profit.

Mr. SABATH. Yes; under the great prosperity that prevails at this time.

Mr. NELSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. NELSON of Missouri. If it is true, as has been suggested, that we can sell the land out there that we now own at a profit, does the gentleman not think that we had better do so?

Mr. SABATH. If we do not need it and could sell it at a profit, let us do so; but if we do need and have use for it, then we should not; but I doubt very much, if the Government were to offer this property for sale to-day, that it would receive anywhere near the amount of the award.

Mr. PARSONS. It has been mentioned that land values increased since the original appropriation was made. Is it because of the fact the appropriation was made for that particular place that the land values have increased?

Mr. SABATH. There may be some reason that the property in that locality increased because of these improvements that have been made and the money expended.

Mr. PARSONS. If that is the case, then the appropriation has made the land values increase in that particular locality, and without it the land would not be of that value.

Mr. SABATH. But these owners desire to obtain the benefit, and they feel that they are entitled to it. I would not object, were it not for the fact that these very men

assured this House that if the original appropriation were made, they would donate to the Government some of these parcels of land that are now in question.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. HASTINGS. Since my inquiry of the gentleman from Massachusetts [Mr. LUCE] I have made a little calculation. They have expended $300,000 on 190 acres of land which is an average of $1,578.99 per acre.

Mr. SABATH. And what is the gentleman's opinion as to the valuation, whether it is fair or excessive?

Mr. HASTINGS. I am not familiar with this particular tract of land and I am not competent to pass on its value.

Mr. ADKINS. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ADKINS. I think the gentleman has the same idea that I have.

Mr. SABATH. I am very glad that we agree on some things.

Mr. ADKINS. Let me explain a little to the gentleman, which I think will clear this matter up. Five hundred thousand dollars was asked. A large number of us made objection to that. We thought that they could go further out and buy land much more cheaply. Then it was represented to us that $300,000 would do the business, and the thing occurred that the gentleman has outlined. The land would be purchased at a reasonable sum. Then it developed after they had purchased a lot of land that this man changed his mind or something happened that the land got higher in value, as it always does when you want it for a public purpose. The gentleman from Massachusetts [Mr. LUCE] has admitted that that is the situation, and with the situation as it was, after going out and looking at it, as far as I was concerned, we reluctantly submitted to buying the rest of it at the price indicated. That is the whole story.

Mr. SABATH. In other words, we were first inveigled into this and are now obliged to pay for it.

Mr. BOYLAN. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. BOYLAN. I know the distinguished gentleman from Illinois is an attorney of very high standing at the Chicago bar. I know he has had many condemnation cases in his practice.

Mr. SABATH. To whom does the gentleman refer?

Mr. BOYLAN. I refer to the gentleman who now has the floor [Mr. SABATH]. Now, I know the gentleman does not agree that the price can be fixed by legislation. The gentleman knows that the price of land, like the price of anything else, is regulated by the demands for it. The gentleman also knows that assessors, not only in the city of Washington, but all over the United States, are not at all times conversant with the true value of the land, and do not assess it properly. I know the gentleman, in his wisdom and great experience, would not want to mulct the owner on account of legislation, endeavoring to fix a price which is in violation of all laws of political economy, as the gentleman knows, and compel an owner to sell at a price far below either its intrinsic or its potential value.

Mr. SABATH. I wish to assure the gentleman that I do not wish to cause a loss to the unfortunate owners, who from time to time are deprived of their property against their will by our Government. I do not think my colleague from New York [Mr. BOYLAN] need be alarmed that I am one of those who would be desirous of taking advantage of any of them. I know, however, that many of those owners, in fact, nearly all of them, at almost every opportunity, try to mulct the Government of every dollar they can so obtain, after they have succeeded in interesting the Government in any particular project.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GREEN] five minutes.

Mr. GREEN. Mr. Speaker and my colleagues, I am more concerned about other bills recently before the Committee on Agriculture than I am concerned about this bill, but it does seem rather strange to me that a clear track can be prepared for a bill like this one and it can be taken up and considered and the time of the House used when there are so many important bills before that committee.

There is one important bill that has been reported by the Agricultural Committee that provides for a survey of the losses sustained through the eradication of the Mediterranean fruit fly in my State. My people have been damaged millions of dollars and the responsibility for a great portion of it is upon the Government. But we can not even get a board appointed to receive these claims and to survey the losses. A bill for this purpose has passed the Senate. It is the companion bill to one introduced by me in the House. A bill not far from the same language of that one has been reported by the House Committee on Agriculture. This damage was sustained a year and a half ago, some of it nearly two years ago, when the pink boll worm was eradicated and the foot-and-mouth disease was eradicated; the Government paid reimbursement damages as and when occurred. It is customary for the Government to pay from 33⅓ to 50 per cent, or even greater amount, of losses sustained in such cases. Now, in the case of the eradication of the fruit fly in my State, by Federal forces, Federal orders, Federal money, and Federal men, we can not even get a resolution to survey the loss.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. CLARKE of New York. Is it not true that in carrying out the extermination of the Mediterranean fruit fly even members of the State militia or the National Guard of Florida were enlisted under Federal service and paid under the Federal pay roll, but they were under the domination of the State of Florida?

Mr. GREEN. Indeed it was not. The guardsmen and other employees were under the domination, control, pay, and direction of the Federal Department of Agriculture and its Secretary. The Florida Plant Board carried out the orders of the Federal Government the same as does a sheriff as the officer of the court.

My friends, I hope the chairman of this committee will cooperate with us and bring about the passage by the House of the Senate bill. We would much prefer to have you pass the Senate bill. It is more complete and definite in purpose and effect. If that is impossible, we hope you will strike out all from the enacting clause of the Senate bill and substitute the House bill, and let it go back to the Senate for its approval or refusal. Then the conferees of the two Houses can and will agree upon its substance satisfactorily.

My friends, it is an emergency case. Our people are having the same financial reverses that people are having in other parts of the country and there is a recognized responsibility on the part of the Government for reimbursement for at least a portion of the damage. Now what are you going to do about it? If we are to receive reimbursement, and we should, surely now is the time to set the machinery in motion to receive and make finding on these claims. Growers are already sending their claims to Washington. There is no designated agency to receive and consider them. We should pass this legislation now. I earnestly urge my Republican colleagues to permit action now.

Mr. SNELL. Mr. Speaker, I make the point of order that debate must be on the bill before the House. I do not want to interfere with the gentleman, but there are many important measures to be considered this afternoon, and I make the point of order unless the debate is confined to the matter before the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I think the point of order should be overruled. The gentleman is laying a foundation for an argument which he intends to make on the bill.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GREEN] will proceed in order.

Mr. McSWAIN. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. McSWAIN. The gentleman said something about 50. Fifty what? Fifty fruit flies, or what?

Mr. GREEN. Fifty per cent reimbursement for damages sustained by Florida growers as a result of the Mediterranean fruit fly eradication campaign.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CLARKE].

Mr. CLARKE of New York. Mr. Speaker, I do not know whether the Members are familiar with the location of this arboretum. If you drive out to the northeast and enter the Bladensburg turnpike you will see a beautiful hill, covered with lovely trees at the present time. That is Mount Hamilton, and it is a part of the proposed arboretum. Then there is another ridge on beyond called Hickey Hill. It is an ideal location. The Committee on Agriculture visited this place with the experts on this proposition and the committee came to the conclusion that having gone so far we should complete the program.

There is an approach from along the river and this will prove an ideal location for the establishment of a national arboretum.

In connection with this matter I want to read the following poem.

Mr. TREADWAY. Before the gentleman begins to read his poem will he yield to me?

Mr. CLARKE of New York. Yes.

Mr. TREADWAY. Will not the gentleman be good enough to more definitely designate this location? The gentleman has been pointing here and there, but that does not mean much to Members.

Mr. CLARKE of New York. Does the gentleman know where you turn into the Bladensburg Turnpike to go to Baltimore?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. Does the gentleman remember the high hill to the east?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. That is a part of the project. Then there is another high hill which is called Hickey Hill.

Mr. TREADWAY. I thank the gentleman very much.

Mr. CLARKE of New York (reading):

There'd be some money in that elm—so he
Sold it; the sawyer came; and presently
He'd money in his pocket, but no tree—

No living tree before his threshold stone;
And, well, he missed it, living there alone,
The bonnie tree that he had always known.

'Twas queer to think the living tree was dead,
Just dry white planks now in the sawyer's shed,
While he still lived; and yet, when all was said

He'd got the money; brass was always brass,
And never came amiss. That flesh is grass
He'd overlooked, until it came to pass

He slept too long one morning—didn't wake;
And he was missed; and they were forced to break
His bolted cottage door in with a stake.

The brass was spent upon his funeral; he
Between the coffin boards lay presently
And close in touch again with his old tree.

—Percy Hutchison.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter which Senator HAWES and myself have sent to the president of the American Federation of Labor, Mr. William Green, with reference to the provisions of the Hawes-Cooper prison goods bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD and to include the letter referred to. Is there objection?

There was no objection.

The letter is as follows:

CONVICT LABOR—A PROBLEM FOR EACH STATE IN THE OPINION OF AUTHORS OF THE HAWES-COOPER BILL, PASSED BY CONGRESS—FEDERAL LEGISLATION ENABLES STATES TO ACT BUT IS OF ITSELF NO BAR TO SALE OF PRISON PRODUCTS

MR. WILLIAM GREEN,
President American Federation of Labor,
A. F. of L. Building, Washington, D. C.

MY DEAR MR. GREEN: As coauthors of the Hawes-Cooper bill, approved by President Coolidge on January 19, 1929, and designated as Public No. 669, Seventieth Congress, we submit at your request our views as to the extent and purposes of this bill, the intent of Congress in passing it, and the scope of authority of the States in the enactment of legislation under it.

There are more than 120,000 prisoners in State institutions, this number growing at a rapid rate, the products of whose labor present a problem increasingly important in the conduct of penal institutions throughout the country.

We have received numerous inquiries concerning the Hawes-Cooper bill and the power of the States under that bill. It is manifest that some confusion exists as to the meaning of the law, and such confusion tends naturally to increase the perplexities of the problem presented to each State in legislating for the future.

With 48 State legislatures considering the prison problem during the current year and the two subsequent years prior to the taking effect of the Hawes-Cooper Act, it may be well to clear up some of the misapprehensions.

The Hawes-Cooper bill does not go into effect until January 19, 1934. The 5-year period between the date of its approval and the date of its effect was written into the bill by Congress to give to each State ample time in which to adjust prison affairs.

HISTORY OF LEGISLATION

Something should be said of the history of this legislation.

More than 20 years ago the American Federation of Labor, anticipating future trouble over the growing problem of prison products entering into competition with the labor of free men and the investment of free capital, petitioned Congress for legislation tending to stop the traffic in convict-made goods.

The problem presented to Congress in the early consideration of the question was what form this legislation should take. It was agreed that the authority of Congress extended to the regulation of interstate commerce, but it was likewise manifest that there were grave constitutional questions involved in the attempt of Congress to interfere with this interstate commerce to the extent of a prohibition.

Meanwhile several of the States, including New York and Massachusetts, had endeavored to enact State laws subjecting convict-made goods, regardless of their origin, to certain State regulations or prohibitions.

All such attempts were declared by the courts to be beyond the power of an individual State, as the goods arriving from a prison in another State were, in fact, in interstate commerce, and, therefore, beyond the regulatory powers of the individual States.

Each State had a right to enact its own laws in respect to its own prison products. The enactment of such laws, however, removed the products of a State's prisons from the markets of that State, but could not interfere with the entrance of prison products from other States into its own open markets.

FACTORS UNITE ON BILL

Congress at various times considered the legislative proposals tending to cure this situation, but for many years such proposals failed in one branch or another or were prevented from passing by circumstances entirely foreign to the consideration of the bill itself, such as legislative confusion and congestion.

In 1928, however, the American Federation of Labor had introduced what has become known as the Hawes-Cooper bill, which the signers of this letter sponsored respectively in the House and Senate.

During the Seventieth Congress other influential elements in our American life joined in support of this measure.

The General Federation of Women's Clubs, acting in the interest of the prisoner himself and to protect women wage earners from the competition of prison products, actively joined in the support of national legislation.

Certain manufacturing interests throughout the country likewise enlisted their efforts on behalf of the measure to protect private capital from the increasing inroads being made by convict labor concentrated in a few fields of activity.

A number of organizations interested solely in scientific, modern penal management, and the rehabilitation of the prisoner also assisted.

Exhaustive hearings were held by both the House and Senate committees, on which sat the representatives of more than 22 States.

Labor officials, manufacturers, representatives of the General Federation of Women's Clubs and prison organizations were heard at length. Prison officials, opposing the Federal enactment on the theory that it would tend to destroy prison industries, were heard also. Prison contractors were likewise given consideration.

As a result of these hearings the bill was reported favorably in both the House and Senate and subsequently passed both bodies by an overwhelming majority. The measure was then sent to the President, who requested a review of the proposal by the Attorney General and, having received a favorable reply, President Coolidge signed the measure on January 19, 1929.

FEDERAL ATTITUDE SUSTAINED

But the enactment of this bill by the representatives of 48 States in Congress was not the first indication of the Federal attitude toward competition between convict labor and free labor and capital.

There has long been on the Federal statutes a prohibition against the importation of convict-made goods into the United States to compete with the products of free labor and private capital.

In the tariff bill in 1930 Congress threw additional safeguards around that provision of the law relating to the importation of convict-made goods and extended this law to products made by indentured or forced labor.

The executive branch of the Government, through the Treasury Department, has very recently evidenced its intention of strictly enforcing this national ban on imported convict-made goods.

Likewise Congress many years ago, legislating as to the conduct of Federal penitentiaries, provided that no goods, wares, or merchandise manufactured in the Federal penitentiaries could be sold upon the open markets. The products of more than 8,000 Federal prisoners are to-day limited as to sale by the Government itself, such products being manufactured only for Government use.

THE HAWES-COOPER BILL

The language of the Hawes-Cooper bill is definite. It reads as follows:

"*Be it enacted, etc.*, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

"SEC. 2. This act shall take effect five years after the date of its approval."

This act in itself does not stop the sale of convict-made goods.

It does not provide that convict-made goods may not be shipped from one State to another, or from the prison of one State to a resident of another State.

It simply provides that when convict-made products are shipped from one State into another State such products, upon arrival and delivery in the second State, shall be subject to the laws of the second State.

If the second State has no law regulating the sale or distribution of convict-made goods then the convict-made goods of the first State may be sold or distributed in the second State without interference.

The real difference between the situation as it exists and the situation as it will exist after the Hawes-Cooper bill goes into effect on January 19, 1934, may be more pointedly illustrated as follows:

At the present time New York State does not permit the products of its prisoners to be sold on the markets of New York or shipped out of the State of New York for sale or delivery. The products of New York prisons may be sold only to State institutions in New York State and may not be sold upon the open market.

But at the present time products made in the penitentiaries of Indiana and Missouri may be shipped into the State of New York and may be sold and distributed in New York. In fact, they are so sold and distributed in New York.

But the Legislature of New York enacted under the authority of the Hawes-Cooper bill, a new statute which will, in effect, after January 19, 1934, subject all prison products entering New York from Missouri or Indiana prisons to the same laws which regulate prison products manufactured in New York.

Therefore, after January 19, 1934, under provision of a New York law enacted under the authority of the Hawes-Cooper bill, Indiana and Missouri prison products will not be sold in New York State, except in violation of the law of New York State, and anyone may be prosecuted under the New York State law for selling prison products.

From the above it will be manifest that the Hawes-Cooper bill itself neither bars convict-made goods from transportation, nor does it, of itself, operate on convict-made goods in the absence of a State enactment made under it.

Should any State desire to avail itself of the benefits permitted under the Hawes-Cooper bill it will be necessary for that State to enact its own convict-labor laws.

Furthermore, if any State desires to protect itself from becoming the dumping ground for prison products of other States, it must enact its own regulations through its own legislatures.

STATE ACTION FORMERLY FORBIDDEN

Under section 8 of the Constitution of the United States Congress is given authority "to regulate commerce with foreign nations and among the several States and with the Indian tribes." This power was granted to the Federal Government by the States, and the courts have held that no State legislation may interfere with the exercise of this authority which the States have given to the Federal Government.

In 1890, however, Congress passed what was known as the Wilson Act, which provided that intoxicating liquors transported into any State and remaining in that State for use, consumption, sale, or storage upon arrival in that State would be subject to the operation and effect of the laws of that State enacted in the exercise of its police powers.

By that act Congress removed from intoxicating liquors the character of interstate commerce when the particular goods upon which Congress legislated arrived in a given State for sale or distribution.

The constitutionality of that act was tested in the case of Wilkerson *v.* Rahrer (140 U. S. 545).

The Supreme Court held that this act on the part of Congress was not an attempt to delegate the power to regulate commerce. It held that this was not a grant of power not already possessed by the States. It held that this was not an attempt on the part of Congress to adopt State laws.

The court said:

"Congress has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule whose uniformity is not affected by variation in State laws in dealing with such property."

The court held that in removing the interstate commerce character from the particular commodities legislated upon Congress was exercising its authority to regulate commerce. The court held that if Congress chooses to remove the interstate commerce character from designated subjects of interstate commerce before that character would ordinarily terminate, such act is within the competency of Congress.

A most significant statement was made in the decision of the court in that case when it said:

"The framers of the Constitution never intended that the legislative power of a nation should find itself incapable of disposing of a subject matter specifically committed to its charge."

The court further said that Congress had, in exercising its authority to regulate commerce, simply removed an impediment to the enforcement of State laws in respect to imported packages in their original condition.

This letter is not a brief upon the constitutionality of the Hawes-Cooper Act, but so much of the Rahrer opinion has been cited as may tend to indicate the character of the Hawes-Cooper bill in its relation to the State.

The States, without a specific utterance on the part of Congress, would have no power to interfere with interstate commerce in convict-made goods; but under a specific utterance by Congress removing the interstate commerce character of prison products upon their arrival in a State, which the Supreme Court has held is within the competency of Congress to do, each State under the Hawes-Cooper bill has the authority to regulate such products within its State borders.

It may be well to indicate here that the action of Congress in passing the enabling act, known as the Hawes-Cooper bill, was based upon the opinion of the court as to the authority of Congress in this regard.

PRISON PROBLEM IS A STATE PROBLEM

Congress was not unmindful when passing the Hawes-Cooper Act of the problems which might arise in the respective States as the result of subsequent State legislation enacted under authority of the Federal act. In fact, the 5-year-extension period granted in the act is an indication that Congress realized it would take some time for States to readjust their prison affairs to meet possible State enactments.

But, in the opinion of Congress, the menace of competition from convict-made goods was paramount, and Congress refused to permit the Federal Government, by its silence as to convict-made goods, to stand as an impediment to the enforcement of State laws.

Under the old system one State could ship its products into another State in defiance of the latter's State laws, and it could do so simply because Congress had failed to act and, therefore, permitted interstate commerce regulations to become an impediment.

One State was in a position to enforce its views on the balance of the States. It could force its convict-made products into the markets of a sister State and thumb its nose at the laws of that State.

The evident absurdity of such a condition is brought out by the fact that one State by its own legislative body attempted to regulate the sale of its own prison products within its borders, but permitted those same prison products to enter an adjoining State in defiance of the laws of the adjoining State.

Congress had the assurance of those who indorsed the Hawes-Cooper bill, while it was pending in Congress, that continued efforts would be made by them to assist the States in the working out of prison problems, and it may be said that the authors of this bill at the present time are aware of the continued activity of the American Federation of Labor, the General Federation of Women's Clubs, manufacturers, and prison organizations in assisting in the working out of the State legislation.

What particular form that State legislation shall take is not within the dictate of Congress. There have been many and varied proposals. Indeed, a variety of solutions is almost inevitable in view of the fact that each State has its own particular prison problem, and no plan can be suggested that will operate alike on all States.

Congress issued no mandate to the States. It has not ordered any State to enact any new legislation, nor does the Hawes-Cooper bill repeal any State legislation. The State itself must determine on the basis of its own problem what it may do to prevent its markets from becoming the dumping ground for prison products of other States.

MANY PLANS DISCUSSED

Some States have already enacted legislation looking to the diversification of prison products so as not to concentrate prison labor in the manufacture of a few products, the sale of which would be harmful to private industries. Some of the States limit their own prison products to their own State institutions and are now enacting legislation prohibiting both their own and other prison products from sale on the open market.

The "States-use" system is the term most generally applied to the system by which prison products are consumed by State institutions. Where the consumption of prison products in a

given State is confined to State institutions, however, such a law will not prevent convict-made goods being dumped into that State, unless there is a specific regulation as to sale and distribution applying equally to all such products, regardless of their origin.

Able authorities have pointed out the value of diversifying prison industries, so that no one product of prison manufacture will be turned out in sufficient quantity to interfere with private labor or private capital. Scientific systems of standardization have been studied and proposed for the purpose of facilitating the exchange of prison products with the institutions of the State. The parole system and other remedial suggestions for cutting prison population are being studied. Employment of prisoners in certain fields where their labor will not seriously compete with free labor or private capital has also been widely studied and discussed.

All of these records are available to legislators and State executives who desire to readjust their prison industries on the basis of the new theory. This is a State problem with which each State is confronted and the seriousness of which grows with the prison population.

The Hawes-Cooper bill has laid the foundation by which the prison contractors may be permanently put out of business. How quickly this new situation will be brought about rests entirely with the States and in the enlightened manner in which they handle their own particular State problems. The Hawes-Cooper bill enforces nothing upon the States. It enables them to act if they so desire. It does not of itself solve the prison-labor problem. The intention of Congress was to permit the States to solve this problem and to remove the Federal impediment to the enforcement of State laws. The enactment of constructive legislation looking to the removal of convict-made goods from competition with free men and free capital rests with the legislatures.

Whether any State is to become the dumping ground for prison products and the enrichment of a prison contractor or agency now rests solely with the State legislatures.

Very sincerely yours,

JOHN G. COOPER,
Representative from Ohio.
HARRY B. HAWES,
Senator from Missouri.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. GARBER].

Mr. GARBER of Virginia. Mr. Speaker and Members of the House, I think we must conclude that this is a very important measure, the opinion of the gentleman from Florida notwithstanding.

I want to call attention to two things. First of all, due to the rapid depletion of our forest wealth in this country through past years it is exceedingly important that the Federal Government prosecute a program along the line of reforestation and experimentations in the production of trees, as is contemplated in the arboretum bill. In 1926, when the first arboretum measure came up, as has been pointed out, it was contemplated that $500,000 would be necessary to purchase adequate acreage for the purposes of an arboretum. This amount, as has been stated, was cut to $300,000, and with that $300,000 more or less separated tracts of land were acquired off of M Street, the purchase covering 190 acres. It is cut up into two or three distinct tracts, not entirely separated but, as the gentleman from Massachusetts pointed out, with other tracts coming in between. The purpose of this bill is to consolidate the various parcels into one continuous tract by purchasing these interposing tracts aggregating 78 acres. That will give a consolidated tract of 286 acres.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. SCHAFER of Wisconsin. Seventy-eight acres are going to cost $200,000.

Mr. GARBER of Virginia. Yes.

Mr. SCHAFER of Wisconsin. Then this is a real estate speculators' bill?

Mr. GARBER of Virginia. Not at all. Only so much of the $200,000 will be expended as is necessary to acquire the additional 78 acres, at a price that will be determined by orderly condemnation proceedings.

Mr. SABATH. Does it take in both sides of the creek?

Mr. GARBER of Virginia. The 78 acres will do this——

Mr. SABATH. I mean is this property on the other side of the creek or on each side of it?

Mr. GARBER of Virginia. It is on this side of the creek. I want to point out that these additional 78 acres will add a variety of soils that will be especially valuable in experimenting with the different species of trees and will make an enlarged consolidated tract that will be much more valuable from the standpoint of an arboretum than if you restrict it to the 190 acres of separated tracts. It does seem to me that this is a very important bill and that it should be passed at this time.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. HAUGEN. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker, I only want to take this one minute in order to correct the impression that seems to have been running throughout the debate as to the cost of the land that has already been purchased. In response to the direct inquiry of the gentleman from Oklahoma [Mr. HASTINGS] I have the exact figures from the Department of Agriculture. I find that for the 190 acres already purchased they have paid $226,437, and not $300,000 as stated a number of times. There remains, therefore, 78 acres of the original tract to purchase and $73,563 in the original appropriation of $300,000. The bill is here because the Department of Agriculture has not been able to purchase the remaining acreage within the 125 per cent assessed value limit required by the law, and 48 acres additional needed to make the original tracts more symmetrical. The department has not been able to secure the additional lands within the prescribed price limits, and when condemnation proceedings were instituted the court awarded $73,945 above the 125 per cent limit. It is believed that the $200,000 provided will be necessary to complete the purchase of the required acreage.

Mr. HASTINGS. How much is that per acre?

Mr. KETCHAM. I have not calculated it, but it runs something under $1,200 an acre.

Mr. SABATH. And it is not worth $25 an acre.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 78, noes 33.

Mr. SABATH. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and forty-three Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 154, not voting 78, as follows:

[Roll No. 46]

YEAS—199

Ackerman	Cochran, Pa.	Garner	Korell
Adkins	Cole	Gasque	LaGuardia
Aldrich	Colton	Gibson	Lambertson
Allen	Connolly	Goodwin	Langley
Andresen	Cooke	Goss	Lankford, Va.
Andrew	Cooper, Wis.	Guyer	Leavitt
Arentz	Cramton	Hadley	Leech
Bacharach	Crisp	Hale	Lehlbach
Bachmann	Crowther	Hall, Ind.	Letts
Bacon	Culkin	Hall, N. Dak.	Luce
Barbour	Dallinger	Hancock, N. Y.	McFadden
Beck	Darrow	Haugen	McLaughlin
Beedy	Davenport	Hawley	McLeod
Beers	De Priest	Hess	Maas
Blackburn	DeRouen	Hickey	Magrady
Bloom	Dickinson	Hoch	Mapes
Bolton	Douglass, Mass.	Hogg, Ind.	Martin
Brand, Ga.	Dowell	Hooper	Merritt
Brigham	Drewey	Hope	Montet
Britten	Dunbar	Hopkins	Moore, Ohio
Browne	Eaton, Colo.	Houston, Del.	Moore, Va.
Brumm	Eaton, N. J.	Hull, Morton D.	Murphy
Buckbee	Elliott	Hull, William E.	Nelson, Me.
Burdick	Ellis	James, Mich.	Nelson, Wis.
Burtness	Englebright	Jenkins	Palmisano
Butler	Erk	Johnson, Ind.	Parker
Campbell, Iowa	Estep	Johnson, S. Dak.	Perkins
Carter, Wyo.	Esterly	Johnston, Mo.	Pittenger
Chalmers	Evans, Calif.	Jonas, N. C.	Pou
Chase	Fish	Kahn	Pratt, Harcourt J.
Chindblom	Fisher	Kearns	Pratt, Ruth
Chiperfield	Fitzgerald	Kelly	Purnell
Christopherson	Foss	Kendall, Ky.	Rainey, Henry T.
Clague	Free	Kendall, Pa.	Ramey, Frank M.
Clancy	Freeman	Ketcham	Ramseyer
Clark, Md.	Gambrill	Kinzer	Rayburn
Clarke, N. Y.	Garber, Va.	Kopp	Reece

Reed, N. Y.	Sirovich	Taylor, Tenn.	Watson
Reid, Ill.	Sloan	Temple	Welch, Calif.
Rogers	Smith, Idaho	Thatcher	Welsh, Pa.
Rutherford	Snow	Timberlake	White
Sanders, N. Y.	Speaks	Tinkham	Whitley
Seger	Stafford	Treadway	Wigglesworth
Seiberling	Stalker	Turpin	Wilson
Selvig	Stobbs	Underhill	Wolverton, N. J.
Shaffer, Va.	Strong, Pa.	Vincent, Mich.	Woodruff
Short, Mo.	Swanson	Wainwright	Wright
Shreve	Swick	Walker	Wyant
Simms	Swing	Warren	Zihlman
Sinclair	Taber	Waires	

NAYS—154

Abernethy	Doughton	Johnson, Tex.	Patterson
Allgood	Doxey	Johnson, Wash.	Peavey
Almon	Drane	Jones, Tex.	Prall
Arnold	Driver	Kading	Quin
Aswell	Dyer	Kennedy	Ragon
Auf der Heide	Edwards	Kerr	Ramspeck
Baird	Eslick	Kvale	Rankin
Black	Evans, Mont.	Lankford, Ga.	Reilly
Bland	Finley	Lindsay	Robinson
Blanton	Fitzpatrick	Ludlow	Romjue
Bohn	Fuller	McClintic, Okla.	Sabath
Bowman	Garber, Okla.	McClintock, Ohio	Sanders, Tex.
Box	Gavagan	McCormack, Mass.	Sandlin
Boylan	Glover	McKeown	Schafer, Wis.
Briggs	Goldsborough	McMillan	Shott, W. Va.
Browning	Granfield	McReynolds	Simmons
Busby	Green	McSwain	Smith, W. Va.
Cable	Greenwood	Manlove	Somers, N. Y.
Canfield	Gregory	Mead	Sparks
Cannon	Hall, Ill.	Michener	Sproul, Ill.
Carley	Hall, Miss.	Miller	Steagall
Cartwright	Hancock, N. C.	Milligan	Stone
Celler	Hardy	Montague	Strong, Kans.
Clark, N. C.	Hare	Mooney	Summers, Wash.
Cochran, Mo.	Hastings	Moore, Ky.	Sumners, Tex.
Collier	Hill, Ala.	Morehead	Tarver
Collins	Hill, Wash.	Morgan	Taylor, Colo.
Condon	Hogg, W. Va.	Nelson, Mo.	Tucker
Cooper, Tenn.	Holaday	Newhall	Underwood
Cox	Howard	Niedringhaus	Vestal
Craddock	Huddleston	Norton	Vinson, Ga.
Crail	Hudson	O'Connor, N. Y.	Whittington
Cross	Hull, Wis.	O'Connor, Okla.	Williamson
Crosser	Igoe	Oldfield	Wingo
Cullen	Irwin	Oliver, Ala.	Wolverton, W. Va.
Davis	James, N. C.	Palmer	Woodrum
Dickstein	Jeffers	Parks	Yon
Dominick	Johnson, Nebr.	Parsons	
Dorsey	Johnson, Okla.	Patman	

NOT VOTING—78

Ayres	Fort	Lanham	Schneider
Bankhead	Frear	Larsen	Sears
Bell	French	Lea	Snell
Brand, Ohio	Fulmer	Linthicum	Spearing
Brunner	Garrett	Loofbourow	Sproul, Kans.
Buchanan	Gifford	Lozier	Stevenson
Byrns	Golder	McCormick, Ill.	Sullivan, N. Y.
Campbell, Pa.	Graham	McDuffie	Sullivan, Pa.
Carter, Calif.	Griffin	Mansfield	Thompson
Christgau	Halsey	Menges	Thurston
Connery	Hartley	Michaelson	Tilson
Cooper, Ohio	Hoffman	Mouser	Wason
Corning	Hudspeth	Nolan	Whitehead
Coyle	Hull, Tenn.	O'Connor, La.	Williams
Dempsey	Johnson, Ill.	Oliver, N. Y.	Wolfenden
Denison	Kemp	Owen	Wood
Douglas, Ariz.	Kiefner	Pritchard	Wurzbach
Doutrich	Knutson	Ransley	Yates
Doyle	Kunz	Rich	
Penn	Kurtz	Rowbottom	

So (two-thirds not having voted in favor thereof) the rules were not suspended and the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Wood with Mr. Byrns.
Mr. Tilson with Mr. Ayres.
Mr. Campbell of Pennsylvania with Mr. Bankhead.
Mr. Gifford with Mr. Griffin.
Mr. Ransley with Mr. McDuffie.
Mr. Thurston with Mr. Hull of Tennessee.
Mr. Carter of California with Mr. Buchanan.
Mr. Mouser with Mr. Connery.
Mr. Cooper of Ohio with Mrs. Owen.
Mr. Yates with Mr. Williams.
Mr. Rich with Mr. Corning.
Mr. Wason with Mr. Hudspeth.
Mr. Schneider with Mr. Fulmer.
Mr. Hartley with Mr. Oliver of New York.
Mr. Halsey with Mr. Garrett.
Mr. Kiefner with Mr. Sullivan of New York.
Mr. Sullivan of Pennsylvania with Mr. Stevenson.

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENT OF NATURALIZATION LAWS

Mr. CABLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10672) to amend the naturalization laws in respect to posting notices of petitions for citizenship, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

Mr. SABATH. I object. I do not know what this bill is about.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. SABATH. I withhold it. If I can learn something about it, I may withdraw it.

Mr. JOHNSON of Washington. This is a House bill pertaining to certain naturalization rights and repatriation of women. It has passed the Senate with numerous amendments. One of these gives the right to return to the United States of soldiers now overseas who have slept on the rights previously granted by laws. Other matters that are somewhat involved have been added and therefore require a conference. It is a proper bill to go to conference, and I hope the gentleman will not object.

Mr. SABATH. Is this a bill that will permit American ladies who go abroad to buy titles and then after they are mulcted and relieved of all their wealth, they are ready to come back to America?

Mr. JOHNSON of Washington. Oh, we do not guarantee the titles. I do not think so; but at any rate, all of that will be taken care of in conference, and I hope the gentleman will not object.

Mr. CABLE. This bill has nothing to do with any women coming back to this country, because it has no immigration feature in it.

Mr. SABATH. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. JOHNSON of Washington, CABLE, and BOX.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. PARKER, COOPER of Ohio, and RAYBURN.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this maternity bill, as I was unavoidably detained from the sessions of the House on yesterday when the bill was passed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the bill just sent to conference. Is there objection?

There was no objection.

Mr. TUCKER. Mr. Speaker, in the Constitution of the United States, Article IV, section 4, it is provided:

> The United States shall guarantee to every State in this Union a republican form of government.

This bill seeks to take from the States what the Constitution solemnly requires the United States to secure to them, namely, a republican form of government. We need not discuss technically what constitutes a republican form of government, for it is admitted that all 48 States of the Union have governments republican in form. (See Minor v. Happersett, 21 Wall. 175; and In re Duncan, 130 U. S. 461.)

Each State provides for the election of its officers by popular vote and has a legislative, executive, and judicial department, separate from each other, with a constitution that defines and limits their powers.

The legislative power is unlimited generally as to the people and property of the State except by the State constitution and the Constitution of the United States. Under this power this department may create organisms for certain purposes and then appropriate money to carry them out; it may build a university and appropriate money to carry it on; it may establish a school system and appropriate money for it; it may establish a health unit or a child welfare department to look after the health of the children of the State, as provided by the tenth amendment of the Constitution of the United States. The legislators are trustees for the people and for the money in the State treasury, and these trust duties can not be evaded or surrendered to any other department, person, corporation, or other government to carry them out. To attempt to abdicate or transfer this trust to another is a breach of trust. Indeed, the question is so plain and simple that it needs no argument, for it speaks for itself that the duty of a State legislator, in response to public demand to create a health unit for children and maternity, to appropriate money to carry it on, to lay out and prescribe the plans and lay down the character of the work and its limitations, can not be transferred to any other power or State, and especially can not be given to another government.

In the business world what would be thought of a board of directors of a bank appropriating money to carry out a business scheme of the bank attempting to give the authority to the board of a rival bank to carry out the scheme? How much stronger is this case, if the legislators of the States, intrusted with the duty of looking after the health of the children of the States, and their mothers, in a way suitable to such people in that particular community, as laid down in their State laws, should seek to surrender entire control of the appropriations for such purpose, and give the power to the Federal Government to carry out the trust, not in the manner prescribed in the State law, but wholly and entirely it may be as the Federal corporation chooses and directs? Take my own State—Dr. Ennion G. Williams is the head of the Virginia State Health Unit; he is without a peer in his work; the people know him and trust him, and for years he has conducted his office with distinguished ability and efficiency. By this bill the entire conduct of that business in Virginia is to be transferred to the hands of the Federal health coordinating board, located in Washington and not in Virginia, to carry on the work.

Chief Justice Marshall in McCulloch *v.* Maryland (p. 431, 4 Wheat.) indorses this view, saying:

> But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not.

The question, therefore, is, Is the care of maternity and children and their health a function of the State or of the Federal Government?

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1), in speaking of the reserve powers of the States, said they represented—

> that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the general Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws *of every description*, as well as laws for regulating the internal commerce of a State.

The Child Labor cases, Hammer *v.* Dagenhart (247 U. S. 273) and Bailey v. Drexel Furniture Co. (259 U. S. 120), settled this question because the question of child labor as it affects the health of the child was involved in both of them; and the court held that neither the commerce clause of the Constitution nor the taxing power of the Constitution could be invoked to regulate child labor in the States since the regulation of child labor for the protection of the health of children was a State function that Congress could not perform. Justice Day in the Hammer case used this language (p. 273):

> The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

And Judge Taft, in the Bailey case, supra, involving the tax power of Congress, used this notable language:

> Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid. So here the so-called tax is a penalty to coerce the people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution.

So that this bill which endeavors to deal with a subject entirely within the control of the States under the Constitution is unconstitutional, null, and void.

And we will now proceed to show, under the bill, how a State's action is unconstitutional in its acceptance of a bill that attempts to transfer to the Federal Government powers that belong alone to the States. The object of the bill is stated in section 1, to coordinate "the general rural health and maternal and child-health activities" between the United States and the several States. Under the Constitution of the United States, as this duty is nowhere directly or by implication assigned to the Federal Government, under the tenth amendment, it belongs to the States, and if so, the Federal Government has no power or control over it, and any attempt to exercise such power must, therefore, be void and of no effect. This being true, if a State, through its legislative branch, seeks to surrender this duty to the Federal Government the State law is null and void; it is a clear abdication on the part of the State of a plain and certain duty. First, in section 4 of the bill, the State in order to receive any money under the act, must accept the provisions of this bill by its legislature or governor. Second, section 4, the State board or the State health unit or agency must submit plans for carrying out the work in accordance with regulations prescribed by the board of the Federal corporation. Third, this same Federal board (sec. 2 of the bill) has power to approve or disapprove the plans of the State agency.

Now, let us examine these three requirements. First. How can the legislature or the governor of a State accept the provisions of this bill? If the acceptance is by the legislature, it is assumed that the acceptance must be a legislative act, and if so, how can the governor, in case the legislature does not act, accept it; in a republican form of government how can a governor perform a legislative act? Or, how can the legislature of a State divest the State, even for money, of the duty which the Constitution of the United States has imposed upon the State? Can the legislature of a State change the Constitution of the United States? What power resides in the legislature of a State to take away from its own officer (of the health unit of the State), the duty of carrying out this State function and placing that power in the board of a Federal corporation. That is clearly *ultra vires*. Or, what power has the legislature to compel the health officer of a State to unite with the board of a Federal corporation in expending funds of that Federal corporation? In such a proceeding, to whom is the State agent responsible? If he steals the money, can the Government of the United States hold him accountable for it? Or, can the State government hold him responsible in this regard? And how can the governor make such acceptance and change the law of the State by putting additional duties upon an officer of the State, and laying him open to penalties by another government to which he owes no allegiance in this matter? This is beyond compare the most reckless attempt ever known of inducing and bribing a State to break its own constitution as well as that of the United States.

Second. Under this head we find that the head of the State health unit must submit plans to the board for carrying on the work, and this may be considered with heading No. 3, wherein this same Federal board has the power to approve or disapprove the plans of such State agency. What

does that mean except that the plans of the Federal board are to be absolutely controlling. The power to approve or disapprove the plans means that the duty required here for the head of the State unit to submit plans is a mockery. This view is heightened by the provision in section 11 that no money appropriated by the Federal Government for this purpose, and no money appropriated by the State for this purpose, shall be used in the purchase, erection, preservation, or repair of any buildings or equipment, nor shall any of it be used for maternity or infancy, pensions, stipend, or gratuity. A State that goes into this scheme may have provisions in its law for the erection and repair of buildings; it may have maternity gratuities or pensions, or infancy pensions, or gratuities, and the legislature that accepts the provisions of this bill, if it were valid in its effect, would thereby repeal the State law in reference to buildings and maternity pensions which had been enacted by the legislature of the State in response to public demand in that State. In other words, it would operate as a repeal of those laws. A law can be repealed, of course, but the legislature can not repeal a law without the consent of the governor; and here is an attempt to violate another principle of a republican form of government which takes away the requirement of the governor's consent and sanction to all laws passed and leaves it to the legislature alone.

Under a republican form of government the legislative power extends to and over all persons and property in the State and no power or government outside of the State can change the status or exercise any regulatory powers over any officer of the State in the discharge of his State duties, for the Federal Government was not organized to carry on the local affairs of the people of the States; nor can it buy, or the State government sell, these powers to another, for they were bought with the blood of our fathers in their struggle for independence by the people of the States, and will never be surrendered by any except a weak, servile, and faithless people. This shows that a republican form of government can not be maintained in a State when State officers are controlled by and subordinated to Federal officers and Federal power, or when State functions are stealthily taken from them and carried out and developed by Federal officials without responsibility to the States. Under this bill, could the State of Virginia proceed against the Surgeon General of the United States Public Health Service as the chairman of the board? Or under this bill, could the State of Virginia proceed against its public health officer for dereliction of duty when this bill attempts to transfer his duties to the Federal board?—

> Oh, what a tangled web we weave,
> When first we study to deceive.

In sustaining my position, I beg to quote two passages from ex-President Calvin Coolidge:

> The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform.
>
> Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend or its ability to administer than from leaving the local communities to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous, that the area within which it can function successfully is very limited. The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations. (The annual message of the President, December 8, 1925.)
>
> I have referred in previous Budget messages to the advisability of restricting and curtailing Federal subsidies to the States. The maternity act offers concrete opportunity to begin this program. The States should now be in a position to walk alone along the highway of helpful endeavor, and I believe it in the interest of the States and the Federal Government to give them the opportunity. (Annual Budget message of President Coolidge. Quoted in the CONGRESSIONAL RECORD, January 7, 1927, p. 1219.)

But this bill contains another provision involving the so-called cooperative (?) duties of the Federal Children's Bureau with the State agencies of health in the several States and makes even more prominent than in the former discussion the attempted destruction of a republican form of government in the States. Here under the Children's Bureau we see more clearly what is meant by "cooperation" between State and Federal agencies to promote maternity and child welfare. Experience shows that when the Federal Government seeks to cooperate with a State in any activity it is like the lion who seeks cooperation with the lamb in their activities, which inevitably results in the lion swallowing the lamb. What sort of "cooperation" can that be when the Federal Government, in this bill, says to the States, "You shall do this" and "You shall not do that"? Is that the language of "cooperation"? Or of superior to inferior? Of master to servant? This language of command and of prohibition by the Federal Government to the States is defended by the advocates of this bill on the ground that what is commanded and what is prohibited is a proper thing that the States will not object to in many cases. That is not the question. If they have the power to command, which they are asking for here, and the power to prohibit, this board that has the power to make its own rules and regulations can do what it pleases. Now, see in the following cases whether I am correct in this statement.

First. Section 5. This language:

> *Provided*, That the plans of the States under the act *shall* provide—
>
> And so forth.

Second. Section 10:

> The State agency *shall* make report—
>
> And so forth.

To whom—the States? Oh, no; to the Federal board.

> The ox knoweth his owner, and the ass his master's crib.

The State agent must report to the Federal board how he has spent the State's money. Cooperation is the union of two separate, independent units doing the same work. There can be no "shall" or "shall not" between equal units.

Third. Section 5. The States *must* accept this act.

Fourth. Section 5. The State agent *must* submit plans to suit the Federal board, not the State, whose officer he is.

Now, see the cases in this bill of "shall not":

First. Section 5. The plans submitted to the Federal board by the State agent *shall not* contain any one of three prohibited things. Is that free agency on the part of the State?

Second. Section 11. No Federal money shall be used for purchase or repair or renewal of buildings. No State money shall be used for such purposes, or maternity or children's pensions, though the State may have buildings for these very purposes, and may have a law granting maternity and children's pensions. Are not the words "shall not" inconsistent in their use between equal cooperative agencies? Again, the State agent must make his report to the Federal board, and is prohibited from spending State money as the State directs, but must spend it as the Federal board directs, and if his conduct is satisfactory to the State in the expenditure of State money but not to the Federal board, further advances may be withheld and the agency subjected to such discipline and punishment as the President of the United States, to whom he may appeal, may "consider proper." Under these conditions, is such a State agency an officer of the State when he is subject to the orders of the Federal board and not to the State when his direction of the funds of the State intrusted to him for State purposes are absolutely controlled in their uses by the Federal board and the Children's Bureau?

Section 5 of the bill requires the acceptance by the State of the provisions of an act approved November 23, 1921, which expired by limitation in 1929. It is quite an unusual provision to tie a living body to a dead statute that has passed out of existence, and how can a State accept the provisions of a dead act? If it were a living organism, there might be some reason to it, but can the acceptance by the State of a dead act make it a living organism; and the alternative to the State that does not accept this act of November 23, 1921, is that through its legislative authority it shall ac-

cept the provisions of this act. The two acts are entirely different. The acceptance of the dead act does not cover the provisions in this, nor do the provisions of this act cover those of the dead act. It is a muddy and inexplicable alternative that finds no place in a proper statute; and in addition to the requirements of acceptance of the provisions of this act it requires that the State unit shall submit to the Children's Bureau detailed plans for carrying out the provisions of subsection (b) of section 3, and that after that is done these plans shall be subject to the approval of the board; that is, the plans are the plans of the board and not of the State; and immediately following this—showing that this is true—the bill declares, section 5, that the State plans shall conform to three conditions—prescribed by the board, of course. The first condition is a limitation of the amount to be expended; the second is that the problems discussed must be limited to rural districts and to towns and cities of not over 50,000 population; and, third, that the plans submitted shall include, first, promoting the establishment of local health services for mothers and children, with several other conditions. Here are three conditions put upon any State plans that may exist in any State.

In other words, the Children's Bureau, having directed that the State agency must submit plans, proceeds in this section to put three conditions upon such plans which may destroy the State plans and make them inoperative. That is, the State unit is required to make plans, but the board can say, "You shall put in this provision and that you shall not put in other provisions." Is not this a merciless dictation by the board of its own plans? And further, that all State plans must contain a provision that no officer or agent of the State shall enter any home or take charge of any child over the objection of the parents, and so forth. Such a provision might be quite necessary for any representative of this board, but the State would seem to have a right to control its own agents to see that their acts shall conform to the Constitution of the United States and of the State. This is another illustration of "Thou shalt not" to the States.

Section 10 of the act gives an extraordinary power to the board of this corporation wherein the Children's Bureau, at the request of a majority of the board, shall withhold any further certificate provided for in section 9 of the act (which looks to securing the money) if the State agent in the conduct of his work has not properly expended not only the money paid to it by the Federal Government, but the money paid him by the State for the purposes of the act. It might be reasonable that this Federal board should have the power of withholding money from a State officer appropriated by the Federal Government, but it goes further and declares that if the head of the health State agency, a State officer, in the judgment of the Federal board, has not properly expended the money of the State whose officer he is that no further certificate will be allowed the State for securing further moneys under the bill.

Can that provision be regarded by anyone as securing to the State whose officer is involved a republican form of government? Who is to determine whether the money has been "properly expended" or not? It was the State's money given for a State purpose into the hands of a State officer, and by what process of logic or reason can this proposed partnership between the Federal Government and the States to carry out a State function be justified or upheld when the State officer is discharging a State function with State money? Is this Government republican in form that permits its appropriations to be controlled by a foreign officer? If it be said that the State has accepted the conditions of this bill, we answer that the fundamental doctrine, whatever may be the form, is that a State can not accept, under the Constitution of the United States, any form of procedure that compels it to relinquish its status as a State with a republican form of government, and it would be difficult to find anyone to uphold the above doctrine as consistent with a republican form.

And mark what follows in this section 10:

> Such certificate may be withheld until such time or upon such conditions as the board may determine—

And during this unlimited time of withholding the certificate, with unlimited conditions that may be imposed by the board, the State agency is graciously allowed to appeal—

> To the President of the United States, who may either affirm or reverse the action of the board with such directions as he shall consider proper.

By what stretch of the imagination can the President of the United States be called in to determine whether a State officer, selected by the legislature or appointed by the governor of a State, has been guilty of a breach of the law of his State? Suppose the President, with power to affirm * * * the action of the board "with such directions as he shall consider proper," directs that the State agent shall be sued for the money, who could sue, the State or the Federal board? Whose money is it? Could he direct either one to do so? Or could he fine this amphibious agent, half Federal and half State, as described by Secretary Doak, for disobedience to his order? Or suppose the President should direct the State to remove him from office, must the State do so? If so, who is the controlling power in State affairs, the President or the governor? Or suppose the President says the State must reappropriate the money the agent has stolen, must the State obey the President? Can these conditions comport with a republican form of government in any State when its legislative and executive power is dominated by the President of the United States? And if a State, in proper form, accepts a law giving such powers to the President, is it not patent to the simplest understanding that it must be null and void under the Constitution of the United States?

These two provisions affecting the general health of the people of the country and conditions of maternity and children are set forth in this bill, as we have shown, can not be sustained because its provisions would tear down rather than preserve a republican form of government in each State in the Union.

And lastly, section 11 declares that no State in the Union that has a child-welfare unit shall have the right to apply the money furnished by the State for the purchase or erection of buildings or any maternity or infancy pensions, even though the State, by law, provides for such. Is that provision consistent with the right of each State to appropriate money for its own purposes, without dictation from any other power, and is it consistent with the duty of the United States to guarantee a republican form of government to each State when the bill asserts with solemn impressiveness that no State can use its own money through its own officer for its own functions as may be prescribed by the law of the State? The Federal Government has no power to put conditions upon the appropriations of the States for State purposes, and no State can agree to such a thing, for it is a surrender of those powers which are inherent in a republican form of government. It would be State suicide.

These two provisions in this bill, giving control of the powers and functions of the State to the Federal Government, are fatal to the guaranty of a republican form of government to every State of the Union. That such a bill could be brought into this House is a marvel.

Had this bill come from an outside government it would be bad enough; but here is this great Congress of the United States, a creature of the Constitution of the United States which had been created by the thirteen original States in 1787, with the sacred duty in that Constitution placed upon the United States of guaranteeing a republican form of government to each State of the Union, each State forming an integral part of the United States Government, having given abundantly of their sovereign powers in the beginning that this Federal Government might protect and defend each and all of them, and asking only in return that their several State governments might be preserved to them republican in form; and it is this Congress of the same United States, in this bill, that is shooting this poisoned arrow at the hearts of each one of these States. The States stand aghast at such an act, and are ready to exclaim:

> So the struck eagle stretched upon the plain,
> No more through rolling clouds to soar again—
> Viewed his own feather on the fatal dart
> That helped to wing the shaft that quivered in his heart.

Who in the present administration backs this bill?

I

Is it President Hoover? No. President Hoover in 1929 wrote:

I recommend to the Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited period of years.

In 1930 the President, in his annual message, said:

I urge further consideration by the Congress of the recommendations I made a year ago looking to the development through temporary Federal aid for the health of children.

And so forth.

The President, therefore, does not back this bill, as it is unlimited in duration. These declarations of the President, it is noted, were made in 1929 and 1930, but when he came to deliver his address on the birthday of President Lincoln on February 12, 1931, in studying the position of Mr. Lincoln on constitutional questions, a new light dawned upon him, and the following quotation from that address justifies me, with exceeding great pleasure, of placing the President unequivocally in principle against this maternity bill in any form.

The moment responsibilities of any community, particularly in economic and social questions, are shifted from any part of the Nation to Washington, then that community has subjected itself to a remote bureaucracy with its minimum of understanding and of sympathy. It has lost a large part of its voice and its control of its own destiny. Under Federal control the varied conditions of life in our country are forced into standard molds, with all their limitations upon life, either of the individual or the community. Where people divest themselves of local government responsibilities they at once lay the foundation for the destruction of their liberties.

And buried in this problem lies something even deeper. * * * The spread of government destroys initiative and thus destroys character. Character is made in the community as well as in the individual by assuming responsibilities, not by escape from them. Carried to its logical extreme, all this shouldering of individual and community responsibility upon the Government can lead but to the superstate where every man becomes the servant of the State and real liberty is lost. Such was not the government that Lincoln sought to build.

II. SECRETARY MELLON'S POSITION

But the bill was referred to the Secretary of the Treasury for his opinion, and on June 26, 1930, he addressed a letter to Hon. JAMES S. PARKER, chairman of the Committee on Interstate and Foreign Commerce, in which he said:

While it is the opinion of the Treasury Department that there is already ample authority under the rural sanitation appropriation act for cooperation with State health agencies in developing local whole-time health units and while the Treasury Department is convinced that all essential activities for the prevention of disease and the promotion of health in both sexes and among all age groups of our population can and should be administered by the United States Public Health Service, which already possesses authority in law to cooperate with State and local health agencies for the protection of the public health, this department is not disposed to interpose objections to bill H. R. 12995 other than to reiterate its statement as set forth in its report to you of August 6, 1928, as it pertains to the establishment of an additional organization of the Government to administer public-health work.

A. W. MELLON,
Secretary of the Treasury.

What report was this the terms of which he reiterates to the chairman of this committee? I present a copy of it for your consideration.

AUGUST 6, 1928.

Hon. JAMES S. PARKER,
Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I have to acknowledge receipt of your letter of May 29, 1928, inclosing bill H. R. 14070, entitled "A bill to provide a child welfare extension service, and for other purposes," with a request for a report thereon.

The purposes of the bill appear to be to authorize annual appropriations and to provide facilities for health and welfare work on behalf of mothers and children, either independently or in cooperation with State and Territorial agencies, or through them with county or municipal agencies engaged in such work. Its enactment into law is believed inadvisable for the following reasons:

1. It relates exclusively to women and children notwithstanding the protection of their health is an integral part of the general program of safeguarding the public health.

2. It creates an additional permanent organization with authority to engage in health work which function should properly devolve upon the existing Federal health agency.

3. In health matters cooperation of the Federal Government with States and local communities should be through the respective health authorities. For such cooperation as may be authorized by law, State and local health authorities should be able to look to the Federal health agency; they in turn should not be expected to cooperate with multiple Federal organizations in health matters, nor have regulatory activities conducted within their jurisdictions independently of them.

4. There is now authority in law for cooperation by the United States Public Health Service with State and local health authorities for the protection of the public health.

This authority should not be duplicated; to do so would tend to cause overlapping and confusion.

I am advised by the Director of the Bureau of the Budget that this report is not in conflict with the financial program of the President.

Very truly yours,
HENRY HERRICK BOND,
Acting Secretary of the Treasury.

It is seen from this report of August 6, 1928, that the Acting Secretary of the Treasury, Mr. Bond, uses this language, speaking of the reenactment of the Sheppard-Towner Act:

Its enactment into law is believed inadvisable for the following reasons (four of them).

And Secretary Mellon says that he is not disposed to interpose objections to this bill other than to reiterate his former objections, which were four, and these four reasons are powerful arguments against this bill. He objected to it in 1929 and reiterates that objection in 1930, and we can safely leave the argument against it in Mr. Mellon's report.

I have discussed quite often the fundamental objections to this class of bills under the Constitution of the United States, and, without repeating those arguments, I beg to submit a list of authorities which sustain my view:

Primus inter pares, Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat. 316).
Gibbons *v.* Ogden (9 Wheat. 1).
Virginia Constitutional Convention, 1829–30, on the militia.
Judge Brewer in Kansas *v.* Colorado (206 U. S. 89) and Fairbanks *v.* United States (181 U. S.)
Judge Miller in Loan Association *v.* Topeka (20 Wall. 655).
Judge Miller on the Constitution (p. 229, note 2).
Mr. Madison, Resolutions of 1798.
Mr. Madison's message, May 4, 1822.
Federalist No. 41.
Veto message, March 3, 1817.
Letter of Madison to Andrew Stevenson.
Supplement to letter to Andrew Stevenson. (Writings of James Madison, by Gaillard Hunt, Vol. IX, p. 424.)
Cooley on Taxation, second edition, page 110.
Cooley, Constitutional Limitations, pages 11 and 106.
Willoughby on the Constitution, volume 1, page 40.
James Wilson (Wilson's Works: Andrews, vol. 2, pp. 56–59).
John C. Calhoun, February 20, 1837, United States Senate. (Works of Calhoun, Vol. III, p. 36.)
Mr. Jefferson on power of Congress to establish Bank of the United States, February 15, 1791.
Letter to Judge Spencer Roane, October 12, 1815. (Works of Jefferson, by Paul Leicester Ford, 1905, Vol. XI, p. 489.)
Von Holst, a strong Federalist, Constitutional Law of the United States, page 118.
Hare, American Constitutional Law, volume 1, pages 242–243.
William A. Duer, Constitutional Jurisprudence, second edition, page 211.
Grover Cleveland, veto message to the House of Representatives making appropriations for drought-stricken counties in the Southwest.
B. J. Sage in Republic of Republics.
Calvin Coolidge, addresses of, Budget meeting, January 21, 1924, and annual message, December 8, 1925.
Tucker on the Constitution, Volume I, pages 477, 478–480.
Chief Justice Taney in Dobbins *v.* Commissioners of Erie County (16 Pet. 448–449).
Chief Justice Chase in Veazie *v.* Fenno (8 Wall. 541).
And Judge Story on the Constitution, sections 907–909, 910.

It is interesting to note that the many examples of where the death rate of infants increased under the Sheppard-Towner Act show that the law did not carry out what it proposed to do, and the three States, Illinois, Massachusetts, and Connecticut, that did not adopt the act at all, are striking examples of what can be done in reducing mortality by the people of each State directing it according to their own plans and views, for in these States mortality of women and children was less than in those that adopted it.

In Standards of Child Welfare, the Report of the Children's Bureau Conferences, May and June, 1919, Conference Series No. 1, Bureau Publication No. 60, on page 145, a distinguished doctor, professor of obstetrics, filed a paper from which, on page 146, I extract the following:

I take it that the first step in such a campaign of education for the improvement of obstetrical conditions must consist *in the compulsory registration of pregnancy* through the local health officer.





In this event it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau, and thereby, if able to read, to be convinced of the importance of insisting upon adequate care. Furthermore, it should be the duty of the local health officer to see that the women who register should promptly arrange for suitable care during pregnancy and at the time of labor. If a physician were engaged, the health officer's responsibility would end, but if the patient is to be cared for by a midwife, it would be his duty, or that of a paid substitute acting for him, to see that certain examinations and requirements were carried out.

I do not know how far the views set forth in the above quotation are entertained by those who have the execution of the Children's Bureau under this bill. I have been informed, however, that there are some who entertain the same view, and if so, it will remain for the men and women of this country to say whether the social standards of the country will submit to these proposed hygienic regulations. The principles of this bill have had a trial, lasting for five years, and the results of that trial are far from realizing the hopes of the authors of the bill. Whether a continuation of it might improve conditions which in many of the States have not been improved, no one can say; but the terms of the bill are fatal to a republican form of government, and will strike down the integrity of the States of the American Union, and make them subservient tools of the Federal Government in its triumphant march to a centralized bureaucracy!

ENGROSSMENT AND ENROLLING OF BILLS AND JOINT RESOLUTIONS DURING THE REMAINDER OF THE SESSION

Mr. SNELL. Mr. Speaker, I send to the Clerk's desk a House concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the House concurrent resolution, as follows:

House Concurrent Resolution 53

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The concurrent resolution was agreed to.

ORDER OF BUSINESS

The SPEAKER. In view of the congested situation of business, unless the various matters of general legislation to be brought up by rule or possibly by suspension shall have been concluded by 6 o'clock this afternoon, the Chair will not recognize requests to take up Senate bills or other bills which would naturally come up in their order to-day; but the Chair will devote considerable time on Monday to unanimous-consent requests to consider Senate bills or House bills with Senate amendments.

Mr. LEHLBACH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEHLBACH. If unanimous consent is asked and objection is made, will the Speaker recognize the proponents of the bill to renew his request?

The SPEAKER. The Chair could hardly answer that; he would if there was no particular reason why he should not.

Mr. SNELL. Is it the Chair's intention to take up in order the three rules that have been agreed upon?

The SPEAKER. Yes; and if time is left before 6 o'clock, suspension of the rules.

Mr. STAFFORD. Mr. Speaker, is it the intention to have the Consent Calendar called on Monday?

The SPEAKER. It will be in order.

BOOKS FOR THE BLIND

Mr. SNELL. Mr. Speaker, I call up House Resolution 363.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4030, to provide books for the adult blind. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this rule simply provides for the consideration of a bill that has been before the House for some time, making an appropriation of $100,000 at the disposal of the Library of Congress to buy books for the adult blind. I know of no opposition, and I do not think any time is desired on the rule.

Mr. POU. There is no opposition to the rule on this side.

Mr. O'CONNOR of New York. The only thing I hope is that the bill will be explained in the House. It was not very clearly explained before the Rules Committee. I hope the bill will not be rushed through and that we will be given the hour which the rule provides for consideration.

Mr. SABATH. Will amendments be in order?

Mr. SNELL. Yes; under the general rules of the House.

Mr. CRAIL. I want to say that there is opposition to the bill. The rule provides that the time may be equally divided between the chairman and the ranking minority member, both of whom are in favor of the bill.

Mr. SNELL. I assure the gentleman that the opposition will have one-half of the time.

Mr. CRAIL. With that assurance, I have no objection.

Mr. TUCKER. Does the bill apply to the District of Columbia only?

Mr. SNELL. To the whole United States.

Mr. CELLER. Does this provide that the books shall be in Braille?

Mr. SNELL. I suppose they are, but I do not know about that. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

NATIONAL PARK AND PLANNING COMMISSION

The SPEAKER. Pursuant to the act of Congress approved June 6, 1924 (43 Stat. 403), as amended by the act of April 30, 1926 (44 Stat. 374), the Chair appoints the gentleman from Michigan, Mr. McLEOD, as a member of the National Park and Planning Commission.

BOOKS FOR THE BLIND

Mr. LUCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 4030) to provide books for the adult blind.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

Mr. LUCE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. Mr. Chairman, I yield 10 minutes to the gentlewoman from New York [Mrs. PRATT], the author of the bill. [Applause.]

Mr. CRAIL rose.

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. CRAIL. I rise to a parliamentary inquiry.

The CHAIRMAN. Does the gentlewoman from New York yield for that purpose?

Mrs. RUTH PRATT. Yes.

Mr. CRAIL. As I heard the resolution read, we are considering a Senate bill and not a House bill.

The CHAIRMAN. We are considering a Senate bill.

Mr. CRAIL. The gentleman from Massachusetts [Mr. LUCE] yielded 10 minutes to the author of the bill, and I thought perhaps he had switched to the Pratt bill.

The CHAIRMAN. It is the same bill.

Mrs. RUTH PRATT. Mr. Chairman, this bill requires very little explanation, and I believe needs no defense. There are in the United States approximately 100,000 blind persons. Of these about 90,000 have become blind during their adult years. Of this number about 25,000 are able to read the Braille type. The Government long since recognized its obligation to the little children who are blind, by providing an appropriation for material and textbooks in Braille type, but the literature for the adult blind is woefully inadequate. Take, for example, the library in New York, which has a special department for the blind. In that library there are only about 1,000 titles available to them, while for those of us who can see there are something over 1,000,000. The American Foundation for the Blind made a survey, and as a result of that survey it was found there were three obstacles in the way of the provision of books for the adult blind. One is the proper geographical location of distribution centers; one is the unfair distribution of the expense incident to providing books and distributing them; and the other, the inadequacy of the amount of literature for the blind. This bill proposes to overcome all of these difficulties. It provides for an appropriation, in addition to the other appropriations for the Library of Congress, to the amount of $100,000 annually, to be expended under the administration of the Librarian of Congress. Your Committee on the Library deemed that to be the proper way in which to provide for the expenditure of this money, because the Library of Congress is a Government agency directly responsible to the Congress.

One of the great outstanding personalities of our time is Miss Helen Keller. From infancy she has had three seemingly insurmountable handicaps—deafness, dumbness, and blindness. Through a great beauty of spirit, gallant courage, and indomitable will she has been able to break through this human bondage and make for herself an unchallenged place in the intellectual life of our time. [Applause.] I wish every Member of this House might have been present at the hearing when she appeared before the Committee on the Library. We were all intensely touched, emotionally, but, more than that, we were left with a profound sense of the simple justice of her appeal. [Applause.]

I yield back the remainder of my time.

Mr. WARREN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, this bill appeals to our very best humanitarian instincts. It makes a little financial substance go a long way in the production of happiness. What a boon this legislation will be to many souls that are shut in, and that will stay shut in until they put on the robes of immortality!

All of us know in our own circle of acquaintances blind persons to whom the books to be provided by this bill will be the choicest of blessings. I have now in mind an old mother who resides less than 2 miles from this Capitol. Her head is snow crowned. She has raised a large family and she has been a good mother. Her eyes, the windows of as sweet a soul as ever graced God's footstool, have gone out. At regular intervals a messenger from the Library of Congress delivers at her home a Braille book, and if you could see the light of happiness that comes over her face at such times, as I have seen it, you would have no doubt of the good this legislation will accomplish in lightening and lifting the depression that engulfs the blind.

We can not make the blind see, but we can take a lot of the sadness and sorrow out of their lives by giving them embossed books to read. Next to restoring their vision, which no earthly agency can do, our best gift to them is something that will enable them to forget themselves; something to break down the barriers that imprison them in such dreaded isolation; something that will give them contact with the living, moving world. That something is books.

This bill is admirably conceived to accomplish that purpose—not all at once but by gradual degrees. It is a very simple measure. It appropriates $100,000 a year to provide books for the blind printed in raised characters which may be read by the sense of touch. It puts this money at the disposal of the Librarian of Congress. Some of the books will be kept here and others will be sent out to libraries over the country, where they will be made available for circulation among blind readers.

Several agencies besides the Library of Congress have been suggested as a means of getting the books distributed and circulated, but when we consider the noble purpose to be served this seems too small a matter to quibble over. The main object, which gives the legislation its incentive and its value, is to provide suitable books and get them out among the blind according to some well-regulated system, and I do not know any agency better designed to accomplish this end than the great national library known as the Library of Congress, which is directly responsible and accountable to Congress, and which already maintains a service for the blind that is easily capable of being expanded to these greater proportions and made an instrumentality of service for large numbers of sightless persons.

Our committee listened with rapt attention to the testimony of the most remarkable living champion of the blind, Miss Helen Keller. We were charmed by her brilliancy and spellbound by her eloquence. Bereft of both hearing and sight, she seemed as she stood before us to be the incarnation of pathos, but, though she lives in darkness, there was not one of us but was impressed by the height and breadth and depth of her spiritual vision. We believed her when she said:

> Books are the eyes of the blind. They reveal to us the glories of the light-filled world. They keep us in touch with what people are thinking and doing. They help us to forget our limitations. With our hands plunged into an interesting book we feel independent and happy. I ask you to show your gratitude to God for your sight by voting for this bill.

Let us do as Helen Keller asks us to do. Let us show our gratitude to God by rendering this help to his sightless creatures. By so doing we will show our gratitude for Helen Keller, one of the noblest women of our time and all time. [Applause.]

Mr. LUCE. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Chairman and my colleagues of the House, I am for Braille books for the blind as much as anybody in this House, but I am opposed to this bill unless it is amended as I shall hereafter suggest, because I think it would be vicious in its operation. It is a simple bill on its face, very innocent looking, but it would lead our Government into very serious consequences.

We are in the closing days of a session of Congress. Bills that come up at this late date are supposed to be emergency bills, and it is supposed that there is some good reason why they should be rushed through. If there is any reason why this bill should be jammed through Congress in its half-baked condition without consideration, I do not know what it is. There is no emergency here. Our Government has been in existence for 150 years, and if this were something that required immediate action, something would have been done about it during the 150 years our Government has been functioning, or something would have been done about it earlier in this present session. It has not been indorsed by any national party convention, Republican or Democratic, or any other. It has not been indorsed by any President; it has not been reasonably considered on its merits. This is a Senate bill. The committee in the Senate that reported this bill held no hearings on it whatever. The report which accompanied the bill in the Senate merely said that hearings were held in the House.

Hearings were held in the House on a similar bill by the Committee on the Library, which is composed of five members, of which the author of a similar bill is a member. Very carefully other bills for the care of the blind were not permitted to be discussed when this hearing was taking place. Not only that, but two other bills for the blind were referred to another committee of the House, the Committee on Education, a committee of 21 members. That committee went into elaborate hearings on the bill. I hold in my hand a printed copy of the hearings before the Committee on Education on Braille bills for the blind. There are 152

printed pages in that report of the hearings, and yet these two committees never got together and ironed out any differences or tried to bring in a bill that was fair to the Government and for the good of the blind. The Committee on Education has been absolutely ignored so far as this bill under discussion is concerned.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. CRAIL. Yes; with pleasure.

Mr. SIROVICH. Is there any difference between this Pratt bill and the bill presented to the committee, in purpose?

Mr. CRAIL. In purpose, no; because they are for the blind and for the benefit of the blind.

Mr. SIROVICH. Then what is the difference?

Mr. CRAIL. The difference is this, and it will take me a few minutes to explain it. The Government of the United States is annually appropriating $75,000 for the printing of Braille books for the blind. The money goes to the American Printing House for the Blind, an institution at Louisville, Ky., not a Government institution, a private concern, though a nonprofit corporation.

This company has been subsidized by the Government for more than 50 years, ever since 1879. The law under which this $75,000 per year goes to this American Printing House for the Blind at Louisville, Ky., expressly provides that it is for the printing of books for the instruction of the blind, and no part of that money shall be used in the purchase of real estate or in the erection or leasing of buildings, and that in the printing and distribution of books for the blind no profit will be made by this subsidized institution, and that the price put upon each article so manufactured or furnished shall only be its actual cost.

That is the law, but here is the situation: At the hearings held before the Committee on Education, which is not the committee which considered the bill which is now before the House, it was disclosed by the testimony of the president of that institution on cross-examination that that institution is making a profit on its books; that it is using the $75,000 subsidy from the Government of the United States for its overhead, for its pay rolls, for its salaries of officers, for the purchase of supplies, and then it is competing in the open market with other publishers in this country to make a profit.

Mr. THATCHER. Will the gentleman yield?

Mr. CRAIL. I yield to my friend from Kentucky.

Mr. THATCHER. Is it not a fact that the president stated they follow the provisions of the Federal law scrupulously, to the effect that no profit is put on any book or any tangible apparatus furnished to the blind children of the country; and that only incidental profits are made in contracts carried outside of the Government appropriation, which have nothing in the world to do with the blind children? That is the fact.

Mr. CRAIL. I will answer the question by saying that he tried to justify the profits which the institution made, but he testified that the company had made a large profit on books for blind veterans, which it printed for the Veterans' Bureau of the United States on a contract secured in open competition with printing houses which are not subsidized by the Federal Government.

Mr. THATCHER. Oh, it is perfectly clear what I have stated.

Mr. CRAIL. It is the fact in any event.

Mr. THATCHER. What I have stated is the fact.

Mr. CRAIL. Gentlemen of the committee, if the gentleman wants to argue, he should not do so on my time. I think the gentleman can get all the time he desires without taking my time, which is so limited that I will not get to say one-fourth what I would like to say. The facts are that the law does not say what my distinguished friend has just intimated, that the restriction in the law is that they shall not make a profit in the printing of books for blind children. The law provides that they shall not make any profit on the books which they print for the instruction of the blind. When the gentleman is trying to limit it to the books they make for blind children, there is no such thing as that in the law. The law is that they shall not make any profit on the books they print for the instruction of the blind.

I have in my hand a copy of the law which subsidizes the American Printing House for the Blind at Louisville, Ky. Here is the part germane to the question referred to:

(1) Purposes and method of expenditure: First, such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by such appropriation shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House for the Blind shall require; and each institution shall receive, in books and apparatus, that portion of the appropriation as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

(2) Buildings: Second, no part of the appropriation shall be expended in the erection or leasing of buildings.

(3) Sales of books and apparatus at cost. Third, no profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky.; and the price put upon each article so manufactured or furnished shall only be its actual cost.

I will leave it to the fairness of this body whether this company can lawfully accept this $75,000 annual subsidy, and at the same time make a profit on books printed by it for the instruction of the blind. It seems particularly obnoxious that they should take this subsidy from the Government, and then make a profit on the Government, biting the hand that feeds them.

Mr. SIROVICH. Will the gentleman yield?

Mr. CRAIL. I yield to the gentleman from New York.

Mr. SIROVICH. The report states that nearly all organizations of the blind are heartily behind this measure.

Mr. CRAIL. The blind readers are against this bill. I have in my hand a pamphlet which is an argument against this bill, prepared by a blind reader, Mr. J. Robert Atkinson, and he says that hundreds of blind readers have opposed the passage of this bill by letters signed by them, but not one is on record indorsing the Pratt-Smoot bill. He says further, and this is addressed to all Members of Congress, "Choose you this day whom you will serve, blind readers or blind leaders."

Mr. Chairman, I ask unanimous consent to insert in the RECORD as a part of my remarks this argument, "Blind Book Legislation," from which I have just quoted.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

BLIND BOOK LEGISLATION

There are now two bills pending before Congress, each designed to furnish literature to the blind through a permanent appropriation of $100,000 a year. One is purely original—the outgrowth of years of experience in furnishing literature for the blind—the other originated overnight, notwithstanding the fact that both bills were introduced on the same day.

The first, or original bill—and the one most worthy of your support—is known as H. R. 9994. It is the outgrowth of years of experience in the furnishing of books for the blind, with the aid of private philanthropy. A hearing on it was held by the House Committee on Education May 28, 1930.

The Crail bill, among other things, provides:

(1) That an appropriation of $100,000 a year be paid to the trustees of the Braille Institute of America (Inc.), Los Angeles, Calif., to be expended for the purpose of furnishing embossed books and periodicals to the blind;

(2) That the books and periodicals so printed shall be distributed free to the blind through the now existing libraries or institutions conducting free lending departments of books for the blind, and through those libraries that may hereafter be established for that purpose subject to the approval of the American Library Association in the United States and its territories;

(3) That sole authority for the selection and determining of literature to be printed shall be vested in a committee composed of librarians in charge of the aforesaid libraries, in conjunction with the American Library Association's subcommittee on books for the adult blind, which committee shall give due cognizance to the literary preferences of blind readers;

(4) That the distribution of books and periodicals supplied from this fund shall be on a basis determined by the trustees of the Braille Institute of America (Inc.) and the executive board of the American Library Association;

(5) That no profit shall be put in any books or periodicals printed or distributed by the Braille Institute of America (Inc.), and the price put upon the books or periodicals so printed or furnished shall not exceed the actual cost of production;

(6) That no part of the appropriation shall be expended in the erection or leasing of buildings or real estate;

(7) That the Secretary of the Treasury of the United States shall have the authority to withhold the appropriation whenever he shall receive satisfactory proof that the trustees of the Braille Institute of America (Inc.) are not using the appropriation for the benefit of the blind as outlined in the bill; and

(8) That the treasurer of the Braille Institute of America (Inc.), having executed a bond for the faithful discharge of his duties, shall submit annually, or whenever requested by the Secretary of the Treasury of the United States, a certified audit of the books and records of the institute.

(NOTE.—The Crail bill provides safeguards which demand both efficiency and economy in administering the appropriation.)

The second bill was introduced by Congresswoman RUTH PRATT of New York, under the sponsorship of the American Foundation for the Blind, soon after its author and sponsors learned that a bill was drafted by Congressman JOE CRAIL. A hearing on it was held March 27, 1930, by the House Library Committee, of which Mrs. RUTH PRATT is a member. Although this committee reported the bill favorably, it failed twice to come before the House through suspension of the rules. On account of these failures, Mrs. PRATT's bill was then given to Senator SMOOT for introduction into the Senate, and therefore the measure is now known as the Pratt-Smoot bill. Under this name it was hurriedly passed by the Senate, but since then it has again failed twice to receive recognition by the House under suspension of the rules process.

The Pratt-Smoot bill provides, briefly: (1) that Congress shall appropriate $100,000 annually to furnish literature for the blind; (2) that the appropriation shall be administered by the Librarian of Congress; (3) that said librarian shall have full and autocratic authority in the selection and distribution of the literature to be printed with said appropriation; and (4) that said librarian may use his discretion, also, in the establishment of other libraries in addition to those now engaged in lending books for the blind.

Commenting on the above statements, and with particular reference to those specified below, it is pointed out:

(2) That an appropriation for the literary advancement of the blind can best be determined by an institution experienced in supplying literature to the blind and devoted exclusively to that work, and that the Braille Institute of America (Inc.) meets this requirement.

It has as a background 10 years of experience in publishing literature for the blind, and it now has at its disposal a spacious plant with adequate office and printing facilities to function immediately, efficiently, and economically in manufacturing and distributing literature for the blind, while the proponents of the Pratt-Smoot bill, or the agency charged with its administration, have had absolutely no experience in publishing such literature.

(3) That any bill enacted into law, designed to supply literature for the blind will signally fail unless it functions to the satisfaction of blind readers, both in the selection and distribution of literature published. The only way to insure this result is to give blind readers a voice in the selection of the literature, as is provided for in the Crail bill, but a privilege conspicuously lacking in the Pratt-Smoot bill, which places this authority and responsibility in the hands of a single librarian. If this provision were the only objectionable feature in the Pratt-Smoot bill, it would be sufficient ground for its defeat.

The sponsors of the Crail bill not only believe that blind readers should have a voice in the selection of the literature, but also that this important responsibility should be rested with a publication committee composed of experienced librarians who have devoted years of study in serving the blind.

The folly of placing the authority of selecting the literature in the hands of one person is seen in the transcript of the hearing on the Pratt-Smoot bill by the Library Committee, March 27, 1930, when its chairman, ROBERT LUCE, expressed the opinion that the reading public would be better off if it were restricted to literature of the Victorian Age. What a calamity—if the Pratt-Smoot bill were to become a law and the present Librarian of Congress or his successor should share Mr. LUCE's opinion!

Another danger besetting the administration of the appropriation, in the Pratt-Smoot bill by the Librarian of Congress, is seen in the evidence of the aforesaid hearing on that bill, by Senator-elect Thomas A. Gore, of Oklahoma. Senator-elect Gore, in his testimony, pointed out that the present Librarian of Congress, in his report to Congress in 1910, exhibited an apparently unsympathetic attitude, by asking that the lending department of books for the blind be removed from the Library of Congress assumably on the ground that it was foreign to the functions of that Library. As a result of his recommendation, the department was moved into the Carnegie Library, subsequently to be re-installed by the Library of Congress, but not until the National Library for the Blind had been established in Washington, D. C.

Mr. John Ralls, representing the Cleveland Public Library and various blind organizations in the States of Ohio and Kentucky, also appeared at the hearing of the Pratt-Smoot bill in opposition to it, and pointed out that the Librarian of Congress was at first opposed to the bill in that it delegated him as its administrator, acceding only after "the fact was emphasized that this was a large sum which was being placed to the credit of the Library of Congress."

The Braille Institute of America (Inc.), sponsors of the Crail bill, believe that blind readers are capable of deciding for themselves the literature they wish printed and that since it is necessary to establish an agency for the purpose of selecting the literature, that agency should be composed of persons whose first interest is in the blind readers themselves and who are specialists exclusively in the field of literature for the blind.

(4) Literary service for the blind could be augmented through the establishment of perhaps four or five additional libraries located at strategical points throughout the Nation, but under no circumstances should a dollar of the appropriation sought in either bill pending, be used for this purpose, since that amount is scarcely adequate to print (on a nonprofit basis) enough literature to meet the demand and without which there is no reason for establishing more libraries to house such literature.

Hundreds of blind readers favor passage of the Crail bill, but not one is on record indorsing the Pratt-Smoot bill.

"Choose you this day whom ye will serve"—blind readers or blind leaders.

Mr. WARREN. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. WARREN. Is there anything in the bill now under consideration that would prevent the Library of Congress from contracting with any printing houses in the United States where these books are printed?

Mr. CRAIL. No. But the practical effect of the bill is to give a monopoly to the Louisville concern, because with the aid of this subsidy from the Federal Treasury it can underbid all competitors.

Mr. HALE. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. HALE. How many concerns are there in this country producing these books, and where are they located?

Mr. CRAIL. There are three major plants printing books for blind readers. Practically every State has an institution for the blind, which in turn has a little printing plant, equipped with a hand press or a foot press, where they do some Braille printing or printing for the blind; but there are three institutions equipped to print books on the scale contemplated by this bill.

I am in favor of appropriating $100,000 for printing books for the blind. I want that money appropriated, but I say this bill is vicious unless it is amended. At the proper time I am going to offer an amendment which will largely rectify the evils of the bill.

When I was interrupted I was speaking about the profit. The president of the American Printing House for the Blind testified before the Committee on Education that in one contract which it had with the Veterans' Bureau of the United States it made a profit of $30,000.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. SCHAFER of Wisconsin. I did most of the cross-examining during that hearing, and my cross-examination was based on the gentleman's statement indicating a $30,000 profit on the Veterans' Bureau contract. Following that completed hearing I have been unable to find anywhere in that or any other record the report of this Louisville concern where they indicated they made $30,000 on the Veterans' Bureau contract. The cross-examination was very rapid, and it may have been that the words were put into the witness's mouth and he did not deny them, but he also did not affirm them. I went through that complete hearing five times since they were closed.

Mr. CRAIL. If the gentleman will turn to page 23 of the hearing before the Committee on Education and read the testimony of Mr. Barr, president of that institution, he could have found what he was looking for. Here is a sample. Similar admissions can be found through the testimony of Mr. Barr:

Mr. CRAIL. The $75,000 annual appropriation is used in the purchase of equipment, machinery, type, paper, and all supplies?

Mr. BARR. Exactly.

Mr. CRAIL. And pay roll. I am asking you why you say there is no profit. Is it not true that your last annual report says that you made a profit of $30,000 on a contract which you had with the United States Veterans' Bureau, and that you used that $30,000 for putting a third story on the building of your factory?

Mr. BARR. We did make a profit, but it was under competititve bidding, and that all inured ultimately to the benefit of making at a lower cost the books which we distributed to these various States for the student blind of those States.

Mr. CRAIL. In other words, you justify the means by the results obtained in using Government money to maintain a monopoly.

Mr. BARR. That bid was made for the benefit of the Government and the Government got the benefit of it, and if we had not been in position to have made the work for the Veterans' Bureau at a lower or better price, the Government, on the other hand, would have had to have paid a larger sum of money.

Mr. SCHAFER. Do you mean to tell me that an institution receiving an appropriation from the Federal Treasury, with no agency of the Federal Government having any control in the administration, on a competitive bidding made a profit on the Veterans' Bureau, Government work for the blind, disabled veterans, of $30,000, and then repeatedly this morning tell us that you are not a profit-sharing institution?

Mr. CRAIL. That is just one item.

Mr. BARR. It all goes back for the benefit of the blind, exactly; there is no distribution of funds. There is no profit sharing in this institution.

Whether the profit was $30,000, as asked of and not denied by, the president of the company, or whether it was approximately $28,000, as some claimed that the annual report of the company for the year 1926 indicated, or whether it was only $14,000, which the third story of the building cost which was built out of the profits, makes little difference. The company does make profits. The printed annual report of the Printing House for the Blind at Louisville, Ky., for the year 1926 is in the Library of Congress, and anybody can get it. In that report it is stated plainly that they made a substantial profit and with that profit they built a third story on the building of the American Printing House for the Blind.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CRAIL. I yield for a question.

Mr. SCHAFER of Wisconsin. I chased down that statement of the gentleman from California, and I went through this entire report of the Louisville Printing House for 1926, and I can not find, directly or indirectly, any statement indicating that a profit of $30,000 or $20,000 was made on the Veterans' Bureau contract. I want to be fair with these blind people and with this blind legislation. I will very frankly state that I was led off the trail, as was the Committee on Education, with a statement which I have not been able to substantiate.

Mr. CRAIL. But the gentleman will admit that I am not responsible for his inability to find something which is in black on white and which the gentleman says he had before him. [Laughter.]

Mr. SCHAFER of Wisconsin. I will state to the gentleman that the gentleman from California definitely stated at the hearings that they made a $30,000 profit out of the Veterans' Bureau contract and we took his word for it, but up to this present moment the gentleman can not indicate any evidence substantiating that statement.

Mr. CRAIL. I have just told the gentleman where he can find it. Convince the gentleman from Wisconsin against his will and he will be of the same opinion still. I have cited page 23 of the hearing before the Committee on Education.

Mr. SCHAFER of Wisconsin. Here is the report. I wish the gentleman would read it into the RECORD.

Mr. CRAIL. I will find it when my time is up and let the gentleman confound himself. If it were not for the fact that I would have to take the time of the committee to do so now, I would find it and read it into the RECORD, but I will find it before this discussion is closed. Here it is:

Turn to page 14 of the fifty-eighth report of the board of trustees of the American Printing House for the Blind, Louisville, Ky., 1926, where the following appears:

> Second. General business beyond and outside of the printing of books for the schools in accordance with preceding paragraph; for example, blinded soldiers, the contract with the American Bible Society, and other small contracts to print books for individuals and sales to other than Government beneficiary institutions.

In reviewing the business for the past four years the transactions under paragraph 2 have greatly increased, especially during the year 1924–25, when the large contract for the War Veterans' Bureau was filled, evidencing a substantial profit.

Page 13 of the same annual report, issued by this Louisville concern, contains the following illuminating information:

> Under present conditions it is apparent to the board that in order to further the efficiency of the institution and to afford larger service to the State institutions, it will be necessary to increase the capacity of the plant. With this condition confronting us, we have entered into a contract for an additional third story to the building of the American Printing House for the Blind, and for the installment of the necessary machines and electric motors for the proper operation of the institution.
>
> The sum of this expenditure, as shown by the bids received by the architect, is approximately $14,000. The funds to meet this expenditure are fortunately on hand, due to the profits made from the sale of books exclusive of books furnished to the State institutions.

Page 8 of the same annual report indicates accumulated profits of $27,873.89 at the close of the fiscal year ending June 30, 1926, in the following:

Balance accounted for as follows:	
Deposit in Citizens Union National Bank to credit of treasurer of American Printing House for the Blind, June 30, 1926	$28,014.54
Less checks outstanding	170.65
	27,843.89
Petty cash fund	30.00
	27,873.89

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WARREN. Mr. Chairman, I yield the gentleman five minutes.

Mr. CRAIL. I can not make much headway when I am interrupted and beleaguered by a gentleman who simply shows his ignorance of this question.

Mr. GARBER of Virginia. Will the gentleman yield for a simple question?

Mr. CRAIL. I will; yes.

Mr. GARBER of Virginia. The gentleman stated a moment ago that there were three of these institutions located in the United States. Will the gentleman tell the committee where the other two are located?

Mr. CRAIL. The best equipped one in the world is at Los Angeles, Calif., and one is in New York State. I will say that the institution at Los Angeles, run by blind people, is responsible for practically all of the advancement that has been made in America in Braille printing, both in quality and in economy, in the last 10 years. This bill would absolutely shut them out and they could not print any of these books, because, as was testified before this committee, the Government subsidy is used by the Printing House for the Blind, at Louisville, Ky., for the purpose of engaging in commercial printing and for the purpose of enabling them to underbid competitors in the printing of blind books, and that is not what the Congress of the United States should want.

Mr. THATCHER. Will the gentleman yield in the interest of fairness?

Mr. CRAIL. Can not the gentleman get his own time and present the other side of this matter? I have no objection to a question, but I do not think the gentleman should take my time by making a statement. However, I yield.

Mr. THATCHER. Is it not a fact that the American Printing House for the Blind could not buy a piece of machinery, replace anything, or pay a water bill unless they were able to make some incidental profit on outside contracts?

Mr. CRAIL. I know that the Braille Institute of America, at Los Angeles, gets no subsidy whatever, and that it pays its water bills and its light bills.

Mr. THATCHER. Is it endowed?

Mr. CRAIL. I do not think it is endowed.

Mr. THATCHER. To any extent?

Mr. CRAIL. Not to any extent, to my knowledge, but it is supported by the benefactions of generous people who are interested in the blind.

Mr. SIROVICH. And by public subscriptions?

Mr. CRAIL. Yes.

Mr. HALL of Illinois. Did that institution ever have any governmental subsidies?

Mr. CRAIL. It has never had any from the Federal Government, State, county, or city of any kind.

Now, friends, I am not making a plea at this time for the bill which was introduced by me. It is not before the House. That was thrown into this argument simply to disconcert me. I want to discuss the merits of this bill which is before us. If this subsidy is used to compete with other printing houses in the country, of course, that merely means that the Printing House for the Blind at Louisville, Ky., is going to do all of this printing, because it can underbid any printing house for the blind, regardless of the fact that it is not the best-equipped establishment, that their men are not the best skilled, that they have not modernized their printing plant and invented ways of printing on both sides of the page, which has been done in this country by J. Robert Atkinson of Los Angeles, Calif., and which has almost cut in two the price of printing books for the blind.

Mr. SIROVICH. Will the gentleman yield?

Mr. CRAIL. Yes.

Mr. SIROVICH. Since the gentleman is in favor of the principle underlying this bill what would he want to do to supplement it and make it satisfactory?

Mr. CRAIL. I would do this. If I had the time I would show you that this bill is for the benefit of the American Printing House for the Blind at Louisville.

Mr. SIROVICH. I wish the gentleman would answer my question.

Mr. CRAIL. I would provide that the printing and purchasing of books shall be by public bids and in fair competition. No concern enjoying a subsidy from the Federal Treasury would be eligible to bid. I intend to offer an amendment and under the 5-minute rule I will explain it. I am sorry I have not more time.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I shall not consume that much time, but I want to say I am very heartily in favor of this bill and shall vote for its passage. I particularly desire to say, as an Alabamian, that I am unwilling to allow this opportunity to pass without expressing the appreciation of myself and other members of our delegation for the very generous and well-deserved words of praise that have been uttered on the floor this afternoon in eulogy of the accomplishments of Helen Keller, who is a native daughter of Alabama. [Applause.]

It so happens that her father and mine were in the same brigade in the Confederate Army, that her elder brother and myself were classmates at the University of Alabama, and that I knew Miss Keller when she was a child. It has been a matter of intense gratification to all the people of our State to observe her brilliant achievements despite the handicaps under which she has labored.

I want to express to the gentlewoman from New York [Mrs. PRATT] and to the gentleman from Indiana [Mr. LUDLOW] our appreciation of the kindly things that have been said with reference to Helen Keller. [Applause.]

Mr. LUCE. Mr. Chairman, I yield two minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, as a member of the Committee on Education, I am gratified at the defense of the prestige of that committee by the gentleman from California, but the committee does not need that. It does not need the protection of Members who do not belong to the committee. If we, after the hearings, had desired to report out the bill sponsored by the gentleman from California, we were perfectly able to do so; but we concluded not to do so, because the committee is for the Pratt bill.

I want to read a telegram from an outstanding friend of the blind in the United States, Mr. Robert B. Irwin, of Montclair, N. J., in my congressional district, who is a member of the New Jersey Commission for the Blind:

MONTCLAIR, N. J., *February 26, 1931.*

Hon. FREDERICK I. LEHLBACH,
House of Representatives:

Understand Pratt-Smoot bill providing books for adult blind coming up for vote to-day. Strongly recommend supporting this measure. Indorsed by New Jersey Commission for Blind, American Library Association, and American Foundation for Blind. This bill keeps administration of funds in hands Librarian of Congress, who may buy books at the receiving competitive bids. Opponents of bill, headed by JOE CRAIL, of California, favor Government subsidy to private publisher in Los Angeles. Crail plan disapproved by workers for blind all over country.

ROBERT B. IRWIN,
Member, New Jersey Commission of Blind.

It is a disheartening thing, when since 1879 this institution in Kentucky and these public-spirited, philanthropic citizens have done this work for the benefit of the blind, to find it treated in certain quarters as a racket for people to muscle in. [Applause.]

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Chairman, ordinarily I am against the increasing of governmental expenses, especially under existing conditions. However, I consider this one of the most humanitarian bills that has come before this session of the Congress.

In the first place, this act authorizes the Librarian of Congress to administer this fund, and it is my opinion there is no agency of our great Government whose affairs are better administered than are those of the Library of Congress.

In the second place, when a person of the outstanding character of Helen Keller comes before a committee of this Congress and testifies in behalf of this measure, I for one consider that enough evidence for me to support the measure. [Applause.]

Mr. WARREN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, there seems to be some misapprehension here. The Committee on Education, of which I am a member, has taken no formal action and is for no bill, and I believe the gentleman from New Jersey will support me in this statement.

Mr. LEHLBACH. I said the Committee on Education did not see fit to report the Crail bill.

Mr. KVALE. We have never been called into executive session to consider the testimony that was taken, and for that the chairman, I know, will be glad to take full responsibility.

As individuals, we have preferences. Mine are not pointed enough so that I feel justified in defeating at this time the legislation before us. Knowing the purpose of it, knowing the sincerity of purpose of the author, and realizing that the Library Committee has taken positive action and has put up a good fight and has been actuated by the highest motives, I still want to call the attention of the committee to the fact that there is much pertinent information that is contained in the hearings that were held by the Committee on Education.

It would have been well to have taken both sets of hearings—and I have read them both carefully—and consider together the matter that lies in both of those volumes. It seems to me it would have been well, probably, to have arrived at some compromise.

These two factions or these two groups have been in conflict all along. This has not been pleasant for the members of the committee that have been subjected to it. It has not been pleasant for those who have participated in the controversy, I know, but they are both striving toward the same end.

The author of the bill under consideration appeared before the Committee on Education and won all the members of that committee over to the belief that, certainly, she had no difference of purpose from that of the gentleman from California [Mr. CRAIL]. Yet you have these two institutions we hear about. It is not denied that the institution at

Louisville is subsidized to the extent of $75,000 a year, and neither the Committee on Education nor the gentleman from California [Mr. CRAIL] would think for a moment of retarding or impeding or destroying the work.

Yet you have a situation whereby, because of that assistance, naturally, that institution will have an advantage in any competitive bidding that is engaged in by it against other institutions for contracts for publication of these proposed books for the adult blind.

This is worthy of fair consideration.

Mr. ABERNETHY. Will the gentleman yield for a brief question?

Mr. KVALE. Yes.

Mr. ABERNETHY. Is there not enough work for both crowds?

Mr. KVALE. I am coming to that in a moment.

You are going to have a chance to vote upon an amendment which will limit the percentage of the total work under this appropriation that can go to any one institution. I hope the committee will consider and accept such an amendment. You are going to have a chance then partially to settle this dispute. I will say very frankly, however, that I have my own misgivings about it.

It so happens that you have at present two large institutions, and a third one that is almost comparable in size. Who knows but what next year there will be another, and then another and another that will ask similar consideration.

Then you have a school of thought here that thinks there should be a great many more branch libraries. Others believe that the provision in the bill regarding the extension of branch libraries does not amount to a great deal. Mr. Irwin, who has been quoted here, answered a question which I asked him in the committee after I had cited my concern about the matter, and had stated that I felt perhaps the setting up 60 or 70 or 80 branch libraries would mean that a large proportion of these books for the blind would stay on the shelves and collect dust, and he stated himself that there are about 15 now and he thinks there should be about 20.

He thinks this number will adequately cover the country, because, after all, we do permit them to mail out and to receive by mail, free of charge, these books. They are large and heavy. But if you have larger libraries, and fewer of them, obviously you will have in each a larger accumulation for the blind leaders to select from, and librarians can give more prompt consideration to requests for volumes they want.

Can we not be more dispassionate in the interest of the blind? I will say that if I had to choose between the two bills—and I get this from my own correspondence. I would be impelled to select the Crail bill as the one that the readers themselves prefer. Whether that is because they like better the books that come from the Crail Institute, I do not know. Let me say that within the last six months an invention has been patented which will very likely settle everyone of these questions about books for the blind. [Applause.]

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman, ladies and gentlemen of the committee, I have the honor of being a member of the Committee on Education, which has considered this bill and other bills relating to this subject, and we have given careful consideration to it.

This is a matter that deserves careful consideration. I say to you that in dealing with the blind it is not a question of authorship or the pride of authorship of a bill, and anything of that kind ought to be brushed aside and we ought to deal with the question honestly and fairly for these blind people.

I am for the Pratt bill, the Senate bill now before us, which, as I understand it, is an exact copy of the House bill, which was considered by the Committee on Education and was introduced by the lady from New York [Mrs. PRATT].

I believe that this is a just measure, I believe it is fair and right; and if there be any class of people on the face of the earth to whom my sympathy goes out, it is for those who can not see the beauties of the world but who can get a little pleasure from the books and information that they can not get otherwise.

As I say, I am heartily in favor of this measure. I do not want to take more of your time because I do not think there is anyone who can justify a vote against it. I am one of those who have taken a great interest in the blind, and I hope that the bill will pass. [Applause.]

Mr. WARREN. Mr. Chairman, I yield the remainder of my time to the gentleman from Kentucky [Mr. THATCHER].

Mr. THATCHER. Mr. Chairman, and members of the committee, we are all in favor of the principle involved in this bill. I would not have taken any part in this discussion, beyond stating my interest in the measure, except for the very cruel, unjust, reckless, and, as I must consider them, wholly unjustifiable intimations made here on the floor touching the American Printing House for the Blind. This measure was not introduced for the benefit of that institution, but, alone, for the benefit of the unseeing adults of the Nation.

I want to say to you in all sincerity that if there is any institution in this country that is doing the Lord's work effectively and efficiently, it is the American Printing House for the Blind. For more than 70 years it has functioned for one purpose, and for one purpose alone, the furnishing of books and tangible apparatus for the blind at the lowest possible cost. It is the greatest printing house for the blind in the world, and it is known and esteemed in every land. It has proven its integrity and worth for three-quarters of a century. It is no experiment. It is a time-tested and fully proven institution of the highest value.

Gentlemen, talk about a subsidy. The term is a misnomer. In 1858 the State of Kentucky undertook the work of printing for the blind. They started an institution at Louisville. Kentucky was the pioneer State on the subject. Other States, because of the heavy cost of printing books for the blind children of the country, did not follow in establishing a printing plant for the blind; and the history of the country shows that no private enterprise for printing for the blind has been successful. So all the States came to Kentucky and said, "You have a plant; will you furnish us with books at cost, and allow us to contribute to your printing?" Kentucky said, "Yes; if you so desire."

Through all these years the American Printing House for the Blind has been a corporation, created under the laws of the State of Kentucky and functioning under a board of trustees. Under the act of Congress of 1879 the superintendents of all the institutions for the education of the blind are ex officio trustees of the board. Thus every State and Territory of the Nation is given, and exercises, a voice in the management of the affairs of the institution. The active, or locally resident, trustees are seven in number and are citizens of the highest business ability and integrity. They are doing a splendidly unselfish work. They serve without compensation and only as a matter of love for a great cause. There has never been authorized or issued a single share of stock. No capital stock is authorized and never has there been declared or authorized a penny of dividend or profit.

The State of Kentucky, actuated by a splendidly altruistic spirit, has invested large sums of its own treasury funds in property in this plant, for the splendid buildings to house it, and for the 6 acres of ground in the heart of Louisville which constitute its site. The whole is worth to-day more than $125,000.

Yet Kentucky has no advantage over New York or any other State in the operation of this enterprise. In 1879 the people of the country said to Congress, "Make an annual appropriation for the American Printing House for the Blind, so that this institution, which functions without profit, which operates only for beneficent purposes, can print books for the blind children of America and thus provide a better and more effective way of dealing with the subject." Thus in 1879 Congress authorized an annual appropriation of $10,000 to be utilized by the American Printing House for the Blind for the printing of books for the blind children of the Nation and the making of tangible apparatus for their

use at actual cost of production; the books and apparatus to be allocated to all the States and Territories and the District of Columbia on a pro rata basis, according to blind population in the schools of the country. That was increased later because of the growth of the need for the blind, in 1919, to $50,000, and in 1927 to $75,000. The basic act requires that no profit shall be made on any books or any tangible apparatus that goes to the blind schools, and the Secretary of the Treasury is given power in that act to withhold the appropriation if he finds any violation of the provisions of the act. So that out of Federal appropriations nothing can be expended for overhead in the way of paying insurance on the buildings, or for water, for light, for fuel, for machinery and plant equipment, and for all of those incidentals that are necessary to conduct an institution of this sort.

The way this work is conducted is this: They take the $75,000 annually and scrupulously apply it to pay for the labor and material for books and apparatus for the blind children in all the States and Territories of the Union. A separate account is kept of these appropriation funds. Then if they can get contracts from outside, either abroad or in this country, by which they can make an incidental profit, usually under competitive bids, and if they make any profit, they use that profit to replace the machinery that is worn or worthless, to take care of the light and fuel bills and all these inevitable overhead costs. The institution operates absolutely without profit so far as the blind children of the country are concerned, and the basic act applies only to the blind children of the country, and any charge or imputation that its affairs are not wisely and justly conducted is without foundation and wholly unjust. Recently there went to the city of Louisville from the Secretary of the Treasury Mr. Frank A. Birgfeld, the chief clerk of the Treasury Department, a splendidly competent man, who made an investigation into the affairs of the American Printing House for the Blind, and he made a report which is carried in the hearings on the Crail bill. In his report he testifies to the splendid conduct of the affairs of this institution, and how every penny of Government money is properly expended and accounted for. The accounts of the institution are audited under the supervision of the Treasury Department and the Comptroller General of the United States. The fiscal supervision is directly placed under the Treasury Department. Every safeguard is taken to insure proper expenditure of Federal funds.

I ask unanimous consent to revise and extend my remarks, and to place in them extracts from the hearings on the Crail bill, and also the statement of Mr. Birgfeld and certain other extracts and statements on the subject of the American Printing House for the Blind.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. THATCHER. I deny that $30,000, or as much as $20,000, was made on any Veterans' Bureau contract, and under leave I shall later include the statements of denial of trustees and officers of the institution touching this matter. That contract was awarded under competitive bid, and any profit which may have been derived therefrom consisted chiefly in the fact that the plates prepared thereunder are being used to emboss books for the blind children of America at less cost than might otherwise have been the case. Moreover, the amounts received under this contract came from general Veterans' Bureau appropriations, and no blind veteran ever had to pay a penny for any of these books thus printed. Two or three years were required to print these books. The basic act of Congress does not prohibit the making of a profit on work not performed for pupils in the blind schools of the Nation. Congress recognized the necessity for something of profit to be made on outside printing—else the institution could not function for the benefit of the blind children, as the act provides that as to them no profit can be charged. Profits on outside work can not be large, but, whatever they may have been, they have inured wholly to the benefit of the blind pupils of the entire country. In recent years the institution has twice reduced the cost of books for the blind children—25 per cent once, and again 15 per cent. This meant for them more books.

The trustees of the American Printing House for the Blind welcome examinations into the conduct of its affairs. It has a record of which to be proud.

I favor the passage of the pending bill because it will permit the furnishing of books to the adult blind in the best possible way.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. THATCHER. Mr. Speaker and colleagues, under leave given me therefor, I am extending my remarks on Senate bill 4030, and I am including as a part of same the report of Mr. F. A. Birgfeld, chief clerk of the Treasury Department, concerning the American Printing House for the Blind, together with certain other extracts and statements in the same general connection.

The so-called Crail bill (H. R. 9994) has for its purpose the authorization of an annual appropriation of $100,000 for the private concern known as the Braille Institute of America (Inc.), located in Los Angeles, Calif., and chartered in 1929, for the making and furnishing of embossed books for the blind of the country.

In the hearings on that measure before the House Committee on Education it appears that some of those favoring the bill assumed that in the contract which the American Printing House for the Blind some years ago had for the printing of books for blind veterans a profit of $30,000 was made. Neither the author nor any proponents of the Crail bill can produce any data or facts justifying such charge. No such profit was made; and as I have already pointed out in the discussion of Senate bill 4030, any profit which may have resulted on account of this contract was chiefly in the nature of advantages derived by the blind pupils of America in the various State and Territorial institutions for the blind, by reason of the fact that the plates made under this contract have since been, and are now, being used for the embossing of books for the benefit of these pupils. Thereby more and cheaper books are being furnished them.

Aside from this, as I have already pointed out, no blind veteran had to pay a penny for these books, which were paid for out of regular appropriations for Veterans' Bureau activities, just as hospital and other veterans' needs are paid for. Moreover, I venture to reiterate, the act of 1879—the congressional enactment under which the American Printing House for the Blind operates—only contemplates the printing and furnishing of books, and the making of apparatus, for the pupils who are in the educational institutions for the blind. Note the language of the act which sets forth the manner of distributing the books and apparatus furnished by this institution:

> The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of said American Printing House shall require; and each institution shall receive in books and apparatus that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

These provisions, as well as the entire act itself, together with the construction placed thereon by the Treasury and accounting officials ever since its enactment, clearly show that the whole purpose of the act, and the appropriations made agreebly thereto, was to utilize these appropriations wholly for the benefit of the pupils in these institutions for the blind; and not for those who may be outside and not receiving instruction therein. If any blind veteran may be receiving instruction in any such institution he is the beneficiary of these appropriations.

It was for the reason that no Federal authorization has ever been enacted for the printing and furnishing of books for the adult blind that both the Crail and the Smoot-Pratt bills were introduced.

The "blind" referred to in the act of 1879 are clearly the blind pupils throughout the Nation who are receiving instruction in the State and Territorial institutions maintained for their benefit.

Reference is here made to my statement in regard to this whole subject, appearing in the CONGRESSIONAL RECORD of July 21, 1930, and appearing also in the printed hearings on the Crail bill already referred to, pages 132 to 152.

Our good friends, the very zealous proponents of the Crail bill, when challenged to produce the record to show a $30,000 profit on the contract for printing books for the blind soldiers of the Nation are, of course, unable to make such production. The utmost they can do is to quote the statement in the Fifty-eighth Annual Report of the American Printing House for the Blind—1926—to the effect that the business of the American Printing House for the four years next before had greatly increased, especially during the years 1924–25, when the large contract for the Veterans' Bureau was filled, "evidencing a substantial profit." The vivid imagination of the advocates of the Crail bill and its proposed beneficiary tortured this statement in such manner as to cause it to mean, to themselves at least, the exact and specific sum of $30,000. In the quotations which I shall make from the statement of Mr. A. C. Ellis, the very capable superintendent of the American Printing House for the Blind, the fallacy of such conclusion is amply indicated. Necessarily, the margin of so-called profit on work done for nonblind school agencies is comparatively small, and whatever that profit may be it wholly inures to the benefit of the blind pupils of the Nation, as in other discussions of the subject, I have sought to show.

In all its essential purposes and operations, the American Printing House for the Blind is a Federal agency, with the advantage that there has been furnished, entirely and solely for its uses, by the State of Kentucky, without charge or cost to the United States Government, the buildings, grounds, and equipment of the institution of the present value of more than $125,000. If the Federal Government were required to operate, in a direct way, a plant to do for the blind pupils of the Nation what is now being done for them by the American Printing House for the Blind, I venture the statement that the cost involved would be far in excess of the annual appropriations for the indicated purpose. Moreover, a large Federal sum would be required to build and equip the necessary plant.

The chief clerk of the Treasury Department, Mr. F. A. Birgfeld, an exceedingly competent and experienced official, last fall made a most careful and thorough investigation, at Louisville, of the accounts and operations of the American Printing House for the Blind, as the Treasury Department has fiscal supervision of the operations of the institution touching the expenditure of these annual appropriations. The trustees and friends of the American Printing House—because of what they have considered to be the grievously cruel and unjust attacks on its operations by the proponents of the Crail bill—desired that there be made an authoritative investigation of its affairs. The trustees—made up of seven active local members, and the ex officio members, the superintendents of all the educational institutions for the blind throughout the country—have ever welcomed the fullest inquiry into the management of the institution. If anything was lacking in the methods of that management, they wished to know what it was. If the Federal authorities should find, upon any such investigation, that any change of policy should be made, they were ready and anxious to have the benefit of any advice or suggestion to that effect. However, Mr. Birgfeld's report was, and is, highly commendatory of the work of the institution. After careful first-hand inquiry and survey he finds that its affairs are being splendidly conducted. Touching such investigation, the testimony given by him last November on the 1932 Treasury Department appropriation bill, before the House subcommittee, may prove of interest. The same may be found in the printed hearings, pages 28 to 32, and includes his report of the investigation. This testimony is as follows:

AMERICAN PRINTING HOUSE FOR THE BLIND

The CHAIRMAN. Here is an item for the American Printing House for the Blind, $65,000. Did you have any balance on that last year?

Mr. BIRGFELD. No, sir. That amount of $65,000, plus the following item of $10,000, being the return on the trust fund of $250,000—the Government subsidy, so called—has been used in its entirety because it represents only a part of the total expenses of the American Printing House for the Blind.

I visited Louisville, Ky., the week before last at the instance of Congressman THATCHER and Undersecretary Mills and made an investigation for several days, both as to the plant and as to their methods of procedure, their accounting, etc., and I have a report made to Undersecretary Mills that I doubt if you will want me to read now, but I should like to submit it and make it a part of the hearing.

The CHAIRMAN. It will appear in the record.

(The report referred to is as follows:)

REPORT MADE ON INVESTIGATION OF AMERICAN PRINTING HOUSE FOR THE BLIND

The following report of investigation of the American Printing House for the Blind was made at the instance of Congressman M. H. THATCHER as approved by the Undersecretary of the Treasury:

"Under dates of November 5, 6, and 7, 1930, I visited the American Printing House for the Blind, located at Louisville, Ky., and made an exhaustive examination concerning operation and management.

"The original portion of the present building was erected in 1883 on a plot of ground containing 6½ acres. The purchase and cost of the land and building was made from a fund of $40,000 which had accumulated from the State of Kentucky, and for the first time in the history of the world a supply of embossed books was assured the blind.

"Under an act approved March 3, 1879, a $250,000, 32-year, 4 per cent bond was set aside, the returns from which provided a subsidy of $10,000 annually. The Government subsidy of $10,000 annually, plus such contributions as were received from State and other sources, was insufficient for the needs of the blind, and Congress, by bill approved August 16, 1919, authorized an annual appropriation of $40,000. Again, by bill approved August 8, 1927, an additional sum of $25,000 was appropriated by Congress, making a total of $65,000, which has been appropriated each year since, plus the $10,000 subsidy, making a total of $75,000.

"It should be stated in this connection that in 1923 the State of Kentucky appropriated the sum of $25,000 for the purpose of building an addition to the original structure.

"The plant appears to be as well equipped as possible, considering the limited amount available for the repair and upkeep of present equipment or the purchase of new equipment. There is no doubt that those responsible are obtaining the greatest possible production, and that with the greatest possible economy.

"From the Government funds of $75,000 are paid practically all of the salaries and wages, as well as most of the supplies and materials going into the manufacture of books. Satisfactory working conditions in the institute attract a class of employees at a modest compensation, which would not be possible if good working conditions did not exist.

"I inspected the plant on three different occasions during my visit and have nothing but praise for the management and the manner in which the work is accomplished. Neatness, orderliness, and cleanliness were very pronounced. The employees appear to be happy and to be taking a very definite and personal interest in the task on which they are engaged. It would seem to be very clear that the greatest possible output is being accomplished by those in charge.

"There is every indication that the utmost economy is practiced from the time the materials are purchased until the completed books, etc., are delivered.

"A complete history of the American Printing House for the Blind appears in the CONGRESSIONAL RECORD, Seventy-first Congress, second session, volume 72, No. 16d, where on page 13241 begins the extension of remarks of Hon. M. H. THATCHER, of Kentucky, in re subject Books for the Blind.

"A very careful examination was made of the books, records, accounts, etc., of the American Printing House for the Blind, and in addition basic principles were discussed with the public accountants who make and audit the report annually and who throughout the year are constantly in touch with the affairs of the institution.

"I found that the institution was maintaining a system of double-entry bookkeeping and a series of vouchers and accounts carrying all necessary detail and explanation. Great care is exercised by all those responsible for the management to see that purchases are made from the lowest best bidder, that materials and supplies are up to the necessary standard, and that every other thing is done in order to be of advantage to the institution and its beneficiaries.

"As a matter of fact after an exhaustive examination one marvels at the ultimate accomplishments, considering the limitation of funds.

"I have no hesitancy in saying in conclusion that I am satisfied the American Printing House for the Blind is being operated in the most economical and satisfactory manner for the good of the greatest possible number of the blind.

"Just one other word should be said about what is known as the general fund as contradistinguished from the United States Government account, for the fiscal year ended June 30, 1929.

"There was a gross expenditure of $130,114.67, or $55,114.67 over and above the amount appropriated by the Government. From the general fund are paid such items as heat, light, power, water, telephones, repairs, equipment, machinery accessories, and shipping expenses. For a plant of this size these expenses are necessarily appreciable.

"A copy of the Sixty-first Annual Report of the Board of Trustees of the American Printing House for the Blind, the same for the fiscal year 1929, is attached hereto and therefore further statement concerning annual expenditures is not deemed necessary.

"Respectfully submitted.

"F. A. BIRGFELD, *Chief Clerk.*

"NOVEMBER 17, 1930."

Mr. THATCHER. Just how did you find conditions there, Mr. Birgfeld?

Mr. BIRGFELD. I found a splendid condition of affairs. Working conditions were excellent. It occurred to me that the rates of pay were really very modest. I found employees willing to put in a little overtime whenever necessary and were happy to do it. They all seemed to be thoroughly alive to this humanitarian work. It is a very unusual situation, a little different from the employees where they are watching the clock and wanting to get home as soon as possible. They just seem to be wrapped up in the work.

Mr. THATCHER. The Comptroller General passes finally on these accounts for this institution, I understand.

Mr. BIRGFELD. Yes, sir.

Mr. THATCHER. Do you feel that the present method of supervision is sufficient from the standpoint of Federal appropriations?

Mr. BIRGFELD. Absolutely, especially in view of one fact: There has been a firm of certified accountants in Louisville who have been handling this work for a nominal consideration—again because of their interest in this work; and they not only make the audit and examination periodically as they may be called on, but they are so interested in it that they follow the thing up from time to time and from week to week, and they seem thoroughly alive and thoroughly sensed with the unusual situation and the privilege they have of contributing something toward this magnificent enterprise. The books and records were amply and well kept.

Also as a result of the insinuations and charges made by the proponents of the Crail bill, the president of the board of trustees of the American Printing House for the Blind last summer appointed a special committee to make a thorough study of the affairs and methods of the institution. This committee was made up of Thomas S. McAloney, superintendent of the Colorado School for the Blind, as chairman; Edward M. Van Cleve, principal of the New York Institute for the Education of the Blind, as secretary; and George S. Wilson, superintendent of the Indiana School for the Blind. All of these men are widely and favorably known in their work for the blind. No better committee could have been named. They made a careful study of the entire subject and found the indicated criticisms to be without justification. The following is quoted from this committee's formal report of its investigations:

A SKETCH OF THE HISTORY, PURPOSES, POLICIES, ETC., OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

In 1858 a charter was granted by the Legislature of Kentucky establishing the American Printing House for the Blind at Louisville, Ky. At first it had meager support. In 1865 the State of Kentucky contributed to the printing house a sum of $5 for every blind person in the State and additional income was secured by various means from other States. The American Association of Instructors of the Blind in 1876 appointed a committee to memorialize the Congress of the United States regarding the financing of the movement to publish books for use in the schools for the blind, and in 1879 action was taken by the Congress providing $10,000 a year in perpetuity for the purpose of "aiding the education of the blind in the United States of America through the American Printing House for the Blind."

The State of Kentucky having provided the necessary funds, a site of 6½ acres on Frankfort Avenue in Louisville was purchased and a building erected thereon in 1883, which building remains the home of the printing house. A further appropriation of $25,000 was made in 1922 by the Kentucky Legislature for the erection of an addition to the building. Several years later the trustees of the printing house, out of funds accumulated through business operations not connected with its work of providing literature and apparatus for the schools for the blind in the United States, put another story upon this addition at a cost of approximately $14,350. This property is held in trust for the purposes indicated in the title and charter of the printing house by the trustees constituting the executive committee of the board hereinafter described.

For 40 years after the first congressional appropriation, through economical and efficient management of this printing house, the blind children attending schools of the country were supplied with textbooks. At first these pupils numbered 2,180; by 1910 the enrollment in the schools for the blind had grown to approximately 6,000. Realizing the inadequacy of the $10,000 annual Government contribution, the Congress in the latter year made an increased appropriation of $40,000, and this was again added to in 1927, so that the American Printing House for the Blind now receives an annual appropriation of $75,000 from the United States Government for the purpose of providing literature and apparatus for the education of the blind children of the United States.

MANAGEMENT

Management of the printing house is vested by law in a board of trustees consisting of seven persons, citizens of Louisville, and all the superintendents of the various public institutions for the education of the blind in the United States. Of these the members residing in Louisville constitute, under the by-laws, the executive committee of the board. None of the trustees receives any compensation for his services to the printing house. Meetings of the board of trustees are held annually in the city of Louisville, usually the first week of July and at other times if deemed necessary. At the annual meetings reports are received and acted upon, policies are determined, and the officers are elected. The president is chosen from among the members residing in Louisville, the vice president from among the members who are superintendents of the schools for the blind. Its character as a nationally managed and nationally useful agency is thoroughly established. A superintendent of the printing house is elected biennially by the board of trustees, and to him is intrusted the general management of the institution, under the immediate direction of the executive committee.

HOW THE PRINTING HOUSE FUNCTIONS

The main business of the printing house is the publication of textbooks and supplementary reading matter and manufacture of apparatus to be used in the schools for the blind of the United States. Books to be so published are selected by a publication committee of the board of trustees elected biennially. This consists of three members, assisted by an advisory committee of four additional trustees elected for the same term. The committee seeks from the superintendents of the schools for the blind recommendations of books needed, and after careful study selections are made. The cost of embossing in Braille on metal sheets, printing, binding, and distributing copies of any book is so great relatively as compared with ink-print publishing that exceptional care must be exercised in the choice of what books are to be produced. A music committee consisting of three trustees, also chosen biennially, is charged with selection of music to be embossed in Braille. Apparatus used in the schools and manufactured at the printing house consists of maps, charts, and some writing devices.

The elements which enter into the cost of producing books for the blind and which must be considered in connection with every publication are as follows: First, embossing and proofreading of plates from which printing is to be done; these processes must be performed with great skill and accuracy, therefore expert workers are called for. Then come printing, binding, preparing for the market, and shipping. On an edition of 100 copies, let us say, of a third reader of 150 pages, 10½ by 11 inches in size, one side printing, bound in cloth, approximate cost percentages are: Plate material, embossing, and proofreading, 26.5 per cent; paper and press work, 23.5 per cent; binding, 25.7 per cent; supervision and all other expenses, 24.3 per cent.

A choice of a publication to be embossed having been made, notice is sent to all superintendents of schools requesting that orders be sent in advance for the purpose of making a fair estimate of the size of a first edition to be printed. Bulk of books in Braille precludes the possibility of maintaining any considerable stock of any title. First editions, therefore, usually number, for example, from 100 copies of a reader used by the larger number of pupils in grade classes to 15 copies of a text for high-school use, and all the way between. After the first edition is exhausted a considerable time must elapse before a sufficient number of orders for more copies of any title can be gathered to make a reprinting possible without being excessively costly.

Each school for the blind in the United States receives in books, music, and apparatus a proportion of the Government purchase of $75,000 worth of such appliances for the education of the young blind based upon the ratio of its enrollment to the enrollment of all the schools for the blind in the United States. This ratio is computed on the first Monday in January of each year. Into the price of these purchases go only the elements of actual cost of production and no charge for plant erection or maintenance is included.

To provide beyond the housing afforded through the generosity of the State of Kentucky the necessary equipment, heat, light, janitor's service, and all other expenses incidental to carrying on its function as a publishing association not for profit, commissions to publish literature other than that needed in the schools are accepted and sales of its products are made. Through its work outside its service to the schools and to meet the requirements of the Government purchases, sufficient funds have been received by these means throughout the history of the printing house to make possible its maintenance, thus contributing to the reduction in price of every book published or piece of tangible apparatus furnished. The more this additional business of the printing house is increased the more efficient it becomes through development of expert, continued, and full-time work, the greater will be the amount of its output of every kind, and the lower will be the cost of such output. Every saving effected is put back into production. There is no profit to anyone. The character of the printing house as a purely philanthropic means of serving the blind can not be questioned.

POLICIES

As the first function of the printing house has always been to serve the best needs of blind children in securing their education,

it was from its beginning concerned with improvement of methods and increasing of facilities in its work. The trustees favored experimentation looking to greater efficiency and always more and more output at less cost, yet always maintaining that quality must receive primary consideration. As early as 1906 the printing house announced at the meeting of the American Association of Instructors of the Blind a beginning of printing on both sides of the paper, and through all the years thereafter concerned itself with this project among others in securing a better production. In 1928 a successful printing of interpointed Braille was attained in its publication of a book for the Braille Circulating Library, of Richmond, Va., and later in the year by the issuance of the magazine, the Reader's Digest. An increasing use of interpointing as its acceptability is demonstrated may be expected.

In pursuance of the policy to furnish always what the schools needed, the trustees deemed it their duty to print books in Line Type, New York Point, and American Braille as long as these types were in use. This wasteful but necessary procedure continued until 1918. Then came the adoption of so-called Revised Braille, grade 1½, as the American standard, through agreement of the educators of the blind, and since there has come to be a vast increase in the service rendered.

With larger opportunities, purchases of supplies are made to better advantage than formerly, although the policy has always been, as it is now, to purchase through competitive bidding. The staff of workers is being maintained and improved. Such workers in the nature of the case must be specially trained. To attract and hold these expert workers the policy is to make conditions at the printing house as favorable as possible. Both the accounts and the manner of conducting the financial operations of the printing house are under the close supervision of a firm of chartered public accountants, and all operations connected with the expenditures under the Government appropriation are examined and approved by the officials of the Treasury Department of the United States.

Also, I include certain pertinent extracts from a recent statement prepared by Mr. A. C. Ellis, the present superintendent of the American Printing House for the Blind, as follows:

STATEMENT OF A. C. ELLIS, SUPERINTENDENT OF THE AMERICAN PRINTING HOUSE FOR THE BLIND, JANUARY 16, 1931

In the hearing before the Committee on Education, House of Representatives, on House bill 9994, the friends of the Crail bill made certain specific and unsupported charges against the American Printing House for the Blind which should be refuted. Apparently the main bone of contention is an alleged $30,000 profit which the American Printing House for the Blind is supposed to have made on a contract for books printed for the Veterans' Bureau. It is charged that such a profit was made and used to add a third story to the present plant. There is absolutely no basis in fact for such a statement.

In 1923 Congress made an appropriation to buy books for the blinded soldiers. This appropriation was made to the United States Veterans' Bureau. Specifications were drawn, and a number of Braille printing presses were invited to submit bids. The American Printing House for the Blind submitted the lowest, best bid. A contract was drawn, and a $10,000 bond executed to guarantee faithful performance of the terms of the contract. The books were manufactured for the Veterans' Bureau under three contracts with the American Printing House for the Blind, which were awarded as follows: First contract awarded January, 1924, for 68 titles of 3,720 volumes; second contract, awarded January, 1926, for 5 titles of 690 volumes; third contract, awarded January, 1927, for 16 titles of 1,095 volumes. The total business amounted to 89 titles of 5,505 volumes. This work went through the printing house during a period of three years. One of the greatest expenses in manufacturing Braille books is the embossing of plates on brass in the Braille system. The above contracts necessitated the making of 45,588 plates, which cost the printing house $41,029.20. It must be understood that this amount includes the cost of brass, embossing labor, and proofreading. This left $13,683.06, which was spent for printing and binding 5,505 volumes of books. This amount includes the cost of paper, bindery materials, and labor necessary for printing and binding the books. The result is that the average cost of printing and binding a volume of these books, exclusive of the plate cost, is $3.31 per volume, which is almost identically the same as the average catalogue price for an average size Braille book furnished to the schools during the same period. There is nothing in the records of the American Printing House for the Blind to show that a considerable cash profit was made on this contract. The greatest benefit that came to the printing house in this connection is the fact that the plates referred to above are retained in the fireproof vaults of the American Printing House and have been used from time to time to make reprints of thousands of volumes of books which have been furnished to the schools for the use of the blind boys and girls who are being educated. This fact makes possible the printing of these books at a much lower rate to the schools than would have been possible if the printing house had not received the Veterans' Bureau contract. This is an indirect, but a very considerable benefit, for it made it possible to furnish the schools for the blind a great many more books for the $75,000 appropriation than would have been possible otherwise.

It is very significant that the Universal Braille Press submitted a higher bid than the American Printing House for the Blind on this contract. If the printing house had not been in a position to manufacture the books for the Veterans' Bureau it is certain that the Government would have received fewer books for the money spent. Ever since the Universal Braille Press failed to receive this contract its manager and owner has complained bitterly because the printing house received the business. At the hearing he made the statement that it was impossible for him to understand how the printing house could have manufactured the books for the Veterans' Bureau on the basis of bids submitted unless the printing house manufactured the books with a part of the appropriation that should have gone to the schools, and was thereby enabled to deliver the books to the Veterans' Bureau at a price lower than the actual cost of production, thereby diverting a part of the Government appropriation from the benefit of the schools to the benefit of the Veterans' Bureau. He does not make his statement in the form of a definite charge, but states it only as a personal belief. If a part of the appropriation to the schools had been used to fill this contract, it is certain that the prices of books which were furnished to the State institutions would have been higher in the amount so diverted. During the years in which the Veterans' Bureau contract was going through the printing house the price of books to the schools were reduced instead of raised. It is also significant that the schools received the full amount of the annual appropriation for school books during these years. Because of the large volume of business enjoyed by the printing house during the years 1924–1927, inclusive, catalogue prices were reduced several times. One basic discount was for 25 per cent and another for 15 per cent. The total amount of these discounts alone, on books delivered to the State institutions, amounted to $26,712.48. It is very clear that the printing house not only was able to manufacture the books for the Veterans' Bureau at a cost lower than any other printing house could have rendered this service but that during the period in which it was engaged in manufacturing these books the prices of books to the schools were also reduced as never before in the history of the institution.

Throughout the hearing the friends of the Crail bill repeatedly refer to the $30,000 profit on the Veterans' Bureau contract which was used, as they charge, to build a third story to the printing house. The officials of the American Printing House for the Blind are at a loss to know how the proponents of the Crail bill arrived at this figure. It is stated time and again in the hearing that this information is contained in the annual reports of the American Printing House for the Blind. A careful examination of the minutes and the printed reports of the printing house fail to reveal any reference to such a profit.

There is an amusing inconsistency in the arguments set forth by the friends of the Braille Institute of America. In one instance they state that an enormous profit was made on the Veterans' Bureau contract, and later on in the hearings the manager and owner of the Universal Braille Press states that the bid submitted by the American Printing House for the Blind on the Veterans' Bureau contract was so low as not to cover the actual labor and material costs of making the books, and that in order to fulfill the contract the printing house must have furnished the books at a price lower than the actual cost.

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Throughout the hearing it is charged that Mr. John W. Barr, president of the board of trustees of the American Printing House for the Blind, admitted under questioning that a $30,000 profit was made and used to buy real estate. A careful examination of his testimony fails to reveal any such statement or admission. The president merely stated that any profits realized on private contracts were utilized by the American Printing House for the Blind to provide more books for the pupil population of the schools for the blind. The charter of the American Printing House for the Blind specifically states that the board of trustees may contract to erect buildings, buy real estate, and pay the incidental expenses of operating the institution. The only specific rule laid down in the charter is that the price of the books shall be so low as to merely cover the cost of operation and the incidental expenses of the printing house. The appropriation of $75,000 for the purpose of providing school books and tangible apparatus for the students of the various public educational institutions for the blind requires that the full amount of the appropriation shall be used, without profit, for the purposes appropriated. The Government appropriations for this purpose are kept in a separate bank account and are accounted for in a most detailed manner. The expenditures out of this appropriation are examined and approved by the Treasury Department, and finally passed upon by the Comptroller General of the United States. The Treasury Department records will show that only bills for labor and material are ever approved out of the Government appropriations. By material is meant paper, plate metals, and such bindery supplies as are used in manufacturing the books. Not one cent is paid out of the Government fund for insurance, equipment, additional buildings, postage, lights, fuel, water, or other incidentals. The money received for books manufactured for private agencies, usually awarded under competitive bidding, is kept in a separate account from the Government appropriation. Both accounts are audited annually by a reputable firm of certified public accountants.

The press room on the third floor of the American Printing House for the Blind was erected at a cost of only $14,638.88 instead of $30,000, as charged by the enemies of the printing house. This money was not received directly from profits on the Veterans' Bureau contract, but resulted from an accumulation in the general account which was built up out of funds derived from the sales of books to private agencies over a period of several years.

Much argument is advanced to show that the business affairs of the American Printing House for the Blind are poorly managed. It is specifically charged that 56 cents per pound was paid for paper in 1921, whereas the manager and owner of the Universal Braille Press could buy the same paper for 28 cents per pound. The records show that 56 cents per pound has never been paid for paper in the history of the institution. In 1921 the records show that about 30 cents per pound was paid for paper, none of it costing more than 32 cents per pound. These were good prices for paper at that time, for prices had not begun to decline in 1921. The paper was bought under competitive bidding, as were other materials.

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It is also charged that the records of the printing house are inadequate and fail to show the proper disposition of funds. Reference to the report by Hon. F. A. Birgfeld, chief clerk of the Treasury Department, will show that an exhaustive investigation by him proved that the records are complete and that they are in fine condition. It is also stated that all materials are bought on competitive bids, and that there is every economy in the administration of the business affairs of the printing house.

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Much argument is advanced in favor of the blind selecting the titles that are to be embossed in Braille. Several of the witnesses at the hearing were very bitter in their condemnation of present methods of selecting their books. The American Printing House for the Blind has a publication committee made up of representative superintendents of the various schools for the blind. This publication committee selects textbooks that are to be used in the schools. Certainly no sane person could condemn this method. This publication committee has never attempted to dictate to libraries or anyone else what should be embossed in Braille. They simply consult the other superintendents and teachers in the various schools for the blind and decide upon a suitable list of books to be used for instructional purposes. Some of the witnesses seem to deplore the fact that there is little of the salacious, spicy reading that they would like to have. They seem to want unexpurgated editions of certain classics. Naturally, the teachers and superintendents charged with selecting literature to be used in the education of the blind children have steered clear of any books that are not used in the best sighted schools. Outside of selecting schoolbooks, the publication committee has no responsibility. The printing house simply prints for private agencies such books as they are willing and able to pay for.

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From the above statements, it is very clear that the publication committee of the American Printing House for the Blind is entirely representative of the schools that are served by the $75,000 appropriation for textbooks and educational materials.

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A very determined effort is made by the friends of the Universal Braille Press to show that the competition furnished by it is the sole cause of reductions in catalogue prices of books manufactured at the American Printing House for the Blind. The manager of the Universal Braille Press takes several pages to explain how his institution has forced the printing house, through competition, to lower its prices and cites as proof for his argument the fact that sweeping reductions in catalogue prices have been made since the time when he came into the field of blind printing. In 1917, about the time he started his press, a uniform system of printing, known as the Braille system, was adopted in the United States. Up until that time the American Printing House for the Blind had been forced to emboss books in two systems instead of one, which necessitated much duplication in materials and machinery, and a consequent higher price of production. With a uniform system naturally followed considerable economy. No reasonable person could claim credit for the economy thus effected. It was simply the natural result of a uniform system. Since 1921 there has been a marked decline in the market price of paper, brass, zinc, bindery materials, and other supplies that have been used in the manufacture of Braille books in this country. The prices on some of these articles have decreased more than 50 per cent. It is difficult to understand how the Universal Braille Press has had any effect on the general economic conditions of the country or how it can be claimed that institution should have credit for catalogue reductions incident to the drop in general commodity prices.

In 1917 the American Printing House for the Blind received $10,000 from the Federal Government, and furnished $11,904.04 to private individuals and agencies other than the State institutions, a total of $21,904.04. In 1930 the American Printing House received a $75,000 appropriation from the Federal Government. With the materials furnished to the schools out of the Government appropriation, together with cash sales to libraries, private agencies, and individuals, the total amount of books shipped from the printing house in 1930 amount to $126,601.79. This unusual increase in volume of business has naturally resulted in a wider distribution of overhead expenses and a greater production due to improved machinery and a higher degree of specialization that has come through a reorganization of the departments within the printing house. These basic causes have naturally resulted in cheaper catalogue prices, and no man nor can any institution in any justice claim credit for forcing the American Printing House for the Blind to reduce its prices.

Many statements are advanced by the friends of the Crail bill in attempt to show that the American Printing House for the Blind is a private institution, and as such should not receive any more consideration or recognition by the Federal Government than the Braille Institute of America. The American Printing House for the Blind was created by an act of the Kentucky Legislature, the building erected and equipment purchased by State appropriations. The present property of the American Printing House for the Blind, valued at over $135,000, is a gift to the blind boys and girls of America from the taxpayers of the State of Kentucky. No individual or corporation owns one cent of stock or has any financial investment in the property of the American Printing House for the Blind. The institution exists for only one purpose, and that is to furnish embossed literature to the blind at prices which cover the actual cost of production and the incidental expenses of operating the plant. The Federal appropriation of $75,000 is not, in fact, a subsidy but a direct appropriation to pay for books and tangible apparatus to be used by the boys and girls in the various schools for the blind throughout the United States. This appropriation is handled in a separate bank account, and every penny of it is spent to provide books for the school children on a nonprofit basis. Every penny earned from printing done for private individuals and private agencies is spent to increase the benefits to the school children.

It has been proved, throughout the world, that no institution can manufacture books and tangible apparatus for the blind and sell these materials as a commercial proposition. Several corporations have tried to make a business of this type of printing and manufacturing and have all been forced into bankruptcy. If we are to have suitable textbooks, and educational materials for the blind, the Government must pay for them by direct appropriations, which are in no sense a subsidy. This activity for the Government, for 50 years, has been an admitted attempt to aid the education of the blind. The vice president of the Braille Institute of America, the owner of the Universal Braille Press, admits in his statement that the American Printing House for the Blind is the logical institution to manufacture schoolbooks for the children for the various blind schools. A part of his statement is quoted herewith: "I have the greatest respect for those superintendents of the schools for the blind and others who have worked for the blind and I believe, as a matter of good business, that the American Printing House in Louisville, Ky., is the better equipped to print school texts, schoolbooks, and technical matter for the blind than anyone else." He makes it clear that it would be unwise to throw the appropriation for textbooks for the schools upon competitive bids.

It seems that this brings about agreement that the printing house is the logical place to manufacture textbooks. Let us turn our attention to the present method of producing books for the adult blind readers. Again it is evident that such books can not be printed and sold as a commercial business, for the blind are too poor to buy these expensive books. There are only two ways whereby a sufficient supply of Braille literature for the blind may be provided, either the Government will have to appropriate money for this purpose or private charity or philantropy will have to create an endowment sufficient to provide this much-needed Braille literature.

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Mr. Speaker, with the founders, promoters, and sponsors of the so-called Braille Institute of America and related institutions I have no quarrel beyond that occasioned by the attacks which, through an excess of zeal for their own cause, they are led to make on others. To the extent that they may aid the needs of the blind, I am sure that their entry into a very limited field of endeavor is welcomed. They complain of the American Printing House for the Blind as a competitor or rival. If any question of rivalry is involved, the reverse is true, for the American Printing House for the Blind has been successfully engaged in making books and apparatus for the blind since 1858, while the Braille Institute was only founded in recent years. Yet the American Printing House makes no complaint of rivalry or competition. Greater than either or any institution are the needs of the blind for the keys of knowledge. More books and better books and cheaper books for them is the highest consideration. To bring about this result the American Printing House came into being and through the long years has functioned.

The Smoot-Pratt bill favors no particular institution. Its sponsors wish to have furnished to the adult blind as many books as may be possible. The more cheaply these books may be made the greater will be the number of adult blind who will be served and the better will the service be. If I were privileged to amend the measure, I would perhaps include a provision for a publication committee, with some of its members immediately representative of the blind, the Librarian of Congress to act as its chairman. Experience, however, can determine whether any amendment may be necessary. The Librarian of Congress, I am sure, will seek—in his administration of the measure—the best possible

advice; and this will doubtless lead him to consult, among the blind, those most competent to give him counsel.

Mr. Speaker and Members of the House, in the discussion of this subject I have believed it appropriate to submit these further observations and to quote these additional statements. For the American Printing House for the Blind, as the Nation's agency in providing books for the blind pupils of America, Congress make its annual appropriations. It is desired therefore that Congress may have—as it is entitled to have—the facts involved in order that its Members may better understand the methods followed and the policies maintained by the institution which for three-quarters of a century has proven itself to be the earth's greatest light for those of the unseeing world.

Mr. LUCE. Mr. Chairman, it is so manifest that the House with practical unanimity desires to vote for the purpose of this bill that I shall not engage myself in a discussion of its merits, but having for some time carried back and forth between here and my office two books, I at least want such reward as may come from showing the House 1 volume out of 14 volumes required for the printing of Pickwick Papers in the Braille system. If I had had to carry all the Pickwick Papers to and fro between my office and this House, I should not have been left in condition to address you at this time. I have here also one of the three volumes of a book by Zane Grey. Imagine the size of the ordinary novel and then consider the situation of a blind person desirous of having a library of books for the blind. The shelf room alone would not permit it. If there ever was a situation calling for help by the instruments that society uses for educating its citizens, surely this is one.

Let me bring you to the crux of the situation. There has been a conflict over the financial phases of the question and much difference of opinion as to who should be allowed to print these books. I pass no criticism on what I understand to be the excellent institution spoken of by the gentleman from California [Mr. CRAIL], but it was the opinion of your Committee on the Library that no monopoly of this work should be given to any institution. Then considering all of the argument for and against, we at last concluded that the wise place in which to put the responsibility was not outside of the city of Washington, not outside of the domain of Congress itself, but that we ought to keep in our own hands the control of this expenditure and decide for ourselves how and where and why it should be made.

So we have brought in this bill which puts the responsibility upon the Librarian of Congress. Who in official relation is the Librarian of Congress? He is the agent of Congress, and he is by statute put under the control of the Committee on the Library. We ourselves, in order to settle disputes among conflicting interests, said, a plague on both your Houses, we will do it ourselves.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. SCHAFER of Wisconsin. Is it the gentleman's understanding that this $100,000 will be expended for books for the blind under competitive bidding?

Mr. LUCE. That is our expectation.

Mr. SCHAFER of Wisconsin. I am glad the gentleman has stated that, and in view of that statement I shall vote for the bill.

Mr. LUCE. And I may say that only this morning I learned that the Government Printing Office has been recently engaged in conducting experiments for printing books for the blind from plates which promise very beneficial results, and it may turn out after all that with our own instrumentality, the Government Printing Office, we can do this work more cheaply, and therefore spread the usefulness of the $100,000 more extensively than if it were done by private institutions or private charitable institutions.

But where it can be done best will be left to the determination of Congress, acting through its own committee, and acting through its own servant, the Librarian of Congress. Under those circumstances I think it is unnecessary to take further time, and that we might proceed with the reading of the bill. So I yield back the balance of my time.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $100,000, which sum shall be expended under the direction of the Librarian of Congress to provide books for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia.

Mr. CRAIL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman from California a member of the committee.

Mr. CRAIL. I am not, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOOPER], a member of the committee.

Mr. HOOPER. Mr. Chairman, I move to strike out the last word.

I do not intend to consume the five minutes to which I would be entitled. I did not take time under general debate to speak to the bill, but I wish to say a word of commendation before it comes to a vote.

It seems to me, in the midst of a session where we have seen almost all that is sordid and mean and greedy come to the surface, this bill offers one ray of light. We have an opportunity to-day to do a really kind and fine and generous thing for people who need kindness and generosity more than any of the other citizens of our country need it.

We have the opportunity here to bring, through the medium of the Congressional Library, to the blind people throughout the country a better knowledge and a better opportunity to read the literature of to-day than they have had before. I hope the bill will pass. I know it will pass. I hope any amendment to the bill may be defeated. It should pass in the shape given it by the committee.

Mr. Chairman, in addition to what other Members have said here to-day, when Miss Helen Keller appeared before the Committee on the Library and gave her testimony relative to this bill it was the most touching thing I have ever witnessed in all my life, and something that I will carry with me in memory to the end of my days. To see this woman, deprived by nature of two of her five senses, and therefore of the gift of speech, able to come there to make a plea in behalf of the unfortunate blind people of this country was to me one of the great moments of the six years I have spent in Congress.

We also have the sanction of one institution in the United States which is above reproach, namely, the Congressional Library, one of the most splendid of all of our American institutions. This library, we may be sure, will handle the duty delegated to it, to distribute these books throughout the country, as it should be done. We may be certain that fine results will flow from the passage of this bill, which is imminent. I hope every Member here will see fit to support the bill, one of the finest and best pieces of legislation that has come through this Congress since I have been a Member. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and members of the committee, I am a member of the Committee on Education, which held extensive hearings on the so-called Crail bill. If you will read those hearings you will see that I attempted, in my humble way, to cross-examine witnesses so that we could get the full facts before the committee.

I am one of the Members of this House who believes that a Government institution should not be subsidized to the tune of $75,000 a year and be exempted from personal property, State, and Federal income taxes, and then go out in the open competitive field and compete against a private institution, which must pay its taxes and which does not have a Federal subsidy. I am just as strongly opposed to the Crail bill as I am to the subsidized Louisville Printing House for the Blind. It comes with poor grace for the proponents of the Crail bill to advocate that the Federal Gov-

ernment give $75,000 or $100,000 subsidy to a private institution and at the same time condemn the subsidy to another institution.

In the final analysis, I am in favor of having the Federal Government double or treble the appropriation for books for the blind and have the printing done by a Government agency. But we are in the closing days of the session. We must have legislation for the relief of these blind people. As a member of the Committee on Education who believes that the Crail bill is fundamentally wrong in principle, I urge the enactment of the pending bill without amendment, particularly in view of the statement of the chairman of the Committee on the Library that he understood the money that is provided in the bill will be expended under competitive bidding. If the California institution can underbid the subsidized Louisville concern, as the gentleman from California [Mr. CRAIL] has stated, they should be willing to accept this bill as it is, submit their bids, and underbid them and get all of the work. So in the closing days of Congress let us not jeopardize the passage of a bill to furnish additional books which the blind need. I hope that the pending bill will be passed without amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ALMON. Mr. Chairman, ladies and gentlemen of the committee, I am heartily in favor of this bill. I think it is our duty to administer the affairs of this great Library of Congress in the interest of all of the people and especially of the blind.

I have risen to express my very great appreciation of what has been said by the gentlewoman from New York [Mrs. PRATT], the author of the bill, by the gentleman from Indiana [Mr. LUDLOW], and others, in regard to Helen Keller. Not only Alabama but the Nation is justly proud of the achievements of that wonderful woman. I take occasion to say this because she is a native of my home town, Tuscumbia, Ala. The Keller home, where Helen was born, is just across the street from my residence. It is still owned by a member of the Keller family. There are thousands and thousands of tourists from every State in the Union who visit that place every year; and when you all come down to Muscle Shoals to see me I will show you that wonderful historic home where Helen Keller was born. [Applause.]

Mr. REED of New York. Mr. Chairman, I move to strike out the last four words. Mr. Chairman and gentlemen of the committee, it was not my intention to say a word with reference to this bill or any proposed amendments. It occurred to me, however, that as chairman of the Committee on Education the Members of the House might like to get my ideas with reference to the bill, in view of the fact that the Crail bill was before us and long and earnest hearings were held with reference to the merits of this bill.

My position is this: I am for the present bill because no service would be rendered to the blind by entering into any controversy at this time as to just what we should do. I am satisfied in my own mind, however, that the blind population of this country, especially in view of the number of soldiers who were made blind by the war, should receive more consideration than has been given to them. [Applause.] In the first place, this Congress should appropriate money, in my judgment, as soon as we convene again so that some research work may be done by the best scientists we can get, so that we may look the whole field over, the world-wide field, and see whether some new method can be devised that is simpler than the present method of preparing books for the blind. The books are now very bulky, and they are very expensive to print. I believe that with the great facilities of research now available some better method can be devised so that all of the best literature, ancient and modern, may be placed before the blind of this country. I think they are entitled to it.

You will pardon me, I am sure, if I tell just one little story in the short time I have, touching the life of one person who, it seems to me, has made a great contribution to the literature and to the spirit of America. I refer to that beautiful and angelic character, Miss Helen Keller. When Helen Keller was four years old, her mind had never been disturbed by any information from the outside world. Through instruction and by sense of touch when she was 12 years old she was ready to receive her religious instruction. She was turned over to Rev. Phillips Brooks for her religious instruction. He taught this blind girl and he told her for the first time about God, the goodness and kindness of God, and how He loved her and loved everybody. When he had finished Helen Keller said, "Doctor Brooks, I knew all of that before but I did not know His name." Helen Keller has held up to the world an optimism, a courage, and a spirit that ought to take any person with normal faculties over the roughest spots of a tempestuous life. There may be many more Helen Kellers in the world, and I feel that this great legislative body, representing the spirit of America, should spare no means in coming to the assistance and aid of the blind population of this country. I believe that in justice to the blind readers of this country this bill should pass. [Applause.]

Mr. KVALE. Mr. Chairman, I rise in opposition to the pro forma amendment, for the purpose of completing the sentence——

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. As I understand it, the rule provided for one hour of general debate and then that the bill should be read for amendment. I wish to state that after the gentleman from Minnesota has spoken I shall insist upon the rule before the House.

The CHAIRMAN. The rule is being complied with.

Mr. DYER. There is no amendment before the committee for consideration, except a pro forma amendment.

Mr. JOHNSON of Washington. If the gentleman will permit, I would like to say that there is some confusion about the program for the rest of the afternoon. The telephones are ringing continuously. Seventy-five per cent of this House wants to have an opportunity to vote on the immigration restriction bill. I am afraid a motion may be made to adjourn when we go through the next suspension, and I hope that all here will stay on the floor in sufficient numbers to prevent adjournment and to choke off all further attempts to filibuster against the immigration suspension bill.

Mr. KVALE. When the gavel fell while I was speaking last, I was in the midst of a sentence, in which I was trying to tell the membership of this House what is happening in the research into printing for the blind.

Listen to me: In the Patent Office there is a little box about that size [indicating], less than a foot in diameter, I think. That box is capable of carrying a little roll, much after the fashion of a piano player.

Instead of having these bulky volumes [indicating volumes], you have a compact little roll that goes over a prepared and patented surface, permitting the reader to read in that fashion. These developments are going forward rapidly.

I do not think any fundamental issue is involved here, except getting books to blind readers, and I appreciate the validity of the argument that any amendment at this stage of the session is going to retard, and probably endanger, the passage of the bill. For that reason I do not care particularly about the fate of this amendment. I say it frankly.

But I am going to support the Crail amendment, and I would really like to see it prevail. I think the readers want it.

I do object strenuously to the attacks upon the character and the work that Mr. Atkinson has done, however. He heads the institution in California that we have been hearing about. The gentleman from California [Mr. CRAIL] probably will not have time to tell you about him. I ask you, in fairness, to read the hearings before the Committee on Education and discover for yourselves how one man, through a God-given inspiration, and by incessant and unselfish toil, has been able to make further advancement in the progress of efficient and clear printing in work of

higher quality and in a larger field than this industry has had in the past 75 years of its existence.

I think Mr. Atkinson deserves this tribute, here and now, regardless of the fate of the amendment that might involve his printing plant.

I say it is a miserable display when he or his plant becomes the object of attack, and when his motives in this proposition are questioned or impugned. There is not a member of the Committee on Education that will dare say he did not make a splendid impression, and that we were not all convinced that he has done a wonderful work, in which he has a surprisingly solid support from blind readers spread all over this Nation. He wants only what he is convinced is for the greatest good to the greatest number of blind readers. He knows and they know what he has done for them in his plant and his organization. You will agree with me if you read these hearings I refer to.

I predict he will continue his unselfish work for blind readers regardless of the outcome of this poor controversy, and that the proponents of the present bill will be more than glad to see that he and his plant are given every fair consideration. Further than that, I dare say that he will be found to be the leader in any development along the lines I have suggested for new methods in providing blind readers with less bulky and with more convenient ways of reading, if those ways prove to be practicable. Read the hearings, then make your estimate of this man Atkinson and of the work he has done and is doing. I have only the profoundest admiration for him.

Mr. CRAIL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIL: Page 1, line 9, after the word "Columbia," strike out the period, insert a comma and the following:

"*Provided*, That no expenditure of more than $100 of said fund shall be made excepting to the lowest bidder under fair competition; *and provided further*, That no part of said funds shall be paid to any corporation, institution, or concern which receives or enjoys directly or indirectly any subsidy from the Federal Treasury."

Mr. CRAIL. Mr. Chairman, ladies, and gentlemen, if this amendment is adopted it will make of a vicious bill a very good bill, which will provide books for the blind of this country. With this amendment the bill will have my hearty support and I would plead with you to pass the bill if the amendment is added to it, because it carries out the American conception of justice and fair play between man and man, and business.

Now, they drag in the name of Helen Keller, that grand, brave woman. To use her name is just like grabbing Old Glory and waving it above your head and shouting, "Come on, boys." Of course, Helen Keller is a wonderful woman and I am one of her greatest admirers. I would not for a minute say anything against her. I attended the hearings when she testified and I approved every word she said. She did not say a word in favor of this bill as against any other bill. No other bill was mentioned by her. She did not go into the terms or the provisions or the conditions of this bill at all. What she wanted was books for the blind. She wanted to take the blind readers out of midnight darkness, take them out of their intolerable idleness, and we all want this. With this amendment we will not only accomplish this purpose, but we will do it in an honest, fair, American way.

Gentlemen, I am earnestly hoping you will consider this bill on its merits and not merely from the standpoint of the claim that the Helen Kellers of this country need books. You will make of it a fair and a good bill if you adopt this amendment which I have offered.

Mr. WARREN. Mr. Chairman, I just want to take half a minute, in reply to what the gentleman from California has said about Miss Keller's attitude on this measure. I call the attention of the committee to her closing sentence in her testimony before the committee:

I ask you to show your gratitude to God for your sight by voting for this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

I am opposed to the very adroitly drawn amendment, which, if adopted in the closing days of the session of Congress, means the death of any additional relief for the blind readers.

In my brief talk a few moments ago I neglected to indicate one additional reason that should cause Congress to approve the additional appropriation for the blind, as authorized in this bill.

The gentleman from New York [Mr. REED] has called attention to the many thousands of blind war veterans who would use these books. I agree with his position with reference to these veterans, but I want to call your attention to another class of citizens who would also read said books. Uncontradicted statistics indicate that thousands of American people have become totally blind by reason of the eighteenth amendment and sumptuary laws enacted thereunder, which have made available for consumption poisonous bootleg liquor which destroys the optic nerve and causes complete blindness. I urge in the name of all of the blind of this country, including those who I have just called to your attention, that the amendment now pending be defeated. [Applause.]

Mr. LUCE. Mr. Chairman, this amendment is so clearly unwise that I have no expectation that it will get support. Its effect would be to tie our own hands. As I pointed out, the present bill contemplates that the work shall be done by Congress, working through the Library Committee and in turn through the Library of Congress.

I am sure that the membership of the House will believe that it is unwise to pass legislation tying our own hands.

Being so confident that such will be the judgment of the House, I would at once move that all debate close on this amendment if it were not for the fact that I would shut off my good friend from New York, Mr. BOYLAN. If he desires to speak, I will yield the floor, but I give notice that after his remarks I shall move to close all debate.

Mr. BOYLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. DYER. Mr. Chairman, I make the point of order that all debate on this amendment has expired.

Mr. BOYLAN. There has been no motion to close debate.

The CHAIRMAN. Under the rules of the House the amendment has been debated.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BOYLAN. Mr. Chairman, I think it would be a mistake to pass any amendment to this splendid bill at this time. I rose particularly to call your attention to the fact that we have in the city of New York in the very district represented by the gentlewoman, Mrs. PRATT, the author of this bill, a splendid institution for the blind, known as the Lighthouse. It really is a lighthouse, because there the blind are taught not only to read but also many gainful occupations.

But more than the mere reading, more than the gainful occupations, they are taught to help themselves. They are taught to develop a new mental attitude, and that, to my mind, especially to those afflicted with blindness, is of more and greater value to them than any other possible thing. They acquire a new mental attitude, a new view of life, and I am sure there is no legislation that we can possibly pass at this session of the Congress that will redound to our greater credit than the passage of this bill, because, as you know, "Hope springs eternal in the human breast," as has been well said. If we can renew the hope in those who have been physically incapacitated, what greater good can we do?

Of course, in our little course of transit through the world we must play our little part, and if in playing that little part we make the world a little brighter place to live in, if we smooth out the rough places in the daily path, we will, indeed, have done something worth while, we will have done something creditable as representatives of the people who have sent us here. I am sure that there is no piece of legislation that has come before this Congress worthy of more careful and greater attention than this particular bill.

I think if the distinguished gentlewoman from New York [Mrs. RUTH PRATT] does nothing else during her legislative career in Congress than to pass this bill she will, at the expiration of her service, have something noble and creditable to look back upon as a memento of her period of service in this body, and we all agree with her in feeling that she has done something of substantial worth in that she has added a new ray of hope to the blind of America. If we had more legislation of this kind, it would redound to the greater credit of the Congress. [Applause.]

Mr. LUCE. Mr. Chairman, I move that all debate upon the pending section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. There being no further amendments, the committee automatically will rise under the rule and report the bill back to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4030, and he reported the same back to the House without amendment.

The SPEAKER. The previous question is ordered under the rule. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE TARIFF

Mr. BRUMM. Mr. Speaker, I ask unanimous consent that my colleague [Mr. ESTEP] may extend his remarks in the RECORD by inserting two articles written by Senator REED, of Pennsylvania, on the tariff.

The SPEAKER. Is there objection?

There was no objection.

Mr. ESTEP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following articles written by Senator REED, of Pennsylvania, on the tariff:

[The Saturday Evening Post, Philadelphia, Pa., January 3, 1931]

TARIFF TINKERING

By United States Senator DAVID A. REED

It was 11 o'clock on April 8, 1789. The blue surface of New York Harbor was dotted with sailing ships. At the docks vessels flying many flags unloaded their cargoes. Spring importations were beginning to arrive. Iron from England, tea from China, rum and molasses from Jamaica. Saddles, clothing, carriages, canes, luxuries from everywhere. Winter had passed and the roads and trails had opened to travel. Settlers were coming down for supplies, visitors to see the sights, traders to inspect new stocks. Business was brisk. The city was excited and expectant.

There was more to account for the crowds than the swelling stream of commerce. Already the metropolis, with a population of 32,000, New York had become, in addition, the temporary capital of the country. The new Constitution had been finally ratified. The creaking machinery of government was beginning to function. In February the Electoral College had chosen George Washington as President and John Adams as Vice President of the United States. After waiting a month for a quorum, the first Congress had canvassed the election and reported the results two days before. A committee was on its way to Mount Vernon with the official notification. The House of Representatives, a step ahead of the Senate, was about to hold its first legislative session. In the old City Hall, hastily remodeled for the use of the National Government, the sound of hammers rang through the corridors even as Congress met.

On that April morning 34 of the 65 Members provided for in the constitutional apportionment were in their seats as Speaker Frederick Augustus Muhlenberg called the House to order. With New York's chief justice administering the oath of office, each solemnly swore to support the Constitution. Thereupon, we are told, "the House resolved itself into a Committee of the Whole on the state of the Union, Mr. Page in the chair."

A thin, frail figure arose—"a shy, blushing little man, with a quiet, thin little voice," as one biographer describes him, "which sank to a whisper at the end of every sentence." Short of stature, unimpressive in appearance, James Madison, of Virginia, addressed the Chair.

"I take the liberty, Mr. Chairman," he said, "to introduce a subject which appears to be of the greatest magnitude; a subject, sir, which requires our first attention and our united exertions. No gentleman here can be unacquainted with the numerous claims upon our justice; nor with the impotency which prevented the late Congress of the United States from carrying into effect the dictates of gratitude and policy.

"The Union, by the establishment of a more effective Government, having recovered from the state of imbecility that heretofore prevented a performance of its duty, ought, in its first act, to revive those principles of honor and honesty that have too long lain dormant.

"The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained, but the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power; for I apprehend that both of these objects may be obtained from an impost on articles imported into the United States. In pursuing this measure, I know that two points will occur for our consideration. The first respects the general regulation of commerce; which in my opinion ought to be as free as the policy of nations will admit. The second relates to revenue alone; and this is the point that I mean more particularly to bring into the view of the committee.

"Not being at present possessed of sufficient materials for elucidating these points, and our situation admitting of no delay, I shall propose such articles of regulations only as are likely to occasion the least difficulty.

"The propositions made on this subject by Congress in 1783 having received, generally, the approbation of the several States of the Union, in some form or other, seem well calculated to become the basis of the temporary system which I wish the committee to adopt. I am well aware that the changes which have taken place in many of the States, and in our public circumstances, since that period, will require, in some degree, a deviation from the duties then affixed; nevertheless, for the sake of that expedition which is necessary, in order to embrace the spring importations, I should recommend a general adherence to the plan.

"This, sir, with the addition of a clause or two on the subject of tonnage, I will now read, and, with leave, submit it to the committee, hoping it may meet their approbation, as an expedient rendered eligible by the urgent occasion there is for the speedy supplies of the Federal Treasury, and a speedy rescue of our trade from its present anarchy."

THE PROTECTIONISTS' FIRST VICTORY

Madison's resolution called for a specific duty on rum, spirituous liquors, molasses, wines, teas, pepper, sugar, cocoa, and coffee. On all other imports it was proposed to levy a flat ad valorem duty of 5 per cent, based on their value at the time and place of importation—the first application of American valuation, so hotly debated more than a century later. Such was the beginning of tariff legislation in the United States.

As sponsored by Madison, the resolution was strictly a revenue measure. It was imperative that money be raised at once. The public purse was flat. The country was deeply in debt. In addition to its own obligations, the Federal Government had assumed those of the States. Revenue was needed to discharge the debt, pay the Army, restore the national credit, give value to an all-but-worthless currency, and to run the Government itself. The tariff was a ready answer. Six years earlier, in 1783, the Congress of the Confederation had recommended a similar schedule of duties to the 13 separate States. With modifications, these in the meantime had been approved by most of the State legislatures. Now, clothed for the first time with the power to tax, the new Congress turned naturally to the system championed by Hamilton and already seen in successful operation.

But the tariff law which passed almost three months later differed radically from that proposed by Madison. For though he clung to the hope that free trade could be restored and opposed amendments offered for the protection of struggling industries, the protectionists had their way with the measure he introduced. As signed by President Washington on July 4 and limited by its own terms to a life of seven years, it emerged as a full-fledged protective tariff, its purpose proclaimed in the preamble. The new duties were declared to be "necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." It was hoped that the customs collections would yield $3,000,000 a year of the $8,000,000 needed. During the first and only year of its operation—for the duties were increased a year later—it did yield the sum of $2,239,746.75, with an additional $157,376.24 in duties on tonnage.

Never since then, nor, in fact, since the Revolution, has the Nation known free trade. From that day to this, in the 141 years of its history, while the country has grown from a population of 3,929,000 to its present proportions, has built up an annual foreign trade of $9,000,000,000 and has collected $20,000,000,000 in revenue from customs duties, Congress has passed 85 tariff bills imposing or changing duties on imports. The average is one every 20 months. Included in this number were 33 general revisions, each representing a complete readjustment of the existing tariff structure. These have occurred at average intervals of a little more than four years. No tariff law has ever lasted more than 12 years. The Dingley law enjoyed the longest life of any.





remaining undisturbed from 1897 to 1909. Only one other, enacted in 1846 and in force for 11 years—one of the two lowest tariffs of the last century—endured for a comparable period. At times the tariff has been revised annually or biennially, usually in time of war or during intervals of political upheaval or economic readjustment, to meet rapidly changing conditions. Revisions came in clusters during the first decade and again during the Civil War. Among its tariff enactments, in addition to the 33 general revisions, Congress has passed 52 separate laws dealing either with individual items, a limited group of miscellaneous imports, or providing for horizontal increases or reductions in the general level of duties.

A HARDY PERENNIAL OF AMERICAN POLITICS

This compilation does not take into account any legislation dealing with purely administrative problems, reciprocal agreements with other countries, or laws affecting our insular possessions or providing for embargoes, subsidies, or preferential treatment of American shipping or goods shipped in American vessels, of which there have been a considerable number, and all of which were protective in character. The list is confined to tariff acts fixing duties for the continental United States.

Thus we discover that in our own country tariff tinkering has been almost a continuous process. It has become a national habit. Like other habits of long indulgence, it will be hard to break.

As a partisan issue, the tariff is, of course, the hardiest perennial of American politics. Originating in opposite opinions with respect to protection and free trade, it has been nurtured by the necessity of finding durable materials for party platforms. At the moment, however, I am not concerned with its partisan aspects, or the merits or demerits of particular tariff laws, or in the consequences of our legislative debauch. I shall neither abuse nor defend the tariff act of 1930, about which the country has heard so much and understood so little. If it is a good tariff, we should know it in a year or two. If it is a bad tariff, that should be equally evident. In either case, unless we change our habits, it will enjoy at best a transitory existence. For if our tariff history means anything, there will be another revision by 1940, at the latest. I venture that prediction now. Notwithstanding the early promise of the new Tariff Commission and notwithstanding the prospect that a number of duties will be changed by presidential proclamation, it is reasonable to suppose that the present law will have outlived its usefulness in less than a decade.

Conditions are changing rapidly throughtout the world. The currents of trade are never constant. A world-wide drop in commodity prices, superinduced or complicated by overproduction, faulty distribution, and other factors, has occurred in recent months, leaving a wake of economic wreckage. Business, though gradually recovering its breath, has not returned to a steady stride. New forces are also at work. Old methods of business are giving way to innovations born of the competitive struggle. Big business has turned to retailing—to the distribution of its own product. Farmers are experimenting with cooperative marketing of crops. New inventions, new mechanical processes, new discoveries in the field of chemistry and physics, and the rapid replacement of men by machinery are changing the whole character of our civilization. Chain ownership of stores, theaters, utilities, banks, and newspapers has become a commonplace in the business scheme. Who can tell how far the new industrial revolution will reach, or its ultimate implications? Who can tell how long it will take for several million idle workers to become reoriented and again to find regular employment? What will happen to the small business man who has been forced from the field by chain-store competition?

Let us look abroad. Industries rehabilitated with American gold; France apparently busy, prosperous, self-contained, with the second largest gold reserve of any world power; Germany, until the recent collapse of commodity prices, an industrial beehive, her internal indebtedness wiped out by a program of currency inflation and her people unencumbered by the cost of a large army and navy, asking now for a moratorium to assist her recovery; Italy and Czechoslovakia in the midst of an industrial renaissance, their people toiling long hours at pitiable wages in a desperate effort to capture some of the world's wealth; England top heavy with taxes, searching for a solution of her own unemployment problem, trying to interest the dominions in a scheme for an economic union and turning to tariff protection at home; Russia awakening from centuries of sleep to a vision of political and economic conquest; Japan industrially efficient and constantly seeking outlets for her surplus production and population; South America restless, ambitious, and overrun with revolations; the whole world studying our success with mass production and hoping to apply the lessons learned. In addition, we know that every nation with anything to sell beyond its own borders is casting covetous eyes at the richest market of all, sustained by the vast wealth and tremendous purchasing power of the American people.

STRENGTHENED TARIFF DEFENSES

That we are entering an era of extraordinary competition is self-evident. Foreign goods and foreign workers will press with renewed vigor for entry into America. Our first concern, as always, must be the domestic market. To protect it against attack we have strengthened our tariff defenses and restricted immigration. We may cut the quotas again or stop immigration entirely. But who can foretell the trend of trade one year or two years hence? Business forecasts seldom attempt to look more than six months ahead. No one can say with certainty that American business will boom, go along at its present gait, or fall off further in the next few years.

I am impressed by the amount of business that is being done, and believe the volume will grow until we get back to normal. In time we will establish new records. But how utterly futile, with the echoes of the war still reverberating and the world in the grip of an economic and political upheaval of unprecedented proportions, to expect a tariff bill written in 1930, on the basis of competitive conditions existing a year or more ago, to meet our requirements 10 years hence!

Congress can anticipate national necessities within the limits of its capacity, but legislators are not omniscient. Nor do they always act in what is clearly the national interest. Much as we may deplore it, we all know that is true. Often they are persuaded by local sentiment or personal prejudice to take a contrary course. Yet Congress is what we make it, and the country gets what it deserves. If the tariff is not what it ought to be, we have only ourselves to blame.

FREE TRADE FOR UTOPIA

I have strayed into these byways to emphasize the fact that most tariff revisions occur because they are bound to occur. They may be forced by economic changes or by public opinion, or both.

Business is not a tideless sea, but a swift and turbulent stream. So long as we are to have a tariff at all, whether for revenue or protection, it will be necessary periodically to readjust its rates to meet changes in its volume and behavior. Tariff duties are the controls by which we regulate the flow of foreign products to our shores. As the waters rise or fall, we open or close the gates to maintain an even flow. Fixed dams are out of fashion. They no longer meet the needs of commerce.

In everything I say about the tariff I speak, of course, as a protectionist. As a Senator from Pennsylvania, that, perhaps, could be assumed. But even if I were not a Senator or a citizen of the State which from the first has fought for protection, I should be a protectionist. I believe thoroughly in protection, not as an abstract principle of government but as a practical means of encouraging domestic industry, keeping our people employed at high wages, and expanding the national wealth. In the beginning it may have been necessary to experiment with different systems. Whether necessary or not, we did so. It was a slow and at times a painful process, as the country tried tariffs of various sorts. Now, however, with our lessons at least partially learned we seem to know where we are going. With both political parties committed to the principle of protection, and the members of the minority party in the recent tariff battle disclaiming any desire to reduce the rates below the 1922 level, I think we may safely say that protection has come to stay.

As a theory free trade has in it an evangelical appeal. It presupposes a world at peace with nations living together as neighbors in Christian charity and with goods and populations moving over the face of the earth without artificial restraints. It fails to take into account such things as national rivalries, racial prejudice, immigration laws, natural or acquired monopolies of raw material, variations in wage levels and living standards, unbalanced wealth, differences in national character, and the whole range of social and economic problems inherent in nationalism and the competitive system. I will not argue with those who would change the system, but only remind them that it has been tried before.

It is quite possible that, over a period of centuries, the world would be better off under free trade. At that we can only guess. But with the world as it is, it would be suicidal to abandon the American protective-tariff system. In too many ways we already have allowed ourselves to be the doormat for Europe. To surrender all our domestic markets to them while they continue their own high tariffs against our goods would be sheer economic folly

An editorial in the Saturday Evening Post recently referred to the tariff as too technical for the average American to understand. It is true that tariff making is a technical process. To understand the tariff, however, it is not necessary to become involved in the intricacies of comparative costs, to know the price of pig iron in Philadelphia, the consumption of window glass in New York, or the imports of canned tomatoes. These are problems for the statisticians and specialists, who more and more are being relied upon to supply the materials for legislative action. For those who seek detailed information concerning any aspect of the tariff, there is a voluminous and accurate mass of material in the reports of the Tariff Commission and other Government agencies.

But for Americans generally, engaged in the never-ending struggle for existence, and, on the whole, making a better job of it than the people of any other part of the world, results are all that count. If protection protects them in their jobs, their profits, and their homes, they will fight for it. If it fails in this, it fails completely. For its only justification is in the benefits it claims to confer on the American people.

BULWARKS OF PROSPERITY

To this I would add one word of warning: Prosperity will always remain in part an unknown quantity. The tariff is only one of the pillars—I think the principal one, next to a sound currency—on which our prosperity rests. There will be business booms and business depressions, periods of inflation followed by deflation, which bear no relation to the tariff. When these storms come, no matter what their cause, the tariff is an anchor to wind-

ward. It is to be judged at any time, and in times of business recession particularly, with an eye on conditions in other countries.

The question for Americans to ask themselves is not "If protection means prosperity, why am I not prosperous?" It should be "Are we as a people more prosperous than the people of other countries?" If we are—and by every standard of judgment the answer is in the affirmative—the individual sooner or later will get his share. And lest we become too pessimistic or impatient over the failure of business to rebound as quickly as we should like to see it, let us remember that, relatively, we are infinitely better off in a material sense, enjoy more of the comforts and luxuries of life, eat far more food, and are better clothed and housed than any other people in the world. If proof is needed, we have only to look at our 25,000,000 automobiles, on which we spend $15,000,000,000 annually. I do not give the tariff entire credit for this happy state of affairs. But I do think that it and the restriction of immigration are the chief bulwarks of our high-wage level, and that this in turn is the channel through which our wealth is diffused and prosperity sustained. When recessions do occur, our recovery should be quicker for this reason, and I think we will find it so now.

At its best, a protective tariff encourages the establishment of new industries and protects those already established by giving them a reasonable competitive advantage in the home market. At its worst, it may cut off foreign trade and foster monopoly at home. The cure for monopoly, so far as it is fostered by the tariff, is to remove or lower the tariff.

WORK FOR 11,000 MEN

If the monopoly is due to popular preference, lower price, or superiority of product, as in the case of the American automobile industry, there is nothing to fear from it, nor need the industry fear the removal of tariff protection. In the recent revision we saw leading automobile manufacturers, acquiescing cheerfully in a reduction of the duty on passenger cars from 25 to 10 per cent. In the Payne-Aldrich Act of 1909 the duty on passenger automobiles was 45 per cent. The Underwood Act of 1913 reduced this to 30 per cent on cars valued at less than $2,000 and provided a duty of 45 per cent on more expensive models. When the Fordney-McCumber law was written, in 1922, the industry offered no objection to a reduction to 25 per cent on all types. In the 1930 law the 25 per cent duty was retained only on trucks. It has been evident from the first that Americans prefer American cars. It is also clear that, sustained by the wealth and buying power of the American people, the industry, producing on an enormous scale, can make and sell automobiles at a price which foreign competitors can not touch. Sure of their ability to hold the home market, our manufacturers are turning to foreign fields to sell their surplus output, and, consequently, are less concerned over tariff protection than over foreign tariffs.

As an example of what the tariff will do in enabling new industries to become established in competition with foreign monopolies, the story of the coal-tar chemical industry should be familiar to every American. In all our industrial history there is no better illustration of the value of protection. In less than 15 years we have seen the industry grow from practically nothing to one in which more than $100,000,000 has been invested, which employs more than 11,000 American workers, produces nine-tenths of our domestic dyes and exports a sizable surplus, and for the first time in our history makes us independent of Germany and all other countries in manufacturing processes and industrial equipment which, in the event of another war, could be converted overnight to the manufacture of explosives and military chemicals. There are more dye plants in the United States now than in all the rest of the world. This development could not have occurred except for the tariff.

It may interest critics of protection to know that with the establishment of the American industry the domestic prices of dyes have declined. They are lower now than before the war. Far from increasing the cost to the consumer, the net result of protection has been to reduce it. The explanation is simple: Before the war, German manufacturers enjoyed what amounted to a world-wide monopoly. They charged what they pleased and profited accordingly. All this has been changed by competition, both as between America and Germany, and among our own manufacturers. The American industry has learned how to make dyes and other coal-tar chemicals equal to any which can be imported, and is spending more money in research each year than the total investment of the domestic industry prior to the war.

Although dyes had been manufactured in the United States for many years, there were only seven manufacturers in this country when the World War began. Their total investment was less than $3,000,000. They employed 520 persons. In 1914, while we were importing 46,000,000 pounds of dyes from Germany, domestic manufacturers produced 6,619,720 pounds, valued at $2,470,096. All of these were made from imported intermediates—the intermediates being the raw materials which, themselves separated from coal tar by a simple chemical treatment, are in turn converted by complex chemical processes into dyes, drugs, perfumes, flavors, photographic chemicals, synthetic resins, and tanning materials. Nine-tenths of all our finished dyes came from abroad. By contrast, we are now producing 95 per cent of our domestic requirements by quantity and 85 per cent by value. In 1927 our production of dyes was 95,167,905 pounds, valued at $38,532,795. In 1929 we produced 111,000,000 pounds and exported one-third of our production. Before the war imported dyes cost the consumer from 44 to 53 cents a pound. The average price of all dyes sold now is 43 cents a pound. Of the low-cost bulk colors—indigo and sulphur black—we produce a large exportable surplus.

THE DUTIES ON DYES

What of the tariff during this development? For many years prior to the war, all dyes, with the exception of certain specified colors which were alternately transferred from the free list to the dutiable list and back again, with successive tariff revisions, carried a duty of 30 or 35 per cent ad valorem. Then came the war and the British blockade of Germany. Our last direct shipment of dyes from Germany reached the United States on March 19, 1915. Scattering supplies—and these were mostly German dyes—came thereafter from China, Japan, British India, and from England. Our stocks were soon exhausted. Prices soared to unprecedented levels. Many dyes were not obtainable at any price. In 1916, to encourage their manufacture in the United States, Congress passed a special act giving increased protection to dyes and other coal-tar products and intermediates. In addition to the ad valorem duty of 30 per cent provided by the Underwood Act of 1913, the new law imposed a specific duty of 5 cents a pound on dyes, with certain specified exceptions.

In October, 1917, the trading with the enemy act was passed. Four months later, on February 16, 1918, President Wilson issued a proclamation prohibiting the importation of dyes and chemicals except under license; not strictly an embargo, that was its practical effect. In February, 1919, three months after the armistice, licenses were granted for the importation of Swiss dyes not of German origin. In the fall of the same year the embargo was removed on German dyes, and they were again admitted under license. This license control was continued in the emergency tariff enacted in 1921, and remained in force until the passage of the Fordney-McCumber law in September, 1922. The latter measure provided a temporary duty on dyes, limited to two years, of 60 per cent ad valorem and 7 cents a pound, based on the American selling price of comparable domestic dyes. At the end of two years the ad valorem duty dropped automatically to 45 per cent and 7 cents a pound. There was no further revision until 1930, when the new tariff law reduced the duty on synthetic indigo and sulphur black to 3 cents a pound and 20 per cent ad valorem, without changing the remaining duties.

WHAT OF RETALIATORY TARIFFS?

There is the story of protection in a nutshell. At the close of the war the new industry, so important in time of peace and indispensable in war, faced a resumption of ruinous competition from Germany, which, incidentally, still makes more dyes than we do, with a smaller number of plants. Congress came to the rescue. The industry was saved. Not only saved but enabled to become so efficient that we are selling bulk dyes abroad in competition with Germany. Prices have come down and the tariff duty on these products has come down. The consumer is better off and the country no longer is dependent on foreign supplies. It has heeded the admonition of President Wilson, in his annual message to Congress on May 20, 1919:

"Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants."

Now, as for the fear expressed in some quarters that the 1930 tariff will result in retaliation and ruin our foreign trade. Two answers occur at once:

First. Our foreign trade not only has grown steadily for many years but has reached its greatest proportions under so-called high tariffs.

Second. If England, Canada, and other countries go in for increased tariff protection, it will be because they think it good business to do so, and not because of resentment over our tariff policy.

Tariff protection is an economic expedient to be employed when conditions seem to warrant its employment, and modified or discarded otherwise. Modern nations have prospered at different times under all systems, from free trade to high protection. England herself protected her industries until after the Napoleonic wars. Then, gradually, over a period of 50 years, she abandoned protection. Now, as pointed out in Mr. Isaac Marcosson's able article in the Saturday Evening Post of September 13, she is returning to a protective policy. In the future as in the past the world will experiment with protection and be guided by results. It is hardly conceivable that our foreign trade will suffer, for the fundamental reason that the American market is the richest in the world, and it is more to the advantage of competing nations to sell their goods in this country than it is to our advantage to sell our goods in theirs. Moreover, we are less dependent than they on foreign trade, and except for France, are more nearly self-contained. Under the circumstances, retaliation for its own sake would defeat itself by hurting others more than it could possibly hurt us.

A final word about the tariff act of 1930. It is not perfect. But it is too much to expect perfection. Tariff bills are always a patchwork. Like its predecessors, it bears the scars of the historic conflict between the agrarian South and West and the industrial East. In the present stage of our development that can hardly be avoided. Until all of us see the problem similarly and learn to act as Americans and not as sectionalists it is inevitable that tariff laws will be conceived in controversy and born in bitterness. The new law is not necessarily the best we are capable of producing under present conditions. It represents the customary compromise between extremes of opinion both as to the general value of protection and the particular merit of individual items and groups.

THE WISDOM OF COMPROMISE

If I were writing it, I should do it differently. I cheerfully grant those who disagree with me the same right of dissent. But I saw no immediate prospect that a better bill could be written on the eve of a national election, or with Congress constituted as it is. I thought it quite possible, even probable, that another attempt at revision would produce results even less acceptable. It was clear that if this bill were to fail, the clamor for revision would continue. That would mean going through it all again—the same arguments, the same speeches, the same facts, the same tedious and painful processes, to a somewhat similar conclusion. In the end the law would entirely please no one, violently displease many, and cost the country more than it would be worth.

To have defeated the Hawley-Smoot bill would have kept the country in suspense for two years more. Business could not stand the uncertainty. It had stood all of us it could stand. And I doubt whether some of those who took a leading part in the revision of 1930 could have stood the physical strain of another, right on its heels. I voted for the bill, not because I liked it but because it seemed to me the best of the alternatives offered. On the whole, I believe it will be helpful. In any event, it is a closed incident. If we are wise, we shall not attempt another revision for several years.

There are many reasons why the tariff can not be taken out of politics. Among them are: The Constitution of the United States; the Congress of the United States; the Supreme Court of the United States; the President of the United States; the people of the United States. One might go on and speak of the business interests of the United States, the workers of the United States, and such things as sectional jealousies, occupational rivalries, economic conflicts, local necessities, political habit, political tradition and the innumerable by-products of our political system. I shall get to these later. They are, after all, subordinate to the general grouping, and come under the head of "the people." And it is the American people, ultimately, who have kept the tariff in politics for more than a hundred years through the operation of public opinion.

As the sovereign authority in a democratic political system, the people, or public opinion, or the collective will of the majority—call it what we may—can do about as it pleases with governments, governmental forms, and governmental policies. Constitutions, courts, presidents, legislators, and laws are subject to its sway. From this it might be reasoned that if the tariff remains in politics we have ourselves to blame. But digging deeper still, we shall find beneath it all the fundamentals of all we know of human competition. In the end the tariff comes down to a struggle for advantage, even for existence, national, sectional, or individual. And that can not be changed.

In saying this I am aware that many Americans have hoped that the tariff could be taken out of politics. I sympathize with that viewpoint. I wish that it could. When I say it can not I mean under the conditions with which we are familiar at present. By changing our Constitution and our habits and eliminating selfishness from human nature, it might be done. Yet, looking at things as they are, I must reach a contrary conclusion. To some extent we can, if we choose, take politics out of the tariff. But it is too much to expect that the tariff can be taken out of politics. In the present article I propose to show why.

Let us begin with General Hancock. It was Gen. Winfield Scott Hancock, born in Montgomery County, Pa., who remarked in an interview that "the tariff question is a local question." That half truth, twisted into "the tariff is a local issue," probably cost him the Presidency of the United States. At the time, in October, 1880, he was the Democratic candidate for President. His opponents instantly capitalized the remark to his disadvantage. General Garfield defeated him in the ensuing election by the small popular plurality of 9,464 votes.

What General Hancock said was true as far as it went. The trouble was that he stopped halfway. The whole truth is that the tariff is both a local issue and a national issue. It is a mosaic of local issues, the sum of which makes the pattern of our national tariff policy. More explicity, we have a protective tariff because a majority of Americans believe in protection and, believing it in, are able, through their Representatives in Congress, to agree on a series of tariff schedules whose rates provide protection for innumerable local industries and local interests, as well as for those industries and interests which are more nearly national in character. Always in a tariff revision there are groups which, seeking their own advantage, lose sight of the larger interest of the Nation and fight with all the weapons at their command for a purely parochial viewpoint. When that happens, one side or the other suffers disappointment and defeat, or they compromise their differences and each side takes half a loaf rather than none.

What General Hancock did not see is that the tariff is first of all a national question. If we are to protect our industries, our farmers, and our labor against foreign competition, protection will have to be adopted and applied nationally. In so applying it, local interests which need protection will naturally come under the protective mantle.

If we were to go on a free-trade basis—something we have never done—obviously there would be no protection for anyone. In that sense the local and national interests are inseparable. One trouble with our tariff tinkering is that we too often allow local influences to blind us to the larger needs of the Nation as a whole. We see only what is before our noses. Considering political exigencies, this at times can hardly be helped. For Congress, it must be remembered, is likewise a mosaic of many minds and many viewpoints, characteristic of the country, and at no time serves a single master but responds to the lash of many whips.

To understand the tariff as we know it in the United States we must trace it to its source. And doing so, we come finally to the Constitution, and discover that the right to levy duties on imports is vested exclusively in Congress. In article 1, section 8, clause 1, we find this language: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States." In clause 3, of the same section, Congress is given the power "to regulate commerce with foreign nations." Section 10 of the same article denies to the States, which formerly collected customs duties for their own account, the right to do so thereafter except under the control of Congress and "except what may be absolutely necessary for executing its inspection laws." Duties so collected would be transferred to the Federal Treasury. As Congress has concentrated all authority over the collection of customs in the Federal Government its jurisdiction is absolute.

From that point it is as easy to follow the development of America's tariff policy as it is the development of the country. In the beginning it was not necessary to protect American agriculture against foreign competition. America had the cheapest and most productive lands in the world. The South, in addition, produced its crops with slave labor. After the Revolution we imported molasses, coffee, tea, sugar, cocoa, cheese, salt, pickled and dried fish, and some salted provisions, but little else in the way of foodstuffs. For export we produced a surplus of tobacco, wool, and cotton, and were finding foreign markets for American lumber. Generally speaking, American agriculture has always been on an export basis. It was then, and has remained on an export basis since in such staples as wheat, corn, cotton, packing-house products, and exportable crops generally. In other farm products we are practically self-sustaining. Only rarely do we import in any volume foodstuffs which we are capable of producing at home in sufficient quantity to supply the domestic demand.

It was further apparent in the South, prior to the Civil War, that the mechanic arts could not develop in a slave-holding district. In the North, on the other hand, with free labor, a more rigorous climate and less fruitful soil, the population turned naturally to other forms of industry. New England bought the cotton of the South, wove it into textiles, and supplied the South with cotton cloth. As the wool and metals industries developed and manufacturers sprang up under the encouragement of a growing domestic demand and the moderate protection provided in earlier tariff acts, the North came in time to look upon the tariff first as a means to an end—the development of an industrial civilization in the United States—and later as the best safeguard of the industries so developed. As American wages advanced—and real wages as well as dollar wages have always been higher in the United States than in older countries—and labor acquired a larger share in the profits of industry, the worker joined with the employer in demanding that the protective system be continued and strengthened. This sentiment spread slowly as industry expanded westward.

For a time in the early part of the past century the South also favored protection. Gradually, however, a different philosophy developed, rooted in the free-trade tradition and strengthened by the knowledge that industry as the North knew it could not flourish in the slave States. First of all, there was no satisfactory labor supply. Except for the negroes, the South was thinly populated. Much of the land was held, after the English manner, in large estates or plantations. It was also thought for many years that the climate of the South would not permit the physical exertion required in industry—a fallacy since disproved. It was natural under the circumstances that the South should return to its early ideal of a simple agricultural State, selling its surplus abroad and receiving in exchange the manufactures of England and France. It had no need of protection for its own products, and its resentment against the tariff grew as the North flourished and forged ahead under the ægis of an economic system which, in the opinion of the Southern States, was one-sided in its benefits and simply increased the cost of living to Southern people. It was not then realized that the North was the South's best customer, and that whatever contributed to the prosperity of the Northern States would benefit the South by increasing the demand for its products.

The conception of an interlocking, interdependent, self-contained civilization, able to supply most of its own requirements, whether of food or clothing, raw materials or manufactures, in which the prosperity of the parts means the prosperity of the whole, was a later development. Although elemental in economics and the fundamental basis of free-trade doctrine, a few Americans continue to look abroad for its realization. They fail to perceive that we have built just such a civilization at home. Free trade among our own people, in a geographic area equal to the whole of Europe outside of Russia, and a slice of Russia besides, has been an important factor in building it. But there is this to be remembered by our free-trade doctrinaires: In the United States we not only have managed to maintain an approximate uniformity of wages and working conditions, the natural product of free trade, but have maintained them on a higher level by far than may be found in any other country in the world. I do not think we want to sacrifice it on the altar of a theory. Even if we knew the free-trade theory to be sound in international application, we would hardly plunge the present generation into misery that a future generation might prosper. There will be time enough to consider a change in our tariff policy when other nations meet our standards.

AN ISSUE EVER PRESENT

Thus with the North and South moving in opposite directions economically, it was inevitable that they should do so politically. And so for a hundred years we have had a protectionist preponderance in the North and a free-trade or revenue-tariff preponderance in the South, with variations and exceptions in both sections at different times. As industry invades the South and West and we try to think in national terms, the protective principle gains. Such has been our history from the beginning.

Political parties have praised and denounced the policy of protection. Political platforms have pointed to it with pride and viewed it with alarm. Within our own memory opponents have gone so far as to declare it unconstitutional to levy customs duties for purposes of protection—an obviously unsound position. It has been said that the tariff has never been the principal issue in a presidential contest. Technically that may be true. Yet it is and will remain one of the most important issues around which presidential and congressional campaigns revolve.

For our Government is really representative. Right or wrong, from our own viewpoint it represents us as a people more closely than we imagine. On an issue like the tariff the President necessarily expresses the will of the majority so far as he is able to do so. Similarly, the Congressman who fails to think as his constituents think or act as they want him to act does not as a rule remain in public life. With Americans in different parts of the country thinking differently on many things, it is as impossible to take the tariff out of politics as it is to make a Nebraska progressive out of a Wall Street financier. There may come a time when we shall all think alike about the tariff. It will not be this year, or next, or before the next elections.

WHO IS NONPARTISAN?

But why not turn it over to a nonpartisan, scientific commission of tariff experts?

Although there are several answers, they all boil down to one: It can't be done. In the first place, there are limits to the power of Congress to delegate to another branch or agency of Government the functions vested in it by the Constitution. It may lay down the rule and leave its application to others, but it can not avoid the responsibility for fixing the country's tariff policy.

Again, there is no such thing as a "nonpartisan commission," nor can there be while its members are appointed by a partisan President and confirmed by a partisan Senate, nor while those appointed possess partisan views on such subjects as protection and free trade.

Let us suppose that a scientific commission could be named. A scientific commission presumably would be a commission of economists. And it is the conflicting views of economists which have done more than anything else to keep the world stirred up over the relative merits of protection and free trade. Most economists, dealing in theory as they do, are free traders. So that would not "take the tariff out of politics," but push it further in. Whether called experts, economists, or merely a nonpartisan commission, any tariff commission organized on that basis would have to do one of two things—take orders from Congress in fixing the tariff policy, which would involve a surrender of its scientific, nonpartisan character, or defy Congress and the Constitution and go its own way, either with or without the approval of the President as the appointing power. Thus there is no solution there. That much is certain.

"But suppose the President could find such a commission, and suppose Congress approved of it, and suppose the commission and Congress were in accord as to the policy to be followed in fixing tariff duties?"

I can answer best by asking these further questions: How much of Congress would be in agreement with the commission? And what would the rest of Congress be doing—sitting idly by and saying nothing, or viewing with alarm and trying to abolish the commission? And what of the country at large? Is it conceivable that Nebraska and Wall Street will sit down at the same tariff table? Is it even conceivable that all Nebraskans will think alike on the tariff, or all Wall Street financiers? It has been my observation that there is as wide a difference of viewpoint on the tariff in Wall Street as between Eastern manufacturers who want protection and Western farmers who do not. And I know that all Nebraskans do not agree. There is, in short, no such thing as a general acceptance by the whole country of any viewpoint with respect to the tariff. It is clear enough that a majority of Americans are protectionists. I think it is a big majority. But at that point opinions began to diverge, and we have high protectionists, low protectionists, protectionists for agriculture only, and protectionists for industry only, all thoroughly honest and all equally convinced that those who disagree with them are wrong.

Is it possible that these differences, based on tradition and prejudice and distrust, or on different lines of reasoning, will suddenly subside, and that the country as a whole will accept a tariff written by experts? I think not. Not while every section and every group interest wants a high tariff on its own products and little or none on the products of other sections or other groups. It may be that in writing our tariffs we are approaching a you-scratch-my-back-and-I'll-scratch-yours philosophy. But there is plenty of evidence that a good many American producers still want their own backs scratched without being willing to scratch that of the other fellow. That's where the rub comes in.

Suppose that the President were to find a scientific, nonpartisan commission and appoint it. What would prevent his opponent, in the next presidential campaign, from appealing to every dissatisfied element in the country—everyone who thought the tariff too high or too low, or too high or low on some things and too low or high on others, or that there should not be a tariff at all? It has happened so often in the past that it could be anticipated as surely as night follows day. It is the best—or worst—thing our politicians do. It is the way the outs get in and the ins get out. It has been a favorite brand of politics since men first began to experiment with democratic institutions, and will remain the recourse of politicians as long as the world knows popular rule.

THE TARIFF COMMISSION'S POWERS

In presidential campaigns the tariff can be made an issue as long as there are Americans who think it ought to be changed. In congressional campaigns it will remain an issue in every district where sentiment is divided on the tariff. When the question reaches Congress itself, Congress simply carries on the battle in conformity with the will of the voters.

There remains the Supreme Court, in considering the development of our tariff policy. For the Supreme Court construes the Constitution, and it is for the court, in conjunction with Congress, to say how far Congress may go in delegating its duty-fixing powers to other agencies of Government. As a matter of fact, this never has been definitely determined. In the tariff act of 1922, Congress for the first time conferred on the Tariff Commission, which has been in existence in substantially its present form since 1916, the power to conduct investigations for the purpose of ascertaining differences in production costs of similar commodities at home and abroad, for the information of the President. The same act conferred upon the President the power to increase or decrease any tariff duty, within limits of 50 per cent either way, when necessary to equalize competitive conditions. The Supreme Court has held that this was constitutional, in that it was not a delegation of legislative authority but a use of the Executive authority to carry out the intent of Congress in conformity with a clearly defined principle. This decision, upholding the so-called flexible provision of the 1922 act, offers a wide field of speculation as to how far Congress may go in the same general direction.

The tariff act of 1930 further enlarged the authority of the Tariff Commission by empowering it to specify the required changes in existing tariff duties under the same rule and within the same limits, and report these to the President, instead of leaving it to the President to apply the facts received from the commission and say what changes were needed to equalize competitive conditions. The President, however, alone is given the power as under the old law to proclaim the changes found by the commission to be necessary, thus making them effective. If he disapproves them the duties remain as before.

THE PROTECTIVE PRINCIPLE

This effort on the part of Congress to find a solution for the problem of changing tariff duties to meet changing conditions without further legislative action, thus lengthening the intervals between tariff revisions, is to my mind the most significant step yet taken in that direction. It represents an honest attempt to take the tariff out of politics. If it could be taken out it would be by an extension of this principle. It would necessarily have to be supported by public opinion—not negatively or apathetically, but with sufficient vigor to convince both political parties that the country prefers this method of revision to the log-rolling tactics and patchwork product of other days. As yet, however, I am not satisfied that this represents a real solution. Nor does the delegation of power to the President to carry out a rule of tariff making laid down by Congress hold out a hope in itself that politics can be eliminated from tariff revisions, whether initiated by Congress or by the executive branch of the Government.

Whatever hope there is burns dimly, and lies in the complete conversion of the public to a wholly new conception of the tariff as an economic expedient to be employed when necessary for the protection of American producers against low-cost foreign competition. We should have to forget our inherited or acquired prejudices in favor of prohibitive tariffs, free trade, and the various arithmetical or philosophical gradations to be found between these two extremes. That will take time. The institutions of government are of gradual growth. Our tariff policy, such as it is—and except for our general adherence to the protective principle, it can not be said that we have a permanent policy—has required a century and a half for its development. It is hardly to be expected that we shall accept a new principle, still in the experimental stage, without submitting it to the test of experience. And even if it should prove practical, it would not end the conflict between rival schools of thought on the essential issue of protection.

The tariff-commission idea was not mentioned in the political platforms of 1884, and it was not until many years later, during the Roosevelt era, that the discussion of a nonpartisan, scientific commission began to be taken seriously. From then on the proposal grew in favor. In 1916 the present commission came into existence as an advisory body with fact-finding powers, but without the additional authority conferred by the acts of 1922 and 1930. In its present character it maintains headquarters in Washington, offices in New York, and a European office at Brussels, Belgium, and has become one of the most important fact-finding agencies functioning under the Federal Government.

Next to the gathering of facts for the information of Congress and the President—and I have never seen a more workmanlike statistical compilation than the Summary of Tariff Information submitted to Congress in connection with the recent revision—its chief function under the law is that of ascertaining and reporting differences in production costs in the United States and foreign countries, under the authority of the flexible pro-

visions of the tariff law. This may be done in response to a resolution of Congress, at the request of the President, on its own motion, or upon application by any party at interest

It was in a test case brought under the act of 1922 that the Supreme Court, in April, 1928, upheld the constitutionality of the flexible provision. The opinion was delivered by Chief Justice William Howard Taft, who had been a protectionist President. No dissenting opinions were reported.

THE DANGER OF UNCERTAINTY

It is perfectly possible under the broad language of this opinion for Congress to give the Tariff Commission a jurisdiction over customs duties equal to that exercised over railroad rates by the Interstate Commerce Commission. I do not think it will do so for many years, if at all. Yet the experiment points in that direction, and I am not at all sure that some Congress of the future will not throw up its hands, and rather than go through a tariff revision such as those to which we have become accustomed in recent years, turn over to a tariff commission organized as a quasi judicial body the entire task of adjusting tariff duties. That can never happen, however, until the country and Congress find themselves able to agree on some permanent principle of tariff making. Whether we adopt protection as a principle, cost of production as a guide, and competitive equality as a goal, or whether we find some satisfactory substitute for what seems now the most reasonable rule for the adjustment of duties, we must proceed from a fixed point of some sort and lay down definite rules for applying whatever principle we adopt.

I should like to think of the tariff as an economic and not a political instrument, to be left in the hands of capable men, under general instructions to use it to equalize competitive conditions as between America and foreign producers offering their wares in American markets. Such a tariff commission, approaching its responsibilities in a judicial spirit and guided in its decisions by dependable information gathered by its own specialists, would be of great assistance in dealing with a difficult problem. But even then there would be the danger of keeping the country in a state of uncertainty—the one thing business can not stand. As between that evil and the evil of periodic revisions by Congress, coming 8 or 10 years apart, or possibly at longer intervals, I should prefer the latter.

Finally we come to the mechanics of tariff making, as modern tariffs are made. I wonder how many persons realize how much of a task it is to revise the tariff—the serious study, hard work, and downright drudgery that go into it?

THE MECHANICS OF TARIFF REVISION

What happens when the tariff is about to be revised? Long before the bill is reported to either branch of Congress, as a rule, the Ways and Means Committee of the House and the Finance Committee of the Senate have begun their work. And long before that the Tariff Commission has brought its statistical information down to date, made a specialized study of competitive conditions in hundreds of different industries producing thousands of different commodities, and prepared for the submission of these data to Congress in condensed and quickly accessible form. The Summary of Tariff Information, on which many of the rates in the 1930 law are based, required almost a year for its compilation. Subsequently there were three revisions. And much of the material was already at hand, needing only to be freshened. With the index, the summary contains 2,753 pages. The Tariff Commission staff started work on it on May 4, 1928. It was finished between January 7 and March 11 of the following year, and delivered to Congress in sections. The hearings held by the Ways and Means Committee began on January 7, 1929, and ended February 27, lasting 43 days and 5 nights. About 1,100 witnesses were heard and 11,000 pages of testimony taken. In the Senate, hearings were begun by the Finance Committee on June 14 and ended July 18. Several hundred more witnesses were heard and 8,600 pages of additional testimony taken. The printing bill for the 1930 revision was a little more than $500,000.

The country need not be reminded how long the debate dragged out, nor of the weeks required to reach an agreement in conference on points in dispute between the Senate and the House. It is sufficient to recall that the law was signed by President Hoover on June 17, 1930, at 12.59 p. m., and that the new duties became effective from that moment, more than two years after the Tariff Commission began to assemble the basic material for the revision, and 17 months after the House began its hearings. And that was better time than was made in the revision culminating in the act of 1923.

In the tariff act of 1930, 3,218 dutiable commodities are designated by name, an increase of 378 over the dutiable list in the 1922 law. In the free list appear the names of 694 articles which may come in without the payment of any duty, representing an increase of 70 over 1922. Altogether there are 517 paragraphs dealing with duties in the 194 pages of the new law, excluding an extensive index. There are 295 separate sections in the administrative provisions, which account for half of its text. These alone required weeks of study and consumed several additional weeks of debate, dealing as they do with a multiplicity of problems quite as important and frequently more technical than those involved in the fixing of duties. And the 3,912 articles named in the law are only a start, for many thousands of others are caught in the so-called basket clauses of the law, by the use of the language "all other machinery" or "all other jewelry" not otherwise specified.

Everything in the world comes to the ports of the United States for entry into consumption, and all of it can be found somewhere in the tariff law by specific or general reference. It is estimated that not less than 25,000 different articles pay a duty at ports of entry, although only one-eighth of this number are named. The basket clauses catch the rest.

In writing the law Congress had the assistance of legislative drafting experts of the House and Senate; of the Attorney General's office, which worked with the legislative counsel continuously, calling attention to decisions and suggesting clarifications; of 40 or 50 experts from the Tariff Commission, whose technical knowledge was invaluable; and of customs officials and Treasury specialists concerned with the administration of the law.

Although the tariff lobby was large and active, I saw little of it. But I know that it was on hand, arranging or attending hearings, interviewing Members of Congress, gathering information, following the progress of the bill, and trying in various ways to influence the action of the committees or of the two Houses of Congress in their own or their clients' interests.

YOU CAN'T SATISFY EVERYBODY

Several thousand letters appealing for assistance or seeking information regarding the tariff reached my office in the course of the revision. Other Senators were similarly deluged, though as a rule less heavily. I have no way of estimating the number of callers who passed in and out of my own office. They came in a steady stream for months, beginning before the bill reached the Senate and continuing until after it was signed by the President.

For the most part these were legitimate appeals. Not everyone who came to Washington during the revision wanted the duties changed. Not all of those who did want them changed sought increases in the rates. Many of the letters were plain propaganda, of course. It was a monumental job simply to separate the wheat from the chaff and bring all the available information bearing on the same subject together when it was needed.

I can imagine what would happen if the task of revising the tariff as a whole were turned over to the Tariff Commission. It would not relieve Congress of political pressure, but merely force those concerned in the revision to divide their time between Congress and the commission. The commission itself would be under a double pressure—from the tariff lobby and from Congress. And if the resulting revision proved unpopular with the country, as most revisions do, the whole subject would be thrown into the next political campaign with the usual demand for a change—a change in the tariff, in the White House, in the make-up of Congress, the make-up of the Tariff Commission, in methods of tariff tinkering. The whole trouble is that no tariff law can possibly satisfy everyone. And that keeps it in politics.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE NAVY

Mr. SNELL. Mr. Speaker, I call up House Resolution 353, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 353

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 550) entitled "A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes," and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of such bill. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC of Oklahoma. Mr. Speaker, ladies and gentlemen of the House, as I view this rule, it should not come up for consideration at this time, when there is business of far more importance than a piece of legislation which I dare say practically no one other than those on the Naval Committee has the least conception what it contains. I ask now if there is any Member on this floor who knows what is in this bill, other than the members of the Naval Committee. If there is, I want him to hold up his hand.

Mr. LaGUARDIA. I know what is in the bill.

Mr. McCLINTIC of Oklahoma. One other gentleman holds up his hand. Therefore, only two Members indicate that they know anything about the bill. It seems to me it would be in order to attempt to tell the Members of the

House something about what will be brought about if the bill is enacted into law. Section 1 provides that for every admiral there shall be 4 in the grade of captain, 7 in the grade of commander, 14 in the grade of lieutenant commander, and so on down to ensigns. In other words, you have an ultimate increase.

Section 2 provides for a selection board to convene once in each year, and there is nothing in this legislation to prevent a member of the selection board from passing upon his own promotion, and that is radically wrong.

Section 3 is a discrimination against naval officers who have come up from the ranks, and should be eliminated. There is a term in the Navy which they use to indicate naval officers who are not graduates of the Naval Academy. They call them mavericks. They want the Navy to be a silk-stocking Navy. They do not want the rank and file of the American people to ever be represented in the form of a naval officer. I am against any such discrimination. Whenever you build up a Navy or an Army without having officers in it that represent the rank and file of the people you destroy initiative and all of those virtues necessary to take care of an emergency, and you know it just as well as I do.

Section 4 relates to promotions, and unless amended it would have the effect of taking away the right of the President to appoint officers as guaranteed by the Constitution, Article II, section 2.

Section 5 relates to the disposition of officers who are not recommended for promotion and makes unjust discrimination between lieutenants who are graduates of the Naval Academy and those who are not by saying, "You can go down to the status of warrant officers."

Another discrimination, if you please, is against those who came up from the ranks and in favor of the graduates from the Naval Academy.

Section 6 relates to pay, and makes a special discrimination in favor of Naval Academy classes. It should be stricken from the bill for the reason that it gives Naval Academy students credit for one year when they only served a period of nine months.

Section 8 should be stricken from the bill for the reason that, according to our system of promotion which gives an officer a running mate, it would result in the promotion of two officers or the creation of two grades every time there was a fraction of a grade involved.

Section 9 was evidently put into the bill for the purpose of preventing captains and certain other officers being retired when they reach a certain age, thereby encumbering the promotion possibilities for those entitled to this consideration that have a lower rank.

In other words, this elimination makes it possible for Annapolis graduates to be commissioned in the future.

Section 10 would have the effect of causing every officer who was commended during the World War to receive special consideration of retirement by giving them a retirement status with an increased rank. In other words, by a special promotion system and a special selection system, it places all of the machinery that rightfully belongs to the Congress in the hands of a special board and allows them to run riot with procedure that ought not to be unless governed by law.

When this bill was considered before the Naval Affairs Committee, at first I thought it contained some merit. I was inclined to support the legislation, but when I made a careful study of it, dug into every phase of it, I found that the different sections of the bill will bring about, if I have interpreted them right, that which I have told you to-day.

So in the name of fairness, in the name of those officers who do not have any legislative rights, and who have no one to stand here and speak for them, I would ask you not to pass legislation that will wipe them out of service and bring about the kind of injustice and discrimination that should not be countenanced by this House. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I believe this bill should receive the serious consideration of the House.

There is one feature that I want to call to the attention of the House, that was brought to my attention in the hearing before the Rules Committee, and which has been referred to by the gentleman from Oklahoma [Mr. McCLINTIC].

I am sure there is not a man in this House who would admit he was a snob, or who would promote the creation of any caste in this country, but before the Rules Committee the chairman of the Naval Affairs Committee said in so many words, and I would like to have him explain in general debate more fully what he meant, that one of the purposes of this bill was to get rid, by retirement, of the men who came up from the ranks and became officers in the Navy because they just did not fit into the social situation. That is the way it was interpreted by myself and other Members, I am sure. If we are going to build up a military or naval caste in this country, it is time we paid some attention to it, and either do it deliberately or not do it indirectly. If it is the purpose of the bill to eliminate the so-called "mavericks," a term I resent, from the naval service by retiring them out, and that was the inference carried in the statement before the Rules Committee, no Member of the American Congress should ever vote for it.

Mr. McSWAIN. The gentleman will remember that the chairman of the Committee on Naval Affairs, the gentleman from Illinois [Mr. BRITTEN] stated on the floor of this House about a week ago that there were six or seven hundred officers who came up from the ranks during the war whom they desired to eliminate.

Mr. O'CONNOR of New York. Certainly.

Mr. McSWAIN. He told this House they desired to eliminate them. I say they are the backbone of the fighting men of this Navy. [Applause.] They will never be eliminated, however, with my consent.

It will be done over my protest if it is done.

Mr. O'CONNOR of New York. And it will be done over my protest, but the gentleman should not use all of my time. Before the Rules Committee the gentleman from Illinois gave the reason for eliminating them that they just did not fit into the "equation," and the inference was that they did not fit socially, and he did not deny he meant that inference.

Mr. BRITTEN. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BRITTEN. I would suggest to the gentleman and the preceding speaker that it is highly unfair to take this so-called backbone of the Navy and refer to them as mavericks.

Mr. O'CONNOR of New York. Well, I did not; you did.

Mr. BRITTEN. They are the best men in the service.

Mr. O'CONNOR of New York. It is time the gentleman said so.

Mr. McSWAIN. Why does the gentleman want to get rid of them? The gentleman said he did.

Mr. BRITTEN. Will the gentleman wait a moment please? I may say to both gentlemen that this bill to-day is written in their relief and was dictated by them.

Mr. McSWAIN. To scoot them out of the Navy. That is the way you want to get rid of them.

Mr. BRITTEN. No. We want to help them.

Mr. McSWAIN. How? Help them out? You said you wanted to get rid of them.

Mr. BRITTEN. Oh, no. The gentleman is entirely in error.

Mr. McSWAIN. Why, the gentleman said it standing right here on the floor of the House.

Mr. SNELL. Mr. Speaker, I move the previous question.

The question was taken; and on a division (demanded by Mr. SABATH) there were 115 ayes and 54 noes.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-two Members are present—a quorum.

The resolution was agreed to.

SECOND DEFICIENCY BILL

Mr. CRAMTON. Mr. Speaker, the conferees on the second deficiency bill have reached an agreement on the

greater part of the Senate amendments. The clerks are preparing the report. It must be acted on first in the Senate, and the House conferees would like to get approval of the report by the House to-night if it proves to be possible to do so.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE LINE OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 550, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, will the gentleman on the other side use a portion of his 30 minutes, and I hope it will not be necessary to use all of the time on either side, in order that we may expedite the business of the House.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman and members of the committee, notwithstanding the colloquy that occurred between the gentleman from South Carolina [Mr. MCSWAIN] and the gentleman from New York [Mr. O'CONNOR] and the chairman of the committee, I shall, in the brief time allotted to me, endeavor to point out to this committee the wisdom and justification in passing this legislation. I think I can prove conclusively to every member of the committee that the objections raised by the gentleman from New York [Mr. O'CONNOR] and the gentleman from South Carolina [Mr. MCSWAIN] are not founded upon facts, but, on the contrary, we are trying to do exactly what they would like to have done; that is, to protect the nongraduates who enlisted and who served during the war.

Mr. Chairman, the provisions of this bill are not new to the House, for this identical bill passed the House during the Seventieth Congress but died in the legislative jam in the Senate.

During this Congress the Senate has passed this measure. There is nothing new or radical in this bill. It simply smooths out the method of promotion now existing in the Navy and by certain provisions provides a safeguard for officers against elimination from the naval service without being given a chance or an opportunity of being selected and promoted.

At the very outset let me impress this one fact upon you—that this bill does not increase the total number of officers in the Navy by a single officer. The total number of officers in the Navy is regulated by law. Four per cent of the authorized enlisted strength of the Navy is the number of line officers authorized for the Navy, hence there are in the Navy 5,499 officers, and when this bill becomes a law there will be the same number of officers in the service. There is nothing in this bill authorizing the appointment of any additional admirals or captains. Under the law to-day, 1 per cent of the number of officers of the line in the Navy are admirals, which is 55; 4 per cent of the number of officers are captains, which is 220. There is not a single line in this bill which permits an additional admiral or captain to be created.

Let me call to your attention some of the results to be accomplished by this measure:

It will increase the regularity of periods or the length of time spent by each officer in each of the higher grades. Under the present law the period is irregular, an admiral spending a minimum of 8 years in that grade, whereas the normal length of time for the captain's grade is made 6 years, and for the commander's grade 5 years. The present law provides that officers who are not promoted to the grade of commander by the time they reach the age of 45, or to the grade of captain by the time they reach the age of 50, or to the grade of rear admiral by the time they reach the age of 56, shall be retired with a graded retirement pay of 2½ per cent of their base pay for each year's service they have rendered to the Government.

Under this bill admirals, captains, and commanders will spend 7 years in each of these grades, thereby equalizing the flow of promotion, affording better opportunity for acquiring the experience necessary for advanced rank and thereby increasing the efficiency of the officer personnel. This bill increases the length of time spent in the grade of captain by 1 year and in the grade of commander 2 years. This additional time spent in their respective grades qualifies them far better for higher command than the time spent under the present law.

By this bill we seek to increase the number of commanders 1 per cent. The law to-day specifies that 7 per cent of the total number of officers shall be commanders, which allows us 385 commanders. This bill proposes that 8 per cent of the officers be commanders, giving a total of 440 commanders, or an increase of 55. The percentage of commanders in the British Navy is 14.04, and they have to-day 691 commanders. The percentage of commanders in the Japanese Navy is 13.7, and they have to-day 518 commanders. Japan, with a navy three-fifths the size of our own, has to-day about 133 more commanders than have we. Under the law to-day we are entitled to 14 per cent of our line-officer strength in the grade of lieutenant commander, giving us 770 lieutenant commanders. This bill makes 15 per cent of the line-officer strength lieutenant commanders, or a total of 825, an increase of 55 lieutenant commanders. In the British Navy 27.68 per cent of its officers are lieutenant commanders, or 1,367. In Japan 20 per cent of its officers are lieutenant commanders, or 754. The slight increases provided for in these grades are compensated by reductions in the grade of lieutenant. But even with the very slight increases, the percentages are far below those prevailing in other navies.

Therefore, you will observe that the officer strength of the Navy has not been increased, but this bill merely rearranges the distribution in various ranks, increasing 1 per cent the number of commanders and lieutenant commanders, decreasing the number of lieutenants from 32½ to 30 per cent, and increasing the numbers in the two lower grades by one-half of 1 per cent. We have 1,787 lieutenants; we are reducing that 2½ per cent—down to 30 per cent—giving us 1,630 lieutenants. Likewise, we are increasing the total number of lieutenants (junior grade) and ensigns from 41½ to 42 per cent. To-day there are 2,282 lieutenants (junior grade) and ensigns, and under the proposed law the total number in that grade will be 2,309. Now, the object and reason that this is being done is on account of the changed characteristics of the present-day Navy. In 1916 the Navy was composed largely of battleships and armored cruisers, with a relatively small number of destroyers, submarines, and smaller craft. To-day the Navy is composed of a much smaller number of battleships and a very much larger number of light cruisers, destroyers, and submarines. The duty as a subordinate upon a large ship is quite different from the duty in command of a destroyer, costing $3,000,000, and moving with the speed of an express train. Where a lieutenant commander might then, and might now, perform the duties of first lieutenant on a battleship, a destroyer should be commanded by an officer with the rank of a commander. The submarines of 1916, which were then commanded by lieutenants, are small and antiquated ships compared to the submarines of to-day, and with the increase in the size of the submarine it has become necessary to assign to them officers with more rank and experience. Even on the battleships the great developments made in the electrical and mechanical appliances used in the control of gunfire have made it desirable that more experienced officers be assigned in charge of this all-important work on board the battleships. This redistribution in the grades is necessary for the most efficient operation of the Navy, but let me again

impress upon you that the total officer strength is not increased. We are merely changing the numbers in the grades of commander, lieutenant commander, lieutenant, lieutenant (junior grade), and ensign.

The bill also equalizes opportunity for selection as between the members of the same Naval Academy class and guarantees protection to the older officers in such class or group against retirement before receiving an opportunity for selection. Midshipmen enter the Naval Academy between the ages of 16 and 20. Under the present law the midshipmen who entered at 20 might have an opportunity of appearing before one selection board, whereas the officers who entered at 16 would have an opportunity of appearing before four selection boards. It is no fault of these officers that one happened to be older than another when he entered the Naval Academy, and it seems only fair that officers who enter the service at the same time should be granted equal opportunity for consideration for promotion, in spite of a slight difference in their ages. They have served the identical number of years and rendered almost identical service. The law that will be effective on March 5 unless this bill or other legislation is enacted will grossly discriminate against the officer who entered the service at a somewhat greater age than the average of his classmates. Without the passage of this bill 2 captains who have never been passed over by a selection board and 17 lieutenant commanders who have not been passed over by a selection board will be forced to retire prior to the 4th day of March, 1932. These are officers who are older than the average of their class and the selection boards have not gotten down to them. They would feel, and quite properly, that they had not been given an equal opportunity before the selection boards, and this would be true, but it would be no fault of the individual, only the fault that he happened to be a few months older than his classmates. Only one of all this number would be forced out if this bill passed. This bill seeks to correct this injustice and will necessarily add to the efficiency and morale of the naval service.

The bill evens out the number of selections for promotion to each grade annually, without increasing the actual number of promotions, which may remain subject to the occurrence of actual vacancies in the grade above. The number of officers who should be selected under ideal conditions for promotion to the next higher grade should be 14⅔ per cent of the number in that grade, that is one-seventh of the number in the grade; but ideal conditions do not exist in the line of the Navy. There are variations in the size of the classes; a large class will be followed by a small class, and a small class followed by a large class, and the actual number of vacancies will vary accordingly from year to year. This bill provides that not less than 10 per cent of the number in the next higher grade shall be selected, regardless of the actual vacancies in sight, but the officers selected shall not be promoted until the vacancies actually occur. Thus there will be selected each year not less than 22 commanders for promotion to captain, and not less than six captains for promotion to the grade of rear admiral. These officers are placed on a promotion list and they remain there until vacancies occur, when they are promoted in accordance with their standing on the promotion list to fill such vacancies. It might happen that in one year there would be only 2 or 3 vacancies in the grade of rear admiral, whereas in the following year there might be 12 or 14. In the first case, 6 captains would be selected, whereas there were only 3 vacancies in sight, but the 3 captains selected for whom no vacancies were available would remain on the promotion list until some of the vacancies that would occur in the following year actually became available, when they would be promoted to fill such vacancies. The excessive retirements from the first group of officers would be reduced and the excessive number of promotions from the second group of officers would be somewhat reduced, and a more nearly equitable opportunity for promotion given to both groups.

There would similarly be a minimum of 44 lieutenant commanders selected each year for promotion to commander. It is only under exceptional circumstances that the promotion list will be made use of, as I previously pointed out that under normal conditions the vacancies should equal 14⅔ per cent, instead of 10 per cent, which is provided for as the minimum number to be selected each year. This promotion list prevents excessive retirements in any one year and equalizes opportunity for promotion as between members of classes of varying sizes.

This bill safeguards the rights of an officer selected for promotion by insuring that once his name is on the promotion list it shall remain there until he is promoted, unless removed by the Secretary of the Navy for cause; and if, after his name has been removed, he is again selected for promotion, it insures that his name shall be reinstated on the promotion list in the position it occupied before it was removed.

This bill will accomplish a material improvement in the promotion system of the Navy, leading directly to increased efficiency because of the assurance of permanency of career and equal treatment accorded to all officers, subject, of course, to the normal competition with their contemporaries.

This bill provides that no excessive number of forced retirements can be made during any one year. The maximum number of captains that can be retired is limited to 23; the maximum number of commanders, 32; the maximum number of lieutenant commanders is 55. Under the present law there is great variation in the number that will be retired, due to the variation in the size of the classes.

Without the enactment of this bill, or similar legislation, it will be necessary for the class of 1912 to retire, in the year 1933, 62 lieutenant commanders out of a total of 99 at present in the class. These officers will be forced to retire after 21 years' service, at an average age of about 43½. This bill would restrict the number of these retirements to a maximum of 55 in that year, the Government retaining the services of the excess above 55, who would otherwise be retired. With a small class coming out the following year, this excess of 7 would probably be taken care of; but should the class of 1913 have more than 55 retirements, the 7 retained from 1912 and such additional number from 1913 as would bring the number up to 55 would be retired.

Protection is given to that large group of war-time officers, nongraduates, naval reservists, warrant officers, and former enlisted men who were, in 1920, amalgamated with the regular Navy. These nongraduate officers—I mean by that, officers who had not had the opportunity of going to the Naval Academy—were by the act of 1920 made regular officers in the Navy, and all the laws to-day relating to qualifications and promotions apply to these officers, and they are in competition with the graduates of the Naval Academy.

This bill seeks to protect these officers who rendered gallant and faithful service to the Government during the World War. Under the present law they must meet in competition with every officer that graduated from the Naval Academy, must pass the identical examination, and must qualify in exactly the same manner for promotion. On account of their limited educational qualifications a great many of these brave officers can not meet the acid test. It would be a hardship for these officers, who have rendered the service they have, to be thrown out of the service, and this bill permits them to retire after reaching the age of 45 or after 20 years of total service, with retired pay based upon the length of time they have served the Government.

If this measure is not enacted, these officers who fail are discharged with one year's pay, or those officers who were former warrant officers must revert to their former warrant status. For one, I am opposed to the hardship the present law imposes on these officers. It is nothing but fair, after they have served the Government in time of war, that they should be taken care of, and unless this measure is enacted they are kicked out of the service with one year's pay.

Let me impress this one fact: This bill does not make any increase in the number of officers in the service. It merely readjusts the percentage in several grades in order to make a more regular flow of promotion and afford more equal opportunity for promotion to the officers. It creates a pro-

motion list, but no promotion can be made until an actual vacancy occurs. It merely permits the selection board to select officers, place their names on the promotion list where their names remain until a vacancy actually exists, when they fill such vacancies in order of seniority. This bill will greatly improve the conditions and enhance the efficiency of the naval service, and by all means it safeguards and protects the rights of the nongraduate officers who amalgamated in the service in 1920, and takes care of these brave and patriotic officers who served the Government in time of war.

The distinguished gentleman from Idaho [Mr. FRENCH], the vice chairman of the Joint Pay Committee and the chairman of the Naval Appropriations Subcommittee, has objected to all personnel legislation on the ground that the Pay Committee is considering this subject matter and that any legislation along this line would tend to embarrass the work of the Joint Pay Committee.

With all deference to the distinguished gentleman from Idaho, in my opinion his ground for objection is baseless. The Joint Pay Committee when it was created by Congress was given jurisdiction only over the question of pay. By that resolution Congress did not confer upon the Joint Pay Committee the authority to deal with the question of promotions, or the distribution of officers in the various grades.

The Joint Pay Committee's jurisdiction by the very language of the resolution is confined exclusively to the question of pay. As an evidence of the correctness of my statement, he has offered in the House a resolution extending the life of the Joint Pay Committee and broadening its jurisdiction to deal not only with the question of pay, but, to use his own language, "distribution in grade and promotion of commissioned personnel of the services."

The enactment of this measure should not in the slightest degree embarrass or hamper the work of the Joint Pay Committee, but on the contrary it should aid the Joint Pay Committee, for Congress will have determined the grades and promotions prior to the Joint Pay Committee fixing the pay.

The gentleman from Idaho, in his remarks on this subject to the House, suggested "that promotion legislation should go hand in hand with pay legislation, or should precede it." Now the Joint Pay Committee not having the jurisdiction to consider promotion legislation, we are doing as the gentleman from Idaho suggested, seeking to enact a measure that should precede the work of the Joint Pay Committee.

The gentleman from Idaho suggested that promotion legislation should go hand in hand with pay legislation or should precede it. All we are seeking to do by this measure is to precede the pay committee's conclusions and findings, for by doing so—that is, settling the promotion legislation—it enables the pay committee to make a correct statement as to what the total cost of the service will be.

It would be putting the cart before the horse to enact pay legislation and then follow it with promotion legislation. The proper way to legislate is to create the grades and then apply the pay to the grades, so let no Member become confused that this bill is interfering with the work of the pay committee. As I have previously stated, it should aid the pay committee in its work.

The Joint Pay Committee was created more than a year ago and, I grant you, has collected voluminous data; but up to this hour neither the distinguished gentleman from Idaho nor the chairman of the committee has called a single hearing. For over a year they have been investigating and studying the question of pay, and yet no decision has been reached. Now they seek to broaden their jurisdiction to take in the question of promotion, and, basing the future upon the past, it will be many years before a report is submitted to Congress. The legislative committees dealing with these services should not surrender this jurisdiction to the Joint Pay Committee.

The 63 members of the Military Affairs, the Interstate and Foreign Commerce, and the Naval Affairs Committees, in my humble judgment, are amply qualified to handle the question of personnel legislation for their respective services. It would be an enormous additional burden placed upon the Joint Pay Committee, and if the Joint Pay Committee has not, in dealing with the question of pay, been able to have a hearing after a lapse of one year on that question, I grant you there would be no telling, if other subject matter were brought into the consideration of the Joint Pay Committee, when a final decision would be reached.

The distinguished gentleman from Idaho has at various times contended that no personnel legislation should be enacted because it would be piecemeal legislation and might hamper the enactment of general legislation which he so greatly desires.

Now, what does the gentleman from Idaho desire? He desires a unified promotion law for the Army, the Navy, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service. It is his dream and desire that there be one promotion law for these various services, that an officer in the Army reaches a certain rank at a certain age; that an officer in the Navy, Coast Guard, and these other services should have the same rank at the same age.

This is beautiful in theory but impracticable of attainment. The requirements of the Navy are far different from the requirements of the Army. The organization of a regiment differs materially from the organization of a ship. The number of admirals in a fleet has no relation whatever to the number of generals required in an army, but the number of admirals required is dependent upon the units composing the fleet, and the tasks to be performed, and the number of generals is similarly dependent upon the number of units composing the Army and the tasks to be performed. The number of units may differ greatly and the tasks are far different. The number of lieutenants on a battleship depends in part upon the number of turrets, and two ships of relatively the same size will require a different number of officers if they have a varying number of turrets or if their engineering power differs materially. The Navy requires a definite number of officers in each grade to perform certain definite tasks that must be performed, but there is no justification for assigning more or less officers to the Navy than are required just because some other service needs a greater or a fewer number. Why should an officer of the Navy be promoted because an officer in the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Army, or the Public Health Service is promoted, or vice versa? The distribution of officers in each of the services and the promotion in each of the services must be based upon the needs of that service and not upon the needs of some other service.

In the Navy we have two systems of promotion. From ensign up to commander, promotion is by seniority; from commander to admiral, promotion is by selection, a board being appointed that selects officers regardless of seniority to fill vacancies in the next higher grade. In the Army an entirely different system prevails; the principle of seniority runs from second lieutenant to colonel, and only the generals are selected. Where systems of promotion differ so radically, it is not possible to have one law dealing with promotion of the various services. The Joint Pay and Promotion Board from the various services worked all last summer in an endeavor to reconcile their differences and to evolve some system that would insure to the officers of all services promotion to corresponding grades at approximately equal age, but the situation in the services was so different that it was not possible for the Army to even approximate the system in vogue in the Navy and even those concessions which they did make were rejected by the Secretary of War. The work of the Coast Guard and the Public Health Services is of a very different character than the work of the Navy and the conditions existing in those services differ materially from those in the Navy. So you can readily see that the gentleman from Idaho's contention is not sound. It is not feasible to have a unified promotion law applying to the various services. The very Joint Pay and Promotion Board which worked last summer combined under a single heading six separate and distinct bills, which, while they might be referred to as a single bill, were in reality six bills.

The bill now under consideration was taken by the other services as the foundation of the report which they made to the Joint Pay Committee. The enactment of this measure should not in the slightest degree embarrass the work of the distinguished gentleman from Idaho and the other distinguished members of the Joint Pay Committee. I most seriously object to broadening the jurisdiction of the Joint Pay Committee to include the question of promotion. That should be left with the Legislative Committee, and what we are seeking here is to comply with the statement of the gentleman from Idaho that promotion should go hand in hand with pay legislation or should precede it. We are seeking to precede pay legislation with this constructive piece of personnel legislation, which is vitally necessary for the Navy at this time.

Mr. BRITTEN. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BRITTEN. The gentleman in his haste has forgotten that in the Navy supply bill which was passed day before yesterday the very provision that is in the present bill was inserted and was agreed to by the conferees, and this permits these very able men to retire of their own volition. In other words, it does the very thing that this bill does, and it is a relief measure, gentlemen.

Mr. VINSON of Georgia. Of course, it is a relief measure to these men who are involved.

Let me call the attention of the gentleman from South Carolina [Mr. McSWAIN] to the fact that under the law to-day if these men can not meet in competition the graduates of the Naval Academy and can not make the grade, they are to be kicked out of the service with one year's pay.

What do we propose to do? We propose that these nongraduates shall continue to stay in the Navy until they have served 20 years, all time counted, and then be put upon the retired list, if he fails to qualify.

Now, who is protecting these nongraduates? Is it the gentleman from Oklahoma [Mr. McCLINTIC] or the gentleman from New York [Mr. O'CONNOR]? This bill is protecting them by according them the same right and the same advantage that a graduate of the Naval Academy would have.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. VINSON of Georgia. Yes.

Mr. McSWAIN. What does the gentleman mean by "all service counted"? Does that mean counting the time from the day he enlisted up to the present time?

Mr. VINSON of Georgia. If he were a warrant officer, and under the law as it is to-day he failed to pass the examination, he would revert to his former status or be kicked out of the Navy. If he fails to pass the examination, we would permit him to count the time that he served as a warrant officer, in making up his 20 years' service, giving him 2½ per cent of his base pay.

Mr. BRITTEN. In other words, his total time in the Navy is computed, not only his time in the warrant-officer grade but also his time as an enlisted man?

Mr. VINSON of Georgia. Exactly.

Mr. McSWAIN. And there is hardly one of them who has not already been in the Navy 20 years from the day he enlisted up to the present time.

Mr. VINSON of Georgia. The gentleman is absolutely mistaken.

Mr. McSWAIN. They can not be commissioned under 16 years of age.

Mr. VINSON of Georgia. The gentleman is mistaken. The bulk of these men received commissions as emergency officers, and in 1920 came into the Navy. They have a regular Navy status and have approximately 10 years more to serve in the Navy; and if we do not pass this bill by the 5th day of March, these men who served their country in time of war, who were not educated at the Naval Academy, will be kicked out with one year's pay. These are the very men that the gentleman from Illinois and myself, and the other members of the committee, except the gentleman from Oklahoma and the gentleman from Texas, are fighting to protect.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LaGUARDIA. Is not the main purpose of the bill to increase the percentage of commanders to take care of that hump, and then have it apply all the way through, and is it not also true that by doing this you will not appreciably increase the appropriation by reason of the fogies?

Mr. VINSON of Georgia. It will decrease the appropriation. Here is a table running over a period of 20 years and this shows that the first reduction in 1931 is $15,000, and then in 1932 it amounts to $64,000, and in 1933 there will be a reduction of $108,000, and so on down the list with a reduction every year until 1947.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, the gentleman from Georgia [Mr. VINSON], who has just spoken, has proceeded with the apparent prescience of a seer in undertaking to anticipate what I should say to the House. The main objection that he directs against me is that the Joint Pay Committee did not report a pay bill. I recognize that there are several factors touching pay that involve consideration of inequalities, but, generally speaking, the problem involved increase not readjustment of pay. Our joint committee felt that no adequate pay bill could be passed in advance of promotion legislation and this we felt should be general and be handled at one time for all the services involved.

Again with world-wide economic depression the Joint Pay Committee felt that this was not the time to report out a pay bill, and I think so now. Officers generally are not feeling this depression as are others. I tell the gentleman and tell this House that if there is any group in the country that is favored above another from the standpoint of ability of its every member to have his pay check cashed every time it is received in the envelope and what it stands for by way of salary allowances and retirement, it is the officer of the Navy, the Marine Corps, the Army. [Applause.]

Now, then, for this bill. I did not propose to take very much time and do not want to. Now is not a good time to consider this promotion bill because in the rush of the closing hours it can not receive adequate attention.

Again, promotion legislation for one service should not be considered independently of promotion plans for the other services.

The Navy, the Marine Corps, the Army, Coast and Geodetic Survey, the Public Health Service, all from the standpoint of personnel and promotion are kindred. Promotion legislation and pay legislation should be considered for all these services at a given time. If we attempt to handle the matter by piecemeal legislation and if we shall pass the pending bill fixing promotion for the Navy, the very features of the measure that will give advantageous status to naval officers will be used as the basis of demands in the next Congress for each of the several services.

In other words, if we enact piecemeal legislation such as this, we do something that will come back to plague us in other Congresses when we shall be called upon to consider other legislation affecting other kindred groups.

But this bill is inconsistent with our action of yesterday. It contains language touching the graduations of the Naval Academy at Annapolis which, if it becomes law, in my judgment, will repeal the amendment that was placed upon the naval appropriation bill which provides for commissioning as ensigns all the graduating class of 1931. Upon this subject I have spoken to the chairman of the committee. He thinks there is some doubt about it. There ought not to be any doubt. We ought to write clearly into this bill language that will not be in conflict with what we approved yesterday with regard to the graduates at Annapolis.

Mr. BRITTEN. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. BRITTEN. If, as the gentleman contends, this bill does repeal what we did the day before yesterday, then it will be doing precisely what the gentleman desires. Why should the gentleman complain?

Mr. FRENCH. Oh, no; the gentleman is begging the question when he proposes that. I might have my individual notion, but when the Congress of the United States acts

one day it ought not to be called upon by the distinguished gentleman from Illinois to reverse its action upon the day following. That is what the gentleman is proposing here.

When we come to the provision for the emergency officers, the gentleman who preceded me referred to them and said this language is practically the spirit of the language carried in the appropriation bill. Again I am certain the gentleman is in error. Under the language of the appropriation bill of yesterday, which, by the way, is the language of another bill reported by the Naval Affairs Committee, the emergency officers are permitted to retire after certain length of service, but under this bill they are required to do so if they fail to pass certain examinations.

Mr. VINSON of Georgia. Under the law to-day they would be kicked out.

Mr. FRENCH. No. I am talking about the law which was passed yesterday. Under the law passed yesterday they are permitted to resign. Under the law proposed to-day you are forcing them out.

Mr. VINSON of Georgia. If a man stands an examination to-day and fails, he goes out with one year's pay. Under this bill if he fails he goes out with his proper retirement.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. FRENCH] has expired.

Mr. BRITTEN. I yield to the gentleman from Idaho two additional minutes.

Mr. FRENCH. My friend from Georgia forgets that the language of the appropriation measure of yesterday will supersede the former law to which he refers.

In the minute that I have left, may I emphasize again the unwisdom of piecemeal legislation by citing two or three illustrations to show how special consideration given to one branch of the service is seized upon at once for similar legislation for the other. Last spring a bill was passed providing for adjusting the salaries of the Naval Academy Band. Within 24 hours after that bill had passed, a colonel in the Army, a friend of mine, was in my office, and he brought his fist down on my desk and he said, "We have got to do that for the band leaders at West Point"; not that they needed it, but just because it was being done for the Navy.

I have in my hand another bill reported by the gentleman's committee, the Naval Affairs Committee, providing for the retirement of three officers of the Navy. This bill is on the calendar. May I read one sentence of the report as to why that bill should pass.

"The Congress on the 1st of July, 1890, passed an identical law for the Army officers, and so forth." In other words, what had been done 40 years ago for certain Army officers must now be done for officers of the Navy.

Gentlemen, if you pass the bill that is before you this evening, the Army officers next year will come to you and want everything that is more advantageous than what they are receiving in the Army now applied to them. Then next year, if you pass a bill fixing the pay or compensation or promotion for the officers of the Army, every officer of the Navy will come in and want you to do the same thing for the officers of the Navy, if by any chance you give an Army officer an advantage. That is the viciousness of this legislation. There should be a joint pay committee. There should be a joint promotion committee. Personally, I should be glad to be spared from service upon either one of them, but let some committee handle the question that could consider promotion and pay for all services at one common time. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BRITTEN. Mr. Chairman, I yield three minutes to myself.

Ladies and gentlemen of the committee, the gentleman who has just preceded me has not made one objection to the principles of this bill. The gentleman says, generally speaking, and he is correct, the pay and promotion should some day be cared for by some committee. That is all right, but that is not being done now, and the gentleman's committee dies on March 4.

The truth of the matter about this legislation is that in the Seventieth Congress it was passed unanimously by the House in its present form. It went to the Senate where it died in the legislative jam over there. Since then the Senate has passed it unanimously, just as it was passed by us in the previous Congress.

This legislation is desired by the administration, by the officers and men of the Navy, and when I say "men," I am thinking about the men that my friend Mr. MCSWAIN is thinking about. This bill is a relief bill for them; men who have come up from the ranks and have become officers of the Navy. They have written certain legislation into this bill, through the committee, and we are aiming to aid their desires. No one wants to get them out of the service. They are the backbone of the service.

Mr. McSWAIN. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. McSWAIN. Was it a slip of the tongue when the gentleman said about a week ago, standing right over there on the floor, "We want to get rid of them"?

Mr. BRITTEN. My impression is I said we wanted to get rid of that hump in the service.

Mr. McSWAIN. Well, they make the hump.

Mr. BRITTEN. Of course, the gentleman is placing a wrong conclusion on what I said. They are in the Navy. We want to relieve those men from their present position. On the day before yesterday the naval supply bill for which the gentleman voted carried the very language that is in this bill, with this exception:

The language in the supply bill said that these men may retire now. It said nothing about length of service or age. The language of this bill says these men may retire provided they have had 20 years' service or have reached 45 years of age. They may retire. There is nothing compulsory about it at all. The gentleman himself does not have any higher regard for those men than I have. They should be kept in the service if they want to stay there and if they can qualify. They are very valuable.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I yield myself two additional minutes. Now, as to this bill. In 1916, 15 years ago, we passed line-personnel legislation in this House, and since then we have not passed any except an occasional bill. The line has withstood the rigors of time for 15 years, with the exception of these few suggested amendments. These amendments iron out a number of difficulties in the old act of 1916. It neutralizes the prospects of promotion as between large and small classes. Some classes coming out of the Naval Academy have been very large, so that competition for promotion in those classes is severe. A subsequent class may be very small and competition for promotion in that class, of course, is less severe.

Mr. BLANTON. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. After spending four years to educate an officer in the Navy, does the gentleman believe in retiring him at the age of 45, when he is able-bodied?

Mr. BRITTEN. No; I do not.

Mr. BLANTON. Officers could be retired under this bill when they have had 20 years' service, or reached 45 years of age.

Mr. BRITTEN. The gentleman does not understand the bill. It has nothing to do with men at the Naval Academy, the provision the gentleman is talking about.

Mr. BLANTON. I understand the bill thoroughly. Under it 600 officers will be retired, either because they have had 20 years' service or have reached the age of 45 years. I am not in favor of retiring any able-bodied men at the age of 45 years. I do not care where he comes from or in what department he serves.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SANDERS].

Mr. SANDERS of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and to include therein quotations from the hearings and from various other articles and documents bearing on this question.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SANDERS of Texas. Mr. Chairman, ladies and gentlemen of the committee, this is one of the most vicious and pernicious bills that has ever been brought up in the American Congress for consideration. [Applause.] It was conceived in favoritism. It was based upon the testimony of only two witnesses, and I have never seen such side-stepping and dodging in all my experience as a Member of the House. It does not represent the hope and the aspirations of the great body of officers in the American Navy. In opposing this bill I am doing so not because I am not in favor of a Navy, because the Constitution of the United States makes it our duty to establish and maintain a Navy, but because of the fact, my friends, it is one of the worst blows that can be struck at the Navy.

I was surprised at my friend Mr. VINSON. I want to say to you I have great admiration for him, because I believe he is one of the smartest men I ever saw. When we had hearings upon this bill my good friend the distinguished chairman of this committee said he did not know much about it. Let me quote his language, and then I want to get to the gentleman from Georgia [Mr. VINSON]. The gentleman from Oklahoma [Mr. MCCLINTIC] asked everybody in this House who understood this bill to hold up their hands, and only three hands went up. Here is what Mr. BRITTEN said about the bill:

Mr. BRITTEN. I am very dense on it. Let me put it in my own way. You are going to promote a number of lieutenants to lieutenant commanders the first year if this bill goes into effect, are you not?

Admiral LEIGH. Yes, sir.

Mr. BRITTEN. Why are you not going to do that same thing in the tenth year if this bill goes into effect; and if you do, why will it not affect them in the tenth year the same as it does in the first year, the second year, and the third year?

Admiral LEIGH. Because they will have reached by length of service a pay grade that will not increase their pay when they are promoted.

Mr. BRITTEN. That is too deep for me.

I want to call Mr. VINSON's attention to page 3302 of the hearings. He said:

Now, I think that you are making fish of one and fowl of the other on account of the age.

Therefore, if this bill is too deep for the chairman and if Mr. VINSON, who knows so much about it, says that they are trying to make fish of one and fowl of the other, I do not see how any of the other Members on the floor can understand it. That, my friends, was a quotation from the first hearings; and in the second hearings, on page 437, we find Mr. VINSON saying:

Mr. VINSON. What effect would this bill have on the retirement budget? How much would it increase it? I refer to the retirement pay. Are you not building up a very large retirement obligation against the Treasury?

Admiral LEIGH. No, sir.

Mr. VINSON. Is it not a fact that officers would be weeded out under this bill faster than under present law?

Admiral LEIGH. They would go out in the lower grades faster but their pay on the retired list would be less. The less years they have served the less would be their pay on the retired list.

Mr. VINSON. But they would receive 75 per cent of their base pay on the retired list. That is the maximum.

It has been stated that this bill would cause no additional expense. The Secretary of the Navy sent a letter to us, and he said that the expense would be increased by $31,000 each year for the first three years and after that it would be decreased, that there will be a saving in 1940.

I am not interested in saving money in 1940. I would like to save a little in this year of our Lord 1931. [Applause.]

Mr. BRITTEN. Will the gentleman yield there?

Mr. SANDERS of Texas. Yes.

Mr. BRITTEN. In the very letter that the gentleman refers to from the Secretary of the Navy he states that in 1931 there will be a saving of $15,000.

Mr. SANDERS of Texas. Well, since the gentleman from Illinois [Mr. BRITTEN] refers to that, I want to state to him that I am standing now where he did six years ago in a letter that he then wrote.

Mr. BRITTEN. In other words, is the gentleman admitting he knows nothing about the bill now?

Mr. SANDERS of Texas. I have not admitted in the record that I am "dense" on it or that it is "too deep for me." [Laughter.]

I want to say to you, my friends, the trouble about this bill is that it was conceived in favoritism. I have here on the table a book which was written by a high naval officer and if the Members of the Congress could read this book and see what this legislation is trying to do, it would not get 36 votes in this House. You are taking it on faith.

I started to tell you a negro story just then. You do not understand the bill. You failed to hold up your hands and indicated that you did not understand it.

A colored boy went into court and the judge informed him of his rights under the law and the boy said, "Well, Judge, I believe I will just impose myself on the ignorance of the court and the mercy of the jury," and that is what you are doing here with this legislation. [Laughter.]

But the gentleman from Illinois [Mr. BRITTEN] sidetracked me a moment ago. Let me call your attention to this quotation in a letter that he wrote on June 19, 1924:

Some nine years ago Congress substituted for existing law a provision for "selection up" in the Navy.

It was the thought of Congress that promotion by seniority was wrong in principle, and that selection would provide an incentive for advancement, which, in turn, would promote ambition, thrift, constancy, and efficiency in the Navy.

In other words, an opportunity for promotion ahead of his class was to be given the ambitious, progressive, superior-minded young officer.

I think that the Navy generally has already indicated its disappointment in some of the selections for promotions, and that it feels that "real" selection up does not prevail.

Selection boards are too often composed of the same members who sat on preceding boards, and this fact may work against the best interests of a selective system.

For the past five years it has been quite evident to me that a select ring of Washington line officers have thoroughly dominated the Navy and have assigned to themselves—and to their friends—all of the military and social plums.

The Naval Academy, London and Paris embassies, command of the fleets, special European assignments, Mediterranean cruises, and topside Washington appointments have been jealously parceled out to those in the "butterfly" set, and to none others, and I might say that this condition is not too happily received by the officer aboard ship who is on the outside looking in.

It is no wonder that so many Members, in response to the invitation of the gentleman from Oklahoma [Mr. MCCLINTIC], acknowledged they did not know anything about this bill. It is highly technical. It was drawn that way on purpose. It was drawn by disciples of Talleyrand, who claimed that the "proper use of language is to conceal ideas." I do not know how I could better illustrate its technicality than to give you an example. I received a letter from a railroad man, who said:

DEAR MR. SANDERS: We'd just pulled the drag off the main stem onto the two streaks of rust, but she hung over. The hoghead was down on the ground greasing the pig, and the tallow pot was up on the deck crackin' diamonds. The con was in the doghouse fumblin' tissues, and the hind shack was cooling a red hub; he ought to been a tryin' to put 15 sticks between him and the hind end. I was up a head bendin' the rails when the streak of varnish and plate glass came round the bend. The eagle eye seen us and throwed her in the big hole on two streams of seashore, but he'd been pounding her over the back, and they slid into us.

Of course, I did not understand that language, because it resembled a naval personnel bill so much. Hence, I wrote to my friend and asked him if he would not give me that same thought in my native tongue, and this he did, and this is the explanation:

MY DEAR MR. SANDERS: The interpretation of that letter is as follows: We had just pulled in front of the main track to the siding but the rear end of the train was not into clear. I was up ahead of the locomotive reversing an intermediate switch, so that we could complete the movement. The engineer was on the ground oiling the locomotive. The fireman was on the deck of the engine breaking up some large lumps of coal to firing size. The conductor was in the caboose checking over his copies of train orders, and the rear brakeman was cooling a heated journal under one of the cars, instead of attempting to get back the required 15 telegraph poles from the rear of the train in order to afford the necessary flag protection against following trains. Just then the passenger train came round the curve and while the engineer saw our train and made an emergency application of the airbrakes, in

addition to sanding both rails; he had been running at such high speed that the efforts were futile, and the train collided with ours.

In the report of this bill the chairman of our committee says in part:

This system of promotion has been in effect for over 13 years and has in the main proved satisfactory.

Now, if that be true, what is the necessity of rushing this bill in here in the last days of this session under a rule which does not afford that full and free discussion that ought to be given to this bill?

This is a similar bill to H. R. 13683, upon which hearings were held in 1928. Prior to that time hearings were held on a similar bill. When this bill, now styled H. R. 1190, was taken up for consideration before the Naval Affairs Committee on May 21, 1928, Mr. VINSON of Georgia said (p. 3213 of the hearings):

Mr. Chairman, I want to make this comment for the record. At the beginning of this session we promptly took up the Navy building program and passed it. It is still in the Senate. Much to our regret, it does not look like it is going through. Now, we are asked at the end of the session to take up the personnel legislation and a building program all in one year, for the reason that whenever we finish a building program then the Navy has nothing else to do but bring up legislation for the personnel.

Now, I am perfectly willing to take up each subject during one session of Congress, but I think we ought to establish a policy that in the years when we build ships there will be no promotions and in the years when we do not build ships then we will hear the Navy on promotions. They are pressing us a little too fast now, building ships and promoting officers at the same time. I am willing to take up one subject at each session of Congress and let the Navy Department select it, but I, speaking as one Member, am unwilling to go in and build ships and promote officers in the same year, because they have only two things to do in the Navy, either to build ships or to promote officers. I am perfectly willing to give them one year on each one, but after that one subject has been disposed of we should stop for that session and not work this committee further along that line.

They then called Admiral Leigh, who on page 3216 of the hearings states:

Because of the faults of the present system, that of selection up, rather than selection out—that is to say, selection of officers for promotion as those best fitted to perform the duties of the next higher grade rather than selection for retirement of those least efficient—was instituted by the act of August 29, 1916. By this system annually a board of nine rear admirals is convened to select for promotion to the grade of rear admiral, captain, and commander those officers, in number equal to the prospective vacancies during the ensuing year, who are best fitted among those officers eligible for such selection (by reason of having spent at least four years in their grade) to discharge the duties of the next higher grade. This system has been in effect for nearly 12 years, and has in the main proved satisfactory.

Then, if this system has been in effect so long as that, and it had the O. K. of the Navy Department or it would never have been passed, why change it? Then the admiral further says:

Referring directly now to the bill, section 1 of which provides for a change in the percentage distribution by increasing the previous percentages of 7 in the grade of commander and 14 in the grade of lieutenant commander to 8 and 15, respectively. With the present authorized strength of the Navy this will have the effect of adding 55 commanders and 55 lieutenant commanders.

Then why this in peace times? I read further from the hearings:

Mr. VINSON. You have 83,000 enlisted men in the Navy?

Admiral LEIGH. Eighty-three thousand two hundred and fifty.

Mr. VINSON. Yes; but you have based your calculation upon an authorized enlisted strength of 137,485, giving you 5,499 officers to command 83,500 men.

Admiral LEIGH. Yes, sir.

* * * * * * *

Mr. VINSON. Admiral, is it not a fact that you have not a place to assign one admiral, and therefore he is not assigned to duty at all, and has not been for six months?

Admiral LEIGH. I have three vacancies now, sir, to which I would like to assign admirals.

Mr. VINSON. Is it not a fact that a vacancy has been pending at the New York yard for six months, with one admiral floating around with no assignment?

Admiral LEIGH. There has been a vacancy pending since the 15th of February. (This testimony was given on May 21, 1928.)

Mr. VINSON. You have three vacancies that you want to put admirals in; yet you have one admiral who is not assigned to duty?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Who is drawing pay as an admiral, and the Government is paying him every month, and yet the Government is not getting any benefit of his services?

Admiral LEIGH. Well, I do not know.

Mr. VINSON. If you do not want me to conclude that you have more admirals than we need, why do you not assign them?

Admiral LEIGH. There are special reasons why the Secretary of the Navy does not assign that particular admiral to duty. He feels that it is for the best interests of the Naval Service not to assign him at present.

Mr. VINSON. Then why should the Navy pay him and not assign him to duty?

Mr. BRITTEN. Is he not assigned to duty?

Admiral LEIGH. No, sir; he is not assigned to duty.

Mr. VINSON. We are now dealing with the question of percentage in officers. We are confronted right now with a case where you have vacancies and one admiral not assigned to duty. We are going to let the Government continue to pay the officers who are not assigned to duty while we have vacancies?

Admiral LEIGH. I think we are going to let the Government continue to pay for a certain length of time.

Mr. VINSON. Why does it not follow then that we have too many admirals? If we have one admiral that we can not assign and one that we have got to pay, why should not Congress step in and say, "There are too many in the grade of admiral, and we should cut them down"? * * *

* * * * * * *

Mr. VINSON. Of course, I would not for one moment suggest to the department the assignment of any officer. That is a matter with which this committee has nothing to do. But my point is this: We have one admiral to-day who has no assignment; and you can not escape this conclusion: Either you have got too many admirals or the admiral should be put to work. The Government is under no obligation to pay the admiral his full salary unless he is performing some duty. Then there are other things to deal with. But the point is, Why should the Government waste $13,000 a year for which the Government is getting no service? * * *

Admiral LEIGH. The pay of an admiral is $9,700.

Mr. VINSON. You propose to add 55 more commanders. That would make 467. Is that correct?

Admiral LEIGH. Yes, sir. * * *

Mr. VINSON. Admiral, how many officers have you stationed in Washington city?

Admiral LEIGH. This shows 454.

On pages 3238–3239 of the hearings it will be seen that we have three admirals writing a history of the World War. That war has been over 13 years, and yet they have not completed the book and do not know when they will complete it. These hearings were resumed on pages 3242–3243 of the hearings, and it shows that this history writing is going on at an extra cost of $8,000 per year.

Mr. VINSON. When will the public read this book?

Mr. BRITTEN. The public will not read it, but their children will.

Page 3249 of the hearings:

Mr. VINSON. They take the last five on the list and promote them?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Now, is that not satisfactory to-day?

Admiral LEIGH. No; that is not satisfactory, for this reason——

Mr. VINSON (interposing). Wait one minute. You propose then that the selection board shall have the right, under your bill, to select from the same list of 125 five men and put them on a preferential list, and the only difference between your proposal and the law is merely putting them on a preferential list?

Mr. BRITTEN. Oh, no.

Mr. VINSON. Wait one minute. If you have five vacancies to-day, under your bill, the selection board would select only 10 per cent of your rank of admirals, which would be five, and they could take the last five men and promote them under this bill, could they not?

Admiral LEIGH. Surely.

Mr. VINSON. That is exactly what you are doing to-day, is it not?

Admiral LEIGH. Yes, sir.

Then why change, I ask in all seriousness?

* * * * * * *

Mr. VINSON. Then, why would you not be jumping two officers over the balance of the captains when there is no vacancy to fill?

Admiral LEIGH. I do not think that would be true at all.

Mr. VINSON. You have two vacancies in the grade of rear admiral, and under this plan you would select five captains, although you would only promote two of them to the grade of rear admiral. Then you would put three captains on this preferential list to wait until another vacancy in the grade of rear admiral occurred?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Then, if you did that, would you not somewhat embarrass every officer, except those first two, in the rank of captain, by selecting them from the entire list of captains and jumping them over a great many others? By putting them on the preferential list you jump them over the others, and they must stand there some years waiting promotion. For instance, you could take the one hundred and fiftieth man, you could take the thirtieth man, you could take the fifty-sixth man, and so on down the list, and yet make only two appointments or promotions.

Then the balance of the captains could say, "They jumped us over this year; there is no vacancy but they have a preferential list of three captains." They would have to wait another year, because they would have been jumped over. The selection board changes every year, and the next selection board, under this system might not have jumped over a single one of those men, but they would have the preferential list and would be bound by it. It occurs to me that you would affect the morale of the officers of that list when you have a preferential list standing in his way.

Admiral LEIGH. I do not know. Of course, there is another opinion about this matter, but I do not agree with you that it would affect the morale.

Mr. VINSON. It would embarrass them.

* * * * * * *

Mr. VINSON. What about the officers on the list? You might have the one hundred and fiftieth man on the preferential list; there might not be a vacancy for the year, but he would be promoted when the vacancy occurred. There would have been a whole year in which the men who were jumped over, if they were qualified, could have helped to fill the vacancy. It seems to me that would be a benefit in itself, because they would be eligible for the vacancies that occurred during the year in which the vacancies would run to this preferential list.

Admiral LEIGH. You are getting down to one of the points that we want to avoid. We want to get the best officers in the service. They are the officers we are trying to promote, and that is what the selection board is for.

Mr. VINSON. You are actually doing that to-day, are you not?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Then why the necessity of this law? You are getting the best officers now, under the present system, are you not?

Admiral LEIGH. Yes, sir.

On pages 3254–3255 of the hearings, Mr. HALE asks some very important questions which indicates that he has some doubt about this bill, and then Mr. VINSON makes the remark:

From what Mr. HALE says, it seems to me that you would be precluding new blood from filling vacancies at that time.

Page 3256 of the hearings indicates that Mr. DREWRY has some doubt about the merit of this bill, for we find him making the observation:

It seems to me there is very little difference between the present law and what you want. I suppose this bill was called for by your desire to be fair to certain men who, by reason of vacancies, would be entitled to promotion, but who, because of the fact that the selection board does not meet until a later time, might not be promoted—that is, something might happen that would prevent it. Now, you want to be fair to those men and give them an opportunity to be promoted to a higher rank, if possible. That is the idea back of the bill, I suppose.

Admiral LEIGH. No, sir; that is only one idea. That is part of it.

Mr. DREWRY. That seems to be the main idea, to my mind. If I were an officer in the Navy, it seems to me that I would think it was just and fair to take my chances when the selection board met. Everybody knows when they will meet, because it meets at a specified date. It seems to me that this would be trying to jump those few men to reach a position which they have not in fact reached just because there is a vacancy and the selection board has not met.

Then Admiral Leigh dodges the question and Mr. DREWRY asks:

And three vacancies?

Admiral LEIGH. And three vacancies. Now, those people have not the same chance now that they will have next year when 11 men will be selected.

Mr. DREWRY. There are three vacancies, and you say there are 125 officers who are eligible.

Admiral LEIGH. Yes, sir.

Mr. DREWRY. If those vacancies were filled, some of those 125 men would immediately get the higher rank to which they would be entitled if the selection board should meet to-day and fill the vacancies.

Admiral LEIGH. No, sir; they would not get the higher rank until the vacancies occur.

Mr. DREWRY. But the vacancies that have already occurred must be filled, and they must be filled if the selection board met to-day instead of meeting next month. They would then have a chance to get this higher rank, but, as you say, something might happen to some of those men before they could be selected. They might have a chance to get the higher rank within the next 30 days, but they might be precluded from getting it a year from now. As I understand it, this bill comes in because of the desire to give those men an opportunity to get the higher rank before the selection board meets. Now, why is it not fair to let everybody know that the selection board meets at a certain time, and let all of them take their chances?

Then Admiral Leigh makes no satisfactory explanation and Mr. DREWRY says:

When they go into service they must take their chances, just as we have to take our chances on having our constituents send us back.

Page 3258 discloses the following information which is very pertinent and important just here.

Mr. VINSON. There should not be any promotion until the vacancy occurs.

Admiral LEIGH. There will not be any promotion until the vacancy occurs.

Mr. VINSON. But he goes on the eligible list, which is a promotion, because they must take him from that preferential list.

The fact is that this bill was changed so that Mr. BRITTEN did not recognize it, for on page 3284 of the hearings we find him asking this question:

Mr. BRITTEN. This was not in the bill before the committee in the last Congress?

Admiral LEIGH. It was in the bill reported out, House bill 12535, Sixty-ninth Congress.

The next witness is Captain Taussig, who testifies on page 3289:

Mr. VINSON. How does this law itself insure more efficient officers reaching command and flag rank when we still have the selection board with the same list of officers to select from?

Captain TAUSSIG. I do not know that this law does insure any more than the past law on that phase of it. I think as far as that part of it is concerned, the most efficient officers reach command and flag rank. That is in the hands of our selection boards and this law does not give the selection board any more power than the last law.

Page 3291 of the hearings:

Mr. VINSON. There is nothing in this bill to change the method of selecting officers by the selection board?

Captain TAUSSIG. No, sir.

Page 3296 of the hearings:

Mr. VINSON. Is the hump you speak of caused by the officers who are not Naval Academy graduates, who came in during the war?

Captain TAUSSIG. That is one of the humps.

Mr. VINSON. How do you dispose of that hump?

Captain TAUSSIG. This hump is not disposed of in this law until they get to the top of the lieutenant commanders' grade, unless they fall in their promotion.

Page 3302 of the hearings:

Mr. VINSON. That is true; but you probably find men who have served long years in the Navy and during the war received commissions as lieutenant commanders, some of them 35 years of age, who may not be able to pass this professional examination, which is one of the necessary things that they must be able to comply with before they can be promoted. So they go out with one year's pay. But another warrant officer who received a commission during the war as a lieutenant, and who was 46 years of age when he came on for examination, goes on the retired list. Now, it looks to me as though you are trying to do justice on account of the apprehension that he can not pass a physical examination in the latter instance, but in the first instance you put the yardstick on them just as you do on any other officer. Now I think you are making fish of one and fowl of the other on account of the age.

Let me suggest that they "are making fish of one and fowl of the other"; that Mr. VINSON was right then and wrong now. The ones discriminated against are the ones who came up from the ranks and who are not graduates of the Naval Academy. It is proposed that 600 of them shall be eliminated by this bill. The proponents of this vicious bill remind me of the fellow who is trying to catch a frying chicken to kill. He throws out the grains of corn and calls, "Chick!" "Chick!" in most endearing terms. Then he gets affectionate and reminds them that he does not want to hurt them; that all he means to do is to ring their heads off. That is what they are doing in this bill—ringing the heads off of 600 who have come up from the ranks, 600 who, according to our distinguished chairman, know how to handle ships but who do not understand Greek and Latin and possibly might make some mistake in the use of the knife and fork. George Washington did not know much about Greek and Latin; perhaps he did not know much about the proper use of the knife and fork; and were he here to-day he would be eliminated under this nefarious bill. We have too much social climbing in the Navy to-day and too less of practical horse sense. I may be "old-timey," but I have great respect for the rank and file. I have great respect for those who have labored under adverse circumstances and who have shown their worth in spite of such circumstances. If we should eliminate from our country's history that great crowd who did not know the ordinary rules of "etiquette," but who had a lot of "horse sense," the history of our country to-day

would be entirely different; and instead of having the United States of America we would be subject to Great Britain, with no glorious and inspiring history to teach us that we have a free democracy where no one is so humble but that his faintest whisper may be heard; that no one can get so high but what the strong arm of the law will pull him down. I am not in favor of retiring those who came up from the ranks and became officers in the Navy because they do not fit into the social equation. I am against building up a naval caste in this country. One of the objects of this bill is to retire 600 officers who came up from the ranks during the war. They are the backbone of the fighting Navy of this country. I am against retiring men at 45 years of age. It will be a deplorable condition when we have a lot of men of that age loafing around drawing retirement pay while the taxpayers are having to dig up for it. There is no justification for it. No reason for it, and yet that is what this bill proposes to do. The hearings before the Naval Affairs Committee of the House and before the Rules Committee, which brought in this nefarious rule, discloses the intent of the powers that be.

Under these hearings and under the testimony there is no excuse for even the "wayfaring man" to make a mistake. I assert that the rank and file in the Navy do not know the provisions in this bill. If they know, they are afraid to protest. I make this statement despite the argument made by the gentleman from Alabama [Mr. OLIVER]. In the Army and Navy Register, under date of July 27, 1929, under the heading "Service Personnel Legislation," the following statement is made:

> The penalty of court-martial obviously confronts any officer of the Navy or Marine Corps who undertakes to foil the plans of the Navy Department for the enactment of legislation that is submitted to Congress with urgent request for its adoption by the House and Senate as a measure intended and destined to meet an emergency.

If you have any doubt about that statement, then let me call your attention to a statement made by William D. Falaise, a high ranking officer in the Navy:

> Whenever promotion by selection is under discussion in Congress good care is taken by the hierarchy that only those in favor of the system appear before the committees of Congress. Those opposed to the system and the victims of the system are not permitted to testify.

I have never heard a witness before the Naval Affairs Committee oppose any bill offered there along this line. The hierarchy know who to call, and only those favorable can be heard. Mr. OLIVER of Alabama is simply mistaken. He does not know the Navy Department is in the grasp of a select few who think of their own interest and not of the interest of the rank and file.

While we are dealing with this subject and while the chairman of our committee is reciting in his report on this bill a history of the "selection board," it is worth while to consider just how that "selection board" has functioned. William D. Falaise, a high ranking naval officer, has had the courage to tell us something about it, and in the preface of the document he published on that question he says:

> This pamphlet was written by an officer of the Navy of high rank who had no personal grievance against the selection system, but who felt, after careful consideration, that allegiance to the Navy itself demanded an indictment of this pernicious system.

He further says:

> Without the aid of that system [promotion by selection] our country had won all its wars, including the Great War of 1917–18 (for promotion by selection had been in operation so short a time that it had no effect), and had shown a loyalty, an efficiency, an esprit de corps, and an unconquerable spirit that was admired and emulated by the rest of the world and that could never hope to be surpassed.

He further says:

> It is the kind of treatment of officers that shakes to its very foundation the confidence of the Navy in its ranking officers. The traditions of the Navy are a national heritage and any board or bureau that impairs those traditions does a disservice to the United States. Promotion by selection is a grave menace to the efficiency of the United States Navy. It has already done much to destroy the contentment, the loyalty, and the service spirit of the commissioned personnel for which the Navy has had such an enviable reputation since its establishment and without which it will fail in its mission to safeguard this country. In 1916 the method of promotion by seniority theretofore in vogue in the Navy was modified, in so far as promotion to the grades of commander, captain, and admiral was concerned, to promotion by selection by a board of nine admirals. Promotion by selection has therefore been in effect in the Navy for a period of 14 years, and an examination of the results obtained by this method is of interest. In theory, promotion by selection is ideal, for, if carried out to perfection, it would insure the promotion of the officers of outstanding ability only, and the Navy would gain by the more rapid promotion of such officers to the higher grades at younger ages, enabling the officers promoted to remain in the higher grades for a longer period. The ideal results to be looked for from such a system will always be modified by the fact that the members of the selection board are human and are subject to human errors. These errors include conscious or unconscious personal prejudice against an officer, of which certain members of the board could not rid themselves. These errors also include a natural and unavoidable disposition by each member of the board to vote for a good officer who has served under his immediate command rather than to vote for an officer who has never come under his personal observation, even if the official record of the personally unknown officer is superior to the record of the personally known officer.
>
> The intent of the section law is to promote only those officers of outstanding ability, but in actual practice the intent of the law has not been carried out; for in the Navy, as in civil life, frequently the power of preferment is used to reward those who are liked and to punish those who are disliked. It is known beyond a doubt that personal prejudice for or against has far greater weight with certain members of the selection board than official records and service reputation.
>
> While the law requires at least four adverse votes out of a total of nine to prevent an officer being promoted, it is known throughout the naval service that even if one member of any selection board is strongly opposed to the promotion of any officer, and so expresses himself, as he would do, other members of the board who might otherwise vote for that particular officer would be so influenced by the opposition of one member to make it fairly certain that at least three other members of the board would cast their votes against the officer who was under consideration and thereby prevent his promotion.
>
> While the intent of the law was that if any officer was passed over by one board, the fact that he had been so passed over should not prejudice succeeding boards against him, practically an officer who has once been passed over is done for because of the disinclination of one selection board to reverse the action of a previous board. This disinclination is accentuated by the fact that any board always includes admirals who were members of the preceding board. Admirals who have served as members of selection boards have stated that only under extraordinary circumstances would they vote to promote an officer who has been previously passed over. An examination of the selections made shows clearly that it is very seldom that an officer who has once been passed over is ever selected by any succeeding board.
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> To cite specific instances to support the statement made in the last paragraph: The records of the selection boards of 1925, 1926, 1927, 1928, and 1929 show that out of 32 captain selected for promotion to admiral by these five boards not 1 officer was selected who had been passed over by any previous board, and the records of the selection boards of 1926, 1927, 1928, and 1929 show that out of 115 commanders selected for promotion to captain by these four boards only 8 officers were selected who had been passed over by any previous board.
>
> In the selection especially of captains for promotion to admiral the selection boards have made such grave errors in judgment, both among officers selected and among officers passed over, and their selections have at times been so influenced by personal antagonism and by personal favoritism as to convince the Navy that the boards can not perform this important duty with justice and equity. The membership of the 1927 board (convened in June) was made public in April. Immediately the rumor started and was widespread that Captain "Z," who stood twenty-ninth on the list of captains, would be the last captain on the list selected to be admiral. This rumor was based on the fact that Captain "Z" had lately served directly under and was a warm personal friend of the two senior members of the board. The board selected 11 captains to be admirals, and Captain "Z" was the eleventh. To select him the board passed over 18 captains, several of whom were excellent officers fully deserving of promotion.
>
> Under the previous system of promotion by seniority, all captains were promoted to admiral, many of them were admirals of high grade, others were not. Promotion by selection has not resulted in improvement in the average quality of admirals. It is the consensus of opinion of the Navy that of the present list of admirals at least 25 per cent of them are not proper material to hold that rank. If the captains, commanders, and lieutenant commanders of the Navy were required to record by secret ballot which of the 57 admirals on the active list (January 1, 1930) they would be willing to follow into battle, these keen junior observers have so accurately estimated the admirals that 13 or 14 of them would receive a very heavy adverse vote, and these 13 or 14 could be named by practically any officer. How is this system of promotion regarded by the officers themselves? One admiral, who has been a member of various selection boards, has stated that it was the most unpleasant duty that he had ever been called upon to perform; that "selection" was robbing the officers of the Navy of independence, of fearlessness, of moral courage, and of initiative, and making the Navy an organization of "yes, yes" men as far as the commissioned officers were concerned.

Another admiral expressed himself as follows:

Promotion by selection is the worst thing that has ever been inflicted upon the Navy. It has never done the Navy any good; on the contrary, it has done the Navy great harm. It is destroying the morale of the Navy.

Another admiral who has served on various selection boards has stated:

If the arguments and statements made by certain members of the board that prevented the promotion of Captain ——— were made public, it would result in the biggest scandal the Navy has ever had.

Another admiral has stated:

I have come to the conclusion that the ways of selection boards are past finding out, and that it is impossible to figure the reasoning they went through, if any, in selecting certain officers for promotion and passing over others.

Admiral Benson, who was Chief of Naval Operations during the war, stated in no uncertain terms before the House Naval Committee (in the case of Captain Belknap) that promotion by selection was a grave error that would seriously and adversely affect the efficiency of the Navy.

An absolutely definite indication of how promotion by selection is regarded by the officers themselves is shown by the large number of captains who have retired upon their own application in the last seven years, since the evils of promotion by selection have become apparent. There are 33 captains who have thus retired, none of whom had been passed over, as they had not been reached by the selection boards. All of these officers were young, energetic, and able-bodied when retired, and the list of 33 includes some of the most brilliant and successful officers that the Navy has developed. All of these captains are doing very well in civil life. One of the ablest of them all expressed himself thus:

I have an excellent record—none better—and I love the Navy, but I am not certain of promotion to admiral * * *. Remember what happened to Belknap, not to mention others whom the selection boards have slaughtered. I have an excellent opening now in civil life. I'd be an utter fool to continue on the active list of the Navy for two or three more years with the risk of being passed over for promotion to admiral and then be retired on the same pay that I can retire on now.

In the last three years (1927-1929) 298 officers, Naval Academy graduates, in rank from ensign to lieutenant commander, have resigned. Many of them give as their reason, "Uncertainty of promotion beyond the grade of lieutenant commander—that is, 'promotion by selection.'" Why should the officer who has outside opportunity offered him remain in the Navy? He feels that no matter how brilliant his record, he will not be promoted to high rank if a member of the selection board harbors a prejudice against him. The following are some of the officers of outstanding ability who were considered for promotion by various boards, but who were passed over, with the record in brief of the officers concerned: Reginald Belknap, Mark Bristol, J. F. Hines, A. W. Hinds, M. C. Mustin, Allen Buchanan, T. A. Kearney, and K. M. Bennett.

REGINALD BELKNAP

(All information herein relating to Belknap is from official records)

An officer of outstanding ability and exceptional services from the time that he was a young officer, who has performed duties of great responsibility with great credit to the Navy. About 1909, while a comparatively young officer, he was in the Mediterranean at the time of the volcanic eruption and earthquake in southern Italy and Sicily. He took charge of the immediate operations of rescuing, housing, transporting, and feeding the thousands of Italians involved in this catastrophe. He received letters of appreciation from the Department of State, the Navy Department, and from the King of Italy, who desired to award Belknap with membership in one of the highest orders of Italy.

During the Great War he was given command of the organization of the mine-laying squadron, and actively commanded that squadron in laying the northern mine barrage in the North Sea. During the period of organization (November, 1917, to March, 1918) eight merchant ships were altered and equipped to join to the nucleus of two ships from the former mine force. The mine-laying squadron consisted of 10 mine layers, commanded by captains or commanders, and averaging 21 officers and 420 men each, a total of 210 officers, 4,200 men, and had an aggregate mine-laying capacity of 5,600 mines (carrying 800 tons of T. N. T.) in less than four hours. Mine-laying operations began in the North Sea on June 7, 1918. There were 13 American mine-laying excursions and 11 British. In all, over 70,000 mines were laid, of which four-fifths were American. The capacity and performance of the converted American mine layers was the subject of much favorable comment and careful study by the British admiralty. The northern mine barrage in the North Sea was characterized in the Secretary of the Navy's Annual for 1918 as "the outstanding antisubmarine project of the year * * * one of the most successful efforts of the whole war." The commander of the United States naval forces in European waters declared it—

One of the finest accomplishments of the Navy on this side * * * the admiration of foreign navies * * * of considerable moral effect on the German naval crews * * * caused no small amount of panic in some of the submarine flotillas * * * probably played a part in preventing raids on allied commerce by fast enemy cruisers.

The official records credit it with six or eight enemy submarines sunk and as many more disabled or turned back. And, wherever referred to, the operation has been mentioned as an exceptional undertaking which reflected great credit on the Navy of the United States. It had much to do with shortening the war and the consequent saving of scores of thousands of American lives. The Secretary of the Navy, in his report for 1918, named Captain Belknap for his "service in mine laying, deserving commendation in this report." And on recommendation by his immediate superior, by the commander in chief, Atlantic Fleet, and by the Chief of Naval Operations, the distinguished-service medal was presented by the President to Captain Belknap, with this citation:

For exceptionally meritorious service in command of Mine Squadron 1, of the mine force, during the operation of laying mines in the North Sea, and his excellent work in connection with the equipping of these ships for mine-laying duty.

American initiative, ingenuity, enterprise, faith, and push forced this undertaking on the doubting British Admiralty. In the American Navy also not a few doubted its successful outcome. Discredit and chagrin, besides great loss and waste, would have attended its failure. Success of the whole barrage depended first upon its preparation, the coordination of which was under Captain Belknap's immediate charge, and its effective placing depended decisively upon the American mine-laying squadron, which from its beginning in 1914 with a single ship was organized and developed under his command. In the Atlantic crossing in the first six, two extra, and last four mine-laying operations (12 out of a total of 13), and the homeward passage of the still mine-laying squadron, Captain Belknap was the senior officer present in personal and supreme command of the mine squadron. After the war, Belknap was on duty at the Naval War College as director of training for higher command, for which he showed marked aptitude. He then commanded the new battleship *Colorado*, making her one of the most efficient ships in the Navy. Belknap was repeatedly recommended by his superior officers for advancement to the grade of admiral. In any other Navy in the world, Captain Belknap would have been immediately promoted to admiral for his services in the Great War, but under the method of promotion by selection in the United States Navy, this officer was passed over by three successive selection boards for promotion to admiral, and these boards selected officers who were markedly inferior in comparison with Belknap. He was finally forced on the retired list as captain. Congress, in passing an act promoting him to be an admiral on the retired list, rendered him such justice as was then possible. It is common belief in the Navy that the slaughtering of Belknap was caused by the intense personal enmity of an admiral who was a member of the first two selection boards that considered this brilliant officer. It is understood that the last board that passed over Belknap decided by a majority vote, as a preliminary measure, that they would not



consider any captain who had been passed over by any previous board. That understanding is based upon a statement by one of the members of that board.

If correct, it would seem that the board, in certifying that: "The board has carefully considered the case of every officer eligible for consideration under the provisions of this law," had knowingly signed a false certification, and based on that certification four captains were selected to be admirals and eight captains—five of whom, including Belknap, were most efficient officers—were again passed over, "not having been considered" by the board. The case of Belknap is known throughout the Navy. Its effect has been appalling. It has destroyed the Navy's faith in the justness of a considerable portion of its highest personnel.

MARK L. BRISTOL

Mark Bristol was another officer of splendid ability. During the war, as a temporary admiral, he commanded the naval base, Plymouth, England, and was awarded the Navy distinguished-service medal and a letter of commendation by the War Department. He assumed command—as a temporary admiral—as senior naval officer in Turkey on January 15, 1919, and was appointed as United States high commissioner to Turkey on August 16, 1919. Bristol's work as high commissioner to Turkey is one of the highest achievements that any officer of the United States Navy has ever accomplished, as is indicated by the following letter from the President of the United States:

RAPID CITY, S. DAK., *June 20, 1927.*

It is with sincere regret that I accept your resignation as high commissioner in Turkey. For more than eight years you have been an ambassador in all but name, and an ambassador, moreover, charged with duties of unusual difficulty and delicacy. The success which you have achieved, the position which you have secured for the United States in Turkey, has been notable in the annals of American diplomacy. In the name of the United States Government and in my own name, I thank you for your services, and I wish you every success in the new and important duties upon which you are about to enter as commander-in-chief of the Asiatic Fleet.

Very truly yours,

CALVIN COOLIDGE.

Rear Admiral MARK L. BRISTOL,
United States Navy, care Navy Department,
Washington, D. C.

Yet, after Bristol had been acting with great ability in Turkey, with all the responsibility and prestige that went with that office, for nearly a year prior to the meeting of the 1920 selection board, that board was so incapable of appreciating the inestimable value to the United States of Bristol's work and the great prestige he was adding to the Navy's reputation that it passed him over and promoted eight officers over his head, not one of whom was as competent as Bristol. Bristol was selected by the 1921 selection board, and one of the reasons he was then selected was because President Harding had expressed his emphatic disapproval of the passing over of this officer by a previous board, and the 1921 board understood that no list of promotion to admiral would be approved by President Harding unless it included the name of Mark Bristol. But his selection by the 1921 board did not restore to him the eight numbers he had lost by being passed over by the 1920 board.

J. F. HINES

An able and brilliant officer. Awarded the Navy cross and the Army distinguished-service medal for services in the Great War. After the war he commanded the battleship *Pennsylvania* when that ship won the prize of standing highest in battle efficiency. Passed over for promotion to admiral and retired as a captain.

A. W. HINDS

An officer of outstanding ability and efficiency; awarded the Navy cross and a special letter of commendation from the War Department for services in the Great War. An excellent battleship captain. Was also chief of staff of the Scouting Fleet and then chief of staff of the battleship divisions of the Battle Fleet. Passed over for promotion to admiral and retired as a captain.

H. C. MUSTIN

(All information herein relating to Mustin is from official records)

An officer of unusual ability, who was brilliant in several lines of endeavor in the Navy. Extracts follow from his record: Awarded the Santiago battle medal and West Indies campaign medal for active service in the Spanish War. While in command of the gunboat *Samar* in the Philippine insurrection he was specially commended in the dispatch of the commander in chief Asiatic Station for his part in the action at San Fabian, Luzon, during the landing of Brigadier General Wheaton's brigade. Received official letter of commendation from Capt. B. H. McCalla, United States Navy, for conduct in action at the landing of the U. S. S. *Oregon's* battalion at Vignan, Luzon Island, and for swimming through the surf with dispatches during a typhoon at San Fernando, Luzon. Awarded the Philippine campaign medal. Mustin was one of the Navy's first aviators, having learned to fly in 1912 (Navy air pilot's certificate No. 3 and Aero Club of America's expert aviator's certificate). The naval air station at Pensacola, Fla., was established under the direction of this officer in January, 1914. He was in command of all of the operations of all naval aviation before and during the occupation of Vera Cruz, Mexico, by the United States forces in 1914, and was awarded one of the 1914 Aero Club of America's medals of merit for these services. Ordered to Europe in the early days of the war, his observations and reports upon the progress of aviation in the allied countries were of great value. In January, 1918, he was awarded the gold life-saving medal for going overboard from the battleship *North Dakota* and rescuing a seaman who was washed overboard in a winter gale off Cape Hatteras. In February, 1918, ordered to special duty for developing material and training personnel for a series of air raids on Heligoland and the northern German submarine bases which were planned for the spring of 1919, but not carried out because of the ending of the war. Commissioned captain (temporary) September 21, 1918, for meritorious services during the Great War.

In May, 1919, ordered to duty with Assistant Secretary of War Crowell as a member of the American Aviation Mission to Great Britain, France, and Italy to study and report on aviation organizations and material abroad. Wrote valuable report on information gained. Received the order of the Crown of Italy. Commanded the naval aviation base at San Diego, Calif., and in 1920 he was appointed assistant chief, Naval Bureau of Aeronautics. There has never been an officer in the naval service who had a finer record for personal bravery and heroism, and few officers whose services have been of greater value to the Navy and to the country than Mustin's, and in testimonial of this fact, following his death in 1923, the Navy flying field at Philadelphia was named for him. And yet he was passed over by several selection boards for permanent promotion from commander to captain and dropped from his class of 1896 down to the middle of the class of 1900, losing 71 numbers in grade. While he was finally promoted to captain, his belated advancement did not restore the 71 numbers he had lost.

ALLEN BUCHANAN

Graduated No. 2 in his class at the Naval Academy. An officer of exceptional ability, whose record was always most commendable. He was awarded the congressional medal of honor with this citation:

Distinguished conduct in battle, engagements of Vera Cruz, April 21 and 22, 1914; commanded first seaman regiment, was in both days' fighting and almost continually under fire from soon after landing, about noon of the 21st, until we were in possession of the city about noon of the 22d. His duties required him to be at points of great danger in directing his officers and men, and he exhibited conspicuous courage, coolness, and skill in his conduct of the fighting. Upon his courage and skill depended in great measure success or failure. His responsibilities were great and he met them in a manner worthy of commendation.

The award of the Navy cross was made him for distinguished conduct in active service overseas during the Great War. Passed over by several selection boards for promotion from commander to captain and dropped from the top of his class of 1899 to the bottom of the class of

1900, losing 55 numbers in grade thereby; was finally selected for promotion to captain, but his belated advancement did not restore the numbers he had lost.

T. A. KEARNEY

While Assistant Chief of the Bureau of Ordnance in 1916–1918 was primarily and principally responsible for the initiation, manufacture, and organization of the 14-inch naval gun railway batteries and their railway crews, whose service in France played such havoc with the Germans during the great allied offensive in 1918. Commanding officer of the flagship *Brooklyn* and chief of staff to the commander in chief of the Asiatic Fleet, 1919. In 1919–1921, with the rank of captain, he commanded the United States naval forces in the 3,000-mile Yangtse River patrol—an admiral's job—in cooperation with a British admiral and a Japanese admiral during a time of great unrest among the Chinese themselves and between the Chinese and the Japanese. Kearney's vision, tact, and ability to cooperate with all parties accomplished remarkable results with the minimum of friction, and with little or no loss of life among Americans or due to Americans. He established such cordial relations with the Chinese that he received a high military order from the Chinese Government. In 1922 he was designated from among all the captains in the Navy for a most responsible duty, that of assistant chief of staff to Admiral Vogelgesang, the first chief of the United States Naval Mission to Brazil, a duty of the highest importance and offering opportunity for gaining far-reaching advantages for the United States in South America.

Passed over for promotion to admiral by the 1928, 1929, and 1930 selection boards.

K. M. BENNETT

Another officer of outstanding ability. While in command of the U. S. S. *Castine* in 1916 he performed a most noteworthy feat in taking his ship to sea from the harbor of Santo Domingo City in the teeth of a hurricane—at the same time and place the U. S. S. *Memphis* was driven ashore, a total loss. This feat of Bennett's, in resolute courage and consummate seamanship, surpassed that of the captain of the H. M. S. *Calliope* at Apia, Samoa, in 1889. In recognition Bennett was awarded a letter of commendation from the Secretary of the Navy. For services during the Great War he was awarded the Navy Cross and a letter of commendation from the War Department.

Passed over for promotion to admiral by the 1927, 1928, 1929, and 1930 selection boards and retired as a captain.

The above cases by no means exhaust the list. Other excellent officers have been passed over because of erroneous entries and incorrect diagnoses on their medical records, of which they were in ignorance, and while some of these officers have had their medical records corrected and have been selected by subsequent boards, the loss of numbers they have suffered through errors of this character have been a permanent loss. There are two other cases of officers who have been passed over that are of unusual interest to the naval service for the reason that any officer may find himself in the same situation—the cases of Commander Cleary and Captain Gherardi, both of whom were incapacitated for sea service on account of wounds received in the line of duty. These two officers are entitled to the benefits of section 1494 of the Revised Statutes, which reads as follows:

> The provisions of the preceding section [requiring physical ability to perform duties at sea] shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of duty and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

This section of the Revised Statutes has been the subject of several opinions from the Attorney General, all strongly upholding the absolute and unqualified right to promotion of such officers if they can perform shore duty. Cleary and Gherardi have been repeatedly denied their promotion by the selection boards because their wounds received in the line of duty prevent their performing duty at sea, and for no other purpose.

A captain who, while holding a high position in the Navy Department, was involved in the oil scandal, and was regarded by a great body of the citizens of the United States as being of the same type as Fall, Doheny, and Sinclair. While he was generally considered by the officers of the Navy as possessing personal honesty and integrity, still the Navy knew that he was largely responsible for the transfers of the naval fuel oil reserve lands from the custody of the Department of the Navy to the custody of the Department of the Interior, and was also largely responsible for the leases made between the Secretary of the Interior Fall, Doheny, and Sinclair. For his part in this transfer and these leases the great majority of understanding naval officers consider him guilty of one of the gravest errors of judgment ever committed by an officer of the United States Navy; yet at this very time he was selected to be an admiral by the selection board that passed over Reginald Belknap. President Coolidge very properly refused to send this officer's name to the Senate for confirmation as an admiral, and he was retired as a captain.

A commander who was tried by a general court-martial in time of war and sentenced to a loss of 35 numbers in grade and deprived of the command of his ship for "conduct to the prejudice of good order and discipline" and for "culpable negligence and inefficiency in the performance of duty in time of war." Selected to be a captain by a selection board.

A commander who was tried by a general court-martial and sentenced to a loss of 6 numbers for scandalous conduct and intoxication. Selected to be a captain by a selection board.

A commander who was tried by a general court-martial and sentenced to a loss of 10 numbers for grounding and damaging his ship. Selected to be a captain by a selection board.

A commander who was selected to be a captain by a selection board. As he was well known to his associates as a care-free officer of indifferent ability, given to hasty and ill-founded decisions, it appeared that his principal qualification for promotion rested on the fact that he was the son of a prominent admiral. His first sea duty in his new rank was "commander of a squadron of destroyers." Some months after he took command, when at sea in bad weather, this officer, in violation of all of the dictates of prudence and common sense, and disregarding the advice of some of his subordinates and the plain indication of danger shown by radio signals from a radio-compass shore station, ran his squadron on the rocks, resulting in a total loss of seven destroyers, valued at $22,000,000 and a loss of 22 lives. He was tried by general court-martial and found guilty of "culpable negligence and criminal carelessness." This officer was responsible for the loss of nearly as many ships as the Navy lost in 18 months of the Great War. The inability of the selection boards to select only the best officers is well exemplified in this case.

Promotion by selection was intended to secure the promotion of only those officers whose outstanding ability was recognized by the entire naval service, and in such case there would be no resulting discredit to those who were passed over. In actual operation, the system has never functioned as intended. On the contrary, it has been so operated that the entire naval service regards being passed over as the greatest blow to his prestige that an officer can suffer. The only thing that is more damaging to an officer's reputation than being passed over is to be dismissed from the naval service by sentence of a general court-martial. Each of the many capable and efficient officers who has been passed over and has been compelled thereby to serve under officers who for many years were his juniors, is a nucleus, remaining on the active list, of discontent of bitterness and a sense of injustice that has been continually growing until the entire commissioned personnel has been affected.

The officers of the Navy in the old days were "a band of brothers," of loyal comradeship who were forgetful of self for the good of their comrades, their Navy, and their coun-

try. Inquiry of and conversation with a considerable number of the senior officers of the Navy who are immediately affected by the system convince one that the method of promotion by selection as conducted in the Navy has had a most serious effect upon the contentment and efficiency of the commissioned personnel. It has practically destroyed the old feeling of loyal comradeship. Officers are in a constant state of unrest, uneasiness, and uncertainty. It has been demonstrated that no matter how loyal, conscientious, and efficient an officer may be, as shown by his record and the general service opinion, he is not sure of his promotion. On the contrary, an officer who is shown by his record and is known in the service at large as being relatively incompetent may be selected for promotion even to the highest grade. As a result, conditions have reached the point where many an officer considers beforehand any action he may take, not in the old light of "Is my contemplated action right and to the best interest of the Navy?" But in the new light of "What effect will my contemplated action have upon my chances for selection?" It is realized that to have a good chance for promotion, a captain must have had an important, spectacular command. As there is a scarcity of these commands, it behooves each captain to secure one for himself, and if, by "catering" to some admiral, he can secure it, even by "cutting the throats" of classmates and brother officers, why that is the lookout of the classmates and brother officers. He is forced by the system to serve his own interest—a policy of "save yourself and the devil take the hindmost." Each year when the recommendations of the selection board are made public it is the main topic of discussion in the Navy for days. The board in its recommendations are, many times, adversely and bitterly criticized, and when even an officer like Reginald Belknap, Mark Bristol, Mustin, or Buchanan is passed over the news is greeted with derision and expressions of contempt for the method of selecting and of the selection board. Promotion by selection has largely destroyed the feeling of trust and confidence that the other officers of the Navy should be able to repose in the officers of the highest grade.

The question naturally arises, if promotion by selection is so bad for the Navy, why do not the admirals who control the Navy bring its bad features to the attention of Congress and recommend changes in the law governing promotions? The answer is simple—it is this: Any military organization, by its very nature, is the hierarchy which is ruled by its small upper grade (admirals or generals), the members of which are responsible to themselves. The Navy hierarchy presents a perfect solidarity, and anything done by any member or group thereof, be it ever so erroneous or detrimental to the Navy, will be upheld by the full hierarchy which will resist to the utmost the reversal of any act of a member if he is in good standing among them. Many of them are so egocentric that they honestly believe that the Navy would collapse like a pricked balloon if the actions of any one of them were reversed. Furthermore, the present-day admirals have reached the top over the destroyed hopes and ambitions of many of their brother officers, and are thenceforth above the workings of the selection system. Former dislike and fear of the system are soon forgotten by these admirals, and the ever-present realization of the fact that promotion by selection gives them an absolute control of the Navy and exacts a personal service and a loyalty and an unquestioned acceptance of their dicta from the officers under them, which they never had before and never would have under any other system of promotion, creates a state of mind akin to that of all dictators.

Promotion by selection as applied in the Navy is directly contrary to the principles of American justice. While an officer under consideration may know that one or more members of the selection board are bitterly antagonistic to him, he can not protest the consideration of his case by such member. The proceedings of the board are secret. Officers under consideration are not permitted to be present either personally or by counsel before the board, and no matter how erroneous or unjust the action of the board in the case of an individual officer may be, that officer has no appeal from its decision, and he is never officially informed of the reasons why he is passed over so that he can make an honest endeavor to improve in that particular so as to better his chances before the next board.

While the law does not deny the officers under consideration the right of personal appearance before the board, officers requesting such a personal hearing have been denied it by the "hierarchy."

Quite contrary to this pernicious, unfair, and unjust practice, an officer who is believed to have committed an offense, serious enough to warrant disciplinary measures is always called upon for an explanation. If this is not satisfactory, a court-martial is ordered upon him. He is present in person before the court-martial and represented by counsel. Informed beforehand of the charges against him, he has had time to prepare his defense. He has the right to object for cause to any member of the court, and if his objection is sustained, as it frequently is, that member is not permitted to sit in judgment upon him. He can cross-examine the prosecution's witnesses and call witnesses in his own behalf. He is privileged to present documentary evidence, and can take the stand in his own behalf. And, even if the court finds him guilty of the offense charged against him, his case is carefully gone over by several reviewing authorities, including the Chief of the Bureau of Navigation, the Judge Advocate General, and the Secretary of the Navy, all of whom carefully consider the evidence, and if error or injustice is found, the right to mitigate, set aside, or disapprove the findings and sentence of the court is exercised by the reviewing authority.

These reviewing authorities are fair-minded and unprejudiced, and will give the officer under trial the benefit of the doubt, as in the procedure in civil courts, and even if found guilty, the court-martial, unless it dismisses him from the Navy, can not inflict any punishment that can be as severe and nasty in its effects as the punishments inflicted by the selection board. The secret methods of the selection board, from which there is no appeal, would not be tolerated for an instance in any other walk of American life. An alleged criminal on trial before any legal body in the United States, regardless of his previous record, has a right to a trial before judge and jury, where he is present with counsel and informed of the charges against him. His legal rights are safeguarded and the right of appeal from the decision of the court of first instance to that of several superior courts is his to exercise. But the loyal naval officer who has served his country practically all his life, to the best of his ability, who has again and again jeopardized life and limb, and who stands ready at any time to make the supreme sacrifice for his country, is tried and judged in secret, condemned without a hearing, and punished without being informed of his offense and without being granted an appeal.

It is evident from a careful examination of the procedure of the selection boards and of the results obtained that the sooner this method of promotion is abolished or radically modified, the better it will be for the contentment and the morale of the commissioned personnel and the efficiency of the Navy itself.

The Navy is to be used in the future, as it has been used in the past, to safeguard the interests of the people of the United States. Does not then a duty devolve upon the people and upon the Congress to see to it that the Navy continues to be "the strong arm of the Nation"; that it should be as it has been heretofore, and to remove this grave menace to the Navy before the present pernicious system of promotion to the highest grades completely undermines its morale and permanently impairs its efficiency.

Thus we have the opinion of one naval officer about the selection board, but we did not get it from the hearings.

Section 4 of the bill is subject to the criticism emphasized by the report of the Senate Committee on Commerce on a bill to coordinate public-health activities submitted to the Senate on January 18, 1930. A similar bill was vetoed by former President Coolidge on May 18, 1928, on the ground that there was an attempt to limit his constitutional authority. The veto message contained the following statement:

> This act contravenes section 2, Article II, of the Constitution of the United States, in that it creates offices of the United States

to be filled by appointment by the President, with the advice and consent of the Senate, and at the same time not only limits the choice for appointees to such offices to persons who possess the qualifications of passing an examination conducted by a board of officers convened by the Surgeon General of the Public Health Service, but also limits the choice among individuals possessing such qualifications, to persons who are recommended by such board, and by the Surgeon General, thereby attempting to vest in such board and in the Surgeon General participation in the Executive function of appointment of officers of the United States, which function can be vested in and exercised only by the President, with the advice and consent of the Senate, the President alone, the courts of law, and heads of departments.

The provisions upon which this statement was based have been entirely eliminated from the pending Public Health Service bill.

In his message to Congress on December 3, 1929, President Hoover said:

Our Army and Navy are being maintained in a most efficient state under officers of high intelligence and zeal. The extent and expansion of their numbers and equipment as at present authorized are ample for this purpose. We can well be deeply concerned at the growing expense. From a total for national defense in 1914 of $267,000,000, it naturally rose with the Great War, but receded again to $612,000,000 in 1924, when it again began to rise until during the present fiscal year the expenditures will reach $730,000,000, excluding all civilian services of those departments. Programs now authorized will carry it to still larger figures in future years. While the remuneration paid to our soldiers and sailors is justly at a higher rate than that of any country in the world, and, while the cost of subsistence is higher, yet the total of our expenditures is in excess of those of the most highly militarized nations of the world.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I did not intend to be unfair in my discussion on the rule as to what the chairman of the Naval Affairs Committee said before the Rules Committee with respect to why he wanted to get rid of these officers of the Navy who rose from the ranks. There are about 600 of them, and I want to read to you from the hearings before the Rules Committee what was said in reference to that matter. I am going to pass from place to place and only pick out the material parts of the discussion.

I realize that the gentleman from Georgia [Mr. VINSON] has never had these sentiments of snobbishness. He has been telling me that there is no snobbishness in this bill. I believe him, and he is arguing to other Members that there is no snobbishness in this bill, but he can not get away from the statement of the chairman of the committee, the gentleman from Illinois [Mr. BRITTEN], who desires to see a caste set up in America:

Mr. BRITTEN. There are some 600 men who came out of the ranks during the war and became officers. They did not expect to be line officers when they came into the service.

Mr. BANKHEAD. Are many of these highly paid officers clamoring for retirement?

Mr. BRITTEN. These men are men who came out of the ranks of enlisted men, with no particular scholastic education. It is true they knew how to handle ships, and during the war we promoted them by giving them the rank of ensigns and then from that they went to lieutenant grade, finally to lieutenant commanders, but many of them would like to retire because of the equation which they find in the service.

The "equation" and, of course, a stenographic or a printed record does not display the mannerism of the gentleman who is uttering the remarks.

Mr. BANKHEAD. You say it will induce them to retire?

Mr. BRITTEN. This will allow them to retire after they have reached 45 years of age. The higher officers, 99 per cent of them, outside of the 600, come from the Naval Academy.

Mr. MICHENER. What is the theory of retiring men 45 years of age?

Mr. BRITTEN. We are going out of the way to allow these men to retire at 45 who are unable to compete or qualify or equip themselves for the higher grade and who simply stand in the way of others. * * *

There are 600 of them, say, who have had no advanced education in the subject of electricity or navigation or engineering, and none whatever in the languages, for instance.

Mind you, none of these 600 men ever had any training in Greek or Latin. They are not qualified. Please listen to this:

Mr. O'CONNOR. After this remark about their training in the languages, do you not know and realize that they must understand Latin in order to steer a ship?

[Laughter and applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, in this short time I can not undertake the discussion of the provisions of this personnel bill. The bill I believe is well drawn, well considered; it passed the House once and has passed the Senate and is not justly subject to many of the criticisms you have listened to. Ad hominem arguments may please sometimes, but are not very persuasive in an intelligent consideration of important constructive legislation.

Take, for instance, the question asked by the distinguished gentleman from Idaho [Mr. FRENCH] of the gentleman from Georgia [Mr. VINSON] with reference to what he would fix as the salary of this or that officer. Such questions have absolutely nothing to do with this bill. Irrelevant? Of course they are.

I will say to the gentleman from Idaho that I think I know something of the provisions of the pay bill. I was the one member who submitted a dissenting report on that bill. It is generally recognized now in many of its provisions as an unjust bill, and some day when the facts are known to this House you will, with wonderful unanimity, right the injustices and wrongs thereby done to many now commissioned in the service not only of the Navy but of the Army and the other allied services.

The questions asked and not answered had nothing in the world to do with this bill.

Perhaps in the short time allowed me I might also add that much has been said here in defense of those splendid men who received commissions in 1920, and many of the speakers have exhibited great enthusiasm in their behalf and have expressed alarm and apprehension lest great injustice would be done them by this bill.

Perhaps the best way to answer that is to say that this bill has not been kept in secret—there is not a man in the service who came up from the ranks that does not know its provisions. Two years ago or longer it passed the House, it has also passed the Senate, and been open to the study of all men in and out of the service for more than two years, and I venture now to declare that no one on the floor has heard any complaint of the bill from those who were commissioned from the ranks in 1920, and in whose behalf pathetic appeals have been uttered.

The gentleman from Idaho wisely acquiesced on yesterday in an amendment placed on the pay bill by the Senate that would have been subject to a point of order in the House, whereby liberal provision is made for the men who were commissioned in 1920 and who might, by the harsh provisions of existing law, been placed in a very embarrassing position had not liberal retirement privileges been accorded them under the Senate amendment.

This bill is not just what I would want it to be; and if I had the writing of it, I would change several provisions; but in the main I think you will find that it seeks to do justice to the officer personnel of the Navy. I have been here a good many years, and I have yet to find any important constructive legislation that represents the individual views of any single Member. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BRITTEN. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That so much of the naval appropriation act approved August 29, 1916 (Stats. L., vol. 39, p. 576; U. S. C., title 34, sec. 4), as provides: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 of the grade of rear admiral to 4 in the grade of captain, to 7 in the grade of commander, to 14 in the grade of lieutenant commander, to 32½ in the grade of lieutenant, to 41½

in the grades of lieutenant (junior grade) and ensign, inclusive:" is hereby amended to read as follows: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 in the grade of rear admiral, to 4 in the grade of captain, to 8 in the grade of commander, to 15 in the grade of lieutenant commander, to 30 in the grade of lieutenant, to 42 in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line."

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. OLIVER], whom we all love, said that none of these 600 officers who could be retired under this bill had any objection to it. Of course, you won't find objection from any man who has a chance to be retired at 45 years of age on three-quarters of his salary for life. Any person will agree to that, because they get their pay for life and can then sell all of their time to big corporations for big salaries additional. Of course, that meets with their approbation, but what I am thinking about is the American people, who will have to pay the bill, who are not willing to retire able-bodied men at 45 years of age on three-quarters of their salaries for life.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I have only five minutes.

Mr. BRITTEN. Let me correct the gentleman.

Mr. BLANTON. If the gentleman can correct me in half a minute, I yield to him.

Mr. BRITTEN. It is not 75 per cent of their salary. It is two and a half per cent per annum for their total service, not to exceed 75 per cent.

Mr. BLANTON. There never has yet been a bill written for and by the Navy or the Army Department that has not been written in such technical language that not a single Member of the House can understand what it means. We know this, that the 600 officers are to be retired under this bill on retired pay at 45 years of age, and that is what I am objecting to. And we know that some will be retired on three-fourths pay for life. There have been admirals in the service retired on admirals' pay, thereafter drawing for years $50,000 a year from private corporations. I can name you General Harbord, and other generals who have been retired on generals' pay in the Army, drawing for years $50,000 a year from private corporations. It is not right. They were all educated by the people at tremendous expense.

I once heard my distinguished colleague from Texas, Mr. Black, state on this floor that the time would soon come, if we kept on, when we would have half the people retired on big retirement pay, with the other half of the people working hard trying to earn enough money to pay their salaries. It ought to stop. This bill ought to be killed. We ought not to retire any able-bodied man at 45 years of age.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. The gentleman did not have time to yield to me, but I always yield. Is the gentleman in favor of retiring able-bodied men at 45 years of age?

Mr. OLIVER of Alabama. That is a fair question, and I will answer it, and I will ask that the gentleman be granted more time if I consume too much of his time.

Mr. BLANTON. I doubt whether in this impatient atmosphere the House would give it.

Mr. OLIVER of Alabama. There are existing laws now providing for retirement at the ages of 45 and 56. This bill does not affect those laws. Vote down this bill, and it would not change them. These laws were here before the gentleman came, they were here when I came, under which officers at the ages of 45 and 56 are retired if not selected for promotion, and that is why the gentleman unconsciously does an injustice to this bill by calling attention to retirements provided for in laws passed by other Congresses.

Mr. BLANTON. Since the gentleman has taken most of my time, I shall try to use the balance of it. We should repeal every law that retires able-bodied men under 60 years of age. If we set this precedent by passing this bill, under which these 600 naval officers will be retired at 45 years of age, although able-bodied and sound mentally, you will set a precedent that will later on retire every other officer in the Army and Navy and the Marine Corps, and the Coast Guard, able-bodied and sound at 45, for they would likewise ask for retirement at 45 years of age. Are you men in this House who are strong, able-bodied men 45 years of age willing to admit that when a man reaches the age of 45 years he ought to be retired? There have been men here, like Uncle Joe Cannon, who served in this House until they reached almost twice the age of 45, and they rendered to the last good service to the public.

In this disorder and impatient atmosphere this bad bill will pass, and we can not stop it, and we will not be able to force a record vote, but we can protest against it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I rise in opposition to the pro forma amendment. I did not complete my statement of what happened before the Committee on Rules. Of course these 600 men, in answer to the gentleman from Alabama [Mr. OLIVER], who are going to be permitted to retire at the age of 45 are not complaining. Naturally. They are going to be retired at huge salaries, thousands and thousands of dollars, as high as $7,800, I believe. They are not complaining. They are being kicked upstairs into retirement to get them out of the service because they do not fit socially. The distinguished chairman of the Committee on Naval Affairs, that great patriot, the social lion from Chicago, has said that these men did not understand the languages. I have yet to find out what the knowledge of Latin or Greek has to do with steering a ship.

Mr. BRITTEN. I might have said the same thing about the gentleman from New York himself.

Mr. O'CONNOR of New York. Oh, I will gladly take the social lion from Chicago on any time when it comes to intelligence. He said they were not mentally qualified. Here are his own words:

> You know the difference in caliber between the men who graduate from the Naval Academy and those who come up from the service.

All right! If the gentleman from Illinois wishes, in line with his social ambitions to establish caste in America, I shall not say "more power to him," but rather let him try it in this country and in these days of real democracy.

The Clerk read as follows:

> SEC. 2. The selection board established by the act of August 29, 1916, shall be convened at least once each year and at such times as the Secretary of the Navy may direct. The Secretary of the Navy shall furnish the selection board with the names of all officers who are eligible by law for consideration by said board for selection for promotion as herein authorized, together with the record of each officer. Each board shall recommend for promotion from among those officers who are eligible such number as may be directed by the Secretary of the Navy, which number shall be 10 per cent of the authorized number of officers in the grades to which promotions are to be made as determined by the existing computation, and in addition thereto the number, if any, of vacancies then existing and which may occur on or before June 30 in said grade in excess of the number of officers in the next lower grade on the promotion list provided for in section 4: *Provided*, That if the number of officers in any grade on the promotion list is in excess of the number of vacancies then existing and which may occur in the next higher grade on or before June 30, as aforesaid, and said excess shall equal or exceed 10 per cent of the authorized number of officers in said next higher grade as above determined, the number to be furnished the board for recommendation for promotion to said next higher grade shall be reduced to 8 per cent of said authorized number: *Provided further*, That if the number of officers in any grade on the promotion list shall at any time be insufficient to fill vacancies then existing and which may occur in the next higher grade prior to the convening of the selection board next ensuing, the Secretary of the Navy may, in his discretion, convene a selection board to recommend for promotion such additional number of officers as may be necessary to fill said vacancies.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McCLINTIC] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: Page 3, line 24, add "*Provided*, That no officer shall be promoted or retired until the findings of the board shall be approved by the President of the United States."

Mr. McCLINTIC of Oklahoma. Mr. Chairman, every Member of the House should desire to deal fairly with every class of officer in the Navy or Army. It has been repeatedly brought to your attention that it is the object of this legislation to retire approximately 600 officers at the age of 45. The chairman of the committee has made that statement in his testimony. If that is true, then, we who are interested in giving to those officers that which is called a square deal should be willing to allow the findings of the board to be reviewed by the President of the United States. Not only is that a bad situation with respect to the board, but there is nothing in this bill to prohibit a member of the board considering his own promotion when serving in that capacity. I say to you without fear of contradiction that there exists to-day in the United States Navy a prejudice on the part of naval graduates against those who come up from the ranks. Everybody who has had time to make an investigation of that subject knows it to be true. Therefore, if you want to be fair, if you want to deal with these men who are entitled to have some one sponsor their cause, then vote for the amendment which will cause the action of the selection board to be reviewed by the President of the United States, and then you will know they will get a fair and just deal.

Mr. BRITTEN. Mr. Chairman, if the gentleman's amendment is adopted, every warrant officer, every machinist's mate, every carpenter in the Navy must submit his record to the President of the United States before he can be promoted in these minor grades.

Mr. McCLINTIC of Oklahoma. They should be submitted to some higher power, then there could be no complaint from any source.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The question was taken; and on a division (demanded by Mr. McCLINTIC of Oklahoma) there were 25 ayes and 91 noes.

So the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, and ladies and gentlemen of the committee, some emphasis has been laid on the fact that the Senate unanimously passed this bill. The Senate on the second day of the present Seventy-first Congress, now nearly two years ago, passed unanimously a promotion bill for the Army, and that promotion scheme came to this House, and is resting, securely embalmed with the Committee on Military Affairs, and as far as I can remember now, nobody has ever opened his mouth about bringing it up for consideration in the full committee. [Applause.]

The unanimous passage of such a bill as this or the other bill to which I referred, under the circumstances, means nothing at all. Now, what is the obvious fact? If this bill becomes law, in a very few months there will not be an officer in the United States Navy except those who graduated from the Naval Academy. Now, I am for national defense. I am for a good Navy and a good Army, and I would regret it as a most unfortunate thing for the Army for anything approaching 75 per cent of the officer personnel of the Army to be graduates from the Military Academy. It is a fortunate fact, a fact of which I am proud, that to-day practically only 30 per cent of the officer personnel of the Army is composed of graduates of the Military Academy, and the rest of them came from the rank and file, came out of the mass of civilian emergency Army officers, who are natural and tested leaders of men.

It has been said that these officers, who came up from the ranks, do not have all the refinements of higher mathematics and foreign languages; that they do not know French and German; do not know differential calculus or analytical geometry and all such things. I may say to the gentleman from Illinois [Mr. BRITTEN], who has paid a tribute to those members of the officer personnel of the Navy by calling them "the backbone of the Navy," that they may not know so much about higher mathematics but they know the ship.

Mr. HOUSTON of Hawaii. Not necessarily.

Mr. McSWAIN. They do know the ship; and the graduates of the Naval Academy never get their hands greasy or dirty on the ship. Not one of them got dirty or greasy even while they were midshipmen except when carried on a little experimental or practice cruise.

I will ask the gentleman where did John Paul Jones learn his higher mathematics? [Applause.]

Where did David G. Farragut learn his higher mathematics? [Applause.]

Where did Horatio Nelson learn his higher mathematics? [Applause.]

Mr. Chairman, my opposition to this measure is fundamental. Undoubtedly the graduates of the Naval Academy are well educated and therefore able to comprehend the broad problems of naval strategy as well as the narrower problems of naval tactics. But when it comes to the intimate and personal knowledge of seamanship and the handling of a vessel under emergencies, that is something which may be learned only by long years of experience and may not be acquired from books. Of the more than 80,000 young men who enlist in the Navy, undoubtedly there are many thousands who have natural ability, fine character, and great ambition. These young men should be encouraged to hope for a career in the Navy. With this encouragement, they will make better seamen and will be promoted more quickly as a result of their attention to duties and their study of the general problems of naval warfare. If the door of hope is to be shut in their faces, and if they are to be told that they can never rise above the grade of chief warrant officer, then they will not exert the same energy and not be stimulated by the same initiative that they would be if the way were open for them to rise to the highest place in the Navy.

Mr. Chairman, I am proud that some of the highest officers of the United States Army have entered the Army as enlisted men. That is true, also, of the British Army. That great soldier, Sir William Robertson, who represented the British Nation on the Inter-Allied War Council for a part of the time during the World War and held in the British service a position analogous to our office of chief of staff, entered the army as a private soldier. By diligence, by study, and by devotion to duty he overcame all obstacles, he overcame a strong feeling of caste and official prejudice in the British Army and, finally, by force of his personality and by the power of his accomplishments, compelled the recognition of the leaders of the British Nation and was knighted at the hand of the British King.

So, Mr. Chairman, it has often been in the history of American Armies. I hope it will be true many, many times in the future. We must leave hope for advancement in the hearts of men if we may expect them to do their very best. It was so in the early days of our Navy. But under the program contemplated by this bill, all of those splendid officers of the Navy who were commissioned during the war period because of their superior ability as leaders and because of their unusual knowledge of naval problems will be eliminated and then there will be no officer in the United States Navy except graduates of the United States Naval Academy.

Let us be perfectly frank about the situation. I feel sure that more than 50 per cent of the young men who go to the Naval Academy would have accepted an appointment to the Military Academy if they could have gotten the latter and not the former. In other words, the majority of the young men in seeking these appointments have no special choice of the Navy over the Army, nor of the Army over the Navy. As a matter of fact, they are merely seeking a free education with a prospect of going into the service of the Government at a guaranteed salary to commence with, and with an assurance that they will be advanced from time to time as they grow older and more experienced.

Mr. Chairman, if I were seeking for a superintendent of a cotton mill I would not pick out a graduate of Harvard University, however much theoretical knowledge he might have of the textile art. I would pick a man out of the cotton mill, who entered as a boy and who had worked through all the grades in the cotton mill and who knows not only the machinery but who knows the people, their ways, and wishes and, therefore, knows how to handle both the man and the machine. So, in like manner, if I was seeking the manager of a large store I would not pick out a graduate of Princeton University, however much he may have studied the theory of commerce and the academic problems of finance. I would pick out a man who had risen from doorkeeper or cash boy through all the grades of salesmanship, and through all the stages of buying, until he knew the mercantile business from the bottom to the top. So as to the president of a bank. So as to the superintendent of a farm.

In other words, it is more important that the managers and superintendents of these businesses should be men who know the business, rather than know books about the business. Therefore, if I were selecting the captain for a war vessel, who should know every piece of machinery in the ship, who should know what to do in case of storm, who should know how to guide the vessel in conformity with the commands of the admiral in time of battle, I would pick out some man of the 80,000 American citizens in the Navy, who entered the Navy before he was 20 years of age, who had lived on the boat maybe for 20 or 30 years, who had worked in every part of the boat, who had traveled over all the seas, who had experienced storms of all degrees of ferocity, who had maneuvered the boat under every difficulty or variety of position, and who, therefore, could take charge of the boat and the crew upon the boat, just like a boy raised on a western farm can handle a young horse. Such a captain of a boat, we find often in the mercantile marine. These old skippers have sailed over the face of the earth many times, have braved a hundred storms, they know the sea in all its moods, and they know the sailors in all their moods. They can, therefore, handle every situation as it arises. The heroism, the fortitude and the cool judgment of these old mercantile marine sea captains have commanded the admiration of the thoughtful people of the earth for hundreds of years. They have responsibilities to face and to discharge every day of the year, and the constant meeting of their responsibilities develops them. It is not like the naval officer, who has a chance at annual sham battles, except during the war periods which are very occasional, and we hope will gradually grow more remote.

One other thing, Mr. Chairman, about this bill. It is the principle of permitting selection boards to decide who may be advanced and who must be retired. As a member of the committee on Military Affairs and knowing something of the spirit of the Army, I think I can say safely that such a system of promotion would not be thought of for the Army for one minute. It is true we have selection boards for the selection of general officers, but from second lieutenant through the grade of colonel men rise by seniority, provided they can pass the examinations. If they can not pass the examinations, then they are dropped from the rolls and thus penalized for their inattention to duty. But if a selection board were permitted to meet in secret and to pass upon the qualifications of officers in secret, and there to decide who might be promoted and who must be retired, would be so repugnant of the sense of military justice as not to be countenanced for the Army a single minute. Under such a system the selecting board would be bombarded in behalf of relatives and friends, sons and sons-in-law, nephews by blood and nephews by marriage, all operating in a secret selecting board on the principle of "you tickle me and I'll tickle you," which will certainly not make for the selection of the highest merit and the strongest character. Certainly no man ought to be discharged from the Navy or retired until he is given a chance to show out in the open before either the President or a separate and independent board appointed by the President that he has the ability and has the knowledge and that he can carry on the work. Of course, Mr. Chairman, I believe in education, but I know that there is such a thing as education without formal scholastic training.

I know that education, in a true and genuine sense, means mental discipline and spiritual discipline, both combined into one compact personality, called character. This mental discipline may be obtained anywhere. This spiritual must be obtained anywhere. Books and teachers are a great help to education, but there are many educated men who never went to a college, and on the contrary, there are men who went through college and received diplomas but are not genuinely educated. Education results in ability to accomplish results, and to do worthwhile things. Some of the most efficient and useful men I know never got a high-school education in the ordinary sense, but they received a high education from the school of experience, from the college of duty well done, and from the university of contact with the very real forces of the world. Such men are, in fact, truly educated.

So, Mr. Chairman, I properly asked the question as to where John Paul Jones was educated, and where were educated all those truly heroic leaders of the Navy, like Decatur and Preble and Farragut, and many others? Through the daily discharge of duty extending over long periods of years, they were developed into real leaders of men, knowing the ship and knowing the sea, and knowing the human forces operating the ship, and knowing the fighting machinery upon the ship and having acquired all this knowledge by intimate personal character, they were constantly in complete possession and the master of themselves, of their crews, and of their vessels.

I would not abolish the Naval Academy, and I would not discourage the graduates thereof, but I would increase the number of midshipmen who may come from the rank and file of the Navy. In fact, I am disposed to believe that it would be the best thing for every midshipman appointed by a Member of Congress to be required to serve one year with the fleet as an ordinary seaman before entering the academy. Thus he would have first-hand knowledge of the life of the ordinary seamen, and therefore have an understanding of their feelings, and be able better to command them in the future. In the next place, he would be able to decide if he would like the life of the Navy. If he should not like it at the end of one year he could resign and not clutter up the student body with young men not interested in the Navy and not seeking careers in the Navy but merely seeking a free education. But if it comes to pass that all the officers of the Navy of high and low degree are graduates of the academy and have no first-hand knowledge, by actual personal experience, of the work and life and feelings of the enlisted men of the Navy, then the Navy will be to that extent weakened and to that extent the efficiency of the Navy as a force of national defense decreased. I stand for the application of the broad principles of American democracy to the Army and the Navy. All can not be equal in rank nor authority, because there are different degrees of natural ability and character, but all should have an equal opportunity at the beginning.

This principle has made America great in business, great in industry, great in invention, and great in finance. It is a sound principle for application anywhere and at any time.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BRITTEN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in seven minutes.

The motion was agreed to.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CONNERY. Mr. Chairman, I asked for this time for the purpose of interrogating the chairman of the committee. On general principles I am in favor of this bill, but I certainly do not want to vote for any bill which will discriminate against the enlisted personnel of the Navy who

have become officers in favor of the Annapolis graduates. [Applause.] I would like to ask the gentleman from Illinois a question or two. I have been conferring with some gentlemen on my side of the House and have been informed that there is a provision in the bill which will discriminate against the enlisted man who may have become an officer. I have been told that there is a provision in the bill which provides that if an enlisted man has become an officer and desires to do so he can go back to his rank as a warrant officer and receive higher retirement pay than he would if he had remained an officer. Is that true?

Mr. BRITTEN. That is correct. The committee as a whole feels as the gentleman does about these men. This is a relief measure for them and they themselves wrote the language that is in the bill.

Mr. CONNERY. I do not agree with my distinguished colleague from South Carolina in his criticism of the Annapolis graduates. I believe these men have greased their hands and have gone out and taken practical tactical training on their cruises. They have done everything which will tend to make them good officers in the Navy. Furthermore, I do not want to criticize any of our Annapolis men in their duties as officers in the Navy. There possibly may be a discrimination in favor of the Annapolis graduates and against enlisted men; and, of course, I would not approve of that for a moment; but if the chairman assures me that there is no discrimination in this bill against the enlisted man becoming an officer, then I will be glad to vote for the bill.

Mr. BRITTEN. The gentleman from Massachusetts may be fully assured that this bill is in the interest of the very men he is talking about.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. McCLINTIC of Oklahoma. On page 4, at the top of the page, the gentleman will find this language:

Except as provided in section 7, captains, commanders, and lieutenant commanders, who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of 35, 28, or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line-selection board, and any officer in said grades shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years' service in his grade.

In other words, if he fails, he is ineligible and out he goes.

Mr. O'CONNOR of New York. And every one of the 600 men whom the Chairman said the purpose of this bill is to retire at 45 years of age, because they do not know the languages, is an enlisted man.

Mr. CONNERY. Every one of the 600?

Mr. O'CONNOR of New York. Every one of the 600 men is a man who came up from the ranks. Let the gentleman deny that.

Mr. BRITTEN. Of course, everybody understands that but the gentleman himself.

Mr. O'CONNOR of New York. Well, what are the facts? Is it not the fact that every one of the 600 men that you want to retire under this bill is an enlisted man who came up from the ranks?

Mr. BRITTEN. Everybody who has talked on the bill has said that very same thing five or six times, but the gentleman did not understand it.

Mr. O'CONNOR of New York. Oh, yes; I understood it.

Mr. CONNERY. After listening to both sides of this question, Mr. Chairman, I have decided to vote for the bill. [Laughter and applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I rise in opposition to the pro forma amendment.

I have asked for recognition for two minutes to make a statement in connection with the speech made a few minutes ago by my distinguished friend from South Carolina [Mr. McSWAIN], for whom I entertain the warmest affection, as do other Members of the House, because we regard him as a man of outstanding ability and one who would not knowingly mislead the membership of this House.

I will say to my friend that I was a member of the legislative committee when we extended larger opportunities to the enlisted men to enter the academy at Annapolis, and there are in the service to-day some of the finest officers who have come from the enlisted ranks, and some of these have been commissioned as admirals.

One hundred appointments are now given to the enlisted men. We first started with 25 and afterwards increased it to 100, and at my suggestion at this session, we have sought by law to exclude from unfair competition with the enlisted man the college boy who comes prepared to take the entrance examination. If you could go into the Navy and find its officers of high rank volunteering to give freely of their time in training these enlisted men on ship and shore so that they may qualify for the entrance examination to Annapolis, you would then understand that there is no feeling against the enlisted man. I would like to increase the number of appointments given the enlisted men to 200, and surrender, if necessary, some of our congressional appointments, if assured that announced number from the enlisted ranks can qualify for the entrance examinations so as to pass from the academy into the commissioned ranks of the Navy. [Applause.]

The Clerk read as follows:

SEC. 3. Except as provided in section 7, captains, commanders, and lieutenant commanders, who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of 35, 28, or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line-selection board, and any officer in said grades shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years' service in his grade: *Provided*, That the commissioned service of Naval Academy graduates, for the purpose of this section only, shall be computed from June 30 of the calendar year in which the class in which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years: *Provided further*, That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: On page 4, in line 18, after the word "years," strike out the balance of the section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I respectfully desire to call the attention of the committee to these words:

That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section.

Now, if this is not the finest tailor-made language that was ever devised on the top side of the earth to kick these officers out, then I need somebody, other than members of the committee, to tell me what such language means. What are you going to do? Destroy your Navy? Are you going to fix it so that nobody unless he comes from the Naval Academy can be charged with such responsibility in the future?

If we had adopted such a policy during the period of our Revolutionary War, we would not have any nation to-day; and when you tell me that nobody but naval officers shall be commissioned in the future, then I say that you strike down initiative, you strike down ambition, you strike down everything that is necessary on the part of an officer to take care of an emergency, because you know just as well as I do that when it comes to quick perceptive capabilities those who come from the ranks, those who come from the farms,

those who come from the common people are always the ones that put forth the right kind of initiative at the proper time; and I protest with all the vehemence within my power against any such provision in a bill. I think this part of the bill ought to be stricken. [Applause.]

Mr. BRITTEN. Mr. Chairman, I rise in opposition to the amendment.

The proviso which the amendment aims to strike out of the bill is the very proviso inserted in the bill to give these former enlisted men, who are now commissioned officers, a preference over those who came out of the Naval Academy. The amendment should be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. All officers who are not on the promotion list and who, after completion of the designated periods of service as prescribed for their respective grades, become ineligible for consideration by a line-selection board in accordance with this act, or who, if on said promotion list, undergo the required examinations for promotion and are found not professionally qualified, shall be transferred to the retired list of the Navy. All lieutenants who are 45 or more years of age, or who have completed 20 or more years of service, counting all service for which they would be entitled to credit for voluntary retirement, and who undergo the required examination for promotion to lieutenant commander and are found not professionally qualified, shall be transferred to the retired list of the Navy: *Provided*, That if such lieutenants were permanently appointed as ensign or above in the permanent line of the Navy while holding permanent warrant or permanent commissioned warrant rank in the Navy, they shall have the option of reverting to such permanent warrant or permanent commissioned warrant status in the lineal position to which their seniority would have entitled them had their service subsequent to such appointment been rendered in the status to which they revert.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 26, after the word "Navy," strike out the balance of the section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, this amendment would have the effect of striking out of that section of the bill the language which relates to the retirement of those 45 years of age, and who no doubt have come up from the ranks. In addition, it would prevent penalization of those who were formerly warrant officers, causing them to revert to their former status, going back several grades.

The House knows very well that the subject I have been talking about is referred to in this legislation in three or four places. It has been testified to by the chairman of the committee that it was the intention to rid the Navy of a certain class of officers. When you take into consideration that there is this in the mind of those who have graduated from the Naval Academy—the feeling that those who have not graduated are not competent to perform the service—if you favor that idea, you will vote against the amendment, but if you are in favor of allowing these men who come up from the ranks an opportunity to remain in the service you will vote for the amendment.

Mr. BRITTEN. Mr. Chairman, if this amendment was adopted, it would take away from the enlisted man who has become an officer his permanent right to revert to his original warrant grade if he wants to. In many instances he will want to go back to the former warrant grade, because it will be best for him to do so. If he does want to go back, the provision that the gentleman moves to strike out would permit him to do so. I think the amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York) there were 20 ayes and 79 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. Officers retired pursuant to any section of this act shall receive pay at the rate of 2½ per cent of their active-duty pay multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 per cent of said active-duty pay: *Provided*, That because of variations in the date of entry into the Naval Academy of members of the classes of 1906 to 1916, inclusive, ranging from June to September, a fractional year of nine months or more shall be considered a full year in computing the number of years of service of members of those classes by which the rate of 2½ per cent is multiplied.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 7, strike out section 6.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, this section provides for the payment of officers on the basis of nine months per year. If the House wants to establish that precedent I can not prevent it. I am not in favor of legislating nine months to make twelve months. I do not see why such a provision is contained in legislation. Therefore it would seem to me that if the House wants to do that which is right it will not agree that any officer may have credit for one year when he has only served nine months.

Mr. BRITTEN. Mr. Chairman, the amendment that the gentleman from Oklahoma moves to strike out is existing law and has been for 30 years. The amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. There being no further amendment, the committee will automatically rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, and he reported the same back to the House without amendment.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 170, noes 63.

So the bill was passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.; and

S. 6254. An act for the relief of United States Marshal George B. McLeod.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation Fla.;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico; and

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills and a joint resolution of the following titles:

H. R. 531. An act for the relief of John Maika;

H. R. 2222. An act for the relief of Lourin Gosney;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 8242. An act for the relief of George W. McPherson; and

H. J. Res. 357. Joint resolution classifying certain official mail matter.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 255) entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. JONES, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) entitled "An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10672) entitled "An act to amend the naturalization laws in respect of posting notices of petitions for citizenship," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. REED, and Mr. KING to be the conferees on the part of the Senate.

The message also announced that the Senate had concurred in House Concurrent Resolution No. 53, relative to the engrossment and enrolling of bills and joint resolutions during the remainder of the present session of Congress.

RESTRICTION OF IMMIGRATION

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up privileged House Resolution 370, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 370

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. O'CONNOR of New York. Mr. Speaker, may I have some arrangement with the chairman of the Committee on Rules for time?

Mr. SNELL. We are very anxious to get through with this bill to-night, and it is getting late.

Mr. O'CONNOR of New York. I know that the gentleman is anxious to get through. When this matter was brought before the Committee on Rules the proponents of the bill, the chairman of the committee, and so forth, asked for four hours of general debate, if I recall correctly. Then the matter was discussed in the Committee on Rules. It was decided that not only four hours of general debate would be used, but one hour under the rule. Now, not the proponents of the bill but the Rules Committee reduced it to three hours, with the understanding that an hour will be used in this highly controversial bill on the rule, where there are some six or seven dissenting minority members. We need surely one hour, the usual time under the rule, on this side of the House for a discussion of the matter. I ask the gentleman from New York to yield me 30 minutes.

Mr. SNELL. I would be very glad to give all the time necessary, but it is getting late, and we want to put this bill through to-night [Applause], and because of the lateness of the hour and the lateness in the session I had in mind offering an amendment to cut the general debate from three hours down to one hour. As a matter of fact that will answer every purpose. [Applause.]

Mr. O'CONNOR of New York. Oh, I know with what impetuosity such things are rushed through, but let us be fair about it. There is no reason why we should not be as fair on this matter as on any other matter, when it is determined after due deliberation that this bill requires that much debate to develop the side of the opponents of the measure, in order to determine whether or not Congress should pass it. It is no answer to come in and say because of the lateness of the hour and the closing days of the session that this can not be done. I could mention 20 bills that will not be considered in this Congress because of the closeness of adjournment. Why come in at this late hour and violate all of the real sportsmanship agreement of giving the minority members of the Rules Committee a fair share of time and of complying with the rule of having three hours of general debate.

Mr. DICKSTEIN. Mr Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. DICKSTEIN. This bill has been discussed in committee for almost four months, and we have at least five members of the minority, all of whom would like to have some time. Does the gentleman think it is fair and just to the members of the minority and to a number of Members of the House to cut it down to one hour?

Mr. SNELL. I appreciate the fact that some gentlemen have never been for any immigration bill that has ever been before the House of Representatives, and I am not criticizing the gentleman from New York [Mr. DICKSTEIN] for his attitude on the matter.

Mr. O'CONNOR of New York. And on the other hand there are some who have never been against any immigration bill.

Mr. DICKSTEIN. This particular bill should be discussed, because it is a fraud on the Congress and on the American people, and if the Congress after we get through explaining what the bill proposes to do decides to pass it, then you can close the doors, so far as I am concerned.

Mr. BOX. Mr. Speaker, I hope the gentleman from New York will make the motion to cut this down to one hour, and I hope that everyone who believes in restriction of immigration will vote for that amendment.

Mr. SNELL. Mr. Speaker, I yield 30 minutes to the gentleman from New York and then I shall move the previous question.

Mr. DICKSTEIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DICKSTEIN. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. The Chair desires to make this statement and have the attention of the House. Originally the Chair was asked to entertain a motion to suspend the rules and pass this bill. He thought that the bill was of such major importance that it would perhaps be better, even though the season is so late, to have it brought in under a rule; but if it becomes evident that a filibuster is being conducted, the Chair will seriously consider the question of entertaining a motion to suspend the rules and pass the bill. It is evident that there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

Mr. LAGUARDIA. Mr. Speaker, I move that the House do now adjourn.

Several Members rose and addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, I move a call of the House, if we are to go on with the business of the House.

Mr. GARNER. Oh, it is after 7 o'clock.

Mr. TILSON. Does the gentleman want to adjourn?

Mr. CRISP. Mr. Speaker, I move a call of the House.

The SPEAKER. A motion to adjourn takes precedence.

Mr. TILSON. Does the gentleman insist upon his motion?

The SPEAKER. A motion to adjourn has been made.

Mr. LaGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LaGUARDIA. Does not a motion to adjourn take precedence over a motion to order a call of the House?

The SPEAKER. It does.

Mr. TILSON. I moved a call of the House the moment the Chair declared that there was no quorum present. That is all that I could do.

The SPEAKER. The question is on the motion of the gentleman from New York that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. LaGUARDIA) there were—ayes, 23, noes, 222.

Mr. LaGUARDIA. Mr. Speaker, I demand tellers.

The SPEAKER. As many as favor taking this vote by tellers will rise and stand until counted. [After counting.] Twenty-four Members have risen, not a sufficient number, and the tellers are refused.

So the motion to adjourn was rejected.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States.

The SPEAKER. The gentleman from Ohio [Mr. JENKINS] moves to suspend the rules and pass a joint resolution (H. J. Res. 500), which the Clerk will report.

Mr. O'CONNOR of New York. Mr. Speaker, I have been recognized for 30 minutes already.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. JENKINS] to suspend the rules. The Clerk will report the bill.

The Clerk started the reading of the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I have not had my say.

Mr. SABATH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. After a gentleman is recognized under a special rule for a certain time and has the floor, can another gentleman take him off the floor?

Mr. DOWELL. Mr. Speaker, I make the point of order the gentleman is not entitled to the floor while the Clerk is reading the bill.

The SPEAKER. The Chair will answer the parliamentary inquiry.

Mr. SABATH. This is a parliamentary inquiry. The Speaker recognized the gentleman from New York [Mr. O'CONNOR] under a special rule which the House passed.

The SPEAKER. The Chair did not recognize the gentleman from New York [Mr. O'CONNOR] who was yielded 30 minutes. The Chair had not recognized him.

Mr. SABATH. The gentleman from New York [Mr. O'CONNOR] had the floor at that time.

The SPEAKER. The Chair had not recognized the gentleman from New York [Mr. O'CONNOR]. The Chair recognized the gentleman from Ohio [Mr. JENKINS].

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry. I know the Speaker intends to be fair.

The SPEAKER. Absolutely.

Mr. O'CONNOR of New York. The resolution by which this bill was brought from the Rules Committee was adopted. What has happened to that?

The SPEAKER. It was not adopted. It was pending a while ago, but it is not pending now. The Clerk will read the joint resolution.

Mr. LaGUARDIA. Mr. Speaker, I rise to a question of privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. LaGUARDIA. Under the rules of the House the Speaker can not recognize unless there is a quorum present. I submit we are entitled to a count to ascertain whether a quorum is present, and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and sixty-five Members are present, a quorum.

The Clerk will report the joint resolution.

The Clerk read the joint resolution (H. J. Res. 500) as follows:

Resolved, etc., That for each of the fiscal years beginning July 1, 1931, and July 1, 1932, respectively, the quota in the case of any nationality for which a quota has been determined and proclaimed under the immigration act of 1924, as amended, shall be 10 per cent of such quota, but the minimum quota of any nationality shall be 100.

SEC. 2. During such fiscal years no immigration visas shall be issued under subdivision (c) of section 4 of the immigration act of 1924, but in each of such fiscal years all the provisions of the immigration laws shall be applicable to immigrants born in any of the geographical areas specified in such subdivision as if each of such areas had a quota for such year equal to 10 per cent (but not less than 100) of the number of nonquota immigration visas issued, during the fiscal year ending June 30, 1930, to immigrants born in such area.

SEC. 3. Whenever before July 1, 1933, the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer in the United States needs a person trained and skilled in an art, craft, technique, business, or science, of a particular class and qualifications, and that a person of such class and qualifications can not be found unemployed in the United States, he shall transmit to the Secretary of State his decision, including a detailed statement of the particular qualifications found essential, and the Secretary of State shall transmit such decision to the consular officer. A nonquota immigration visa may be issued to an alien found by the consular officer to possess the qualifications set forth in the decision of the Secretary of Labor and to be otherwise admissible under the immigration laws, at any time between July 1, 1931, and June 30, 1933, both dates inclusive, without regard to quota, but not to exceed 300 in the aggregate of all classes in any one fiscal year. In the case of any such aliens who are subject to the contract-labor provisions of the immigration act of 1917, the decision of the Secretary of Labor shall also be considered, for the purposes of the fourth proviso of section 3 of such act (the so-called contract-labor waiver provision), as his determination of the necessity of importing such skilled labor.

SEC. 4. The provisions of this resolution are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this resolution. An alien, although admissible under the provisions of this resolution, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this resolution, and an alien, although admissible under the provisions of the immigration laws other than this resolution, shall not be admitted to the United States if he is excluded by any provision of this resolution.

SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this resolution, have the meaning assigned to such terms in that act.

SEC. 6. This resolution may be cited as the "Immigration act of 1931."

The SPEAKER. Is a second demanded?

Mr. DICKSTEIN. Mr. Speaker, I demand a second.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. LaGUARDIA. Mr. Speaker, I object.

The SPEAKER. The vote for demanding a second is taken by tellers.

The Chair appointed Mr. JENKINS and Mr. DICKSTEIN as tellers.

The House divided; and the tellers reported that there were—ayes 153, noes 2.

Mr. LaGUARDIA. I make the point of order that there is no quorum present.

The SPEAKER. There was no quorum on the teller count; but if the gentleman makes the point of order of no quorum, the Chair will count.

Mr. SNELL. Mr. Speaker, do I understand if the motion has been seconded by teller vote this would be the unfinished business on Monday morning?

The SPEAKER. The gentleman from New York objects on the ground that the teller vote does not disclose a quorum. Therefore the Chair will count to see whether there is a quorum present. In case a quorum develops a second will be ordered. [After counting.] The Chair has counted with the utmost care and has counted 238 Members present, a quorum.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. SNELL] asked if, when a second is ordered or a quorum is present, this matter would be unfinished business at the

next meeting of the House. The Chair replies, "Yes." The Chair holds it would be unfinished business at the next meeting of the House, inasmuch as a second has been ordered, a quorum being present.

Mr. SNELL. Mr. Speaker, I should like to finish this to-night, but if it is going to take long and we must keep Members late, if it will be the first order of business on Monday, I will prefer a unanimous-consent request that the House adjourn at this time to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SNELL]?

Mr. SPROUL of Illinois. I object.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. As a member of the Committee on Immigration, and one who is entitled to control of the time on this side, can we not make a gentleman's agreement by which this bill will be the first order of business for disposition on Monday at 11 o'clock and give this minority and some of the Members a fair chance for fair American play? If we can get that, we will go on Monday.

The SPEAKER. The Chair holds that if the House now adjourns this will be the first order of business on Monday.

Mr. JOHNSON of Washington. Mr. Speaker, I desire recognition.

It is clear that if this performance of to-night is repeated again on Monday, even if we meet at 11 o'clock, this bill will not get to the Senate in time to be handled over there. That is all there is to it. It must be passed to-night.

The SPEAKER. The gentleman from New York [Mr. DICKSTEIN] is entitled to 20 minutes; the gentleman from Ohio [Mr. JENKINS] to 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I understand I have control of the time on this side?

The SPEAKER. The gentleman has 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY.]

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, I am not at all stirred up on this matter so far as getting very excited about it is concerned. I have watched the Speaker of this House since he has been Speaker. I have always had the highest admiration for his fairness and justice in dealing with this House. To-day I am afraid, for the first time, I must make a criticism of the Speaker. I do not know whether it is because the Speaker's dinner hour is approaching that he is getting a little worked up about this. The rest of us are hungry, too. But it seems to me that this is the first time since he has presided over this House that he has ever approached anything that seemed unfair to the American people.

Mr. DOWELL. Mr. Speaker, the gentleman is out of order. He is not discussing the question before the House.

Mr. CONNERY. All right. I will discuss the question before the House, if the gentleman wants to take it that way.

Mr. DOWELL. The gentleman should proceed in order.

Mr. CONNERY. This is a question which affects vitally every State of the Union to-day, and I do not believe that anybody in their sane, thoughtful moments on this side or on that side of the House would want to rush through legislation that should have consideration.

You are going to pass it. That is all right. But in the name of the American people and justice, give full consideration to this bill. Do not try to rush it through under suspension of the rules, when you know it is one of the most important things before the American people to-day. That is all I have to say. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, you can all see this is a contentious subject. I have not time to go into detail as to this bill, but it is a correct bill. The United States is not dividing families. The enforcement of the present 1924 restriction law limits the chances for wives to come to about 10 per cent. We want that continued by law and not by regulation, until business recovers in the United States. The State Department can not stand the pressure. The same thing goes on at the doors of State and Labor Departments that you see going on here.

This bill is absolutely necessary. The Dominion of Canada has already suspended all immigration for two years, with the single exception of orphan boys who are sent by the churches from the cities of the British Isles to be put on farms and raised, just as thirty and more years ago New York sent its orphan boys out to the West to be adopted and raised and where later some of them became governors of States. Canada has suspended immigration for two years in this world emergency. Mexico has done nearly the same thing. In the last three or four days Canada has placed an embargo on soviet-made goods. Canada is for Canada. It is time for the United States, my friends, to do something for the United States. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker and gentlemen, this bill reduces the quota immigration from all quota countries by 90 per cent. It does not touch nonimmigrant or immigrant of nonquota classes. It takes nonquota countries, such as Canada and Mexico, divides their immigration during the last fiscal year by the figure 10 and gives them 10 per cent of their immigration during last year.

The 10 per cent that comes from quota countries will be used almost wholly by near relatives. Large numbers of near relatives come as nonquota immigrants. The 10 per cent which is thus given to them will be used chiefly by immigrants of the preferred classes.

There is a necessity for this legislation. Your humble servant and others have been trying for 10 years to have enacted legislation of this character, and this House knows it. We have had just such opposition as developed here to-night. If we had passed this immigration bill five years ago, there would be two or three million less hungry men and women in the United States right now.

Talk about constructive legislation! This is constructive legislation. We have allowed labor of the classes that have been coming in from Mexico and elsewhere to accumulate in our centers of industry until there is a greatly increased amount of hunger.

Our State Department has found that under present conditions it needs this legislation. The administration has come to see the matter in an entirely different light, and I am exceedingly grateful that I have the privilege of standing before you to-night and contending for this legislation.

Moreover, I do not see anything in the action that our Speaker has taken to-night that is unbecoming or improper. [Applause.] The time comes sometimes when the Speaker has to rule, and when he is so weak he will not rule we have mobs, and one of the things we are going to need in the American Congress is orderly procedure. There has been nothing disorderly in the Speaker's action, and some of these gentlemen who have gone into such fits of hysteria about the orderly ruling of our Speaker to-night need to go back to some of the old countries and see the hell that has prevailed there, from which we are trying to save America. Pass this bill, gentlemen.

Mr. DICKSTEIN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, ladies and gentlemen of the House, in parliamentary procedure there is something worse than a filibuster, I may tell the distinguished, 100 per cent American from Texas, and that is rushing through roughshod by mob rule legislation which is controversial and which the proponents themselves admitted would take four hours to properly debate.

O Mr. Speaker, back there in the hills of Illinois, under a little mound, with a single tablet with his name inscribed thereon, lie the remains of a distinguished bearded old gentleman whose immortal soul has undoubtedly left those remains. His bust adorns the main corridor of the House Office Building. He was a notorious Speaker of this House,

a much advertised Speaker of this House; but if there were any power of expression left in his body, or if his immortal soul in heaven had the power to make comment on the happenings of to-day, this 28th day of February, in the year of our Lord 1931, he would express envy at the arbitrary boldness of that "liberal" from Ohio who has made so many arbitrary and unfair rulings to-day, who has made so many quorum counts to-day, who has counted quorum after quorum when none existed. No man in this House is doing more or has done more to pass this un-American, bigoted immigration bill than the "liberal" from Ohio.

Mr. DOWELL. Mr. Speaker, I make the point of order the gentleman is out of order, because he is not discussing the question before the House.

The SPEAKER. The gentleman will proceed in order.

Mr. O'CONNOR of New York. The distinguished gentleman from Illinois, long since deceased, and longer since shorn of his arbitrary powers, would envy his successor's boldness as presiding officer of the House to-day when, for instance, I myself—and I maintain the RECORD will show this if it is not edited, which would not surprise me—when I had already been yielded 30 minutes to discuss this bill, and in the mad rush, the fanatical, hysterical urge to answer the command of the hooded figure which always stalks this Chamber—the liberal from Ohio—brushed me off my feet and recognized the distinguished 100 per cent American from Ohio to suspend all rules of the House so this bill could be rushed through. Incidentally, I call it to your attention that the gentleman recognized is also a "liberal," unprejudiced resident of the Speaker's State—what more can possibly come out of Ohio? The Speaker, and I am sure he must regret it now, violated all the rules in taking me off my feet and brushing me aside and in recognizing the gentleman to suspend the rules in violation of all fair parliamentary procedure in this House this year or in any year in the past.

O gentlemen, I hope that no one on this side of the House, a Member of which has demanded a second, will ever debate the merits of this bill, for the reason that we have no opportunity in this one of the saddest days in the American Congress. Let the Johnsons debate it. Let that phlegmatic patriot from Washington, of the Johnsons only recently arrived, who now wants to keep out all his Scandinavian relatives—Scandinavians who have contributed and can still contribute so much to America. Let him exhibit the cross of the "invisible empire." Let him, with his customary hysteria, rail at the Jews and Italians, but do not, please, anybody on this side dignify this un-American procedure by debating the merits of the bill. It has no merits but must pass to satisfy the howling bigots.

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, in two minutes I can not debate the merits of the bill and I shall not, nor do I want to. But, Mr. Speaker, if this is an example of the conduct of the House of Representatives, if this is to be evidence of the indispensable spirit of tolerance and of the responsibility of legislators, I think it will pretty soon be time that somebody asks each Member of the House of Representatives to read carefully and soberly his or her oath of office taken on entrance into this Chamber. We are supposedly lawmakers. [Applause.]

Now, I am young as far as membership in this House goes, I know, but, oh, I have been here, on the ground for eight years, watching things with some interest; and the procedure to-night makes me sick at heart. I do earnestly hope there will be a better chance for calm consideration and orderly action than we now have.

I do not direct my remarks against the Speaker, for something tells me that this whole proceeding has been more than a little distasteful to him.

I hope the membership now present will not permit any one man to decide for them, or will not put the responsibility on any one Member, but will themselves take appropriate action, and let this go over until Monday, when we can have a full membership and decent and calm consideration. [Applause.]

Mr. JENKINS. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Speaker, this bill has had the consideration of the Immigration Committee for several years. This is a temporary measure. It is to be effective for two years only.

Nonquota immigration comes to this country at the rate of 100,000 a year. That class of immigration is not affected. The record shows that for every two immigrants coming into the United States one takes the job of an American. I say the time has come when, as between foreign born and Americans, the American shall have the right to keep his work for himself and for his family. [Applause.]

In closing I wish to say that it is with regret that we lose one of the most valuable members of the Immigration Committee, the gentleman from the State of Texas, Judge Box. He has served on that committee for several years with credit to the membership of the House. He has been giving the best of his ability to the bills that have been considered by that committee. The restrictive-immigration policy of this Union stands on our statute books as a result, to a great extent, of his untiring effort and his great ability as a legislator. In saying that his work and constructive statesmanship will be missed by all, I express the thought of the entire membership. This resolution provides for further restriction. On the statute books it will express to the world that America believes that Americans are entitled to protection from foreign competition.

Mr. SNELL. Mr. Speaker, it has become evident that there is much excitement, and it seems to me that it would be better if this matter could go over as unfinished business until Monday. [Applause.]

The SPEAKER. Will the House allow the Chair to make a suggestion? The Chair does not believe that anyone seriously thinks that the Chair would consciously be unfair to anyone or any group. The Chair is never consciously unfair. May the Chair suggest that it is evident that some Members have allowed their tempers to get rather warm, and the Chair would urge that under the circumstances, holding that this will be unfinished business before the House on Monday, that the House accept the suggestion of the gentleman from New York. [Applause.]

Mr. TEMPLE. Mr. Speaker, if the House adjourns now, will the 20 minutes debate on each side begin where we left off to-night?

The SPEAKER. It would. It would be in exactly the same position we are now.

MEETING AT 11 O'CLOCK ON MONDAY

Mr. SNELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horti-

culture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of the Crow Indians;

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, or sold to other persons, or for other purposes;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Monday, March 2, 1931, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

869. A letter from the Secretary of War, transmitting a copy of a resolution adopted by the provincial board of the provincial government of Capiz, P. I., on December 20, 1930, protesting against alleged injustices committed against Filipinos in the United States; to the Committee on Rules.

870. A letter from the treasurer of the Washington Rapid Transit Co., transmitting copy of the annual report of the Washington Rapid Transit Co. to the Public Utilities Commission of the District of Columbia for the year ending December 31, 1930; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Accounts. H. Res. 372. A resolution to pay Mattie Long, sister of Samuel J. Long, six months' compensation, and an additional amount, not exceeding $250, to defray funeral expenses of the said Samuel J. Long (Rept. No. 2910). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 381. A resolution to pay Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 for funeral expenses (Rept. No. 2911). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 382. A resolution to pay out of the contingent fund a sum not exceeding $200 for additional clerical services in the enrolling room; (Rept. No. 2912). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 347. A resolution to pay James W. Boyer, jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation; (Rept. No. 2913). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive papers. A report on the disposition of useless papers in the Department of Labor; (Rept. No. 2919). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive papers. A report on the disposition of useless papers in the Navy Department; (Rept. No. 2920). Ordered to be printed.

Mr. SCHNEIDER: Committee on Immigration and Naturalization. S. 202. An act to provide for the deportation of certain alien seamen, and for other purposes; with amendment (Rept. No. 2922). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINCLAIR: Committee on War Claims. H. R. 11304. A bill for the relief of Stanton & Jones; with amendment (Rept. No. 2914). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 4260. An act for the relief of the American-La France & Foamite Corporation of New York; without amendment (Rept. No. 2915). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5192. An act for the relief of Donald K. Warner; without amendment (Rept. No. 2916). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5408. An act for the relief of Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays; with amendment (Rept. No. 2917). Referred to the Committee of the Whole House.

Mr. KOPP: Committee on Pensions. S. 6225. An act granting an increase of pension to Jessie R. Greene; without amendment (Rept. No. 2918). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. J. Res. 112. A joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; without amendment (Rept. No. 2921). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RAMSPECK: A bill (H. R. 17324) to amend section 7 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. JAMES of Michigan: A bill (H. R. 17325) to protect the water supply of the town of Highlands, Orange County, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. GAVAGAN: A bill (H. R. 17326) relative to the transportation of merchandise or property by common carrier for hire between ports of the United States by way of the Panama Canal; to the Committee on the Merchant Marine and Fisheries.

By Mr. CHINDBLOM: A bill (H. R. 17327) appropriating $500,000 for Federal participation in a century of progress, Chicago, Ill., in 1933; to the Committee on Appropriations.

By Mr. ALLGOOD: Resolution (H. Res. 385) to investigate the American Red Cross, its works, activities, and services in the drought areas of the United States; to the Committee on Rules.

By Mr. GARBER of Oklahoma: Resolution (H. Res. 386) directing the Tariff Commission to investigate the difference in cost of production of crude petroleum, gasoline, fuel oil, and lubricants; to the Committee on Ways and Means.

By Mr. COLLINS: Joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims; to the Committee on Rules.

By Mr. CROWTHER: Joint resolution (H. J. Res. 523) providing for an investigation into economic and labor conditions in Soviet Russia; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Minnesota, memorializing Congress of the United States to provide for the establishment of a fur-breeding experiment station in said State as soon as possible; to the Committee on Agriculture.

By Mr. KVALE: Memorial of Minnesota State Legislature, submitted by the secretary of state, Hon. Mike Holm, urging adoption of Senate bill 5109 at the earliest possible date; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOGG of Indiana: A bill (H. R. 17328) granting an increase of pension to Susan L. C. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17329) granting an increase of pension to Ellener Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17330) granting an increase of pension to Mary M. Welder; to the Committee on Invalid Pensions.

By Mr. LUDLOW: A bill (H. R. 17331) granting a pension to Margaret Patten; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 17332) granting a pension to Edward H. Latterell; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 17333) granting an increase of pension to Caroline Rahn; to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Pennsylvania: A bill (H. R. 17334) for the relief of Alfred J. Buka; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 17335) granting an increase of pension to Commodore P. Fuller; to the Committee on Pensions.

Also, a bill (H. R. 17336) granting an increase of pension to Naomi B. Reed; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10278. By Mr. BACON: Petition of sundry residents of Long Island, N. Y., favoring passage of House bill 7884, to exempt dogs from vivisection; to the Committee on the District of Columbia.

10279. By Mr. BROWNE: Resolution of Wausau Central Labor Union, Wausau, Wis., and its affiliated unions, resolving that it is the duty of the congressional Representatives elected by the people of the several States to convene on March 4, 1931, in a special session of Congress and continue until all needed legislation is disposed of; to the Committee on Labor.

10280. By Mr. COCHRAN of Pennsylvania: Petition of members of Coolspring Woman's Christian Temperance Union, Missionary Society, and Sabbath School, submitted by Lillian Kemm, president Coolspring Woman's Christian Temperance Union, Mercer, Pa., rural free delivery, urging the passage of the Sparks-Capper resolution proposing to amend the United States Constitution so as to exclude unnaturalized persons in each State from the count to determine the number of persons in each State for apportionment of Representatives in Congress; to the Committee on the Judiciary.

10281. By Mr. COOPER of Wisconsin: Petition of certain residents of Walworth County, Wis., urging passage of so-called Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10282. By Mr. CULLEN: Petition of the Medical Society of the county of Kings, N. Y., resenting the characterization of Senate bill 4582 as "the doctors' bill" as misleading and untrue, disapproves of the provisions of the bill, and opposes its enactment; to the Committee on the Judiciary.

10283. By Mr. HALE: Petition of Roger E. Thompson and 24 additional voting citizens of East Rochester, N. H., urging passage of House Joint Resolution No. 356, the proposed Sparks-Capper stop-alien representation amendment to the Constitution; to the Committee on the Judiciary.

10284. Also, petition of Sarah M. Lane, of Hampton, N. H., and 16 additional citizens of Hampton, supporting House Joint Resolution No. 356, the proposed Sparks-Capper stop-

alien representation amendment; to the Committee on the Judiciary.

10285. By Mr. HOPE: Petition of J. W. Berger and 43 others of Ransom, Kans., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10286. Also, petition of Mary Whitmer and 20 others of the seventh district of Kansas, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10287. By Mr. MAAS: Resolution by the City Council St. Paul, Minn., disapproving passage by Congress of the Knutson bill, providing for certain minimum levels for the upper Mississippi reservoir lakes and for limiting the regulatory power of the War Department as to discharges from the said reservoirs; to the Committee on Rivers and Harbors.

10288. By Mr. MAGRADY: Petition of numerous citizens of Berwick, Pa., and vicinity, urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10289. Also, petition of numerous citizens of Berwick, Pa., and vicinity, urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10290. Also, petition of numerous citizens of Montandon, Pa., urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10291. By Mr. ROBINSON: Resolution from the Clayton County (Iowa) Guernsey Breeders' Association, which met on February 20, 1931, at Garnavillo, Iowa, and which is signed by the president of the association, W. L. Schulte, urging the passage of the Brigham oleomargarine bill; to the Committee on Agriculture.

10292. Also, petition of Emily A. Reeve, Hampton, Iowa, and 12 other citizens of Hampton, Iowa, urging the passage of the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10293. By Mr. SHOTT of West Virginia: Petition of the Woman's Christian Temperance Union, of Williamson, W. Va., signed by Mrs. L. D. Whitmore, president, and Mrs. P. B. Maynard, treasurer, urging that Congress take action to provide legislation providing for the supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10294. By Mr. SPARKS: Petition of Reorganized Church of Jesus Christ, of Osborne, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10295. Also, petition of Young Women's Christian Association, of Downs, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10296. Also, petition of Women's Relief Corps, No. 119, of Lincoln, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10297. By Mr. STRONG of Pennsylvania: Petition of citizens of McGees Mills, Pa., and vicinity, in favor of amending the Federal Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10298. By Mr. SWANSON: Petition of Rev. Francis E. Cooper and others, of Council Bluffs, Iowa, favoring a constitutional amendment for the exclusion of aliens in congressional apportionment; to the Committee on the Judiciary.

10299. By Mr. SWING: Petition of Sarah Peters and 240 citizens of San Diego Calif., urging the passage of House Joint Resolution No. 356, Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10300. By Mr. TEMPLE: Petition of the Ever Faithful Woman's Bible Class, of Waynesburg, Pa., in support of the Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10301. By Mr. WYANT: Petition of members of Methodist Episcopal Church of Trafford, Westmoreland County, Pa., urging support of Sparks-Capper amendment to eliminate unnaturalized aliens from count in proposed congressional reapportionment; to the Committee on the Judiciary.

10302. By Mr. YATES: Petition of H. C. Neale, president National Association of Postal Supervisors, Chicago, Ill., requesting the consideration of House bill 14908 and Senate bill 5243 relative to salaries of station supervisors; to the Committee on the Post Office and Post Roads.

10303. Also, petition of Mrs. A. Kingsley, president of the Up-to-Date Club, of North Maywood, Ill., urging Congress to pass the Sparks-Capper amendment to the Constitution; to the Committee on the Judiciary.

10304. Also, petition of the Thomas Cloudeo Post, No. 70, West Oak Street, Chicago, Ill., urging the passage of House bills 15621, 14059, and Senate bills 5073, 5074; to the Committee on World War Veterans' Legislation.

10305. Also, petition of Clifford V. Gregory, editor Prairie Farmer, Chicago, Ill., urging the passage of the Brigham-Townsend bill, as in his opinion if this bill is not passed the dairy industry of Illinois will suffer; to the Committee on Agriculture.

SENATE

MONDAY, MARCH 2, 1931

(Legislative day of Tuesday, February 17, 1931

The Senate met at 11 o'clock a. m., on the expiration of the recess.

DEATH OF REPRESENTATIVE HENRY ALLEN COOPER

Mr. LA FOLLETTE. Mr. President, it becomes my sad duty to announce the death of Representative HENRY ALLEN COOPER, of Wisconsin.

Mr. COOPER was the dean of the House of Representatives, having been elected to the Fifty-third and each succeeding Congress, with the exception of the Sixty-sixth. A distinguished statesman, scholar, and a noble gentleman, his death is a great loss to the Nation and to the State of Wisconsin.

Mr. President, I offer the following resolutions and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 487) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

Resolved, That a committee of 15 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the Vice President appointed as the committee on the part of the Senate the senior Senator from Wisconsin [Mr. LA FOLLETTE], the junior Senator from Wisconsin [Mr. BLAINE], the senior Senator from Indiana [Mr. WATSON], the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from Idaho [Mr. BORAH], the senior Senator from Nebraska [Mr. NORRIS], the junior Senator from Utah [Mr. KING], the senior Senator from Tennessee [Mr. MCKELLAR], the senior Senator from North Dakota [Mr. FRAZIER], the junior Senator from Nebraska [Mr. HOWELL], the senior Senator from Minnesota [Mr. SHIPSTEAD], the senior Senator from New Mexico [Mr. BRATTON], the senior Senator from Kentucky [Mr. BARKLEY], the junior Senator from Oklahoma [Mr. THOMAS], and the junior Senator from Texas [Mr. CONNALLY].

Mr. LA FOLLETTE. Mr. President, I offer the following resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.





The Chief Clerk read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock m. to-day.

The resolution was unanimously agreed to; and the Senate (at 11 o'clock and 2 minutes a. m.) took a recess until 12 o'clock meridian to-day.

AFTER THE RECESS

The Senate reassembled after the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, transmitted the resolutions of the House on the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

The message also announced that the House had passed without amendment the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

THE JOURNAL

Mr. FESS. Mr. President, I ask unanimous consent for the approval of the Journal, beginning February 21, to February 28, inclusive.

Mr. LA FOLLETTE. I object, Mr. President.

The VICE PRESIDENT. The Senator from Wisconsin objects.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT. In accordance with the provisions of an act approved June 6, 1924, as amended April 30, 1926, the Chair appoints the Senator from Kansas [Mr. CAPPER] as a member of the National Capital Park and Planning Commission, to serve until the chairman of the Committee on the District of Columbia of the Senate is chosen in the succeeding Congress.

REPORT OF THE NEAR EAST RELIEF

The VICE PRESIDENT laid before the Senate a communication from Barclay Acheson, executive secretary of the Near East Relief, transmitting, pursuant to law, the report of that organization for the year ended December 31, 1930, which, with the accompanying papers, was referred to the Committee on Printing.

REPORT OF THE BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate a communication from James E. West, chief scout executive of the Boy Scouts of America, transmitting, pursuant to law, the Twenty-first Annual Report of the Boy Scouts of America, which, with the accompanying papers, was referred to the Committee on Education and Labor.

REPORT OF WASHINGTON RAPID TRANSIT CO.

The VICE PRESIDENT laid before the Senate a communication from the treasurer of the Washington Rapid Transit Co., transmitting the annual report of that company to the Public Utilities Commission of the District of Columbia for the year ended December 31, 1930, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of the State of Minnesota, memorializing Congress to establish a fur-breeding experiment station in the State of Minnesota, which was referred to the Committee on Agriculture and Forestry. (See resolution printed in full when presented by Mr. SHIPSTEAD, February 28, 1931, page 6408 of the CONGRESSIONAL RECORD.)

He also laid before the Senate a petition from the Americanism Commission of the American Legion, Department of Illinois, praying for the passage of the so-called Oddie bill, being the bill (S. 4848) to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics, which was referred to the Committee on Finance.

He also laid before the Senate petitions of sundry citizens of Wichita, Kans., and New Castle, Pa., praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Fred E. Lukens, secretary of state of the State of Idaho and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of Senate Joint Memorial No. 11, enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 28th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 28th day of February, A. D. 1931.

[SEAL.]

FRED E. LUKENS,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
In the Senate.

Senate Joint Memorial 11. (By agricultural committee)

To the honorable Senators and Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas by reason of the enormous increase in the production of sugar throughout the world the price of domestic beet sugar has been forced down to an unreasonable low basis, and to a point where the farmers' interests in the industry are in serious jeopardy; and

Whereas a further decrease in the price of beet sugar is threatened because of the uncertainty in the interpretation of the present United States tariff act relating to liquid sugar; and

Whereas the growing of sugar beets is one of the most valuable assets the farmers of Idaho have had, not only in a financial sense but as a factor in keeping up the fertility of the soil by crop rotation; and

Whereas the by-product of the sugar beet enters very largely into the farm economy of all our best growing districts as a material aid to the dairy and livestock business; and

Whereas the loss of these various beneficial results would be exceedingly harmful to every phase of the agricultural life of Idaho; and

Whereas the general business interests of the State are greatly benefited by the annual proceeds from the sugar-beet crop, and any detriment to the industry will be felt by every business interest of the State of Idaho; and

Whereas a large amount of sugar is coming into this country from the Philippines, Hawaii, Porto Rico, and Cuba, where the cost of living is very much lower than in the United States; and

Whereas the sugar from the Philippines, Hawaii, and Porto Rico comes into the United States duty free and that from Cuba under the present tariff act is subject to a duty of $2 per 100 pounds of sugar; and

Whereas in order to avoid this tariff of $2 per 100 pounds of sugar the sugar producers in Cuba are seeking by the addition of water to pure sugar to ship into the United States sugar in liquid form, and avail themselves of a rate of 4 cents per 100 pounds of sugar provided for in paragraph 502 of schedule 5 of said tariff act of 1930, instead of $2 per 100 pounds intended by said act for such sugar; and

Whereas the question as to whether such sugar should take the rate of $2 per 100 pounds of sugar or the rate of approximately 4 cents per 100 pounds of sugar is now pending before the United States Court of Customs Appeals; and

Whereas the uncertainty as to the rulings of said court or other court on appeal is creating a demoralizing effect upon the beet-sugar industry, which uncertainty should be eliminated in order to permit sugar-beet manufacturing companies and the farmers to contract on some stable basis for the growing of sugar beets for the year 1931: Now therefore be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That we most respectfully urge upon the Congress of the United States of America to immediately create an amendment to the existing tariff law that will enable sugar in liquid form to be subject to the same tariff as other sugars, thereby enabling beet sugar to compete with foreign-grown cane sugars; and be it further

Resolved, That the secretary of state of the State of Idaho be authorized, and he is hereby directed, to forward certified copies of this memorial to the Senate and the House of Representatives of the United States of America and to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 28th day of February, 1931.

G. P. MIX,
President of the Senate.

This senate joint memorial passed the house of representatives on the 28th day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 11 originated in the senate during the twenty-first session of the Legislature of the State of Idaho.

CARL C. KITCHEN,
Secretary of the Senate.

Mr. TYDINGS presented a communication from the executive board of the Allegany Trades Council, of Cumberland, Md., transmitting copies of letters relative to a protest on the appointment of George G. Young as postmaster at Cumberland, Md., which, with the accompanying letters, was referred to the Committee on Post Offices and Post Roads.

Mr. GOLDSBOROUGH presented a memorial of the Allegany Trades Council, of Cumberland, Md., remonstrating against the appointment of George G. Young as postmaster at Cumberland, Md., which was referred to the Committee on Post Offices and Post Roads.

He also presented a telegram in the nature of a memorial from Waldo Newcomer, of a committee of the American Bankers' Association, Baltimore, Md., remonstrating against the passage of the bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, which was ordered to lie on the table.

He also presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented petitions of sundry citizens of the State of Vermont, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by Schenectady Lodge, No. 251, Loyal Order of Moose, of Schenectady, N. Y., favoring immediate action to relieve suffering and distress caused by the present unemployment situation in the country, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of the State of New York, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Chamber of Commerce of Stockton, Kans., praying for the passage of the so-called Capper-Garber bill, to place a limited embargo on the importations of crude petroleum, or the passage of legislation imposing a tariff on crude petroleum, which was ordered to lie on the table.

Mr. SHEPPARD presented petitions of Mrs. Jess Todd and other citizens of Canadian; of Hon. J. M. Sanders and other citizens of Center; of Mrs. A. T. Bryan and other citizens of Timpson; of Rev. and Mrs. E. F. Lyon and other citizens of Vernon; of Mrs. Jack Bailey and other citizens of McLean and Shamrock; of Rev. and Mrs. H. E. Draper and other citizens of Corpus Christi; and of Mrs. E. H. Sellards and other citizens of Austin, all in the State of Texas, praying for the ratification of the World Court protocols this winter or spring, which were referred to the Committee on Foreign Relations.

Mr. NORBECK presented petitions of A. A. Traux and 50 other citizens of Mitchell; of Mrs. John F. Robertson and 151 other citizens of Sioux Falls; of Gabriel Lundy and 108 other citizens of Brookings; of O. R. Haug and 12 other citizens of Huron; of 29 students of Huron College, of Huron; of Mrs. R. S. Griswold and 62 other citizens of Vermilion, all in the State of South Dakota, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. WALCOTT presented petitions of sundry citizens of Milford, Darien, and Bridgeport, all in the State of Connecticut, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Danielson, Goodyear, Brooklyn, Killingly, and Putnam, all in the State of Connecticut, praying for the passage of House Joint Resolution 473, providing for an amendment to the Constitution excluding aliens from the count for apportionment of congressional districts among the States which were referred to the Committee on Commerce.

He also presented petitions of the College Club of New Britain and of sundry citizens of New Haven, Oakville, Middletown, Norwich, Hartford, New Canaan, East Norwalk, West Hartford, Wilton, Cannondale, Hamden, West Haven, East Haven, Milford, and Seymour, all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. BRATTON presented the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Irrigation and Reclamation:

TENTH LEGISLATURE,
STATE OF NEW MEXICO.

House Joint Memorial 5, memorializing the Congress of the United States to include in the plan for an adequate flood-control program of the Mississippi River area the construction of a flood-control reservoir on the Canadian River within the State of New Mexico. (Introduced by J. D. Lamb)

Whereas the Congress of the United States, on May 15, 1928, passed a flood control act for the purpose of controlling the devastating floods in the lower Mississippi River; and

Whereas we believe that stream control, not only in the lower Mississippi Valley but throughout the entire watershed of the Mississippi River, is necessarily a part of any adequate plan for the solution of the problem; and

Whereas the control by reservoirs of tributary streams for the purpose of not only holding back flood and waste waters for the prevention of floods but for other beneficial purposes, including that of irrigation, is a necessary and proper part of any adequate plan for the control of the lower Mississippi River; and

Whereas the Canadian River, having its rise in the State of New Mexico, is a tributary of the Mississippi River which periodically contracts a great volume of water to the lower Mississippi River under flood conditions:

Now, therefore, the Tenth Legislature of the State of New Mexico does hereby request the Congress of the United States and the bureaus and departments of the Federal Government intrusted with the working of the plans for the control of flood conditions in the lower Mississippi to include in the plans for such control the construction of a flood-control reservoir on the Canadian River within the State of New Mexico as an integral part of such flood-control plan; and be it further

Resolved, That a copy of this joint memorial be forwarded to the Hon. SAM BRATTON and the Hon. BRONSON M. CUTTING, Senators of New Mexico, and the Hon. ALBERT G. SIMMS, Representative in Congress from the State of New Mexico.

ALVAN N. WHITE,
Speaker of the House of Representatives.

Attest:

GEO. W. ARMIJO,
Chief Clerk of the House of Representatives.

A. W. HOCKENHULL,
President of the Senate.

Attest:

R. H. POOLER,
Chief Clerk of the Senate.

Approved by me this 20th day of February, A. D. 1931.

ARTHUR SELIGMAN,
Governor of New Mexico.

Filed in office of secretary of state of New Mexico February 20, 1931.

MRS. M. P. BACA, *Secretary.*

BIRTH CONTROL

Mr. WALSH of Massachusetts. Mr. President, I have here a statement by Mrs. Lewis C. Lucas on behalf of the board of directors of the Woman Patriot Publishing Co., of Washington, D. C., in opposition to Senate bill 4582, which I ask unanimous consent may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

The following statement in opposition to Senate bill 4582 on behalf of the board of directors of the Woman Patriot Publishing Co. (consisting of Mrs. Randolph Frothingham, Brookline, Mass.; Mrs. Rufus M. Gibbs, Baltimore, Md.; Mrs. James Cunningham Gray, Boston; Miss Mary G. Kilbreth, Southampton, N. Y.; Mrs. Paul Killiam, Cambridge, Mass.; Mrs. Lewis C. Lucas, Washington, D. C.; Mrs. B. L. Robinson, Cambridge, Mass.; and Mrs. Francis E. Slattery, Brighton, Mass.) is respectfully submitted.

PAULA E. LUCAS,
(Mrs. Lewis C. Lucas)
Secretary Woman Patriot Publishing Co.

1. We oppose S. 4582 because it would break down four Federal laws directly, and laws of all States indirectly, in order to legalize and license a particularly vicious and dangerous form of admitted "bootlegging" that has always been connected, both in law and in fact, with the promotion of obscenity and unchastity.

On this point we rest our proof entirely upon the statement and publications of advocates themselves of the proposed amendment and upon the well-known present provisions of our Federal and State laws.

2. We oppose S. 4582 because it would license every quack in the world associated with any "governmental agency, medical society, medical school, or medical journal" to use the United States mails and our interstate commerce to advertise for, advise, and prescribe for "patients" in the United States—without holding a medical license in any State of our Union—to experiment, for gain, upon all American residents who can be misled to believe by propaganda that free love can be made safe by the "information" and devices this bill would legalize for sale.

3. We oppose S. 4582 because immediately after any quack on earth connected with any "governmental agency, medical society, medical school, or medical journal" at Moscow, Madagascar, or any other place "within or without the United States" shall publish "information"—any information—"relating to the prevention of conception" it may be "reprinted, after such publication, by any person or organization whatever," for any reason whatever, from the profitable promotion of trade in pornographic literature to the design to corrupt and revolutionize our American system of family life to further the cause of communism.

These objections summarize our opposition. The second and third are inherent and self-evident results of the text of S. 4582 if enacted into law.

Only the first objection requires any evidence outside the text of S. 4582 and its necessary implications. Therefore we submit the following proof:

(a) Statement by the Postmaster General showing the present conditions as to the circulation of pornographic literature and devices, and the fraudulent practices already resorted to by some so-called "medical" profiteers in human misery.

(b) Statement of the Birth Control League showing how the "information" is now being "bootlegged."

(c) Statement of the Voluntary Parenthood League showing that the "information" is now being "bootlegged."

(d) Proof out of their own mouths that some of the ringleading advocates of this measure have been engaged in a campaign against chastity verging upon if not quite identified in fact with "obscene, lewd, lascivious, and filthy" suggestions and propaganda with which the Federal laws and those of almost every State now include prohibition of the things the present Senate bill would legalize. This association in fact justifies enforcement of the connection at law.

(a) *Statement of the Postmaster General*

[From the annual report to the President, November 1, 1930]

(Page 68)

OBSCENE AND SCURRILOUS MATTER

"The traffic in pornographic matter took a new lease of life during the year. This is particularly true of dealers in pornographic nudes and obscene cartoons, and the volume of indecent pamphlets and books other than those dealing in a technical manner with the subject of sex education was somewhat increased. As a consequence many rulings adverse to would-be mailers of such pictures and books were made and a great deal of obscene matter was excluded from the mails. In several cases criminal proceedings were instituted against violators of Eighteenth United States Code, 334, and the obscene matter found in the mails was disposed of as unmailable under the law.

"Rigid enforcement of State laws forbidding the sale and display of indecent publications and pictures would do much to help clear the field of such objectionable matter.

"The activity of certain foreign dealers has increased to a remarkable extent, and certain individuals and concerns which change their names frequently have undertaken to flood the country with circulars of an exceedingly obscene nature.

"Strenuous efforts have been made to discourage this practice and to prevent the advertisers responsible therefor from receiving any orders or remittances from persons residing in the United States."

(Pages 66–67)

FRAUDULENT ENTERPRISES

"Proceedings instituted during the past year under 39 United States Code, 259 and 732, resulted in closing the mails to a large number of persons and concerns *for obtaining money or property through the mails by means of false and fraudulent pretenses*, representations, and promises.

"*The principal offenders* were those operating *medical*, oil-stock selling, and so-called work-at-home schemes by mail. * * *

"*The pernicious trade in nostrums and worthless alleged curative devices* continues, and during the past year a considerable number of promoters and concerns operating such schemes were denied the use of the mails.

"Many people who suffer from incurable ailments or from diseases which require surgical treatment, as well as chronic invalids and the aged, are induced to part with considerable sums of money *by the alluring and highly colored promises of purveyors of more or less worthless preparations and of devices supposed to possess curative properties*. Aside from the fact that the sick are led to waste their money on these preparations and devices, *they frequently suffer material injury to their health* as a result of placing undue reliance thereon." (Italics ours.)

The Postmaster General's report clearly shows that "rigid enforcement"—rather than repeal or nullification—of the present Federal and State laws is needed. Also that first among the "principal offenders" to-day are unscrupulous "medical" quacks operating mail-order schemes to sell "more or less worthless preparations and devices supposed to possess curative properties." Thus the present bill, S. 4582, in giving a national license to any "governmental agency, medical society, medical school, or medical journal" to publish, advertise, and sell anything whatever "relating to the prevention of conception" would not only open the United States to all the filth in the world that may be and often is "relating to the prevention of conception" but also S. 4582 would legalize at once "purveyors of more or less worthless preparations and devices" that are "supposed to possess" power to prevent conception. The Postmaster General is not an obstetrician or gynecologist, in any case—and if he were, the present bill would give him no power whatever to distinguish between the various kinds of "information" and "devices" that, true or false, good or bad, harmless or injurious, could all be legally advertised and sold in the United States under the sweeping license of the Gillett bill to any "medical" journal or institution anywhere, to put out anything "relating to the prevention of conception."

(b) *"Bootlegging" of the "information" at present*

The Birth Control Review, official organ of the American Birth Control League, for May, 1922, at page 88, declares:

"Despite stringent laws upon the subject, anyone may enter practically any drug store in New York City and select a contraceptive device from a large and widely varied stock. Among individuals information upon contraceptive methods and as to where various devices may be bought is as common and is as freely interchanged as is information about home brews and bootleggers—probably the interchange of information is even more free. * * *

"The present condition has, of course, other sinister and dangerous aspects. Much of the information upon which contraceptive methods are based is unscientific and misleading; many of these methods are untrustworthy or injurious to health. That does not and never will prevent them from being used; the only way in which they can be abolished is by making available correct information as to safe and dependable methods."

Here is an official admission that this "information" is being "bootlegged" at present and that many of the methods are "untrustworthy or injurious to health."

The Birth Control Review declares that "safe and dependable methods" might be legalized and the "unscientific and misleading" and "untrustworthy or injurious to health" methods "abolished." But that is precisely what the Gillett bill makes no pretense of doing; it would legalize any information "relating to the prevention of conception" that anybody connected with "any governmental agency, medical society," etc., anywhere on this planet, for any motive, might wish to publish, advertise, and sell in the United States.

Consider a somewhat parallel case—as to national prohibition. We do not pretend to have discovered any universally satisfactory solution of that great problem, yet prohibition is fixed in our Constitution so firmly that all citizens, "wet" or "dry," are more or less interested in its enforcement, modification, or repeal. Hundreds, if not thousands, of "methods" have been suggested by "wets," "drys," and others to secure better enforcement, modification, or repeal of our prohibition laws. But never has anybody, "wet" or "dry," proposed as a solution of our present deplorable "bootlegging" in the sale of intoxicating beverages to license "any governmental agency, medical society, medical journal, or medical school" anywhere in the world to go into the wholesale liquor business by mail order throughout the United States or "any person or organization whatever" to go into the retail liquor business thereafter. No "wet" in the United States has yet been wild enough to propose that every "governmental agency" or "medical" institution on earth and afterwards "any person or organization whatever" should be given a license by Congress to advertise, manufacture, sell, and promote anything whatever "relating" to intoxicating beverages.

Yet the Gillett bill, as to anything "relating to the prevention of conception" is precisely as "wide open" an alleged legislative remedy for the present "bootlegging" of contraceptive information and devices as such an unthinkable parallel proposition for the solution of the prohibition issue would be. The most ardent "wets" among our vast population—and there are probably a score of "wets" to every "birth-control" advocate among our people—have never proposed that Congress adopt as loose and "wide open" a law to permit almost anybody on earth to engage in the liquor business through the United States mails, regardless of State prohibition and without any State license, as these little groups of "birth-control" advocates demand "relating to the prevention of conception" and will secure if the Gillett bill be enacted.

(c) *How Voluntary Parenthood League promotes "bootlegging"*

An official publication of the Voluntary Parenthood League, Mrs. Mary Ware Dennett, director, entitled "For Instance," prints upon page 11 part of an alleged application for contraceptive information from a woman who was induced to apply for same by an article previously published. The woman was undoubtedly led to believe by the article published that the Voluntary Parenthood League would give her the information requested. The Voluntary Parenthood League pamphlet declares:

"It may be of interest to know how the Voluntary Parenthood League answers letters of this sort, so here is the reply to Mrs. E.:

"'As an official of this organization, I can not do what I would like to do and send you the information by return mail. You ought to have it and I ought to be able to send it or tell you how to get it. But when you read the inclosed law (with its penalty of five years' imprisonment and fine of $5,000) I am sure you will realize why we can not do it in response to the many requests we get. We are bound to assume that we are more useful outside of jail than in it, and we are working just as hard as we possibly can to get the wretched laws changed, so that you and all the other young parents can have the best information there is. *However, this does not mean that you can not get the information. There is a great deal of it in circulation and it is not very difficult to get. Most of the pamphlets and leaflets* are not as good as they ought to be, *but they are better than nothing.* The fact that you let your need be known will probably mean that *somehow, somewhere, you will get the information you want.* I am sending you some of the publications of our league, and should be very glad if we could count upon you to let some of the other people in * * * know what we are doing. We need the support of all the young people like you * * *'" (pp. 12–13, For Instance, issued by Voluntary Parenthood League.) (Italics ours.)

The Birth Control League, as previously shown, admits in its official organ that many of the "methods" are "untrustworthy or injurious to health." The Voluntary Parenthood League admits that "most" of the pamphlets are "not as good as they ought to be," but says they are "better than nothing," and tells the applicant that "somehow, somewhere" she will probably get the information since she let her need "be known"—to the Voluntary Parenthood League!

Thus any method, although "untrustworthy or injurious to health," is indirectly recommended by the Voluntary Parenthood League as "better than nothing," and the applicant is encouraged to hope that the information will be "bootlegged" to her "somehow"—if she will support the agitation of the Voluntary Parenthood League and promote it among her friends!

A parallel case would be for a "wet" organization to encourage persons to believe, by propaganda, that intoxicating beverages could be obtained directly from it and then reply to applicants that "somehow, somewhere" the beverages might be obtained from bootleggers, providing the applicant supported and promoted the "wet" organization!

Thus it is clearly demonstrated, on the official admissions of the Birth Control League and the Voluntary Parenthood League, that "untrustworthy or injurious to health" contraceptive information and devices are being "bootlegged."

And all the Gillett bill proposes to do about it is to legalize, without any discrimination whatever, any "information relating to the prevention of conception," however fraudulent in fact or vile in language that "any governmental agency" or "medical" institution on earth, and after them, "any person or organization whatever" cares to sell through the mails in the United States.

(d) Proof of the campaign against chastity

The first provision of the Gillett bill is framed to fit the case of Mrs. Mary Ware Dennett, director of the Voluntary Parenthood League. She has already done, in part, what the Gillett bill would hereafter authorize "any person or organization whatever" to do: that is, she secured the publication, in a "medical journal" of an article on sex—which incidentally includes an indirect and obscured, but none the less positive paragraph indicating how conception may be prevented—and the article was thereafter reprinted as An Explanation for Young People.

In this pamphlet Mrs. Dennett, in her introduction, writes: "* * * These points are not frankly or clearly explained in most sex literature. They are avoided, partly from embarrassment, but more, apparently, because those who have undertaken to instruct the children are not really clear in their own minds as to the proper status of the sex relation. * * * From the moral point of view it was handled least satisfactorily of all, the child being given a jumble of conflicting ideas, with no means of correlating them—fear of venereal disease, one's duty to suppress 'animal passion,' the sacredness of marriage, etc." (p. 4).

In short, the "moral" approach to this subject by others was entirely unsatisfactory to Mrs. Dennett. She resented the conventional "moral" warnings, and as she continues:

"On the moral side I have tried to avoid confusion and dogmatism in the following ways: * * * by barring out all mention of 'brute' or 'animal' passion, *terms frequently used in pleas for chastity and self-control,* as such talk is an aspersion on the brutes and has done children much harm * * *; by inviting the inference that marriage is 'sacred' by virtue of its being a reflection of human ideality rather than because it is a legalized institution." (Ibid., p. 5.) (Italics ours.)

The "terms frequently used in pleas for chastity and self-control" were thus deliberately "barred out" of Mrs. Dennett's pamphlet; but, as hitherto stated, a paragraph "relating to the prevention of conception" and indicating a method was included along with detailed diagrams and a description of both natural and unnatural acts. The latter, under certain conditions, were held harmless.

For publication of this pamphlet Mrs. Dennett was indicted by a grand jury and convicted by a jury in the Federal District Court at New York. These juries held the pamphlet "obscene." But the Federal court of appeals reversed the decision of the juries, and the case has not been appealed to the United States Supreme Court.

Whether that particular pamphlet—reprinted from a "medical journal"—is "obscene" as held by the juries as a matter of fact, or "not obscene" as held by the Federal Court of Appeals at New York, as a matter of law, it is self-evident that Mrs. Dennett prepared it in part because she believed the "moral" approach by others and "terms frequently used in pleas for chastity and self-control" unsatisfactory from her point of view. Moreover, where "feeling is overwhelming," as she stated in her pamphlet, Mrs. Dennett by no means suggested chastity and self-control, but "autoerotism" in her "explanation for young people" (p. 16).

Again, although the provisions of the Gillett bill itself would certainly legalize such pamphlets as hers, when reprinted from any "medical journal," Mrs. Dennett, it seems, regards even the Gillett bill as "unsatisfactory."

Thus the Washington Daily News, February 13, 1931, reports:

"Another distinguished advocate of birth control, Mrs. Mary Ware Dennett, was not present, but spoke through open letters sent to each Member of Congress in the last few days. Mrs. Dennett advocates repeal of all the 'obscenity laws' instead of their modification."

It may be freely admitted that advocates of this legislation do not use coarse, vulgar, or vile language. Of course not.

"Vice is a monster of so frightful mien
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

Dr. William J. Robinson, a member of the national council of Mrs. Dennett's Voluntary Parenthood League and also a contributor to Mrs. Sanger's Birth Control Review, may be regarded as an eminently fair example of the "medical" men who, as the heads of "medical" societies, schools, or journals, would receive under the Gillett bill a license to send out whatever they pleased "relating to prevention of conception." Doctor Robinson in his essay on Sexology *vs.* Obscenity, declares:

"In 20 years of writing I have not been guilty of one smutty or obscene expression."

Nevertheless, "actions speak louder than words," and a list of the titles of his books alone, not to quote some of their contents, would show them as nothing less than a deliberate campaign against chastity. In one of his books (the name of which is here sufficiently indicated by the initials, S. T.) Doctor Robinson is advertised as—

"an absolutely unique personality in the field of American letters and journalism"; "the acknowledged pioneer of the modern birth control movement in this country"; and "among the pioneers in this country to preach and demand sexual enlightenment for the masses."

Doctor Robinson boasts of being a "sexologist" no less than "the acknowledged" birth-control "pioneer," and his book condones prostitution, advises "free love," temporary unions, and pictures the most unlimited forms of vice as harmless, and their evils as "nil or very trifling" while chastity, and what is called the "stupidity and audacity of the virtuous," is attacked with bitter, extreme, and exaggerated condemnation, in the name of "sexology." (Robinson's book, "S. T.," pp. 287, 370, 388, 391, etc.)

Why should these "sexologists," already deluging the mails with lurid circulars to sell such books (at two or three times the price of first-class novels of similar size) devoted to the condemnation of chastity and "self-control," be given any further special authority by Congress to go into the wholesale mail-order business of supplying "birth-control information" and devices, medical advice, and "treatment" to "patients" throughout the country?

Can the circulation of such books as they are now publishing—which are presumably mailable—have any other effect than to promote indirectly the vices that the statutes against obscenity were intended to safeguard the public, and particularly our innocent youth, against? Is not general public seduction even worse than private vice?

Instead of further opening of the floodgates to foreign and domestic filth, under cover of legalizing information and devices "relating to the prevention of conception," it would appear, as the Postmaster General himself suggests, that we need more "rigid enforcement" of all the Federal and State laws against obscenity.

Present laws on obscenity and contraception

The Voluntary Parenthood League (of which Mrs. Dennett is director and Dr. William J. Robinson a member of its national council) in its pamphlet, For Instance, declares:

THE LAW'S DEMAND

"The Federal law expressly prohibits the transportation or any information as to 'preventing conception.' The penalty is five years in prison and a fine of $5,000. Moreover, this information is classed with abortion and things 'obscene, lewd, lascivious, filthy, indecent, and immoral.'

"The laws of 18 States go still farther and forbid the giving of information by any means whatever—verbally or even indirectly. In all other States but four the laws are modeled directly on the Federal 'obscenity' statute, though they do not specifically mention the prevention of conception; thus, by inference, if not concretely, the laws of this whole country deem contraceptive knowledge obscene and penalize it accordingly."

Thus, if 18 States go further than the Federal laws, and the laws of all other States but four outlaw by implication the exchange of contraceptive information, it would seem that the peo-

ple and the legislatures of no less than 44 States desire to protect themselves from the "contraceptive" information that they declare "obscene."

Nevertheless in the States where it is permitted no less than 58 "birth-control" centers are in operation now. The Birth Control Review for January, 1931, page 4, declares:

"That the Federal law does not interfere with practical and constructive work is evidenced by the successful functioning of the 58 birth control clinical centers in the United States, including the Birth Control Clinical Research Bureau of New York."

Why then, with 58 "birth control" centers already in operation in the States where they are permitted, presumably under supervision and regulation of State health authorities and medical practice acts, should Congress, as proposed in the Gillett bill, open up the entire country, at one stroke, to mail-order solicitation of "patients" in all the States by foreign or domestic "governmental" or "medical" agencies, and to the subsequent subversive propaganda of "any person or organization whatever" in and against the moral and legal codes of the 44 States that outlaw such "information"?

"Any governmental agency"

The Gillett bill provides that the prohibitions of the tariff act and of sections 211, 245, and 312 of the Criminal Code against "obscene" and contraceptive matter "shall not apply (1) to information relating to the prevention of conception if published either within or without the United States by any governmental agency * * * or if reprinted, after such publication, by any person or organization whatever."

That would license "any governmental agency," of course, but in particular, it would give the soviet "section on motherhood and infancy" at Moscow the right to import its "information relating to the prevention of conception" to the United States, and "any person or organization whatever" to reprint and circulate it in the United States, including the Communist Party of America, for the purpose of corrupting the morals of American youth! Furthermore, it would give our own Federal Children's Bureau a permit to use all of its political machinery to promote the "birth control" movement here, almost exactly as it is now being promoted by the Soviet Section on Motherhood and Infancy at Moscow.

Dr. Anna Louise Strong, one of the chief propagandists for the establishment of our Federal Children's Bureau in 1912—and who was employed as "exhibit expert" of the United States Children's Bureau until 1916—is now in Moscow, as head of the John Reed Children's Colony (a "governmental agency" under sovietism) and also as editor of the Moscow News, the only Moscow communist organ published in English.

Miss Anna Louise Strong has been the chief American press agent for the Moscow communists since 1921, spending most of her time at Moscow, but making frequent trips to the United States for lecture tours. During these trips she makes her headquarters at Hull House, Chicago—the settlement house from which both the former Chief of the Federal Children's Bureau (Miss Julia C. Lathrop) and the present chief (Miss Grace Abbott) graduated in "social welfare" work.

Miss Strong, in the Haldeman-Julius Monthly, December, 1926, in an article entitled "Getting Born in the Soviet Union," wrote:

"Not morals nor tradition but the health of women and the proper care of future babies. That is the only aspect of motherhood and infancy with which the (soviet) state feels competent to wrestle. Abortions, illegitimacy, casual sex relations are all considered to-day in the Soviet Union not as coming under the field of criminal law but the field of health and child protection" (p. 53).

"No doubt the most startling innovation in all the Soviet Union's health program for women is that factory women who have abortions performed 'on permit' not only receive no obloquy or prosecution but actually get a free operation and sick leave on pay from the social insurance. This is a complete overturning of all precedent. Even the discussion of five years of 'legalized abortion' as carried on in the motherhood congress would probably be unprintable in most lands. * * * The state itself, through its department of health, actually disseminating information on birth control, and making investigations into the best methods." (Ibid. p. 57.)

Apparently even the "best methods" of contraception are far from effective in the Soviet Union, and "legalized abortion" is the last resort.

"In Russia a woman who does not want to bear the baby already conceived * * * goes, if she is a factory worker, to the * * * committee * * * in her factory. * * * The committee * * * gives her a note to the motherhood and infancy section of the local health department. * * * Here, also, a social worker * * * will give her a slip to the hospital, where she gets her operation and sick leave on pay." (Ibid. p. 57.)

"All children must be brought once each week to the consultation for examination; and once each week also the doctor or nurse inspects the home. A significant note adds that 'delegatkas also inspect occasionally.' These delegatkas are women delegates from trade unions who make it their business to perform the function of good prying citizens generally." (Ibid. p. 61.)

Such is "birth control" and "legalized abortion" and "child protection" under the soviets. V. F. Calverton, a communist who defends "Russia's revolutionary morals" in a symposium published in Current History, November, 1927, after admitting that the Soviet Government issues birth-control information "in a manner that would at once astonish and terrify a modern American," proceeds to describe the Soviet Government mandate that permits abortion "without charge," and declares:

"As a result of this privilege, during the period of 1922–1924, more than 55,000 legal abortions were performed in Russian district hospitals."

Thus, even in the Soviet Union wholesale "information relating to the prevention of conception" does not prevent but has resulted in legalizing abortions.

In the United States the Federal Children's Bureau, in its "study of maternal mortality" (Annual Report, 1929, pp. 9–10) declared that among 2,650 maternal deaths in 12 States in 1927 studied by the bureau:

"Twelve per cent of all the maternal deaths followed abortions that had been induced."

Also:

"Of the 1,076 deaths in the 12 States found on investigation to be due to puerperal septicemia, 46 per cent followed abortions and 27 per cent followed abortions that were induced intentionally. Abortions, therefore, were largely contributory to the high rate of mortality from sepsis." (Ibid.)

Certainly, then, "information relating to the prevention of conception" as furnished in the Soviet Union, with the "best methods" does not prevent—but tends to legalize—abortions. In America, also, it is altogether probable that the abortions that account for so high a percentage of the maternal deaths are brought about in many cases, as Doctor Clendening suggests, because certain women who "put too much faith in birth control" information and devices finally resorted to surgery. Consequently, as a matter of scientific fact, if Congress shall legalize throughout the United States not only the "best methods" but any methods, including the admittedly "untrustworthy and injurious" information and devices that any quack on earth may prescribe for American women if the Gillett bill is adopted, Congress will undoubtedly encourage so many Americans to "put too much faith in birth control" and thereby promote not only "free love," but its natural consequences to such an extent that here, as well as in the Soviet Union, "legalized abortion" on a national scale will be the next step.

Therefore if Congress is asked to authorize any quack "medical" or "governmental" agency, foreign or domestic, to flood the United States with alleged "information" making believe that free love can be made safe by mail-order advice and correspondence courses in contraceptive methods, Congress is asked to face the logical results now, rather than eventually—namely, that "legalized abortion" will be the next demand.

Meanwhile the Gillett bill would at once legalize the importation of all the birth-control information published by the "governmental agency" of the Soviet Union "in a manner that would at once astonish and terrify a modern America" as even the communist, V. F. Calverton, admits.

And our own Federal Children's Bureau "above all" could become the national headquarters for the dissemination of birth-control information and devices.

The Children's Bureau and birth control

The Voluntary Parenthood League's literature bristles with references to the Federal Children's Bureau. The "infant mortality" studies of the Children's Bureau (made at the suggestion of the Communist Mrs. Florence Kelley as shown in the CONGRESSIONAL RECORD, December 9, 1930) have served almost as a "gospel" to the birth-control organizations, because they were "planned to show" that infant mortality varies with income, and also pretended to show that infant mortality increased according to the number of children borne. Thus Dr. S. Adolphus Knopp, in his pamphlet on Birth Control, relies upon the isolated "infant mortality" studies of the Children's Bureau in one city, and the similar studies of one settlement house—Hull House, Chicago—for his theory that "morbidity and mortality * * * is greatest when the children are most numerous in one family" (p. 11).

The Voluntary Parenthood League's pamphlet, For Instance, says:

"Look at the chart on page 16. See what the Children's Bureau gives as the two chief causes of baby deaths." * * *

The Voluntary Parenthood League's pamphlet, Yes But, in answer to the question, "And won't all manner of quacks and commercial interests take advantage of people's needs?" (if the laws are repealed) declares:

"There is just one way to put the quacks and commercial interests out of business, and that is to make the best information available through all public-welfare channels, such as hospitals, clinics, dispensaries, charity organizations, boards of health, and, above all, at the Federal Children's Bureau—and to do it quickly."

Moreover, the Sheppard-Towner "Emergency Committee" of 1920–21 that lobbied for the act under the general direction of Mrs. Florence Kelley and Miss Jeannette Rankin contained no less than eight members of the "national council" of the Voluntary Parenthood League and several members of the Birth Control League in a committee of 21. Miss Rankin herself—who introduced the original Federal maternity bill when a Member of Congress, July 1, 1918—is a member of the national council of the Voluntary Parenthood League.

The communistic propaganda of the Federal Children's Bureau in other respects has been demonstrated in the Senate by former Senators Reed, of Missouri, and Bayard, of Delaware, and by Senators Bingham, of Connecticut, and King, of Utah, so completely, without any refutation whatever, that it needs no repetition here.

It is not charged that the Children's Bureau has directly violated the present laws prohibiting "birth-control" information. But it

is a significant fact that this provision for wholesale national and international birth control in the United States, through any "governmental agency" or "medical" institution, under the Gillett bill, is brought up in the Senate coincident with the "drive" in the other House to revive the Federal maternity act. It is also significant that the last year of Sheppard-Townerism, 1929, according to the Census Bureau, showed the lowest birth rate we have ever had in the United States.

Congress, in considering this entire question, will certainly wish to consider public safety and morals and human liberty—rather than the so-called "health" and "welfare" theories that certain groups desire to put into practice though the heavens fall.

That too much reliance can not be placed upon even some of the most eminent medical authorities in questions of government and public policy outside of their clinical experience is demonstrated by the case of Dr. J. Whitridge Williams.

Doctor Williams is a very distinguished obstetrician who appeared in behalf of this Gillett bill, complaining that, although he can give contraceptive information in his own State, that the Federal laws prevent him from sending mail-order advice to patients in other States. Why should a doctor, any more than a lawyer, have any general national license?

But at the Children's Bureau's great conference on "Standards of Child Welfare," in 1919, Dr. J. Whitridge Williams, who set forth the first "standard requirements for obstetrical care" presented, declared:

"I take it that the first step in such a campaign on education for the improvement of obstetrical conditions must consist in the compulsory registration of pregnancy through the local health officer. In this event, it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau, and thereby, if able to read, to be convinced of the importance of insisting upon adequate care." (Standards of Child Welfare, Children's Bureau Publication No. 60, pp. 146–147.)

Here is an eminent obstetrician, whose ability in his own field is universally acknowledged, who advocated "the compulsory registration of pregnancy" throughout the land, merely in order to get certain information from the Children's Bureau to prospective mothers. That was one of the greatest blows at human liberty and family privacy ever advocated in America—yet it was done by an eminent and respectable medical authority. To-day Dr. Whitridge Williams is similarly appearing on behalf of the Gillett bill, asking Congress to open the floodgates to dangerous propaganda, foreign and domestic, merely because his own clinical experience has led him to join the hue and cry for standardization on a universal scale, throughout the United States, of authorization to practice birth control.

Population and birth control by international treaty

The Birth Control League itself is on record for a Government-controlled birth rate and Mrs. Sanger herself has explained that the real meaning of birth control is what it says—and not the mere individual prevention of conception. That explains why there are two cults, the birth-control movement for a rigid controlled birth rate by force, sterilization, international treaties, etc., and the so-called voluntary parenthood movement. Very few persons outside of these cults themselves realize exactly what birth control means, and often confuse it with the "voluntary parenthood" movement for individual contraceptive practices. The present bill, of course, is limited to "voluntary" methods.

This hearing, however, has been monopolized by Mrs. Sanger and her birth-control group. Mrs. Mary Ware Dennett and her voluntary parenthood group did not officially appear. And this committee was repeatedly told that birth control would prevent war, etc.

Therefore let us discuss this proposition as it is—an opening wedge for the birth-control movement.

The First American Conference on Birth Control was held in New York at the time of the Washington Conference on Limitation of Armaments. In her opening announcement, October 12, 1921, Mrs. Sanger declared:

"The parley (Limitation of Armaments Conference) will be asked to include limitation of birth rate by the leading nations of the world. A pledge from each nation to restrict its birth rate, as a necessary step to avoid future wars, will be urged by world-famous men and women who meet here November 11 in the first American Conference on Birth Control ever held."

When the first American Birth Control Conference met it at once telegraphed the Washington Arms Conference that "limitation of the world's population is the only permanent solution of world peace" (New York World, November 12, 1921), and Mrs. Sanger herself declared, "to put the principles of birth control into practice is the only way to secure world peace" (New York Times, November 12, 1921).

Doctor Knopf, another eminent medical "advocate of birth control," in his pamphlet on Birth Control, likewise writes:

"With the League of Nations (whose special function it would be to safeguard the nations with small population) it is time to reconsider our attitude. International competition in birth rates is to be avoided, just as was competition in armaments" (p. 5).

The League of Nations has regular conferences on population, too, at every one of which the birth control advocates attempt to have the governments agree to limit maternity and infancy by the strong arm of the law on the same terms as cruisers, battleships, and other arms are limited.

Prof. Julian Huxley, another eminent birth-control advocate, is quoted in the current issue of Liberty (February 28, 1931) as saying in relation to the coming League of Nations population conference:

"In the long run we will have the number of children in each family regulated by some central control board."

That is what birth control means—that the strong arm of the national government shall reach into every home and sterilize or separate parents who will not or do not comply with the rules and regulations of some central control board to carry out some international agreement.

Does this seem an extreme probability only? On the contrary, deliberate attempts have been made to carry out such birth-control standards here in the United States even without any international agreement.

Within a week after the adoption of the Sheppard-Towner Maternity Act by Congress, in 1921, Mrs. Clyde Cassidente, of Denver, Colo., was ordered to be sterilized by the juvenile court formerly presided over by Judge Ben Lindsey (another notorious advocate of birth control, the Children's Bureau, the maternity act, companionate marriage, etc.), and this order was made in Lindsey's court because a medical student (not even a doctor) and several professional "social workers" advised it. Nothing but the prompt public protests of practically all the good citizens of Denver saved this mother from being sterilized at the behest of "social workers," on orders of Ben Lindsey's court. It is true that Lindsey himself did not sit in that case. Judge Royal R. Graham was sitting in his stead on that day. But it is significant that it was in Lindsey's court that such an outrageous order was asked—less than a week after Congress had passed the Sheppard-Towner Act of November 23, 1921. (See Denver Post, November 26, 27, 1921.)

The attempted sterilization of Mrs. Cassidente having been prevented by Denver public opinion, the next notorious attempt by "social workers" to put "birth control" into practice by separation of parents, was made within a week after the Cassidente case.

That was the case of the Albert C. Sundsmo family, at Nampa, Idaho. Early in December, 1921, the wife and children of Sundsmo were separated from the husband and father, and committed to a State institution on orders of E. B. Henderson, probate judge of Boundary County, Idaho, who, it is reported (Denver Post, January 17, 1922, p. 12) "said that Mr. and Mrs. Sundsmo had children too fast for the good of society, consequently he thought it his duty to separate husband and wife."

The Senator from Idaho was appealed to in that case, and is presumably familiar with it. Whether the parents were permanently separated or not, we do not know, as, after the nation-wide publicity following the Cassidente case and the Sundsmo case, the advocates of "birth control" by sterilization or separation of parents who have "children too fast for the good of society," according to "birth control" opinion, seem to have confined themselves more to propaganda for international or national "birth control" legislation than to attempts to practice it by court orders as in the Cassidente and Sundsmo cases.

Yet this is what "birth control" really means. Parents, unless they agree to use the "information" and devices sold and prescribed by the "birth control clinic" and the "sexologists," are to be sterilized or separated by law and court order.

There is also to be, if the "birth control" advocates can get Congress to break down the present laws, a union of "birth control clinics" with "maternity and child welfare centers." Thus the Birth Control Review for August, 1921, page 5, declares:

"It is not intended to make it purely a birth control clinic; but to work it in on the lines of the already existing maternity and child welfare centers."

In the current Birth Control Review, Dr. Rachelle S. Yarros of the Chicago birth control clinics, declares that "the same methods are used" by the Chicago clinics as in Soviet Russia, and that "during a recent trip to Russia" she found "that 15 per cent of failure resulted in the Russian clinics." (Birth Control Review, January, 1931, p. 16.)

Thus, what Dr. Anna Louise Strong, former exhibit expert of the Federal Children's Bureau and now editor of Moscow News, describes as the "best methods" in use in the Soviet Union are "the same methods" used by Doctor Yarros at Chicago; and, although a 15 per cent failure is admitted in the Soviet Union itself, Congress is asked in the present bill to authorize not only the Soviet methods, issued, as the communist Calverton says, "in a manner that would at once astonish and terrify a modern American" (Current History, November, 1927), but any methods "relating to the prevention of conception," including those which the Birth Control League itself admits "unscientific and misleading," and that "many of these methods are untrustworthy or injurious to health." (Birth Control Review, May, 1922, p. 88.)

Thus, the bill itself would open up the United States at once to the Soviet "governmental agency" and "medical" propaganda and place the admitted efforts of Doctor Yarros and other birth-control advocates to use the same methods here upon a national legal basis.

Moreover, the birth-control movement is exceedingly internationalistic, and Mrs. Sanger, herself, its leader, was listed among a group of anarchists and communists, including Emma Goldman and Alexander Berkman, themselves notorious birth-control advocates, who organized the League for Amnesty for Political Prisoners, in 1917, by the revolutionary radicalism report of the New York Legislature in 1919 (see vol. 1, pp. 844–845).

Again, the recent investigations of communist propaganda by the Fish committee show the Birth Control League listed many times as receiving $10,000, $5,000, and other sums from the so-called Garland Fund, which supports many communistic propa-

ganda agencies in this country, and was founded by an advocate of free love (see Pt. I, vol. 4, pp. 224, 230, 239, 268–269).

In conclusion, as stated by Representative JAMES M. BECK in his minority report on S. 255, for the revival of a Federal maternity act, now pending in the House of Representatives:

"If the birth of children is the concern of the Federal Government and not of the States, then it is possible that such a bureau will soon have subordinate bureaus in respect to eugenics and birth control, and later it will include the education of children * * *. If this seems an unreasonable supposition, let it be remembered that 15 years ago the Sheppard-Towner Act would not have been regarded as a possibility." (House Rept. 2435, pt. 2, p. 6.)

Also, 15 years ago "it would not have been regarded as a possibility" that any such bill as S. 4582 would command any respectable support in Congress.

DOMESTIC SUGAR

Mr. VANDENBERG. Mr. President, I want the RECORD to carry a picture of beet sugar's demise in Michigan, Ohio, and Indiana. It is serious business. When I was pleading for adequate tariff protection upon sugar one year ago, it was said by gentlemen upon the other side that even the modest tariff increase which we procured would put a tremendous burden upon the sugar consumer and fatten the sugar baron. It has done neither. Sugar is cheaper than ever before in history, and the sugar baron is on his way to insolvency. Unfortunately, he is taking thousands of sugar-beet farmers with him. It is nothing short of an economic calamity. The calamity will be complete if sugar importers succeed in their latest ruse to run liquid sugar into the United States and thus escape even the modest sugar tariff now existing. This ruse cheats the intent of Congress, the manifest purpose of the law, the domestic producer, and the Treasury of the United States. It must stop, or the American sugar beet will become an antique. There must be higher tariffs on sugar or the complete cessation of domestic production will leave the American family sugar bowl at the permanent mercy of just such alien sugar exploitation as we suffered a decade ago, when retail prices went out of sight. Even now it may be too late. Let Congress and the country face the facts.

I ask unanimous consent to print in the RECORD a letter from the secretary of the Michigan Sugar Co.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

SAGINAW, MICH., *February 25, 1931.*

Hon. A. H. VANDENBERG,
United States Senate, Washington, D. C.

DEAR MR. VANDENBERG: In the Southern Peninsula of Michigan and the northern section of Ohio and northern Indiana there are located 21 beet-sugar mills with a daily slicing capacity of 21,700 tons, which means that in a season's run these plants can slice and convert into sugar each year 2,170,000 tons of beets or at the average price paid to the farmer for the last crop, delivered during the last quarter of 1930, a total beet pay roll of $20,642,100, including the feeding values of the sugar-beet tops. These mills represent a dollar investment of $27,500,000, and have for the last 30 years served this section of the country with home-produced sugar, thus permitting the farmer in the immediate vicinity of these mills to grow a guaranteed price cash crop for which there was a ready market at a profit to the farmer, thereby decreasing the acreage which would have otherwise been devoted to the production of grains and other crops of which there is a national surplus and which is now, and has been, selling at a loss to the farmer who grows the crops. These mills employ approximately 5,000 factory workers, to say nothing about the 40,000 to 45,000 agricultural workers, given employment in the cultivation and harvesting of the beet crop.

The economic life blood of these 21 sugar mills is so interwoven into the fabric of transportation, agriculture, and manufacturing operations wherein the sugar is consumed as one of the ingredients entering into the fabricated product, and the social and economic status of the employees in field, factories, and distribution, that closing of the mills becomes a happening of most far-reaching influence.

Cuba, all through the year 1930, even before and subsequent to the passing of the last tariff bill, has continued to dump sugars into the United States far below the cost of their and our production, brought about through the payment of a price for sugar beets to the American farmer in keeping with American standards of living. The Cuban sugars which have been and which are now being dumped into the American market far below the cost of production of sugar, not only in the United States, but in the island of Cuba, together with the free importation of sugars produced in the Philippines, has brought about an economic situation which now makes it necessary for 17 of the 21 mills above mentioned to close. Three of the four mills remaining in operation are owned by three individual companies having a small slicing capacity and have not been forced to carry the institutional burdens which the larger companies always have to carry in times of distress and their small operations are much more easily financed than in the case of a company owning several plants.

I am to-day informed that the Columbia Sugar Co., owning three mills; the Continental Sugar Co., owning three mills; the Holland-St. Louis Sugar Co., owning three mills are now forced to close these mills and to cease writing sugar-beet acreage. The Michigan Sugar Co., owning nine mills, is now forced to close all of them except one, and it is not definitely certain that this one mill will be able to operate. In my appearance before the Ways and Means Committee and the subcommittee of the Senate Finance Committee, I pointed out to those present the seriousness of the situation and plead for a higher protection against the importation of sugars into this country. With an increase of 24 cents per hundred pounds in the tariff against Cuba, the price of sugar declined from $5 per hundred pounds in March, 1930, to $4.35 per hundred pounds in October, 1930, thus making it absolutely impossible for domestic producers to pay a high price for sugar beets to the American farmer and compete with a price on raw sugars imported from Cuba at a price which means ruin to the beet-sugar industry.

As these beet-sugar mills, stretched across the northern section of the United States and running from Lake Erie to San Francisco, pull the fires from their boilers and fold up their transmission belts, thus taking out of the United States market the 1,000,000 tons of beet sugar which acts as a price stabilizer to the sugar sold to the American people, it remains to be seen how far-reaching the economic consequences will be. It is one thing for this country to have, in its own warehouses and subject to call, one-fifth of the sugar we consume; and it is another thing for us to be dependent upon the attitude and desire of a foreign country to tell us what we must pay for all of the sugar we consume, and to ship that sugar to us at such prices, terms, and conditions as their economic situation may cause them to dictate to us.

Yours very truly,

MICHIGAN SUGAR CO.,
By F. L. CRAWFORD,
Secretary and Director of Sales.

COAL MINING IN CARBON COUNTY, MONT.

Mr. WHEELER presented letters relative to the coal-mining situation in Carbon County, Mont., which were referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

BEARCREEK, *February 26, 1931.*

DEAR SENATOR WHEELER: Inclosed you will find our opinion as to the ills of the coal miners of Carbon County and, I might say, the United States of America. Will you do what you can to get this made a part of the CONGRESSIONAL RECORD, and I hope that you will be in a position to do what you can to have the six hours a Federal law some time in the near future.

Wishing you every success, I am, yours truly,

JOHN BONE, *Secretary of Committee.*

[Inclosure]

BEARCREEK, MONT., *February 26, 1931.*

To the United States Senators and Congressmen of Montana:

GENTLEMEN: The United Mine Workers of America of Carbon County, Mont., wish to present facts regarding the coal-mining situation in this county and to suggest a remedy for unemployment.

These facts are presented to you gentlemen as a memorandum, so that in the future when further consideration is given the unemployment situation you will be in a position to know the views of the miners in Carbon County. And we suggest further that this is the sentiment of the coal miners of the State of Montana.

What has been done by the Government, the public, and the captains of industry to relieve the unemployment situation?

The United Mine Workers of America through their representatives have for years vainly tried to impress upon the American public that cutting wages, introducing labor-saving devices, and keeping the same hours of labor would not benefit the public in general. We have pointed out time and again that every time a wage reduction takes place, whether it be in the coal mines or other industries, it reduces the purchasing power of the workers, with the inevitable result that misery and starvation face the workers affected by the wage cut and the public generally suffers by it.

The installation of labor-saving devices in the last decade came so fast that the governmental representatives of the captains of industry, and in many instances the labor representatives, did not keep pace with the advances made by the machines.

Basing our argument on the introduction of labor-saving machines in the coal mines of Montana and in all other coal-mining States in America, we find that more than 50 per cent of the men where thrown out of employment without any adjustment made to safeguard the future of those men, leading to a disastrous situation which we see coming to the fore and which is side-stepped by almost every influential person or corporation in our country.

As the real issue of unemployment is being ignored, we are left to discuss the matter ourselves and have decided that the only way

open for us is to try to get those who represent the people at large to give us a helping hand, in order to eradicate the germ that is penetrating the sick fellow—the American worker.

We believe that the only hope for the American people to emerge from this malady of unemployment is shorter hours for the worker in every important industry in the Nation. Much has been said about appropriating money for the relief of those that are thrown out of employment, but we feel that the appropriation of money, no matter how much, will never definitely solve the unemployment question. Therefore we feel now, as we did in the past, that the only solution is shorter working hours for every worker in the United States.

As we started out to state the ills of the coal-mining industry, we will try to follow our argument for shorter hours in connection with the mining industry, and will try to prove that the labor-saving machines have not brought the millenium in mining coal that some thought they would a few years ago.

The modern labor-saving machines in coal mines have, as stated before, thrown out of employment more than 50 per cent of its laborers. The speed-up system took place and the output of coal increased. The buyer of coal did not gain anything because the price of it remained practically the same. Wages went down, and the machines did not bring what the coal operators said they would—more work and better wages.

Who profited by the introduction of machines? The miners did not; the public did not; and the consumer of coal did not. The only ones who profited by the introduction of these labor-saving devices was the coal company and the maker of these devices.

We feel, therefore, that the only thing left for the coal miners of the United States is the shorter workday to solve the question of unemployment in the coal mines. There should not be any opposition to that proposal from the standpoint of lack of production because the overproduction is so great that that is no argument for anyone to defend. There should not be any opposition from the owner to the effect that it would cost too much to produce the coal in a shorter workday than under the present system, for, according to the statement of the operators, the public is paying anyhow. There should not be any opposition from the representatives of the State or Federal Governments as they are all in favor of solving the unemployment problem and should favor the shorter workdays. Therefore, it seems to us that this proposal should meet with the approval of all of the Government agencies without any disastrous effect to the stability of our Government.

We believe that instead of getting aid from either charitable or Government institutions specially created, the logical solution for the unemployment situation is shorter hours for labor, as suggested above.

We therefore urge upon you to take the matter up and endeavor to enact legislation for shorter workdays as the only solution to this great unemployment problem.

Sincerely yours,

WASHOE LOCAL UNION 2659,
ALEX HEATHERALL.
JOE SANDERSON.
BEARCREEK LOCAL UNION 1729,
ED BARKER.
WM. DEMPSTER.
RED LODGE LOCAL UNION 1771,
GEORGE DORAN.
GEORGE MCDONALD.
BEARCREEK LOCAL UNION 858,
JOE BOSONE, *Chairman.*
ROY WADWORTH.
JOHN BONE, *Secretary.*
BEARCREEK LOCAL UNION 4457,
WILLIS WADSWORTH.
FRANK JOHNSTONE.
ADAM WAKENSHAW.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (S. 5080) for the relief of the State of California, reported it without amendment and submitted a report (No. 1834) thereon.

Mr. SWANSON, from the Committee on Foreign Relations, to which was referred the bill (S. 6255) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States, reported it without amendment and submitted a report (No. 1837) thereon.

Mr. STEPHENS, from the Committee on Commerce, to which was referred the bill (H. R. 16115) granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River, reported it without amendment and submitted a report (No. 1839) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4075. An act for the relief of the heirs of C. K. Bowen, deceased (Rept. No. 1840);

S. 6124. An act for the relief of S. F. Stacher (Rept. No. 1841);

H. R. 918. An act for the relief of Regine Porges Zimmerman (Rept. No. 1842);

H. R. 2589. An act for the relief of Josiah J. Hostetler (Rept. No. 1843);

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin (Rept. No. 1844);

H. R. 5063. An act for the relief of A. S. Phipps (Rept. No. 1845);

H. R. 6288. An act for the relief of Frank Rizzuto (Rept. No. 1846);

H. R. 9660. An act for the relief of the widow of John Curtis Staton (Rept. No. 1847); and

H. R. 11189. An act for the relief of Fritz Zoller (Rept. No. 1848).

Mr. HOWELL also, from the Committee on Claims, to which was referred the bill (S. 4348) for the relief of Charles C. Bennett, reported it with amendments and submitted a report (No. 1849) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 17196) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa., reported it without amendment and submitted a report (No. 1850) thereon.

AMENDMENT OF SECOND LIBERTY BOND ACT

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably, with an amendment, the bill (H. R. 16111) to amend sections 1 and 7 of the Second Liberty bond act, as amended, and I submit a report (No. 1836) thereon.

I wish to say that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Michigan [Mr. COUZENS] objected to the bill on the ground that section 2 of the bill was not in conformity with what they thought it should be. We amend it by striking out section 2 and ask only that section 1 be agreed to, which extends the power of issuing bonds to $28,000,000,000 instead of $20,000,000,000. It is a unanimous report from the Finance Committee, and I ask for its immediate consideration.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read the bill as amended by the committee, as follows:

Be it enacted, etc., That section 1 of the Second Liberty bond act, as amended (Public, Nos. 43, 120, and 192, 65th Cong., September 24, 1917, April 4, 1918, and July 9, 1918, respectively), is hereby amended by striking out the figures "$20,000,000,000" and inserting in lieu thereof the figures "$28,000,000,000."

Mr. ROBINSON of Arkansas. Mr. President, the purpose of the bill is to authorize refinancing?

Mr. SMOOT. Yes; and it must be passed before that can be done.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JOHNSON. I object.

Mr. SMOOT. I hope the Senator will not object.

Mr. JOHNSON. I ask the Senator to give me a brief time to ascertain some facts with respect to it.

The VICE PRESIDENT. The Senator from California objects.

Mr. JOHNSON subsequently said: Mr. President, when the Senator from Utah this morning presented a bill from the Finance Committee I objected to its consideration. Since then I have consulted with the Senator from Utah and with various members of the Finance Committee, and I desire to withdraw my objection.

Mr. SMOOT. Mr. President, I ask unanimous consent for the consideration and passage of the bill.

The VICE PRESIDENT. The clerk will again read the bill.

The Chief Clerk read the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, as follows:

Be it enacted, etc., That section 1 of the second Liberty bond act, as amended (Public, Nos. 43, 120, and 192, 65th Cong., September 24, 1917, April 4, 1918, and July 9, 1918, respectively), is hereby amended by striking out the figures "$20,000,000,000" and inserting in lieu thereof the figures "$28,000,000,000."

SEC. 2. That section 7 of the second Liberty bond act, as amended (Public, No. 43, 65th Cong., September 24, 1917), is hereby amended by adding thereto the following sentence: "Bonds authorized by section 1 and certificates authorized by section 6 of this act, as amended, hereafter issued, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, associations, or corporations, if and when the Secretary of the Treasury shall so prescribe in connection with the issue thereof."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McKELLAR. Mr. President, will the Senator state what the bill is?

Mr. SMOOT. The purpose of the proposed legislation is to make provision for refunding the public debt in connection with early callable or maturing issues of Liberty bonds through an increase of $8,000,000,000 in the authorization for the issuance of bonds provided in the second Liberty loan act as amended. Out of a total of $20,000,000,000 authorized in that act $18,107,942,750 face amount have been issued, leaving an unissued balance of $1,892,057,250 available to meet the needs of other refunding operations.

We shall have to advertise and sell these bonds, and we shall have to sell more than $1,892,000,000 of them. This bill does not increase the obligations of the Government in any way. It merely authorizes the issuing of these bonds up to the amount of $28,000,000,000.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none.

Mr. DILL. Mr. President, what is the bill?

The VICE PRESIDENT. Let the Senate be in order. No business will be transacted until the Senate is in order. The bill has been read three times. Will the Senator from Utah again explain the bill?

Mr. DILL. Is this the $28,000,000,000 bill—the bill that allows the issuance of $8,000,000,000 more securities?

Mr. SMOOT. This is the bill, Mr. President.

Mr. DILL. Has it been agreed to by the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. SMOOT. It has.

Mr. LA FOLLETTE. Mr. President——

Mr. DILL. I did not know the Senator from Wisconsin was here.

Mr. LA FOLLETTE. My objection to this bill was based on the provision contained in section 2, which provided that all future bonds issued by the Treasury should be tax-exempt. The Senator from Utah and all other members of the committee have agreed now to eliminate that section of the bill; and, with that understanding, I have withdrawn my objection to it.

Mr. DILL. That is what I wanted to know.

Mr. LA FOLLETTE. I thank the Senator from Washington.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The amendment of the committee will be stated.

The CHIEF CLERK. The committee proposes to strike out all of section 2, beginning with line 9, page 1, and ending with line 9, page 2.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend section 1 of the second Liberty bond act, as amended."

UTILIZATION OF THE WATER RESOURCES OF THE SACRAMENTO, SAN JOAQUIN, AND KERN RIVERS, CALIFORNIA

Mr. JOHNSON. From the Committee on Irrigation and Reclamation I report back favorably, with an amendment, Senate resolution 486, authorizing an investigation of the subject of the utilization of the water resources of the Sacramento, San Joaquin, and Kern Rivers in California; and I ask for its immediate consideration. It is a formal resolution and will require no time at all.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 10, after the word "session," to insert "and to investigate such other proposed reclamation projects as the committee may decide," so as to make the resolution read:

Resolved, That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized and directed to make a complete investigation with respect to proposed legislation providing for the ultimate utilization of the water resources of the Sacramento, San Joaquin, and Kern Rivers, in the State of California, including irrigation and reclamation, improvement of navigation, flood control, and power development, as outlined in House Document No. 791, of the Seventy-first Congress, third session, and to investigate such other proposed reclamation projects as the committee may decide. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places within the United States, and to employ such clerical and stenographic assistance as it deems advisable. The cost of stenographic assistance service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, to take testimony, and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate, but shall not exceed $20,000. Such committee or subcommittee shall make a report of the results of such investigation with recommendations to the Seventy-second Congress, first session.

The VICE PRESIDENT. Under the law this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JOHNSON. Yes; I was going to ask its consideration and its passage, and then its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. JONES. It has to go to the Committee to Audit and Control the Contingent Expenses of the Senate first before it is passed.

Mr. JOHNSON. Well, if it is desirable. There are two steps in the proceedings. What difference does it make?

Mr. JONES. My understanding is that the law requires that.

Mr. JOHNSON. Undoubtedly, before ultimately it may be effective. I will take the ruling of the Chair.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PRICES OF FOOD PRODUCTS (REPT. NO. 1838)

Mr. CAPPER, from the Committee on Agriculture and Forestry, submitted a report of the subcommittee on prices of food products, in accordance with Senate Resolutions 374, 405, and 407, which was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1838, Seventy-first Congress, third session]

PRICES OF FOOD PRODUCTS

February 17 (calendar day, March 2), 1931

Mr. CAPPER, from the Committee on Agriculture and Forestry, submitted the following report (pursuant to S. Res. 374, 405, and 407):

The subcommittee on prices of food products of the Committee on Agriculture and Forestry, to which were referred Senate Resolutions 374, 405, and 407, submits the following report in accordance with the requirements of said resolutions. The committee has made investigation with relation to all of the subject matters of the resolutions, namely:

1. Whether the price of bread has reflected the decline in the price of wheat and flour.
2. Why whole-wheat flour is higher in price than white flour.
3. Why brown sugar is higher in price than white sugar.

4. Whether the price of milk and other dairy products reflects the decline in prices received by the farmer.

5. Whether the prices paid for meat and meat food products reflect the decline in the price received by the producer and the packer.

6. Whether in any of the above there is a combination in restraint of trade.

To assist in obtaining the information required the committee has employed special investigators, has heard witnesses at hearings extending over seven separate days, and has accumulated a large amount of valuable information including a mass of statistics on prices, costs, and other items.

FINDINGS AND RECOMMENDATIONS

The committee's investigation reveals an alarming tendency toward the monopolistic control of the food of the Nation by a small group of powerful corporations and combinations.

This is particularly true as to bread and milk. The facts as to the influence of the big packers over the meat industry are well known.

Within the past few years the absorption of independent bakers and milk distributors by gigantic, nation-wide corporations, holding companies, mergers, and chain enterprises has been carried forward with amazing rapidity.

The committee recommends the careful scrutiny of this development by the Federal Trade Commission and the Department of Justice. If existing laws are not sufficient to control these mergers and combinations in the public interest, the agencies above named should recommend to the Congress such remedial legislation as they deem necessary.

In addition, the committee presents the following findings and recommendations:

1. The information disclosed in this investigation proves conclusively that the retail price of bread has not declined proportionately with the price of wheat. The committee finds that the responsibility for this condition rests primarily upon the large wholesale bakery companies, which have failed to pass on to the consumer the recent reductions in the costs of their ingredients.

The committee finds that throughout the country, as a whole, there should be an immediate average reduction of at least 1 cent per pound in the wholesale prices charged by the large baking corporations for their standard breads, and that a corresponding or greater reduction should be made in retail prices. The cost of selling and distributing bread is too high and should be reduced.

We recognize that some dealers in most communities have made available breads selling at retail as low as 5 cents a pound. The above recommendation for a further price reduction is not intended to apply to these special low-priced breads.

We also recognize that in a very few communities reasonable decreases in the price of bread have already taken place. On the other hand there are many communities in which bread prices have not declined as much as the average of the country, and there are some in which bread prices have even increased. In such communities a reduction of more than 1 cent a pound in the wholesale and retail price of bread should be made.

The committee calls attention to the fact that the costs of the large bakery companies submitted in justification of their present prices include not only the costs of baking and distributing the standard breads but also include special costs for special breads and rolls. The committee believes that the standard breads, forming as they do a necessary and important item in the diet of the people, should be sold at a price determined only by the costs of their own specific manufacture and distribution.

2. The committee finds some evidence of a combination in restraint of trade endeavoring to fix and maintain the retail price of bread. The sum total, however, of the information in regard to price fixing and restraint of trade that the committee has been able to secure is too small and too inconclusive to warrant a definite finding. In this connection the committee calls attention to the fact that the Attorney General has publicly stated that the Department of Justice is already conducting an inquiry into the bread situation. For this reason the committee offers no recommendation in this report.

3. The committee finds that the wholesale and retail prices of white flour have generally reflected the decline in the price of wheat.

4. The committee finds that whole-wheat flour is lower in price than white flour on the wholesale market. It is, on the contrary, higher in price in the retail market and it is not to be obtained at all of the retail stores, particularly in Washington and cities of the South. The reason for this, the committee finds, lies in the fact that whole-wheat flour is in very small demand, so that its turnover is extremely slow and it does not keep as well as does white flour. The committee does not find that such a condition is the result of a combination in restraint of trade.

5. During the hearings it was shown that the retail price of whole-wheat bread was higher than the retail price of white bread. It was admitted by the representatives of the baking companies that there was no justification for this differential and the representative of one of the largest companies (the Continental Baking Corporation) promised to reduce his prices of whole-wheat bread to conform with those of white bread. This has been done, and the committee is informed that some of the other bakeries have made like reductions. In the opinion of the committee, all standard whole-wheat bread should sell at a price at least as low as white bread.

6. The committee finds that the wholesale price in bulk of brown sugar is lower than the bulk price of fine granulated white sugar and that it is possible to find retail stores where brown is cheaper than white sugar in bulk. When it is put up in 1-pound cartons, however, the cost of handling brown sugar increases, and the resulting differential between white and brown sugar at retail in 1-pound lots does not appear to the committee to be unfair.

7. The committee finds that the lower prices paid to the farmer for milk purchased for fluid purposes have in general been reflected in the retail prices charged to the consumer. What has actually occurred is that in the majority of cases the reduction to the consumer has been taken wholly from the price paid to the farmer without any portion of the reduction being borne by the distributor. The committee finds that the reduction in the price paid to the producer for milk used in the manufacture of dairy products, which is usually purchased at the surplus price, has not in general been reflected in the retail prices paid by the consumer for dairy products. Due to the absence of several material witnesses and the fact that the committee has only in the past few days obtained the information it requested from the distributing companies, the committee is unable at this time to make a full and complete report on milk and dairy products. The committee has obtained sufficient information to justify a further study of the milk situation and recommends that a complete and exhaustive investigation be made of the distribution of milk and dairy products both by the Federal Trade Commission and the Department of Justice.

8. The committee finds that the retail prices of meat have reflected the lower price received by the producer and the packer on a cents per pound basis. However, the percentage of decrease in the retail price is materially less due (1) to the fixed charges of distribution, which have remained practically constant; (2) to the reduction in the per capita consumption of meat; and (3) to the large increase in the number of dealers handling meats. The committee does not find that such a condition is the result of a combination in restraint of trade but rather one of too many dealers competing with one another for the retail meat business.

9. The committee in its investigation has been impressed with the high distribution costs from the time the product leaves the farmer until it reaches the consumer. The retailer of bread charges a gross profit of at least 1 cent per pound loaf. This amount, which the retailer obtains for allowing the bread to be placed in his store and for delivering it to the customer is at present prices equivalent to the total amount the farmer receives for interest on his investment, for preparing the land, planting, tending, harvesting, and delivering to market the wheat contained in a 1-pound loaf of bread. On the average the farmer receives less than half the retail price of the milk sold for fluid purposes, although he has an investment much greater than that of the distributor. There is too great a difference between the gross profit of the retail meat dealer and the amount received by the livestock producer for the equivalent in meat. Similar conditions hold in the marketing of other farm products, and the committee believes that a thorough study of the marketing of farm products is worthy of most careful consideration.

10. The committee is requesting the appropriate departments of the Government to observe price trends and competitive conditions closely during the coming months, in order that information may be available as to whether the suggestions and recommendations of the committee are being fully carried out and whether the price reductions already made are maintained.

WHITE BREAD

Wheat is only one of several bread ingredients. In addition to the cost of ingredients there are many other costs that in the aggregate make up the total price. In other words, it is not reasonable to assume because the farm price of wheat has been cut in half during the past year or so that the retail price of bread should also be cut in half. The Federal Trade Commission found that in 1922–1924 the farm price of the wheat content of a pound loaf of bread was only 1.145 cents, or 13.40 per cent of the total retail price, which then was 8.549 cents per loaf. On this basis, if all other costs remained the same, a reduction of 50 per cent in the farm price of wheat would permit a reduction in the retail price of a little over half a cent a loaf.

Other costs, however, have not remained the same. The wholesale prices of all the ingredients in bread have dropped; the labor cost per loaf has dropped somewhat owing to an increase in production per man per hour, although wage rates and earnings of the bakers have remained constant; improved machinery has lowered costs; and technical research has revealed more economical formulas and processes.

As opposed to the foregoing trends, it is claimed that several of the costs of bakery companies have increased. But all these increases should not be charged against bread. Some of them should properly be charged against other products. Some are properly deductible from profits.

The profits of the more important commercial bakeries have been large. When such profits occur in an industry vitally necessary to the well-being of everyone they must be carefully scrutinized, particularly when all the evidence points to the fact that the profits are made possible by an overcharge in an all-important article of food. This is especially true when there is some indication, as there is in this case, of a concerted action to regulate prices and to interfere with free competition.

Costs: The Federal Trade Commission, in its report on Competition and Profits in Bread and Flour (S. Doc. No. 98, 70th Cong., 1st sess.), gives the average cost of a 1-pound loaf of bread for the period 1922–1924. Three of the largest baking companies have

submitted to this committee their costs for 1926 and 1930, and as these costs are very similar to each other and exhibit similar trends we have combined them into a composite figure and present them in the table below, together with the costs reported by the Federal Trade Commission.

Baking costs per pound loaf of bread

	Federal Trade Commission 1922-1924	Three large baking companies			
		1926	1930	Change from 1926 to 1930	
				Increase	Decrease
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
Flour	2.160	2.47	1.92		0.55
Other ingredients	.921	.83	.74		.09
Labor	3.528	.57	.55		.02
Other manufacturing and overhead		1.42	1.65	0.23	
Selling and delivering, including advertising		1.80	2.09	.29	
Profit	.651	.81	.83	.02	
Total	7.270	7.89	7.78		

In addition to the above figures, the following costs have also been submitted:

	Cents
The Home Stores, Chattanooga (exclusive of selling, delivering, and profit)	4.07
Atlantic & Pacific bakeries at New York (exclusive of profit)	4.15
American Stores bakeries:	
At Washington (exclusive of profit)	5.21
At Philadelphia (exclusive of profit)	3.30
Sanitary stores bakeries at Washington (exclusive of profit)	6.00

The three chain stores above, of course, have no wholesale selling expense, with the exception of advertising, which is included in the figure.

A correction should be applied to the costs in the above table for the large baking companies in the year 1930, because the figures shown are averages for the entire year. A large portion of the widening spread between the price of flour and the price of bread occurred during the year, and thus appears in the average figure at only one-half the amount at which it stood at the end of the year. From January to December of 1930 the spread between 62 pounds of bread at retail and the equivalent 60-pound bushel of wheat from which that amount of bread can be made, increased from 421 cents to 450 cents, an increase of 29 cents, amounting to 0.468 cent per pound loaf within the year. Similarly, the spread between 62 pounds of bread at retail and 42.6 pounds of flour at wholesale (the amount of flour to be made from a bushel of wheat) increased from 405 cents in January, 1930, to 421 cents in December, an increase of 16 cents, or 0.258 cents per pound loaf.

The table shows that from the average of 1926 to the average of 1930 there was a decrease of flour costs for the large bakeries of 0.55 cents per pound of bread. To this, then, must be added one-half of the drop from January to December, 1930, in order to obtain the total drop in flour costs per loaf to December, 1930, the total reduction being 0.68 cent.

A press release dated August 13, 1930, put out by General Mills (Inc.), the largest milling combination in the world, contains a compilation of operating costs exclusive of the cost of flour of a series of representative bakeries said to be made by one of the best known authorities in the baking industry. These cost figures are materially lower than the costs reported by the three large baking companies, and contained in the table here presented. The cost of other ingredients is about the same, being 0.74 cent per pound of bread in the table of the baking companies and 0.80 cent in the table of General Mills. Labor, other manufacturing costs, and overhead, however, which amount to 2.20 cents per pound in the cost table of the large bakeries, is only 1.65 cents in the table of General Mills. Selling and delivery expenses are 2.09 cents according to the bakery companies and 1.75 cents according to General Mills.

The total of all manufacturing costs, including selling and delivering but excluding flour and profit, amounts to 5.03 cents in the table of the large bakeries and to 4.20 cents in the table of General Mills.

These figures of General Mills (Inc.) seem to show either that the cost figures of the large bakeries are larger than they should be, or else that they include expenses not properly chargeable to bread, or both. The first may be true, the second undoubtedly is true, as is shown below.

It seems extremely significant that the costs reported by the large baking companies have decreased from 1926 to 1930 in every item over which there can be little if any control, namely, costs of flour, of other ingredients, and of labor. On the other hand the costs of those items more within the control of the companies, namely, overhead, selling, delivering, advertising, and profit, have increased. There is no likelihood of any voluntary decrease taking place in the item of profit, inasmuch as the representatives of the baking companies inform the committee that in their opinion the manufacturing profit should properly be 1 cent per pound loaf.

The explanation offered by the representatives of the large bakeries for the increase in overhead, and for the fact that the labor charge has not decreased more than it has, is that the public has "demanded" and is receiving at present greater service than formerly under the guise of a greater variety in loaves and breads, examples cited being raisin bread, twisted bread, and the like.

In other words, the cost figures of the large bakeries are necessarily composites and include special costs of the fancy breads, rolls, and the like. Thus, an introduction of an improvement in machinery whereby a saving in labor could be expected, is more than balanced by the extra labor rendered necessary by a special bread or form of loaf that is introduced at the same time.

Whether these special breads are the result of a true public "demand," or whether, as seems more likely, they are originally put out by one concern in a legitimate effort to create such a demand or as a form of advertising designed to increase business, and then followed by other companies in order to meet competition, it seems clear that their costs should be met from their own sales or else be a charge upon the profits of the company. It is not proper to increase the costs of the basic bread loaf to make up for extra costs incurred in manufacturing and marketing fancy products that are perhaps sold at less than a fair price. Such a procedure is equivalent to increasing the necessary expenses of the poor in order to carry a part of the unnecessary expenditures of the well to do.

The chain stores are demonstrating their ability to bake and sell at a profit a pound loaf of bread at 5 cents, using the best materials and approved methods, and paying the prevailing scale of wages. Some of these chains have very recently reduced their bread prices. The large bakery companies use a formula more expensive than that used by the chains, but they have not followed the lower prices of their ingredients with a lowering of their own prices for bread, and if they would free their "book" costs from complications caused by the extra costs of special and fancy breads, it appears they could reduce the prices of their standard loaves by at least a cent a pound.

The committee is of the opinion that the large baking companies should immediately reduce the prices on their standard loaves by 1 cent per pound. In some cities an even greater reduction should be made.

Financial operations: The baking industry is dominated by a few extremely large corporations. The profits made by these corporations have been excessive and have been capitalized and recapitalized until, in at least two instances, the result is a grossly inflated volume of securities. Some of this inflation arose through an unsuccessful attempt to combine the leading corporations into a trust. The Department of Justice interfered with the plan and stopped it in time, but some of the inflation that was then created still remains. A large amount of the increase that has taken place in the capital stock has greatly increased earnings behind it.

One instance that may be cited is the common stock of the General Baking Co., which in 1916 amounted to 34,000 shares, for which the bid price was only $2 a share. At this time there was also outstanding 59,250 shares of cumulative preferred stock, on which no dividends were being paid. The arrears of preferred dividends accumulated until in 1919 they amounted to 22½ per cent, and they were finally paid partly in cash but chiefly by a 20 per cent issue of additional preferred stock amounting to 11,328 shares.

In 1922 there was a reorganization and a 200 per cent stock dividend which together had the result of increasing the common stock 12,227 times (from 34,000 shares to 415,734 shares) without any realization on the part of the company of any additional cash or property. In the meantime the earnings of the company had increased to such an extent that dividends on this new common stock were made possible at the rate of $6 a year and in 1925 each share of this new stock was considered to be worth at least $200, which is a total valuation of $2,445 for the stock that some 10 years previously had a bid price of only $2.

The recent earnings per share on the new common stock of this company were $15.98 in 1928, $15.16 in 1929, and $12.02 in 1930. These yearly earnings based upon the old stock of 1916 amount respectively to $195.39 per share in 1928, $185.37 per share in 1929, and $146.97 per share in 1930. This is a remarkable growth since 1916, at which time in the open market there was bid only $2 per share for this stock.

In 1925 a holding corporation was organized to take over the ownership of the common stock of General Baking Co., and a tremendous amount of stock was issued and has been distributed to the public. The present management rightfully feels that this holding company should never have been formed, and a reorganization is at present taking place whereby the holding company will be dissolved. The net effect of its formation and dissolution, however, is the same as though there had been a stock dividend of 221 per cent, and it is thought that the earnings will justify a dividend on this new stock at the rate of $2 per share per year, amounting to a return of $80 per year on the old stock of 1916.

The committee desired to question representatives of the Ward Baking Co. concerning interlocking interests, baking costs, price maintenance, capitalization increase, and probable reasons for the tremendous reductions in the market values of its outstanding securities. Unfortunately a recent reorganization of the management prevented this, inasmuch as the new management claimed that it required time to acquire familiarity with the company's affairs before appearing at the hearing. The new head of the Ward Co. just appointed is G. K. Morrow, chairman of the board

of Gold Dust Corporation, which has extensive holdings in flour mills in the United States and Canada.

Retail prices of bread in various cities: It has been shown that the average retail price of bread in the United States as a whole has declined from 8.9 cents in December, 1929, to 8.5 cents per pound in December, 1930, a reduction of 0.4 cent a pound. In the different cities of the United States during the same period the decline in the retail price of bread has been various. In 2 of the 51 cities from which the United States Bureau of Labor Statistics collects retail prices there was an increase of 0.1 cent. In 3 cities there was no change. In 8 cities the decline was 0.1 cent. In 22 cities the decline was between 0.2 cent and 0.5 cent. In 11 cities it was between 0.6 cent and 1 cent, and in 5 cities it was over 1 cent, the maximum decline being 1.5 cents. This variation in the amount of the decline that has taken place would seem to indicate that local conditions interfered with basic economic laws. In other words, it indicates in some places an absence of real competition.

On no other ground can be found an explanation for some of the apparent inconsistencies that exist. For instance, Springfield, Ill., and Indianapolis are in the same geographical section and within 200 miles of each other. In Springfield the price of bread is high, averaging from 1924 to 1930 between 10 and 10½ cents per pound, and yet the price in December, 1930, was the same as it was during the entire year 1929. In Indianapolis the price is relatively low, averaging during the same period from 7 to 8½ cents, and yet the reduction that has recently taken place amounted to 1.2 cents per pound.

Price fixing: Some evidence has been submitted to the subcommittee showing that there is a certain amount of price fixing of bread on the part of the large baking companies. It is claimed in several cities that retail prices of bread are fixed by the large bakers and that the retailer is obliged to agree that he will not sell this bread at a lower price; in one city a retailer reports that he reduced the price of his bread and that the bakers thereupon refused to serve him with his usual requirements.

In this connection it is noteworthy that when wheat prices rose in 1925 the price of bread increased in proportion. The bakers' association was at that time extremely active in bringing about increases in bread prices, stating that they were rendered necessary not only by the increase in the price of wheat but also by increases in price of all the other bread ingredients.

The sum total, however, of the information in regard to price fixing and restraint of trade that the committee has been able to secure is too small and too inconclusive to warrant a definite finding. In this connection the committee calls attention to the fact that the Attorney General has publicly stated that the Department of Justice is already conducting an inquiry into the bread situation.

Patented processes: The investigation has developed the fact that the bulk of the bread baked in the large commercial bakeries and practically all baked during the wintertime in the small commercial bakeries contains a so-called "yeast food." These "yeast foods" vary in name and have different ingredients, but in general they are mixtures of calcium sulphate (plaster of Paris), ammonium chloride (sal ammoniac), potassium bromate, and sometimes a peroxide or other chemical. These substances are patented and in the patents it is stated that their purpose is to save money by economizing the use of sugar and yeast, by enabling the dough to absorb more water, and by saving time. It is said that they also act as stabilizers producing a more uniform product and that they greatly improve the appearance and the texture of the loaf.

It has never been authoritatively established that the use of any of these "yeast foods" is harmful, but it would seem that the public is entitled to know of their presence, and the committee suggests that the Department of Agriculture make an exhaustive test into the use of these substances and into their healthfulness.

The committee also suggests that the Department of Justice be requested to ascertain whether any baker is violating the pure foods act in this connection.

Contract prices of bread: The different departments of the Government buy bread in Washington and elsewhere on contract at prices materially lower than the price charged by the bakeries to the retailer. In Washington the Marine Corps is paying 4.4 cents per pound; the Navy Department 4.29 cents, and the General Supply Committee 4 cents. The quantities purchased daily are large and must be planned for by the bakery.

The bakeries claim that the price at which this bread is sold under contract to the Government is below actual cost and that there is a loss on every loaf. Their explanation is that the bread thus sold to the Government is "unsold fresh"; that is, it is bread that has been sent out on the delivery wagons and has been returned to the bakery unsold; that it is still fresh but that it could not be taken on the next delivery in fairness to the retail stores. In other words, the bakers claim that this bread would be a total loss to them unless it is disposed of to the Government and that, therefore, any price they get is better than nothing.

There is undoubtedly some degree of justification to this argument of the bakers, but it must be remembered that all bakeries do not have Government contracts, and it would appear reasonable to assume that where a contract exists for the daily delivery of several hundred pounds of bread that this quantity is, at least in part, added to the amount of bread that would otherwise be baked.

Furthermore, if the argument of the bakers is to be fully accepted, it would appear that the cities in which such contracts existed ought to enjoy a lower price of bread, as much waste is thereby avoided. This does not appear to be the case, and in fact the present price of bread in Washington is higher than it is for the average of the country.

FOREIGN BREAD PRICES

Continent of Europe

Broomhall's Corn Trade News, published in London, in its issue September 3, 1930, carried the following item concerning the prices of bread on the Continent:

In response to our inquiries from friends on the Continent we have received the following information regarding the price of bread at the present time:

France (Paris)	2¼d. per pound; quality very poor.
Belgium (Antwerp)	1½d. per pound; quality indifferent.
Spain (Barcelona)	1¾d. per pound; no comment as to quality.
Germany (Hamburg)	4d. per pound; for pure wheat bread.
	2d. per pound; for wheat flour mixed with a percentage of rye flour; poor.
Portugal (Lisbon)	2d. per pound; containing 5 per cent rye.
Sweden (Stockholm)	4½d. per pound; for pure wheat meal with milk in dough.
	3d. per pound; mixed with about 50 per cent of rye.
Italy (Rome)	3½d.-5½d. per pound; for finest qualities in rolls, small loaves, etc.
	2¾d. per pound; for second quality in loaves of 150 grams.
	2½d. per pound; for second quality in loaves of 250 grams.
	2d. per pound; for second quality in loaves of 500/600 grams.

Even the highest-priced bread is inferior to the ordinary bread of Great Britain.

Argentina

The Northwestern Miller and American Baker in its issue of January 28, 1931, printed the following cable from Buenos Aires: "The Argentine Government has forced price reductions in bread to 2½ cents per pound, which may help consumption."

Those who have tried it state that the Argentine bread is of a high quality and is equal to bread made in the United States. Obviously the low price of Argentine bread is chiefly brought about by the fact that the Argentine Government is operating some of the bakeries there and is thus able to force the price of bread down to any point it considers expedient.

Canada and the United Kingdom

Bread prices in the United States have been higher than those in Canada by from 1 cent to 2 cents per pound. They are higher than those in the United Kingdom by about 4½ cents a pound. This is shown in the following table:

Retail prices of Canadian and British bread compared with those in the United States

	United States	Canada	Great Britain	Excess of United States prices over Canadian	Excess of United States prices over Great Britain
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
1924	8.8	6.9	4.5	1.9	4.3
1925	9.4	7.8	5.1	1.6	4.3
1926	9.4	7.6	5.0	1.8	4.4
1927	9.3	7.7	4.8	1.6	4.5
1928	9.1	7.7	4.5	1.4	4.6
1929	9.0	7.8	4.4	1.2	4.6
1930	8.7	7.5	4.3	1.2	4.4
December, 1930	8.5	6.6	3.8	1.9	4.7

Bread in Great Britain is ordinarily not wrapped and it is not made there in the numerous varieties and fancy grades that have become customary in this country. The committee is informed, however, that a large part of the difference in price between Great Britain and this country is caused by the greater use of efficient automatic machinery over there. It is also important to remember that retail prices of food and other commodities are and have been on a much lower level in Great Britain than in the United States.

The significant feature of the above table of bread prices in Great Britain seems to be the fact that the prices there have recently fallen more than they have in this country, with the result that the differential between our prices and their prices of bread has increased and is now greater than would appear to be normal.

The bread that is baked in Canada is very similar to the bread of the United States. It is customarily wrapped, and there are many more varieties than are to be found in Great Britain, though perhaps not quite as many as in the United States. The prices in Canada, as is seen from the table, have recently fallen faster than

they have in the United States, so that the differential between our prices and their prices is now larger than has been the case during the past several years.

The explanation of the fact that Canadian prices of bread are lower than the prices in the United States is revealed in a recent Canadian Government report of an Investigation into an Alleged Combine in the Bread Baking Industry in Canada, made public February 17, 1931. This report gives a summary of costs of making and selling bread in Canada in 119 bakeries in the year 1929. These costs are shown in the table below, together with the composite costs in 1929 and 1930 of three large baking companies in the United States.

Baking costs of bread, United States and Canada

	3 large baking companies in United States		119 bakeries in Canada 1929
	1929	1930	
	Cents	*Cents*	*Cents*
Flour	1.97	1.92	2.43
Other ingredients	.82	.74	.76
Labor	.56	.55	.70
Other manufacturing and overhead	1.54	1.65	1.24
Selling and delivering, including advertising	1.96	2.09	1.65
Total costs	6.85	6.95	6.78

It is evident from the above table that in the year 1929 Canadian costs, exclusive of profit, were 0.07 cent lower than the costs in the United States. Inasmuch as the retail prices of bread in that year in Canada were 1.2 cents lower than the retail prices in the United States, it is evident that the profit of the wholesale bakers and/or the margins of the retailer were less in Canada than they were here, which is one reason for their lower prices.

The interesting feature in the table of comparative costs is the fact that flour and other ingredients, which in this country cost 2.79 cents per pound loaf, in Canada cost 3.19 cents. The labor cost of baking in Canada is also higher than in the United States, which would indicate that less machinery is used in Canada than here.

With higher material and labor costs and with a lower total manufacturing cost, it is evident, as the table shows, that another reason why bread in Canada is less than it is here is to be found in the fact that in Canada less is charged to overhead and to selling, delivery, and advertising.

The comparison between Canadian and United States costs may also be expressed in tabular form, as follows:

Comparison between Canadian and United States costs of baking bread in 1929, per pound

	Excess of Canadian cost	Excess of United States cost
	Cent	*Cents*
Material cost	0.40	
Labor cost	.14	
Other manufacturing and overhead		0.30
Selling, distributing, and advertising		.31
Wholesale profit and retail margin		1.13
Total	.54	1.74
Less Canadian excess		.54
Excess of United States retail price over Canadian retail price		1.20

FEED PRICES

In the conversion of wheat into flour an important by-product is mill feed, which is sold back to the farmer. To make one barrel of flour about 4.6 bushels of wheat are required, and the feed by-products amounts to about 80 pounds.

It would, of course, be possible to allocate the costs of manufacture between the feed and the flour, but in practice this is not done. Instead the feed is sold for whatever it will bring in the open competitive market and its price is purely a matter of supply and demand, the question being unfortunately influenced by the financial condition of the farmer, inasmuch as in times of depression the farmer is actually unable to pay for feed and does not buy any, although he might profit by so doing.

The amount realized by the miller from the sale of the feed is treated as a credit on the total cost of his wheat, so the wholesale price of flour is largely governed by the price of feed, and flour can be sold cheaper when feed is high than it can when feed is low, other factors being equal. From a broad point of view, then, it is evident that an excess price of feed is compensated for by the resulting lower price of flour.

As between classes, however, the matter becomes of importance, and several complaints have been received by the committee that a hardship is being imposed upon the farmers by the fact that feed prices are far out of line with wheat prices. In some degree the committee finds this to be the fact, although not to the extent complained of. It is obvious, of course, that in those sections of the country that are remote from the flour mills the transportation and distribution costs will be sufficient to make the retail price of feed appear excessive, but in an investigation of the reasonableness of feed prices the only fair comparison would appear to be between the price of wheat as received by the farmer and the wholesale price of feed at the mill.

The ratio between these two prices has been very constant recently, especially if the monthly fluctuations are disregarded and only the yearly average is considered, but it has remained at a level considerably higher than during 1925–26, when the farm price of wheat was between $1.70 and $1.20 per bushel. These ratios have been as follows:

Ratio of wholesale price of feed to the farm price of wheat

Calendar year:	Per cent
1924	66.1
1925	52.9
1926	52.6
1927	72.3
1928	83.9
1929	80.6
1930	83.9
December, 1930	81.9

The committee feels that no development has occurred within the past three years in the feed situation sufficiently out of line to warrant governmental interference, particularly since, as explained above, the feed price is inextricably bound up with the price of flour, so that any interference with the one will unavoidably affect the other.

WHOLESALE PRICES OF WHITE FLOUR

The wholesale prices of white flour have systematically fluctuated in accordance with the variations in the price of wheat, and the reductions in wheat prices that have taken place within the past several years have been passed on to the baker in the shape of lower wholesale flour prices.

As explained above under the discussion of feed prices, it is the universal custom of millers to treat the receipts from the sale of the feed resulting as a by-product of the milling as a credit on the total wheat cost. An average of 4.6 bushels of wheat are required to make a barrel of flour, and there is left about 80 pounds of mill feed. The net cost of the wheat, therefore, required for a barrel of flour is the cost of 4.6 bushels of wheat less the amount realized from the sale of about 80 pounds of feed.

If this net cost is subtracted from the wholesale price of a barrel of flour, the result is the total spread between the cost of the raw material and the price of the manufactured article. This spread, if figured from the farm price of wheat, includes the charges of the country elevators; transportation of the wheat to the mill; terminal elevator charges and brokerage; all milling expenses, including labor, power, overhead, and selling expense; and profit.

Since 1924 the average yearly spreads, as thus computed, between the farm price of wheat and the wholesale price of flour reported by the United States Bureau of Labor Statistics have been as follows:

Spreads between farm prices of wheat and wholesale prices of flour, crediting receipts from feed sales, per barrel

Calendar year—	
1924	$3.07
1925	2.95
1926	3.16
1927	3.05
1928	3.23
1929	3.15
1930	2.82
December, 1930	2.74

As transportation, elevator, and manufacturing costs have been in general fairly constant, it follows from the above table that there has been no undue increase in profits of milling flour on account of the decline in wheat prices, inasmuch as the total spread has actually been reduced from an average of $3.23 per barrel in 1928 to an average of $2.82 in 1930. Attention is further called to the fact that the average spread in 1930 is the lowest of any in the seven years and it also is noteworthy that the spreads during November and December of 1930 were lower than during any other month of the year.

RETAIL PRICES OF WHITE FLOUR

The most powerful potential competitors of the commercial baking companies are the 25,000,000 housewives of the country, who, if they wish, can bake their own bread. It is true that during the past 30 years less and less bread is being baked in the home and more and more is purchased at the store. This is apparently in line with the wishes of the American people. But a large amount of bread is still being baked in the home and undoubtedly many families prefer homemade bread and find the time to devote to home baking.

The retail price of flour is thus an important part of this investigation, because it determines the cost of all homemade bread and also because of the potential competition between the bakeries and those families who now purchase bread.

The investigation of the committee shows that not only did wholesale prices of flour follow the declining trend in wheat prices, but retail prices of flour have also declined and to the same extent. During the 12 months of 1928 the spread between the wholesale and the retail prices of flour, as quoted by the United States Bureau of Labor Statistics, average about 1.68 cents per pound. During the year 1929 the spread averaged about the same, and during the 12 months of 1930 it was 1.77 cents per pound, or only about

5 per cent higher than in 1928. In other words, the reductions in the wholesale price of flour have been passed along by the retailer to the consumer, making reasonable allowances for temporary fluctuations.

It is true that a slightly higher margin of profit was made by the retailer during 1930 than was made during either 1928 or 1929, and this undoubtedly will call for some adjustment should prices remain for any considerable time at their present low level.

There is some indication, indeed, that this adjustment is now being made, inasmuch as in the last quotations of the year the spread was reduced to the year's low through a continued reduction in retail prices attended by a slight increase in some of the wholesale prices, and was only 1.6 cents per pound in December, 1930, which is lower than the averages of 1928 and 1929.

WHOLESALE PRICES OF WHOLE-WHEAT FLOUR

The costs of manufacturing whole-wheat flour are slightly less than the costs of manufacturing white flour and the wholesale prices of whole-wheat flour are accordingly lower in general than the wholesale prices of white flour. There are some exceptions to this caused by the use of particular grades of wheat for certain brands of whole-wheat flour, but in general, as stated, whole-wheat flour is cheaper in the wholesale market than is white flour.

RETAIL PRICES OF WHOLE-WHEAT FLOUR

It is becoming increasingly difficult for the individual consumer to purchase whole-wheat flour at retail in ordinary stores, and when it is found its price is entirely out of line with its cost of manufacture. This is particularly true of Washington and cities of the South.

The reason for this is apparently twofold. In the first place, the retail demand for whole-wheat flour is very slight and is becoming of less and less importance. In the second place, whole-wheat flour does not keep as well as ordinary white flour, and so the retailer is obliged to exact a larger margin in order to recompense him for the spoilage.

WHOLE-WHEAT BREAD

It has been developed that the wholesale price of whole-wheat flour is lower than the wholesale price of white flour, and during the hearing it was acknowledged by several of the large baking interests that the cost of baking whole-wheat bread was no more than the cost of baking white bread. It was claimed that owing to the relatively small sale of whole-wheat bread a larger margin of profit was required both by the baker and by the retailer. The representative of the Continental Baking Corporation thought that there was no justification for a higher wholesale price on whole-wheat bread than on white bread and he agreed to reduce the wholesale price of his own whole-wheat bread wherever he found it to be higher than white bread.

He has done this and the committee has received information that his action has been followed by some of the other bakeries throughout the country. The committee estimates that the saving to the country through the reduction in the price of whole-wheat bread will amount to between $5,000,000 and $6,000,000 a year.

SUGAR

The committee finds that no unrefined sugar enters the retail market. Brown sugar has undergone very extensive refinement, but the process has not been carried quite so far as is the case with fine granulated white sugar.

There are four main factors affecting the price situation as between white and brown sugar:

1. Cost of manufacture.
2. Cost of handling after manufacture.
3. Rate of turnover of product.
4. The customary practice of retailers to sell white sugar at very little profit and sometimes at a loss as a "leader" in order to attract new trade.

The committee finds that the cost of manufacturing brown sugar is less than the cost of manufacturing fine granulated white sugar. The wholesale price of the two grades in bulk is at present $4.50 per hundred pounds for fine granulated and $3.75 per hundred pounds for the darker brown.

In order to put up the sugar in 1-pound paper cartons, however, there is an extra cost of handling the brown sugar, as it does not flow through the automatic machines so readily and requires a more expensive carton. The wholesale price put up in 1-pound cartons is at present $5.15 per hundred pounds for fine granulated and $5.50 per hundred pounds for "old-fashioned brown."

The expense of handling brown sugar in bulk in the retail stores is greater than the expense of handling fine granulated because the brown sugar has a very much slower turnover; it is kept longer, and therefore has a greater shrinkage due to loss of moisture. It also lumps and requires more time in the handling.

The retail margins on brown sugar are in general not greater than average margins charged on goods with a similar turnover handled by grocery stores, but, as stated above, the margins charged on white sugar both in bulk and in 1-pound cartons are much lower than these average margins.

Brown sugar may be purchased in bulk at retail in some stores, and in the city of Washington prices have been obtained for such sugar, varying between 5 cents and 10 cents a pound. At the lowest quotation obtained brown sugar was cheaper than fine granulated sugar at the same store. The average household, however, does not desire to purchase brown sugar in bulk; it prefers the 1-pound carton, partly because the sugar thus obtained is moister and fresher and partly because nowadays very few families use enough brown sugar to warrant its purchase in greater quantities than 1-pound lots.

The committee finds that the present differentials in price between brown and white sugar are not unfair, and no evidence has been found in this respect of any combination in restraint of trade.

MILK AND DAIRY PRODUCTS

In investigating the spread between the price paid to the farmer for milk and butterfat and the price paid by the consumer for milk and other dairy products the committee has been guided by two basic factors.

In the first place, milk is a highly perishable product, and when sold for fluid purposes must be disposed of in or near the section in which it is produced, making it extremely difficult to obtain a representative price for the United States as a whole such as is possible in the case of wheat and livestock.

Secondly, milk is generally purchased on a schedule consisting of a basic price intended to cover that used for fluid consumption and a surplus price intended to cover that portion of the milk used in the manufacture of dairy products, such as butter, cheese, etc. While the basic price is fairly stable and holds a somewhat direct relationship to the price paid by the consumer for fluid milk, the surplus price varies tremendously; is in a majority of cases based on conditions in another locality and may be manipulated in such a way as to lower materially the net amount received by the producer for his total quantity of milk.

The committee was handicapped by the fact that the heads of two of the largest interests in the distribution of fluid milk were on the west coast and were unable to be present and did not furnish information relative to the recent activities of their companies. Also, because of the acute situation on the west coast, where the producers are endeavoring to market their milk in an orderly manner and give the consumers the benefit of savings, there has developed a price war between the producers and distributors. The committee did not feel justified in asking the producers to take the time necessary to come to Washington and appear before the committee.

Accordingly, the report on milk and dairy products is not complete, but sufficient evidence has been obtained to justify the recommendation that investigations of the distribution of milk and dairy products be made by both the Federal Trade Commission and the Department of Justice.

The principal reason for this recommendation is the recent consolidation of the milk-distributing companies into a few powerful organizations, located at strategic points throughout the country, which practically control and dominate the distribution of milk.

The city of Washington has not escaped, and within the past few weeks plans have been consummated which place 75 per cent of the milk distributed in Washington in the hands of one corporation and its directors. The remaining 25 per cent is in the hands of three apparently independent companies. The head of the largest of these, serving approximately one-half of this amount, stated to the committee that a proposition had been made to absorb his dairy, but that he had declined it.

The whole plan, as it is being unfolded, indicates that through purchases, mergers, consolidations, and holding companies there has been developed a vast organization, dominated by a few groups, which appear to be working toward a common end.

The most hopeful outlook developed for the committee by testimony of witnesses and evidence secured from other sources is the part the cooperatives are taking in an attempt to meet the changing conditions and to get a fair price for the producers.

It was shown conclusively that the cooperative stabilizes the market and strengthens the bargaining ability of the producers. In the city of Washington, where approximately 94 per cent of the total milk supply is furnished by one cooperative, the committee found that the farmers are receiving approximately 9 cents per quart for the milk sold for fluid purposes, which a well-informed witness stated is the highest price paid in the United States. The spread between the price paid to the producer and the retail price of milk in Washington was found to be approximately 5 cents a quart. This is less than in most cities, although Washington is said to have a milk-inspection system and sanitary restrictions which make it one of the most expensive cities in the country in which to operate a milk-distributing plant.

Attempts of the cooperatives and milk producers to enter into the distributing business and thereby pass on to the consumer the saving, which is now absorbed by the large distributors, have not met with much success. In cities where the cooperatives or milk producers have attempted to lower the price, the result has been a milk war, with the distributing company controlling the situation, due to its ability to bring in reserves from other sections of the country. Such a condition now exists on the Pacific coast, where the producers were forced to organize to save themselves from utter ruin through the price forced upon them by the distributing companies. In this case the producers found that the distribution costs allowing a fair margin of profit were 2½ cents a quart wholesale and 4½ cents a quart retail over and above the cost of the milk, indicating that if the producer received 7½ cents a quart, which in that section would allow the producer a reasonable profit, the consumer could purchase high-quality milk for 12 cents a quart. An attempt to establish such a price, as against a higher price which had existed for some time, resulted in a milk war, with every advantage in the hands of the large distributors.

In Cincinnati, Ohio, where a portion of the milk is distributed by a cooperative, a representative of the cooperative testified before the committee that his organization would like to cut the

price to the consumer, but hesitated through fear of trouble with the other distributors. He further testified that he would notify his competitors, the large distributors, before making any price change.

The committee feels that situations such as the above are brought about largely by the fact that the producers are unorganized or organized to a large extent only locally; whereas the big distributors are organized in a national way and are able to marshal their total resources so as to control the situation in any given locality. The committee received many communications stating that some of the large distributors were sending milk from one territory into another in order to take advantage of the differential between the basic and surplus price, and that milk purchased at the surplus price in one territory was transported to another and sold at the fluid-milk price, thereby creating a further surplus in the territory to which it was transported.

The committee recommends the placing of this information in the hands of the Department of Justice for verification, and if such conditions do exist that appropriate action be taken to correct them.

Spread in the price of milk: Due to the method in which books of the milk-distributing companies are kept and the delay in the companies furnishing information requested by the committee, it has not been possible to analyze completely the spread between the prices paid to the farmer and the prices paid by the consumer. The total spread, however, has been determined in sufficient instances to show conclusively that it is too large and is often used to absorb the lower prices paid to the farmer. The head of the largest dairy in Washington, whose salary is $30,000 per year, submitted figures and testified before the committee that a spread of 5 cents per quart was maintained allowing a profit of one-third cent per quart. In San Francisco the local producers have found that they could profitably distribute the milk to the consumer on a margin of 4½ cents per quart. Considering the very strict regulations in the District of Columbia with reference to milk the committee is of the opinion that the spread between the price paid the producer by the distributor and that charged to the consumer certainly should not exceed 5 cents and in most sections should be materially less.

Such is not the case, however, and an analysis of the differential in the cities in which both the basic price paid the farmer and the retail price to the family trade are available, shows a spread of from 4½ cents to over 11 cents, the bulk running about 6 cents.

The figures submitted by the distributing companies show much larger spreads than 5 cents. For instance, detailed figures placed in the record by the president of the Borden Farm Products Co. of Illinois, which purchases milk from a local cooperative and distributes a large portion of the milk sold for fluid purposes in Chicago, showed a spread as follows:

ry	Price to producer per quart [1]	Retail selling price per quart	Spread excess of selling price over cost
	Cent	*Cent*	*Cent*
1922	0.037	0.120	0.093
1923	.053	.130	.077
1924	.057	.140	.083
1925	.051	.140	.089
1926	.053	.140	.087
1927	.053	.140	.087
1928	.053	.140	.087
1929	.056	.140	.084
1930	.057	.140	.083
1931	.049	.130	.081

[1] Price for milk sold for fluid purposes only.

The committee does not believe that conditions in Chicago warrant a spread so large that the costs of distributing milk from the farmer's local railroad station to the consumer is one and one-half times as great as the amount received for the milk by the producer.

In studying the spreads over a period of years the committee finds that almost without exception all reductions to the consumer have come from a reduction to the producer and without disturbing the spread of the distributor. Such a condition is grossly unfair, because, in fact, the investment required to produce milk is far greater than that required to distribute milk, and the producer, as well as the distributor, is entitled to a fair return on his investment.

The committee is of the opinion that the present policy of forcing the producer to absorb all reductions in retail price is unfair and that the distributor should share the amount of all reductions with the producer.

MEAT AND MEAT-FOOD PRODUCTS

In considering meat and meat-food products the committee obtained information from the livestock producers, packers, and retail meat dealers, and data from various Government bureaus showing the price paid for livestock, the prices paid by the consumer for meat, and the various trends in the meat industry. This information indicated that the price paid to the farmer, the price charged by the packer, and the retail price of meat all showed a rather steady upward trend from early in 1922 to about two years ago. A slight drop then occurred for a few months, followed by an upward trend of a few months and then a marked decline until at the present time the farm price of hogs is the lowest since July, 1924, of cattle the lowest since 1926, and of lambs the lowest since 1913. The present retail prices of beef are the lowest since 1927; of fresh pork, lowest since early 1928, and of lamb the lowest since November, 1921.

In both the upward trend and the recent decline there has been a decided tendency for the wholesale and retail prices of meat to follow the general trend of the farm and wholesale prices of livestock. However, in determining whether the retail price has reflected the decline in the price received by the producer and the packer, several factors must be taken into consideration.

In the first place, the per capita consumption of meats has on the whole been decreasing for the past 10 years. As against this, the number of markets handling meat exclusively has increased materially during the past 10 years and the number of chain stores handling meats has increased twelvefold. This results in a smaller volume of business per store and requires an increased spread between the price paid for meat and the price at which it is sold retail in order to pay rent, refrigeration, clerk hire, etc., all of which have decreased little, if any, during this period and are practically constant regardless of the volume of business.

This situation has created a very high cost of distribution, which has remained fairly constant and results in a tendency to increase the percentage spread between the wholesale price and the retail price of meats as the prices of both drop.

Considered on a cents per pound basis, the retail price of meat has reflected the decline in the price paid the producer. Taking beef as an example, the committee finds that the farm price of all cattle per hundred pounds dropped $2.55 from the high point in September, 1928, to January, 1931. For good to choice steers the price at the Chicago market during the same period dropped $6.19 per hundred pounds, a decrease of 38 per cent. This latter figure is more comparable for determining wholesale and retail prices of meat, since it is the price paid by the packer, whereas the farm price includes all grades sold, regardless of quality. Average wholesale prices of beef carcasses at Chicago and New York show a drop of a little over 6½ cents per pound, which is about 27 per cent. Retail prices of representative cuts of beef show reductions ranging from 4 to 9 cents per pound, or an average of about 17 per cent.

From this it will be noted that although the retail price of beef has decreased in cents practically the same amount as the wholesale price of beef carcasses, the percentage of decrease is materially less, due to the fixed charges of distribution. A similar situation holds in the other meats, such as hogs and lambs.

Without exception those testifying before the committee, and the information it has been able to obtain, show that both the packers and retail meat dealers are making less money under the present conditions than they were when prices were increasing and distribution costs were not so large.

The committee finds no substantial evidence of a conspiracy or combination in restraint of trade operating to maintain high retail prices on meat and meat-food products. The very nature of the distribution system is such as to make it difficult for such a combination to operate effectively. Retail meat dealers are, as a rule, independent of outside or financial control and operate on a relatively small scale. Meat is a perishable product and one that must be moved into consumptive channels within a relatively short period of time, so the retail meat dealer must place a price on his meat, which will make it attractive to the public he is serving.

PROPOSED INVESTIGATION OF AGRICULTURAL CONDITIONS

Mr. WHEELER, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 481) providing for an investigation of the subject of agricultural conditions, reported it with amendments, submitted a report (No. 1835) thereon, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on Saturday, February 28, 1931, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of the Crow Indians;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

EXECUTIVE REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on the Judiciary, reported favorably the nomination of Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan (additional position), which was placed on the Executive Calendar.

Mr. DENEEN, from the Committee on the Judiciary, reported favorably the following nominations, which were placed on the Executive Calendar:

John P. Barnes, of Illinois, to be United States district judge, northern district of Illinois (additional position);

Arthur M. Burke, of Illinois, to be United States marshal, eastern district of Illinois; and

Frank K. Lemon, of Illinois, to be United States attorney, southern district of Illinois.

Mr STEIWER, from the Committee on the Judiciary, reported favorably the following nominations, which were placed on the Executive Calendar:

George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana; and

James Alger Fee, of Oregon, to be United States district judge, district of Oregon.

Mr. SMOOT, from the Committee on Finance, reported favorably the nomination of Richard N. Elliott, of Indiana, to be Assistant Comptroller General of the United States, vice Lurtin R. Ginn, retired, which was placed on the Executive Calendar.

Mr. ODDIE, from the Committee on Mines and Mining, reported favorably the nomination of Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, to fill an existing vacancy, which was placed on the Executive Calendar.

Mr. HALE, from the Committee on Naval Affairs, reported favorably the nomination of Corpl. Richard W. Hayward, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, probationary for two years, from the 10th day of February, 1931, which was placed on the Executive Calendar.

ADJUSTED-SERVICE CERTIFICATES

Mr. BARKLEY. Mr. President, when the soldiers' bonus loan bill came over from the House it was recognized by everyone in this body that no amendments should be placed upon the bill. Many of us desired to make the loans applicable to certificates regardless of their date. In his veto message the President criticized the omission of any provision making the loans applicable to certificates which had been issued within the last two years. I ask unanimous consent out of order to introduce a bill to correct that situation, and then I shall ask unanimous consent for its present consideration.

The VICE PRESIDENT. Let the bill be read.

The bill (S. 6269) relating to the making of loans to veterans upon their adjusted-service certificates was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 502 (b) of the World War adjusted compensation act, as amended, prohibiting the making of loans to veterans upon their adjusted-service certificates prior to the expiration of two years after the date of the certificates, hereafter loans may be made upon such certificates in accordance with loan basis provided by law at any time after the date of issuance thereof.

Mr. SMOOT. Mr. President, I ask the Senator to let the bill go to the Finance Committee. I will get a report on it to-day. I should like to see just what the effect of it might be.

Mr. BARKLEY. I do not want to consent to a reference at this time because the committee is not in session and has not been called in session.

Mr. SMOOT. The committee was in session this morning and held a meeting, and the committee will be called together again.

Mr. BARKLEY. The committee was called in session to pass on nominations and not for legislative purposes.

Mr. SMOOT. It was for all purposes.

The VICE PRESIDENT. Objection is made to the request of the Senator from Kentucky.

Mr. BARKLEY. I desire to enter a motion to suspend the rules so as to consider and pass the bill.

The VICE PRESIDENT. The motion will be entered.

INVESTIGATION RELATIVE TO POWER AND COMMUNICATION

Mr. COUZENS submitted the following resolution (S. Res. 488), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 80, agreed to June 8, 1929, authorizing and directing the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, to investigate the relationship and connections of the different communication services used in interstate and foreign commerce, including telephone, telegraph, and all kinds of wireless and wireless services so employed, and transmission of power by wire or wireless, and other matters related thereto mentioned in said resolution, hereby is continued in full force and effect until the end of the Seventy-second Congress.

UNIFICATION AND CONSOLIDATION OF RAILROADS

Mr. COUZENS submitted the following resolution (S. Res. 489), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 290, agreed to June 16, 1930, authorizing and directing the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, to investigate the consolidation and unification of railroad properties and the effect of same upon the public interest, hereby is continued in full force and effect until the end of the Seventy-second Congress.

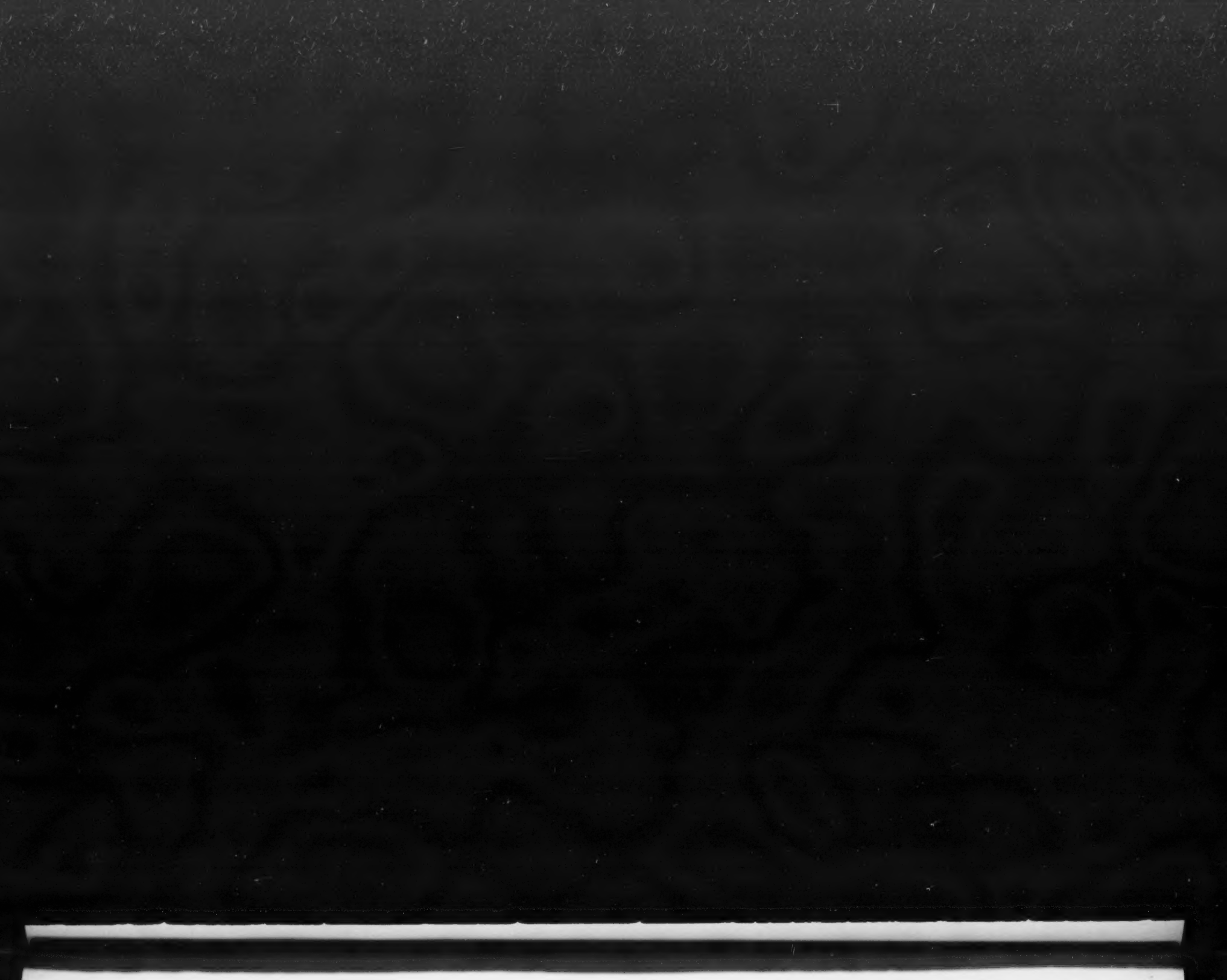
ILLEGAL APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE

Mr. HEFLIN (by request) submitted the following resolution (S. Res. 491), which was ordered to lie over under the rule:

Senate Resolution 491

Whereas the special senatorial committee appointed in pursuance to Senate Resolution 154, Seventieth Congress, did not complete its work on the hearings, that the Senate is hereby requested to grant an extension of time to the committee so it may be able to complete the hearings and make a report during the coming recess; and

Whereas this committee is hereby granted, besides the authority to hold hearings, authority to write and incorporate its findings and recommendations as to the necessary amendments to the civil service law to correct the abuses therein into a report to be presented to the Senate at the beginning of the next session of Congress; further, the committee is hereby granted the authority to adjudicate all claims of civil-service employees or former civil-service employees:





Resolved, That there is hereby created a special senatorial committee to consist of five members appointed by the President of the Senate, three of whom shall be from the majority party (including two Progressive Republicans), and two of whom shall be from the minority party. The committee shall meet and organize within seven days from the date of appointment and immediately thereafter begin hearings upon the resolution. Within 30 days after the date of organization the committee shall meet and make a written statement of its findings and recommendations for legislation and have same printed.

COMPULSORY MILITARY TRAINING

Mr. FRAZIER. Mr. President, I ask permission to have placed in the RECORD two clippings in regard to the protest of a group of college students who appeared in the city of Washington last Saturday.

The VICE PRESIDENT. Without objection, it is so ordered.

The clippings are as follows:

[From the New York Herald Tribune, March 1, 1931]

STUDENTS ASK BAN ON COLLEGE ARMS TRAINING—DELEGATES FROM 55 SCHOOLS PETITION CONGRESS TO OUTLAW COMPULSORY FEATURE—MAKE WHITE HOUSE CALL—GROUP HOLD PROTEST MEETING AFTER VISITING THE CAPITOL

WASHINGTON, February 28.—An attack on compulsory military training in institutions of learning was carried to the White House and Congress to-day by a group of 56 students, about half of them women, from Yale, Vassar, Harvard, Columbia, Johns Hopkins, University of Maryland, Swarthmore, and Georgetown University. Their petition, urging Congress to stop appropriating funds for schools in which military training is compulsory, they announced, was signed by 10,100 students in 55 colleges and universities.

The delegation, headed by Nathaniel Weyl, of Columbia, left its resolution with President Hoover and presented its petition to Senator Lynn J. Frazier, insurgent Republican, North Dakota, and to a group of House Members in the office of Representative Henry Allen Cooper, Republican, of Wisconsin. About half of the delegation was comprised of young women. Their visits to the White House and Congress were followed to-night by a meeting in Corcoran Hall, at George Washington University, in protest against compulsory military training.

The petition read:

"We, the undersigned students in American colleges and universities, protest against compulsory military training in the colleges for the following reasons:

"We believe that military training courses tend to teach doctrines contrary to the principles of the American Government. In this light we cite a definition of democracy as involving 'agitation, anarchy, discontent' from Manual 2000-25, of the War Department. We object to the use of Government funds to inculcate beliefs to which our Government is unalterably opposed.

"We believe that military training courses seek to idealize war and to inculcate a spirit of unquestioning military obedience which is an emotional armament of war. We quote with approval Dr. Raymond B. Fosdick's statement that military drill 'has as its chief result * * * a change in the mental outlook of young people, so that they look upon war as a normal part of life and expect to take part in it. It habituates the thought of the participants to slaughter as a rational means of settling international difficulties, as a legitimate means of reaching decisions.' We consider that our military drill courses are not only inconsistent with the Kellogg pact, repudiating war as a means of settling international disputes, but constitute a grave danger to world peace.

"We believe, finally, that insistence upon the compulsory feature of military training indicates that the majority of student opinion stands opposed to it and constitutes its own confession of failure.

"Accordingly we petition the Congress of the United States to consider the mandate of student opinion on a matter which so vitally concerns it and to outlaw the compulsory feature of military training from American colleges and universities."

[From the New York Times, March 1, 1931]

REQUESTS SENATORS TO OPPOSE R. O. T. C.—STUDENT GROUP MAKE PLEA TO STOP FUNDS FOR INSTITUTIONS COMPELLING MILITARY TRAINING—COLUMBIA BOY SPOKESMAN—HE OFFERS A "MANDATE" SIGNED BY 10,000 STUDENTS IN 55 COLLEGES—MISS TUTTLE A DELEGATE

(Special to the New York Times)

WASHINGTON, February 28.—Students of nine universities and colleges, including Yale, Harvard, Columbia, Johns Hopkins, University of Maryland, Swarthmore, and Georgetown visited Members of the Senate to-day bearing a petition signed by 10,000 students in 55 colleges and universities asking Congress to put an end to the appropriation of money to educational institutions in which military training is compulsory.

The delegaton of 56 included Nathaniel Weyle, of Columbia University; Miss Charlotte Tuttle, of Vassar, daughter of Charles H. Tuttle, Republican gubernatorial candidate in New York last year; and Howard Melish, of Harvard, son of Dr. J. Howard Melish, rector of Trinity Church, Brooklyn.

The "mandate," as the students termed the petition, was presented to Senator FRAZIER, Republican insurgent, of North Dakota, who was recently defeated in an effort to prevent Government appropriations going to land-grant colleges where there is military training.

Nathaniel Weyl, spokesman for the delegation, thanked Mr. FRAZIER for his fight and the other Senators who voted with him—BROOKHART, of Iowa; NYE, of North Dakota; NORRIS, of Nebraska; LA FOLLETTE, of Wisconsin; and BLAINE, of Wisconsin, all insurgent Republicans, and HEFLIN, Democrat, of Alabama.

Other Senators who met the delegation at Mr. FRAZIER's office were WALCOTT, Republican, of Connecticut; DAVIS, Republican, of Pennsylvania; and COPELAND, Democrat, of New York.

"Intelligent college men will refuse to fight in any war, unless every Member of both branches who votes for war, and every member of the administration who favors war goes into active service, and until every last dollar of wealth needed is conscripted to pay for the war, and to cancel the hangover debts from the World War," Mr. Weyl stated.

"I am confident," said Miss Tuttle, "the college women of America, and I think all informed women, realize that intelligent and unselfish statesmanship can and will prevent war. We shall, therefore, oppose every militaristic gesture as well as active participation in war."

Mr. Melish, expressing the "growing opposition" of students to compulsory military training, "challenged" the defenders of such training to harmonize their position with advocacy of the Kellogg peace pact outlawing war.

THE ST. PAUL POST-OFFICE LEASE

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD clippings from the St. Louis Star relative to the St. Paul post office lease.

There being no objection, the clippings were ordered to be printed in the RECORD, as follows:

THE ST. PAUL POST-OFFICE LEASE

EDITOR THE ST. LOUIS STAR:

The department's attention has been called to an editorial which appeared in the Star of February 18 under the caption "Buying Leased Post Offices."

In this editorial appears a paragraph regarding the commercial post-office station at St. Paul, Minn., which recites that upon a building taken over by the Government under condemnation proceedings at a Federal court appraisal, including the value of the lease, of $334,000, the Post Office Department proposed a settlement by which the owners of the building would have received over $900,000. The editorial cites this as "a fair example of the difference between the acquisition of postal substations by the courts and by the Post Office Department."

It is only fair to inform you that the facts are directly opposite to this statement. The settlement of the St. Paul controversy is a matter which comes within the jurisdiction of other branches of the Government and in which the Post Office Department has only an advisory voice. The Post Office Department has had no part in and has never agreed to any compromise settlement, but, on the contrary, has consistently and uniformly recommended that the issues in the commercial-station case be left for judicial determination.

As a matter of fact, the settlement to which your editorial referred was proposed, not by any branch of the Government, but by the owners of the commercial-station property and their bondholders. Whether it has been or will be accepted by the Government this department does not know. But it does know that acceptance was urged by Congressman MAAS, of Minnesota, who was so highly commended by your editorial for uncovering a supposed leasing scandal. I hand you herewith a photostat copy of the owners' offer of settlement, and with it a memorandum signed by MAAS recommending acceptance by the departments involved.

In view of your apparent conviction that this proposed settlement is rooted either in stupidity or in corruption, or both, and in view of the fact that the Post Office Department had no connection with the matter, and the further fact that the settlement was urged upon the Government by Congressman MAAS himself, it would appear to be appropriate for you to make some correction in the interest of your readers.

ARCH COLEMAN,
Acting Postmaster General.

[From the St. Louis Star]

MR. COLEMAN'S REPLY

Acting Postmaster General Arch Coleman in a letter published on this page, takes exception to a statement made by the Star that after the Federal court condemned the St. Paul commercial post office for $334,000 and the owners sued to collect their $120,000 a year rent, the Post Office Department proposed a settlement by which the owners of the building would have received over $900,000.

The fact is, says Mr. Coleman, that the proposal came from the owners of the building and is being considered by another department of the Government and that "acceptance was urged by Congressman MAAS of Minnesota, who was so highly commended by your editorial for uncovering a supposed leasing scandal." In support of which Mr. Coleman sends a photostat copy of a memorandum signed by MAAS recommending acceptance.

The settlement described by Mr. Coleman is not the one referred to by the Star, but is a substitute brought forward six months

after Congressman MAAS had denounced the original proposal on the floor of the House of Representatives.

High Government officials, said the Minnesota Congressman, proposed to give the owners of the building $960,000, and he was asked to concur in it and drop the investigation.

"I emphatically let it be known," said Mr. MAAS, "that I would not only not concur but would resist and expose any such attempt to the limit of my ability."

The settlement afterward was dropped to $770,000, to which Mr. MAAS agreed, not because he thought the figure was just, but "to stop the continued unnecessary delay toward the erection of a new Federal building in the city of St. Paul" and to secure the economies of a new building.

Mr. Coleman's own part in the St. Paul affair is described by Congressman MAAS as follows:

"When the Government went into Federal court to terminate this lease by direction of Congress the Post Office Department sent Assistant Postmaster General Arch Coleman up to St. Paul, and right in the midst of the Government's testimony by expert witnesses that the building was in a dangerous condition from faulty construction, rapid deterioration, and actually unsafe, this Post Office Department official held a separate hearing upon the condition and value of the commercial station and invited only witnesses for the owners, and never even notified the Government counsel of such intended hearing. The post-office official permitted the testimony of witnesses before his hearing to be made public, contradicting all the testimony of Government witnesses given before a Federal court, without an opportunity of Government witnesses to be heard. There was no need for such strange actions on the part of the Post Office Department, nor has any explanation for its doing so, in the midst of a court action that nearly wrecked the Government's case, ever been made."

So the only error in the Star's original statement was in assuming that the "high Government officials" referred to by Mr. MAAS were officials of the Post Office Department, instead of officials with whom the Post Office Department works in an advisory capacity, and since Mr. Coleman declares no advice has been given, the attitude of the Post Office Department can only be judged by its complete record on the St. Paul lease.

Incidentally, the St. Louis Star has just learned that the land occupied by that building was valued by the owners at $8,500 a front foot while land across the street from it is appraised at $490 a foot, and that the original contract for the construction of the building totaled $76,000, anything else warranting the rent of $120,000 a year and the bond issue of $1,150,000 being in the shape of extras.

SOUTH CAROLINA APPOINTMENTS

Mr. BLEASE. Mr. President, I ask permission to present for the RECORD three telegrams in reference to appointments in South Carolina.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

WASHINGTON, D. C., *February 23, 1931.*

MAYOR OF HARTSVILLE,
Hartsville, S. C. (dupe back care South Carolina):

Please wire me just how long A. B. Kale has lived in South Carolina. Do not include time that he would stay there during business season and go back home. Is he a qualified voter; if so, since when? How long has his wife made her home in South Carolina? Please get this information from another than Kale.

COLE. L. BLEASE.

HARTSVILLE, S. C., *February 23, 1931.*

Senator COLE. L. BLEASE,
Continental Hotel:

Glad answer your questions concerning A. B. Kale. Resident South Carolina for five and one-half years. Resident Hartsville for little better than three. Absolutely a qualified voter. Divorced since 1925. A. B. Kale is one our city's most substantial citizens. A cotton merchant who lives here 12 months in the year, a fellow man keenly intelligent, honest, progressive, law abiding, and above reproach in every sense of the word. His connections with business, social, and civic Hartsville most satisfactory.

TOWN OF HARTSVILLE,
By R. E. SOWELL, *Mayor.*

WASHINGTON, D. C. *February 25, 1931.*

Hon. R. E. SOWELL,
Mayor, Hartsville, S.C.:

Your wire. Please wire me number of Kale's registration certificate, date of same, and by whom signed. Did he divorce his wife or she him; and if so, for what? I do not think that he will be confirmed at this session, as I oppose bringing people from other States to fill our offices in South Carolina; that is what brought about the Hampton movement of 1876 which redeemed our State from carpet baggers, niggers, and scalawags, and I fully indorse the action of my father, his brothers, and other true-blooded South Carolinians in that fight and shall always be true to them and their cause for the glorious victory in redeeming our State from the most disgraceful, thieving, and deplorable administration of her affairs ever known to man, and which was brought about by importing people from other States to hold office and thus make it possible for them to exploit our resources and humiliate our people. If Kale is in this class, I shall not let him be an official as long as I am a Senator, which will be but a short time. However, I shall stand for white supremacy and South Carolinians for South Carolina officeholders that long as Senator and forever as a man and a red-shirt Democrat who loves Hampton and his followers for their invaluable services to our State and our people.

COLE. L. BLEASE.

Mr. BLEASE. Mr. President, I have not received any reply to my telegram No. 3. I suppose that Mayor Sowell discovered the error in his telegram No. 2, where he said "absolutely a qualified voter," and there may be another more important reason for not replying to my other question in telegram No. 3.

I now ask that there may be printed in the RECORD an affidavit and two letters relating to the same matter.

The VICE PRESIDENT. Without objection, it so ordered.

The affidavit and letters are as follows:

STATE OF SOUTH CAROLINA,
County of Darlington:

Personally appeared before me L. W. Coker, who deposes and says that he is the chairman of the Darlington County Board of Registration, and that he has examined the registration list of the voters of Darlington County, and that the name of A. B. Kale, of Hartsville, S. C., is not registered therein since January 1, 1928.

L. W. COKER.

Sworn to before me this the 22d day of January, 1931.

[SEAL.] J. E. CANNON,
Clerk of Court for Darlington County, S. C.

REPUBLICAN STATE ADVISORY COMMITTEE
FOR SOUTH CAROLINA,
Rock Hill, S. C., December 19, 1929.

Mr. J. T. ROBINSON,
Spartanburg, S. C.

DEAR MR. ROBINSON: Upon my instructions and guaranty, my company has financed the operation of this headquarters office since the organization of your committee. This account covers a cash outlay for stenographic services, printing, postage, and stationery, telephone, telegraph, and traveling expenses. The exact amount of same can not be determined until all December bills are in, but it will be quite a little over $2,000. It includes nothing for any of my time nor for my expenses in making almost innumerable visits throughout this particular congressional district. If my company is willing to contribute one-half to two-thirds of my time, and I am willing to absorb my expenses within my own district, this should be as much, if not more, than could be rightly expected by your committee, and the account, therefore, liquidated promptly.

In addition to the above, arrangements must be made whereby sufficient funds will be available in the treasury at all times to take care of the future operation of your committee. This can be expected to run from $300 to $500 monthly. If this is not done there is no alternative but that your headquarters here and my acting as chairman will cease January 1, 1930. From this you will observe the treasurer must receive around $175 through each of you committeemen at once so as to clean the slate on January 1, and each of you must obligate yourself for at least $50 monthly in the future if it's your wish to continue operating as at present.

These are the cold facts and am putting them squarely up to you now in order that you might know what to expect, and giving you time to act in the matter prior to the date mentioned above. Please give same your personal attention and advise promptly.

Faithfully yours,

J. C. HAMBRIGHT.

REPUBLICAN STATE ADVISORY COMMITTEE
FOR SOUTH CAROLINA,
Spartanburg, S. C., March 11, 1930.

Mr. J. DUNCAN ADAMS,
Walhalla, S. C.

DEAR MR. ADAMS: This is to let you know that I have not received a letter from Mr. Hambright in which he mentioned the name of Jimmie Burns or any of his supporters. In fact, I doubt seriously if Mr. Hambright knows there is a man by this name in Spartanburg. However, I have heard it said around Spartanburg that Mr. Langston and Mr. Dillingham were supporters of Mr. Burns and that they had suggested to you the name of Mr. Metcalf for one of your deputies in case you were appointed United States marshal.

The other letter you asked about which I received from Mr Hambright in regard to contribution of $175 and $50 per month in the future, beginning the 1st of January, I received this letter from Mr. Hambright, and the letter was filed along with some other correspondence, but, as you know, I went through my file the second time while you were here in the office but failed to find this letter. I have gone through again to make sure that I did not overlook it. I find the letter has been misplaced.

Yours very truly,

J. T. ROBINSON.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President, I present a conference report on the second deficiency appropriation bill and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will read the report for the information of the Senate.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiences in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 18, 20, 27, 41, 56, 60, 63, 64, 68, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 15, 17, 19, 21, 22, 28, 29, 30, 31, 32, 34, 35, 38, 39, 40, 42, 43, 48, 49, 50, 51, 53, 54, 55, 57, 58, 62, 65, 67, 71, 74, 75, 78, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, and 98, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "any" and insert in lieu thereof "not exceeding $25,000 of any," and in line 6 strike out the word "are" and insert in lieu thereof "is," and in line 10 strike out "$265,000" and insert in lieu thereof "$240,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "for," insert the word "temporary," and in line 12, after the word "February," insert "27"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out "July 1, 1931" and insert in lieu thereof "on the date of the approval of this act"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Department of vehicles and traffic, District of Columbia: For personal services, fiscal year 1932, $34,300, together with the amount of $36,060 for personal services, office of the director of traffic, contained in the District of Columbia appropriation act for the fiscal year 1932: *Provided*, That the appropriation of $80,100 contained in the District of Columbia appropriation act for the fiscal year 1932 for the purchase and installation of electric traffic lights, etc., office of the director of traffic, shall be available for similar expenditures under the department of vehicles and traffic, District of Columbia."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"The appropriation of $3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, etc., contained in the act entitled 'An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment,' approved December 20, 1930, is hereby continued available during the fiscal year 1932."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "(Public, No. 616, 71st Cong.)"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment after the word "approved" insert "February 28"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out "year 1931 and to remain available until expended" and insert in lieu thereof "years 1931 and 1932"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after "ruary" insert "27"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment in lieu of the dash insert "28"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That no part of this appropriation shall be expended until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the road under the provisions of the act approved March 3, 1925 (43 Stat. p. 1104), and the Secretary of War is authorized to convey title to such road in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies, monuments, markers, or tablets to mark and commemorate historic events connected with the battle"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 10, 14, 23, 25, 33, 36, 37, 44, 45, 46, 59, 61, 66, 72, 77, 79, 81, 82, 95, and 100.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

WILL. R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

Mr. TYDINGS. Mr. President, may I ask the Senator if the appropriation to print the evidence adduced by the Wickersham Commission was stricken out in conference?

Mr. JONES. It is my recollection that it was, because the conferees felt that it could be well taken care of out of the printing appropriation for the next fiscal year in the sum of $2,500,000.

Mr. TYDINGS. I am sure that what the Senator says is said in good faith and that he feels there is sufficient money to print the evidence adduced by the Wickersham Commission. However, I would like to have assurance from the Committee on Printing that they will print the evidence out of the money now at their disposal. If I can have that assurance I would not personally object to the consideration of the conference report at this time. What I am interested in is having the evidence printed and not keeping the appropriation in the deficiency bill if there is sufficient money elsewhere to pay for the printing. Will the Senator let the report go over for a few minutes?

Mr. JONES. Oh, no; we must get the deficiency appropriation bill disposed of. The Senator realizes the importance of early action upon it.

Mr. TYDINGS. I do.

Mr. JONES. I feel sure that the Committee on Printing will take care of the Senator's matter. They ought to do it. The Senator from Minnesota [Mr. SHIPSTEAD] is chairman of the Committee on Printing.

Mr. TYDINGS. Let us assume there is sufficient money to print the evidence, what harm will it do to leave the appropriation in the deficiency appropriation bill, because we can not spend it from two sources?

Mr. JONES. Personally, I am perfectly willing to do it, but the conferees kept the item open for quite a while and it was felt that it ought to be taken care of out of the regular printing appropriation.

Mr. TYDINGS. I would appreciate it very much if the Senator would agree to let the conference report be held in abeyance for half an hour until I can confer and assure myself about it.

Mr. JONES. I can not hold up the appropriation bill in that way. I am satisfied the Senator's matter will be taken care of. I assure the Senator that in so far as anything I can do to have it done may be concerned, I shall be glad to do it. But we ought not to hold up the appropriation bill.

Mr. TYDINGS. I do not want to be put in that position. I am sure the Senator appreciates that, but if there is not sufficient money in the general printing fund to publish this evidence, then I would feel impelled to move that the matter be recommitted to the conferees with instructions to insist on the amendment.

Mr. JONES. I do not think there is any question about there being plenty of money for that purpose. I understand that $2,500,000 is available for the next fiscal year for printing and we certainly can provide $10,000 out of that for the printing of the report to which the Senator refers.

Mr. TYDINGS. My apprehension comes from the fact that I went before the Committee on Printing and it was at the suggestion of that committee that I prepared the amendment in pursuance to a resolution which the committee itself reported and which was adopted by the Senate.

Mr. JONES. I am sure the $2,500,000 in the printing fund is not all allocated. I think the Senator can safely rely on that fact. If there is anything I can do to help the Senator I shall be glad to do it.

Mr. TYDINGS. I appreciate that, and I do not want to hold up the conference report a single moment, but I do not see the Senator from New Hampshire [Mr. MOSES] or the Senator from New Jersey [Mr. KEAN] or the Senator from Minnesota [Mr. SHIPSTEAD], and there is no one else by whom I can verify the statement of the Senator that there is sufficient money in the fund to print the evidence.

Mr. JONES. The $2,500,000 is provided for the next fiscal year and they certainly can allocate a sufficient amount for the purpose the Senator has in mind.

Mr. TYDINGS. Will the Senator hold up the report for 15 minutes? I shall not object if I have that assurance from the Committee on Printing. Fifteen minutes' delay will not ruin the Government. I am sure the Senator wants to give me an opportunity to assure myself about it.

Mr. JONES. There may be some questions that other Senators desire to submit about the report. Let us try to dispose of those anyway.

Mr. TYDINGS. Very well.

Mr. JONES. If necessary, I shall be glad to give the Senator a little more time.

Mr. ROBINSON of Arkansas. Mr. President, the report as read by the clerk does not indicate the amendments that have not been agreed to. It indicates them by number, but does not explain the relation of the number to the text of the amendments.

Mr. JONES. I can give that information to the Senator. The first is an amendment relating to a Government Printing Office employee who is really one of the employees of the Senate. The amendment is agreed to tentatively but has to be taken back to the House for action.

Amendment No. 14, relating to hospitalization, is in disagreement, and we are waiting to see the outcome of legislation pending in conference.

Amendment No. 23 relates to the Mount Vernon Road. There is a tentative agreement on it, but the House conferees have to take it back to the House for action.

The same is true of amendment No. 25, payment of the Florida road damge, and No. 33, the Navajo sanatorium in Arizona. The amendment numbered 30, relating to the reclamation fund, is in disagreement, but we expect legislation which has already passed the Senate to go through the House to take care of it.

Amendment numbered 37 relates to the Seminole Dam and Reservoir. The House conferees have to take it back to the House for action.

The employment-service item is in disagreement, awaiting the outcome of pending legislation.

Mr. WAGNER. Mr. President, may I be enlightened by the Senator from Washington as to the situation in regard to that item? The President has before him now under consideration a bill which was passed by Congress establishing the unemployment-exchange system. There is in the bill an authorization for an appropriation of $1,500,000. Unless some provision is made by appropriation, the President would be justified in vetoing the bill upon the ground that Congress has failed to make the appropriation. The amendment which I offered was in such a form that the appropriation would lapse in the event the President decided to veto the measure. It seems to me to be a very strange attitude for Congress to take, after authorizing the appropriation and passing the bill, then to refuse to make an appropriation for it.

Mr. JONES. The Senator is mistaken, I think, in his statement that the President would be justified in vetoing the bill if no appropriation should be made. No appropriation would be authorized until the bill should become a law, so that the President could not have any excuse of that kind. We are waiting to see whether or not the President signs the bill. Of course, I know how the amendment is worded, but the House conferees—and I think wisely—felt, at any rate, that we had better wait another day or so to see if some intimation from the President might be received as to the action he is going to take. If we do not get it by to-morrow, then, of course, we will take the action that is necessary to keep this matter going. It may not be necessary to change the Senator's amendment; I do not know about that; but I remember how it is drawn, and if the bill to which he refers is going to become a law, then we can provide for the appropriation under existing law. That will be taken care of.

Mr. WAGNER. I merely wanted to have the assurance from the chairman of the committee that if the bill now pending before the President shall become a law before final adjournment, then an appropriation will be provided.

Mr. JONES. I will go just as far as I can to have that done, and to have the provision adopted by the Senate retained in the pending bill.

Mr. WAGNER. How possibly can Congress take any other attitude? By refusing an appropriation Congress would be practically vetoing the measure, instead of the President doing so. It seems a most anomalous position for Congress to take.

Mr. JONES. Congress sometimes does not make all the appropriations that are authorized by law. Such action, however, is not in the nature of a veto of any previous acts, but Congress has that authority.

Mr. WAGNER. But by failing to make provision we compel the President to veto the measure.

Mr. JONES. No; not at all; the Senator is certainly wrong about that.

Mr. WAGNER. Will the Senator explain in what respect I am wrong?

Mr. JONES. If the President signs the bill, then we will make an appropriation to carry it out.

Mr. WAGNER. But the President may not make disposition of the bill until after Congress shall have adjourned.

Mr. JONES. If he does not do so, then the bill is dead.

Mr. WAGNER. He may still sign it after Congress adjourns. As I understand, he has several days after the adjournment in which to dispose of the legislation presented to him.

Mr. JONES. Of course we will make some provision with reference to the employment measure. I will say what my personal view is: I am in favor, if we do not get some word by to-morrow, of providing for the $500,000, as estimated by the Budget to carry out existing law. I will go just as far as possible to get that item.

Mr. WAGNER. That is a little different situation. I am talking about an appropriation to carry out the provisions of the bill which is now pending before the President, which was passed after some two years' struggle in Congress. By refusing to make any appropriation, even a conditional one, we compel a veto of that measure. I think it is an unheard-of policy.

Mr. JONES. I can not understand the Senator's reasoning in that regard. The bill referred to is not as yet a law, and Congress can not very well appropriate money to carry out proposed legislation which is not legislation.

Mr. WAGNER. It seems to me that Congress certainly can make a conditional appropriation available in the event that the bill shall be approved.

Mr. JONES. My understanding is that if the President does not sign the bill by the 4th of March at 12 o'clock, when Congress shall finally adjourn, that is the end of the bill.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. Assuming that the President signs the bill on the occasion when he comes to the Capitol for the purpose of signing numerous bills on the 4th of March, and that the bill is actually not signed until, say, 10 minutes before adjournment or an hour before adjournment, then would not the condition arise to which the Senator from New York has referred?

Mr. JONES. Yes; that condition would probably arise.

Mr. ROBINSON of Arkansas. Well, what is the objection——

Mr. JONES. I am not saying that I am opposed to this proposition.

Mr. ROBINSON of Arkansas. I understand that.

Mr. JONES. We will try to take care of it in conference, but I am not the only conferee, and this is not the only body that has to deal with that matter. I want to say that there is strong opposition to making an appropriation to carry out legislation which is proposed but which has not been finally enacted.

Mr. ROBINSON of Arkansas. What is the status of the amendment to which the Senator has referred?

Mr. JONES. It is in disagreement; it will go back to conference; and, so far as I am concerned, as one of the Senate conferees, I will try to take care of the situation just as fully as possible.

Mr. WAGNER. Mr. President, of course, I do not know just how to interpret the assurance given by the Senator, because he referred a moment ago to a $500,000 appropriation, which is for an entirely different purpose than the purpose of the legislation which was passed here and which bears my name.

Mr. JONES. Yes; but the Senator very wisely incorporated that provision in his bill so as to take care of a possible contingency. I want to say to the Senator——

Mr. WAGNER. I did it primarily because——

The VICE PRESIDENT. One at a time. The Senator from Washington has the floor.

Mr. WAGNER. Will the Senator yield?

Mr. JONES. I merely wish to say to the Senator that I assure him that, so far as I can go as a conferee, I am going to go. I will go just as far as possible to take care of the situation; but the Senator must remember that there are five conferees from another body who may have their ideas as to what ought to be done in regard to proposed legislation that has not as yet become a law. We are going to hold this bill up just as long as we feel we possibly can, in order to take care of any legislative needs that may develop hereafter. So far as I can possibly do so, I want to carry out the provisions of the legislation in which the Senator from New York is interested.

Mr. WAGNER. I will accept the assurance of the Senator upon that question.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I yield.

Mr. TYDINGS. The Senator from Minnesota [Mr. SHIPSTEAD], the chairman of the Committee on Printing, and the Senator from New Hampshire [Mr. MOSES] are both on the floor. May I say to them that the appropriation of $25,000 for printing the evidence adduced by the Wickersham Commission has been eliminated in conference, although it was adopted by the Senate, and that the chairman of the conferees on the part of the Senate assures me that there is sufficient money in the general printing fund to take care of the printing of this evidence. I do not want to object to the Senate conferees relinquishing the amendment agreed to here in this body, but I do want to have assurance from the chairman of the Committee on Printing that he feels there is sufficient money to enable this evidence to be printed.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I yield.

Mr. SHIPSTEAD. I have no detailed information as to how much material has been ordered printed by the Senate and the House at this session. Probably the conference committee has that information. So far as I am concerned, I would be willing to assume that they know what they are talking about and that there will be sufficient funds available for the purpose indicated. I can not give the Senator any such assurance, because I have not the knowledge as to how much it will cost to print all the material which has been ordered to be printed, how far the printing fund will go, and how it may have been allotted for that purpose. However, if the Senator is willing to take the assurance of the conference committee that there are sufficient funds, I would be willing to accept their assurance.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I yield.

Mr. TYDINGS. The Senator from Minnesota, who is chairman of the Committee on Printing, says that he has no intimate knowledge of the various demands to be made upon the printing fund. However, if the Senator from Washington will assure me that he feels there is sufficient money to provide for the printing of this evidence and that the evidence will be printed, I shall not make further objection.

Mr. JONES. I do feel that way, I will say to the Senator.

Mr. TYDINGS. If there is any question about it, while I should dislike very much to——

Mr. JONES. I can not say that I can guarantee it, because I have not gone into the details of the printing fund. I take it that with two million dollars and a half they can use $25,000, or whatever may be necessary to take care of the printing of the material referred to by the Senator. I, myself, would have no question about it.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. I yield.

Mr. MOSES. I am very sure, Mr. President, that so far as the amount of money named is concerned there are ample funds. The only difficulty in the situation, as I see it, is whether there is a difference in language between the amendment contained in the deficiency bill and the resolution reported from the Committee on Printing the other day and agreed to by the Senate. The mass of material submitted by the Wickersham Commission in response to the two resolutions of the Senate is so voluminous and so complex that it will require the services of somebody to classify and edit and index it, if it is to be made at all useful. The amendment in the bill provides that money out of the $25,000 item may be used for the purpose of employing an indexer or a clerk or an editor. I am not sure the language of the resolution does that. I have sent for the resolution and will have it here in a minute or two, so that we may ascertain the fact. If the resolution carries the same provision, there is no reason why we should object to the Senate receding on this particular item; but if the material is to be made use of effectively, it certainly requires that provision.

Mr. TYDINGS. Mr. President, will the Senator from Washington yield further to me?

The VICE PRESIDENT. Does the Senator from Washington yield further to the Senator from Maryland?

Mr. JONES. I yield.

Mr. TYDINGS. Mr. President, I am very much concerned over this matter for the following reasons: First of all, among the evidence which will be submitted by the Wickersham Commission is a survey of the conditions in 41 States of the Union showing just how prohibition is enforced, what its weaknesses are, what its strong points are, and what is needed in the way of supplemental legislation as adduced by the commission.

It seems a shame for Congress to appropriate a large sum of money to gather all this information and then not have it available to Senators, for if we do that we are in the position of having spent this huge sum of money to inform the 11 members of the Wickersham Commission; that is all; nobody else will know anything about the evidence that was presented. The country wants to know what it is; the country wants to know what the weaknesses are in the prohibition structure.

The Wickersham Commission has made a number of recommendations for new legislation. How, in the name of common sense, can we act intelligently upon their recommendations unless we have the evidence, the facts which show that the proposed new legislation is necessary? My concern, therefore, is that at the next session of Congress we are going to have numerous bills introduced in line with the recommendations of the Wickersham Commission; but we will not have the evidence showing why that legislation is necessary.

I am advised that in many of the States the reports show that national prohibition is very satisfactory, as a general thing, while in other States it is shown that it is unsatisfactory. I am very anxious, therefore, in the interim between the adjournment of this Congress and the convening of the next Congress that this mass of evidence may be printed, so that every Senator and every Member of the House of Representatives may have a copy of it, familiarize himself with the conditions that exist, and thereby be enabled to form an accurate conclusion as to whether or not these proposed measures suggested by the Wickersham Commission should or should not be adopted. Unless I can receive some assurance that that is to be done, I will be compelled to ask that the conference report be recommitted to the conferees with instructions to insist upon our amendment, which provides for the orderly compiling, editing, and printing of all this information which is pertinent and which would eliminate the useless documentary evidence already in print from other sources.

Mr. JONES. Mr. President, the Senator appreciates the condition of things and the importance of this appropriation bill. We have some disagreements on some other amendments now. I feel that this matter can be taken care of under the general appropriation which has been provided. As I have said, I will do everything I can along that line, and I hope that the conference report may not be delayed on account of this item.

Mr. MOSES. Mr. President——

Mr. JONES. I yield to the Senator from New Hampshire.

Mr. MOSES. The resolution agreed to by the Senate on the calendar day of February 26 does not contain provision for the employment of somebody to edit all this manuscript. That is the defect of the resolution, and that is cured by the amendment. Inasmuch as certain other amendments have to go back in disagreement, let me ask the chairman of the committee why the Senate might not agree to everything that is now presented in the report except this numbered amendment, and let that go back, with an explanation to the conferees of exactly what has taken place on the floor.

Mr. JONES. We should have to reject the conference report, and then the whole matter would be open. Every item we have spent to-day in discussing, and so forth, would be open.

Mr. MOSES. There might be a lot of people about the Capitol who would be glad to have that done. I do not wish to have it done, however.

Mr. JONES. The question is whether or not we desire to run the risk of having the deficiency bill, which is so important, defeated.

Mr. MOSES. I can think of but one other remedy, if the Senator from Washington will permit me further, and that is to introduce in the Senate another resolution to provide that the Joint Committee on Printing, in carrying out the duty devolved upon it by Senate Resolution 474, shall be permitted to draw upon the contingent fund, upon vouchers approved by the chairman of the Joint Committee, for such clerical assistance as is necessary in editing the material.

Mr. JONES. I should think that could very well take care of the situation.

Mr. MOSES. Because, while I was once an editor, I do not intend personally to edit this drayload of material which has been dumped upon the table of the Joint Committee on Printing. I should like to have some assurance from the powerful Senator from Washington that if the Senator from Maryland and I draw a resolution such as I have described we may have his great and influential cooperation in putting it through.

Mr. JONES. I have no hesitation in saying that I will do what I can to aid in the passage of a resolution of that kind.

Mr. TYDINGS. Mr. President, under the circumstances I do not want to hold up the bill, and I shall withdraw any objection; but I do hope that when the amended resolution comes before the Senate no Senator will take advantage of the position in which I place myself by withdrawing opposition at this time.

Mr. JONES. I hope so, too.

Mr. BARKLEY. Mr. President——

Mr. JONES. I yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to inquire of the Senator with reference to the status of amendment numbered 79.

Mr. JONES. I will say to the Senator from Kentucky that there is a notation "that the Senate recede," with an interrogation. That is, if the legislation passes the House, it will be taken care of. That is the idea.

Mr. BARKLEY. I hope the Senator from Washington and other Senators on the conference committee will elimi-

nate that notation. I wish to make a statement to the Senate with reference to this matter.

Of course, we are all familiar with the great services rendered by George Rogers Clark and the pioneers who joined him in the discovery of that vast northwestern territory which enabled the western boundary of the new Nation to be at the Mississippi River instead of the crest of the Allegheny Mountains.

We have appropriated a million dollars, in addition to the funds which have been raised in Indiana, to build a suitable monument at Vincennes. I have been very enthusiastic about the obligation of this Government to recognize in some substantial way the contribution made by George Rogers Clark to the expansion of the Union. It so happens that at Fort Harrod, in Kentucky, General Clark organized the expedition which went across the Ohio River and captured this vast territory which is now a part of the United States. Nearly half the men who were members of his expedition were recruited at Fort Harrod. It was at this place that they started on the expedition. It was also at this place that the resolutions were adopted by the province or county of Kentucky, then a part of Virginia, asking for statehood from the State of Virginia; and it was from there that a delegation went to visit Patrick Henry, then governor of the State.

There is no geographical location in the United States that carries with it more important historical events than old Fort Harrod, which is now the city of Harrodsburg. The State of Kentucky and the local community have raised nearly $100,000 to restore the old stockade built by General Clark and his compatriots. They have moved up to this location the log cabin in which Thomas Lincoln and Nancy Hanks were married, and it is now there in a state of good preservation. In that cabin is contained the marriage certificate of Thomas Lincoln and Nancy Hanks, which settles a good many questions with reference to Abraham Lincoln himself.

In the Senate we passed unanimously a bill authorizing the building of a suitable monument there. It came out of the Committee on the Library by unanimous vote. It so happens, I regret to say, that the chairman of the Committee on the Library in the House will not permit this bill to come out on the floor to be voted on in the House; and unless we can get this appropriation in this bill there is no chance to obtain the necessary legislation.

In view of the fact that the amount appropriated by the Federal Government for building a monument at Vincennes has been reduced below the $1,700,000 originally appropriated by the Senate, and notwithstanding the faot that we probably shall have to appropriate another half million dollars in the future for the completion of the Vincennes monument, I think that the beginning of this great expedition, which resulted in the expansion of this country to the Mississippi Valley and beyond, is entitled to recognition on the part of Congress. Without in any way disparaging the great accomplishment at Vincennes, whose memorial I have enthusiastically supported and intend to support with the same enthusiasm in the future, if it had not been for the transactions that occurred in Harrodsburg or at Fort Harrod, in Kentucky, Vincennes would still, in all probability, be in the middle of the British Empire.

So I think that, notwithstanding the opposition of any one man in another body to the recognition of the merits of this great expedition at its inception, the Senate and the Senate conferees ought to insist on this amendment, and retain it in the bill. I hope the conferees will do that, and, if necessary, take the matter back to the House, where I believe they will adopt it if they are given an opportunity.

Mr. JONES. I want to say to the Senate that this amendment is reported in disagreement, and the Senate conferees will do the very best they possibly can to retain it when we go to conference again.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. COPELAND. I wish to ask the Senator two questions; first, regarding amendment numbered 44, relating to the United States Employment Service. I came into the Chamber late. As I understand it, that matter is still in disagreement.

Mr. JONES. That is in disagreement, and will go back to conference.

Mr. COPELAND. So that there is some hope regarding that yet?

Mr. JONES. There is.

Mr. COPELAND. The second question is this. There are some authorizations which have been passed, both through the House and the Senate, since the second deficiency bill was passed. If it is deemed advisable, will they be taken care of by joint resolutions?

Mr. JONES. I think so. They can not be taken care of in this bill, of course. They are not in it.

Mr. COPELAND. I understand.

Mr. JONES. At any rate, any matter of that kind that is urgent and necessary, the House, I am satisfied, will send over to us in a joint resolution.

Mr. COPELAND. That will be the procedure?

Mr. JONES. That will be the procedure anyway.

Mr. COPELAND. Such action would originate in the House?

Mr. JONES. Yes.

Mr. COPELAND. So that if there are such authorizations, that is the way they will be dealt with, so far as appropriations are concerned?

Mr. JONES. Yes.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. JONES. I yield.

Mr. NORRIS. I have just come in from the Judiciary Committee room; is there a request for unanimous consent pending?

Mr. JONES. Yes; to proceed to the consideration of the conference report on the second deficiency bill.

Mr. NORRIS. Then I would like to ask the Senator with regard to amendment numbered 38.

Mr. JONES. That was agreed to.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. SMITH. I have not the number of the amendment in the bill, but there is an amendment in the bill with reference to the item for the Charleston Navy Yard.

Mr. JONES. That is in disagreement.

Mr. SMITH. I just want to call the Senate's attention to the fact that when the first deficiency bill was before us——

Mr. JONES. We have that matter in mind.

Mr. SMITH. I wanted to call attention to the fact that I was assured that if I would get an estimate, that amendment would go through. So I busied myself and got an estimate. It is indorsed by the Secretary of the Navy, the Director of Yards and Docks, and has been unanimously adopted by the Senate. I just wanted to call attention to that fact, and to the fact that this yard is the only one, among all the emergency matters, for which no appropriation was made.

Mr. JONES. Mr. President, there may be some controversy over one statement the Senator has made, namely, that assurance was given that if an estimate came down, it would be agreed to. I think that is the general understanding of the Senate conferees, but there may be some who may question that statement as fully as it is made.

Mr. SMITH. That was my understanding.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. JONES. I yield.

Mr. DILL. I want to discuss another matter for a few minutes when I can get the floor.

Mr. JONES. I hope the Senator will permit the conference report to be taken up.

Mr. DILL. I want to discuss the conference report on the deficiency bill a little.

The VICE PRESIDENT. It can be discussed after it is taken up.

Mr. JONES. Will not the Senator allow us to get consent to bring the conference report up?

Mr. DILL. I have no objection to that.

The VICE PRESIDENT. Is there objection to the request of the senior Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of the conference report on the second deficiency appropriation bill?

There being no objection, the Senate proceeded to consider the report.

Mr. JONES. Mr. President, I want to say just a word. There are really only three items, which, it might be said, are in serious dispute. One of those is the Charleston Navy Yard item, to which the senior Senator from South Carolina has just referred.

The second is the New Bern, N. C., item, relating to relieving the people of that community from an obligation they assumed some time ago.

The third is the appropriation for the construction of a Court of Claims building in the District of Columbia.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. My understanding of the Charleston matter is the same as that expressed by the Senator from South Carolina, and I wish to say now that I feel it is important that that item be adhered to by the Senate.

Mr. JONES. I think we appreciate that.

Mr. ROBINSON of Arkansas. I know from the statement made by the Senator in charge of the conference report and the Senator from Utah that they both realize the importance of maintaining that item.

Mr. JONES. Mr. President, if there are no more questions about the conference report, I will yield the floor.

Mr. FLETCHER. Mr. President, will the Senator yield to me a moment?

Mr. JONES. I yield.

Mr. FLETCHER. I do not see in the report any reference to the amendment relating to the Florida item for public roads.

Mr. JONES. That matter has been taken care of.

Mr. FLETCHER. I notice that under the item for the dredging of the channel at Fort Pierce Harbor, Fla., no amount is given.

Mr. JONES. That will be taken care of in the House. The House conferees have to take that item back, and they can provide that.

Mr. FLETCHER. All they need to do is to add the amount?

Mr. JONES. Yes; but they had some other provision they wanted to put in. Mr. President, I think we are ready to vote on the adoption of the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. KING. Mr. President, before the vote is taken may I ask the chairman of the committee a question? In the report as it has been submitted what changes have been made in the amendments agreed to in the Senate?

Mr. JONES. Does the Senator want me to go over the 100 amendments?

Mr. ROBINSON of Arkansas. The Senator from Washington has been over all of them. I made full inquiry of him with reference to them.

Mr. KING. Very well. I have been detained in a committee meeting and did not know the Senator from Washington had explained the report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

THE PRESIDENT'S POSITION ON MUSCLE SHOALS

Mr. DILL. Mr. President, yesterday the newspapers carried a statement from the President regarding the Muscle Shoals measure. Before I say what I have in mind regarding the statement, I want to call attention to the development in the method of presenting news from the White House to the public.

For many years it has been the custom for the newspapers not to quote the President of the United States. Newspapers for many years would print a statement to the effect that "on the highest authority it is understood" that the President believed certain things, or took a certain position, or that "from sources close to the President" or "from the White House" certain information had come.

Under President Coolidge, the President spoke through the White House spokesman—some Senator near me suggests "unofficial spokesman." That individual has disappeared.

Now President Hoover has inaugurated a policy of giving out statements from the White House. I do not think the President receives any stated fee for that service as a columnist, as his predecessor does, but he contributes almost as regularly.

One would judge from these statements that the President is easily irritated by criticism. It will be recalled that when the question of unemployment and suffering was being discussed in this body, and certain Senators criticized the President, he proceeded to issue a bitter attack to the effect that Senators were "playing politics with human misery." I have no comment to make of that, other than that the human misery has not been relieved greatly by any legislation Congress has passed.

When the Senate sent a resolution to the President asking him to return the names of three Power Commission members, he wrote a dignified reply, and while I disagreed with him, I thought it was a strong answer, stating his position. But at the same time, in the words of Goldsmith, he "stooped to conquer" by issuing a statement to the newspapers of the country. In that statement he said that it was indicated that he was in league with the power interests, the Power Trust, and he wanted to free himself of any charge of that kind.

Now the Muscle Shoals statement is issued. These other statements have been supplemental to official statements sent to Congress, but this is a supplemental statement sent before the veto is even written.

I note in the statement that the President is fearful that the people will think he is in league with the power interests. He says he is not, and I accept his statement. No man would challenge a statement of the President of the United States on a matter of that kind.

Mr. President, I do want to call attention to certain facts. When the President appointed a power commission he appointed men who did the identical thing the power interests would have done had they been in charge of that commission, namely fire from the body Mr. Russell and Mr. King, two men who had made a battle for the people in connection with questions coming before the Power Commission.

In his statement yesterday on Muscle Shoals the President defends himself and attempts to give as proof that he is not in league with the power interests the argument that he has recommended to Congress that we shall regulate interstate power. That is identically what every power company in the United States recommends. They are all in favor of regulation. They are in favor of regulation in every State, and they are in favor of regulation of interstate power. So I say, even though the President is not in league with them, he does the things and he recommends the things which the power interests themselves champion.

In this Muscle Shoals statement the President talks about the importance of regulating interstate power as though that would remedy the situation. I think it was Mr. Roosevelt who said that some men have the habit of using "weasel words" when attempting to make statements. I would not accuse the President of that, but his statement on this subject is a sort of soothing-sirup statement. It proposes to cool the surface of the fevered situation rather than to go to the root of the trouble and remedy the condition by removing the cause or compelling the power interests to treat the people fairly.

Experience in a majority of the States of this Union proves that power rates can not be regulated in the interest of the people. Either the power companies are able to con-

trol enough of the public-service commission membership to get the kind of rates they want or they go to the Federal courts, even to the Supreme Court of the United States, and have valuations approved by which they can get the rates they desire.

The only effective regulation of the hydroelectric-power business in the United States to-day is to be found in the competition furnished by municipally owned plants, and the only effective regulation we will get in this country will be through municipally owned plants, and the ability of the people to have such plants whenever and wherever they desire. Anyway, the interstate power business constitutes only about 15 per cent of all the power in the United States.

The President says there is an effort to make a political symbol out of Muscle Shoals. It is not a question of whether Congress is trying to make a symbol out of Muscle Shoals. The disposition of Muscle Shoals is a symbol—a symbol of whether we are going to allow a power company in the Southern States to profiteer upon the people there in the sale of the power produced at Government expense or whether it will be a symbol that the power shall be sold to the people of those communities to be used at somewhat near the cost at which it is produced and to make cheap fertilizer for the farmers of the United States.

The President says it is an engineering problem. I could not but think, as I read that, that there are many kinds of engineers. There are civil engineers, there are mechanical engineers, there are chemical engineers, there are electrical engineers.

Mr. NORRIS. And political engineers.

Mr. DILL. The Senator suggests another kind of engineer. I suggest that the President of the United States had in mind, at the time he made that statement, engineers of technical kinds, engineers who deal with pen and ink upon bits of paper. The Muscle Shoals problem can not be properly decided through any such engineering method.

Some one suggests political engineer, promoting engineer. We need a social engineer properly to dispose of this problem because in the disposal of this problem are involved human relationships, there is involved human happiness, there are involved the costs of the necessities of life, not only of the people of the southern communities who live around Muscle Shoals but because of the example that Muscle Shoals will be. If the plan of the Senator from Nebraska and the conferees is used, it will have its effect all over the United States.

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. DILL. I yield.

Mr. CARAWAY. The Senator just said what I think is a most important thing in connection with the pending legislation. The intention of Congress in passing the legislation was to provide for the production and distribution of power and the manufacture of fertilizer. It is, indeed, a symbol; it is a possibility for that purpose, and for that purpose alone. It does not itself furnish sufficient power nor will it furnish sufficient fertilizer ever to disarrange the plans of the power people or the fertilizer people, but it may demonstrate that the profits which they have made are unrighteous.

Mr. DILL. Exactly so; and when the President charges certain Senators and Congressmen with trying to make it a symbol, I reply that it is a symbol and the action of Congress and the President makes it a symbol.

Mr. CARAWAY. Everybody must recognize that there is more back of it than the mere intrinsic value of Muscle Shoals.

Mr. DILL. Absolutely. Before I resume my seat let me remind Senators that in this river, and in every river of America, the waters which flow down from the mountains are filled with power. That power not only contains latent electricity, which provides light and heat and the comforts of life and lifts back-breaking toil from the lives of men and women of America, but it contains power to make for fertility of soil in many parts of America. The cost of that power, as an example, will directly affect the happiness of millions yet unborn because of the power not yet developed. At Muscle Shoals we are to determine upon a policy not merely for Tennessee and Alabama and surrounding communities, but a policy which affects the long future of the entire country in relation to the development and sale of electricity.

I do not want to take time to discuss it further, but I did want to call attention to the fact that we are reaching the point in this country where the President does not confine himself to his official statements to Congress on legislation, but that he runs a publicity bureau through which he issues to the public statements relating to issues before the Congress.

Mr. President, I ask permission to print in the RECORD at this point the statement of the President on Muscle Shoals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY PRESIDENT UPON MUSCLE SHOALS BILL

The following statement was issued by the President yesterday:

"I have received a multitude of telegrams from governors and citizens in the Southern States urging approval of Senator NORRIS's Muscle Shoals project, and requesting that I express my views upon it. Some of them express dissatisfaction with its principles, but consider it expedient to approve it. I have also many telegrams from citizens of the Southern States and other parts of the country protesting against the principles of the bill.

"It is obvious from the debate, the press, and these many communications that Muscle Shoals legislation is no longer a question of disposing of a war activity to the advantage of the people principally concerned. It has by this legislation been transformed into a political symbol, and is expected to be a political issue. To be against Senator NORRIS's bill appears to be cause for denunciation as being in league with the power companies. It appears also to be emerging as to the test of views upon Government operation and distribution of power and Government manufacture of commodities. In other words, its adaptation to the use of the people of the Tennessee Valley and to farmers generally is now enmeshed in an endeavor to create a national political issue.

"One side issue of this political phase is the use which has been made of Muscle Shoals to sidetrack effective action on the Federal regulation of interstate power in cooperating with the States. Before and since taking office I have proposed this as a measure of essential protection to the 75,000,000 consumers and several million investors in power securities in all walks of life who use and own the 35,000,000 horsepower of the country. This public necessity has been held aside for 18 months and time of Congress given to 1 per cent of the power and the interests of 1 per cent of the people of the United States, which is the proportion of the Muscle Shoals problem to the whole.

"The bill calls for expenditures of $90,000,000 or $100,000,000 from the Federal Treasury to expand a power plant which has been a by-product of other major purposes of navigation and national defense into a large undertaking by the Government, the major purpose of which is to be the generation and distribution of power and the manufacture of fertilizers.

"In acting on the bill I have to consider whether it is desirable to adopt a change in Federal policies from regulation of utilities to their ownership and operation; whether the lease provision in respect to the fertilizer plant is genuinely workable; whether the method proposed in this bill will produce cheaper fertilizers for the farmers; whether the project is required for national defense; whether the proposals in this bill are in reality in the interest of the people of the Tennessee Valley; and, in general, to consider the commonplace, unromantic facts which test the merits and demerits of this proposition as a business.

"This happens to be an engineering project, and so far as its business merits and demerits are concerned is subject to the cold examination of engineering facts. I am having these facts exhaustively determined by the different departments of the Government and will then be able to state my views upon the problem."

Mr. DILL subsequently said: Mr. President, a few moments ago I introduced in the RECORD the statement of President Hoover regarding Muscle Shoals. I should like to insert in the RECORD, immediately after that the statement of the Senator from Nebraska [Mr. NORRIS] in reply to it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post, Monday, March 2, 1931]

RIDICULES HOOVER POSITION

In reply to Mr. Hoover, the Nebraska Senator said:

"The President in his statement says: 'This happens to be an engineering project. The President being an engineer, it would

seem he would have no difficulty in solving the problem, and therefore it is rather surprising to learn from his statement that he is referring the matter to the heads of his departments, none of whom are engineers.

"The great engineer is seeking advice on 'an engineering project' from those who are not engineers, and when those who are not engineers tell the engineer what to do with 'an engineering project' the engineer will know whether to sign or veto the bill.

"It reminds me of the New England country justice who, at the close of a lawsuit, said he would take it under advisement for three days at which time he would render judgment for the plaintiff."

WICKERSHAM COMMISSION REPORT

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. James I. Seder, editor of the West Virginia Issue, of Charleston, W. Va., on the subject of the report of the Wickersham Commission.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WICKERSHAM COMMISSION REPORT

By J. I. Seder, editor West Virginia Issue

America has legal prohibition. For 11 years it has now been part of our Nation's fundamental law. After a half century of agitation it was properly and legally enacted. It is being faithfully observed by millions of our citizens. In common with all other laws, it is violated by some inhabitants. Many of these violators are aliens. Of these, some are ignorant of the laws and spirit of our Government.

They have come to us out of an altogether different environment. Their entire historical background is different. They need information and training. Thousands who came here from foreign lands have become some of our very best and most law-abiding citizens. Properly, patiently, and perseveringly taught, the rising generation, their descendants, will plant the flag on still higher ground.

SERIOUS PUBLIC CONCERN

However, there are many, both native born and alien, who do know better, yet violate our laws. These cause the Government greater concern than the first named. If the Nation is not to fall it must respect, observe, and enforce its laws. Nor can its citizens choose to obey some laws and violate others. That would be selective anarchy.

The beverage alcoholic liquor traffic always has been a law violator. Under the license régime it trampled the regulatory laws. Now it breaks the prohibition laws. So flagrant, bold, and defiant has been the traffic's attitude toward law and order as to endanger the safety and very existence of the Republic. Something had to be done to maintain law and orderly government.

CONGRESS DIRECTS INVESTIGATION

The President of the United States is charged with the duty of enforcing the Constitution and laws of this country. On March 4, 1929, the Congress provided funds, and President Hoover appointed a commission, commonly known as the Wickersham Commission, charged by Congress to make a "thorough inquiry into the problem of the enforcement of prohibition * * * together with the enforcement of other laws." The commission comprised "an able group of distinguished citizens, of character and independence of thought, representative of different sections of the country." For 21 months they labored painstakingly and reported.

President Hoover transmitted this report to Congress on January 20, 1931, with an appropriate message. Neither the President nor the commission was at any time authorized by Congress to consider the advisability of retaining prohibition as our national policy. The commission was authorized and directed by Congress to investigate law enforcement. The people themselves will pass upon the problem of enforceability, which involves the question of their own capacity to maintain the Government paid for and sealed with the blood of their forefathers. The readers of the West Virginia Issue will be glad to have the conclusions and recommendations of the Wickersham Commission in its report to the President, which are herewith summarized with some observations. Because of garbled accounts in newspapers unfriendly to prohibition, we feel all the more constrained to state the situation as we see it.

CONCLUSIONS AND RECOMMENDATIONS

Following is a summary of the recommendations of the commission bearing on prohibition:

Against repeal of the eighteenth amendment.

Against restoration, in any manner, of the legalized saloon.

Against Federal or State Governments as such going into the liquor business.

Against modification of the Volstead Act to permit light wines or beer.

That there must be State cooperation in enforcement, backed by public opinion.

That early enforcement was inadequate, but that there has been improvement since enactment of the Bureau of Prohibition act in 1927.

That "there is yet no adequate observance or enforcement" and that the present enforcement organization is still inadequate.

That there should be substantial increase in appropriations and improvements in the statutes and enforcement organization to increase efficiency.

To improve enforcement in detail the commission proposes:

Elimination of limitation upon amount of liquor which may be prescribed by physicians and upon number of prescriptions, and of abolition of requirement that ailment must be specified on a blank going into public files. (West Virginia law prohibits liquor prescriptions, except pure grain alcohol under permit of prohibition commissioner.)

Removal of Volstead Act's exemption of cider and fruit juices.

Increase of number of agents and other prohibition officers in personnel of Customs Bureau and in all enforcement equipment.

Enactment to make possible the tracing of specially denatured alcohol to ultimate consumer.

Prohibition of independent alcohol denaturing plants.

Codification of prohibition laws.

Legislation to make padlock injunction precedure more effective.

Legislation to provide method of prosecuting petty offenses in Federal courts.

THE PRESIDENT OF THE UNITED STATES

In transmitting the report to Congress, President Hoover concluded his message as follows:

"The commission, by a large majority, does not favor the repeal of the eighteenth amendment as a method of cure for the adherent abuses of the liquor traffic. I am in accord with this view. I am in unity with the spirit of the report in seeking constructive steps to advance the national ideal of eradication of the social and economic and political evils of this traffic, to preserve the gains which have been made, and to eliminate the abuses which exist, at the same time facing with an open mind the difficulties which have arisen under this experiment. I do, however, see serious objections to, and therefore must not be understood as recommending, the commissioners' proposed revision of the eighteenth amendment which is suggested by them for possible consideration at some future time if the continued effort at enforcement should not prove successful. My own duty and that of all executive officials is clear—to enforce the law with all the means at our disposal without equivocation or reservation.

"The report is the result of a thorough and comprehensive study of the situation by a representative and authoritative group. It clearly recognizes the gains which have been made and is resolute that those gains shall be preserved. There are necessarily differences in views among its members. It is a temperate and judicial presentation. It should stimulate the clarification of public mind and the advancement of public thought.

"HERBERT HOOVER.

"THE WHITE HOUSE, *January 20, 1931.*"

INDIVIDUAL AND GROUP OPINION

There are marked differences of opinion among the members of the Wickersham Law Enforcement Commission as to some matters included in or omitted from the report, which is signed by 10 out of the 11 members. These are all opposed to again legalizing the saloon, and against repeal of the eighteenth amendment, subject to individual reservations in supplemental reports attached to the joint report.

The West Virginia Issue finds itself in full agreement with the commission as to certain of its conclusions in opposition to the repeal of the eighteenth amendment, its opposition to the restoration of the legalized saloon, and participation by the Federal or State Governments in the traffic in intoxicating liquors. The commission deserves commendation for refusing to indorse modification of the Volstead law to permit return of beer and wine under the Constitution, thus holding that they are intoxicating.

We agree with the commission in saying, as the Methodist Episcopal Clipsheet has well expressed it, that the cooperation of the States is an essential element in the enforcement of the eighteenth amendment, and that the support of public opinion in the several States is necessary in order to insure such cooperation. Anticipation of this cooperation is written in the Constitution itself. The words of Senator BORAH, quoted by Judge Kenyon in his statement of opinion, set forth this supreme duty with incontrovertible logic:

STATE SHOULD SUPPORT LAW

"The most inconsistent and indefensible thing in all government is for a state to be a part of a government, to belong as it were, to a government, to enjoy the interstate trade and commerce, the prosperity and the dignity of such government, but whose will and policy and authority it rejects. It is a part of the government for its benefits and its privileges. It is against the government for its supposed burdens. That is a false and mistaken position to take and no argument, no plea, will be able to justify such a position or give it a place of dignity and honor."

The second important contribution to be found in the conclusions and recommendations is in those paragraphs which recognize the inadequacy of the Federal set-up for enforcement and the concrete suggestions for adding substantial strength to the organization, personnel, and equipment, with certain adjustments and legislation which will make possible more efficient police procedure.

The commission's suggestion that the present restrictions upon the prescription of liquors by physicians be done away with evokes natural sympathy. It must not, however, be too hastily approved lest it be disastrous to enforcement and humiliating to the medical profession. The obligation rests upon the medical fraternity

to show how this can be done without making available to bootleggers a source of supply. It will not do to say that physicians will not abuse such a privilege. The vast majority will not. Some of them will, and that is the occasion for this provision in the law.

LAW NO FOOTBALL

The vague suggestion, that if and when additional effort fails to produce satisfactory enforcement, the amendment be revised in such a way as to give Congress power to regulate or to prohibit the traffic as it may see fit, is not, in our opinion, the way to a stable and satisfactory adjustment.

We believe that the people of the United States will insist that there be satisfactory enforcement before there shall be a repeal or revision of the eighteenth amendment. The repeal of law, statutory or constitutional, can not be obtained by methods which strike at the efficiency of law administration without great injury to the electoral privileges of the people. Whether or not prohibition be right or wise, it was brought about by constitutional processes and it expresses the will and the hope of a vast majority of the American electorate. There can be no doubt of this. The question was at issue in literally thousands of congressional and legislative elections covering a long term of years. If now a recalcitrant minority be permitted to bring about the defeat of this effort by resistance to the administration of the law, it will have been made apparent that upon this question those opposed to the legalized liquor traffic are not to be permitted to achieve effective decisions at the polls. Their citizenship at this point will have been degraded to a distinctly lower level than the citizenship of those of contrary opinion.

Inevitably there would result an extreme irritation and perhaps a purpose to resist the legislative achievements of the group responsible for the affront.

REVISION HAS OBJECTIONS

But there is another and even more practical objection to the commissioners' suggestion in regard to the possible revision of the amendment. There is a legitimate complaint at the present time, well stated by Mr. Anderson in his individual report:

"The liquor question is obscuring thought, dominating public discussion, and excluding from consideration other matters of vital concern."

If the suggested revision of the eighteenth amendment be brought about, every congressional and presidential election will be held in a furious controversy as to prohibition and the time of Congress will be monopolized to an alarming degree by political discussions upon that issue. The very purpose of putting the eighteenth amendment into the Constitution was to secure eventually an accepted policy, and this will doubtless result in due time from the present legislation.

The commission obviously found itself faced with insuperable obstacles to the suggestion of any other policy than that of prohibition. It criticizes in many particulars the operation of the prohibitory law, but it is slow to suggest any alternative.

The possible alternatives considered by the commission were: (1) Repeal of the eighteenth amendment; (2) repeal or modification of the national prohibition act; (3) supplemental legislation developing and improving enforcement; and (4) revision of the eighteenth amendment.

DOUBTFUL ALTERNATIVES

Obviously, the long record of trial and error in liquor legislation left the commission in grave doubt that any other method of dealing with the liquor traffic will succeed if prohibition does not. It does not propose remitting the question to the States, because it recognizes clearly that "every plan of control must start from the fundamental fact that the business of producing and distributing alcohol transcends State lines. A complete remitting of liquor control to the States would be likely to result in the present situation in some States, with open saloons in others, with attempts at State control of manufacture and distribution in many others, but with no guarantee that any may be held to the minimum standards which national considerations demand." Repeal of the national prohibition act, the commission finds, would mean nullification of a constitutional provision, while permitting so-called 2.75 per cent beer would embarrass prohibition States by imposing upon them an illicit traffic having a legal basis beyond the State lines. The report says:

"Experience before national prohibition makes it at least doubtful whether beer will replace spirits in general consumption to any degree. It must be remembered that before national prohibition, increase in the per capita consumption of beer was accompanied by no decrease in the consumption of spirits."

Also, the commission believes that if the beer is really not intoxicating it will not be found satisfactory to those communities where enforcement gives the most difficulty, and the same consideration applies to the proposed recognition of "light" wines.

Evasion of the Federal Constitution by specious definition of intoxication would undermine by legal action respect for the fundamental law.

SALOONS OUT—SIN SPEAK-EASIES

The commission states an opinion that speak-easies, even where they proximate the old-time open saloon, have few of the attractions which were used to bring customers to those drinking places. The speak-easies and the bootleggers do not curse the country with the gigantic evil of the legalized liquor traffic simply because they do not sell so much drink. The commission says:

"The evidence as to Keeley cures, as to arrests for drunkenness, and the type of persons found drunk in public, as to deaths from causes attributable to alcohol, as to alcoholic insanity, as to hospital admissions for alcoholism, and as to drunken driving, while in each case subject to much criticism and raising of many doubts, yet all seem to point in the same direction. * * * The figures on all the points referred to are still substantially below the preprohibition figures."

The commission found real and considerable benefits derived from the law, such as the elimination of the legalized saloon, the remarkable increase of labor efficiency, and the practical disappearance of much drink-caused social distress.

That it is possible to improve the administration of the law, and thus enlarge the benefits derived from its operation, is clearly indicated in a splendid survey made for the commission by Messrs. Dennison and Sawyer, a survey which has not been but should be made public. It offers new hope for the future and convincing evidence of progressive improvement in the past.

VALUABLE TESTIMONY

Judge Kenyon, in his individual opinion, quotes testimony to indicate the benefits of prohibition to industry. From the president of a great coal company:

"The old liquor laws aimed to control the public-nuisance feature of drinking and failed. The present law, in our mining towns at least, has largely corrected that failure. There is some moonshine liquor, some home-brew, and some bootleg, but the old days of the pay-day whoopee are gone. What drinking there is, is under cover; the practice of drinking up a whole month's pay and challenging the world to mortal combat has passed. A drunken miner in public is so rare a sight that when it happens one would think a dancing bear had come to town, and even his chance acquaintances rally to get him out of sight.

"Wages have not increased enough to provide for any great amount of liquor at prevailing prices and at the same time to buy automobiles, radios, electric appliances, and better food and clothing. The drink bill must be much less than before.

"It is only fair to state that whatever success prohibition has had in the mining fields may be somewhat attributed to the mine operators. No matter how much they may talk wet and drink wet in the great convention cities, they do not want any 'modification' at their mines.

"Prohibition may be an utter failure in other places, but it is not so here nor with the industrial people with whom I make contact. They are spending more money for things the whole family enjoy, and are better fit for work, better fed, and they constitute a majority of our population."

MISS EVANGELINE BOOTH

Miss Evangeline Booth, of the Salvation Army, said in part:

"As commander in chief of the Salvation Army in the United States, and with full support of my officers, I warn the commission that any surrender to the forces of crime and indulgence at this time will be followed inevitably by a heavy toll in human life and by a loss of the prosperity which has been an untold blessing to millions of our homes. The hope that crime will be diminished by concessions to crime is preposterous on the face of it. The Salvation Army knows the underworld."

Other words of Miss Booth that challenge attention are:

"You can hush every other voice of national and individual entreaty and complaint! You may silence every other tongue—even those of mothers of destroyed sons and daughters, of wives of profligate husbands—but let the children speak! The little children, the wronged children, the crippled children, the abused children, the blind children, the imbecile children, the dead children. This army of little children! Let their weak voices, faint with oppression, cold, and hunger, be heard! Let their little faces, pinched by want of gladness, be heeded! Let their challenge—though made by small forms, too mighty for estimate—be reckoned with. Let their writing upon the wall of the Nation—although traced by tiny fingers, as stupendous as eternity—be correctly interpreted and read, that the awful robbery of the lawful heritage of their little bodies, minds, and souls be laid at the brazen gates of alcohol!"

SWEDISH PLAN UNAMERICAN

The one alternative to prohibition which seems to find some uncertain support in the commission is the plan of Mr. Anderson for the erection in the United States of a system of liquor distribution very similar to that now existing in Sweden. This plan calls for revision of the eighteenth amendment, with the subsequent establishment of a national commission of liquor control. Congress would create a national corporation, all of the stock of which would be privately owned, and with earnings limited to 7 per cent. This corporation would be permitted to make sales and shipments of liquors only to corporate agencies created by the several States. Prices would be fixed so as to encourage consumption of so-called light wines and beer.

The objections to this proposed system are many and have been made very clear by experience. The permit becomes a badge of maturity and countenance of the traffic by government lends respectability. The result is that the number of drinkers in the community increases greatly. In Ontario in a period of three years under a similar system, the number of permit holders increased from 219,000 to 420,000 in a population of approximately 3,000,000. Restrictions placed upon the government traffic would tend to create bootlegging, which is rife in "control" countries. Mr. Anderson might do well to study the history of South Carolina's experience with a somewhat similar scheme:

DISPENSARIES FAILED

"After the establishment of the dispensary system, blind tigers flourished because: (1) It was more convenient for a customer to buy from the illicit dealer than to secure a permit from the county dispenser. (2) Blind tigers provided places where men could consume liquor and enjoy a social gathering at the same time. (3) Blind tigers afforded other amusements, such as gambling and music, and were open at all hours of the night and on Sundays. (4) Illicit dealers were practically immune from prosecution in the courts because of their political backing."

This system, as Judge Kenyon remarks, is based upon a paternalism which would be odious to the citizens of this Republic. Certainly it would divert from the channels of legitimate trade billions of dollars each year.

The eighteenth amendment stands unconfronted by any proposal offering hope of better things. In the words of General Pershing, "No man or woman can fulfill the obligations of citizenship who remains passive regarding the enforcement of law."—(M. E. Clipsheet.)

BOTH SIDES

The commission gives a careful analysis of the status of enforcement in respect to the various sources of illicit liquor. The lack of cooperation on the part of the States is emphasized. The economic, political, geographical, and psychological difficulties in the way of enforcement are noted at length, as is also the strain on our machinery, and that there must be Federal control of the distribution of intoxicants. The commission is convinced that prohibition has accomplished a definite good in the abolition of the saloon, and that there are great economic and social benefits.

COMMISSIONERS' PERSONAL OPINIONS—CONSTRUCTIVE EXCERPTS FROM THE INDIVIDUAL REPORTS FILED WITH THE GROUP REPORT

MONTE M. LEMANN

Only member of the commission who did not sign report says: "I am deeply sensitive to the difficulties in finding any substitute method of controlling the liquor traffic which will avoid the dangers of intemperance, corruption, and political abuse found in the regulatory provisions prevailing prior to the adoption of the eighteenth amendment. * * *

"I do not think that to substitute for the eighteenth amendment a provision leaving the matter to Congress is any solution. Unless the commission, after its opportunity for study, is prepared to recommend to Congress a concrete plan for dealing with the situation, the suggestion that the matter be referred to Congress seems to me not to dispose of the problem or to make any substantial advance in its disposition. Moreover, this proposal would mean that the liquor question would play a large part every two years in the election of Congress, that a fixed national policy of dealing with it would never be assured, and that all the political influence of the liquor interest would be introduced actively into our national affairs. * * *

"If Congress should undertake to prohibit the saloon, the difficulties of effective Federal enforcement in cities would not be substantially less than they are now in the absence of local public opinion and effort by local law enforcement agencies. If local opinion is against the saloon, as it should be, it will assert itself through State law. * * *

"In considering the experience of Sweden and of the Canadian Provinces in connection with systems of government control it must be observed that while the per capita consumption of spirits under these systems showed a considerable drop in the earlier years of their operation, it has shown a quite steady per capita increase in both the Dominion of Canada and in Sweden in the last several years.

"I do not favor the theory of nullification, and so long as the eighteenth amendment is not repealed by constitutional methods, it seems to me to be the duty of Congress to make reasonable efforts to enforce it, however, grave the doubts as to ultimate success. * * *

"I do not think that any improvement in enforcement of the eighteenth amendment would result from an amendment of the national prohibition act so as to permit the manufacture of so-called light wines and beer * * *."

GEORGE W. WICKERSHAM, CHAIRMAN OF THE COMMISSION

"* * * I can not believe that an experiment of such far-reaching and momentous consequences as this of national prohibition should be abandoned after seven years of reorganization and effort to repair the mistakes of the earlier period. The older generation very largely has forgotten and the younger generation never knew the evils of the saloon and the corroding influence upon politics, both local and national, of the organized liquor interests. But the tradition of that rottenness still lingers, even in the minds of the bitterness opponents of the prohibition law, substantially all of whom assert that the licensed saloon must never again be restored. It is because I see no escape from its return in any of the practicable alternatives to prohibition that I unite with my colleagues in agreement that the eighteenth amendment must not be repealed and, differing with some of them, I have been forced to conclude that a further trial should be made of the enforceability of the eighteenth amendment under the present organization, with the help of the recommended improvements * * *."

NEWTON D. BAKER

"The efforts now being made to enforce the law are sincere and intelligent and aided and supplemented, as recommended in the report; a higher degree of effectiveness will be certain to follow."

ADA L. COMSTOCK

"As I still hope that Federal regulation of the liquor traffic may prove more effective than that of the States, I favor revision of the amendment rather than its repeal."

WILLIAM I. GRUBB

"My reasons for thinking that prohibition under the amendment is entitled to a further trial are twofold. The first is that it is an experiment which has not been completed and has not yet had a fair trial, and the second is that no satisfactory substitute for it has been presented or shown to exist.

"Believing that the time has not yet come, I think there should be a further trial, and that there is a possibility under improved enforcing methods and personnel and increased and adequate appropriations for equipment and additional personnel, together with a resulting sympathetic feeling of the public toward the law, of reasonable observance and enforcement being accomplished within a reasonable period * * *."

ROSCOE POUND

"Hence, while making enforcement as effective as we may, so long as the amendment as it is remains the supreme law of the land, we should be at work to enable the fundamental difficulties to be reached."

WILLIAM S. KENYON

"It seems to me in fairness to a great social and economic experiment that the enforceability of the prohibition laws should have further trial under the new organization in the Department of Justice."

HENRY W. ANDERSON

"With the essential fact as stated in the report I concur."

KENNETH MACKINTOSH

"What must be done is to continue the battle against intemperance by meeting present-day problems with new weapons and fight the good fight until the American Nation becomes sober and law-abiding. This can ultimately be done if we do not rest satisfied with what has been accomplished up to this time. The next advance must be to honestly and intelligently face the modern equipment of the illegal liquor business with new and efficient methods * * *.

"Though the eighteenth amendment has not produced all that some may have dreamed it might, yet the fact should not be overlooked that it has marked a long step forward. It is now time to take the next step in the same direction. To stand still now would mean final loss of all that has been so far gained * * *."

PAUL J. M'CORMICK

"I have signed the report of the commission. I believe it to be an impartial and dispassionate composite expression from all of the material that has come before the commission. I concur in the findings of fact stated therein. * * * I am not convinced by the evidence that the experiment has had a fair trial under the most auspicious conditions, and I believe an opportunity should now be given to the Congress and the administrative agencies to immediately give it such trial."

FRANK J. LOESCH

"The traffic has transcended State lines and has become a matter of national concern. Even if it were a possibility of accomplishment in the near future, it would be unwise to repeal the eighteenth amendment.

"Such repeal would cause the instant return of the open saloon in all States not having state-wide prohibition. The public opinion as voiced in the testimony before us appears to be unanimous against the return of the legalized saloon. * * *"

A GOOD REPORT FOR THE DRYS

(F. Scott McBride, general superintendent Anti-Saloon League of America)

"It's a good report for us, and what we have a right to expect.

"I notice a number of things which I'm sure will be helpful to the enforcement of prohibition. The report's suggestions will intensify the work. It should challenge States to do their duty in relation to enforcement, and it should likewise challenge dry organizations to intensify their work so that public officials will live up to their oaths of office and do their part in enforcing the prohibition law.

"The Federal Government should use many times the amount it spends for education so that public opinion may be brought behind the law. The public should know that the prohibition law is not only a law but is also a good law."

WHAT LEADING WETS AND DRYS SAY

What do the leading wets and drys say? Well, in Congress such a leading dry as Senator SHEPPARD is delighted; Senator BORAH thinks the commission's general conclusions are "very satisfactory" for the drys. Andrew J. Volstead, as quoted by the United Press, gives "most of the recommendations made by the Wickersham Commission" his "cordial approval."

Bishop Cannon calls it "eminently sound." In the estimation of Stanley High, editor of the Christian Herald, "the Wickersham report cuts the ground from under the present wet program."

That the report "is a dry report" is the declaration of the Nebraska State Journal, of Lincoln, which is concurred in by dry journals like the Spokane Spokesman-Review, Salt Lake City Deseret News, and Burlington (Vt.) Free Press. "The immediate effect of the report of the Wickersham Commission is to knock the props from under the campaign which has been organized

against prohibition" declares the Denver Post, and in the Los Angeles Times we read:

"With better enforcement, along the lines the commission points out, the public attitude toward prohibition is likely to change and produce better observance.

"The country has had a reasonably good enforcement system only three years, as the commission declares.

"This is too short for a fair trial."

The Columbia Record believes "that the day is not greatly distant when the people of the United States, if not of the world, will favor prohibition both as an economic and a moral measure."

William Allen White, in his Emporia Gazette, declares that "unless we have strong presidential leadership, militant and evangelical preaching of prohibition as a national doctrine, the present deplorable situation will continue for another decade, and maybe another."

Cleveland Plain Dealer concludes that "victory on Capitol Hill goes to the drys on points."

There is a careful analysis of the status of enforcement in respect to the various sources of illicit liquor. The lack of cooperation on the part of the States is emphasized. The economic, political, geographical, and psychological difficulties in the way of enforcement are noted at length, as is also the strain on our legal machinery. The commission believes that, whatever is done, in view of the economic unification of the country, there must be Federal control of the distribution of intoxicants. The commission is convinced that prohibition has accomplished a definite good in the abolition of the saloon, and that there are great economic and social benefits.

PRESIDENT HOOVER IS DRY

With the Wickersham report on prohibition now in the record, President Hoover carries the supreme responsibility for the outcome of the controversy that it has evoked. Instead of providing a solution of the wet and dry issue the report had the effect of intensifying it. The President has identified himself with the positive recommendations of the report, and has dissociated himself from the hypothetical suggestion for a "revision" of the eighteenth amendment which the report contains. He declares that he sees "serious objections" to the proposal of manufacture and sale of liquor under Government control, which declaration, taken with his unqualified approval of the positive recommendations of the commission, places the President unequivocally on the dry side.

With his stirring appeal for its observance and his stout declaration of purpose to enforce it because it is the law, he stands with those who believe it is a good law, good, at least, in the sense that no alternative is in sight which does not involve worse evils than those which may exist under prohibition. It is important to exhibit his position in detail, as disclosed by his letter transmitting the Wickersham report. President Hoover now stands:

1. Opposed to the return of the saloon.
2. Opposed to modification of the Volstead law so as to permit light wines and beer.
3. Opposed to the Government's going into the liquor business.
4. Opposed to the repeal of the eighteenth amendment.
5. Opposed to the "revision" of the eighteenth amendment.
6. Opposed to the return of the liquor problem to the individual States.
7. In favor of Federal prohibition.
8. In favor of Federal prohibition by constitutional enactment as against statutory prohibition by congressional action.
9. In favor of any change in enforcement legislation which is designed to improve enforcement.

What more could the President do to make his championship of prohibition complete? Mr. Hoover is a dry. He is a dry not merely in the sense that he has sworn to uphold the Constitution, but because he is a believer in the merit of that specific part of the Constitution which prohibits the traffic in intoxicating liquor. As President it was unnecessary for him to announce his convictions as to the merits of prohibition. It has been sufficient that he faithfully enforced the law. But as a candidate for reelection it became a paramount necessity that all doubt as to his personal view should be dispelled. Mr. Hoover has effectually dispelled it.

JUSTICE TO THE RED CROSS

Mr. JONES. Mr. President, a short time ago I received communications and saw statements in some of the papers from my State indicating that the Red Cross was refusing to receive donated food products from various organizations and sections of the State; and was insisting in a selfish way on cash instead. I felt there must be a mistaken view of its action, or that it had a good reason for the course it had taken.

The Red Cross is a wonderful organization; it has done unmeasured good for the poor and suffering; it is organized to help, and not to profit. Its object is to dispense relief and not amass pelf. Its directing head is Hon. John Barton Payne, a man of the highest character, untarnished honor, great ability, and an intense and unselfish humanitarianism. I felt that before criticizing or reflecting upon this great world-wide generous organization, and the splendid, unselfish, and charitable people in charge and at the head of its work, its justification for its attitude should be secured.

I let my correspondence with the organization speak for itself. My opinion is that there is little, if any, just ground for criticism.

FEBRUARY 20, 1931.

Hon. JOHN BARTON PAYNE,
Chairman American National Red Cross,
Washington, D. C.

MY DEAR JUDGE PAYNE: I have gotten reports from at least two places in our State to the effect that while the people there will be glad to send carloads of fruit, vegetables, and other foods to the Red Cross for Arkansas, or at such places as it might direct, the Red Cross refuses any such aid as this.

I wrote you some time ago with reference to the proposal of this kind from Yakima, Wash., and while you did not so express yourself in your reply, I gathered from it that you were taking up a matter of this kind with the gentleman whose letter I inclosed you.

Frankly, I will say that there seems to be considerable criticism of the apparent attitude of the Red Cross in matters of this kind. People can not understand why, if they are willing to send carloads of produce of various kinds to the afflicted areas, the Red Cross is not willing to receive it there and distribute it. Will you kindly write me, explaining the situation very fully? I certainly do not want to do the Red Cross any injustice; it has done too much humane and good work in behalf of distressed people to have this apparent attitude misunderstood or misrepresented.

Believe me to be, very sincerely yours,

W. L. JONES.

MARCH 1, 1931.

Hon. JOHN BARTON PAYNE,
Chairman American National Red Cross,
Washington, D. C.

MY DEAR JUDGE PAYNE: On February 20 I sent you a letter, requesting that you explain the situation with regard to the complaints that the Red Cross had refused to accept shipments of produce in large quantity from the State of Washington.

I dislike to see the Red Cross misjudged, and hoped that I would have such a letter from you that I could insert in the CONGRESSIONAL RECORD, in order that the true facts could become known to those who have criticized the organization under a misunderstanding of your policy.

It may be that your reply has gone astray in the extremely heavy mail of the past few days, and I shall appreciate it very much if you will send me a copy of it, or if that can not be done, you may want to send me a reply to this letter which can be used for the purpose I have indicated.

Believe me to be, sincerely yours,

W. L. JONES.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., March 1, 1931.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: In the absence of Judge Payne from his office to-day I am acknowledging receipt of your letter of March 1. I have not been able to find your letter of February 20 to Judge Payne.

In answer to the many inquiries we have received concerning our supply policy in connection with drought-relief work, we have stated our position as follows:

"Neither the Red Cross national organization nor the chapters engaged in drought-relief work are making bulk purchases of foodstuffs. Instead, the usual disaster practice of giving beneficiaries orders on local merchants is being followed. The soundness of this practice has been demonstrated many times, and the reasons for it are fairly obvious. It is not only desirable in times of disaster but practically essential that the normal channels of trade be supported. In general, no advantage has been taken of the Red Cross, but, on the contrary, dealers in the drought-affected territory are billing the chapters at very reasonable prices. To undertake to build up our own channels of distribution would not only be resented by local people but would actually have a bad effect upon the economic conditions in the drought territory. Furthermore, it would be expensive to provide our own channels for the distribution of supplies.

"Large quantities of donated foodstuffs have been accepted and shipped into counties where the largest number of persons were affected and where it was possible for local chapters to distribute the supplies to supplement foods being purchased locally on orders from the Red Cross. These donations have been accepted, of course, subject to our ability to make satisfactory transportation and distribution arrangements. Up until February 17 the railroads were quite generally according free transportation privileges on donated supplies. The roads in the East have extended the privilege to March 1. Practically none of those in the West have done so. The railroads have, of course, made a very generous contribution and feel that they can not do more. We have from the beginning declined to accept perishable foodstuffs which could not be handled without refrigeration costs, which would have made the project unprofitable. To February 23, 520 carloads of foodstuffs had been accepted. Assuming an average of

40,000 pounds to the car, this would represent 20,800,000 pounds of foodstuffs. It will readily be seen that the quantities already accepted represent a large operation, curtailing materially the quantities of foodstuffs which would otherwise have been purchased within the affected territory. Detailed reports will be published showing the points of origin and destination of all of these supplies, together with complete details as to the quantity of each commodity."

The fact that we have actually accepted and shipped into the drought area more than 500 carloads of foodstuffs is, of course, sufficient answer to the allegation frequently made that we have refused to accept such donations.

Sincerely yours,

JAMES L. FIESER,
Acting chairman.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., March 1, 1931.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: We appreciate very much indeed your interest in helping to have the Red Cross position in its drought-relief work thoroughly understood.

Considerable publicity has been given on the Pacific coast to two letters which, as they appeared in large type in the Seattle Star, were as follows:

"AN EXPLANATION TO ARKANSAS

"A LETTER.

"PUBLISHER THE SEATTLE STAR:

"As a fellow publisher, I am appealing to you in behalf of the thousands of hungry school children in this territory. There are over three thousand children in this county alone who are trying to attend school without anything to eat for lunch.

"We are attempting to feed these children a little soup, or something else nourishing and warm, and we have had a contribution from the Red Cross of $500, which is to run until March 15, or seven weeks.

"This amounts to only about 2½ cents a week for each child—wholly insufficient, as you can readily see. Some children are being fed every other day.

"Hundreds of them are getting nothing from their homes except a black biscuit with a little lard and sugar on it. A wonderful sandwich?

"The people of this section are doing all they can, but with over half our population being fed by the Red Cross, we can't do much. But these children must be fed or disease will soon get them.

"C. M. YOUNG,
Publisher the Helena World, Helena, Ark."

"THE REPLY.

"C. M. YOUNG,
"Publisher the World, Helena, Ark.

"DEAR MR. YOUNG: The West is trying to get food to your hungry people in the South. We sympathize with you; we are trying in every way to help. But a great many people in our cities have not much money.

"Because of this, the generous people of Twin Falls, Idaho, offered the Red Cross more than $10,000 worth of free food for you.

"They wired to San Francisco Red Cross headquarters an offer to ship you a solid carload of the famous Idaho beans and three carloads of big Idaho potatoes—and pay shipping charges right down into your territory.

"The Red Cross curtly turned down the offer, according to the Twin Falls Daily News. It demands that Twin Falls' citizens contribute $2,000 in cash—and money is hard to get.

"Most of our western cities are anxious to ship you food, but in face of the snub administered to Twin Falls, our citizens are hesitant about making further offers.

"A great many people of Seattle and other Northwest cities have already given money to the Red Cross for the aid of the Arkansas sufferers. We of the Northwest have always helped in every time of disaster or emergency. Our hearts go out to the people of Arkansas, and we would like to send our food, too. But money is not so easy to get.

"We have proposed that Washington and Oregon food, of which there is a surplus, be sent. This plan has the backing of our labor organizations and our State granges, but, for some unknown reason, it has been turned down. Or not even considered. We do not know why this is so, we merely know that it is so.

"We make this explanation so that you and your people will not think we are heedless in your hour of suffering. Please explain to your readers that we are willing to send food and pay the freight, but that the Red Cross, which refuses to accept money from Congress to alleviate your condition, will not accept our food, either.

"THE SEATTLE STAR."

The attached statement which gives the facts will indicate clearly to you, I think, that the work of the Red Cross has been completely misunderstood and misrepresented in this instance.

Sincerely yours,

JAMES L. FIESER,
Acting Chairman.

STATEMENT

A number of inquiries have been received about publicity given a letter addressed by C. M. Young, publisher of the Helena World, Helena, Ark., to many editors of newspapers in several States. Clippings have been received in particular from the Seattle (Wash.) Star, the Spokane (Wash.) Press, and the Portland (Oreg.) News.

Two paragraphs of the communication given us as having been released by Mr. Young did not appear in the letter quoted in the above-mentioned papers. These paragraphs are:

"We realize what your paper has done toward raising funds for the Red Cross and we are not going to suggest that you ask for contributions unless you deem it best to ask the school children for something. If you feel that your paper can spare a few dollars, then let us have your check as soon as possible and we will see that these children are fed.

"Send your check as soon as possible and make some little hungry child smile when he smells that good hot soup."

These paragraphs indicate that Mr. Young's idea was really to solicit cash contributions from the papers addressed rather than to suggest the collection of foodstuffs.

The general impression created by Mr. Young's letter was altogether at variance with the facts existing at the time in Phillips County, Ark., in which Helena is situated. Mr. Young's action was taken apparently without consultation with the community leaders, responsible for the relief work, and without consideration of the confusion that would inevitably result from such an independent appeal. He is now fully aware of the unfortunate consequences and has indicated a complete willingness to cooperate in every way to correct the misunderstanding which resulted from his letter. Mr. Young has further promised to publish a statement in his paper, correcting the wrong impression, and to mail a copy to all of the papers receiving his original letter.

During the early part of February when Mr. Young's letter was written the American Red Cross had extended relief in Phillips County to 6,664 families, representing approximately 30,000 persons out of a total population of 40,683. The Red Cross chapter had spent from its own resources or from contributions solicited locally $543.03 in cash and supplies. The Red Cross national organization had assisted the chapter to the extent of $63,875.81.

By way of supplementing its general relief program, the Red Cross has undertaken to cooperate with school authorities in Arkansas for the purpose of providing hot school lunches. Such lunches are provided where the county superintendent of schools feels that supplemental feeding is desirable. An initial contribution of $500 was made by the Red Cross in Phillips County when this hot school-lunch program was inaugurated. At the time Mr. Young wrote his letter the county superintendent had not yet expended all of the initial grant. If Mr. Young had inquired, he could have ascertained, what apparently most people knew, that the $500 was merely an initial allotment, and further that the hot school lunches were merely a special project designed to supplement the general relief work of the Red Cross in the county.

The relief work in Phillips County has continued as in other counties. On February 28 a total of 6,940 families had been assisted and an aggregate of $107,802.03 had been spent by the Red Cross.

This is an outstanding example of the misinformation which has been published in connection with the drought-relief work of the American Red Cross by persons who do not take the trouble to ascertain the facts. It will obviously never be possible for Mr. Young to correct the misunderstanding resulting from his thoughtless letter which was, through the publicity given it, read by many persons who will not write us and who, therefore, will never know the facts.

So far as the replies of the Seattle Star, the Spokane Press, and the Portland News are concerned, they are again based upon misinformation. The Red Cross had not declined to accept offers of donated foodstuffs. What really happened was that some persons wanted to use Red Cross contributions for the purchase of foodstuffs in their own communities. The matter of donated supplies was in no sense involved. Obviously it was not possible for the Red Cross to authorize persons throughout the country to use Red Cross cash contributions for the purchase of whatever supplies happened to be surplus locally. This would have been expensive, impracticable, and wholly at variance with well-established Red Cross disaster-relief practice.

Neither the Red Cross national organization nor the chapters engaged in drought-relief work are making bulk purchases of foodstuffs. Instead, the usual disaster practice of giving beneficiaries orders on local merchants is being followed. The soundness of this practice has been demonstrated many times and the reasons for it are fairly obvious. It is not only desirable in times of disaster but practically essential that the normal channels of trade be supported. In general, no advantage has been taken of the Red Cross but, on the contrary, dealers in the drought-affected territory are billing the chapters at very reasonable prices. To undertake to build up our own channels of distribution would not only be resented by local people but would actually have a bad effect upon the economic conditions in the drought territory. Furthermore, it would be expensive to provide our own channels for the distribution of supplies.

Large quantities of donated foodstuffs have been accepted and shipped into counties where the largest number of persons were affected and where it was possible for local chapters to distribute

the supplies to supplement foods being purchased locally on orders from the Red Cross. These donations have been accepted, of course, subject to our ability to make satisfactory transportation and distribution arrangements. Up until February 17 the railroads were quite generally according free transportation privileges on donated supplies. The roads in the East have extended the privilege to March 1. Practically none of those in the West have done so. The railroads have, of course, made a very generous contribution and feel that they can not do more. We have from the beginning declined to accept perishable foodstuffs which could not be handled without refrigeration costs, which would have made the project unprofitable. To February 23, 520 carloads of foodstuffs had been accepted. Assuming an average of 40,000 pounds to the car, this would represent 20,800,000 pounds of foodstuffs. It will readily be seen that the quantities already accepted represent a large operation, curtailing materially the quantities of foodstuffs which would otherwise have been purchased within the affected territory. Detailed reports will be published showing the points of origin and destination of all of these supplies, together with complete details as to the quantity of each commodity.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., March 1, 1931.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: In connection with the supply policy of the Red Cross in its drought-relief work, about which I have written you in a separate letter to-day, there is one pending matter upon which I should like to have you informed.

Senator DILL made a statement which appeared in the CONGRESSIONAL RECORD of February 19. This is quoted in full in the attached statement. The memorandum explaining the situation was not, of course, written for public information, being an internal organization memorandum. I am sending it to you because it fairly completely summarizes the situation. After further inquiry we were informed by the chairman of our Seattle chapter in a night letter as follows:

"The Seattle Star has not loaded nor has it anywhere spotted on any railroad track carloads of foodstuffs. The Grange of the State of Washington has not loaded nor assembled nor spotted on any railroad track carloads of food. The Washington State Chamber of Commerce has not collected nor has it loaded nor has it spotted on any railroad track carloads of food. Neither one of these organizations has assembled food anywhere in any place in the State. The facts are the Seattle Star has been agitating the question of assembling food and requiring the Red Cross to pay the freight and also pay about $900 per car for packing and loading. Canned-goods people in Bellingham said they would give a carload of stuff provided we paid for the packing and loading. People in Yakima, Wenatchee, and other fruit and wheat sections have promised to assemble food and give it provided we would pay the packing, loading, and freight charges. The Grange of the State of Washington, headed by Mr. A. S. Goss, master of the State Grange, and Judge Stephen J. Chadwick and Mr. Samuel Hedges and John P. Hartman, representing the State Chamber of Commerce and the Grange, have stated that they would assemble within the next few months perhaps fifty cars of food and would be willing to assemble it and ship it to points designated by you provided we would pay the expenses involved for packing, loading, and shipping."

Only to-day I have received further word from our chapter chairman in Seattle, indicating that the proposal is now being made that arrangements should be made on the coast to raise the funds with which to defray the necessary handling and transportation expenses. This we are hopeful will result in a solution of the matter entirely satisfactory to all concerned.

Sincerely yours,

JAMES L. FIESER,
Acting Chairman.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., February 23, 1931.

To: Mr. Fieser.
From: DeWitt Smith.

As you know, our practice with reference to the acceptance or rejection of offers of donations of foodstuffs has been to some extent misunderstood.

Senator DILL, of Washington, made a statement in the Senate February 19, which is quoted in full in the attached memorandum. This, together with criticisms from other sources and the telegraphic correspondence which has taken place within the last few days between Senator CARAWAY and Mr. Couch, indicate the desirability of reviewing the situation carefully.

For purposes of convenience our policy, which has been carefully explained to all inquirers, will be briefly summarized:

1. Neither the national organization nor the chapters engaged in drought-relief work are making bulk purchases of foodstuffs. Instead, the usual disaster practice of giving beneficiaries orders on local merchants is being followed. The soundness of this practice has been demonstrated many times and the reasons for it are fairly obvious. It is not only desirable in times of disaster but practically essential that the normal channels of trade be supported. In general, no advantage has been taken of the Red Cross but on the contrary dealers in the drought-affected territory are billing the chapters at very reasonable prices. To undertake to build up our own channels of distribution would not only be resented by local people but would actually have a bad effect upon the economic conditions in the drought territory. Furthermore, it would be expensive to provide our own channels for the distribution of supplies and it is doubtful whether local chapter personnel in the territory affected would conduct the work for us on the scale now being urged which would completely paralyze local business.

2. Chapters outside of the drought area have not been permitted to use drought-relief contributions for the purchase of food supplies to be shipped into the drought area. A desire to do this is expressed by some chapters in all disasters. Business groups in all parts of the country see an opportunity to stimulate trade in their own community and especially at present to dispose of large surplus stocks.

3. Large quantities of donated foodstuffs have been accepted and shipped into counties where the largest number of persons were affected and where it was possible for local chapters to distribute the supplies to supplement foods being purchased locally on orders from the Red Cross. Such donated supplies have not been accepted in lieu of cash and applied on the campaign quotas of the communities making the donations. These donations have been accepted, of course, subject to our ability to make satisfactory transportation and distribution arrangements. Up until February 17 the railroads were quite generally according free transportation privileges on donated supplies. The roads in the East have extended the privilege to March 1. Practically none of those in the West have done so. The railroads have, of course, made a very generous contribution and feel that they can not do more. We have from the beginning declined to accept perishable foodstuffs which could not be handled without refrigeration costs, which would have made the project unprofitable. With the discontinuance of the free transportation privilege it is apparent that in most instances at least it will not be economical hereafter to accept donations of foodstuffs. To date 520 carloads of foodstuffs have been accepted. Assuming an average of 40,000 pounds to the car, this would represent 20,800,000 pounds of foodstuffs. It will readily be seen that the quantities already accepted represent a large operation, curtailing materially the quantities of foodstuffs which would otherwise have been purchased within the affected territory. Detailed reports will, of course, ultimately be available showing the points of origin and destination of all of these supplies, together with complete details as to the quantity of each commodity.

Certain information is now being compiled to guide us in a further consideration of the question being urged by Senator DILL and others that we should accept donations of foodstuffs and pay the transportation from the Pacific Northwest to the drought area. We know that in some instances to do so will result in a larger expense to the Red Cross than to buy the commodities locally. Detailed information is being compiled showing the freight rates on several of the principal commodities from Washington, California, and Texas to Arkansas, and from States nearer to Arkansas, such as Colorado, Iowa, Nebraska, and Kansas.

If we found it profitable to accept donated foodstuffs and pay the freight charges, it is our opinion that we could get all that could possibly be used from States much nearer than Washington or California, which would, of course, mean a lower transportation cost. As a matter of fact, there is a possibility that we could even buy foodstuffs in the near-by States, pay the transportation, and still have a cheaper operation than to accept donated foodstuffs from the Pacific Coast States. The data now being compiled will show not only the freight rates from the various points but approximate costs at which the commodities are available in the several States.

Aside from the cost, there are, of course, difficulties involved in accepting donated foodstuffs. An unbalanced supply inevitably results if we are not able to control quantities or kinds. As a result, we would doubtless have a large surplus of some commodities and not enough of others.

Much of our difficulty has arisen from the fact that newspapers or others far removed from the drought area have, for various reasons, seen fit to undertake to collect foodstuffs. Their original plans have frequently ignored the Red Cross entirely and have contemplated distribution in the drought area by newspapers or others outside of Red Cross channels. Some of these plans have originated on the assumption—since or otherwise—that the Red Cross was not doing an adequate job. They were therefore undertaken not as a part of, but to supplement, the Red Cross work. Such groups have later discovered that the railroads would not transport foodstuffs for anyone free of charge except for the Red Cross. We have then been asked to obtain free transportation from the railroads for supplies which we frequently knew were not needed at the points to which it was intended to ship them. We would have been breaking faith with the railroads if we had asked them to haul supplies free for groups in no wise connected with the Red Cross. While we have not undertaken to prevent other organizations or individuals from engaging in any relief work they desire, it is obvious that the Red Cross should not become a party to a competing relief operation which would be uneconomical and result in duplication of effort.

DEWITT SMITH,
Assistant Director Domestic Operations.

[From CONGRESSIONAL RECORD of February 19, 1931]

ADMINISTRATION OF RELIEF BY RED CROSS

Mr. DILL. Mr. President, during the discussion of the drought-relief measures I did not take any considerable part. I voted for the compromise agreement the other day, not because I believed in it but because I thought it was the best we could get, and that it was better to give help to farmers who had security than not to give anybody help at all. However, I find in the New York World this morning a dispatch from Seattle that leads me to call to the attention of the Senate what the Red Cross is refusing to do in the way of helping people who are in need of food.

When the Red Cross made its call for $10,000,000 the people of the Northwest, particularly those in my own State, felt that they could not afford to contribute money, that the burden of caring for our own people was such that they did not think they could do that; but the farmers' organizations, particularly the grange and the Feed Dealers' Association, were able, they said, to contribute large quantities of food. The editor of one of the leading newspapers of Seattle—the Seattle Star—telegraphed to a number of editors in the State of Arkansas, asking whether or not they could use food if the people of Washington would collect it and send it down there by freight. The Arkansas editors unanimously telegraphed back and said that the people of Arkansas could use it and that they, the editors, would help distribute it. Thereupon the grange and the Feed Dealers' Association proceeded to collect a number of carloads of foodstuffs from farmers who could not get a sufficient price to pay the cost of production and who had these foodstuffs on their hands. Apples, potatoes, and various other kinds of foods of which they had a surplus were collected and loaded into freight cars. The dispatch from Seattle this morning says:

"Several trainloads of Northwest foodstuffs, the donations of Washington sympathizers, destined for Arkansas drought sufferers, are being held up because the Red Cross to-day recommended that the collection of the products be ended."

The reason why they want them held up is because the railroads will not deadhead any more foodstuffs into that section of the country. I read further from this dispatch:

"With Seattle falling short in its Red Cross quota for cash, Seattle citizens and many farmers, the latter headed by the grange and the State Feed Dealers' Association, decided to offer food in large quantities."

After they had collected this food the Red Cross says it can not be sent to Arkansas and can not be distributed.

I do not understand just what kind of an organization the Red Cross has become when it refuses to distribute food to people who need it. The only use for the money collected for the Red Cross is to buy food for those who are suffering and in distress. When our people in the Northwest have an abundance of food and they collect it and are ready to ship it, the Red Cross comes in and says "Do not send it; we do not want to distribute it; it can not be deadheaded, and we will not even pay the cost of the freight."

I have had called to my attention an article in the Philadelphia Record of Wednesday, February 18, 1931, showing the need in the drought-afflicted sections.

The article reads:

"Taking the ultraconservative estimates of the need of the drought sufferers in the six States included in the Record's survey conducted by Andrew McLean Parker, $15,756,000 will be needed for food alone.

"When it undertook the drought-relief work the Red Cross had a reserve fund of $5,000,000 available and asked for $10,000,000 more. The needs of six States included in the $15,756,000 total are:

Oklahoma	$3,200,000
Arkansas	6,000,000
Louisiana	1,320,000
Mississippi	3,198,000
Tennessee	988,000
Kentucky	1,050,000

And the estimate is made that the total needs of the 21 States affected aggregate $31,500,000. Yet, with carloads of food for these people collected in the State of Washington, the Red Cross stops it from being shipped down there because it does not want to distribute it!

I submit that it is an almost unbelievable, as well as an unheard-of situation in this country, when one part of its citizens want to give of their surplus and the Red Cross will not even see that it is distributed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 500. Joint resolution further restricting for a period of two years immigration into the United States; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

PAYMENT TO WIDOW OF HENRY ALLEN COOPER

Mr. BLAINE. I ask that the joint resolution just received from the House for the benefit of the widow of the late Representative Cooper be laid before the Senate and put on its passage.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The joint resolution (H. J. Res. 524) to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin, was read the first time by its title, the second time at length, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin. Such sum to be disbursed by the Sergeant at Arms of the House of Representatives.

PRINTING OF DATA FROM WICKERSHAM COMMISSION

Mr. TYDINGS. I ask unanimous consent to introduce a resolution providing for the printing of the evidence of the Wickersham Commission, in order that it may go to the Committee to Audit and Control the Contingent Expenses of the Senate, which is in session this afternoon.

The VICE PRESIDENT. Without objection, the resolution will be received and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 492) is as follows:

Resolved, That the Joint Committee on Printing be, and is hereby, authorized to expend not to exceed $10,000 to be paid from the contingent fund of the Senate for the classification, arranging, compiling, and indexing of the documentary evidence, statistics, records, and other data submitted to the Senate by the National Commission for Law Observance and Enforcement in response to the request of the Senate embodied in Senate Resolutions Nos. 423 and 463, and ordered printed as Senate Document No. 307, Seventy-first Congress, third session, under authority of Senate Resolution No. 474, reported to the Senate from the Committee on Printing on February 26, 1931, and agreed to, and for the employment of the necessary clerical assistance in connection with the publication of any other matter authorized by the Senate during said third session to be printed under the direction of the Joint Committee on Printing.

RESTRICTION OF IMMIGRATION

The joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States was read twice by its title and referred to the Committee on Immigration.

Mr. REED. Mr. President, by authority of the Committee on Immigration, I ask leave, out of order, to report this joint resolution for the calendar. I do not ask action on it now.

Mr. BLAINE. Mr. President, I raise the point of order that it is not in order now to report a bill or joint resolution.

The VICE PRESIDENT. Does the Senator object?

Mr. BLAINE. I make the point of order, and enter the objection.

Mr. REED. Will not the Senator withhold that objection? I am not going to ask any action on this matter to-day. I simply want to report it and have it go to the calendar; that is all. I agree not to try to bring it up to-day.

Mr. BLAINE. I appreciate that; but we have other legislation that is pending.

The VICE PRESIDENT. If the Senator objects, the report can not be made.

Mr. REED. I was hoping that the Senator would not insist on his objection.

Mr. BLAINE. I must insist.

Mr. REED subsequently said: Mr. President, I move to discharge the Committee on Immigration from the further consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States.

Mr. KING. Is the motion debatable, Mr. President?

The VICE PRESIDENT. The motion at this time is debatable.



Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. Under the rule, on objection, that motion would have to lie over for one day?

The VICE PRESIDENT. It would. Is there objection?

Mr. COPELAND. I object.

The VICE PRESIDENT. The Senator from New York objects.

NOTICE OF MOTION TO SUSPEND RULES

Mr. REED presented the following notice, which was read:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 2 of Rule XXVI for the purpose of permitting the consideration of a motion to proceed to the consideration of the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States, if and when the Committee on Immigration is discharged from the further consideration of said joint resolution.

The VICE PRESIDENT. The motion is entered.

CONFERENCE ON LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. REED. Then, Mr. President, out of order, I ask unanimous consent to report back favorably from the Committee on Foreign Relations, a resolution authorizing an appropriation of $35,000 for the participation by the United States in the conference in May on the limitation of the manufacture of narcotic drugs. Every member of the Foreign Relations Committee now on the floor, and a number of others, have joined in signing the joint resolution; and it is necessary to pass it to-day in order that a joint resolution making the appropriation may pass.

I hope I may have consent for immediate consideration of the matter.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR. Let it be stated.

The VICE PRESIDENT. The joint resolution will be stated for the information of the Senate.

The CHIEF CLERK. From the Committee on Foreign Relations the Senator from Pennsylvania reports back favorably House Joint Resolution 480, authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The Senate proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931, by means of delegates to be appointed by the President, an appropriation in the sum of $35,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, is hereby authorized for travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper.

The joint resolution was ordered to a third reading, read the third time, and passed.

ADJUSTED-SERVICE CERTIFICATES

Mr. REED. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter from the Senator from West Virginia [Mr. GOFF] to Mr. R. F. Guthrie, State commander, Disabled American Veterans, Charleston, W. Va., dated February 28, 1931.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 1931.

Mr. R. F. GUTHRIE,
State Commander, Disabled American Veterans,
Charleston, W. Va.

MY DEAR MR. GUTHRIE: I am just in receipt of the following telegram from you: "The disabled American veterans of West Virginia will never forgive you for your stand on the bonus bill."

I judge from this message that it is your opinion which you there express, because, obviously you have not had the time to consult the members of your organization and obtain their views. My files contain the names of more than 600 veterans whose cases I have handled during the six years I have been in office, and also the names of more than 100 disabled veterans who have wired me to secure hospitalization for them, which I did, when they were unable to secure beds through the Charleston regional office. I frankly believe that even in this day and generation when gratitude has a short and ungrateful memory that many of these disabled men would disagree with your emotional conclusions. But you can assure yourself and those who sympathize with the wording of your telegram that it is absolutely immaterial to me what you say, what you think, or what opinion you may entertain now or in the days to come. I make it always the rule of doing my duty as I see it, and I am never coerced by political panderings and subservient opportunism. Neither am I at any time responsive to willful, innate, and unscrupulous selfishness. A sincere, loyal, honest American would be ashamed of the attitude reflected by you and those who share your views that the American veteran is a privileged citizen when human misery, unemployment, and want visits the United States and affects millions of our people. Permit me to make it distinctively clear that I do not subscribe to the proposition that the veteran can do with this Nation as he pleases, simply because he defended his fireside and fought for his country as man has done since time began. Any veteran in actual distress should be assisted in every way, but to ignore the interests of all our people solely for political purposes is to inflict economic injury upon the Nation at large, and I do not and I never shall indorse such a policy, as my vote clearly indicates.

As President Hoover says in his veto message, after careful and painstaking consideration:

"We can not further the restoration of prosperity by borrowing from some of our people, pledging the credit of all of our people, to loan to some of our people who are not in need of the money. The need of our people to-day is a decrease in the burden of taxes and unemployment, yet they are being steadily forced toward higher tax levels and lessening employment by such acts as this."

The money is not available in the Treasury to meet these demands, and it will be necessary ultimately to raise by additional taxation $400,000,000 for the quarter ending June 15, 1931; and in all for this purpose $1,000,000,000 during the next fiscal year. The war cost the United States $35,000,000,000, and the annual expenditures in another year will exceed a billion dollars a year for the veterans of all wars. This, as you well know, is as much as it cost to run the United States Government 20 years ago.

As I view these adjusted-service certificates, they were intended to be insurance policies for the World War veterans and their families. No veteran would think of borrowing on an insurance policy unless he was out of employment or in necessitous circumstances. I therefore, after serious reflection, concluded that it was best for the veterans, best for their families, and best for the country if the legislation which has just passed Congress over the President's veto was confined solely to those veterans who were actually in distress. If it had been, I would have gladly voted for it and without the slightest hesitation, as I am always anxious and willing to make a preferred class out of such veterans as long as they live. You will permit me further to say that I knew beyond the peradventure of a doubt that my opposition and vote would not and could not prevent the passage of this bonus bill. It would have been a very easy matter to have registered my vote in favor of this legislation and to have won your admiration and respect. Such action on my part would have been the cunning thing to do from a crafty, designing veteran's viewpoint.

Unfortunately, and I say this to you in all seriousness, most of my comrades in the late World War are thinking to-day only of the present, but in the years to come thousands of such veterans who do not now need to make a loan of 50 per cent of the value of their certificates will look back to 1931 and sincerely regret that a majority of the Senators and Congressmen did not vote to confine these loans to those veterans who were out of employment and in needy circumstances. They may even then wish that Congress had spend this money, which they so foolishly borrowed at 4½ per cent interest, for the benefit of the unemployed people of this country and also to better business conditions rather than to disturb them. There will be a deficit, as you realize, of $500,000,000 on July 1, 1931, and a correspondingly heavy drop in income-tax returns during the next year. The fiscal problem therefore presented is most serious, and an increase in taxes and the cost of living is necessarily certain. There are too many critics to-day who do not concern themselves about the greatest good for the greatest number as long as they receive personal and political credit for their plausible magnanimity.

I have no regrets and no apologies to make, Mr. Guthrie, when I scan my record on veterans' legislation. This is the first time I have ever voted against such legislation during my senatorial

career. I have consistently and insistently favored appropriations for the relief of disabled veterans, which the Veterans' Bureau estimates will cost the American people $960,000,000 during the coming year, and more than $1,000,000,000 each year in the years to come. As I have said, disabled veterans should always receive adequate compensation and every possible hospital comfort and care when needed, and no one can ever truthfully say that I have opposed at any time any legislation of this character. I have always been in favor of helping the unemployed and the needy veterans and rewarding their fidelity and achievements; but I shall never favor legislation that pampers and invites the employed veteran who is not in need to make a raid on the Treasury of the United States and destroy their adjusted-service certificates unless they can first show that they are in financial want and are suffering from the curse of unemployment.

Again assuring you of my interest as above indicated in the disabled returns and needy veterans of the World War, and trusting I have made my position clear, I am,

Yours very truly,

GUY D. GOFF.

PREFERENCE OF VETERANS IN FEDERAL APPOINTMENTS

Mr. REED. Mr. President, during the first session of the present Congress there was inserted in the CONGRESSIONAL RECORD, at my request, a comprehensive statement on the subject of the preference to which veterans are entitled in Federal appointments. I have, through the courtesy of Maj. Paul J. McGahan, former American Legion national executive committeeman from the District of Columbia, been furnished with a copy of the brief on the subject of veterans' preference which has been submitted to the advisory committee designated by President Hoover to make a further study of the subject. Inasmuch as I believe it will serve the convenience of and be informative to the Members of the Senate to have this additional matter in the CONGRESSIONAL RECORD, I send the letter and the brief to the desk and ask unanimous consent that they may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter and brief are as follows:

THE AMERICAN LEGION,
DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 1, 1931.

Hon. DAVID A. REED,
United States Senate, Washington, D. C.

DEAR SENATOR REED: Better than a year ago you did me the honor of requesting that I give you my opinion as to whether additional legislation would be helpful in the matter of liberalizing and clarifying the law dealing with preference under the civil service for veterans of the Army, the Navy, and the Marine Corps.

At that time I brought to your attention the position of the American Legion on the subject, and sent you copies of a brief in the premises which had been prepared. This matter you caused to be inserted in the CONGRESSIONAL RECORD under date of Friday, November 22, 1929.

I am venturing to bring to your attention at this time the fact that President Hoover has issued an Executive order convening a special committee to advise him on veterans' preference under the civil service, which has been conducting a series of hearings and other forms of inquiry. Chairman Thomas E. Campbell of the United States Civil Service Commission is the chairman of this group.

So great is the interest of the national organization of the American Legion in the situation that as a result of a resolution adopted at the Boston convention in 1930 which reaffirmed all previous actions there was created a special standing national committee. It has been my high privilege to be appointed as the chairman of this national veterans' preference committee. Associated with me are Norman L. Marks, of New York City; Edward A. Mulrooney, of Wilmington, Del.; Al P. Boyle, of Chicago, Ill.; Dr. A. D. Houghton, of San Fernando, Calif.; Arthur D. Healey, of Boston, Mass.; Stayton Hankins, of Austin, Tex., and Thomas J. Salter, of Las Vegas, Nev.

National Commander Ralph T. O'Neil of the American Legion was advised on November 25, 1930, by Chairman Campbell of the President's Advisory Committee that the views of the American Legion as to the effect and operation of the Coolidge Executive Order of March 2, 1929, were desired. In this communication it was pointed out that:

"The Civil Service Commission is controlled in its actions with respect to veteran preference by the Coolidge Executive Order of March 2, 1929, which changed former procedure in the following particulars:

"(1) The addition of 10 points to the earned rating of a disabled veteran is continued; but under the new order the names of disabled veteran eligibles are certified ahead of veterans not disabled and nonveterans regardless of their ratings.

"(2) Widows of veterans, and wives of veterans who themselves are physically disqualified for Government employment, are allowed 10 points added to their earned ratings, instead of the 5 points formerly allowed. Wives and widows of veterans who are allowed the 10 points will also be certified ahead of veterans not disabled and nonveterans.

"(3) A Government employee entitled to preference under the law and rules is given more liberal preference in retention in the service when reduction of force becomes necessary.

"This order did not change the other appointment preference accorded veterans by statute, rules, and regulations, as follows:

"(a) The veteran is released from all age limitations.

"(b) The veteran is released from the operation of the apportionment provision of the civil service act.

"(c) The veteran is released from the height and weight requirements, except in a few positions where rigid physical requirements are essential.

"(d) The veteran who is not disabled has 5 points added to his earned rating and therefore need only make 65 per cent to gain a passing grade of 70.

"(e) Under certain conditions, time spent in the World War is counted as training and experience where such elements are rated.

"(f) If an appointing officer passes over the name of a veteran eligible and selects that of a nonveteran with the same or lower rating, the appointing officer must place in the records of the department his reasons for so doing.

"(g) The commission is authorized to waive physical requirements in the case of disabled veterans.

"(h) The veteran may have closed examinations reopened to him under certain conditions."

As a consequence of this communication, as chairman of the national veterans' preference committee, I was instructed by National Commander O'Neil to submit a brief to the President's advisory committee. This group includes, besides Chairman Campbell, the Administrator of Veterans' Affairs, Brig. Gen. Frank T. Hines; Congressman Royal C. Johnson, chairman of the Committee on Veterans' Legislation of the House of Representatives; Hon. Seth W. Richardson, Assistant United States Attorney General; and John Thomas Taylor, vice chairman of the national legislative committee of the American Legion. Subsequent to the presentation of the brief, and at the invitation of the committee, I appeared in person before it and amplified a number of points.

Since you were good enough to cause to be printed in the CONGRESSIONAL RECORD for Friday, November 22, 1929, during the first session of the Seventy-first Congress, where it appears on pages 5947 to 5956, and these new developments should be known to the entire membership of the Congress, may I not suggest that this letter and the accompanying copy of the brief submitted to the President's advisory committee in behalf of the American Legion also be printed in the CONGRESSIONAL RECORD. The subject matter is of more than mere local interest, since it affects and concerns men and women in every State of the Union.

Additionally, since there is legislation proposed for consideration in the next Congress which will have to do with the classification and efficiency rating of Civil Service employees, it will decidedly be of advantage to have in the CONGRESSIONAL RECORD for ready reference by Members of the Congress, these views of the veterans themselves.

There has been criticism of the veteran in the public service, and in the brief I have undertaken to answer these criticisms and to demonstrate that although many veterans are being given Federal employment, their places are in the main are ones of extremely minor importance.

Many persons labor under the impression that "soft snaps" generally fall to the veteran. A perusal of our argument will, I think, convince you that the veteran is still a long way distant from the position indicated and promised for him when the Congress enacted the law giving him preference in the public service.

Faithfully yours,

PAUL J. MCGAHAN,
Chairman Veterans' Preference Committee,
The American Legion.

JANUARY 1, 1930.

The PRESIDENT'S ADVISORY COMMITTEE ON VETERAN PREFERENCE,
Washington, D. C.

GENTLEMEN: The courtesy of your request that the American Legion submit views as to the operation and effect of the Coolidge Executive order of March 2, 1929, is appreciated. This answer, by direction of the national commander, is being made by the writer in his capacity as chairman of the Legion's national committee on veterans' preference.

The criticism of the National Civil Service Reform League of the Coolidge Executive order, which appears to be the principal "complaint" before your body has been read. The annual report of the Civil Service Commission for the fiscal year of 1930 has been studied. It is hoped that the ensuing discussion will prove of value to you in your deliberations.

It must be stated at the outset that no revision "downward" of the Coolidge order will meet with American Legion approval.

Our position is that no one of the appointments to the classified service made during the past fiscal year has been prejudicial to that excellence in the public service which it is the right of every citizen to expect and to exact.

We contend that these disabled men and other veterans who have been given Federal employment are proving themselves excellent public servants, and while in instances their earned ratings are subjected to criticism, their actual performance is standing the test of comparison.

The disabled veteran has, since its organization, been the primary object of the hearty interest of the American Legion. We feel that the "service connected" disabled man is most decidedly entitled to preference in the matter of public employment. And we feel that the added 10 points and placing his name at the head of the list as provided in the Coolidge order, has been richly merited, and should be no less.

The civil service rule specifies that disability preference is to be given for entrance examination only to applicants "who because of disability" are entitled "either to a pension by authorization of the Bureau of Pensions or to compensation or training by the Veterans' Bureau."

It should be borne definitely in mind that the Coolidge Executive order was proclaimed long before the Congress enacted the World War disability allowance act of July 3, 1930.

The beneficiaries of this act were not accorded either a "pension" or "compensation." They were given a "disability allowance" for disabilities that are not "service connected."

The complaint of the National Civil Service Reform League and other critics is that under the practice of the Civil Service Commission these particular World War veterans—suffering from the normal disabilities of increasing age—are being placed in the same preferential category as those "service connected" disabled veterans who prior to the passage of the act of July 3, 1930, under the terms of the Coolidge order were being given the 10 points credit and having their names placed at the head of the list.

This should not be the case.

This group of "disability allowance" veterans enjoy in common with those other "veterans" who are able-bodied, the 5-point preference given for entrance examination purposes.

It is unfortunate that their disabilities are not "service connected," since it is the general view of veterans that many of their disabilities are due to their service. But the principle which we are seeking to maintain intact is that the "service-connected" disabled men and women veterans shall continue to receive the present preferences allowed them. Nor is it felt that in not regarding the beneficiaries of the act of July 3, 1930, in the "disabled" class for preference purposes is acting unfairly toward them. Statistics demonstrate that the extra five points involved in their instances would not affect to any considerable degree their chances of entering the Government service.

It may be that the Coolidge order might need to be rewritten to the extent of specifically covering this point, or that the rules or regulations of the Civil Service Commission be rewritten, so as to definitely include those who benefit under the act of July 3, 1930, through "disability allowances" in the general group of veterans entitled only to five points entrance examination credit.

It must again be restated at this point—just as it was affirmed before the Coolidge Advisory Committee on Veteran Preference authorized by the Executive order of June 9, 1928—that the attitude of the American Legion is that the extent to which preference in appointment to the Federal services should be accorded to the veteran should not be carried to the length of being seriously detrimental to efficiency.

The American Legion is decidedly of the opinion that no impairment of efficiency can be attributed to the number of veterans now employed, nor is it believed that charges to that effect can be established as truth.

Preference to the veteran must be granted as is required by law and it is acknowledged that it must be of substantial benefit.

The Coolidge Executive order is regarded as a forward step toward the law's fulfillment. And it is our commitment as a national organization to seek the adjustment of other difficulties in connection with "retention" preferences once the veteran is Federally employed, which we regard as necessary and just. But these matters are aside from the present discussion.

Flat and unequivocal denial is entered against the charge by the National Civil Service Reform League that the Coolidge order has been "detrimental to the public service."

Likewise the accuracy of the league's committee statement that civilians are being discouraged from taking civil-service examinations does not seem to be borne out by the figures contained in the annual report of the Civil Service Commission for the fiscal year of 1930.

The attention of the committee is respectfully invited to the fact that the table of appointments of veterans on page 13 of the forty-seventh report of the Civil Service Commission establishes that the number of veterans in relation to the whole number of persons appointed in 1930 stood at 24.21 per cent. This was lower than the comparable figure for the fiscal years of 1928–29, 1927–28, and 1926–27.

There was a total of 9,269 preference appointments for the fiscal year of 1930. Of these 7,273 were 5-point preference and 1996 10-point preference. Excepting for the fiscal year of 1926 this was the smallest total number of preference appointments since the fiscal year of 1920.

The National Civil Service Reform League committee has chosen to build up its case in arguing that the Coolidge order should be revoked by citing the condition of a number of registers which it surveyed. It has played upon the advantage accorded the disabled veteran to emphasize its warning that the efficiency of the public service is being imperiled.

It is a fact that in the fiscal year of 1927 the ratio of civilian competitors in examinations was 80 per cent to the 20 per cent of veterans and that from these there emerged a ratio of 71.66 civilian eligibles and 28.34 per cent veteran eligibles, and the ratio of appointees was 74.3 per cent civilians and 2.9 per cent disabled veterans and 22.8 per cent veterans.

The figures for the fiscal years of 1928 and 1929 on this same basis of comparison were curiously similar.

It is a fact that in the fiscal year of 1930 the civilian competitors comprised 79.4 per cent of the number of competitors; the disabled veterans 3 per cent, and the veterans the remaining 17.6 per cent. Of this number on the eligible list the civilians constituted 77.5 per cent, the disabled veterans 3.6 per cent and the other veterans the remaining 18.9 per cent. And when it came down to being appointed to positions 75.9 per cent of the total number of appointments were civilians, 5.3 per cent disabled veterans and the remaining 18.8 per cent veterans.

These similar ratios very distinctly bear out the contention that the veteran with preference is not obtaining too many "Government jobs."

At first glance it would be thought that an aggregate of 9,269 places out of a total of 38,281 appointments in the fiscal year of 1930 represented a situation that ought to be considered from the angle that the opponents of preference are urging.

But the attention of the committee is very earnestly directed to an analysis of the kind of job that the veteran is getting in the Government service.

For instance, much is being made of the fact that of the 1,996 10-point preference appointees in the fiscal year of 1930, a total of 447 failed to make the average mark of 70 required of civilians, while of the 7,273 veterans with 5-point preference a total of 457 failed to make the 70 average.

In the departmental service in Washington during the fiscal year of 1930, as far as can be learned, about 3,000 appointments were made. Of this number about 475 had veterans' preference; and while the statistics seen by this writer placed the number of 10-point preference veterans in one instance at 145, another tabulation fixed the number at 112, of whom 42 had been appointed guards and 21 as printers.

Yet of this 112 only 17 received appointments in positions that paid in excess of $1,800 annually. Two got $3,800 jobs; 6 got $3,200 jobs; 5 got $2,600 jobs; 1 got a $2,300 place; and 3 jobs at $2,000 a year. Most of the jobs were on the hour basis at $1 or $1.10 per hour, or at an annual salary of $1,200.

This can be accepted as a picture of the entire classified service throughout the country.

The attention of the committee is respectfully invited to the statistical information contained in the fory-seventh report of the United States Civil Service Commission for the fiscal year of 1930, which begins on page 61 and concludes on page 83. It occupies a total of 23 pages and gives the complete data by kinds of examinations held and sex, the number examined and passed, the number appointed, departmental and field, by sex and salary range, the number having military preference, and so on.

Now, this section of the report represents a more fruitful field for study than did that on the registers surveyed by the committee of the National Civil Service Reform League. For it demonstrates the proportions of civilians and veterans taking examinations, getting on the eligible lists, the salaries they are seeking to attain, and the number of appointments.

It is weak—this statistical summary, however—in two respects. It does not give the entrance salary given the appointee, but merely designates the range in that particular position. And it does not segregate the 10-point preference veteran from the 5-point preference veteran, instead lumping both under the caption "appointed with preference."

Much is made of the fact that 9,269 veterans were appointed to civil-service positions during the fiscal year of 1930. Yet a study of this statistical information in the rear of the Civil Service Commission's report shows that more than 8,300 of these veterans were appointed to jobs where the maximum salary they can obtain is $1,800 a year, and that the entrance salaries at which they went into the service began in instances as low as $640.

Of the total number of veterans entering the Federal service 1,863 were taken in as clerk-carriers in the Postal Service. Two hundred and sixty-eight were employed as rural carriers. The clerk-carriers receive $1,700 a year. The rural carrier's salary range starts at $792 a year. And as fourth-class postmasters 140 veterans received appointments involving salaries of less than $500 a year. Additional 276 veterans received appointment as postal laborers. And 241 veterans were appointed to the Railway Mail Service, where veterans are especially desired. In a word more than 2,500 veterans entered the Postal Service alone last year, a service for which well fitted.

Then there came that large group of 1,755 veterans who are mechanics in the Nation's navy yards; the 337 who are in the engineer department at large, and the 76 who are ordnance department employees at relatively small salaries.

Survey will show that more than 8,300 of the veterans given employment last year are earning less than $1,800 a year, and are in positions under the Government where aside from doing an honest day's work they are in no manner apt to "impair the efficiency of the Federal service."

Study of this same statistical information will likewise reveal that in the salary-group class that ranges from $3,200 to $4,000 per year only 66 veterans were given appointments during 1930. And in the positions where the salaries range from $4,000 to $5,200 per year only 20 veterans obtained positions. And one able-bodied veteran topped the list by appointment as assistant technical director at $8,000 a year. And he was 1 of 8 who passed the examination for the place out of the 16 who took it.

From this presentation it can readily be seen that there is no force to the argument that the veteran with his preference constitutes a menace to the efficiency of the Federal service. The veteran, or rather 87 of him and her, with their preference only

managed to capture 87 out of the many jobs in the Government service that pay more than $3,200 a year, and which might begin remotely to be those points where "inefficiency" might begin at least to effect that impairment so loudly wailed over.

In certain of its services the Federal Government stresses its desire to have veterans. Consequently more than 500 went into the prohibition enforcement service and the Immigration and Customs Services absorbed nearly 600, and 488 became guards at various places particularly desiring men with military experience.

In the light of these facts as herein above enumerated, your petitioner is decidedly of the opinion, and prays that you concur in it, that the service men and women of the country who have entered the Federal employ constitute a loyal group whose devotion to their country has been tested in a stern fashion and whose willingness to serve is as far above question as it is possible for motives to be. Service men and women generally can not help but be resentful over the backhanded compliments that are paid them by those who at the same time are seeking to deprive them of benefits granted to them by law under their beloved Republic.

It would therefore seem appropriate that this brief would close with a request that your committee advocate to the President that there be no downward changes in the effect of the Coolidge order so far as the preferences of "service-connected disabled men and women" under the civil service are concerned.

The Coolidge order was not arrived at hastily. It came as the consequence of a measured study. We believe it has been helpful to the veteran, to the widow, and particularly to the disabled.

Respectfully submitted.

PAUL J. MCGAHAN,
Chairman National Committee on Veterans' Preference,
The American Legion.

DEMOCRATIC NATIONAL COMMITTEE

Mr. McKELLAR. Mr. President, I ask to have printed in the RECORD as part of my remarks a brief statement by Hon. CORDELL HULL.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Democratic National Committee has no authority, express or implied, to prescribe issues for the Democratic rank and file of the Nation. To assert this authority would constitute a broader assumption of power by the committee than that of selecting party candidates for the Presidency and Vice Presidency. Naturally, if this course is to be undertaken, which I am loath to believe, it would be in order at the same time for notice to be given that the formality of a Democratic National Convention next year would be dispensed with.

Never during peace time have such opportunities for service and such manifold economic and other problems vitally affecting the welfare of every individual citizen, challenged the Democratic Party. Incident to the confusion and demoralization of the postwar period, the people have been less attentive to governmental duties and tasks than at any time in the Nation's history. There is hopeless confusion about fundamentals. We can not deny the view that there has been a sort of decay of our ancient ideals of liberty and democracy. The Democratic Party should conduct a great crusade for a new birth and revival of the ideas, ideals, doctrines, and spirit which underlie popular government. When the American people shall have thus rededicated themselves to these sacred principles, many or most conditions not in actual harmony with the doctrines and policies of our democratic Republic, in the light of our twentieth century civilization, would almost automatically disappear.

The breakdown of dominant business and political leadership during the past 10 years has been so complete as to raise very acutely the issue of popular government. This leadership, including the Hoover administration, was as unconscious of the awful panic 24 hours before it broke in October, 1929, as the inhabitants of the southeast corner of the moon. The country was rapidly being taught that business cycles were a thing of the past and that only broader, sounder, and indefinite prosperity was ahead. During the past 16 months this country, followed by most others, has been on its back industrially, commercially, and economically, with a complete dislocation and maladjustment with respect to production, credit, and distribution. Millions of people are hungry, while American farmers are burning their wheat for fuel.

The processes of production, distribution, and consumption are hopelessly out of equilibrium, with the result that 20,000,000 able-bodied persons in the civilized world are unemployed and seeking soup houses and bread lines, while vast surpluses in most lines are everywhere piled up behind impregnable tariff walls, which hopelessly prevent even the most profitable exchanges of barter between nations. Nations everywhere are in a state of economic war. Here is presented a huge and most pressing collection of extremely vital economic problems—including both causes and remedies—for solution by the Democratic Party.

The Nation also greatly needs a common leadership back in the direction of thrift, constructive economy, and reduction and equitable readjustment of tax systems, Federal, and especially State, county, and municipal. Every governmental agency in the Nation should now consider policies of retrenchment, adequate sinking funds, uniform tax system free from double taxation, and uniform accounting systems and budget systems. The American people are hopelessly overloaded with taxation that is lopsided and unfair, and with vast indebtedness. These, together with the suppression of crime, general administration reform, paternalism, bureaucracy, unemployment, peace, conservation, commercial policy to promote foreign markets for our surpluses, and suitable agricultural relief, present some of the wonderful opportunities for service to the Democratic Party. No political party can complacently shunt aside and relegate to a place of minor or secondary importance these extremely grave and urgent problems intimately relating to human relief and human betterment; no party can do this and live.

I can not help but feel that upon deliberate consideration the Democratic National Committee will gird itself for the patriotic task of promoting unity and harmony among Democrats everywhere, to the end that this great historic organization may next year be fully equipped and prepared to assume these manifold and similar outstanding responsibilities of leadership and of service to the Nation.

WELFARE OF MOTHERS AND INFANTS

Mr. FLETCHER. Mr. President, I ask unanimous consent to insert in the RECORD a communication bearing on Senate bill 255.

The VICE PRESIDENT. Without objection, it is so ordered.

WASHINGTON, D. C., *March 2, 1931.*

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR FLETCHER: We, the representatives of the undersigned organizations, request your support in securing action by the Senate on the conference report on S. 255. We hope that you will assist in every way possible to get the report before the Senate for a speedy vote. These women's organizations have supported similar legislation since 1920, and their membership throughout the country is focusing attention on the Senate to-day with the most earnest desire that the benefits of such legislation may no longer be withheld. Action before March 4 is particularly important in order that action by State legislatures now in session may follow.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
LAURA H. MARTIN.
AMERICAN FEDERATION OF TEACHERS,
LAURA PAFFER MORGAN.
AMERICAN HOME ECONOMICS ASSOCIATION,
ALICE L. EDWARD.
AMERICAN NURSES' ASSOCIATION,
CLARA D. NOYES.
COUNCIL OF WOMEN FOR HOME MISSIONS,
SINA HODGIN STANTON.
GIRLS' FRIENDLY SOCIETY,
MARGARET C. MAUBE.
NATIONAL COUNCIL OF JEWISH WOMEN,
HORTENSE LANSBURGH.
NATIONAL CONSUMERS' LEAGUE,
FLORENCE KELLEY.
NATIONAL CONGRESS OF PARENTS AND TEACHERS,
MRS. ARTHUR C. WATKINS.
NATIONAL LEAGUE OF WOMEN VOTERS,
BELLE SHERMAN.
NATIONAL WOMAN'S TRADE UNION LEAGUE,
MARY N. WINSLOW.
SERVICE STAR LEGION,
MRS. H. F. BAKER.
YOUNG WOMEN'S CHRISTIAN ASSOCIATION,
MRS. E. E. DANLY.

APPOINTMENTS IN THE CIVIL SERVICE

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a brief article which was published in the Washington Evening Star of February 25, 1931, warning eligibles for civil-service appointments of delays in being certified.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Washington, D. C., February 25, 1931]

WARN JOB HUNTERS TO SHUN CAPITAL—CIVIL SERVICE OFFICIALS SAY APPLICANTS SHOULD RESPOND ONLY TO ORDER

Job hunters are advised once more not to come to Washington seeking employment, the warning this time being sent out by the Civil Service Commission.

The commission explained that the District of Columbia Committee on Employment has called its attention to a number of pathetic cases where those seeking work have come from considerable distances expecting to obtain a Government position on the strength of having passed a civil-service examination, only to become stranded, and in some instances a public charge.

It was pointed out that even if a person has passed a civil-service examination with a high rating, he has no assurance that a position will be immediately available to him. Appointments to Federal positions, the commission said, are made only as the actual needs of the service require, and in accordance with the civil-service rules, and the presence of an applicant in Washington can not in any way improve or expedite any prospects of employment he may have.

The commission emphasized that no one should come to Washington expecting to receive a Federal position except in response to a definite offer of employment from a Government establishment.

DROUGHT AND STORM RELIEF

Mr. CARAWAY. Mr. President, I want to make a brief statement and then ask unanimous consent for the introduction and immediate consideration of a joint resolution which I shall send to the desk. I think it will take but a moment.

Mr. President, legislation initiated in the bill introduced by the senior Senator from Oregon [Mr. McNARY] to make available appropriations to relieve the agricultural industry in the drought-afflicted areas of the several States has been in one form or another before the Senate during most of the present session. The original authorization called for $60,000,000, to be loaned to farmers in the drought-stricken area for the purchase of seed, fertilizer, and fuel oil and for feed. It was amended in the House and it came back to us, and we accepted the amendment reducing the appropriation to $45,000,000.

In his interpretation of the measure the Secretary of Agriculture stated that it authorized him to loan the money only to buy feed, seed, fertilizer, and fuel oil, and that feed was limited to work stock. An amendment was finally agreed to which added $20,000,000 to the appropriation and liberalized the loaning of the $45,000,000 to feed livestock in addition to work stock. It also authorized the loaning of money to establish credit associations to aid the farmers and to make loans directly to farmers to buy food and clothes for the purpose of producing a crop in 1931 and further for agricultural rehabilitation. All of those loans were to have been loaned on some kind of security. The first measure provided for a first lien on the crops grown. The next provided for a lien on the crops, whether a first lien or not, or other security.

The information coming to the Senate is that there is a vast number of men engaged in agriculture in these areas who have not the means of meeting the requirements which the interpretation of the Secretary of Agriculture seems to place upon the loan. There are men who have character, who have energy, who have a willingness and an ability to work, but who can not satisfy the Secretary of Agriculture that they have security which would enable them to participate in the loan. Therefore I have prepared a joint resolution, and I shall ask unanimous consent for its immediate consideration, allocating $5,000,000 of this fund to be loaned to people who can not furnish security but who have character and energy.

Mr. President, in this connection I want to submit to the Senate an exhibit. Some have imagined that a lot of these people in the States are not much distressed. A gentleman connected with the National Red Cross made what I am sure he thought was a witty speech over the radio the other night and rather—I think intentionally—impugned the good faith of those of us who had asked for this relief. He particularly designated my colleague [Mr. ROBINSON of Arkansas] and myself and our activities, and read a telegram which he seemed to think showed that distress is not prevalent in any of the States, but particularly not in Arkansas.

A farmer down there who listened to him sent me the overalls which he has been wearing. He is a white man whom I know, an honest, sober farmer in my own county. I display these overalls to the Senate. If these overalls indicate that too much prosperity is flowing into that community and that our stories of distress were overdrawn, I wish this Red Cross gentleman might have the overalls for his Sunday wear. Think of the thousands of stitches by a loving wife's hand that tried to make it possible for a man to wear these overalls!

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. CARAWAY. I yield.

Mr. THOMAS of Oklahoma. For what purpose is the exhibit made to the Senate of the United States?

Mr. CARAWAY. I do not know that I could answer the Senator's question. These overalls came to me in answer to a speech made by a gentleman connected with the Red Cross in which he questioned the good faith of those of us who thought relief ought to be had. They belong to a man who is an honest white farmer in my county, who is willing to work; and I am trying to illustrate that there is a class of people who are just as good as any other, but they have been unfortunate. Under the interpretation of the Secretary of Agriculture these people are being denied a proper consideration in the matter of relief. I can not conceive how the Secretary of Agriculture might feel, security being mentioned, he must exact ample security. That never was the intention of Congress. I am therefore introducing a joint resolution asking that $5,000,000 of the $65,000,000 may be allocated to be loaned to people who are otherwise worthy, but who have no security, so they may make a crop and become self-supporting and maintain their self-respect and their position in the industrial world.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. CARAWAY. Certainly.

Mr. SMITH. I was under the impression that all the loans beginning several years back were to enable those who had nothing but the crop or the prospective crop as security to obtain help; that the loans would be made to those who could not furnish any other security except the prospective crop. Does the Senator understand differently?

Mr. CARAWAY. No; but some of them can not even furnish that kind of security owing to conditions over which even their landlords have no control. I am hoping that Congress will pass the joint resolution and thus make available to those people, on their character alone, an opportunity to participate in the relief.

I ask unanimous consent to introduce the joint resolution, and I ask for its present consideration.

The PRESIDING OFFICER (Mr. COPELAND in the chair). Is there objection to the request of the Senator from Arkansas?

Mr. KING. Let the joint resolution be reported.

The joint resolution (S. J. Res. 263) relating to loans to farmers in the drought and/or storm-stricken or hail-stricken areas of the United States was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of Agriculture is authorized to use not to exceed $5,000,000 of the $45,000,000 appropriated by Public Resolution No. 114 of the Seventy-first Congress, approved January 15, 1931, for the purpose of making loans, advances, and sales authorized by Public Resolution No. 112 of the Seventy-first Congress, approved December 20, 1930, to farmers in the drought and/or storm stricken or hail stricken areas of the United States who are unable to furnish security therefor for the purposes designated by said act and all amendments thereto.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. WHEELER. I am not going to make an objection to the resolution; in fact, I want to see it passed; but I wish to make a short statement.

Mr. CARAWAY. Will not the Senator from Montana allow action tc be taken on the joint resolution and then proceed with his statement?

Mr. WHEELER. The Senator from Arkansas asks if I will permit his joint resolution to pass before taking the floor. I will say to the Senator that I had in mind first to offer my resolution as an amendment to his joint resolution; but, because of the distressed condition of the farmers in his State, I will not do that.

Mr. CARAWAY. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. FESS. Let the joint resolution go over.

Mr. CARAWAY. Mr. President, will the Senator from Ohio, before he makes that suggestion, please permit me to make a brief statement? I took this matter up with the Committee on Agriculture this morning in its meeting, in an

informal way, and no member of that committee has any objection to the passage of the joint resolution.

Mr. ROBINSON of Arkansas. Mr. President, if the joint resolution is to be acted upon in the other body, it will be necessary for it to be passed on to-day.

Mr. FESS. Let the resolution lie over until I may have an opportunity to look at it.

Mr. CARAWAY. I hope the Senator from Ohio will not require that of us. If we are to get any relief, it is necessary to act on the resolution at once. The measure does not propose to take a dollar out of the Treasury of the United States; that is not its purpose.

Mr. BINGHAM. What is the purpose of the joint resolution?

Mr. CARAWAY. It is merely to make available out of the $45,000,000 appropriation already made $5,000,000 which the Secretary of Agriculture may use to make loans and advances to persons in the distressed areas who are unable to furnish security.

Mr. TOWNSEND. Mr. President, I desire to ask the Senator from Arkansas whether the discretion is left to the Secretary of Agriculture?

Mr. CARAWAY. Absolutely it is.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

UNEMPLOYMENT RELIEF

Mr. WHEELER obtained the floor.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. WHEELER. For what purpose?

Mr. BROUSSARD. I desire to make a short statement.

Mr. WHEELER. I wish first to finish my own statement, which will be brief.

Mr. President, I desire to call attention to the fact that I have pending at the desk a joint resolution for the purpose of appropriating $100,000,000 to take care of unemployment in the cities during the period between now and the time when the Congress of the United States shall meet on the first Monday of December next. In this connection I want to call the attention of the Senate to an editorial which appeared in the New York Times. Hardly anyone, I think, will contend that the New York Times is looked upon throughout the country as one of the radical newspapers. The editorial is entitled "After Next Month."

It will be remembered that the Senator from New York [Mr. COPELAND] the other day repeatedly made a statement to the effect that nothing would be needed in the city of New York for the relief of unemployment. The New York Times in this editorial states:

> When April 1 comes only about $1,000,000 will be left of the large fund raised by the emergency employment committee, under the chairmanship of Mr. Seward Prosser, to meet the unemployment situation in this city. The social and charitable organizations are carrying the heaviest loads they have ever been called upon to bear. And in the emergency which we are now facing their representatives and others interested in the welfare of the unemployed have turned toward the city, urging not only accelerating work already under contract but appropriation by the board of estimate and apportionment of $10,000,000 in order to provide employment for heads of families out of work—for five months, if necessary.
>
> At present, according to best estimates, there are more than a half million wholly without work and nearly 200,000 more on part time

In the city of New York at the present time there are, according to this editorial of the New York Times, more than half a million wholly without work and nearly 200,000 more on part time.

> The monthly wage loss is reckoned at $80,000,000. It is proposed to make disbursement of the $10,000,000 in wages for "useful work" to be performed for the city by heads of families. This will give employment directly to but a fraction (about 25,000 at a time) of those out of work, and for only three days a week through the next half year, but it will give succor through the heads of families to many times that number.

The editorial goes on to say:

> Men of wealth, corporations and industries, city employees, teachers, and others have contributed generously to the emergency employment fund, which was carried $2,500,000 beyond the amount that was first named as the goal. But the community as a whole should now be not only willing but eager that at least the amount named should be appropriated by the city to carry through the months in which the need will still be acute.

I call this editorial to the attention of the Senate for the reason that it must impress this body, if it can be impressed by anything, of the absolute necessity of the Congress of the United States, before it shall finally adjourn, doing something to take care of those who are now unemployed and who will continue to be unemployed throughout the coming months when the Congress of the United States will not be in session.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WHEELER. I yield.

Mr. BLEASE. Does my friend from Montana mean unemployed American citizens, or does he refer to the 4,000,000 aliens in this country who are pushing Americans out of jobs and who ought to be back in their own countries?

Mr. WHEELER. I am speaking about the employment of American citizens. I am not able to speak for any other group because of the fact that all the information I have is that the large bulk of the unemployed at the present time are American citizens.

Mr. BLEASE. That is exactly what I think; and if we can get rid of the foreign element working in this country, as we ought to get rid of them, there will be work enough and food enough for the American people.

Mr. WHEELER. I am thankful to the Senator for his interruption.

The New York Times editorial says, as I have read:

> Men of wealth, corporations and industries, city employees, teachers, and others have contributed generously to the emergency employment fund.

I think that is true, Mr. President, of the various cities throughout the country; but I want to call attention to the fact that we have seen a great deal of propaganda carried on from one end of the country to the other by the heads of great corporations, by the heads of great banking institutions, and by financial and industrial leaders urging the Congress of the United States to adjourn, and saying—I think it was Mr. Owen D. Young who made the statement, if he was correctly quoted—that the Congress of the United States and the parliaments of the world ought to take a recess. I want to call attention to the fact that while these great industrial and financial leaders have been calling upon the Congress of the United States to adjourn, and while they have been calling upon the parliaments of the world to take a recess, not one of them has come forward with a solution for the economic problems which are confronting the American people at the present time. Not one industrial leader, not one great financial leader of the city of New York or elsewhere in the United States has come forward with any kind of a program to relieve the present situation or to prevent a recurrence of similar economic disasters such as we are facing in this country at the present time. I think it is a sad commentary that none of those to whom we have been told we must look for economic guidance have offered any solution whatsoever in this great crisis.

Why, Mr. President, have not the heads of the great banking institutions in the city of New York; why have not the heads of the great industries of this country, before asking the Congress of the United States, the legislative body of the country, to adjourn, come forward and said, "We have a program, and if the Congress of the United States will only adjourn we will do something to relieve this situation"?

We have had no leadership during the past year and a half from the President of the United States in this great emergency; we have had no solution offered on the other side of this Chamber; we have had no solution offered, I admit, by either branch of the Congress of the United States, and we

have had no solution, Mr. President, suggested by the great banking and industrial leaders of the United States, except appeals to charity to help those out of employment and except statements expressing the hope that conditions are going to pick up and repeating over and over again that prosperity is just around the corner. Mr. President, notwithstanding the fact that the head of the United States Chamber of Commerce is saying to us that conditions are getting better, I submit that he nor his organization has not offered any solution for the overproduction in this country. It seems to me, as I said a moment ago, that it is hardly fair for the heads of great banking institutions and great industrial leaders to criticize the Congress of the United States and to say it ought to adjourn unless they can come forward with some solution for our present economic problems.

We find committees of Congress being organized for the purpose of running down red propaganda in this country. I have never been afraid of red propaganda in this country, providing our economic conditions were sound.

The editorial from the New York Times goes on to say:

If an amendment to the resolution adopted by this great assemblage of social workers were to be suggested, it would be one that would increase the amount, so great is the disparity—

Between what?—

between the loss of wage and the outlay proposed. But the amount named should be promptly made available in order that anxiety for the months ahead should be as far as possible removed from those who will find them dark enough at best.

I know, Mr. President, some people were shocked at the idea of my asking the Congress of the United States to appropriate $100,000,000 to meet a possible emergency during the next nine months while the Congress is away from Washington. In the face of the present and the threatened continued economic depression in the country I think $100,000,000 is a small amount. In just one city alone a group of individuals have gotten together and have raised ten or twelve million dollars, but it is all gone, and the New York Times points out that there are 500,000 men out of employment, with practically no work at all, and 200,000 more on part time.

Nobody in the Senate knows. No member of the executive department of this Government apparently knows when conditions are going to pick up. No great industrial leader to-day has been able to tell us, has been able to guess right, as to what is going to happen in this country. No great banking head has guessed right as to what was going to take place; and here is the Congress of the United States going to adjourn without having done one blessed thing to take care of this great mass of unemployed!

Is is any wonder that people should feel that the Congress of the United States is not doing its duty?

Yes; it is true that we have appropriated millions of dollars for the purpose of constructing public buildings. It is true that we have appropriated some money for the purpose of building roads; but everybody realizes that if conditions continue as they are it will be a mere drop in the bucket; and if it continues to get worse, as the unemployment situation has been getting worse, with people depleting what little funds they have had in the banks, the President of the United States, in my judgment, will have to change his mind about taking some of the money out of the Treasury of the United States for the purpose of taking care of these unfortunate people who are willing to work and unable to get work, because many of these local communities at the present time are unable to meet the situation.

I think the statement was made by the executive branch of the Government or some spokesman for the administration to the effect that nobody from the various cities or city governments had asked for relief, or intimated that they could not take care of the situation. That is not correct. Telegrams have been read upon the floor of the Senate from many of the industrial centers saying that their condition was such that they could not take care of the unemployment in their community.

I repeat what I said the other day as to what I was told by a man who had just visited some of the industrial centers of New England. He told me that many of the workers were unable to pay their taxes upon their property and that some of the cities up there were going into the hands of receivers because of the fact that they could not meet their obligations. Yet, in the face of that situation, we are going to heed the demand of the propaganda sent out by these great industrial leaders, these great leaders of finance. We are going to adjourn, we are going back home, without either solving the problem or attempting to solve it, and in the face of the fact that not one of them has come forward with any proposition or any program to solve it.

METHANOL

Mr. BROUSSARD. Mr. President, in response to Senate Resolution 437, submitted by me February 9 and agreed to on February 16, the Bureau of Mines, Department of Commerce, has transmitted to the Senate a mass of material purporting to contain all information, facts, and figures bearing on the subject matter. Such material has not been and probably will not be printed before the adjournment of this Congress. I have, however, been given access to it, and have reached the conclusion that there has not been that frank compliance with my resolution which the situation warrants, particularly in view of the involvement of serious public-health considerations.

As an illustration, I find that although the Bureau of Mines Information Circular 6415, entitled "Observations and Notes on the Effect of Methanol Antifreeze on Health," referred to in Senate Resolution 437, was published in December, 1930, an outline of that paper, including suggested conclusions and recommendations, was furnished for criticism and revision on November 17, 1930, by the Bureau of Mines to the manufacturers of methanol (wood alcohol) who had financed that bureau's so-called observations of that poison.

What I failed to find, however, in the data transmitted to the Senate is a copy of such outline or draft which was passed to wood-alcohol producers for their inspection and views before the public was to be informed that the Bureau of Mines did not agree with the published findings of the hygienic laboratory—now the National Institute of Health—of the Bureau of the Public Health Service. Therefore, no opportunity is afforded the Senate to compare what the Bureau of Mines submitted to wood-alcohol manufacturers for correction with what was actually published as Bureau of Mines Information Circular 6415.

This significant omission naturally gives rise to the question, What else has been withheld?

I now offer for the RECORD the letters of the Bureau of Mines transmitting such outline or draft to the three synthetic wood-alcohol producers who furnished the money for that bureau's "observations and notes," and their replies. Those who have any interest in this matter can very easily acquaint themselves with the contents of the letters. They mention a certain original preliminary circular prepared by the Bureau of Mines, transmitted under date of November 17, 1930. One is to Walter Dannenbaum, Du Pont Ammonia Co., Wilmington, Del.; one to J. G. Davidson, Carbide & Carbon Chemicals Corporation, New York City; and one to H. W. Denny, Commercial Solvents Co., Terre Haute, Ind. These three letters transmitted the preliminary conclusions of the Bureau of Mines. I wish to have the answer printed after each letter that I have just inserted in the RECORD—that is, first the letter to the corporation and then the answer of the corporation. When we read these letters we are bound to reach the conclusion that the circular which they issued in December was altogether different, and that they complied with suggestions made by private corporations in issuing the final circular.

I ask to have these letters inserted in the RECORD at this point.

The PRESIDING OFFICER. If there is no objection, they will be inserted in the RECORD.

The letters are as follows:

NOVEMBER 17, 1930.

MR. WALTER DANNENBAUM,
Du Pont Ammonia Co., Wilmington, Del.

DEAR MR. DANNENBAUM: Inclosed you will find carbon copy of preliminary statement on methanol prepared for release either as

a circular of information by the bureau or as a press release—the exact method of release has not been decided.

I shall appreciate it if you will review this, sending me such suggestions or comments as you desire, with carbon copy to Mr. Yant. I do not need to call to your attention that an early release is desirable.

This report contains only very general statements, based on the results obtained by the bureau or by other investigators whose results are in agreement.

Cordially yours,

R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Surgeon United States Public Health Service.

WILMINGTON, DEL., *November 19, 1930.*

Dr. R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Washington, D. C.

DEAR DOCTOR SAYERS: We received this morning your letter of November 17, with which you inclosed a copy of the first draft of the preliminary report on antifreeze methanol entitled "Observations and Notes on the Effect of Methanol on Health."

Your report has been read with much interest by Messrs. Walter Dannenbaum, R. W. McClellan, and the rest of us in the Du Pont Ammonia Corporation, who have been anxiously awaiting it. This letter combines the suggestions which have been made by all of the above.

We certainly feel that this is a splendid report and that you are to be complimented on your manner of presenting the subject. On the whole, we subscribe heartily to the report as it stands, but there are, as you might guess, a few points where slight changes or deletions would be desirable from our point of view.

It would seem to us that the first two complete sentences on page 4, "The products which will be dispensed * * * equivalent to that of 1 gallon of antifreeze ethyl alcohol," are not necessary, as far as the report as a whole goes, and it would be helpful to us if this were omitted. The fact of the matter is that the 76.5 per cent solution may not be continued indefinitely.

We would also suggest that if it is in accord with your views of the report the first paragraph on page 5 could be omitted. We are a little fearful that this paragraph might be willfully misconstrued by some of our competitors. The most important sentence of this paragraph, reading, "There is no procedure or treatment whereby a layman or chemist can make methanol nonpoisonous, or even reduce its toxicity," can very easily be included in the following paragraph as the closing sentence if you feel it is desirable to have that sentence appear in the report. We would particularly like to see the sentence "In fact, the removal of impurities might readily make the particular product more poisonous" either omitted or clarified.

On page 14, we believe that the opening sentence of the first paragraph would be stronger if it were recast along the lines of the sentence as worded under No. 4 of the "Recommendations and conclusions," a suggested wording being "The information which the Bureau of Mines has obtained to date indicates that there is no hazard to health from the reasonable use of methanol for antifreeze purposes."

Farther down on page 14, it has seemed to us that the wording of the sentence, "The investigation is being continued * * * for investigating further the mechanism of methanol poisoning," might be misconstrued to indicate that the report is being made before sufficient data have been accumulated to show that methanol can be used in automobile radiators without question of health hazard. A definite turn can be given to the paragraph if it is made to read something as follows: "The investigation is being continued for the completion of information on the toxicity of methanol, particularly from the viewpoint of obtaining even more comprehensive data regarding allowable concentrations for industrial uses and for investigating further the mechanism of methanol poisoning. Also, while there are no apparent reasons to believe danger to health, etc."

Under "Recommendations and conclusions" we believe you would have no objections if No. 1 were changed to read, "All methanol, whether made by wood-distillation methods or synthetic methods, or whether it is crude, refined, or highly purified, is poisonous when taken internally. It will cause serious poisoning, etc."

It would seem to us also that there would be something to gain in psychological effect if 2 and 3 were reversed in order, and we would further suggest as a wording for what is now No. 2 the following statement: "Methanol causes no apparent harm under conditions of continued exposure to air containing low concentrations of vapor or to short intermittent exposure to higher concentrations, but, on the other hand, will cause poisoning under conditions of continued exposure to air containing high concentrations of vapor." Our reason is that this reversal of the sentence places the favorable portion first and permits of no misinterpretation of the reference to short intermittent exposure, which latter in the present wording might be misconstrued.

We would like to suggest that your recommendations No. 5 and No. 6 be entirely omitted from this preliminary report on the basis that the present report is preliminary and that a final report will no doubt be written which would more logically contain your recommendations on the matters of handling and exposure. You will appreciate that a great deal of our material has already been placed in the hands of the dealer, some of it uncolored because of the wide divergence of opinion regarding the need for or advisability of coloring. It would be difficult, to say the least, not only for ourselves but for some of our methanol competitors to color material already in the hands of dealers, and since some dealers have clear material a report advocating color at this time might embarrass them or lead them to misrepresent the material, which, of course, we want to avoid.

While we have been very free in our criticisms and suggestions above, we want to repeat again that we feel you have done a fine piece of work on this subject, and we are certainly much gratified by the report. We can only hope that the revised report will have an immediate release and that we can take it promptly to our distributors, jobbers, and dealers in our first real effort to protect ourselves against propaganda which has been issued against antifreeze methanol.

Yours very truly,

DU PONT AMMONIA CORPORATION,
H. WADE RINEHART.

NOVEMBER 17, 1930.

Mr. J. G. DAVIDSON,
Carbide & Carbon Chemicals Corporation,
30 East Forty-second Street, New York City.

DEAR MR. DAVIDSON: Inclosed you will find carbon copy of preliminary statement on methanol prepared for release either as a circular of information by the bureau or as a press release—the exact method of release has not been decided.

I shall appreciate it if you will review this, sending me such suggestions or comments as you desire, with carbon copy to Mr. Yant. I do not need to call to your attention that an early release is desirable.

This report contains only very general statements based on the results obtained by the bureau, or by other investigators whose results are in agreement.

Cordially yours,

R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Surgeon, United States Public Health Service.

NEW YORK, *November 19, 1930.*

Dr. R. R. SAYERS,
Chief Surgeon United States Department of Commerce,
Bureau of Mines, Washington, D. C.

DEAR DOCTOR SAYERS: I have examined the preliminary statement on methanol prepared by your office and have only a few comments to make. I think it an excellent presentation considering the short period of time available for its writing, and the comments I have to make are only from the standpoint of elucidation.

I have no comments for pages 1, 2, and 3.

On page 4 there is a typographical error in line 3 which should read "23½ per cent water" instead of "13½ per cent water."

The first paragraph on page 5 is not clearly understood. I believe it would clarify the text a little if the words "when taken internally" could be inserted after the word "poison," in the first line.

I do not quite understand what is meant in the eighth line when you state "the removal of impurities might make the particular products more poisonous" unless perhaps you meant the removal of the water in the antifreeze grade methanol.

I have no further comments to make until we reach page 14. On this page I would suggest the first sentence be made to read as follows: "The information which the Bureau of Mines has obtained to date regarding the use of methanol for antifreeze purposes indicates no hazard to health exists from its use."

My next comment refers to the second sentence in the second paragraph on page 14, which I would suggest read as follows: "Also while there are no reasons to believe danger to health will occur * * *."

Under the recommendations I would suggest that No. 6 be dropped entirely, as it has implications that perhaps are unnecessary. I would then suggest renumbering the paragraphs as follows: No. 4 becomes No. 1, No. 3 becomes No. 2, No. 5 becomes No. 3, No. 2 becomes No. 4, and No. 1 becomes No. 5.

Conclusion No. 2 as it now stands: I think this might, with advantage, be stated positively instead of negatively somewhat as follows: "Methanol causes no apparent harm even under conditions of continued exposure to air containing low concentration of vapors or with short intermittent exposure to high concentration but, on the other hand, it will cause poisoning under conditions of continued exposure to air containing high concentrations of methanol."

We believe the coloring of methanol to distinguish it from denatured alcohol is important and should be incorporated in your recommendations, although it might be well to put the words "in the future" after the word "colored," in paragraph 5, as it now stands.

I would appreciate it if you would wire me the day the final report is to be released.

With the best of personal regards,

Very truly yours,

CARBIDE & CARBON CHEMICALS CORPORATION,
J. G. DAVIDSON, *General Sales Manager.*

NOVEMBER 17, 1930.

Mr. H. W. DENNY,
Commercial Solvents Corporation, Terre Haute, Ind.

DEAR MR. DENNY: Inclose you will find carbon copy of preliminary statement on methanol prepared for release either as a circular of information by the bureau or as a press release—the exact method of release has not been decided.

I shall appreciate it if you will review this, sending me such suggestions or comments as you desire, with carbon copy to Mr. Yant. I do not need to call to your attention that an early release is desirable.

This report contains only very general statements based on the results obtained by the bureau, or by other investigators whose results are in agreement.

Cordially yours,

R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Surgeon United States Public Health Service.

TERRE HAUTE, IND., *November 22, 1930.*

Dr. R. R. SAYERS,
Chief Surgeon, United States Department of Commerce,
Bureau of Mines, Washington, D. C.

DEAR DOCTOR SAYERS: We have read with attention the preliminary statement on methanol toxicity which you forwarded to us and we believe that it is in the main satisfactory. Of course, it is unfortunate that we have not at this time more definite experimental results covering the hazard of methanol when actually used as an antifreeze, but it is my understanding that studies of this nature are now being actively carried on.

It is our feeling that until you have had opportunity to make a study of alarm agents, any recommendation along this line should be deferred. We, therefore, suggest that paragraph 5 of your "Recommendations and conclusions" be revised in such fashion as not to include a recommendation that methanol antifreeze be colored until the whole subject of alarm agents has had your careful study.

We gave thorough consideration to the use of color in our methanol antifreeze and decided against its use this year. I will not attempt to enumerate here the various arguments against the use of color. One argument and a quite valid one, we believe, is that the color can be removed from the antifreeze by simple bootleg "washing" methods. This is in itself a real element of danger, as it may indicate to the person removing the color that he has effected a purification of the product and so made it potable.

We believe that a really more satisfactory method of preventing the use of methanol for beverage purposes is insistence upon proper labeling of the containers in which it is sold. We therefore take the liberty of suggesting that paragraph five be revised to read:

"To avoid misuse it is recommended that all packages of antifreeze methanol be conspicuously labeled in such manner as to be certain of calling the attention of garage attendants and the consuming public to its poisonous nature when taken internally."

Sincerely yours,

COMMERCIAL SOLVENTS CORPORATION,
H. W. DENNY,
Manager Sales Development Division.

P. S.—Are you planning to have a meeting in Pittsburgh during December? If so, I should like to suggest that it be postponed until the week of the 8th. We are having important conferences here during the week of the 1st and I am particularly anxious to keep in touch with the further development of your investigation.

Mr. BROUSSARD. As further evidence of what scientists, at least in the medical profession, think of the practice of the Bureau of Mines in lending its name and facilities to private commercial interests which come to it for special favors with checkbook in hand, I now submit for the RECORD a telegram received by me from Dr. Carey P. McCord, who, in addition to being medical director of the Industrial Health Conservancy Laboratories, of Cincinnati, is secretary of the Committee on Hygiene of the American Public Health Association, and a member of the poison Gas Committee of the American Medical Association. I ask to have this telegram from Doctor McCord printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

FEBRUARY 10, 1931.

Senator E. S. BROUSSARD,
Senate of the United States, Washington, D. C.:

Supplementing earlier telegram I point out that Bureau of Mines officials, prior to making December preliminary report on methyl alcohol toxicity, undoubtedly had in hand copy of suppressed report of work done by Dr. H. F. Smyth, based on investigation done for synthetic methyl alcohol manufacturers. This suppressed report, which was presumably unsatisfactory to manufacturers because of findings, is believed to contain extensive proof from animal experiments that methyl alcohol, both synthetic and natural, is toxic following exposures other than intake by mouth. This report should have served as a deterrent to Bureau of Mines officials in giving to methyl alcohol so extensive an exculpation as to toxicity from any intake except by mouth. I hope that your resolution and inquiry establishes the impropriety of Bureau of Mines investigators conducting divers investigations outside the field of mining such as influence of refrigerants on foods and various solvents. These extraneous investigations, financed by private funds, utilize the time and energies of some public officials paid by public funds who should be devoting services to problems of mining.

CAREY P. MCCORD.

Mr. BROUSSARD. I wish to call attention to the fact that the Dr. H. F. Smyth mentioned in this telegram is a distinguished pathologist of the University of Pennsylvania.

It should be obvious to all of us that what I have said justifies a thorough Senate investigation of these remarkable activities of the Bureau of Mines; and I, therefore, send to the desk a resolution which I ask to have printed in the RECORD and lie over under the rule.

The VICE PRESIDENT. Does the Senator desire to have the resolution read?

Mr. BROUSSARD. I should like to have it read.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read the resolution (S. Res. 490), as follows:

Whereas, although the Bureau of Mines, Department of Commerce, is officially charged only with the investigation of methods of mining and inquiries pertinent to the mining industry, it has undertaken, for and on behalf and at the expense of private commercial interests, alleged toxicologic and other studies not related directly, indirectly, or even remotely to mines or mining, and has published reports, circulars, and statements, subsequently used for advertising purposes by manufacturers financing such alleged studies, which are contrary to opinions expressed by eminent scientists and physicians; and

Whereas, in an editorial published in the January 24, 1931, issue of the Journal of the American Medical Association the following sentence appears:

"It is unfortunate that a branch of the Government, the Bureau of Mines, which has had such an enviable record in the past, has recently seemed to be swayed to serve more the interests of certain chemical manufacturers than to serve the interests of the public." Therefore, be it

Resolved, That a special committee of five be appointed by the President of the Senate of the United States to investigate and report to the Senate of the United States not later than January 1, 1932, the activities of the Bureau of Mines, Department of Commerce, and its official personnel, involving toxicologic and other studies of products not related to mines or mining, the names of the persons, firms, associations, or corporations financing such studies in whole or in part, the amount of money contributed by such persons, firms, associations, or corporations, respectively, the method of expenditure of any such sums, the character of reports, circulars, and statements made or in process of making concerning the products in question and all other facts in relation to the subject matter that would not only be of public interest but would aid Congress in any necessary remedial legislation.

The VICE PRESIDENT. The resolution will be printed and lie over under the rule.

Mr. BROUSSARD. I wish to inquire from the Vice President whether this resolution properly goes to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Does it provide for taking money from the contingent fund?

Mr. BROUSSARD. There is no provision in the resolution for that, but it will require the expenditure of some money.

The VICE PRESIDENT. It will not be required to go there unless there is a provision for the payment of money from the contingent fund.

Mr. BROUSSARD. I will let it lie on the table, then.

RELIEF OF UNEMPLOYED PERSONS

Mr. WHEELER. Mr. President, I observe the Senator from Oregon [Mr. MCNARY] in his seat. I desire to call his attention to my resolution authorizing the appropriation of $100,000,000 for the relief of the unemployed, and to ask him whether it will be possible for us to have a record vote on this question, or to pass it sometime soon?

I appreciate the fact that it is extremely late in the session; but I should like action, and I think the situation warrants it.

Mr. MCNARY. Mr. President, I should not want to agree to any plan that would prevent early action on the unfinished business. Later in the day or this evening we may

proceed to the consideration of the calendar, at which time I think the Senator from Montana will have opportunity to bring up his resolution.

AIRCRAFT ACCIDENTS (S. DOC. NO. 319)

On motion of Mr. BRATTON, it was

Ordered, That the report of the Acting Secretary of Commerce on aircraft accidents, transmitted to the Senate on February 24, 1931, in response to Senate Resolution 206, be printed as a Senate document.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, which messages were subsequently referred to the appropriate committees. (For nominations this day received see the end of Senate proceedings.)

INDUSTRIAL LIFE INSURANCE

Mr. BLEASE. Mr. President, a few days ago I made some remarks relative to industrial life insurance in the District of Columbia.

I ask unanimous consent to have printed in the RECORD a brief official statement of condition of one of the local industrial life insurance companies, printed in this morning's Washington Post. It will be noted from the statement that the paid-up capital of this company is only $26,252, that it owes $22,000 of borrowed money, that it assumed new risks last year of $111,098, that it sustained losses during the year of $133,965, and that its receipts during the year were only $40,267.

These facts speak for themselves as to the justification of permitting the poor people of Washington to continue to be solicited for insurance in a concern in such a financial condition.

The statement is as follows:

Statement of the condition of the Federal Life Insurance Co., of Washington, D. C., December 31, 1930

(As required under the District of Columbia Code, amended June 30, 1902, and August 18, 1911)

Capital stock	$50,000.00
Capital stock, paid up, in cash	26,252.00
ASSETS	
Cash in office	141.16
Cash in bank	1,402.65
Real estate	50,684.24
Bills receivable	214.69
Premiums uncollected and in hands of agents	42.92
All other assets	5,919.74
Total assets	$58,405.40
LIABILITIES	
Net unpaid claims	58.00
Borrowed money	22,000.00
Salaries, rents, expenses, taxes, etc	128.38
Capital stock	26,252.00
All other liabilities	939.76
Surplus	9,027.26
Total liabilities	$58,405.40

Character of business transacted during the year 1930: Industrial, health, and accident, and life insurance.

Amount of risk assumed during the year 1930	$111,098.00
Losses sustained during the year 1930	133,965.45
Money received during the year 1930	40,267.83
Expended during the year 1930	38,888.33

CARROLL A. BROOKS,
President.

C. T. TAYLOR,
Secretary.

Subscribed and sworn to before me this 26th day of February, 1931.

[SEAL.] CHAS. E. ROBINSON,
Notary Public.

DROUGHT-RELIEF APPROPRIATION

Mr. CONNALLY. Mr. President, I desire to propound a parliamentary inquiry. On the 27th of February the Senate adopted Senate Resolution 479, calling on the Secretary of Agriculture for certain information with reference to regulations for the disbursement of the $20,000,000 drought-relief appropriation. I inquire whether the Secretary has made response to that resolution.

The VICE PRESIDENT. There has been no response up to date, the Chair is advised.

Mr. CONNALLY. Mr. President, I send to the clerk's desk and ask to have read four telegrams, and I shall submit a few remarks in regard to them.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

STAMFORD, TEX., *February 20, 1931.*

Hon. TOM CONNALLY,
United States Senate, Washington, D. C.:

Many of our most needy counties have exhausted supply of loan application forms 10 days to 2 weeks ago and unable to secure more. Other counties not so distressed have ample forms. In needy counties only small per cent of farmers taken care of. Urge you see proper authorities in order to speed up procedure. If not speeded up, loans will be too late to do any good.

D. A. BANDEEN,
Manager West Texas Chamber of Commerce.

CLARKSVILLE, TEX., *February 25, 1931.*

Hon. TOM CONNALLY,
United States Senate:

Please wire me any information available about adding food loans to drought-relief applications.

E. W. BOWERS.

CHILDRESS, TEX., *February 26, 1931.*

Hon. TOM CONNALLY,
United States Senate:

Local committee has received no word or information from the department concerning twenty million food loan. Will you press department for quick action and advise us when it is expected that this money will be available.

J. H. HARRISON,
Chairman Childress County Drought Relief Committee.

THROCKMORTON, TEX., *February 28, 1931.*

Senator TOM CONNALLY,
United States Senator:

Resentment growing against Congress for placing administration of farm loan in hands of hot-air peddlers and visionary bug hunters. Establishment of Fort Worth office this late day admission of incompetency. Ninety per cent of applications already made and sent to St. Louis office. Applications held 30 days without report.

A. H. KING,
Member, County Committees.

Mr. CONNALLY. Mr. President, it is not my purpose to unduly complain at the Department of Agriculture or hector it or abuse it. I am simply appealing to the Secretary of Agriculture, and those in authority above him, to speed up as much as possible the administration of the $45,000,000 loan fund as well as the $20,000,000 fund.

The telegrams which have been read to the Senate disclose that although the $45,000,000 appropriation was originally authorized on the 20th of December, it is now the 2d of March and little progress, at least in some of the drought-stricken areas, has been made in the matter of actually getting the money authorized to be loaned into the hands of those who need it.

Under the $20,000,000 appropriation the regulations are not yet issued. Although we were privately assured, when the compromise was voted on in this Chamber, that great liberality would be employed in drafting the regulations and that a generous spirit would be entertained in stretching the authority which Congress gave by that legislation, we find that so far nothing has been done under the $20,000,000 appropriation.

Mr. President, I have appealed to the Department of Agriculture, and I have received assurances that the St. Louis office of the drought-relief administration was having its forces increased. I have been assured that it is establishing a new office at Fort Worth, Tex., and I desire to express the gratitude of those concerned to the department for at least those assurances. I know it is a difficult problem, and I am not here to abuse or say harsh things about the Secretary of Agriculture or about the chief of the drought-relief committee.

Congress has done all it is going to do so far as legislation is concerned. We shall adjourn shortly, and whatever happens to the drought-relief fund is going to happen by the grace of the Department of Agriculture. Therefore, I

am appealing to it; as it were, I am trying to project myself into the attitude of a drought-stricken farmer, and I am begging the Department of Agriculture and its agencies, in the name of humanity, to speed up the administration of the legislation.

There are rumors going around that it is the purpose of the Department of Agriculture so to conserve this fund, to draw the regulations and carry out the administration in such fashion as that it will leave unexpended a large balance of the appropriation, and that then later those who were contending that the appropriation was not needed will be in position to say that their position has been justified. I hope those rumors are not true. I am giving them no more credence than whatever facts which may later develop may establish.

Mr. President, in the name of the people of my State, and in the name of people in other sections of the United States, in the drought-stricken areas, who are suffering for the necessities of life, and in the name of the Congress of the United States, which has solemnly said by this legislation that the Secretary of Agriculture must make these loans, I am appealing that the Secretary will put into the administration the same spirit which actuated Congress, and that was that loans would be made in necessitous cases on the security of the planted crop of 1931, in order that the farmers may go along and produce for another year.

I am begging, I am pleading. This is no time to indulge in acrimony. Whatever sharp feeling we may have had should have been expressed on the floor when we were enacting the legislation, and when the Senate was compromising upon one feature of the legislation. But that hour is past. We now have our heads in the mouth of the lion, and I for one am not going to create any disturbance while my head is in the mouth of the lion. I am pleading with the Department of Agriculture. I am looking beyond the Secretary of Agriculture. I am looking to the President of the United States, whose final authority in this case will decide the matter. I am begging these high functionaries, from their dignified stations, to look down upon those who are suffering, and speed up the administration of the loans, speed them up in the spirit in which Congress enacted the provisions. I am appealing to them to realize that the responsibility is upon them, not to construe away the substance of those enactments but to construe them in the light in which they were enacted here.

Mr. President, without criticism, without carping, without denunciation, without abuse, but in the spirit of those who are hungry, and in the spirit of those who are nearly naked, I am appealing, first, to the Secretary of Agriculture, and then on beyond him to the White House, to cut the red tape, to put the best engineering talent in the country to the solution of the administrative problems in this matter, to put the efficiency of which we boast so much to work, and, for God's sake, to hurry up these loans, administer them in a broad, sympathetic spirit, in order that the objects which Congress had in mind may be attained, and in order that the pretentions we have been making, some of the fine theories we have been enunciating, some of the finely chiseled words we have been expressing here in this Chamber, may be justified.

APPROPRIATION FOR DROUGHT RELIEF (S. DOC. NO. 320)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate a communication from the Secretary of Agriculture, in response to Senate Resolution 479, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 2, 1931.

The honorable the PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: Replying to the request contained in Senate Resolution 479, I have the honor to inform the Senate that because of the extended debate upon the appropriation of $20,000,000 contained in the Interior Department bill, and because of the uncertainty as to the provisions of the act, it was not possible to work out the administration and accounting problems entailed until the act was finally passed and its provisions definitely known.

Under clause (1) of the second paragraph of the appropriation, loans are authorized to individuals for the purpose of assisting in forming like agricultural credit corporations, livestock loan companies, and local organizations, or of increasing the capital stock of such corporations. The Intermediate Credit Bank system, the Federal reserve system, the General Accounting Office, and other agencies are, incidentally, involved in the administration of this clause. Many conferences have been held with them in order that our regulations might not conflict with their regular course of business. It has been necessary to call in from the field representatives of each of the intermediate credit banks which do business in the drought areas. It has been necessary, also, to create State committees whose duties are to assist the department in obtaining the widest possible distribution of the funds and the maximum usefulness of the agricultural credit corporations to be set up. The plan of administration and the necessary instructions, forms, and legal documents were completed and delivered to the Government Printing Office several days ago. With commendable cooperation and efficiency, the Public Printer has delivered to us this morning the completed printed material, which is to-day being forwarded to the State committees, which have been set up in nearly every State affected.

Under clause (2) of the second paragraph of the appropriation, dealing with agricultural rehabilitation, difficult questions of accounting, of definition, and of regulation have been encountered. It is desirable to use the emergency organization already created for the administration of Public Resolution 112, appropriating $45,000,000 for loans for feed, seed, and fertilizer, but at the same time the accounting must be kept separate. The regulations and instructions have been completed and telegraphed to each of the field officers of the department for their guidance.

There exists now no reason why applications for loans under any and all sections of Public Resolution 112 and the $20,000,000 appropriation may not now be received and payment made shortly thereafter.

Sincerely,

ARTHUR M. HYDE, *Secretary.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 471) providing for a 44-hour week for certain Government employees with amendments, in which it requested the concurrence of the Senate.

FORTY-FOUR-HOUR WEEK FOR CERTAIN GOVERNMENT EMPLOYEES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 471) providing for a 44-hour week for certain Government employees, which were, on page 1, line 7, to strike out all after the word "all" down to and including the word "Government," in line 10, and insert "civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field," and to amend the title so as to read: "An act providing for Saturday half holidays for certain Government employees."

Mr. JONES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADJUSTED-SERVICE COMPENSATION LEGISLATION

Mr. VANDENBERG. Mr. President, the newspapers this morning carry thoroughly encouraging, stimulating, refreshing, and helpful news from the Secretary of the Treasury respecting his financing program for March. Inasmuch as there were so many dark prophecies, editorial and otherwise, uttered in relation to the repercussions which were to be anticipated from the adjusted-service certificate legislation, I think it is important not only to the Congress but to the country to emphasize the fact that the able Secretary of the Treasury is proceeding in a thoroughly courageous way now to demonstrate the same type of confidence in our fiscal situation which we who supported the legislation undertook explicitly to express. I hope his program will be a success.

I want to call attention to the fact that the March program is contemplating three refinancing propositions. The first is the issuance of $500,000,000 of 12-year bonds, bearing 3⅜ per cent interest. I call attention to the fact that this is precisely the same rate which has been carried on recent issues of callable 15-year bonds. In other words, if his program succeeds, we have not precipitated higher bond interest rates.

The second item is $600,000,000 of 2 per cent 12-month certificates. This compares with 1⅞ per cent provided for the last previous offer of the same group of securities.

I particularly want to call attention to the fact that the third group of securities to be issued consists of $300,000,000 of 1½ per cent six months' certificates, and I call attention to the fact that the New York Times says this rate sets a new low record for Treasury offerings.

Furthermore, the latter piece of financing is the one direct piece of financing related to the veterans' compensation loan. As a result of this particular financing the Treasury takes down certificates of indebtedness upon which it has been paying 4 per cent and will reissue them at 1½ per cent. I hope I am entitled to find in this prospectus some vindication for my statements to the Senate during the veterans' certificate debate.

As a result of this situation the New York Times in its discussion of the problem this morning states in its headlines:

Low rates suggest fears of market disturbance by bonus have not been realized.

I am sure we all are thankful that this is the fact.

I quote further from the article:

The announcement to-day showed that no situation was created by the veterans' loan bill as passed which made it necessary to raise the interest which the Government quoted to approximate the 4 per cent rate which some of the experts said might be necessary.

This is highly refreshing after all the editorial pretense to the contrary with which we were bludgeoned during the recent debate. Friend and foe of the veterans' loan bill will be alike pleased that the fiscal program proceeds with disregard for prior auguries of gloom.

I ask that the article from the New York Times be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Times, March 2, 1931]

TREASURY OFFERS $1,400,000,000 ISSUE—TWELVE-YEAR BONDS AND CERTIFICATES TOTALING $1,100,000,000 TO PAY 3⅜ AND 2 PER CENT—A SIX-MONTH ISSUE AT 1½—LOW RATES SUGGEST FEARS OF MARKET DISTURBANCE BY BONUS HAVE NOT BEEN REALIZED

WASHINGTON, March 1.—The Treasury's March securities program, involving the issuance of $1,400,000,000 in bonds and certificates at low rates of interest, was announced to-day by Secretary Mellon.

The issues will be as follows:

In 12-year bonds, bearing 3⅜ per cent interest, $500,000,000.

In 12-month certificates, bearing 2 per cent interest, $600,000,000.

In 6-month certificates, bearing 1½ per cent interest, $300,000,000.

The bonds and 12-month certificates probably will be largely used to retire about $1,100,000,000 in 3½ per cent Treasury notes of the 1930-1932 series called for redemption March 15.

If most of these two issues are used for refunding purposes, borrowings by the war veterans on their compensation-insurance certificates will be temporarily financed on the proceeds of the $300,000,000 six-months certificate issue which the Treasury is offering at 1½ per cent.

As the veterans pay 4½ per cent interest on amounts they borrow, this would appear to give a spread or profit of 3 per cent to the Treasury in the transaction. However, in readjustments which must follow the actual cost to the Government of financing the veterans' loans will be approximately the average cost which the Government must pay for all money it requires.

Undersecretary Mills, of the Treasury Department, told the Senate Finance Committee that it would be necessary to issue about $1,600,000,000 in securities in March to finance all of the Treasury requirements, and the opinion was expressed also that the need of floating such a large series of Government securities would drive up the interest rates which the Treasury would have to pay.

On the whole, however, the rates quoted are low, and in one instance, that of 1½ per cent, set for the six-months' securities, establishes a record for Treasury offerings of a similar maturity.

The 2 per cent rate quoted on the 12-months' certificates compares with 1⅞ per cent offered on an issue of like maturity last December.

RECORD LOW INTEREST RATE

The 3⅜ per cent quoted on the 12-year bonds is the same rate quoted on an issue callable in 15 years and maturing in 20 years, marketed June 15, 1927, and on another issue callable in 12 years and maturing in 15 years, issued July 16, 1928.

The announcement to-day showed that no situation was created by the veterans' loan bill as passed which made it necessary to raise the interest which the Government quoted to approximate the 4 per cent rate which some of the experts said might be necessary.

The fact that the Treasury limited its issues to $1,400,000,000 means that short-term Treasury bills will have to be issued between March 15 and June 15 to meet the loan demands of the veterans. The Treasury also has maturing about $60,000,000 in Treasury bills on May 4 and 5 and $154,281,000 on May 18 which must be refinanced.

The March financing operation is one of the three largest since the war. In 1927 the second Liberty loan was refunded, entailing an operation of something over $3,100,000,000. The following year the Treasury refunded the third Liberty loan, amounting to about $2,100,000,000 at the time.

THE OIL INDUSTRY

Mr. THOMAS of Oklahoma. Mr. President, the unfinished business pending before the Senate is the copyright bill. With some amendments which would, in my opinion, improve the measure, I shall favor its passage; but we are not making much progress with the legislation. The next bill to come before the Senate for consideration, I understand, is the oleomargarine bill, and I favor that suggested legislation. I hope it may come before the Senate for consideration before we adjourn.

But there is one class of our people which is rather extensive that has not had consideration at the hands of this Congress. I refer to those engaged in the oil business. I shall not at this time take occasion to discuss the merits of the controversy further than to say that during the last session of Congress an effort was made to place a tax upon foreign imports of petroleum and petroleum products. Such effort was not successful. At this session of Congress an effort has been made to place a partial embargo upon imports of petroleum and petroleum products. A bill was introduced by the senior Senator from Kansas [Mr. CAPPER] and was referred to the Committee on Commerce and given consideration. The committee made a favorable report upon the bill and it is now upon the calendar. At one time the steering committee, so I am advised, gave preference to the bill. That was done one day, and either on the same day or the next succeeding day that preference was withdrawn and the bill still remains upon the General Calendar.

Mr. President, there is no chance at this session, and I am not urging it, to get a tariff placed upon petroleum. There is no chance at this session to have an embargo placed upon petroleum imports. Although the oil industry of the United States is voluntarily limiting its production, yet the foreign importers are not willing to join in this movement.

Mr. President, I am hopeful—and I trust I may have the attention of the distinguished senior Senator from Ohio [Mr. FESS] and others—that between now and next winter when Congress reconvenes we may have some information that may be taken as official and authentic as relating to this great industry. Some few days ago the Senator from North Dakota [Mr. NYE] introduced a resolution providing for a study of the oil industry. The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and was given consideration by that committee. The resolution is still pending in that committee. Apparently the committee is unwilling for the Senate even to study the oil industry.

Last winter we found obstacles raised to our advocacy of a tariff on oil and the charge was made that statements made upon the floor of the Senate were not warranted and were not based upon facts. We have had the same condition here this winter. We have had the charge made that the oil tariff advocates were the advocates really of the big interests, the big companies, and that we were being used by the big companies to pull their chestnuts out of the fire. The charge was made last winter, and again the charge has been made this winter.

I do not desire at this time to criticize or indict any oil company. I do not have time for that purpose. But I do ask unanimous consent that the resolution known as the Nye resolution, Senate Resolution 418, be withdrawn from the Committee to Audit and Control the Contingent Expenses of the Senate and placed upon the calendar for consideration before this session closes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. I would like to have some information about the matter before I vote. or before I object or do not object. How much of an appropriation does the resolution carry?

Mr. THOMAS of Oklahoma. The resolution as introduced carried no appropriation. The amount was supposed to be fixed by the committee, but the committee rejected the resolution and of course it did not consider the matter of appropriation. If it should come before the Senate for consideration, then the Senate could fix the amount in its discretion. It will not take a large amount of money to carry the committee through until next December. At that time, if the committee is not through with its investigations, a further amount could be made available.

Mr. BORAH. Does the resolution provide for the appointment of a committee of the Senate to study the oil question, to travel about over the country, and so forth?

Mr. THOMAS of Oklahoma. It provides for a select committee to be appointed by the Vice President to make a study of the entire oil industry. The resolution itemizes a number of the features to be considered. The exact scope would be left to the discretion of the committee.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. THOMAS of Oklahoma. I yield.

Mr. FESS. The resolution that came to our committee provided for an appropriation of $50,000, and was rejected because there was not anything like that amount in the contingent fund.

Mr. THOMAS of Oklahoma. The Senator must be in error because I have a copy of the resolution before me and it carries no amount.

Mr. FESS. "Senate Resolution 418, by Mr. NYE, to investigate price of crude oil, $50,000 requested," is the notation on the resolution.

Mr. THOMAS of Oklahoma. That request was made in the advocacy of the resolution before the committee, but the resolution as printed, and I have here a copy of it, carries no sum whatever. The resolution I am asking unanimous consent to have placed upon the calendar carries no amount of money from the contingent fund.

Mr. BORAH. Of course, it will have to carry some amount. A Senate committee will not pay its own expenses.

Mr. THOMAS of Oklahoma. I will say that if we can get the resolution before the Senate it is my purpose to offer an amendment, on page 3, line 23, to insert the sum of $50,000, so the provision would read:

> The expenses of said investigation not exceeding in the aggregate $50,000, shall be paid from—

And so forth.

Mr. BORAH. Under those circumstances I will have to object to the unanimous-consent request.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. THOMAS of Oklahoma. Mr. President, on the 26th of February I entered a motion to discharge the Committee on Audit and Control from the further consideration of Senate Resolution 418. I now ask unanimous consent to take up that motion in order that I may get the resolution on the calendar, at which time I shall offer an amendment fixing the amount at $50,000, and if that can not be agreed to, then I shall agree to a smaller sum.

Mr. BORAH. Mr. President, let me say that I am not committed against any proposed relief for the oil interests, but I am perfectly sure that any investigation which might be made this summer will have no effect on the legislation here next winter in any way whatsoever. So far as the facts are concerned, I do not think the Senate is in want of facts. The difficulty lies in finding the remedy, a method by which we may take care of the oil situation in so far as we can do so by legislation. The vast amount of information which has come to every Senator, if he has had time to read it, is just the same information undoubtedly which would be presented to a committee, covering the same subject matters, the same facts, the same arguments, and so forth. The difficulty I have had is not in securing information as to the condition of the oil industry but in finding a remedy for it in the way of legislation. I am perfectly sure that we might spend $50,000 or $100,000 of the money of the taxpayers and get nowhere upon that proposition.

Mr. President, I have a deep-seated prejudice against certain investigations which are called "investigations." A vast number of investigating committees are created just about the time Congress is going to adjourn. Senators and Members of the House travel about over the country and in Europe at the public expense and come back here and file reports which have no more to do with the ultimate passage of legislation than if they had never been filed. I remember some years ago, I think, we had 17, at least a great number, junketing trips provided for by the Congress of the United States for one vacation. It has become almost a national scandal.

If I thought that this would really aid in the matter which the Senator from Oklahoma has in mind, I would feel differently about it, because I know the tremendous importance of the oil industry; but I sincerely believe that the Senator would expend this amount of money without reaching the matter which we will have to debate when it comes here next winter in the solution of this problem. The kind of information which he will get is not by any means equal to the information which he now has—the information which he now has, coming from those who are engaged in the industry, who know more about it than anybody else, and from all classes engaged in the industry, from the large man and the small man, from the large company and the small company. We have every phase of the matter before us now. Therefore I do not believe we will get anywhere in this way. If I could feel that we would, if some one could show me how they are going to produce any facts which we have not now in our possession and which would throw light on legislation, I would feel entirely different about it.

Mr. JOHNSON. Mr. President, I am not entirely clear whether the indictment which the Senator from Idaho [Mr. BORAH] makes of the Congress and of junketing trips is entirely accurate or not; and I do not care. I know that in 14 years of service in this body I have never been upon any junketing trip. I know that occasionally investigations have been of some aid. I know that this particular proposition, the matter of the controversy regarding oil and the matter of legislation, is one wherein there is an acute and a sharp conflict to-day. I am one of those who believe that there ought to be some remedy applied by this Congress—even in the day and a half during which it will now sit—to the oil situation.

I think it is a monstrous proposition, Mr. President, that by proration laws of the United States of America we not only permit but require our own people to produce oil in very limited quantities, and then we permit the great oil companies of this Nation to import in unlimited quantities oil into this country. There is no logic in such a situation; there is only the grossest injustice.

What the Senator from Oklahoma [Mr. THOMAS] seeks is to have an authoritative inquiry by Members of the Senate or by a select committee as to the facts. That the facts are disputed I can assure the Senator from Idaho, because I sat here for eight long days in an investigation conducted by the Committee on Commerce. I heard witnesses upon both sides; and when those witnesses had concluded, the vote on reporting out the bill was 9 to 6, I think, with a very sharp division among the members of the committee.

Mr. BORAH rose.

Mr. JOHNSON. Does the Senator from Idaho wish me to yield?

Mr. BORAH. Mr. President, I was simply going to say that the same controversy and the same dispute as to facts will come back here in the report.

Mr. JOHNSON. I concede that there will be some disputed facts, but I hope and I trust, with the leisure that a committee of investigation will have, it may reach a conclusion in unanimity, so far as they are concerned, which would be enlightening to the entire Congress. That is the whole purpose the Senator from Oklahoma seeks, and I think the purpose which is sought also by the Senator from North Dakota.

It is no answer to a purpose of that sort to say that in the past there have been junketing excursions by the House of Representatives or by the Senate of the United States. I concede that if this were to be a junketing affair alone, then there might be an objection such as is urged by the Senator from Idaho against the resolution, but if it has a real purpose in it, if there is in this country to-day a real emergency impending—and no man who knows the facts can for an instant gainsay or deny it—if to-day there is an acute cleavage between various individuals as to what may be the ultimate facts, then there can be no harm, only can there be good, in the appointment of a legitimate committee by this body to investigate the facts and report their findings to the Senate.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma [Mr. THOMAS] has the floor. Does he yield to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I yield to the Senator from Indiana.

Mr. WATSON. I wish to ask the Senator from California a question. I have an open mind on the subject. I am well aware of the fact that something ought to be done with reference to the oil industry in the United States, but I am wondering what a commission or a committee of United States Senators can find out that we do not already know?

Mr. JOHNSON. They can find out some of the facts that are now in dispute.

Mr. WATSON. What are they?

Mr. JOHNSON. Oh, there are many facts now in dispute. We find on the Atlantic coast a dispute in regard to the cost of gasoline and the like; a dispute as to the importation of gasoline and the manufacture of it from crude oil, from the different kinds of oil that are produced in the United States and those produced abroad, and whether or not one is more fitted for the manufacture of gasoline than another, and the like. There will be found disputed facts as to the employment of the oil fields; there will be found disputed questions as to the proration law, and many other matters. If there shall be a unanimity of determination upon the part of any committee, their determination will be persuasive with the House of Representatives and with the Senate.

Mr. WATSON. But have not all those questions been studied, particularly during the last year?

Mr. JOHNSON. Oh, I have no doubt they have been studied.

Mr. WATSON. And have not conclusions been reached by persons on both sides?

Mr. JOHNSON. Of course.

Mr. WATSON. My friend from California seems to have a very decided view, based on a knowledge of all the facts.

Mr. JOHNSON. I have; but that decided view I have, perhaps, would not convince the Senator from Indiana, though, if the facts were found by a committee of the Senate and were here unquestioned they might convince the Senator from Indiana.

Mr. WATSON. Would not that very much depend on the personnel of the committee?

Mr. JOHNSON. Not necessarily so. Am I to assume that a committee will be appointed whose personnel will not do its duty? I am not going to stand here in an indictment of the personnel of a committee that may be appointed by the Vice President or a committee that may be appointed by the Senate. The reason that is advanced here to prevent the adoption of this kind of resolution is merely an indictment of the United States Senate. When the time comes, Mr. President, that I have got to indict all my fellows, when the time comes that I believe this to be such a paltry and such a putrid body that it will not do its duty or will not do justice to the people of the United States, I want to leave this body; but I have reached no such conclusion thus far in my career here.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahome yield further to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I yield to the Senator from Indiana.

Mr. WATSON. The Senator knows how much I respect him and his views generally. Let me suppose that he will be put on the proposed committee, and that he goes into the question——

Mr. JOHNSON. The Senator can dismiss that supposition because I would not be put upon the committee; I do not permit myself to be put upon committees that take journeys generally at any time.

Mr. WATSON. Neither do I; I never have done so in my life, and never shall. But the Senator has full knowledge of this subject; I assume no man in this body knows more about this question than does the Senator from California.

Mr. JOHNSON. No; by no means do I concede that.

Mr. WATSON. I am conceding it; I am not asking the Senator to concede it.

Mr. JOHNSON. There is the Senator from Indiana and there is the Senator from Idaho.

Mr. WATSON. Yes; and I do not think either one of us knows much about it. This, however, is the point: We have men on one side of this question who are just as determined in their views as they can be, and presumably they are possessed of a knowledge of the facts; and we have men on the other side, like my distinguished friend from California, who claim to have a knowledge of the facts—and I think the Senator has. If we put men of both kinds on a committee, how are they ever going to reach any conclusion about it? They now know everything about it; what is there for them to ascertain?

Mr. JOHNSON. Mr. President, I have not reached that stage—indeed, my years have enabled me to say that I have reached another stage entirely—where I believe I can not learn or consider that I know all about any subject, no matter what it may be.

Mr. WATSON. But the Senator a while ago said that any man who had a knowledge of the present situation knew that there was something wrong, and that some steps ought to be taken to remedy it.

Mr. JOHNSON. Of course.

Mr. WATSON. The Senator has reached that conclusion?

Mr. JOHNSON. Yes, indeed.

Mr. WATSON. Now, suppose that the Senator from Oklahoma were on the committee?

Mr. JOHNSON. Well, what about it?

Mr. WATSON. Would he go into it with an absolutely fair and impartial mind?

Mr. JOHNSON. I think he would go into it with the same mind that we all have who believe that a certain condition exists. I do not have any doubt about that.

Mr. WATSON. Then, the point is, if we believe that a certain condition exists, that is the kind of testimony we are going to have brought forward; and how could the question be decided in such a way?

Mr. THOMAS of Oklahoma. Mr. President, I shall take no time to defend any committee that has been appointed by this honorable body. I have been appointed only to one subcommittee, and I am ready to defend the action of that committee. That committee was appointed by the Committee on Indian Affairs and for two years has made a study of the Indian problem of this Nation. It is true that this committee has traveled somewhat; it had to travel. The committee went to the Northwest; it went to the far West; it went to the Southwest; it went to the South. The committee spent some money, and already the money that has been spent by that committee is bringing forth results. Before that committee was appointed the Indian Bureau

was an impotent bureau, and as the result of the investigation made and being made the attention of that bureau, at least, has been brought to the conditions that exist throughout the Indian Service.

I have heretofore defended the action of that subcommittee, and do not at this time desire to take further time to further defend it, but I will say that, while that committee has traveled, and has spent some money, so far as I know, not a single dollar of money has been spent unwisely, and every dollar has already brought forth fruit; it is bringing forth fruit to-day, and in my opinion, will continue to bring forth fruit. If we can spend money on other committees with as satisfactory results as have flowed from the money which has been spent on that committee, then, nobody can rise in his seat here and criticize the expenditure, the time consumed, and the trips taken, even though they might be termed "junkets" by some members of this body.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. THOMAS of Oklahoma. All I am asking is unanimous consent to have the resolution considered.

Mr. BORAH. Mr. President, if the Senator wants to bring forward some measure which will have to do with future legislation or which will provide relief for some emergent situation, I will not object to the consideration of it, but I am going to object to this resolution and all other proposals of a similar kind, unless it can be shown that the case is exceptional and a course is contemplated which is different from that usually pursued by investigating committees.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. THOMAS of Oklahoma. Mr. President, I have asked unanimous consent on two propositions, and objection has been made to both such proposals. The conditions confronting us forces me to make a motion that the Senate proceed to consider the motion entered by me on February 26, the motion being as follows:

> I move that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate Resolution No. 418.

Mr. FESS. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. FESS. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. My inquiry is whether that motion can be acted upon to-day?

The VICE PRESIDENT. The motion was entered several days ago; it is in order to-day, and is debatable, it being after 2 o'clock.

Mr. HEBERT. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Rhode Island will state his parliamentary inquiry.

Mr. HEBERT. Would the motion, if agreed to, displace the pending bill?

The VICE PRESIDENT. That would be the result.

Mr. HEBERT. I hope the motion will not prevail.

Mr. THOMAS of Oklahoma. Mr. President, the remarks I am going to make now are in the nature of an appeal. At the last session of Congress we tried to tax the oil industry; we failed in that effort. In this session of Congress we have tried to place a partial embargo upon the importation of oil; we were unable to do that. And now we are proposing to study the oil industry, and objections are made.

It may be that the gigantic oil companies are too big to tax; it may be that these companies are too large to enforce an embargo against them; it may be that these companies are too big to even study. Time will tell. We are not asking for a tax to be placed on these companies in the nature of a tariff; we are not asking that even a portion of the imports be restricted; we are only asking that a committee of Members of this body be appointed with the power to make a study of the oil industry, to the end that when the Congress shall reconvene in December we may have copies of the printed hearings, if not a report, which this body and the body at the other end of the Capitol may have available for consideration in connection with legislation proposed.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. VANDENBERG. The Senator knows that I was a member of the committee that pursued the oil hearings, as the result of which I heartily agree in the Senator's view that a searching inquiry is necessary by the appropriate body in order to find a fundamental remedy for the difficulty he describes. I want to ask him whether he does not think that there might be greater utility in an inquiry by the Federal Trade Commission, with an order to report on the 1st of December, rather than an inquiry by a committee of the Senate?

Mr. THOMAS of Oklahoma. Mr. President, in answer to that inquiry—and I am glad it was made—ordinarily I should favor having an investigation made by the Federal Trade Commission. On one occasion I voted that way, and I am not sure but that I made a mistake; and I will explain why.

If this investigation is to be made by the Federal Trade Commission, and conceding that the commission make the investigation, all they can do is to have hearings and have those hearings printed and send them down to the Senate. Then some Senator or some group of Senators must take those hearings and study them second-hand to get the information that the Federal Trade Commission has.

Rather than have an investigation made by the Federal Trade Commission coming to us second-hand, I am proposing that we ourselves select a committee and instruct that committee to make the investigation themselves, so that when the Senate reconvenes we will not have a mass of hearings printed in volumes before us, but we will have at least a few Senators here upon the floor with information secured at first-hand, with the hearings to support and substantiate their positions, to advise the Senate of the disclosures made, the information secured, and the conclusions arrived at. Therefore, I would not favor at this time referring this matter to the Federal Trade Commission for the reasons stated. On the other hand, I do favor the adoption of the resolution and the creation of a special select committee to make this study.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. To a degree I am already in the position which the Senator describes. I have listened to the testimony for eight days. I have not come to the conclusion that an embargo would be of the slightest utility, but I have come to the conclusion that certain fundamental facts that could be set out in a resolution ought to be probed to the everlasting bottom. It seems to me that a body like the Federal Trade Commission can conduct that type of an inquiry with better equipment and better chance of success than a committee of the Senate, provided we order them to give us a recommendation upon a set of specifications which we might agree upon.

Mr. THOMAS of Oklahoma. Let me remind the Senator, in reply to his statement, that something like two years ago we had a resolution here from the distinguished Senator from Montana [Mr. WALSH] relating to the power question. At that time I voted to send that resolution to the Federal Trade Commission. It went there. The Commission has made a thorough and searching investigation, has held numerous hearings, and the testimony is printed in books, probably in several volumes. No one complains of the thoroughness or fairness of the investigation; but of what benefit is it to the Senate? No Member of the Senate, unless he be one who has studied the hearings, has been benefited; and that is the reason why I said a while ago that I am doubtful in my own mind if I did not make a mistake when I voted to have the Federal Trade Commission make such investigation.

Mr. FLETCHER. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Florida.

Mr. FLETCHER. The Senator stated that the Federal Trade Commission would simply gather the evidence, and the evidence could be laid before the Senate. Is it not true that the commission would make findings and recommendations as a result of their inquiry? The findings would be very valuable to the Senate; and I take it that they would not only get the evidence but they would make findings also.

Mr. THOMAS of Oklahoma. I am making no complaint of the Federal Trade Commission. I am not criticising the commission. I concede that this could be done in that way. The Federal Trade Commission might conduct a perfect hearing, get every particle of evidence possible to be procured, and then make findings that might solve the problem but of what benefit will that be to the Senate unless the Senate takes advantage of it—and I am sorry to say that is not the practice of the Senate. Even if this committee is appointed, and a thorough and searching investigation is made, and then the committee comes to a unanimous conclusion as to a remedy, I am not sure that such report would have the sympathetic support of the Senate.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. There are only two remedies which have been proposed, so far as I have seen, namely, a tariff or an embargo.

Mr. VANDENBERG. There are many other possible remedies.

Mr. BORAH. I am not talking about possible remedies; but has any other been proposed?

Mr. VANDENBERG. Will the Senator from Oklahoma yield in order that I may answer the Senator's question?

Mr. THOMAS of Oklahoma. Mr. President, I should like to answer the question myself, and then I shall be glad to yield to the Senator from Michigan.

I hold in my hand a clipping from to-day's Washington Post. It is an Associated Press dispatch dated Fort Worth, Tex., March 1, and printed this morning. This dispatch discloses that the governors of four Southwestern States met in Fort Worth, Tex., on Saturday to consider this identical proposition. The dispatch states that these four governors, unable to do anything themselves, realizing that Congress had failed and probably would fail to do anything, joined in a request to the President asking him to appeal to these big companies to "Please, Messrs. Big Companies, help the distressed oil industry." We have come to that in these United States.

Mr. BORAH. Mr. President——

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. I was asking if there have been proposed before the Congress any remedies except the tariff and an embargo.

Mr. THOMAS of Oklahoma. So far as I know, every possible remedy has been proposed in one or the other of the two Houses. If there is any remedy that has not been proposed, I am not aware of such proposed remedy.

Mr. BORAH. I have seen no remedy except the tariff and an embargo. I may have overlooked the others.

Mr. THOMAS of Oklahoma. I desire at this time to offer for the RECORD the Associated Press dispatch to which I have just referred, and ask that it be printed in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

HOOVER'S AID ASKED TO CUT OIL IMPORTS—GOVERNORS OF FOUR STATES SEEK TO STABILIZE INDUSTRY

FORT WORTH, TEX., March 1.—Govs. William H. Murray, of Oklahoma and Ross S. Sterling, of Texas, and representatives of the Governors of New Mexico and Kansas to-day requested President Hoover to ask major oil companies to limit their imports in an effort to stabilize the oil industry.

It was suggested in a telegram that the President call a conference of the major companies importing crude oil and its refined products to meet with the Oil Conservation Board and the Federal Trade Commission to discuss the proposed limitation.

"We are dealing with a grave emergency in the oil situation now existing and appeal to you, as President, to urge an immediate agreement by these importers with the sanction of the various Federal authorities," the message said.

In addition to Governors Murray and Sterling, those signing were Alfred Landon, representing Gov. Harry Woodring, of Kansas, and Dr. E. H. Wells, representing Gov. Arthur Seligman, of New Mexico.

The message to the President was dispatched from Fort Worth, where the signers were attending a conference called by Governor Murray. Last night he suggested that Oklahoma, Texas, and one other State join in an agreement to outlaw oil companies that import petroleum.

Copies of the message to President Hoover were forwarded to heads of the Shell, Indiana, Jersey, Gulf, Sinclair, and Cities Service companies. It was agreed at a final executive session that governors of States represented in the conference appoint a representative to an oil States advisory committee and that other oil-producing States be invited to take similar action and join in a consultation program.

Mr. THOMAS of Oklahoma. Mr. President, while the Senator from Pennsylvania is present, I want to advise him that on the 27th of February he is reported to have sent to Governor Pinchot a letter on the oil question. I want to advise the Senator that during the course of my remarks I shall have something to say about this letter.

Mr. REED. If the Senator will yield to me, I hope he will put my letter into the RECORD.

Mr. THOMAS of Oklahoma. I shall be very glad to comply with the request, with some comments thereon.

Mr. President, the resolution that I am trying to get before the Senate does not provide for a grand jury investigation of the oil industry. It provides only for a study of the oil industry. This is the only great industry of the country about which no investigation has been made and no legislation enacted. It is not the greatest industry in America. Agriculture is that. It is not the second greatest industry. Transportation forms the second. Agriculture, first; transportation, second; oil, third; and yet when we come here asking for a study to be made of the third largest industry in America, objection is made.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I sympathize with the views of the Senator from Oklahoma; but was not the Senator who is now addressing us misinformed when he was told that this proposition was considered in the House and the House refused to pass a measure such as that the Senator is now trying to have the Senate pass?

Mr. THOMAS of Oklahoma. The Senator has correct information.

Mr. SHIPSTEAD. Does the Senator think that if we adopt this resolution now the House will join in the action of the Senate?

Mr. THOMAS of Oklahoma. This is only a simple Senate resolution providing for the creation of a select committee to be appointed by the Vice President from members of the Senate to make a study of the oil industry, and to make a report submitting the evidence and such recommendations as the committee in its wisdom may see proper to submit.

Mr. SHIPSTEAD. The Senator realizes that if this motion is agreed to it will displace the unfinished business now pending before the Senate and will take precedence over the oleomargarine bill?

Mr. THOMAS of Oklahoma. If my motion should carry, that would be the end of the matter, and the committee would be provided for, as I see it. It is going to take some time to present the matter. It could be disposed of in a moment, otherwise.

Mr. President, I was saying that agriculture stands first among our major industries. Agriculture has an investment of approximately $60,000,000,000. It is the largest American industry in point of population, embracing some 30,000,000 of our citizens. It is the largest industry from the stand-



point of money invested, $60,000,000,000 being invested in agriculture.

Then comes, second, transportation—the railroads of the country. As to what they are worth, perhaps, we do not know. A committee was appointed some time ago and made a finding that the transp rtation systems collectively were worth something like $23,000,000,000. If they are worth that sum, or any comparable sum, transportation comes second.

Then comes the oil industry, embracing thousands and tens of thousands and hundreds of thousands of American citizens, embracing an investment of not less than $12,000,000,000 and perhaps as much as $20,000,000,000, on which we have no authentic information. Last year we asked the Tariff Commission for information, but they had none. There is no department of Government which has information which they will give us about this industry. And now, when there is a request that a committee of the Senate be appointed to get information, we are met with obstacles.

The banks of the country do not have the investment the oil industry has. The 24,000 banks in the United States have a total capital and surplus and undivided profits of approximately only $10,000,000,000. Banks are regulated and transportation is regulated. There is not a major industry in the United States that I know of save the oil industry about which the Senate has not ample information for consideration in the framing of any legislation which may be proposed for the benefit of the public. But there is the oil industry, with twelve to twenty billions invested therein, with hundreds of thousands of American citizens involved, many of them upon the verge of bankruptcy, and about that business we know little. Every time a bill is proposed upon this floor or in the other body relating to the oil industry a maze and haze and smoke screen is thrown around the measure and doubts are cast upon the relief proposed. As a result committees hesitate to recommend, and when they do recommend, the bodies to which those committees recommend refuse to act.

It is only to get information for the use of this body, and to have some Senators upon the floor familiar with the information secured, so that when legislation is proposed they can analyze the information and make it available to the Members of this body, that I propose the appointment of this committee.

Mr. President, the oil industry is divided into several different groups or activities. There is, first, the leasing activity. There is, second, the drilling activity. There is, third, the production activity. There is, fourth, the transportation, fifth, refining, and sixth, distribution. There is no information available, which can be considered as authentic and official, respecting any one of those subdivisions of the oil industry.

As an illustration of what I may term the misinformation and the lack of information in the oil industry, I desire to call attention to a letter presumed to have been prepared by one of the best-informed men on the oil industry in the Senate, a man who himself is interested in the oil business, a man who himself is reported to be or to have been the attorney for one of the great oil companies of the United States, a letter written after the Senator from Kansas had introduced his bill proposing a partial embargo upon imported oil.

It is true that we do have an oversupply of oil. America, I might state, is figuratively floating in oil. The States which are now uppermost in producing oil, California, Texas, and Oklahoma, have so much oil in sight and in storage that they can not sell it. The oil producers in those States, having unlimited oil ready to be produced for the time being, at least, having no sale for such oil, having no place to store it, have voluntarily curtailed their production, and the great Oklahoma City field, which can produce millions of barrels of oil each day, is shut down and curtailed, so that to-day a man who has an oil well in that field can produce only 1½ per cent of the time. That is about 3½ days a year.

Conditions are such in that field that men who had millions, who invested those millions there, and who struck oil, are now upon the verge of bankruptcy because they can not pay the overhead expense of taking care of the oil wells until such time as they can find a market.

After the Capper bill was introduced, the distinguished Governor of Pennsylvania, Mr. Pinchot, sent either letters or telegrams to the two Senators from Pennsylvania indorsing the Capper bill, and on the 27th of February the senior Senator from Pennsylvania [Mr. REED] is reported to have answered the message from the governor of that great State, and I have before me what purports to be a copy of the letter written by the Senator from Pennsylvania. At his request, and agreeable to my inclinations, I desire to read that letter:

FEBRUARY 27, 1931.

DEAR GOVERNOR PINCHOT: The pressure of work in the Senate has been so extreme that I have not been able to reply sooner to your letter regarding the tariff on imports of foreign oil.

The question has not come before the Senate or before any Senate committee and no action or decision has yet been required of me. If that time comes, I shall state that I have a personal interest in the matter and will ask to be excused from voting on that account.

A reasonable construction of this letter would be that the Senator from Pennsylvania is interested in the oil business. He tells us so. I read further:

It would probably be slightly advantageous to me personally to see such a tariff or embargo imposed.

At the same time, I am bound to say, first, that from the standpoint of conservation, I prefer to see the oil fields of other lands exhausted before those of our own country.

That is an alarming statement, Mr. President. Is such a statement a charitable one toward our sister nations?

The Senator from Pennsylvania proceeded:

Second, an embargo on foreign oil would probably mean a great increase in the cost of gasoline and other petroleum products all along the Atlantic seaboard; third, an embargo on foreign oil would mean the probable loss of the fine export business that we have built up in the products of petroleum, and such products would in all likelihood be manufactured in Central or South America to the very great injury of Pennsylvania; fourth, I am told that the cost of producing oil abroad is as high as it is in the United States.

Mr. President, the distinguished Senator from Pennsylvania evidently has not read the report of the Tariff Commission upon the oil industry, made in response to a resolution of the Senate. I will come to that later. I read further from the letter of the Senator from Pennsylvania:

We have always based our tariff on the difference in production costs, and we can not logically impose a tariff where the foreign cost is no lower than in America. Finally, we are under treaty obligation that we will not place an embargo or prohibition upon the import of legitimate articles of commerce. We have the right to put on a tariff, but under the treaty we can not impose an embargo.

I am sincerely sorry that my answer has been so long delayed.

Faithfully yours,

D. A. REED.

That letter was sent to Hon. Gifford Pinchot, Harrisburg, Pa.

Mr. President, the distinguished senior Senator from Idaho [Mr. BORAH] stated that we had all the information there was, as I understood him, at least all that we needed, or at least all that we could use. I refer to the distinguished Senator from Pennsylvania as perhaps the best-posted man in the Senate on the oil industry, and if the letter I have just read is a sample of the information he has and a sample of its accuracy, then I can not agree with the distinguished Senator from Idaho; and I have authority to sustain my viewpoint, which I will exhibit to the Senate in the course of my remarks.

Mr. President, during the consideration of the tariff bill last year a provision was incorporated directing the Tariff Commission to make a study of one phase only of the oil industry. The Tariff Commission, in obedience to that request, spent the summer on just one single phase of that industry, and submitted a report to this body on the 26th of January.

The Senator from Pennsylvania states in his letter that there is no difference between the cost of producing oil in America and in Venezuela. I now read from the report submitted by the Tariff Commission upon that identical point.

The average cost of production of crude petroleum at the well, for 1927, 1928, and 1929, in the States of Oklahoma, Texas, Arkansas, Kansas, Louisiana, and New Mexico, from which States is obtained the great bulk of the domestic oil refined along the Atlantic seaboard, was $1.10.

According to this report it cost $1.10 in any of those States to produce a barrel of oil on top of the ground. That means the cost of drilling, the cost of pumping and producing one barrel of oil in the mid-continent field, and placing that barrel of oil on top of the ground.

The resolution which called for the investigation asked the commission not only to find the cost of producing oil on top of the ground, but to find the cost of producing the oil and delivering it to the Atlantic seaboard.

They find that it costs $1.10 to produce the oil on top of the ground in any of the States just mentioned. Here is what the commission said as to the cost of transporting the oil to the Atlantic seaboard:

The cost of transporting this oil to the Atlantic seaboard was 88 cents, including pipe-line charges to Gulf ports, a purchasing charge of 10 cents per barrel, and tanker charges from Gulf ports to the Atlantic seaboard. The total cost of the oil delivered at Atlantic seaboard was, therefore, $1.98 per barrel. This cost is computed on the basis of "company interest oil," i. e., royalty oil has not been included in total production, and includes interest at 6 per cent on the investment of the companies.

So we have here a report on one feature only of the oil industry, and that is the cost of producing oil in six or seven interior States known as the mid-continent field, and transporting the oil from that field to the Atlantic seaboard. That cost is $1.98 per barrel. The Tariff Commission gives the cost of producing oil in Venezuela and delivering that same oil to the Atlantic seaboard. The cost is as follows:

The cost of production of oil in the Maracaibo Basin of Venezuela in 1929 (sec. 332 (f) calls for "present" cost and 1929 is the latest year for which costs were available) was 56 cents at the point of transfer to ocean tankers.

It costs $1.10 per barrel to produce oil from the ground and bring it to the top of the ground in the mid-continent field, while in Venezuela it costs only 56 cents. The cost of producing oil in Venezuela and bringing that oil to the top of the ground is practically one-half of the cost in the mid-continent field for the very same identical effort.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. THOMAS of Oklahoma. I yield.

Mr. TYDINGS. The remarks of the Senator are very interesting. I have been wondering if the quality of oil is the same, and, if the Venezuelan oil were placed in competition with the mid-continent oil, all other things being equal, whether they would both command the same price?

Mr. THOMAS of Oklahoma. I will say in reply to the question of the distinguished Senator from Maryland that that is a controversial question. We do not know. In this report the Tariff Commission undertakes to settle the question, but they do not know. Chemical tests have not been made, and that is one of the controversial questions which the committee should study. I will say, however, that the report, although the commission were not called upon to do it, did find that the Venezuelan oil is not of the high-grade and high-standing of the mid-continent oil. That may be true, but until we have some authentic figures, some analyses made, some investigation made, I could not concede it, because the Atlantic seaboard refineries and those who use oil are only too glad to get the Venezuelan oil.

Mr. TYDINGS. As I recall, it was stated, perhaps by the Venezuelan oil people, that their oil is not as rich in its gasoline content as our mid-continent oil and therefore they claim that their oil, more so than mid-continent oil, is used in the manufacture of by-products, of which I recall asphalt as one of the chief products. I think the observation of the Senator from Oklahoma is very fair as to the difference in cost. I myself would like to know just what the potential difference in value is as to the marketing feature between the Venezuelan oil on the one hand and mid-continent oil on the other hand.

Mr. THOMAS of Oklahoma. Rehearsing briefly, it costs $1.98 to produce oil in the mid-continent field and transport it to the Atlantic seaboard. We can produce oil in Venezuela from the ground, bring it to the top of the ground, for 56 cents a barrel. I read further from the report:

Transportation and other charges necessary to deliver the oil to the Atlantic seaboard were 23 cents, making a total of 79 cents, cost delivered at Atlantic seaboard refineries.

Mr. President, there we have the information—$1.98 mid-continent oil and 59 cents Venezuelan oil, a difference of $1.19 in favor of Venezuelan oil and to the disfavor and disadvantage of that vast area known as the mid-continent field, and those thousands and tens of thousands engaged in the oil business who are now out of employment because Venezuelan oil is taking the place of our American oil.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. THOMAS of Oklahoma. Certainly.

Mr. TYDINGS. I was interested in comparing the figures relating to the Atlantic seaboard as adduced by the Tariff Commission. I was wondering whether the Senator has comparable figures for some point in the interior, for example, Cleveland or Chicago or St. Louis, showing how the freight rates on the Venezuelan oil would add to its cost and whether or not the mid-continent people would be able to sell in competition at those points with Venezuelan oil.

Mr. THOMAS of Oklahoma. At the present time the mid-continent field is forced to sell in competition with the oil of the world. At the present time the price of oil, not only in my section of the country, but of the oil on the Atlantic seaboard, is fixed by the world price of oil, just like the price of wheat in the absence of a tariff is fixed by the world price, just like any other commodity upon a world basis without protective tariff of any kind has its price fixed by the world price of that commodity. To-day the price of oil is fixed in this free-trade world by the world market.

Mr. TYDINGS. It has been contended that we export a little more oil than we import. I have forgotten the figures for the moment. I have heard it argued that if we were to completely bar out Venezuelan oil, then instead of having that oil brought to the United States and refined here as at present is the case, our factories would move to Venezuela and Venezuelan oil, which can be produced very cheaply——

Mr. THOMAS of Oklahoma. I understand the Senator's question. I know what is in the Senator's mind, although he has not completed his question.

Mr. TYDINGS. If we drive our refineries to Venezuela, where the cost of producing the oil and the cost of refining it are both lower than is the case when it is done in the United States, and then that oil so produced and refined in Venezuela is not salable in America because of an embargo or prohibitive tariff, would it not be sent to Europe and take the place of oil which we are now exporting there?

Mr. THOMAS of Oklahoma. Let me answer the Senator's question. It is not necessary to carry the question any further. It is true that they are producing oil in Venezuela and Colombia and the Dutch West Indies and other parts of South America and other parts of the world. The finest refinery that to-day exists is on the island of Aruba. That refinery is capable of processing hundreds of thousands of barrels of oil a day. That refinery has access to all the oil it needs and can use. The owners of that refinery are now searching the markets of the world to find a market for their products. They are competing with all the oil interests in the world. They are selling every barrel of oil and every gallon of gasoline and everything that is made from oil throughout the world to the very best of their ability.

Mr. President, I have a very large amount of very valuable information which I would like to place in the RECORD. I am glad I have some interested auditors. But realizing the situation, I renew my request for unanimous consent that the Committee to Audit and Control be discharged from the further consideration of Senate Resolution 418, that it

be placed upon the calendar, with an agreement that an amendment shall be placed therein that a sum of money not in excess of $10,000 shall be available for use in payment of the expenses of such committee.

The VICE PRESIDENT. All of those matters may not be included in a unanimous-consent request.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. I am willing to consent that the Committee to Audit and Control be discharged and that the resolution be placed upon the calendar.

Mr. BLAINE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BLAINE. If the request as submitted were agreed to, would it displace the unfinished business, the copyright bill?

The VICE PRESIDENT. Not if done by unanimous consent, but if there is a motion made, and a vote had and agreed to, to consider the resolution, it would displace the unfinished business.

Mr. BLAINE. Reserving the right to object, I want to be perfectly consistent, and I want to be perfectly fair. I objected to a report being made from the Committee on Immigration and to placing on the calendar some reports of bills from that committee. My feeling is that there ought to be some disposition if possible of the copyright bill, and then let the friends of the bill relating to oleomargarine take it up. Unless there is some consideration given to that matter I am compelled by force of circumstances, and out of consideration for that great industry, to object to any unanimous-consent request.

Mr. WATSON. Mr. President, before the Senator objects, let me say that I share with the Senator in his desire to have the other bills considered. If the Committee to Audit and Control be not discharged by unanimous consent, then the matter must go to the calendar and can not come up until to-morrow under any condition. That would not possibly interfere with the oleomargarine bill or the copyright bill. But if that be not done, I am informed that the Senator from Oklahoma [Mr. THOMAS] intends to occupy the attention of the Senate for some time, and then we would be interfering with and impeding the progress of the very measures in which the Senator from Wisconsin is interested. Therefore I appeal to the Senator to permit the unanimous consent to be had to discharge the Committee to Audit and Control and let the resolution go to the calendar.

Mr. BLAINE. Of course, exactly the same situation may obtain when the resolution goes to the calendar. If the unanimous consent is not given for its consideration, or if upon motion to take it up it is not given consideration, we might then be faced with identically the same situation. We might as well face the situation now as any time.

Mr. WATSON. Of course, the Senator to-morrow would have a right to move to take up the resolution and have a vote on his motion. I am assuming that if we let the resolution go to the calendar and the Senator from Oklahoma has an opportunity to make a motion to bring it up for consideration, and that motion is voted down, the Senator would be quite content. He can not desire to overrule a majority of the Senate in regard to the matter.

Mr. BLAINE. I appreciate all the Senator from Indiana has said; but if the Senator from Oklahoma should submit a motion to take up the resolution, then that motion is debatable, and we are then confronted with identically the same situation as that which now confronts us.

Mr. WATSON. Let me say to my friend from Wisconsin that it being debatable, if the Senator from Oklahoma takes all of the time available for debate, he never would settle the question. The Senator from Oklahoma wants his resolution adopted, and he will never get action on it or know the attitude of the Senate upon it until a vote is had. Therefore, if he talks needlessly, there will never be any vote, and he will never get anywhere with his motion or his resolution.

Mr. THOMAS of Oklahoma. Mr. President, I do not think I am laboring under any illusions. I have two courses open to me. One is to yield the floor and let the resolution come out of the committee and go on the calendar, which would be a fine morgue, as would be discovered after Wednesday noon, March 4, when we must adjourn.

My other recourse is to continue to keep the floor, discuss the oil question, and perhaps assist in making the record relating to this most important question.

Mr. FESS. Mr. President, will the Senator from Oklahoma yield to me?

Mr. THOMAS of Oklahoma. I yield to the Senator from Ohio.

Mr. FESS. Mr. President, this resolution came before the Committee to Audit and Control the Contingent Expenses of the Senate, and it was represented to us that it would require an expenditure of $50,000. There were several other resolutions before our committee, one of which would require an expenditure of $75,000, and, in fact, there were resolutions which contemplated expenditures amounting to $219,000.

I have great sympathy with what the Senator from Oklahoma has been attempting to do in finding a solution of this problem, if it may be found. As the Senator knows, I went along with him in the former discussion of the subject. However, it was the situation as to the amount of money that was asked, in view of the other claims, that was controlling with me. I do not know how the other Senators felt; but the committee voted adversely on reporting the resolution.

The Senator then took occasion, which was within his right, to make a motion to discharge the committee from the further consideration of the resolution. That motion is not offensive to the members of the committee. If the amount were fixed within reason, it would indicate that the committee did not intend to go all over the world to make an investigation. I am in sympathy with what the Senator has been saying, and I should be very glad to see the committee discharged from the further consideration of the resolution and action taken thereon, if it may be understood that the resolution will go to the calendar and come up in the regular way for consideration.

Mr. BINGHAM. Mr. President, will the Senator from Oklahoma yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Connecticut?

Mr. THOMAS of Oklahoma. I yield.

Mr. BINGHAM. The Senator from Ohio (Mr. FESS) knows that I have been interested in an item on behalf of several Senators from the Western States whose secretaries have to pay their own expenses when they go home at the end of the session or else the Senators themselves have to put their hands into their pockets to the extent of several hundred dollars each to pay the expenses of their secretaries in accompanying the Senators to their homes and the expenses incurred in returning. I have been appealed to, chiefly because it makes very little difference to those of us who live in the Northeast, as a matter of justice to try to secure an appropriation or an amount sufficient to pay a moderate mileage for the secretaries of Senators, one secretary for each Senator and one for the Vice President on the certificate from the Senator or the Vice President that such travel was necessary.

Such a resolution has been twice adopted by the Senate in the form of an amendment to an appropriation bill, and has twice been thrown out by the House conferees, and a resolution authorizing that the expenditure be taken out of the contingent fund of the Senate has been before the Committee to Audit and Control the Contingent Expenses of the Senate for about a year. I wrote letters to members of that committee not very long ago, asking them if they could not do something in regard to this matter, because I know that it means a great deal to many of my friends, although it means very little to those of us, as I have stated, who come from the Northeast.

Mr. THOMAS of Oklahoma. Mr. President——

Mr. BINGHAM. The committee adjourned, however, without taking any action; and I merely wanted to ask the Senator from Ohio if he would have any objection to my making a motion to discharge the Committee to Audit and

Control the Contingent Expenses of the Senate from the further consideration of that resolution also in order that we may have it before the Senate?

Mr. FESS. Mr. President, will the Senator from Connecticut yield to me?

The VICE PRESIDENT. The Senator from Oklahoma [Mr. THOMAS] has the floor.

Mr. THOMAS of Oklahoma. I do not care to yield for the discussion of some other resolution.

The VICE PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. BLAINE. Mr. President, I want to make a suggestion.

Mr. THOMAS of Oklahoma. I yield to the Senator from Wisconsin.

Mr. BLAINE. I am very much disposed to support the resolution to which the Senator from Oklahoma is addressing himself for an investigation of the whole question of the oil industry. I do not want to propose any bargain to the Senator, but I want to ask the Senator, in case we are able to bring the oleomargarine bill before the Senate, would he be disposed then to postpone action on that bill in any respect?

Mr. THOMAS of Oklahoma. I should be very glad to agree that, in the event we can have an agreement to that effect, the oleomargarine bill may be brought up and that the Capper bill may be attached to it as an amendment and be passed. I shall be very glad to agree to that procedure, and, in that event, I shall withdraw my motion.

Mr. BLAINE. I do not recall the bill to which the Senator refers, as there are so many Capper bills. To which particular bill does the Senator refer?

Mr. THOMAS of Oklahoma. I refer to the Capper bill proposing an embargo on imported oil.

Mr. BLAINE. I do not know just how material that is or how relevant it is to the question I was discussing, but I should be disposed to withdraw my objection to the request of the Senator from Oklahoma if we could have reasonable assurance if the oleomargarine bill is taken up, that when it is taken up, that it may go along. I am not asking anyone to agree what shall be done with it at all, but that the debate thereon may proceed without any indication of unnecessary delay. I would then be perfectly willing and anxious to accommodate the Senator from Oklahoma and withdraw my objection to the Senator's request, and let the committee be discharged from the consideration of his resolution and that the resolution may be placed upon the calendar. I will accept the assurance of the Senator from Oklahoma on that suggestion.

Mr. HEBERT. Mr. President, will the Senator from Oklahoma yield to me?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Rhode Island?

Mr. THOMAS of Oklahoma. I yield.

Mr. HEBERT. May I ask if the suggestion of the Senator from Wisconsin, should it be agreed to, would result in displacing the pending bill—the unfinished business?

Mr. BLAINE. Mr. President, I have not made any request for a unanimous-consent agreement, but I rather assume that during the course of the debate, if we are making no headway with the pending bill, then clearly it would be appropriate to move to take up the oleomargarine bill; and if a majority of the Senate desire to take it up, then, of course, it ought to be taken up.

Mr. ROBINSON of Arkansas. That bill is on the calendar.

Mr. BLAINE. The oleomargarine bill?

Mr. ROBINSON of Arkansas. Yes.

Mr. BLAINE. There are two such bills on the calendar—one reported from the Senate committee and one coming over from the House. A motion to take up either bill is in order at any time.

Mr. ROBINSON of Arkansas. Yes. I was just going to suggest that the Senator is encumbering the request of the Senator from Oklahoma. It seems to me, if I may say so to the Senator from Wisconsin, that the request of the Senator from Oklahoma is a reasonable one. It merely puts his resolution in a situation where it may be acted upon, if the Senate desires to take action with respect to it. It is now pending in the committee, and, of course, unless that committee is discharged he is deprived of the opportunity of even requesting the Senate to proceed to its consideration.

The Senator from Wisconsin can move, of course, as he well knows—I do not need to tell him that—to proceed to the consideration of another bill while this or any other bill is before the Senate.

Mr. SHIPSTEAD. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Would the Senator be satisfied if a unanimous-consent agreement were entered into fixing a certain time for a vote on the Senator's motion?

Mr. THOMAS of Oklahoma. Yes; I would agree to that.

The VICE PRESIDENT. The Senator from Oklahoma has the floor on his request for unanimous consent.

Mr. THOMAS of Oklahoma. I withdraw that request.

The VICE PRESIDENT. The request is withdrawn. The Senator from Oklahoma has the floor. The Chair will suggest that under the rules, without unanimous consent, the Senator has no right to yield except for a question and the Chair hopes the Senator will observe the rule.

Mr. THOMAS of Oklahoma. Mr. President, I was attempting to call the attention of the Senate to a letter written by the Senator from Pennsylvania [Mr. REED] to the Governor of Pennsylvania in which some startling statements were made. The first statement to which I was trying to call the attention of the Senate is as follows:

> I am told that the cost of producing oil abroad is as high as it is in the United States.

That statement could not have been made if the Senator has ever read the report submitted by the Tariff Commission on January 26, because on the first page of that report it is stated:

> The cost of producing oil in America is $1.98 a barrel, while the cost of producing oil in Venezuela and bringing it to America is only 79 cents per barrel.

In other words, oil can be produced in Venezuela and brought to the Atlantic seaboard and sold for 79 cents a barrel, while oil produced in the interior of the United States, in the mid-continent field, when delivered at the Atlantic seaboard must bring $1.98 if the producers and the transporters are to get first cost. There is a differential of $1.19, and even the distinguished Senator from Pennsylvania, himself the admitted owner of oil stock, in the past reputed to have been attorney for oil companies, and one of the best informed men upon this floor, did not know that fact. It is exactly such misinformation, Mr. President, which we find in the minds of Senators that when we propose something relating to oil causes a smoke screen to be thrown up, and we get no place. The resolution is proposed in the hope of securing some information on many points, such as the Tariff Commission obtained as to one point, so that when next winter comes and some relief is proposed for those in the oil business if they are still alive, we can have some reliable, official authentic facts to sustain the contentions which will be made.

Again says the Senator from Pennsylvania—

> I prefer to see the oil fields of other lands exhausted before those of our own country.

Mr. President, who is exhausting the resources of other lands. It is not their nationals; it is either the nationals of the United States or the nationals of some other country in the main. Take the poor little country of Venezuela, there is competition going on there now between the nationals of America and the nationals of Great Britain and the nationals of Holland as to who shall first exhaust the resources of that country. That certainly is not a charitable view to take toward a sister Republic, located to the south of us, that we will exhaust their resources first and save ours.

That brings up another question, namely, what are the resources of America? Is it true that the American oil resources are about gone? That is a controversial question. I have some figures which I will give to the Senate.

I can not vouch for them because they change from year to year; but we have some figures, and, according to the best experts we have, the oil now in sight is sufficient to last America for 500 years. If the policy of the Senator from Pennsylvania shall be followed we will keep those resources perhaps for 500 years.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I will yield only for such proceedings as will not cause me to lose the floor, and I depend upon the Presiding Officer to protect my rights to the floor.

Mr. WATSON. I merely desire to ask a question. If the Senator is not willing to ask unanimous consent that the committee may be discharged from the further consideration of the resolution and to place it on the calendar, will he permit me to make that request?

Mr. THOMAS of Oklahoma. Mr. President, in the last 30 minutes I have seen a good many winks going over this Chamber, and, while my eyesight is not the best, I can still see. I am not deceived. I am laboring under no illusion. I know Senators are trying to get me from the floor, and if I yield the floor that is the end of this controversy. I choose to proceed, Mr. President.

The VICE PRESIDENT. The Senator declines to yield further.

Mr. THOMAS of Oklahoma. Mr. President, the records show that we have already, since oil was discovered, produced and used in these United States something like 11,000,000,000 barrels of oil. Eleven billion barrels of oil have been produced and used, and the rate of consumption to-day is a billion barrels a year. The best information we have is that we have now discovered and have in sight oil reserves which probably will yield as much as 27,500,000,000 barrels of oil.

In the 20 or 30 years that we have been producing oil we have produced 11,000,000,000 barrels of oil and used it, and we now have in sight 27,500,000,000 barrels more; and each year we are discovering more oil than we discovered the year before.

Mr. REED. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahome yield to the Senator from Pennsylvania?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. REED. If we have only 27,000,000,000 barrels of oil in sight and we are using 1,000,000,000 barrels per year, how can the Senator say that we have 500 years' oil supply in reserve?

Mr. THOMAS of Oklahoma. I am delighted that the Senator asked that question. He does not know, or he would not have asked the question. I am glad to give the Senator the information.

Mr. REED. 500 times 1 is not 27.

Mr. THOMAS of Oklahoma. Mr. President, I made the statement that we now have in sight, in reserves known to exist, an estimate of 27,500,000,000 barrels of oil—Item No. 1.

Then we have, in the Western States, great shale beds. Colorado, Utah, Nevada, and other Western States, have these gigantic shale beds; and scientists advise us that those shale beds are so enormous that it is estimated they will produce a total quantity of 92,000,000,000 barrels of oil.

I do not know how much oil is in that shale. No one knows. We know that there is some oil there. It has been discovered, and it is being produced. Oil from shale is now being produced in Colorado. The process is expensive; the machinery is crude; but there is the shale. It contains oil, and the experts tell us that there are 92,000,000,000 barrels of oil known to exist in the shale deposits of the Central Western States.

Then, Mr. President, we have vast coal fields in this Republic. The Senator's State is a great coal-producing area. West Virginia is a great coal-producing State. Oklahoma is a great coal-producing State; and these coal fields are known. Oil can be produced from coal. It has been produced from coal. It is being produced from coal. It is estimated that the coal now known to exist, when processed, will give forth crude oil in the amount of 595,000,000,000 barrels. I do not know whether or not that is correct; but I have the authority here from the hearings before the Senate Committee on Commerce. The authority I cite is Mr. Arnold. He qualified as an expert. Whether or not he is, I can not say. He testified before the committee on page 69, and I desire briefly to refer to one or two questions and answers. The questions were propounded by myself.

> Senator THOMAS. Mr. Chairman, at this point, might I ask a question?
>
> The CHAIRMAN. Indeed, yes.
>
> Senator THOMAS. What is the oil consumption of the United States to-day per annum, approximately?

This question was asked of Mr. Arnold, an expert who qualified before that committee. Mr. Arnold replied:

> I have not the figures right here.
>
> Senator THOMAS. It is around 1,000,000,000 barrels?
>
> Mr. ARNOLD. It is around 1,000,000,000 barrels a year.
>
> Senator THOMAS. From your estimate, for how many years do we have a supply of oil; that is, what you term in sight?
>
> Mr. ARNOLD. We have worked that out a little more definitely, according to the rate at which the oil would probably be used, and past development has been over a period of 70 years. It will probably take us about 30 years more to discover all the new fields; that is, on an average. In some States it will probably take longer, because the geology is more complex or less understood. But, in general, about 30 years from now we ought to have about all of our resources uncovered. The peak of production in the United States may have been passed in 1929.
>
> Senator THOMAS. My question is this: At the present rate of increased consumption, using that in connection with the amount of oil that we now have in sight, how much time in the future would you estimate we will have an ample supply of oil for our essential needs?
>
> Mr. ARNOLD. Well, roughly speaking, from all sources about 500 years.

Mr. President, I do not rely upon this hearing as being absolutely authentic. It is the best, perhaps, that we have, and about the only information that we have. I desire at this point to call the attention of the Senate to information that I think probably is more authentic than that contained in the hearing just referred to.

I hold in my hand a report of the Standard Oil Co. of New Jersey for the year ending December 31, 1928. This copy is presumed to have been a report made by Mr. W. C. Teagle, the president of the Standard Oil Co. of New Jersey, to his stockholders. It is of date May 15, 1929. It is addressed to the stockholders. It may be a confidential report. I do not know. It was not placed in my hands in confidence. I quote from that report. Mr. Arnold says that we have oil in sight for 500 years.

I am now going to give you the best information I think we have in America on this proposition, and it is the information that Mr. Teagle, the president of the Standard Oil Co. of New Jersey, gave his stockholders. I think, first, he is stating the truth; and I think, second, he knows; and here is what he says.

I shall have to read several lines to get down to the point that answers the question of the Senator from Pennsylvania. It is in the conclusion of this report to the stockholders of that company. Says Mr. Teagle:

> The record of 1928 is more encouraging in the promise of further progress that it has held out than in the material results actually attained. There is ground for optimism in the clear understanding which the industry now has of the shortcomings of a system of haphazard production and in the realization that the large reserves of oil above ground, the increasing percentage of like products obtained from crude and the greater surety of finding new production where geophysical devices can be employed—

Here is the point to which I wish to call the Senator's attention—

> have placed the industry in the position where it can deliver petroleum products for essential uses indefinitely.

Mr. President, "indefinitely" is far more comprehensive than "500 years." Mr. Arnold says we have oil in sight for

500 years. The Standard Oil Co. says we have oil in sight indefinitely. Yet the distinguished Senator from Pennsylvania wants us to hold our reserves of oil, our reserves of shale, and our reserves of coal until the other countries of the world have exhausted their petroleum resources.

Why not apply that policy to steel? Why not apply it to copper? Why not apply it to lumber? Why not apply it to aluminum? Why not apply it to wheat and corn and meat? We can get wheat cheaper from Russia than we can grow it in America. We can get some of these other essential elements cheaper from abroad than we can produce them here; and if that policy should be established, what havoc would it bring forth among the people of this Republic!

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. REED. Does not the Senator see any difference between natural resources that can not be replaced, such as petroleum and iron ore and the other minerals, and these crops which are grown annually, such as wheat and corn? Can not the Senator see that the whole doctrine of conservation that applies to these irreplaceable natural resources does not at all apply to domestic products like these annual crops?

Mr. THOMAS of Oklahoma. Mr. President, the production of wheat destroys the soil from which that wheat is produced. The production of corn destroys the soil from which that corn is produced. The production of cotton destroys the soil from which the cotton is produced. Of course, the soil can be rebuilt.

Mr. REED. May I ask the Senator another question?

Mr. THOMAS of Oklahoma. I yield.

Mr. REED. Speaking of the destruction of the soil, does not the Senator know that in France to-day, on fields that have been tilled for 2,000 years, they are growing three times as many bushels of wheat per acre as we are growing in North Dakota?

Mr. THOMAS of Oklahoma. Mr. President, that brings to my mind a conservation congress called in Washington 25 years ago. This congress was called by President Roosevelt. It was called to consider means and methods for conserving our coal supplies. At that time, oil was a comparatively new discovery. No great use could be made of oil. At that time the coal reserves of the Nation were being rapidly exhausted; and those in charge of our Government, looking not only at the present but the future, became alarmed, and the President called this congress to find ways to conserve coal. The congress met and no doubt they figured and taxed their brains to find means to conserve the coal lying underneath the ground of Pennsylvania and West Virginia and Ohio and Oklahoma and Indiana and numerous other States.

What has now happened to coal? Why, coal is a worthless product. There is no demand now for the millions of tons of coal underlying the States of the East or the West. There will be no demand for coal in the immediate future. There can not be any demand for coal in the immediate future. So far as we now know, the only value of coal will be to keep it stored in its present place until our oil reserves are gone, and then perchance bring it forth and, through the Burgess process or some other process, reduce such coal to oil to take the place of the oil that we are using now.

Mr. President, I have just referred to the statement of the Senator in his famous letter that he wants to exhaust the resources of our sister nations before we exhaust our own resources. The third proposal made here is as follows:

3. An embargo on foreign oil would probably mean a great increase in the cost of gasoline and other petroleum products all along the Atlantic seaboard.

Mr. President, that may be true. I do not know. The Senator does not know, because he said "probably." It is positive information that I am hoping to arrive at through the appointment of a special select committee that may make a study of the oil question.

Then, says the Senator in his famous letter:

An embargo on foreign oil would mean the probable loss of the fine export business that we have built up in the products of petroleum; and said products would in all likelihood be manufactured in Central or South America, to the very great injury of Pennsylvania.

Mr. President, the Senator in this letter speaks for the interests of Pennsylvania. This letter speaks for the interest of the Atlantic seaboard. I complain not at the interests of Pennsylvania. If they are not prosperous, I sympathize with the institutions of Pennsylvania, and I hope for their speedy return to prosperity.

This letter speaks for those along the Atlantic seaboard. If they are not prosperous, I sympathize with them and I hope the time will soon come when the industries along the Atlantic seaboard may likewise return to prosperity. But what will make the institutions of Pennsylvania prosperous? What will make the institutions along the Atlantic seaboard prosperous? Let the people out yonder in the West, producing oil, have a market for their oil and get some money with which to buy the products of Pennsylvania and to buy the products along the Atlantic seaboard and prosperity will return to Pennsylvania and the Atlantic seaboard.

Mr. REED. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. REED. Does the Senator think it strange or reprehensible that one should mention Pennsylvania in a letter addressed to the Governor of Pennsylvania, who presumably is thinking about the interests of that State above all others?

Mr. THOMAS of Oklahoma. Mr. President, no one can criticize the distinguished Senator from Pennsylvania for not forgetting Pennsylvania. I might say in his behalf, as I have said publicly before, that there is no man upon this floor who has more information than has the Senator from Pennsylvania. There is no more efficient Senator in this body than the senior Senator from Pennsylvania. We listen daily to his statements and usually accept them without question. Pennsylvania is in no danger of being harmed or injured so long as the senior Senator from Pennsylvania retains his health and chooses to accept a seat in the Senate of the United States.

It is stated here that if we should interfere in any way with some of these oil companies' operations, our export business would be interfered with. There is not an oil company in the United States but what to-day is selling abroad every barrel of crude it can sell. There is not an oil company abroad that is not to-day selling every barrel it can both in the United States and abroad. Action by Congress now would not increase the competition. We would still have to compete with the world in the production of oil, in the processing of oil, and in the sale of oil, and these foreign companies will not cease their competitive methods because we take some action here or fail to take some action. They will still try to sell every barrel they can. If we should exclude the importations of foreign oil to the United States, that would have no perceptible effect upon them. They would still sell all they could everywhere throughout the world.

Mr. President, as I stated a moment ago, on the island of Aruba is one of the largest refineries in the world. It is now in position to process approximately 200,000 barrels of crude oil per day. That refinery is looking for an outlet for all the refined products from that oil. It is selling those products in the United States in competition with the products of high-priced oil produced by our people here, who are forced to sell for less than the cost of production, as they have been forced to sell for a year or two now, and because of such unjust competition they are on the verge of bankruptcy. Many of them have succumbed, and I should not be surprised, when Wednesday noon comes and this session of the Congress adjourns, and the independent oil industry knows that no help can be possibly brought to them, if we would have a revolution in this industry, and I will explain what I mean by "revolution." In my State and other

States there is proration. The producers are required by law to hold their oil in the ground; they can not bring it to the surface and if, perchance, they do, they can not sell it. If no relief is forthcoming from the Congress, proration may be overthrown in the Southwestern States, and the oil now kept in and valved in will come forth, and if it does, what will be the result? There will be no one to buy it. More oil is now produced than can be sold. It is now bringing 75 to 80 cents a barrel, and if those oil wells are turned loose there will be no market for the oil at even 75 cents a barrel or even 50 cents a barrel. In anticipation of that very thing, one great company has a posted price throughout the mid-continent field of 40 cents a barrel, and when its empty storage is filled at 40 cents a barrel, what then will happen? There will be no market whatever for such surplus oil. What will that mean? With the oil companies and individuals in the oil business in that section of the country now heavily mortgaged, heavily encumbered at the banks for everything they have, when the break comes, the banks will step in, receivers will be appointed, and those people having worked a lifetime, heretofore in affluent circumstances, some supposed to be millionaires, will find themselves even worse than paupers.

Mr. President, that is what we see in prospect. I hope it will not come to pass. The only excuse I have to offer for using this time upon this floor is that I might in some way secure the appointment of a committee, not to indict an oil company, not even to investigate an oil company, as we use the term "investigate," but to study the oil situation, in the hope that even that activiy will inspire sufficient hope in this industry now carrying this terrific burden that they may still continue to carry on until Congress shall meet again in December, when some plan may be proposed which will bring some benefits to those now engaged in the third largest business in the United States.

Mr. President, as I said a while ago, the oil industry is the third largest industry in the United States. Yet one can not put his finger on a single law upon the Federal statute books for the regulation or control of this gigantic industry.

Agriculture has been regulated, the railroads have been regulated and helped, the banks have been regulated and helped, but when on behalf of the oil industry a plan is proposed before the Senate, that plan is blocked. When some other plan is proposed, that plan is blocked. There is no chance to get a tariff, no chance for a partial embargo, and now, in the closing hours of the session, when we are asking for an opportunity to make a study of the third largest business in the United States, we find determined opposition.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. I yield.

Mr. CONNALLY. I want to ask the Senator whether it is not his understanding that the scope of the resolution is much larger than a mere resolution of investigation? Would it not permit the committee to go into the question of the spread between the price of crude oil and the price of the refined product which the consumer pays? In that connection I desire to direct the Senator's attention to a statement made here frequently, that since the drop in the price of crude oil, gasoline in 50 selected cities of the United States has been selling at a higher figure than prior to the drop in the price of crude.

Mr. THOMAS of Oklahoma. Mr. President, it is true that the resolution is very sweeping. If this resolution should be adopted, the committee operating under it could do anything it wanted to in the way of investigation. But the selection of the committee would rest with the Vice President. I have confidence in his judgment. I am making this effort in good faith. I know the Vice President will appoint a committee in good faith, and I have confidence that that committee, composed of representative Senators, the selection of the Vice President, will not abuse their power, that they will not take useless junkets, that they will not spend money indiscriminately or uselessly, but that they will make a study of this industry, and will not abuse the confidence reposed in them by the Vice President and reposed in them by the proponents of the resolution.

I said a moment ago that agriculture was the largest industry in the United States. It has had attention. A law has been enacted in its interest. Transportation, the second largest industry, has had attention. The oil industry is third. Does anyone doubt that the oil industry is the third largest industry in the United States? If he does, I will yield now for an expression on the suggestion and statement.

There are more people interested financially in the oil business than in our banks. There is a larger initial investment in the oil industry to-day than in all of the 24,000 banks of the United States. Yet the United States Senate is in supreme ignorance of the facts surrounding that industry. When there is demand for the adoption of a simple resolution for a study of the industry, at practically nominal cost, we find determined opposition.

I wonder why this opposition. Can anyone who is now doing me the honor of listening to me offer a reasonable excuse as to why this study is opposed?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WHEELER. It is opposed, I presume, because of the fact that the Mellon interests and the Standard Oil interests do not want to see any investigation of the industry. I am frank to say to the Senator that I would like to see the investigation, because I would like to have some facts. I am in sympathy with his resolution. Some of the people interested in the oil business in my State have asked for a tariff upon oil. I am frank to say to the Senator that I have not sufficient facts in my possession to justify me in voting for a tariff upon oil. If they are justified in having it, I would be glad to have a committee of the Senate make an investigation and present its report to the Senate, so that we would have some facts before us and not merely propaganda by those who are interested either for or against a tariff.

Mr. THOMAS of Oklahoma. Mr. President, as before stated, I am not asking the Congress to tax these companies. They will not consent to be taxed and we have not the power to tax them. If we have it, we have failed and refused to exercise it.

I am not asking now for even the imposition of a partial or temporary embargo upon these companies. If we have the power to enact such legislation, we have refused and failed to exercise such power. I am asking only for the appointment of a committee of this body to make a study of the oil industry. Yet objections are interposed.

I do not wonder at these objections. So long as these major companies can keep the American people in ignorance, in a haze, can throw a smoke screen around their business, they can do as they please. There is no law against their operations. They can not be convicted of anything. An oil company can own railroads, can own banks, can own pipe lines, can own public utilities, can own power plants. There is no law against such ownership. I now make bold to assert that those practices exist to-day, as will be demonstrated if a study is made. I venture the suggestion that that is the reason why we are not getting anywhere in dealing with this giant octopus.

Mr. President, how large is this industry? I said a while ago that it was the third largest in the United States. Agriculture comes first with $60,000,000,000 of investment. The railroads come second with $23,000,000,000 to $25,000,000,000 of investment. Oil comes third with from $12,000,000,000 to $20,000,000,000 of investment. The banks come fourth with only $10,000,000,000 of investment.

Of this gigantic investment in the oil business one company and its subsidiaries own approximately one-half of that value. The Standard Oil Co. of New Jersey and its 50 subsidiaries, and the subsidiaries of the subsidiaries of such company, and the subsidiaries of the subsidiaries of the subsidiaries of such companies, when added together, make the gigantic sum, I prophesy, of something like $7,000,000,000 of investment. Let us take just one company, the Standard Oil Co. of New Jersey, the parent company, the largest company. How large is that company? I quote from their official

report, dated May 15, 1929. From the first paragraph I read as follows:

To the stockholders:

The directors submit with this report the consolidated balance sheet as of December 31, 1928, and consolidated income account for that year. The earnings of the Standard (New Jersey) and its percentage of the earnings of affiliated companies, including interest on investments, were $108,485,686, or 9.5 per cent on the net assets of $1,090,148,229. Earnings on the capital stock outstanding at the end of the year were $4.43 per share compared with $1.52 per share in 1927.

Mr. President, in the first paragraph the president of the company in making his report to the stockholders states that their net income that year was $108,000,000, that their net assets that year according to the books were $1,090,000,000 plus. At another point in the report the gross assets of the company are given as $1,572,267,610.34. There is one company engaged in the oil business with total assets in the sum of over $1,572,000,000. There are 50 other companies, subsidiary organizations, associated with the Standard Oil Co. of New Jersey.

I have in my hand a copy of an address delivered in the House of Representatives by a distinguished gentleman from Kansas, Hon. W. H. SPROUL. In this speech he gives the list of companies which are considered subsidiaries of the parent company of New Jersey. It shows 50 companies affiliated with this one company. In addition to those companies it shows a list of refineries, a list of operating companies, a list of their foreign properties, a list of the pipe lines, a list of the vessels used by the company in the conduct of its business. I will just refer to one of these companies in the Standard group. The Standard of New York is a gigantic company. The Standard of Indiana is a gigantic company. The Standard of Indiana has numerous subsidiaries and in turn those subsidiaries have numerous subsidiaries.

The Standard of Indiana has one subsidiary called the Pan American Co. I have in my hand what is presumed to be an analysis of the Pan American Petroleum & Transport Co. As I understand, it is one of the subsidiaries of the Standard of Indiana. Even this subsidiary has subsidiaries as follows: The American Oil Co.; the Lord Baltimore Filling Stations, Inc.; Pan American Petroleum Corporation; Southern Pipe Lines Co.; Southern Crude Oil Purchasing Co.; and then there are several Mexican companies and a Spanish company.

Mr. President, I assert that from these companies comes the opposition to this resolution. Such was the opposition to the proposed tariff tax. Such was the opposition to the proposed embargo. While I can not charge that its representatives are operating in this Capitol, I do say they are operating around this Capitol. This is the opposition which is encountered by the independent oil producers located in the Central West and in the far West when they seek even information relative to the oil business.

Mr. President, I know that the oil industry is not thoroughly understood. I know there is much misinformation relative to the industry here in the Senate. When I speak of oil, what does the average person visualize? He thinks first about crude oil; second, perhaps of gasoline; third, perhaps about kerosene; and then, perchance, fourth, he will think about lubricating oil. Those are the ingredients which the public consider to be derivatives of oil. But, Mr. President, the products which can be made from oil are practically unlimited.

We have now 400 or more commercial articles made from oil. In addition to gasoline, in addition to kerosene and naphtha, in addition to lubricating oil, we have light distillate, paraffin wax, all sorts of greases. We have residual oils, fuel oil, gas oil, special oils, and we have even alcohol. We have fatty acids. We have artificial rubber. From oil we have even a substitute for butter. We have even clothing made from oil—clothing in the form of leather substitutes made from crude oil.

Take lubricating oil, for example: All the various degrees of lubricating oil that we see upon the market and used for every purpose come from petroleum. Then we have the light distillates, we have naphtha, kerosene, gasoline, all of which come from crude oil. From naphtha we can make soap. Soap is being made from oil. Paint is made from oil. A substitute for linseed oil is made from crude oil. Varnish is made from oil.

Then we have kerosene which is used for both lighting and heating purposes. Gasoline as a solvent product is used for lighting and power, used by the leather industry, and used for motor fuel.

From paraffin wax we have candles and our matches.

We have many medicinal articles made of crude oil. It is used in laundry work. It is used in making candy. Crude oil is used for clothing, for butter, for candy, and for chewing gum. We make roofing out of crude oil, asbestos shingles. We make linoleum out of crude oil—floor covering. Over in Baltimore they take out the gasoline, naphtha, kerosene, and fuel oil, and from what is left they make paving material. Asphalt paving is made from oil.

I made the statement that more than 400 products are made from oil, products used commonly in America, and yet the policy enunciated by the distinguished Senator from Pennsylvania [Mr. REED] would have us to conserve our oil in the ground and keep it there and deprive Americans of the production of that oil, the refining of that oil, and the processing of that oil until the oil of other lands is exhausted.

Mr. President, I asked the question a while ago why it is that we are unable to make any progress when it comes to dealing with the oil industry. We can not tax it. We tried it and failed. We can not limit its importations. We failed in that too. Now, when we propose a simple study of the production and processing of oil, from which we make 400 and more articles in common use, including the articles I have just mentioned—gasoline, kerosene, fuel oil, substitutes for butter, chewing gum, candy, alcohol, clothing, medicines of every kind and character—when we even propose a mere study of the oil industry we find objection from some sources and we are not getting anywhere.

Mr. President, in former times the railroads of the country, the second largest industry in America, were reputed to be in control of the politics of various States. Whether or not that was true I do not know. In former years before regulation was undertaken by the National Government the railroads owned coal lands. They dug and sunk their mines. They produced coal. They brought it to the surface and shipped it. They sold the coal in competition with the coal companies. But the Government, after the matter was brought to the attention of the Congress, enacted legislation separating the coal companies from the railroad companies. To-day the railroad companies are prevented by law from owning coal lands or coal fields and from digging the coal and transporting it for sale under their own supervision and their own management.

But in the oil industry no regulations of that kind have been put in force and these gigantic oil companies are able not only to operate the oil industry, but they have gone into the banking business, they have gone into the railroad business, and they have gone into the power business. I now yield to any Senator upon the floor to mention a single industry in this country in which the oil interests are not involved.

Mr. President, the Standard Oil Co. and its subsidiaries own the largest bank in America. I wonder how large that bank is, Mr. President? That bank has total resources of over $2,700,000,000. The largest single bank in America, and thereby the largest single bank in the world save the Federal reserve system, is this Standard Oil bank—the Chase National Bank, of New York City. I hold in my hand a newspaper story, and I read from the headlines:

Chase passes two billions in deposits. Bank sets world's record in statement revealing $1,238,112,000 gain over last year's mark. Tops National City by $500,000,000. Institution's intake up to June 30 makes total resources $2,648,958,000.

Mr. President, this statement was of March 18, 1930. On that date there appeared in the public press Associated Press dispatches to the effect that there was a merger on in New York City bringing about this gigantic bank—the Chase National. The newspaper dispatches stated that on

the 18th of March, 1930, the merger became effective; that on that date Winthrop W. Aldrich, brother-in-law of John D. Rockefeller, jr., became the president of the Chase National Bank; that on that date Albert H. Wiggins became the chairman of the executive committee; and that on the same date Charles S. McCain became the chairman of the board. That was on the 18th of March, 1930.

Mr. President, during the past year we have had the worst time in an economic way that this country has ever experienced. Thousands of our business men have failed; thousands and hundreds of thousands of our people have been hungry during the past 12 months; yet this big Standard Oil bank has not been hungry.

Listen to this news story: Special dispatch to Star, of date January 7, 1931:

Record in banking shown by report of Chase National, of New York. Resources gained $48,000,000 in six months.

This is a signed story of John F. Sinclair. This story is under a New York date line, January 7, 1931. It is as follows:

The remarkable record of Chase National Bank——

Mr. BLAINE. Mr. President, will the Senator from Oklahoma yield to me for the purpose of suggesting the absence of a quorum?

Mr. THOMAS of Oklahoma. If I shall not thereby lose the floor, I yield to the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shipstead
Barkley	Fletcher	La Follette	Shortridge
Bingham	Frazier	McGill	Smith
Black	George	McKellar	Smoot
Blaine	Gillett	McNary	Steck
Blease	Glass	Metcalf	Steiwer
Borah	Glenn	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pittman	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Cutting	Johnson	Reed	Waterman
Dale	Jones	Robinson, Ark.	Watson
Davis	Kean	Robinson, Ind.	Williamson
Deneen	Kendrick	Schall	
Dill	Keyes	Sheppard	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. THOMAS of Oklahoma. Mr. President, in support of the position I have taken, I submit for the RECORD an address delivered before the governors' oil-relief conference on January 16, 1931, by my soon-to-be colleague, Senator T. P. Gore.

I shall not read the address, but I ask that it be printed, in support of my position.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address is as follows:

SPEECH OF SENATOR T. P. GORE BEFORE GOVERNORS' OIL RELIEF CONFERENCE, JANUARY 16, 1931

Mr. Chairman, gentlemen, and fellow delegates, there is one point on which everybody agrees, that you all want relief. That is the one point on which there is universal agreement. There may not be universal agreement as to the best means, in the abstract, of accomplishing that one particular end, but where practical men agree as to the ends to be accomplished they ought, by concession, to be able to agree upon the ways and means by which to accomplish that end, or, at least, make a rational effort toward its accomplishment.

There is only one other thing that you want as badly as you want relief, and that is votes [applause]—votes on Capitol Hill. Whatever will contribute to the winning of votes, I should say, would be wise, and whatever would tend to defeat that end would be unwise. I have given utterance to that commonplace in order to add this—the suggestion that we ought, as far as circumstances will permit, and as far, I may say, as the infirmities of human nature will permit, to avoid controversial points.

I will illustrate what I mean. I have a report here, unanimously agreed to by your committee, and I am pleased to report that the agreement is unanimous, signed by Mr. Bullington, of Texas, and myself, among others. You will not find on Capitol Hill a more pronounced protectionist than my good Texas friend, Mr. Bullington. You will not find there a more pronounced antiprotectionist than myself. I do not pretend to believe in a protective tariff, yet I have signed this agreement. This ought to be a good omen. If Bullington and I can agree, there are no two people on earth or on Capitol Hill that ought to be obliged to disagree.

Let me say further that the Democratic State platform of Oklahoma, upon which I was elected, declared that the democracy of our State believed in placing agriculture and oil, the two leading industries of Oklahoma, upon a footing of economic equality. The platform declared against tariff discrimination, which militated against oil and against agriculture. I think that declaration was justifiable. The platform also declared in favor of a tariff on oil.

Gentlemen, I was not obliged to retain the Democratic nomination and make the race on that platform—but I did. Upon that platform I won, and I feel bound to stand upon it and carry it out in good faith. That I intend to do. [Applause.] I am sure that the chairman and everybody else concerned can bear witness to my good faith when this fight is finished.

Now, to illustrate further my wish that we avoid controversial points, I will indulge in a little pleasantry which will accentuate the point. Congressman FISH and Congressman CROWTHER, a good friend of mine, and Senator SHORTRIDGE of California, committed themselves without reservation, and avowed themselves protectionists. It is easy for them to aid you in your fight for protective tariff. They could hardly do otherwise. I flatter myself that they deserve very little credit. They believe in the tariff. They believe in the charm of protection. I do not; and yet I intend to go as far as who goes furthest in an effort to carry out your program.

Protection, to illustrate my point again, is, of course, adopted in the interest of American labor. All of us politicians love the laboring man. The American laboring man receives the best wages on earth; not on account of the tariff, but because he does the most work, and, measured by output, that is the cheapest labor in the world to-day. The average cost of labor in American-made goods is from 15 to 20 per cent of the total cost, yet our tariff duties range from 20 to 200 per cent—all in the interest of labor. The labor cost of producing a ton of pig iron, I am told, is $1.13. The tariff on a ton of pig iron is $1.12½. According to that, the cost of producing pig iron in foreign countries is one half of 1 cent per ton. I am neither defending nor defaming the steel corporations.

I do not oppose protection as much as I used to. I am being somewhat infatuated by its charm. We recently passed the highest tariff bill in our history in behalf of labor—we have never had so little unemployment in our country. Everybody has employment. Everybody has a good job at good wages! We recently passed the highest tariff bill in our history—we have never had such remarkable prosperity in our history—universal and abounding!

The striking feature is that the protected industries are the only ones that enjoy prosperity; the unprotected industries do not enjoy prosperity. During the last two years all the nations of the earth have increased their tariff, and that accounts for the corresponding increase in world-wide prosperity. There is only one law needed to make the happiness of the human race complete. Every nation ought to pass a law absolutely prohibiting imports from any and every other country on the globe. (?) Why have just a little of this blessing, when all of it is available? We have historical and classical confirmation of this. For 3,000 years China and Japan acted upon this principle of absolute exclusion. That accounts for their exceptional progress and development during these two or three thousand years. Now, I say this, and this is not for the record. I say it to illustrate the point. Let us keep off these controversial questions.

The oil industry is sick. I would not say it is sick unto death, but as physicians we are assembled at the bedside, and we want to prescribe a remedy that will prove efficacious. Many, a majority of the people of this country believe in protection. A majority of the oil men of this country believe in protection; that it will cure their distress. Let us try it, and if it will, rejoicing will be universal. If it will not, we shall know that remedy is ineffectual and we will seek another. That is progress.

And now I am not going to make a speech on the merits of this situation. That has been better done by the chairman than I could do. Every man in this assemblage understands the facts and the situation. It would not only be presumptuous but more tedious than a thrice-told tale if I should attempt it, but I do wish to make some points which may be of service in presenting your case to the country. If I can make any contributions upon that phase of the subject I shall be glad to do so. As a practical matter, I wish to suggest this: We live under a protective tariff law, under a protective tariff system, under a protective tariff administration. I see no reason myself why the oil industry should be treated as a stepchild. I see no reason why a discrimination should be made against the oil industry. The argument that it would increase the price of gasoline to the consumer is not an argument that can be urged by protectionists. That is an argument against any protective-tariff duty, and if they use it against oil it should prevail against steel and against aluminum. [Applause.] I have no reference to allusions.

Now, I am speaking from the point of view of the men on the Hill. If protection is a blessing, everybody should share it. If, on the other hand, protection is a burden, let everybody bear it. There isn't any reason why the consumers of gasoline should be regarded as sacrosanct or immune, either from the blessings or the burdens of a protective system. This situation is an emergency. It calls for extraordinary treatment. None of us would dynamite a building down here on F Street or Pennsylvania Avenue in ordinary times, but if necessary to prevent the spread of a conflagration which might destroy the city, we would be justified in resorting to extraordinary measures. That is not all. It is the law of the sea that in case of a shipwreck, if two men are contending for a single plank that will not support both of them, the strongest has the right to it, and his act in taking the plank would not constitute murder. But if the plank belonged to one or the other, would that make a difference? But we have a stronger case than that.

We have a market in the United States. It is being contended for by producers in Venezuela, being contended for by producers in the United State. Now, who has a right to it? [Applause.] I am making arguments that will help to reconcile antiprotectionists to your program. You see, you are not calling on the righteous, but on us sinners.

Now, gentlemen, I want to call up one or two obstacles that you will encounter on the threshold of your campaign. I speak advisedly on this point, because, when I made the fight to secure a change in the taxation of the oil industry basing the depletion tax on value instead of cost, when I mentioned the oil man to the committee, the response was that the oil man is rich—he has got all the money there is. That is one prejudice or preconception to be obviated. Another, and a worse one is this, when you mention oil to the politician or statesmen (I will say that with courtesy, too) visions of the Standard Oil Co. come up in his imagination, and he is not willing to be suspected of being friendly to the Standard Oil Co. Congress passed the antitrust law, and one of the actuating motives was the Standard Oil Co., along with other trusts. Litigation was carried on for years against the Standard Oil Co., and it was finally dissolved, as an offender against the Sherman Anti-Trust Law. I will say a hostility grew up in this country against the Standard Oil Co. and its misbehavior, but you have got to convince Congress now that inaction is a service to the Standard Oil group. All they want Congress to do is—nothing, and when Congress does nothing, it serves the interests, wittingly or unwittingly, of the Standard Oil group.

When you were boys your mother told you about the joint snake; that when you cut it apart it would grow back together. It isn't altogether a fable in the petroleum world. Now, the Supreme Court split the Standard Oil Co., but it grew together, directly or indirectly, at least, so far as consequences are concerned, and that is what counts. The Standard Oil Co. and its various subdivisions seem to have a "gentlemen's agreement" so if Congress does nothing about this predicament they can control the situation. Those are some of the points you have to impress upon the House and the Senate.

I think there is another argument which applies peculiarly to the oil industry and which ought to be impressed upon Congress and the public. Whatever the cause, we are in the midst of a depression—a serious depression. We all hope it will be brief. That hope may be vain. Now, the oil industry, of course, must share in the consequences of any depression that is universal in its character. That you must expect, and, as game sports, you would submit. But that isn't all. The oil industry has certain characteristics peculiar to itself. While it is a business, it is organized, systematized risk. It is based on the law of averages. It is a sort of calculus of risks or chances. Every time you drill an oil well you take a chance of getting a dry hole. You can't separate that risk from the industry, and any business builded upon that sort of basis must be more sensitive to a depression than are more stable industries which are not based upon mere computation of chance or risk. That is an argument in your favor.

That is not the main argument. Other industries, by agreement or spontaneously can measure, control, and limit their output. The oil industry is peculiarly hampered in exercising that power or discretion. It is a characteristic peculiar to the oil business. When you take a lease you must stipulate to drill it, and the business is built on that stipulation. It can not be carried on in any other way. You oil men have to drill a well to hold your leases. You may know the market is glutted with oil and that an additional well will aggravate your own situation instead of relieving it; if you had the choice, you would rather pay the cost of the well than drill it both in your own interests and the general interest. You are not the masters of your own business in that respect. You are, I may say, slaves to the customs of the trade. And that isn't all. If an offset well is brought in, offsetting your lease, you have to offset that well, whether you think an additional well is desirable or not, no matter how undesirable you may know that an additional well may be on your premises, you have no choice. Your action is controlled not by your own choice or judgment, it is controlled by the customs of the trade, and by the contracts which you had to make in order to carry on your business. Now, these characteristics differentiate the oil business from any other business. You are more helpless even than the farmers are. A farmer can let his land lie fallow if he chooses. You can not. I make this statement because it is one of the strongest points in your behalf, and also because it accentuates the effort, the sacrifices which you oil men have made in an effort to mitigate evils which you could not prevent. You have by voluntary agreement scaled down production through proration and other means nearly a million barrels a day from 2,975,000 down to 2,000,080 barrels a day. You have done that, struggling against the difficulties which I have named. It shows that your hearts are in the right place, that you have done the best that you could do under the circumstances and under your contracts. They say God Almighty helps thoses who help themselves. I think Congress is disposed, or ought to be disposed, to help those who help themselves. [Applause.]

Now, you may have carried this policy as far as you can in the circumstances, and under your contracts. I do not believe the public knows what extreme sacrifices have been made by certain producers. Take the president of this meeting—I do not know whether he is here or not—I think modesty has restrained him from stating his own case, one of the largest producers of the Oklahoma City field. He is now restricted to 1 per cent production. He is allowed to produce, under the present arrangement, about three and one-half days a year. What railroad could run three and one-half days a year and survive? What bank could keep its doors open three and a half days a year? [Applause.] It would soon have to close even those three and one-half days. It simply can't be done. Now, you have done your best. You need help from some extraneous source. You need a helping hand. You need a life line in this situation and you are entitled to it, if one of the Government's functions is to help those who are trying to help themselves. You make out a case when these facts are presented. I think if you could get these facts to Congress they would act.

I do not think the question of overproduction is really vital in this discussion. I do not believe I would get too much involved in that discussion, because overproduction is largely a matter of definition. You have got to define what you mean by overproduction before you can have a rational discussion of it. Two men are discussing the subject of light. One is using the word as the opposite of darkness, the other as the opposite of heaviness. They get nowhere. You remember the story of the two knights in the days of chivalry. One was going east and the other west. They passed, on the way, a shield fastened to the limb of a tree. One knight said the shield was red and the other said it was blue. They had a tremendous argument and they fell to fighting over the dispute. A third knight came along, and they told him the cause of their quarrel. The third said, "Let's go back and take a look at the shield." And it turned out that one side was blue and the other red, so that each knight was right from his own point of view.

Now, some people use the word overproduction, meaning that there is no more wheat produced than hungry people could consume if they had access to it for the asking. That is true. Overproduction of that kind has never happened and never will, but that is the popular sense in which the word is used. It is not the economic or scientific sense. In the economic sense overproduction occurs when more of a given commodity is produced than can be disposed of in regular course of trade, at a price which will cover cost of production plus such a profit as will induce the producer to continue in business. That is what happened in many of our industries, and sets to naught the vain argument as to what should be thought of a group of monkeys starving to death and complaining of overproduction of coconuts.

A protective tariff, whatever else it may be, is not an antidote for suicide. You ought to show every disposition to continue your efforts to help your own situation, even if you should obtain a tariff.

Now, one point on conservation. It is a word to conjure with. Some people believe conservation is a matter of mental habit or profession. With some people it is a conviction; with some people it is a fad. There are actual conservationists and there are professional conservationists. [Applause.] That is true. It is easy for a man in New England who has no interests in Colorado to practice conservation with reference to the natural resources of Colorado. We are confronting a tragedy now, and not a theory. [Applause.]

I do not mean to criticize the Secretary of the Interior. There are two kinds of conservation, static conservation and dynamic conservation. I sometimes think static conservation is often the same as stagnation. It is not a new theory under the sun. Indeed, it is not a new practice under the sun. Why, America is a typical example. We had static conservation here for some 60 centuries, some of these scientists say for a billion years, and all these material riches were conserved. They didn't minister to the wants of man which, incidentally, is one of their supposed uses. Dynamic conservation means the economic and the efficient use of natural resources. Of course, if we could seal up our iron mines, our coal mines, our oil resources, they would keep here for a million years and a day, and our remote descendants would be the beneficiaries of our self-denial. The question is whether they would applaud our judgment very heartily or not. But what we want is dynamic conservation. Nations have fought over iron, and they will fight over oil; but it is the development of these resources in a rational way that is to be commended. We do not favor the conservation that prevailed here for so many centuries.

Now, the truth is that real conservation cries aloud to-day for the rescue of nearly 300,000 diminutive oil wells, wells that average a barrel a day. Your gushers are your heavy artillery. The average wells may be counted as your cavalry; but your infantry, these little wells, these 300,000 wells, yield a barrel a day. You may say that when one private is slain it doesn't matter, but it matters to him. [Applause.] I remember a man once said to

me during the war that it didn't make any difference whether the average man is killed to-day or 20 years hence; and he turned to me and said, "Isn't that true?" I said, "If you will let me decide who is the average man, I might possibly agree with you." [Laughter.] But there are 300,000 wells producing in the aggregate about a half million barrels a day—that is, a half million dollars' worth of wealth a day that you talk about snuffing out.

That not only represents a half million of wealth each day, aggregating hundreds of millions in the course of a year, and it not only represents many, many millions, when you consider the total investment in the well, but even that, important as it is, weighs but as dust in the balance, when you consider the vast reserves of oil underlying these struggling wells, amounting to millions, and even billions, of barrels of oil, billions of treasure which can only be pressed into social service by the survival of these wells. If you disregard altogether, which you have no right to do, pecuniary interests of the man who drills the well, if you disregard altogether the daily production, more or less inconsequential, measured as a whole, but when you consider the reserves that will be abandoned if these wells are abandoned, there is an economic sacrifice, there is a social sacrifice that concerns every citizen of our country and should be of peculiar interest to all conservationists, whether actual or idealistic. [Applause.]

Now, then, what you want is a rescue party to rescue these struggling wells, and they are under a death sentence unless Congress or some other authority grants a reprieve in the premises.

Now, that is one of your strong appeals, not only to Congress but to the country. Here is a point that ought to be impressed: The last few years may be regarded as an era of consolidations, combinations, mergers, and they used to be frowned upon. During the last four or five years there has been a change in the public policy; they have not only been permitted, but have been encouraged, and it is seriously proposed to coerce certain consolidations where they are not voluntarily made. The President of the United States, and I speak of him with the utmost respect, has recently taken the initiative in encouraging and patronizing the consolidation of various trunk-line railroads in the East. I will not criticize this policy. It may be wise. A railroad is a natural monopoly. An oil well is not.

When an oil well is reduced to monopoly it is an artificial contrivance built upon the bones of those who have been slaughtered in the tragic process. [Applause.] Now, I do not believe that the Senate or the House is disposed to encourage a monopoly in the oil business. We had it once and destroyed it. Shall we reverse that policy? Shall we apologize for the Standard Oil decision, admit that we were wrong, and facilitate the resurrection of that monopoly? That is the point.

To come back to this proposition, unless something is done, that will be the consequence of the existing situation. It operates in favor of the revival, the reincarnation, so to speak, of the oil monopoly, and when it comes the people will then pay the price.

A good many people do not realize that many of the big oil companies are the beneficiaries of this distressed oil; that they buy it and store it against the day when the price shall advance, which will augment their profits. That is a point that ought to be emphasized in this discussion.

Now, then, what is the chance for relief?

This is a desperate situation. I realize that. I think that heroic remedies ought to be planned, ought to be tried. If one does not succeed, let us try another plan.

Now, this report recommends a tariff on oil, or an embargo, or the equivalent of an embargo. What is the chance of getting it passed? You realize the situation, particularly in reference to a tariff bill. It could be acted on now in the House. They have the power, and it could be done there without opening Pandora's box. But when it reaches the Senate it will be open to amendment and a general tariff bill could be attached and amendments might be offered. There will be an extreme reluctance to venture upon the enactment of a tariff law. An embargo would be quite as serviceable, even more so, in my estimation. I don't think the embargo ought to be absolute. I think you ought to permit a small importation, limited by the month.

I say that because our President went to South America after his election, before his inauguration, to build up good will, kindly relations, between this country and South American countries, and an absolute prohibition would be a shock to that comity which would be averted by a small admission of oil from South American countries. Besides, those concerns down there have built up a trade, and to cut them off altogether would constitute an argument which would be difficult to answer.

There is only one chance to get this passed. If I were in the Senate I would resort to that method. I do not favor an extra session of Congress. I certainly hope it can be avoided. There be those, however, who think it would generate more or less uncertainty, and uncertainty is a detriment to business. I would do everything to facilitate the return of normal business and prosperity, but an extra session would not be as serious to any sort of business in this country as an adjournment without some sort of relief to the oil business. [Applause.] If Congress adjourns without relief, I, for one, would not be willing to answer for what may happen to your industry before Congress convenes next December. Samson pulled down a couple of pillars in the temple, but the whole temple came tumbling down around his ears. Business fabric in this country is so delicate to-day that the destruction of the oil business, one of the leading businesses in this country, might be fraught with disastrous consequences. Let me say that the oil business is one of the two or three largest industries in this country. Mark this: Much of that capital was ventured in the business by independent producers. The Supreme Court of the United States in 1911 adjudged the Standard Oil Co. to be a monopoly, and decreed its dissolution. This was regarded as an invitation by independent capital in this country to venture into the oil business.

It was intended as an invitation to independent business men and independent capital to embark their talents, their capital, into the oil industry. You accepted this invitation. You accepted it in good faith. You have builded up here one of the two or three largest industries in the United States. The question is now, Will you be deserted when your calamities come upon you? There are hundreds of thousands, perhaps a million or more, stockholders in the various oil companies in this country. I would mobilize these stockholders back of your effort to obtain relief. [Applause.] Many of our States and their public institutions depend on the oil industry. My own State has suffered a loss of $2,000,000 in annual revenues as a result of the diminution of oil and the decrease in its gross production taxes. Not only that, it affects the holders, if not directly, at least indirectly, the holders of every bond, issued by any State dependent on oil revenues to meet its obligations. Every man holding a bond of Oklahoma or Texas or any other State is directly concerned in the maintenance and relief of the oil business. I would mobilize these bondholders back of this campaign for relief. Recruit your army. Get all the support available.

Now, then, if I were in the Senate this Congress would not adjourn without passing this legislation, or, if it did, it would fail to pass other legislation. If it died, it would die in good company. When I was in the Senate I took part in two or three filibusters. I do not regard a filibuster as the worst of evils. Sometimes it does good. There is no reason why this should not pass since we have a protective system and a protective administration. I hope this conference adopts a resolution calling upon the delegations from the oil States to take all proper steps and employ all proper means available under the rules of the two Houses to enact this legislation. If they will do that, you may get the legislation. If they do not, you will not get it. That is the only chance. Ask them to adopt such means as would be at least a bona fide effort to accomplish the end which you have in mind, to grant relief to this distressed and important industry, and perhaps save the industry from catastrophe that might be not only nation-wide but world-wide in its consequences. [The audience arose and applauded.]

Mr. THOMAS of Oklahoma. I will now yield to the Senator from Oregon [Mr. McNARY] to submit a unanimous-consent request, if he wishes.

Mr. McNARY. I think the Senator from Oklahoma should make the request, so as to put it in the form in which he desires to have it.

I understood that the Senator wanted to ask unanimous consent that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged, and that the resolution shall go to the calendar, so that it may be considered to-morrow. I embody that in a unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BORAH. Mr. President, as I understand, the resolution from the consideration of which the committee is asked to be discharged is the resolution to which the Senator referred some time ago, and has no amount specified in it. When it comes out, it will simply go to the calendar?

Mr. McNARY. That is correct.

Mr. TYDINGS. Mr. President, I understand the resolution is Senate Resolution 418, to appoint a committee of five to investigate the oil industry. Is that correct?

The PRESIDING OFFICER. That is correct.

Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia;

S. 4030. An act to provide books for the adult blind;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes;

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT obtained the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Rhode Island yield?

Mr. HEBERT. Mr. President, first let me make a unanimous-consent request.

Before we proceed with the next amendment to the pending copyright bill, I wish to announce that the Senator from Washington [Mr. DILL] desires to make a statement in reference to an amendment that was adopted by the Senate on Saturday last. I yield to him for that purpose.

Mr. DILL. Mr. President, the amendment that was adopted on Saturday left out the words "mechanically and/or electrically." Those concerned are fearful that with these words left out, an orchestra or musician might be able to play music without paying a copyright fee. My own judgment is that there is no danger of any such interpretation being put upon it, because it refers only to the music which is placed on records; but I see no reason for not putting in the words. Therefore I am willing to have them inserted; and I ask unanimous consent to reconsider the vote by which the amendment was adopted, for the purpose of offering an amendment which will conform to that suggestion.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the amendment referred to was adopted?

Mr. DILL. It is the amendment on page 3, line 20.

The PRESIDING OFFICER. The Chair understands that the Senator asks unanimous consent to reconsider the vote by which this amendment was agreed to.

Mr. DILL. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. DILL. Now I ask, on line 22, page 3, to insert the words "mechanically and/or electrically," so that it will read:

Serving to reproduce mechanically and/or electrically such work or works.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from Washington proposes to restore the words of the original amendment in line 22, so that it will read:

or instruments serving to reproduce mechanically and/or electrically such work or works.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President—

Mr. HEBERT. I yield to the Senator from Delaware for the purpose of making a unanimous-consent request.

TAX ON OLEOMARGARINE

Mr. TOWNSEND. Mr. President, I ask unanimous consent for the present consideration of Senate bill 5745, known as the oleomargarine bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. HEBERT. Mr. President, will not the Senator permit the consideration of the bill that is now pending before the Senate to go on? We have had the bill before the Senate now for three days. We have had about two hours of discussion on it; and I have reason to believe that if we are permitted to go on with it for two or three hours more we shall conclude our consideration of it and come to a vote.

I should like to consent to the request of the Senator; but I wish he would withhold it for a while and let us go on with this bill and see what progress we can make.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. HEBERT. I yield to the Senator from Michigan.

Mr. COUZENS. I wish to say that I do not think it is possible to get the copyright bill through in two or three hours, because there are a number of amendments yet to be offered, and there will be considerable discussion of them. I am quite sure that the consideration of the bill can not be concluded to-night.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. DILL. What is the request?

The PRESIDING OFFICER. That the Senate proceed now to the consideration of Order of Business 1508, Senate bill 5745, known as the oleomargarine bill.

Mr. DILL. Could we not have coupled with that an agreement that at the conclusion of the consideration of that bill we will recur to the copyright bill?

Mr. BINGHAM. Mr. President, I understood the Senator from Delaware to ask that the unfinished business may be temporarily laid aside, so as not to displace the measure before the Senate.

Mr. TOWNSEND. That is my desire.

The PRESIDING OFFICER. The Senator did not make the request in that form, but it can be so made—that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 5745. Is there objection?

Mr. BRATTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TOWNSEND. Then I shall be obliged to move now to take up Senate bill 5745.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

Mr. ASHURST. Mr. President, let the bill be read, so that we may know what we are voting on.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk proceeded to read the bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and read, as follows:

Be it enacted, etc., That the second paragraph of section 3 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (U. S. C., title 26, sec. 207), is amended to read as follows:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8, shall also be held to be a manufacturer of oleomargarine within the meaning of this act and subject to the provisions thereof."

The CHIEF CLERK. At this point the committee proposes to strike out sections 2 and 3, which read as follows:

SEC. 2. So much of the third paragraph of section 3 of such act of August 2, 1886, as amended, as reads as follows: "Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine," is amended to read as follows: "Every person who sells or offers for sale oleomargarine in quantities of 10 pounds

or more at one time shall be deemed a wholesale dealer in oleomargarine."

SEC. 3. Section 6 of such act of August 2, 1886, as amended (U. S. C., title 26, sec. 543), is amended to read as follows:

"SEC. 6. All oleomargarine, except oleomargarine exported as authorized by section 16, shall be packed by the manufacturer thereof in one-quarter, one-half, 1, 2, 3, 4, or 5 pound packages not before used for that purpose, made of wood, opaque paper, or other opaque material, each to be marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. All sales made by manufacturers of oleomargarine and wholesale and retail dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine may sell only in quantities of less than 10 pounds at one time. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new packages as above described to which are attached unbroken stamps representing the tax levied by section 8, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixed a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000 and be imprisoned not more than two years."

The CHIEF CLERK (continuing the reading of the bill as reported):

"Section 4"—

which the committee proposes to renumber section 2.

"Section 8 of such act"——

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. What will become of the copyright bill if we agree to the motion of the Senator from Delaware?

The PRESIDING OFFICER. It will be displaced.

Mr. COPELAND. May I ask the Senator from Rhode Island what is his intention, in case the motion of the Senator from Delaware prevails, as regards the copyright bill?

Mr. HEBERT. Mr. President, I am subject to the decision of the Senate on that. I have been trying to have the bill considered. I have sat here patiently for three days, and as graciously as I knew how I have yielded to everybody to present their measures, in the hope that in turn I should have an opportunity to have this bill considered.

Mr. COPELAND. I have understood that those who are in opposition to the bill have been close to an agreement regarding the various details. I do not want to interfere with that.

Mr. ASHURST. Mr. President, a point of order. I do not think Senators can stop the reading of a bill when a Senator has asked that a bill be read.

Mr. COPELAND. The bill can be read; but I desire to know the parliamentary status, so that I shall know how to vote.

Mr. HEBERT. Mr. President, I may say for the information of the Senator that if the motion of the Senator from Delaware prevails it will displace the copyright bill as the unfinished business of the Senate. I had hoped that we might proceed with the consideration of that bill now. I may say for the information of the Senator that I really believe that most of the amendments that are proposed will be agreed upon. I question if there will be much discussion about them; and I have reason to believe that if we could have three hours of consideration of the pending bill we might come pretty near disposing of it.

Mr. COPELAND. I wish that might be done.

Mr. HEBERT. I, too, wish it might be done. I have no disposition to interfere with the consideration of the oleomargarine bill. I do not want to delay its consideration; but I wish very much the Senator from Delaware would not press his motion at this time.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. TOWNSEND. I desire to be absolutely fair in this matter to the Senator from Rhode Island. I will withdraw my motion, provided he will agree to my renewing it at a quarter to 6.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware.

Mr. TOWNSEND. Mr. President, I am willing to give one hour to the copyright bill and then renew my motion.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. TOWNSEND. Temporarily, for one hour.

Mr. HEFLIN. Mr. President, I was going to suggest that we try to get an agreement on a time when we might vote on the copyright bill.

Mr. HERBERT. I would be very glad to agree on a time to vote on it, if it is possible to get such an agreement.

ECONOMIC ASPECTS OF ELECTRICAL SUPPLY

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered before the World Power Conference at Berlin in 1930 by the Hon. F. A. Gaby, chief engineer of the Hydroelectric Commission, the title of the address being "Economic Aspects of Electrical Supply in the House and on the Farm."

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WORLD POWER CONFERENCE, BERLIN, 1930—ECONOMIC ASPECTS OF ELECTRICAL SUPPLY IN THE HOUSE AND ON THE FARM—CANADIAN MANAGEMENT COMMITTEE

By F. A. Gaby, D. Sc.

[Illustrations mentioned not printed]

The economic results of the rate policies followed by the cooperative municipal undertaking administered by the Hydroelectric Power Commission, of Ontario, Canada, will, it is believed, be of special interest to delegates attending the World Power Conference, with respect to a number of outstanding features.

In the first place, as regards the magnitude of its operations in the supply of electrical energy, the Ontario undertaking occupies a preeminent place among the electrical organizations of the world; second, the careful records necessitated in carrying out the commission's fundamental policy of service at cost afford a body of data respecting the economic results of its policies which is unusually comprehensive and informative; finally, the success which has been achieved over an extensive territory with respect to the provision of service to consumers at low unit costs, is, when judged by the standard of results in many other territories, to be characterized as almost phenomenal, and has been the subject of widespread comment.

SCOPE OF DISCUSSION

Five years ago—at the time of the first World Power Conference—a good deal of information was presented dealing descriptively with various aspects of Ontario's municipal electrical undertaking, and I shall not attempt to recanvass ground thus already covered. In the present discussion, attention will be focussed upon certain economic aspects of the undertaking, and, to limit the consideration to reasonable dimensions, these economic results will be especially illustrated with reference to service to urban residential consumers, and to agriculturalists.

In order to give the economic features of electrical service in Ontario their proper setting so that they may rightly be interpreted in their relationships to electrical service elsewhere, I shall, first of all, indicate summarily the general circumstances appertaining to the Province, to its people, and to their unique electrical undertaking, with special reference to progress made since 1924. The economic structure of the enterprise will be outlined, the principles followed in designing the tariffs will be referred to, and the domestic rates or tariffs (the term "rates" is used in Ontario and in this discussion with the significance of "tariff" and carries no idea of "taxes") themselves will be described in a general and comprehensive way. The economic results attained by the application of these tariffs will then be cited, having regard to the two principal aspects—the results from the standpoint of the consumer and the results from the standpoint of the utility.

THE PROVINCE OF ONTARIO

Of the total land area of Ontario—some 365,000 square miles (the total area of the Province is about 407,000 square miles and includes about 41,000 square miles of water area—chiefly Canada's portion of the Great Lakes)—much the greater part is underlain by the rocky formation of the Laurentian Plateau, geologically known as the pre-Cambrian shield. This northern territory possesses immense forest wealth and has mineral resources of which the present developments—though of substantial magnitude—are believed to be only a beginning. It, however, supports directly a relatively small part of the Province's population of 3,200,000. The southerly part of the Province, comprising an area of about 40,000 square miles, is a fertile agricultural territory and is also admirably adapted by reason of an advantageous climate, abundant natural resources, good transportation facilities, a central situation in the Dominion, and ample supplies of low-priced hydroelectric power, to continue to have a remarkable industrial and commercial development. About 60 per cent of the people of the Province live in urban communities, and the other 40 per cent are occupied with agriculture, including fruit growing.

Industrial development has proceeded along modern lines; expanding use of power-driven machinery has continuously increased the productivity of the workers, and the relatively high wage levels thus made possible have permitted the masses of the people to attain an unusually high standard of living.

Central station power supply in Ontario is almost entirely based upon the water powers. The commercially available potential

water powers are conservatively estimated to exceed 6,000,000 horsepower, nearly 2,000,000 horsepower having now been installed in developed power sites. The climatic, geological, and topographical characteristics of the Province are such as to favor the economical development of water powers to a degree which exceeds that in many other territories.

It should be emphasized, however, that as regards ease and inherent cheapness of development, the water powers of Ontario are in no sense phenomenal, and the low costs of service to consumers which prevail in the Province can not be attributed solely or even principally to low costs of generation per se. However, in so far as the Province may have an advantage over some other territories as regards the cost of generation of power, this is partly offset by the costs of widespread transmission from the power sites to the centers of consumption. Even in the relatively closely settled southern Ontario the density of population is not high, averaging, for example, about one-eighth that of England. The central electric stations of the Province have provided more than 5,000 miles of high-tension transmission lines, many of which are of large capacity, as well as over 9,000 miles of distribution lines. Transmission distances range up to a maximum of about 450 miles. In some of the smaller and more remote municipalities, therefore, the delivered costs of bulk power are comparable with those of larger cities served by steam-electric plants in other countries.

It is believed that the exceptional economic results obtained in Ontario municipalities under the operations of their hydroelectric power commission, which serves about 75 per cent of the population of the Province, will be of interest and of value to the delegates to this conference, even though many of their own undertakings may not be served by hydroelectric developments of low or moderate cost.

EXTENT OF OPERATIONS AND RECENT PROGRESS

As indicative of the scope of the Ontario hydroelectric enterprise and of progress made in recent years, the statistical data presented in Table I will be of value.

ECONOMIC STRUCTURE OF ONTARIO UNDERTAKING

Although the undertaking of the Ontario Hydroelectric Power Commission is a business enterprise which in many respects is similar to electrical undertakings elsewhere, yet important differences exist of which account must be taken in order correctly to appraise the economic results which are the subject of this discussion.

The "hydro" electrical undertaking of Ontario, serving over 75 per cent of the population of the Province, is an organization of a large number of partner municipalities, coordinated into groups or systems for securing common action with respect to power supplies, through the medium of the Hydroelectric Power Commission, which under the power commission act functions as their trustee.

The undertaking, embracing all the operations from the provision of the power down to its final delivery to the ultimate consumer, involves two distinct phases of operation. The first is the providing of the electrical power—either by generation or purchase—and its transformation, transmission, and delivery in wholesale quantities to individual municipal utilities, to large industrial consumers, and to rural power districts. This phase of the operations is performed by the Hydroelectric Power Commission of Ontario as trustee for the municipalities acting collectively in groups or "systems." The second is the retail distribution of the electrical energy to domestic, commercial, and industrial consumers within the limits of the areas served by the various municipal utilities and rural power districts. This phase of the operations is performed by the municipalities acting individually in one of two ways. In the case of the cities, towns, and larger municipalities it is performed by municipal utility commissions which, however, operate under the general supervision of the Hydroelectric Power Commission. In the case of rural power districts the commission itself—on behalf of the corporations of the individual municipalities—operates the rural power district and distributes electrical energy to the customers of the corporations in any such rural power district.

TABLE I.—*Extent of operations and four years' progress*

	1924	1928
Number of municipalities served:		
Cities	25	26
Towns	82	86
Villages	102	110
Police villages [1]	78	113
Townships [1]	131	257
Total	418	592
Miles of primary transmission lines constructed:		
High-tension lines (12 to 220 kilovolts)	3,616	4,039
Low-tension lines [2]	548	583
Rural low-tension lines (4 and 8 kilovolts)	900	4,651
Total	5,073	9,273
Growth of load:		
Total available capacity, including power contracted for	*Horsepower* 884,690	*Horsepower* 1,443,780
December peak load distributed	780,789	1,070,742

[1] Most of the townships and smaller police villages are served as parts of rural power districts.

[2] Exclusive of local distribution.

TABLE I.—*Extent of operations and four years' progress*—Continued

	1924	1928
Number of consumers served:	*Horsepower*	*Horsepower*
Domestic service	332,999	410,655
Commercial light service	57,272	68,435
Power service	10,744	12,097
Rural power districts	14,907	31,583
Total	415,922	522,770
Revenues: Combined revenue of commission and municipal electric utilities	$24,855,056.01	$36,388,391.98
Reserves:		
Of commission for sinking fund, renewals, contingencies and insurance	13,440,810.50	37,545,583.86
Of municipal electric utilities	24,267,977.17	38,802,723.82
Total reserves	37,708,787.67	76,348,307.68
Capital investments:		
Investments of commission	178,900,000.00	211,200,000.00
Assets of municipalities in "Hydro" undertaking	72,700,000.00	98,300,000.00
Total capital investment	251,600,000.00	309,500,000.00

The rates at which power is supplied by the commission to the various municipalities vary with the amounts of power used, the distances from the sources of supply, and other factors. The entire capital cost of the various power developments and transmission systems is allocated to the connected municipalities and adjusted according to the relative use made of the lines and equipment. The entire annual direct expenses such as operation, maintenance, interest, and administration, together with reserves for sinking fund, depreciation, contingencies and obsolescence, are paid out of revenue collected from the municipal "Hydro" utilities and other consumers through the medium of power bills rendered by the commission. Power bills to municipal utilities are rendered at an interim estimated rate each month during the year, and credit or debit adjustment is made at the end of the year when the commission's books are closed and the actual cost determined.

The balance of the revenue of the municipal utilities is retained by them and is used to defray the expenses incurred in distributing to the ultimate consumers the electrical energy provided by the commission. These include operating, maintenance, and administration expenses, interest on the capital investment, sinking fund or principal payments on debentures, and depreciation charges. Concurrently, therefore, with the creation of funds to liquidate their debt to the commission and provide reserves for renewals, contingencies and obsolescence on the generating, transforming and transmitting systems, the municipalities make similar financial provisions with respect to their local "Hydro" utilities.

From the foregoing it will be seen that in the charges for electrical service, the consumers in the municipalities are paying year by year, not only all the costs of providing the service and keeping the physical plant in an up-to-date and efficient condition, but in addition are providing sums which are used to retire the capital outlays. Thus the municipalities are progressively becoming the owners of a fully paid-up plant. With respect to the local distribution systems, many municipal "Hydro" utilities have already reached the point where their quick assets, such as securities and investments, bank and cash balances, and accounts receivable exceed their total liabilities.

From the above description it will be understood how the principle of service at cost is carried out with respect to the wholesale service given to the municipal utilities. We now come to a more detailed consideration of the means by which the same principle of service at cost is, under the commission's direction, carried out in connection with the local individual consumers.

Basic to the design of rate schedules is a knowledge of the costs incurred in providing service and the commission, as part of its service to the cooperating municipalities, has designed a uniform accounting system and requires that detailed cost records be kept for each municipal "hydro" utility. It also exercises a continuous supervision over the rates charged to consumers, and their relation to the economic status of the local utility.

It has long been conceded that the scientific methods of rate-making outline by Dr. John Hopkinson and his successors are correct in principle, in that they seek to make a rate for charging for electrical energy which shall cause each consumer to pay for his service at the rate of its cost to the vendor plus a definite percentage for profit. Such rates have been applied—although to a relatively limited extent—in many parts of the world.

In the case of Ontario's undertaking the principle of service "at cost" embodied in the legislation governing the commission made it necessary to design and apply rate schedules which, for each class of service, most nearly interpreted in a practicable way the principle of service at cost to all consumers.

Now, before coming to a consideration of the economic effect of rate schedules or tariffs designed to give service at cost, it will be profitable to discuss, briefly, the principal factors which have influenced the design of the commission's rate schedules, and to describe the rate schedules themselves. It will be of assistance to an understanding of this discussion if it is kept continuously in mind that what is being sold by an electrical utility is not kilowatt-hours per se but electrical service. The cost of providing

electrical service may be divided broadly into (a) customer costs, such as meter-reading, billing and collecting, etc.; (b) demand costs, i. e., costs incurred so that the undertaking is in a position to serve the customer at any time with the service he requires up to the limit of his maximum demand; (c) energy costs.

Now, in the case of electrical service based upon water-power development, the demand cost is the most important element. In the matter of equitable rate determination and application, however, energy consumption—an easily measured quantity—is valuable as an indirect aid to measurement of effective demand, owing to the fact that as the individual load factor is raised the probable diversity between consumers is reduced; and also owing to the fact that in the case of certain classifications and groups of consumers there is a general constancy of relation between energy consumption and station demand.

In the classification of costs for the purpose of designing an equitable rate structure it is not contended that all the costs incurred in supplying service can definitely be allocated to one or other of these three divisions, but it is evident that an equitable rate schedule must take account both of the demand and the consumption, and the readiness to serve.

It will be appreciated that theoretical principles and considerations are of value more particularly as representing an ideal to be striven for, and as a general guide in shaping the main elements of the tariffs. The final test of the validity of principles followed in rate design is, of course, the results obtained in practice.

On account of several factors, including the great elasticity or variation possible in consumption, the large numerical preponderance of consumers and the universal interest which attaches to electrical service in the home, the class of domestic or residential service is especially suited to illustrate the economic results achieved and the conclusions to be derived from the experiences of Ontario in the application of rate schedules designed to apply the principle of service "at cost."

RATE SCHEDULES OR TARIFFS FOR DOMESTIC SERVICE

In Ontario, domestic rates apply to electrical service in residences, for all household purposes, including lighting, cooking, and the operation of all domestic appliances.

When the commission started operation in 1910, the recognized domestic use of electricity was for lighting only, and the floor area was considered as indicative of the demand. A service charge was therefore established based on the floor area of the house, which was combined with a consumption or kilowatt-hour rate much lower than generally obtained elsewhere. The development of electrical household appliances was encouraged by the moderate consumption rate, and with the accumulation of cost data secured by the commission it became evident that to maintain service at cost still lower rates must be given for additional consumption. Consequently, a second or follow-on energy rate, of one-half of the first energy rate, was established for domestic service, and this was applied to all consumption over a certain amount each month, dependent upon the floor area. This form of rate naturally encouraged a greater use of household appliances, and electrical cooking gradually became popular.

Conditions respecting domestic consumption and use in many municipalities have been rapidly changing, and in recognition of this fact a new and somewhat simpler form of rate schedule was devised which has now been very generally adopted for use by the municipal utilities. Under present-day conditions in Ontario, domestic consumers may be grouped into three main types whose average characteristics are known and do not vary greatly in any one municipality. These types are (1) consumers using electrical service for lighting only, (2) consumers using lighting and appliances, not including electric ranges, and (3) consumers using lighting, appliances, and electric ranges. Now, a general domestic rate schedule based upon cost must secure from each type of consumer an adequate but not excessive revenue, and the form of domestic rate schedules used in Ontario has been designed with this object.

The present standard schedules therefore consist of (1) a fixed uniform service charge of 33 cents gross per month and an additional amount of 33 cents gross is charged for 3-wire or range service, or to consumers having more than 2,000 watts permanently installed; (2) a first consumption rate applicable to energy consumed up to a certain number of kilowatt hours per month; and (3) a follow-up or secondary rate applicable to all additional energy used. Minimum charges and prompt payment discounts—as in the earlier form of rate—are also employed.

Broadly, the service charge may be considered as covering certain costs common to all users of this class, such as meter reading, billing, and a part of the demand costs appertaining to the local distribution system. The consumption or kilowatt-hour rates cover the cost of bulk power delivered to the municipal utility, and any costs of distribution not obtained by the service charge. The first kilowatt-hour rate and the rate for all additional energy are so adjusted as to insure that in each municipality domestic consumers of each of the three prevailing types—lighting; lighting and appliances; lighting, appliances and ranges—will, as far as practicable, contribute revenues commensurate with the cost as ascertained from known characteristics of these types.

The standard domestic rate schedules may, therefore, representatively be given as in Table II and are graphically shown in Fig. 1. The first three schedules—a, b, and c—may be considered as typical of the rates in Ontario municipalities. Less than 5 per cent of domestic energy consumption is sold at higher rates than these.

TABLE II

Service charge gross	First consumption charge per kilowatt-hour	Number of kilowatt-hours to which it applies	All additional per kilowatt-hour	Discount prompt payment	Usual minimum bill
Cents	*Cents*		*Cents*	*Per cent*	
(a) 33	2	60	1	10	$0.75
(b) 33	2.5	60	1.25	10	$0.75 or 1.00
(c) 33	3	55	1.5	10	.75 or 1.00
(d) 33	4	50	2	10	1.00 or 1.25
(e) 33	5	45	2	10	1.00 or 1.25
(f) 33	6	40	2	10	1.25 or 1.50
(g) 33	7	35	2	10	1.50 or 2.00
(h) 33	8	30	2	10	1.50 or 2.00

In order to meet special conditions in certain municipalities variations may be made in any one or more of these factors—except the 10 per cent prompt-payment discount which is everywhere employed. The scheme has proved to be a well-graded and flexible one and has already been adopted for general use in the municipalities served by the commission.

Table III representatively shows, for various consumptions, the net monthly bills which are rendered to domestic consumers in Ontario municipalities under the standard rate schedules described above. The first three lines, a, b, and c, may be considered as truly typical of charges to Ontario consumers, as less than 5 per cent of domestic electrical energy is sold at rates higher than these.

The general circumstances appertaining to the Province and to the commission's undertaking having been reviewed, the basic principles followed in designing rate schedules having been discussed, and the domestic rates themselves having been described, it is now in order to deal with actual economic results that have been achieved through the application of the commission's tariff policies to domestic service under the circumstances existing in Ontario. In this connection two aspects present themselves for consideration—the economic results from the standpoint of the consumer and the economic results from the standpoint of the utility. It will be shown that the policies followed have enabled the consumers to take advantage of the comforts and economies attending the liberal use of electrical energy to an unusual extent and that the average unit costs of electrical energy to the consumer have been reduced to a very low point. It will also be shown that this desirable result has been accomplished without impairing the ability of the utilities to earn from domestic service adequate net returns on the capital employed and without departing from the principles of sound finance.

TABLE III.—*Net monthly bills to consumers—standard domestic schedules*

First charge		All additional per kilowatt-hour	Monthly consumption in kilowatt-hours					
Per kilowatt-hour	Number of kilowatt-hours		25	40	60	160	300	500
Cents		*Cents*						
(a) 2	60	1	[1] $0.75	$1.02	$1.38	$2.28	$3.54	$5.34
(b) 2.5	60	1.25	[1] [2].86	1.20	1.65	2.67	4.35	6.60
(c) 3	55	1.5	[1] [2].97	1.38	1.85	3.20	5.09	7.79
(d) 4	50	2	[1] 1.20	1.74	2.29	4.08	6.60	10.20
(e) 5	45	2	1.42	2.10	2.59	4.39	6.91	10.51
(f) 6	40	2	1.65	2.46	2.82	4.62	7.14	10.74
(g) 7	35	2	1.87	2.57	2.95	4.75	7.27	10.87
(h) 8	30	2	2.10	2.64	3.00	4.80	7.32	10.92

[1] Or minimum.
[2] The minimum charge varies in different municipalities. It would become the charge where it exceeded the figure shown.

ECONOMIC EFFECT OF ONTARIO DOMESTIC RATES FROM THE CONSUMER'S STANDPOINT

From the foregoing summary description of the rate schedules used in Ontario municipalities for domestic service, it will be observed that by incorporating a low follow-on rate they take the form commonly known as "inducement rates." It should be emphasized, however, that while they are inducement rates in form and also in effect, they are not inducement rates in the sense that their primary purpose is to promote consumption, or that they contemplate the assumption of initial losses which will later be recovered through enhanced profits. The primary object in mind in designing the rate schedules is to apportion charges to all consumers as nearly as is practicable according to the costs of the utilities to provide the service. The inducement form of the rates is simply a result of this object—a result, however, which has been of great economic benefit to the consumers of the Ontario undertaking. Rates of the inducement form have enabled Ontario domestic consumers to utilize labor-saving and comfort-giving electrical appliances to a much greater extent than would otherwise have been possible. The increase in average domestic consumption has been exceptionally rapid, and has been a major factor in making possible the provision of electrical service to

Ontario domestic consumers at average costs to the consumer, per kilowatt-hour, which are probably lower than in any other comparable territory.

Statistics relating to the consumption of electrical energy in Ontario municipalities served by the Hydroelectric Power Commission are compiled and published in the commission's annual reports. There are presented herewith diagrams and curves giving derived statistics relating to certain phases of "hydro" electrical service.

Before presenting these diagrams, however, a word of caution is necessary. Certain of the diagrams present data respecting the "average cost per kilowatt-hour" to the consumer, and are derived from statistics of revenues and kilowatt-hour sales of the utilities, by simple division. Such average costs and revenues per kilowatt-hour have frequently been assumed to be a reliable criterion of the relative rates or prices for electrical service in one municipality or territory as compared with another. Such an assumption involves a serious statistical fallacy and is productive of very misleading results. Particularly is this the case when revenues and consumptions of all classes of service are indiscriminately lumped together in order to deduce a so-called "average cost or rate per kilowatt-hour" for all services; a lower average for one utility than for another is more likely to be due to a preponderance of sales under the industrial and other low-cost classifications than it is to be due to a lower general scale of tariffs.

Even where the utilities compared have similar forms of tariff and where one classification only is considered, the average cost or revenue per kilowatt-hour is no criterion of comparative rates to consumers. It will be observed, for example, from Figure 4, that in the last 12 years since 1916 there has been a reduction in the average cost or revenue per kilowatt-hour for domestic service in Hydro municipalities of approximately 50 per cent. It would be quite incorrect, however, to assume that domestic tariffs have been reduced on the average by 50 per cent in the period. By 1916 the rates in most of the cities and towns had become well established on a low cost basis with low follow-on rate, and since that time domestic schedules of rates in force have for the majority of customers remained notably free from important upward or downward revision. In general, the charge to the majority of consumers for a specified monthly consumption was not materially different in 1928 from what it was in 1916. The lower average cost to the consumer in 1928 is principally due to the higher average consumption per consumer—see Figures 2 and 3—and to the form of the tariffs.

Unless this feature of the data presented is fully appreciated, they will fail to convey a useful understanding of the economic results of the commission's tariff policies. The commission's tariffs for domestic service are low, but they are not by any means as low in relation to domestic tariffs elsewhere as would be indicated by indiscriminate comparison of revenues per kilowatt-hour for domestic service.

If it is desired to appraise the commission's tariffs for domestic service in Ontario in relation to those used elsewhere, valid conclusions can only be reached by comparing the cost of a month's service to a typical consumer, or series of consumers, taking service under identical conditions as regards energy consumed and other relevant circumstances in the two territories.

Figures 2 to 6 indicate the rapid growth in consumption, decline in unit cost, and other trends respecting domestic service as it has developed under tariffs designed to give service at cost.

The data basic to these diagrams have been published in the annual reports of the commission. The totals of the principal items are presented in Table IV.

TABLE IV.—*All municipalities totaled domestic service*

Year	Number of municipalities	Annual revenue	Kilowatt-hours consumed	Number of consumers	Average cost per kilowatt-hour	Average monthly bill	Average monthly consumption, kilowatt-hours
					Cents		
1914	49	$730,168.00	14,359,100	64,866	5.08	$1.06	21.0
1917	123	1,340,855.00	41,930,200	131,313	3.20	.91	28.6
1920	166	2,514,658.00	98,211,000	193,892	2.56	1.15	44.6
1923	206	4,955,420.00	242,926,600	286,852	2.04	1.54	75.7
1926	243	7,353,394.00	404,722,959	349,882	1.81	1.79	98.4
1927	267	8,497,190.79	469,851,690	387,573	1.80	1.87	103.5
1928	268	9,411,812.48	551,010,035	408,071	1.71	1.97	115.5

The curves are shown from 1914 to 1928, but for the present study special attention should be directed to the portion from 1916 on, for the following reasons: The period prior to 1916 was one of exceptionally rapid growth with respect to the number of municipalities of larger size in which "Hydro" service was being inaugurated; subsequent to 1916 there has been a steady increase in the number of municipalities served, but those added in recent years have been of smaller size individually. Prior to 1916 was also a period of adjustment of rates among many of the larger municipalities. Substantial reductions in rates were being made affecting a large proportion of the consumers. This is reflected in the decided drop between 1914 and 1916 in the average monthly bill for all municipalities, notwithstanding a substantial increase in average consumption. In the case of a municipal utility, newly established, there are usually substantial reductions in rates during the first few years of service, but in a short time the rate becomes fairly well stabilized and future adjustments of rates, if any, are small. Except in some of the smaller communities this point is reached with a rate schedule equivalent to or approximating the rate schedules a, b, or c, referred to above, depending upon the usual factors of distance, size of load, etc. Data for municipalities whose domestic tariffs had not reached comparative stabilization by 1916 or shortly after exert in the aggregate little influence upon the statistical results of the system as a whole, which are shown in Figures 2, 4, and 5.

Considering, therefore, the portions of the diagrams for the years 1916 to 1928, it is seen that the effect of the commission's tariff policies and of its sales efforts in merchandising appliances has been to induce a steady and consistent growth in average monthly consumption from about 25 kilowatt-hours to 115 kilowatt-hours, or a 366 per cent increase. The average monthly bill has increased from $0.84 to $1.97, or 135 per cent. The average cost per kilowatt-hour has dropped from 3.5 cents in 1916 to 1.71 cents in 1928; and this has occurred notwithstanding the fact that the cost of wholesale power—owing to advancing costs of generation and transmission, etc., consequent upon economic adjustments due to the Great War—has increased.

Figure 3 relating to certain individual municipalities has been included in order to assist appraisal of the degree to which, on the one hand, the inclusion from time to time of new municipalities with initially higher rates, and, on the other hand, the reduction of tariffs in certain of the newer and smaller municipalities after the initial period of operation, have affected the statistical results for the system as a whole. In the case of Niagara Falls and Toronto there have been no changes in domestic rates from 1916 to 1928, and in the case of the other municipalities such changes as have been made have been in the nature of minor adjustments. The results in these municipalities give, therefore, an indication of the effect of the tariff policies that is comparatively free from complicating factors and serve to confirm the general results from the curves derived by including statistics from all municipalities.

Dealing with the period from 1914 to 1928 and summarizing the results presented in Table IV for all municipalities, it is seen that the number of municipalities has increased from 49 to 268; the revenue from $730,168 to $9,411,812, or thirteen times; the consumption from 14,359,000 to 551,010,000 kilowatt-hours, or thirty-eight times; the number of consumers from 64,866 to 408,071, or six and three-tenths times; the average monthly consumption from 21 to 115 kilowatt-hours, or five and one-half times; the average monthly bill from $1.06 to $1.97, or less than twice; and that the average cost per kilowatt-hour has decreased from 5.08 cents—which, it may be noted, was, even in 1914, a lower figure than was common elsewhere—to 1.71 cents in 1928, or to about one-third.

The last diagram presented (fig. 6) shows the average cost of electrical service in municipalities served by the Hydroelectric Power Commission of Ontario. And although for purposes of simplicity we are considering the economic results chiefly as illustrated by the domestic consumer, there have been included in this diagram statistics relating to the commercial lighting service and to the power service. It will be seen that the favorable economic effects of the policy of providing service at cost are by no means confined to domestic service, but that similarly low-cost service is given both to commercial lighting consumers and to power consumers. With respect to power service supplied by the municipal utilities, the statistics for which are incorporated in the diagram, it should be pointed out that the average load per consumer is about 30 horsepower. The commission serves certain large power consumers direct on behalf of the various systems of municipalities.

USE OF DOMESTIC ELECTRICAL APPLIANCES BY ONTARIO CITIZENS

The form of tariff or rate schedule which is necessitated by the principle of service at cost, by incorporating a low follow-on rate, promotes a liberal use of the service for electrical appliances, and at the present time the major factor in domestic consumption in most Ontario municipalities is the energy consumed for domestic cooking, water heating, and labor-saving devices.

During the past five or six years statistics have been collected in most of the municipalities served by the commission respecting the number of appliances in use by domestic consumers. The results of the surveys made each year show that there has been a steady growth in the number of appliances in use and also in the percentage saturation of the possible number which might be used. Table V presents in summary form this information for the years indicated up to January 1, 1929.

FINANCIAL RESULTS OF ONTARIO TARIFF POLICY

It is pertinent at this point to consider the economic results under the commission's tariff policies, from the standpoint of the relation of net earnings of the utility to capital investment. Such a consideration will, it is believed, show that the commission's tariff policies have been quite as successful from the standpoint of the utility as from that of the consumer.

Since domestic service has been selected as the classification which most strikingly illustrates the principles and results under discussion, the economic results for the other classifications of service need not be treated in detail. It suffices to emphasize that the same general tariff policies and methods of cost accounting are pursued for all classifications, except for a minor modification





with respect to power supplied by the utilities to the municipal corporations themselves for such purposes as street lighting and waterworks pumping. Tariffs in general are conservatively designed to yield a moderate surplus over all costs; municipal power is supplied strictly at cost.

Now, if it were to be attempted to present consolidated revenues, costs and earnings of capital for the domestic service in all municipalities, or even in a series of representative municipalities, such a presentation would become unduly involved. Where consumers of various classifications of a utility utilize in common important parts of the plant, segregation of costs becomes necessary, and before an intelligent appreciation of such data could be conveyed, a detailed discussion of the methods of assigning and segregating costs would be required—a discussion which could not adequately here be presented. Moreover, the point at issue—whether the extremely low costs to domestic consumers in Ontario municipalities have been attained without violating the requirement of adequate net earnings on the capital employed—can be settled simply and conclusively without reference to a multiplicity of detailed data.

TABLE V.—*Tabulation showing the number of the larger electrical appliances reported to be in use among "Hydro" domestic consumers in Ontario at the end of 1928 and the number calculated to be in use deduced from figures reported [1]—Also the totals estimated for 1924 and 1926 for comparison*

	Estimated number in use Dec. 31, 1924, by 344,250 consumers	Per cent saturation	Estimated installed capacity, kilowatts	Estimated number in use Dec. 31, 1926, by 376,882 consumers	Per cent saturation	Estimated installed capacity, kilowatts	Estimated number in use Dec. 31, 1928, by 414,139 consumers	Per cent saturation	Estimated installed capacity, kilowatts
Electric ranges	47,505	13.8	285,030	70,883	18.8	425,298	95,906	23.1	575,436
Electric hot plates	18,883	5.5	37,766	25,791	6.6	50,582	38,699	9.3	77,398
Electric washers	55,342	15.8	11,068	78,063	20.7	15,612	107,370	25.9	21,474
Electric cleaners	64,205	18.6	12,841	75,120	19.9	15,024	90,275	21.8	18,055
Electric water heaters	16,605	4.8	25,000	26,069	6.9	39,100	37,028	9.0	55,542
Electric grates	15,075	4.4	30,150	16,812	4.4	33,624	17,620	4.3	35,240
Electric air heaters	103,000	30.0	82,400	106,125	28.0	84,820	149,900	36.2	119,920
Electric ironers	1,590	.4	4,770	2,255	.6	6,765	3,045	.8	9,135
Electric irons	307,900	89.2	203,148	311,377	82.9	205,508	370,820	89.9	244,741
Electric refrigerators	657	.2	130	2,667	.7	533	16,338	3.9	32,676
Electric toasters	152,200	44.1	83,710	160,077	42.5	88,042	194,637	47.0	107,050
Electric grills	46,800	13.8	30,888	42,000	11.2	27,720	45,262	10.9	29,872
Total kilowatts			806,901			992,628			1,326,739
Horsepower			1,081,640			1,330,600			1,778,470

[1] In some instances estimates or actual figures showing the number of appliances in use were not supplied by the smaller municipalities. Estimates for these missing figures were supplied by averaging the figures which were received from other municipalities.

RESULTS UNDER LOWEST TARIFFS

Obviously, if it can be shown that in the municipality where the lowest domestic tariffs are employed the resulting revenues are sufficient to produce adequate net earnings on the capital employed, which can not wholly be attributed to any source other than domestic service, then it will follow a fortiori that in the other municipalities, using higher tariffs, even more favorable results are possible of attainment by the utilities. The city in Ontario where the charges for domestic service are lower than in any other municipality is Ottawa, and the circumstance that, in this residential city, the business of the municipal electrical utility is predominently a lighting service makes it possible to show directly from the audited financial results of the utility that domestic service and commercial service at what would be regarded in many quarters as phenomenally low unit costs to the consumer, are nevertheless by themselves productive of a substantial surplus of revenues over all costs.

Owing to unusually favorable costs of bulk power, domestic tariffs in Ottawa are lower even than rate a of the standard system. A typical domestic and lighting and cooking consumer, using, say, 400 kilowatt-hours per month, pays a monthly charge of $2.94. The domestic consumers in Ottawa use electrical appliances very extensively, and the average monthly consumption is 231 kilowatt-hours per consumer, a condition which results in average cost per kilowatt-hour to domestic consumers of but 87 cents.

The pertinent financial results of the Ottawa "Hydro" utility for the year 1928 are presented below in summary form

Capital invested in distribution system:		
Plant, original cost	$1,989,288.40	
Less depreciation reserve	670,670.91	
		$1,318,617.49
Working capital (all other assets except sinking funds, $446,736.36)[1]		242,387.59
Total depreciated capital investment		1,561,005.08
Funded debt outstanding		953,374.17
Equity of municipal corporation		[1] 607,630.91
Revenues of the utility:		
Domestic service	$278,094.78	
Commercial service	133,523.10	
Total, domestic and commercial	411,617.88	
Street lighting and municipal power (at cost)	94,949.94	
Industrial power and miscellaneous	63,415.87	
Total revenues of the utility		569,983.59
Expenses of the utility:		
Cost of bulk power	$211,309.52	
Operation and maintenance of distribution system	181,787.82	
Total operating expense		$393,097.34
Net earnings before depreciation		176,886.25
Per cent on total capital investment	11.3	
Depreciation		51,291.00
Net earnings after depreciation		125,595.25
Per cent on total capital investment	8.0	
Bond interest paid		43,463.44
Total surplus		82,131.81
Per cent on municipal equity	13.5	
Surplus applied to retire capital	$19,673.51	
Free, operating surplus	62,458.30	
	82,131.81	

[1] The Ottawa municipal utility has invested sinking funds in the amount of $446,736.36, which will be used to acquire additional equity in the local system as the bond issues mature.

The surplus earnings reflect the conservative policy which is followed in order to insure that the financial status of the undertaking will always be of unquestionable soundness. These earnings, according to the practice in the Ontario undertaking, will be used to lower costs of service in the future, by paying off indebtedness, by extending plant, and by investment in trustee securities, or will be returned to the consumers in cash.

A feature of the results in Ottawa which influenced its selection for purpose of illustration—aside from the fact that the costs to consumers are lower there than elsewhere—was the predominance of the lighting services over all other classifications. In the case of Ottawa, reference to the financial statement shows that the bulk of the free operating surplus of $62,000 must have come from the lighting services, including the service to domestic consumers. Services rendered the municipal corporation are by law required to be on a strict cost basis, and the revenues from this source—$95,000—can thus have contributed no part of the surplus. Industrial power and miscellaneous revenues aggregate but $63,000, and could thus under no circumstances have provided more than a modest proportion of the total of $62,000 surplus. In other words, the utility could have given away the industrial power service it sold—which yielded a revenue of $55,253—and still have had a surplus from supplying domestic and commercial consumers at the low rates charged.

It is true that the Ottawa utility enjoys a more than usually favorable position in some respects—notably in that the commission has been able to furnish the local utility with bulk supplies of power at a rate that is lower than is found elsewhere in the Province. It will be appropriate, therefore, to cite the results in one other utility, a comparatively small community situated remote from the source of power supply, in order to afford an indication of the economic results of the commission's tariff policies under circumstances which more closely approximate those generally encountered in territories outside of Ontario.

RESULTS UNDER UNFAVORABLE CONDITIONS

Selection of a municipality for purpose of illustration has in this case, as in that of Ottawa, been made with a view to sim-

plicity of analysis, and the town chosen is therefore one where service is predominantly residential. The town of Sandwich, in the extreme west of southern Ontario, is of moderately small size, with population of 9,400; it is remote from the source of power supply, with transmission distance of 245 miles, and has electric revenues that are predominantly derived from domestic service.

Even under these unfavorable circumstances, the commission's tariff policies have enabled the 2,700 domestic consumers of the Sandwich utility in the fifth year of operation to utilize an annual consumption of 5,700,000 kilowatt-hours, at a total cost to them of $105,000. The average monthly consumption per consumer is thus 180 kilowatt-hours, and the average cost to the domestic consumer is but 1.83 cents per kilowatt-hour. Cost of service to other classifications is similarly low, commercial consumers paying an average of 2.1 cents per kilowatt-hour, and the few industrial consumers the town has paying on the average but $31.25 per horsepower per year. Notwithstanding these low costs to the consumers, the utility is in a flourishing financial condition, as will be observed from the financial statement for 1928, which follows:

Municipal electrical utility, town of Sandwich, Ontario

Capital invested in distribution system:		
Plant, original cost	$251,851.42	
Less depreciation reserve	20,626.42	
		$231,225.00
Other assets (except equity in commission's plant, $52,795.16)		43,659.61
Total depreciated investment		274,884.61
Funded debt outstanding		126,758.74
Equity of municipal corporation		148,125.87
Revenues of the utility:		
Domestic service	$104,647.25	
Commercial light service	20,069.40	
Total domestic and commercial	124,716.65	
Street lighting (at cost)	8,318.15	
Industrial power and miscellaneous	28,346.75	
Total revenues of the utility		161,381.55
Expenses of the utility:		
Cost of bulk power	$99,128.08	
Operation and maintenance of distribution system (all classes of service)	16,362.78	
Total operating expense		115,490.86
Net earnings before depreciation		45,890.69
Depreciation		4,220.00
Net earnings after depreciation		41,670.69
Interest payable on bonds outstanding		6,700.88
Total surplus		34,969.81

Applied to retire capital, $4,865.12.
Free operating surplus, $30,104.69.

From the above data, taken from the audited financial statements of the Sandwich "Hydro" utility, it will be observed that the net earnings on the total capital for the year were at the rate of 16.7 per cent before depreciation and 15.2 per cent after depreciation. The net annual surplus earnings, after payment of interest, were at the rate of 23.7 per cent on the municipality's equity in the undertaking.

The figures speak for themselves. The conclusion can not be escaped that the tariff policy of the commission has been eminently successful from the standpoint of the utility, even in small communities handicapped by the costs of long-distance transmission. They establish the fact that service can be given to domestic consumers at average charges per kilowatt-hour of less than 2 cents and yet produce net earnings on capital at a rate which would constitute a very attractive return to the owners of the utility even were it privately owned.

There is nothing exceptional about the two financial statements selected for the purpose of illustration except the features noted of preponderating domestic service in both cases, of extremely low consumer's unit costs in Ottawa, and of adverse circumstances in Sandwich. In these two municipalities results for the year 1928 are entirely consistent with those for previous years.

Taking the municipalities of the system all together, the revenues of the local utilities aggregated in 1928 some $26,000,000 and yielded, above all operating and depreciation costs, interest payments of $2,100,000; surplus applicable to capital retirement, $1,600,000; and additional free surplus of $2,000,000. The investment in plant was $70,000,000, less depreciation reserve of $11,000,000, and additional assets, except sinking funds and equity in the commission's plant, totaled some $9,000,000. The net earnings of the local capital, after depreciation, were thus approximately 8 per cent, taking all the utilities together, and the net surplus earnings were 14 per cent on the municipal corporations' equities.

LOCAL CHARACTERISTICS OF DOMESTIC APPLIANCES

In view of the already extensive use of electrical appliances in Ontario municipalities, and the rapidity with which, under the stimulus of the inducement form of rate, their use is being extended, the load characteristics to which these appliances give rise have been a subject of special study by the commission. The surveys made and other relevant data available indicate that, in general, the load characteristics of these appliances are not such as to give rise to high costs.

In Ontario municipalities the use of electrical service for lighting may be said to be practically universal. The use of electrical appliances of small capacity and intermittent or irregular use—such as flatirons, vacuum cleaners, electric toasters, and washing machines—is also very general among Ontario domestic consumers. The favorable load characteristics of these appliances are so well known that they do not call for extensive discussion at this time. The use of electrical cooking ranges, however, is a feature with respect to which the extensive experience of the commission will be of interest, and in this connection the load characteristics of other electrical appliances of large capacity and energy consumption, such as water heaters, ironing machines, air heaters, etc., will also be discussed.

With respect to the influence of load characteristics on costs of supply it is to be noted that since lighting and the use of smaller appliances by a domestic consumer usually precedes and nearly always accompanies the use of the larger appliances, the utility, from the economic standpoint, is concerned principally with the additional costs, consumption, and demands appertaining to electrical service used for cooking and lighting and small appliances over those appertaining to the use of the service for lighting and small appliances only.

Under Ontario conditions it is found in general that the costs of bulk power to municipal utilities materially exceed the costs for distribution within the municipality, and consequently the factor of principal importance from the economic standpoint is the extent to which the installation of ranges increases the peak load of the municipality. A factor of hardly less importance is the influence of the electric range upon the load factor of the municipality. Factors of secondary—but not of negligible—importance are the individual demands of range consumers. Individual demands exert practically no influence upon such costs as meter reading, billing, and collecting, and office overhead, nor do increased individual demands on the part of the domestic consumers tend appreciably to increase the costs appertaining to such important items of distribution plant as poles, hardware, etc. Large increase in individual demands does, however, increase total costs with respect to such items as copper for distribution conductors and distribution transformers and substations.

That very large diversity exists among Ontario domestic consumers' demands is indicated by the smallness of the resulting station demand in relation to the sum of the individual demands of the consumers. The diversity is particularly good in the moderately large cities, where the distances from employment, hours of work, and other factors bring about a large variation in time of day when the electric cooking appliances are used. In certain smaller and highly industrialized municipalities, however, a tendency is found for nearly all of the inhabitants to cook the heavy meal of the day at approximately the same hour, with the result that in such municipalities the diversity is somewhat less favorable, and costs attributable to electric ranges are relatively higher than is found in general throughout the Province. The experience of the commission, however, has demonstrated that even under the least favorable circumstances the costs occasioned by the use of electric ranges are decidedly moderate, and service can be given to consumers at rates low enough to be attractive to the consumer without loss to the utility or disadvantage to consumers of other classifications.

RESULTS WITH HIGH ELECTRIC-RANGE SATURATION

As illustrative of load conditions obtaining in a city of some 60,000 population, where—notwithstanding a transmission distance of 240 miles and tariffs, in consequence, somewhat higher than those in more advantageously situated Ontario municipalities—the electric-range saturation among domestic consumers is the remarkably high figure of approximately 78 per cent, the following results may be cited. The average monthly peak load of the municipality incurred in serving consumers of all classes was 17,550 kilowatts. The industrial consumers had aggregate demands, averaged over the year, of 6,530 kilowatts; the 2,200 commercial consumers had aggregate demands of approximately 6,200 kilowatts; the 3,300 residential consumers not using the service for cooking had aggregate demands estimated at 3,300 kilowatts; and there were served in addition approximately 11,500 domestic consumers using electric ranges in conjunction with lighting and other appliances.

Having regard to the diversity, one with another, of consumers within a group, and also equitable apportionment of diversity of one group with the others, as deduced from load records and other data, it is estimated that of the maximum coincident station load for all groups—17,550 kilowatts—between 9,500 kilowatts and 10,500 kilowatts is assignable to the 11,500 domestic range consumers, and between 7,000 kilowatts and 8,000 kilowatts is assignable to the domestic consumers without ranges, the commercial lighting consumers, the power consumers, and the municipal street-lighting service. The assignable station demand per range consumer is thus, on the average in this municipality, between 0.83 kilowatt and 0.91 kilowatt.

The annual consumption of electrical energy by domestic consumers in this municipality is approximately 32,000,000 kilowatt-hours, measured at the consumers' meters, from which, making allowance for distribution losses, it appears that the municipal-station load arising from domestic service, with 78 per cent range

saturation and a slightly restricted energy consumption due to tariff somewhat higher than usual in large Ontario cities, has an average monthly load factor in excess of 40 per cent. The average daily load factor would of course be materially higher than this figure.

RESULTS WITH RELATIVELY UNFAVORABLE DIVERSITY

As representative of load characteristics in a municipality where diversity is relatively unfavorable, the results of a special study made in a municipality with some 6,000 domestic consumers may be cited. In this municipality a sharp peak had been observed to occur between the hours of 11.30 and 12 o'clock, which, although the range saturation was but 33 per cent, was obviously attributable to unusually poor diversity of use of electric ranges. Special study was made of characteristics of individual consumers' loads and the domestic service was definitely segregated from other classifications of service during the period covered by the survey. The cost of bulk power in this municipality was less per horsepower than that in the larger municipality cited above, and the domestic tariff was also lower; in consequence, the average domestic consumption per range consumer and per lighting consumer was materially higher than in the larger city.

Typical daily load curves for domestic service in this city over a period of six months showed an average maximum demand of approximately 3,800 kilowatts arising from 2,000 consumers having ranges and 4,000 consumers without ranges. The portion of the domestic peak load assignable to range consumers was approximately 2,700 kilowatts, or 1.35 kilowatts per consumer, and that to lighting consumers 1,100 kilowatts, or 0.28 kilowatts per consumer. The analysis in this city having been directed more particularly to the ascertaining of the characteristics of the domestic load by itself, these figures do not, as in the case of the larger city, include apportionment of diversity existing between the various classifications of service, and are thus somewhat higher than the resulting assignable station demands. Even when appropriate allowance is made for this difference in the basis of the two sets of data, however, the results indicate clearly that diversity among the range consumers in the smaller industralized municipality, though good, was materially less than in the first city.

Respecting load factor in the smaller city, the actual typical daily load factor of the domestic load—again without allowance for diversity between classes—was high, the higher average consumption per consumer having offset the poorer diversity. For the month of December the measured typical daily system load factor was nearly 50 per cent for domestic load by itself, and, if based upon assignable contribution to the aggregate municipal station load, would be a still higher figure.

Thus, even under relatively poor conditions of diversity, the commission's extensive experience—of which the above data cited are representative—indicates that the load characteristics of domestic appliances are essentially good, and are such as to justify from the economic standpoint the provision of a supply of electrical energy to cooking consumers at low tariffs.

With respect to the load characteristics of the individual consumer, it should be noted that the electrical cookers in general use in Ontario are of the high-capacity type, with insulated oven, but without any special provision for heat accumulation, and no special measures have been taken to encourage limitation of individual peak demands. For consumers using ranges, lights, and small appliances, the average installed capacity is about 11,000 watts per consumer, and the average monthly 10-minute integrated peak of the individual consumer is approximately 5,500 watts. Among domestic consumers using the service for lighting and small appliances, but not for cooking, the installed capacity averages about 2,200 watts, and the invidual monthly peak demand averages 1,000 watts. As has been noted, however, the high individual peaks of range customers and the resulting low individual load factors are of comparatively minor import to the utility from the economic standpoint.

In the course of the detailed survey to which reference has been made above, data were also secured respecting the load characteristics of the heavy appliances other than electrical cooking ranges, which are used to a considerable extent by domestic consumers in Ontario municipalities.

Among a group of consumers using both electric ranges and other appliances of large capacity and energy consumption it was found that the average installed capacity was some 16,000 watts per consumer, about 5,000 watts more than the average installation for range consumers not using such heavy appliances. The average of individual demands, however, was but 5,700 watts, as compared with 5,500 watts, and the average annual consumption showed an increase of 1,860 kilowatt-hours. The large increase in energy consumption with trifling increase in individual demands, is evidence of the very favorable load characteristics of such appliances as regards diversity and improvement of load factor. Inspection of the load curves of the municipalities indicates that air heaters have less desirable diversity characteristics than the other heavy-duty appliances.

Influence on load factor of rapid growth in consumption

Figure 7, relating to a third city—Niagara Falls, Ontario—shows the domestic consumption for the years 1918 and 1928, inclusive, in kilowatt-hours used per consumer per annum. It will be noted that for 1918 the average was 372 kilowatt-hours, whereas for 1928 an average of 3,012 kilowatt-hours was consumed. The curve also shows the effect on the net cost per kilowatt-hour, which varied from 2.9 cents in 1918 to 1.1 cents in 1928. With this curve is also shown the average load factor for domestic purposes during that period. It is interesting here to note that the load factor during this period has increased from 25 per cent to 51 per cent—an increase in load factor which, undoubtedly, is largely responsible for the drop in the net cost per kilowatt-hour.

There has been remarkable development during this 10-year period in the use of electrical appliances. For instance, in domestic service in 1918 the use of electricity was almost wholly confined to lighting. With the beginning of 1919 and following through to 1922, the first major use of the electric range took place, until it was found that in 1921 the daily peak established by ranges equaled the lighting peak created in the evening. This gave the highest possible load factor with respect to the two peaks established. In 1922 the cooking load became greater than the evening lighting load, with a consequent reduction in the load factor. This was compensated for in 1923 by the gradual increase in the use of other appliances, a growth which has been steadily felt during the following years. A fact of interest is also observable about the years 1925 and 1926, when a large number of flat-rate water heaters were installed by domestic consumers. These flat-rate water heaters tended very materially to increase the load factor to the present, which now approximates an average of 51 per cent throughout the year. It is interesting also to note that during this period there has not been any change in the rate structure[1] for the city of Niagara Falls, and that the results have been brought about entirely through the increased use of appliance loads other than for lighting. Although the information is not fully available, yet it appears probable that this load factor will be still higher for the year 1929.

The results just presented clearly demonstrate what may be expected from a proper application of "inducement" rates to domestic uses in conjunction, of course, with the development of the art.

The results under review were brought about under the most unsettled conditions the industry has probably had, namely, the period following the Great War, when prices, labor charges, etc., went through great changes, and when, under normal conditions, a marked advance in the net cost of electric service might have been expected. During this period the cost of power to the municipality under discussion had been substantially advanced. The cost of distribution material also was considerably higher, but in spite of all such features the improvement in load factor and greater use of energy per consumer have manifestly resulted in a gradual drop in the cost per kilowatt-hour to the consumer.

Thus, in conclusion, it may be remarked that the economic results that have attended the application of the form of tariffs used by the commission—results that have been shown, in an earlier section of this discussion, to be decidedly favorable from the standpoints of both consumer and utility—are in large measure due to the very advantageous load characteristics which appertain to the use of domestic appliances by the consumers of the Ontario undertaking, even under the less favorable conditions as regards diversity.

RURAL ELECTRICAL SERVICE

The data that have been presented for domestic service are representative of and adequately illustrate the economic results of the commission's policies as they concern the operations of the commission in their major aspect of supply to urban consumers. Rural electrical service, though of comparatively minor importance as regards the quantity of power supplied, is nevertheless of special interest because of the intensive efforts that have been directed in recent years and in many parts of the world upon the problems of solving the difficulties inherent in rural distribution, and also because of the very great economic benefit which accrues to the rural consumer and to the general welfare of the citizens from the provision of adequate supplies of electrical energy for agricultural consumers at low cost. The results of the commission's methods and policies in this field will therefore be briefly indicated.

ELECTRICAL SERVICE IN RURAL DISTRICTS OF ONTARIO

A number of the outstanding features of rural electrical service in the Province of Ontario were described at some length in the paper presented five years ago before the first world power conference. This earlier paper[2] was published in the proceedings of the con-

[1] The domestic rates in Niagara Falls throughout the years 1918 to 1929 have been as follows:

Monthly service charge, 3 cents per 100 square feet of floor area.

Energy charges, 2 cents per kilowatt-hour for first 3 kilowatt-hours per 100 square feet; 1 cent per kilowatt-hour for all additional energy per month.

Discount for prompt payment, 10 per cent on whole bill.

[2] In the former paper a description was given of the commission's pioneer work in the evolution of practical methods whereby handicaps to rural electrical service in Ontario were successfully overcome, and the legislation under which rural operations were promoted by efficient organization into rural power districts was presented in detail. The special design features whereby the commission had been able to effect satisfactory overhead and underground rural distribution at low capital costs were described and average costs per mile were given. The uniform classifications applicable to consumers of the various types found in agricultural areas were set forth and the basis of estimating the respective costs and designing rate schedules in accordance therewith was discussed. The demand rating, average monthly consumption, and the service charge required to cover distribution costs at that time were stated for each class of service, and the annual consumption charges and total costs of service appertaining to consumers in typical rural power districts were

ference and is thus available for reference. In the present discussion it is proposed to direct attention specifically to some of the economic aspects of rural supply and to indicate the results that have been attained through the application of the commission's methods and policies, notwithstanding the general difficulties inherent in rural electrification, and the special difficulties encountered, even in the 40,000 square miles of "old Ontario," by reason of the relative sparseness of population and absence of the need for irrigation and of other large power demands.

The former standard primary distribution line, which had a pole spacing of 160 feet and employed hard-drawn copper conductors, has been found less economical than the present standard line, which has pole spacings of 200 feet and 250 feet—depending on the nature of the territory—and uses steel-reinforced stranded aluminum conductors, with minimum size of No. 4 B. & S. gage. Copper is still used, however, for secondary conductors. Underground cable construction, which in the period immediately following the war had been the means of effecting economies in certain circumstances has now, as the result of price changes, become less economical than overhead construction in nearly all circumstances.

Capital costs of overhead rural primary distribution lines, constructed according to present standards, using 200-foot spacing and aluminum stranded conductor, steel-reinforced, are approximately 4 per cent lower than the figure reported in 1924. A mile of single-phase line, installed complete, now costs, including supervision and overhead charges, $1,020, and the corresponding cost for a mile of 3-phase line is $1,257. The cost per mile for single-phase No. 6 paper-insulated, lead-covered underground cable laid in earth, however, has increased as the result of price changes and is now approximately $1,266.

The classifications under which rural electrical service is supplied have been found in general to be satisfactory, and minor changes only have been made. In the case of hamlet service no restriction is now made with respect to number of lighting outlets or use of small appliances, and service is given to shops under this classification. Former classes 1–A and 1–B are thus combined in the present class 1–B. Subclassifications have been provided in the case of heavy farm service and special farm service, distinguishing between users of single-phase and 3-phase power. The class-demand ratings are unchanged.

The "grant-in-aid," which the government of the Province had made toward the initial capital cost of primary rural distribution lines as part of its general policy of aiding agriculture, was, in 1924, extended to cover 50 per cent of secondary equipment such as transformers and meters.

The last five years have been a period of rapid expansion in rural electrical supply in Ontario. The number of rural power districts in operation has increased from 52 to 131. The number of miles of rural distribution line in service has increased from 600 miles to 3,800 miles. The number of consumers served in the rural power districts has increased from 4,200 to 30,000. The bulk power supplied to rural power districts has increased from 2,000 horsepower to 17,000 horsepower.

ECONOMIC RESULTS FROM CONSUMER'S STANDPOINT

Respecting the economic results of rural electrical service from the standpoint of the consumers possibly the best evidence of the benefits derived is the rapidity with which the number of consumers taking advantage of the service has increased. Agriculturists, as a class, exhibit a tendency to form their conclusions respecting the economic benefits of electrical service on the farm from personal observation of the results derived by their neighbors. In the 52 rural power districts that had come into operation up to 1923 the favorable experience of the 4,169 consumers served at that time had by 1926 induced no fewer than 15,741 of the immediate neighbors of these farmers to take advantage of the service, and in addition had encouraged 10,059 rural residents in other parts of the Province to take service from 79 rural-power districts that had not been served up to 1923.

The average annual consumption and cost to all users in rural-power districts is submitted in Table VI by classes.

Table VI

Class	Service	Average annual consumption	Class demand rating	Annual net cost to consumer
		Kilowatt-hour	*Kilowatt*	
1B	Hamlet lighting	388	0.75	$24.56
1C	do	1,627	2	56.62
2A	House lighting	417	1	27.90
2B	Small farm service	1,093	2	46.45
3	Light farm service	833	3	55.14
4	Medium farm service	2,085	5	87.99
5	do	2,073	5	93.70
6A	Heavy farm service	5,987	9	180.21
6B	do	3,892	9	156.46
7A	Special farm service	13,579	15	327.25
7B	do	18,436	15	584.48
8	Syndicate outfits	14,157		366.40

As a measure of increase in use of the service by the consumer and reduction in average cost, the value of average statistics is for rural service, largely nullified by the rapidity with which the number of consumers served has increased. Owing to the large increases in consumers served in recent years, the average length of time the 29,867 consumers served at the end of 1928 had been using the service is but little greater than the average time of service appertaining in 1923 to the 4,169 consumers then served. Having regard to this limitation of the statistics, however, it is of interest to note that in the 52 rural power districts served throughout the 5-year period the increase of 375 per cent in number of consumers has been accompanied by an increase in bulk power supplied of 420 per cent. It may be concluded, therefore, that the average use of the service by individual consumers shows a tendency to increase with time that is comparable with the results found among urban consumers.

With respect to the cost of service to the consumer, it should be noted that the increase in number of consumers served has necessitated the construction of distribution lines almost to a proportionate extent. The addition of new consumers to existing lines has been offset by the lower density in the new districts and in the portions of older districts more recently served. The 605 miles of line in service in 1923 had increased at the end of 1928 to 3,791 miles by the addition of 1,815 miles in the 52 districts served up to 1923 and 1,371 miles in the 79 newer rural power districts.

REPRESENTATIVE RESULTS TO FARM CONSUMERS AND RURAL INDUSTRIES

The results of using hydroelectric power service from the consumer's point of view may, however, respresentatively be illustrated by the information respecting installation, energy consumption, and costs submitted below in detail with respect to 2 dairy farms, 1 chicken farm, and 2 dairy industries. Data are given by billing periods, showing costs for two separated years in the three farm services, as well as total for a 5-year period in one. Satisfaction to users is the final test of success, and it is believed that rural hydro consumers are convinced of the merit of the service by seeing their reasonable bills.

The records for the rural industries are submitted in order to illustrate how such industries can be served by hydroelectric power advantageously at relatively low cost, having regard to the somewhat adverse circumstances of rural electrical distribution.

Dairy farm using milking machine in Woodstock rural power district, class 3 service

Installation:	Watts
Lighting owner's farm, man's house, and other buildings	1,600
Electric irons, 2	1,200
Washing machine	186
3-horsepower motor	2,238
	5,224

Operation—Year ending December 31, 1926

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending Mar. 31	539	$23.04
3 months ending June 30	553	23.38
3 months ending Oct. 31	341	23.92
3 months ending Dec. 31	236	13.14
	1,669	83.48

RATE 1926 [2]

Service charge, $4.10 per month.

Energy charges, 4 cents per kilowatt-hour for first 42 kilowatt-hours used per month; 3 cents per kilowatt-hour for the balance used per month.

Discount, 10 per cent for prompt payment.

enumerated. The results that had been attained up to 1923 were reported with respect to the number of consumers, the mileage of distribution lines, and the capital expenditure. The uses made of the service by farm consumers were enumerated and the energy consumptions appertaining to various types of farm equipment and to various agricultural operations were stated. The favorable influence of rural electrical supply upon the economic status of the agricultural population of Ontario and its importance with respect to the economic life of the Province in general were discussed, and the powerful stimulus that had been afforded to rural industries was noted.

Since 1923 the modifications of practice found of value in reducing costs of distribution under present conditions have for the most part been of a relatively minor character. Increased loads and wider separation of feed points have rendered a primary voltage of 8,000/4,600 volts more economical than the former standard of 4,000/2,300 volts. The higher voltage is now standard for new construction, and 500 miles of line have been constructed for this potential. For service to small loads at outlying points it has been found of advantage to extend the phase wires only of the 4,000/2,300-volt grounded circuit, using a 4,000-volt transformer connected across the phases. This procedure extends the possible distance of service, having regard to load and voltage drop, to three times that permissible when using 2,300 volts.

[2] In 1922 the rates in this district were: Service charge, $5.63 per month. Energy charges, 5.5 cents per kilowatt-hour for the first 42 kilowatt-hours used per month; 2 cents per kilowatt-hour for the balance used per month. Discount, 10 per cent for prompt payment.

Operation—Year ending December 31, 1929

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending—		
Jan. 31	549	$19.66
Apr. 30	661	21.67
July 31	596	20.32
Oct. 31	400	17.06
	2,196	78.71

RATE 1929

Service charges, $3.20 per month.

Energy charges, 3 cents per kilowatt-hour for first 42 kilowatt-hours used per month; 2 cents for the balance used per month.

Discount, 10 per cent for prompt payment.

DAIRY FARM IN WOODBRIDGE R. F. D., CLASS 5 SERVICE

For purpose of record, energy consumption on this farm was separately metered to segregate power, household uses, and lighting of barn, shed, and yards.

Installation:	Watts
Lighting in house	1,240
Electric iron	600
Washing machine	186
2-burner hot plate	1,000
Air heater	1,200
Total	4,226
Lighting in barn and other buildings	920
Lighting in yard	120
Total	1,040
Power, 5-horsepower motor in barn	3,746
Grand total	9,012

Operation—Year ending October 31, 1926

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending—		
Dec. 31, 1925	737	$25.87
Mar. 31, 1926	969	36.34
June 30, 1926	485	27.63
Oct. 31, 1926	776	39.17
	2,967	129.01

Division: 1,776 kilowatt-hours for power, 933 kilowatt-hours for household uses,[4] 258 kilowatt-hours for lighting barn, other buildings, and yard.

RATE, 1926

Service charge, $4.90 per month.

Energy charges, 5 cents per kilowatt-hour for first 70 kilowatt-hours used in each month; 2 cents per kilowatt-hour for balance used per month.

Discount, 10 per cent for prompt payment.

Operation—Year ending October 31, 1929

Billing period	Energy consumption (kilowatt-hours)				Net bill
	Power	Household uses	Lighting yards, barn, etc.	Total	
3 months ending—					
Jan. 31	953	206	144	1,303	$38.71
Apr. 30	525	100	65	690	27.68
July 31	468	88	16	572	25.55
Oct. 31	454	130	51	635	26.69
Total	2,400	524	276	3,200	118.63

RATE—1929

Service charge, $4.60 per month.

Energy charge, 3.5 cents per kilowatt-hour for first 70 kilowatt-hours used per month; 2 cents per kilowatt-hour for balance used per month.

Discount, 10 per cent for prompt payment.

[4] Serious illness in home in 1926 required extensive use of electrical air heater.

Total used and costs—5-year period ending October 31, 1929

Power	kilowatt-hours	10,016
Household uses	do	3,229
Lighting yards, barns, etc	do	1,266
Total	do	14,511
Total cost		$607.12
Average per annum		121.42

CHICKEN FARM IN WOODSTOCK RURAL POWER DISTRICT—CLASS 3 SERVICE

Installation:	Watts
Lighting	2,000
Electric iron	600
Washing machine	186
Furnace blower	125
Automatic water system	186
Vacuum cleaner	80
Electric range	8,250
Electric incubators [5]	2,070
Motor in incubator	376
Total	13,873

Operation—Year ending July 31, 1928

Billing period	Energy consumption (kilowatt-hours)	Net bill
3 months ending—		
Oct. 31, 1927	276	$14.80
Jan. 30, 1928	465	18.86
Apr. 30, 1928	2,595	87.02
July 31, 1298	1,871	43.99
Total	5,207	134.67

NOTE.—Range installed early in the year.

RATE, 1928

Service charge, $3.40 per month.

Energy charges, 3 cents per kilowatt-hour for the first 42 kilowatt-hours per month; 2 cents per kilowatt-hour for the balance used per month.

Discount, 10 per cent for prompt payment.

Operation, year ending October 31, 1929

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending—		
Jan. 31	1,386	$34.72
Apr. 30	2,970	63.23
July 31	1,991	45.61
Oct. 31	800	24.17
	7,147	167.73

RATE, 1929

Service charge, $3.20 per month.

Energy charges, 3 cents per kilowatt-hour for the first 42 kilowatt-hours used per month; 2 cents per kilowatt-hour for the balance used per month.

Discount, 10 per cent for prompt payment.

CREAMERY—A STRICTLY DAIRY INDUSTRY IN GODERICH R. F. D.—CLASS A POWER

Operation—Calendar year 1929

Month	Demand by meter (horsepower)	Energy consumption (kilowatt-hour)	Net bill
January	20.11	2,980	$73.79
February	19.70	3,500	74.63
March	19.70	3,170	73.05
April	23.05	4,260	87.11
May	23.60	6,360	95.09
June	22.50	7,530	93.05
July	22.50	6,840	87.63
August	23.05	8,090	98.49
September	24.15	7,000	100.52
October	23.60	3,010	87.81
November	18.10	4,510	71.85
December	18.10	4,740	72.53
Total	238.16	63,490	1,016.95

Average 21.51 horsepower equals $47.30 per horsepower per year.

[5] For heating and incubating, heat is supplied by hydroelectric service.

RATES

Service charge, $1 per horsepower per month.
Energy charges, 4, 2.6, and 0.33 cents per kilowatt-hour.
Discount, 10 per cent.

CREAMERY—A STRICTLY DAIRY INDUSTRY IN MITCHELL R. P. D. CLASS A POWER

Operation—Calendar year 1929

Month	Connected load (horsepower)	Consumption (kilowatt-hours)	Net bill
January	22.5	876	$58.91
February	22.5	655	44.19
March	22.5	1,333	62.03
April	22.5	1,519	66.38
May	22.5	2,187	71.65
June	22.5	3,746	76.28
July	22.5	2,980	74.01
August	22.5	4,664	79.01
September	22.5	2,201	71.69
October	22.5	1,761	70.39
November	22.5	1,581	67.82
December	22.5	690	45.09
Total		24,203	787.45

Average, 22.5 horsepower.
Average cost, $35.45 per horsepower per year.

RATES

Service charge, $1 per horsepower per month.
Energy charges, 4, 2.6, and 0.33 cents per kilowatt-hour.
Discount, 10 per cent.

REDUCED CHARGES TO CONSUMERS

As a result of continued search for means of effecting economies in rural distribution costs and of the additional assistance [6] afforded by the extension of the agricultural "grant in aid" it has been found possible to make a notable reduction in the charges to consumers in respect both of the initial rates applicable in newly formed rural power districts and of the average rates charged in the rural areas of the Province. The extent of the reduction in service charges from 1923 to 1928 is indicated by Table VII.

The maximum service charge for initial operation, both in 1923 and 1928, is based on the minimum requirement of three farm contracts or equivalent per mile of distribution line. Class 3—light farm service—is the classification under which the great majority of farm consumers are served. Taking this class as representative, it will be observed that by 1928 the maximum service charge had been reduced nearly 20 per cent. The average paid by the consumers of the rural power districts of the Province—including some 13.5 per cent of consumers served at the 1928 maximum rate and the remainder at rates ranging from about 95 per cent to less than 50 per cent of the maximum—was in 1928 approximately 40 per cent less than the maximum service charge applicable in 1923. These averages take no account of cash rebates made to consumers in rural power districts, amounting to some $230,000, during the past two years, representing the accumulated excess of revenues produced by the charges made in previous years over costs of service and moderate surplus required to assure financial stability.

TABLE VII.—*Reductions in service charges, 1923–1928*

Classification of service	Annual service charges		
	Maximum for initial 25-cycle operation		Average paid by rural consumers of Ontario, 1928
	1923	1928	
1 B. Hamlet lighting	$20.50	$19.44	$14.53
1 C. Hamlet lighting and cooking	36.44	35.64	26.91
2 A. House lighting	30.00	24.30	18.30
2 B. Small farm service	47.40	37.26	27.99
3. Light farm service	60.82	49.14	36.61
4. Medium farm service	66.94	51.30	38.22
5. Medium farm service	84.50	62.10	46.30
6 A. Heavy farm service	130.97	79.38	58.15
6 B. Heavy farm service		89.64	67.30
7 A. Special farm service	188.90	117.72	87.24
7 B. Special farm service		142.56	106.61

With respect to reductions in rural service charges, it may be stated that reductions and adjustments are being made from time to time, and at the end of 1929 further reduction has been made to all rural classes as a result of the Provincial Government's active policy to assist agriculture as far as possible. The basis upon which this adjustment was made was that the net service charge to a farmer for Class III service should not be greater than $30 per year—this contrasts with the $36.61 in the table above—and adjustments in all other rural classes were made on a corresponding basis. From the consumer's standpoint, therefore, the economic results of the commission's policies, as indicated by progressively lowered charges for service, may be said to have been eminently satisfactory.

[6] See footnote 2.

USE OF ELECTRICAL EQUIPMENT ON ONTARIO FARMS

In rural electrical service, even more markedly than in service to urban consumers, the economic results to the consumer are dependent upon the degree to which use is made of electrical equipment. Power-driven farm equipment is capable of effecting substantial economies in agricultural operations, and household appliances relieve the farm women of much drudgery.

In order to ascertain the extent to which electrical equipment and appliances are being installed in the homes and in the barns of farmers receiving service from the commission's rural power districts, a survey was conducted among farm consumers as distinct from hamlet consumers. Returns have been received from nearly 60 per cent of all farm consumers in the Province, the results of which are presented in Table VIII.

TABLE VIII.—*Electrical equipment in use by 7,074 farm consumers reporting*

	Number	Saturation
Barn equipment:		*Per cent*
Electric motors	1,877	26.5
Electric pump systems	1,610	22.7
Electric milk coolers	22	.3
Electric churns	43	.6
Electric drills	9	.1
Electric water heaters	30	.4
Electric soldering irons	18	.2
Electric chick brooders	136	1.7
Milking machines	283	4.0
Feed grinders	322	4.5
Cream separators	397	5.5
Ensilage or straw cutters	120	1.7
Hay hoists	13	.2
Tool grinders	200	2.8
Root pulpers	27	.4
Fanning mills	27	.4
Saws	26	.4
Household appliances:		
Electric ranges	1,350	19.1
Electric hotplates	1,155	16.3
Electric washers	3,514	49.7
Electric vacuum cleaners	654	9.2
Electric water heaters	222	3.0
Electric grates	75	1.0
Electric air heaters	688	9.7
Electric ironing machines	34	0.5
Electric irons	6,283	88.8
Electric refrigerators	194	2.7
Electric grills	158	2.2
Electric toasters	3,607	51.0
Electric churns	74	1.0
Electric radios	968	13.7
Electric percolators	143	2.0
Electric fans	136	1.9
Electric pumping systems	138	1.9
Electric sewing machines	18	0.2

It will be noted that some pieces of equipment, particularly those which are intended to be belt-driven by an electric motor, are not reported as very numerous. This may be accounted for by the fact that in making returns the consumers have not indicated the equipment which they drive with the motors which are installed, and it may be safe to assume that there are more of these pieces of apparatus in operation than are indicated in the table.

In the case of electric motors and electric pumping equipment a large percentage of farmers are making use of the facilities of electric service.

The most interesting feature of this table, however, is the extent to which some of the household appliances are being employed. Electric ranges and hotplates have reached a degree of saturation almost equal to that existing in the urban municipalities of the Province, while washing machines have been installed to a very much greater extent on the farm than is the case in urban municipalities. Data respecting other electrical appliances show that their popularity and usefulness are spreading in the rural districts. There are a number of rural power districts in the Province where the farmers have shown an exceptional inclination to complete electrification of the barn and the home; among these are the districts of Brant, Preston, and Woodstock. Table IX shows the equipment installed in each district with the corresponding number of consumers involved.

TABLE IX.—*Summary of equipment and appliances in use by farm customers in three well-developed agricultural districts supplied by hydro rural electrical service*

	Brant	Preston	Woodstock
Number of consumers	212	178	241
Barn equipment:			
Electric motors	76	92	130
Electric pump systems	49	41	95
Electric milk coolers	3	2	1
Electric churns		4	1
Electric drills			1

TABLE IX.—*Summary of equipment and appliances in use by farm customers in three well-developed agricultural districts supplied by hydro rural electrical service*—Continued

	Brant	Preston	Woodstock
Barn equipment—Continued.			
Electric water heaters		10	4
Electric soldering irons	2	4	
Electric chick brooders	13	17	6
Milking machines	7	16	18
Feed grinders	5	39	25
Cream separators	8	32	11
Ensilage or straw cutters	1	26	3
Hay hoists		1	
Tool grinders		22	13
Saws		3	1
Pulpers		2	2
Fanning mills		2	
Household appliances:			
Electric ranges	60	43	67
Electric hotplates	50	38	62
Electric washers	95	104	119
Electric vacuum cleaners	32	30	17
Electric water heaters	19	18	9
Electric grates	6	9	7
Electric air heaters	32	30	33
Electric ironers		5	1
Electric irons	193	158	235
Electric refrigerators	3	7	3
Electric grills	2		11
Electric toasters	108	97	159
Electric churns	1	13	
Electric radios	24	34	37
Electric percolators	4	3	3
Electric fans	5	9	7
Electric sewing machines		2	1
Electric pumps		6	
Electric grinders		2	
Electric blankets		1	

The effect of the installation of the more modern appliances is well illustrated in the average consumption of electricity by all consumers in these districts. In Brant, for instance, the average consumption among class 3 customers is 1,640 kilowatt-hours per annum; in Preston, 1,332 kilowatt-hours per annum, and in Woodstock, 1,430 kilowatt-hours per annum. These figures are materially higher than the average consumption among all class 3 consumers in the Province of 833 kilowatt-hours per annum. There are corresponding differences in the consumption among other classes of farm consumers and the general effect of the extensive use of electricity in these districts has been to materially reduce the average cost per kilowatt-hour to consumers in these districts over the general average. It is hoped that, as the farm consumers throughout the Province reach the position where they are able to finance additional power-using equipment, the standard of electrical utilization now set by specific districts will be equaled and even surpassed in all districts of Ontario.

FINANCIAL RESULTS TO THE UTILITY

Respecting the economic results of rural electrical service to the utility, it can be stated that, notwithstanding the fact that on the average the consumers have been served but for a short time, the revenues yielded by the charges to consumers have been adequate. The results of operation in 1928 are as follows:

Rural power districts—revenues and expenses for 1928

Total capital investment in operation		$7,054,654.00
Revenues from consumers		1,342,624.86
Expenses:		
Cost of bulk power	$472,594.56	
Cost of operation, etc	342,686.71	
Total operating expenses		815,281.27
Net return before depreciation		527,343.59
Depreciation		123,666.45
Net return after depreciation		403,677.14
Per cent return on total investment 5.7 per cent interest		146,919.58
Surplus		256,757.56
Applied to capital retirement	$31,380.07	
Reserved for obsolescence and contingencies	173,252.39	
Other free surplus	52,125.10	
	256,757.56	

In interpreting the above results of operation, the effect of the Government agricultural grant-in-aid should be taken into account. Nearly one-half of the $7,000,000 of capital investment for rural distribution having been granted by the Province as part of its general policy of aiding agriculture, the charges to consumers are relieved of interest and sinking fund in respect of some $3,500,000, and the net return of 5.7 per cent after depreciation, figured on the total capital investment—including the government "grant-in-aid"—is thus ample to insure the financial soundness of this portion of the commission's activities.

It is of interest to note that the total revenues of one and one-third million dollars represent the sum of the charges paid by nearly 30,000 rural consumers—an average charge per consumer per month of less than $4, for service which in the case of a large proportion of the consumers covers lighting of farm residences, lighting of out-buildings, electrical cooking and power for operation of agricultural machinery. The general conclusion to be drawn, therefore, respecting the economic results of the commission's policies in the field of rural electrical supply is that, having regard to the circumstances in Ontario, these policies have been the means whereby service can be extended on a large scale to rural consumers at relatively low costs without detriment to the financial status of the undertaking, and with great economic benefit to the Province as a whole.

In accordance with the suggestion that the greatest weight at the second world power conference should be given to the distribution and utilization of electricity, and that reports were desired respecting experience with domestic and agricultural electricity tariff systems, in their relation to the use of electrical appliances, and also respecting experience as to the influence of these appliances on the load characteristics of the supply stations, the endeavor has been made to present as comprehensively as could be done within the limits of space assigned, a description of the results that have been achieved in the Province of Ontario. It is hoped that the information that has been given respecting these important aspects of electrical supply, based on the experience of the Hydro-Electric Power Commission of Ontario in serving several hundred municipalities over a period of nearly 20 years, will be found to be of assistance to those who have to deal with the problems which arise in connection with modern electricity supply undertakings.

ZUSAMMENFASSUNG

Einige wirtschaftliche Ergebnisse der von den Gemeindebehörden im Staate Ontario in Gemeinschaft mit der Wasser- und Elektrizitätsgesellschaft eingeführten Tarife werden die Teilnehmer an der Konferenz ganz besonders interessieren. Das genannte Unternehmen dürfte hinsichtlich seiner Bedeutung auf dem Gebiet der Elektrizitätsversorgung eine hervorragende Stelle unter den Elektrizitätsunternehmungen der Welt einnehmen. Ferner sind die Statistiken und anderen Unterlagen des Unternehmens ganz besonders umfassend und leicht verständlich; dann sind die Erfolge in der Stromversorgung zu niedrigen und einheitlichen Tarifen im Vergleich zu anderen Gebieten gerade zuglänzend.

Auf der Ersten Weltkraftkonferenz wurde die Elektrizitätsversorgung des Staates Ontario ziemlich ausführlich besprochen. In vorliegendem Bericht werden hauptsächlich besondere wirtschaftliche Verhältnisse in der Elektrizitätsversorgung behandelt. Der Bericht beschränkt sich auf die Stromversorgung städtischer und landwirtschaftlicher Verbraucher.

Es wird eine Übersicht über die allgemeinen Verhältnisse, die Einwohner und den Verbrauch an Elektrizität im Staate Ontario gegeben, mit besonderem Hinweis auf die seit 1924 gemachten Fortschritte; dann wird der wirtschaftliche Aufbau des Unternehmens kurz beschrieben, die Grundlagen der Tarife erklärt und die Strompreise vom Standpunkt des Verbrauchers, wie auch ihre Wirtschaftlichkeit für das Unternehmen besprochen. Dies alles in einer Weise, welche Vergleiche mit den Statistiken anderer Staaten zuletzt.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 10, 33, 61, and 95 to the said bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 23, 25, 37, 72, 77, 81, and 100 and concurred therein severally with an amendment, in which it requested the concurrence of the Senate; that the House insisted on its disagreement to the amendments of the Senate numbered 14, 36, 44, 45, 46, 59, 66, 79, and 82, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN were appointed managers on the part of the House at the further conference.

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on certain amendments of the Senate to the second deficiency appropriation bill, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1931.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 10, 33, 61, and 95 to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 23, and concur therein with an amendment as follows:

Before the period at the end of the matter inserted by said amendment insert the following: ", and this amount shall provide for the entire completion of such project and all objects of expenditure incident thereto."

That the House recede from its disagreement to the amendment of the Senate No. 25, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by the floods of 1928 and 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear, fiscal year 1931, $65,000: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

That the House recede from its disagreement to the amendment of the Senate numbered 37, and concur therein with an amendment as follows:

After the sum of $75,000 in said amendment insert the following: " : *Provided*, That nothing done in pursuance hereof or under the authority hereof, shall be construed to initiate or enlarge or constitute any water right or appropriation of water, or any priority of appropriation of water whatever."

That the House recede from its disagreement to the amendment of the Senate numbered 72, and concur therein with an amendment as follows:

After the word "February" in the matter inserted by said amendment insert the numerals "28."

That the House recede from its disagreement to the amendment of the Senate numbered 77, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That no part of this appropriation shall be expended until the State of Georgia, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the roads under the provisions of the act approved March 3, 1925 (43 Stat. 1104), and the Secretary of War is authorized to convey title to such roads in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies, monuments, markers, or tablets to mark and commemorate historic events connected with the battle."

That the House recede from its disagreement to the amendment of the Senate numbered 81, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932, $20,000: *Provided*, That no part of this sum shall be expended until local interests shall have agreed to maintain such channel upon completion of the dredging herein provided for."

That the House recede from its disagreement to the amendment of the Senate numbered 100, and concur therein with an amendment as follows:

In line 1 of the matter inserted by said amendment before the word "To" insert the following: "Sec. 7."

That the House insist on its disagreement to the amendments of the Senate numbered 14, 36, 44, 45, 46, 59, 66, 79, and 82, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. Mr. President, the House agreed to a tentative agreement in conference on amendments 23, 25, 37, 72, 77, 81, and 100. I move that the Senate agree to the amendments of the House to the Senate amendments.

Mr. ASHURST. Mr. President, this matter is debatable?

The PRESIDING OFFICER. It is.

Mr. ASHURST. I do not wish to debate. I seek information. Amendment numbered 24 reads as follows:

That for the purpose of carrying out the provisions of the second paragraph of section 3 of the Federal highway act as amended by the act approved June 24, 1930 (Public, No. 426, 71st Cong.), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 for the fiscal year ending June 30, 1932.

I now ask the chairman of the Committee on Appropriations what has become of that amendment?

Mr. JONES. Mr. President, the Senate conferees receded from that amendment with an amendment providing that the $3,000,000 we appropriated in the first deficiency bill should be continued available during the next fiscal year.

Mr. ASHURST. I thank the Senator for supplying the information.

Mr. ROBINSON of Arkanas. Mr. President, what is the motion of the Senator from Washington?

Mr. JONES. Mr. President, my motion is to agree to the amendments of the House to the Senate amendments numbered 23, 25, 37, 72, 77, 81, and 100, which the clerk has just read with the proposed changes by the House, which were tentatively agreed to in conference.

Mr. ROBINSON of Arkansas. I wish to ask the Senator what amendments would still be in disagreement.

Mr. JONES. Amendments numbered 14, 36, 44, 45, 46, 59, 66, 79, and 82. There are several of those amendments which are really awaiting the enactment of legislation which we hope will be passed to-day or to-morrow. I might say that there are practically only three actual disagreements. One of them is as to New Bern, N. C. One of them is Charleston, S. C. The other one is as to a building for the Court of Claims. Those are really the three important differences, which will still be in conference.

Mr. ROBINSON of Arkansas. Mr. President, with particular reference to amendment numbered 46, which relates to the improvement of shipbuilding ways in Charleston, S. C., there has been much discussion pertaining to that amendment, and the importance of adhering to the amendment was emphasized on the floor this morning.

It looks to me as if a process is being pursued by which the differences are being whittled down to a point where one or two amendments may be outstanding, then the usual course pursued, the body at the other end of the Capitol just saying, "We will not agree," and the Senate yielding.

Mr. JONES. I do not think the Senator need fear that in this instance.

Mr. ROBINSON of Arkansas. I am not criticizing the Senate conferees at all in connection with the matter, but I do wish to give all the emphasis at my command to the importance of that amendment, in view of its history, and to assure the Senate that this bill is by no means disposed of by any process or procedure which contemplates the elimination of that amendment.

It has been said repeatedly by one or two individuals that they desire to abolish that navy yard. It is the only navy yard on a long stretch of coast, extending for thousands of miles—2,600 miles, as is stated to me by the senior Senator from Tennessee [Mr. MCKELLAR].

As the Senator from Washington well knows, the correct policy is to test out by legislative authorization the right to abolish institutions of that character, not seek to do it by denying appropriations which are justified according to every rule of proper legislative procedure.

I hope the Senate conferees understand that this amendment, among others, is regarded as of great importance.

Now, I wish to inquire, if I may, concerning the amendment of the Senator from New York.

Mr. JONES. Mr. President, I think the Senate conferees fully appreciate the situation with reference to the Charleston matter.

Mr. MCKELLAR. Mr. President, will the Senator yield to me to make a brief statement with reference to that matter?

Mr. JONES. Certainly.

Mr. MCKELLAR. The Charleston Harbor matter came before the Senate and before the conferees on the first deficiency bill, and it appeared, when we went into confer-

ence, that there was no Budget estimate and no recommendation from the department.

The conferees assured the senior Senator from South Carolina [Mr. SMITH] that if he would get a Budget estimate and a recommendation from the department the matter could be taken care of in the second deficiency bill. I regarded that as a gentleman's agreement, and I know every Member of the Senate takes the same position about it. Yet the House conferees did not remember it that way, and we are in that position about it. I just wanted to make that explanation as to the true situation.

Mr. SMOOT. Mr. President, I agree with the Senator from Washington, the chairman of the Committee on Appropriations. I know the importance of this matter, and I know that every one of the conferees on the part of the Senate is going to hold for that amendment.

Mr. ROBINSON of Arkansas. Mr. President, with that assurance I pass to the other question, the amendment which was discussed also when the conference report on this bill was considered and favorably acted on this morning, the amendment offered by the Senator from New York [Mr. WAGNER].

Mr. JONES. Mr. President, that is in disagreement, and will go back to conference.

Mr. ROBINSON of Arkansas. That is still in disagreement, as is the one just discussed?

Mr. JONES. Yes.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. TRAMMELL. I have just read over hurriedly the report on amendment No. 25. There seems to have been some misunderstanding in regard to the facts about this matter. There is a disposition, as I understand, on the part of the conferees of the House to restrict the amendment to expenditures for 1929 on the Federal road in Florida. That was the intention of the conferees. But I am informed by Members of the House from my State that the actual expenditures during 1929 were $80,000 plus. The report provides for $65,000 in round figures. I would like very much, if it could be done, to have this particular amendment go back for further consideration by the conferees, so the amount could be fixed at the actual expenditures for 1929.

Mr. JONES. Let me say to the Senator that the tentative agreement made in conference yesterday was $65,000, which would settle the whole proposition. I conferred with the Senators from Florida and told them of that, and they expressed their concurrence in it, not because they thought it was all they ought to have, but probably all that could be obtained. That was the tentative agreement in the conference—$65,000 settling the whole proposition without special reference to one or two years.

Mr. TRAMMELL. That was upon the basis that that was the actual amount expended in 1929.

Mr. JONES. No; not at all.

Mr. TRAMMELL. If the Senator does not feel inclined to take it back and do justice by my State, I am going to make a motion to reject the report in regard to that item. Representing in part our State, I do not propose to have the amount fixed at $65,000 when the expenditures were $80,000 and more, and when every other State in the Union has been settled with upon the basis of actual expenditures. Furthermore, there is in the report a most reprehensible effort to bar my State from any future claim against the Government. We are asked to settle upon the basis of 1929, and there is a provision in the report that we shall accept it in full settlement for the years 1928 and 1929. We do not care so much about the $65,000. The road fund in my State amounts to $15,000,000 or $20,000,000 per annum. But before we are held up in any such way I am going to move to reject the report on that item.

Mr. JONES. If the Senator desires it rejected and sent back to conference, that is all very well with me. The chances are we will not get the House conferees to agree to anything.

Mr. TRAMMELL. Does not the Senator think it is a great injustice to the State of Florida to attempt to write into the bill a revised amendment of this character containing a provision that the amount shall be accepted as full settlement for 1928 and 1929 when, in fact, it only applies to 1929 and is a less amount than we expended in 1929?

Mr. JONES. There is really no obligation upon the Government to do anything. It is simply and purely a donation.

Mr. TRAMMELL. There is no legal obligation.

Mr. JONES. We have done it for other States, and that is why it appealed to us that we ought to do it for Florida. But, as a matter of fact, it is simply a donation, just as the other was donated. As we donated to some of the other States, we felt that we ought to donate to Florida.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. I yield.

Mr. McKELLAR. I want to say to the Senator from Florida that it happened in just this way: The Senate conferees stood as strongly for the amendment for $134,000, as I remember the amount, as they could. It was a subject of disagreement all during the conference. On the last day of the conference one of the conferees reported that a Congressman from Florida——

Mr. JONES. Let me suggest right there that the legislation relating to Florida has not yet passed.

Mr. McKELLAR. No; it has not. This Florida Congressman said they would be entirely willing to accept $65,000 in full settlement of the matter, and thereupon the Senate conferees induced the House conferees to agree tentatively that we would accept the figure and they would accept, provided we got assurance from the two Florida Senators that they were willing to follow the suggestion of the Congressman from Florida. That is the reason for this particular report. I want to say to the Senator from Florida that he is mistaken in criticizing the conferees because the Senate conferees to a man stood out for the item.

Mr. TRAMMELL. I am not criticizing the conferees. I assure the Senator from Tennessee and the chairman of the Appropriations Committee that I did not mean it in the nature of a criticism.

Mr. JONES. I did not take it in that way.

Mr. TRAMMELL. I am criticizing the report as made, and I approached the subject by stating that it was done upon misinformation in regard to the amount expended for the year 1929.

Mr. JONES. Does the Senator want the agreement with reference to amendment numbered 25 rejected?

Mr. TRAMMELL. I would like to have it reconsidered by the conferees.

Mr. JONES. Then it would have to be rejected.

Mr. TRAMMELL. I understand the Congressman who gave this information, which was really misinformation, mentioned it to the conferees on the part of the House. I do not think the House Members ever intended to reduce the amount from the expenditures made in 1929. When they put it at $65,000 they really did just that thing. It would give an opportunity to try to get that corrected if the matter went back to conference. I am not blaming the Senate conferees. I think they have done the best they could, but I think that the amendment should be revised to strike out that provision which requires $65,000 to be accepted in full settlement for 1928 and 1929.

Mr. JONES. I want to say to the Senator again, as I said a moment ago, that we can take the matter back. The Senate conferees stood for the whole $134,000. If it goes back to conference I think the probabilities are that we will not be able to get any agreement on the part of the House for any sum. They stand pretty strongly on the proposition that while the bill has passed the Senate it has not passed the House, and that there is no legislation authorizing Congress to appropriate the money for the State of Florida. The bill did not pass the Senate at this session, and therefore the item would not be in order, even under our rules. I am simply stating to the Senator from Florida the situation in order that he may appreciate it.

Mr. TRAMMELL. I appreciate the situation and I also appreciate the fact that there are a good many other items

in the bill that have not heretofore passed in the formal procedure relating to legislative enactment.

Mr. JONES. Oh, yes; practically all of them have passed and the bills have been signed since this bill went to conference.

Mr. TRAMMELL. I am not criticizing the Senate conferees.

Mr. JONES. I appreciate that.

Mr. TRAMMELL. But the Senator must realize that it is taking an undue advantage of a sovereign State to attempt to write into an amendment that the State has to accept that amount in settlement for 1928 and 1929 when the amount fixed is based entirely upon 1929.

Mr. JONES. If the Senator desires the item rejected, I am perfectly willing to have the Senate reject it.

Mr. TRAMMELL. I would like to have it rejected and further considered, and I will take the responsibility for it if it can not be changed as it should be changed.

Mr. JONES. Very well; then I ask the Senate to reject the amendment.

Mr. WAGNER. Mr. President, I want to urge as strongly as I can upon the conferees on the part of the Senate that they insist upon the amendment which is now in dispute and have it included in the second deficiency appropriation bill, providing for an appropriation for the unemployment exchange bureau erected by a bill now pending before the President. I see no reasonable objection to the amendment, but in the event that the President should decide at the last moment just before the adjournment of Congress to approve that bill he would be unable to do it because no appropriation would have been provided. The amendment is conditioned upon the approval of that bill. In the event the bill is not approved, the appropriation becomes absolutely ineffective. I see no reasonable ground for objection on the part of any of the conferees to the inclusion of this particular item.

Mr. JONES. I appreciate the thought the Senator has in mind. I now move that the Senate agree to the House amendments to the amendments of the Senate numbered 23, 37, 72, 77, 81, and 100.

Mr. KING. Mr. President, I want to ask the Senator a question, if I may, before the motion is put. What disposition was made of the provision on page 5 providing for a joint select committee on postal affairs?

Mr. JONES. The Senate receded.

Mr. KING. Has that been disposed of?

Mr. JONES. It has been disposed of. The House was adamant. The Senator from Tennessee [Mr. McKELLAR], with the other Senate conferees, stood as long as it seemed possible that something might be accomplished, and then we had to recede.

Mr. McKELLAR. Mr. President, if the Senator from Washington will permit me, I will say to the Senator from Utah that the House objected to a joint committee and insisted upon having a committee of its own. We found that it would be impossible to get the item included. If the Senator will look on page 2 of the bill, he will see an additional appropriation of $50,000 for the contingent fund of the Senate. I have a resolution pending for the purpose of directing such an investigation. It will be recalled that the Committee to Audit and Control the Contingent Expenses of the Senate reported that they had no great balance in the contingent fund. This amount has been given to them in addition to what they had already in the fund.

To-morrow I am going to move to have the Senate Committee on Post Offices and Post Roads make the examination. I am quite sure the Senate will agree to that because the Committee on Post Offices and Post Roads has already by a vote of 15 to 2 recommended that the investigation be made, and now that the money is in the contingent fund there seems to be no reason why the Senate should not adopt the resolution.

Mr. KING. I think the Senator from Tennessee is entirely too optimistic in expecting to secure the adoption of the resolution upon the morrow. I wish he would move that the Senate insist upon this amendment.

Mr. JONES. But it has already been disposed of. The Senate agreed to it in adopting the conference report this morning.

Mr. KING. I was not in the Chamber at the time.

Mr. JONES. All of the amendments except those which I just mentioned have been agreed to.

Mr. KING. Then with respect to this item the only remedy we would have would be when the matter is finally before us to move to reject the entire conference report?

Mr. JONES. Of course this item has been finally disposed of. If we are unable to agree on any one amendment, it would defeat the whole bill.

Mr. KING. There is so much evidence before the committees and before the Senate with respect to the improvidence of some of the postal contracts and some of air mail contracts that it did seem to me this provision was imperatively required and that it ought to have received the unanimous approval of both branches of Congress.

Mr. JONES. As a matter of course it can be dealt with otherwise.

Mr. McKELLAR. I thank the Senator from Utah for his interest in the matter, and I assure him the Senate will have an opportunity to vote on the matter before we adjourn.

Mr. BARKLEY. Mr. President, I want to inquire of the Senator from Washington whether amendment numbered 79 is still in disagreement?

Mr. JONES. It will be whenever we get the report sent back to conference.

Mr. BARKLEY. I hope it will not be in disagreement long.

Mr. JONES. I hope so too.

Mr. KING. Mr. President, I want to ask the Senator from Washington what disposition was made of amendment numbered 36?

Mr. JONES. To what does that amendment relate?

Mr. KING. The amendment relates to advances to the reclamation fund and carries an appropriation of $5,000,000.

Mr. JONES. That amendment is still in disagreement, pending action on the proposed legislation.

Mr. KING. What action was taken as to amendment 37, relative to secondary projects?

Mr. JONES. Amendment numbered 37 has been agreed to with an amendment which was prepared, I think, by the Senator from Colorado, and which was accepted by us and also by the House.

Mr. KING. What action was taken on amendment numbered 38.

Mr. JONES. To what does that amendment relate? It evidently has been agreed to.

Mr. KING. It relates to the North Platte project.

Mr. JONES. That amendment was agreed to; the House concurred in that amendment.

Mr. KING. I think that completes the questions I desired to ask the Senator from Washington.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to.

Mr. JONES. Mr. President, I move that the Senate insist upon its amendments numbered 14, 25, 36, 44, 45, 46, 59, 66, 79, and 82; agree to the conference asked by the House; and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. McKELLAR conferees on the part of the Senate.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT. Mr. President, was the amendment proposed by the Senator from Washington [Mr. DILL] adopted?

The PRESIDING OFFICER. The amendment was agreed to. The clerk will proceed with the reading of the bill.

The Chief Clerk resumed and continued the reading of the bill to the end of line 14, on page 4.

Mr. BLAINE. Mr. President, I desire to ask unanimous consent, if there is an order requiring the formal reading of this bill, that it may be set aside and that the Senate proceed to the consideration of the committee amendments as is ordinarily the case.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the formal reading of the bill may be dispensed with, and that the Senate proceed to consider committee amendments.

Mr. KING. I do not think that will facilitate the consideration of the measure.

The PRESIDING OFFICER. Objection is made.

Mr. BLAINE. Mr. President, if the Senator from Utah will withhold his objection, I desire to say that this is an unusual proceeding. I have seen it followed but once during this entire session. We have only until noon on March 4 to dispose of very vital legislation, legislation that is extremely important to the greatest industry of the United States, and it is quite unusual to have a bill read in full. I hope the Senator from Utah will withdraw his objection to the request that I have made.

Mr. KING. Mr. President, what the Senator from Wisconsin says has perhaps been true with respect to this session, but it is very frequent that the request is made that a bill be read textually. Here is a bill of fifty-odd pages. I doubt if there are half a dozen Senators who have read the bill in full. It proposes to change important laws. It is an exceedingly important measure. So far as I am concerned, I should like to see it, with some amendments, pass and shall do what I can to facilitate its consideration, but I feel that we shall get along more rapidly by the reading of the bill. That will acquaint Senators with its provisions.

Mr. DILL. Regular order.

The PRESIDING OFFICER. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Patents was, on page 4, line 17, after the word "work," to insert "or motion picture," so as to make the clause read:

(h) To produce, reproduce, perform, represent, or exhibit said work publicly if it be a dramatic or dramatico-musical work or motion picture in any manner or by any means or methods whatsoever.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 7 on page 5.

Mr. KING. I desire to ask the Senator a question for information. Many complaints have been made to me that this provision and other provisions of the bill resurrect, if I may use that expression, productions that are now in the public domain, and bring them within the operations of the copyright act and afford protection to persons even though the authors have been dead perhaps for many years.

Mr. HEBERT. The contrary is true, and the textual requirements of the bill are such that that can not be so, as the Senator will see if he will follow the reading——

Mr. KING. I am trying to do so.

Mr. HEBERT. Of line 1 on page 5, which provides that published and unpublished works shall be copyrighted, provided they are not in the public domain on the date when this bill goes into effect. If they are then in the public domain, they stay there, and do not secure copyright by the enactment of this legislation.

Mr. KING. Supposing a work were written 35 or 40 years ago and copyrighted; it would come within the provisions of this bill and be protected, would it not?

Mr. HEBERT. If it had gone beyond the date when the copyright was to expire under the present law, then it would go into the public domain, and under the provisions of this bill would not be copyrighted.

Mr. KING. But if this bill should pass while a production is alive, if I may use that expression, that is to say, the copyright has not expired though the work was written 40 years ago, it would be revived and would come under the provisions of this bill and would be extended—for how long?

Mr. HEBERT. It would not be revived, but it would extend for the full period fixed in this bill for copyrights.

Mr. KING. For 70 years additional, or 70 years in all?

Mr. HEBERT. For 70 years in all.

The VICE PRESIDENT. The clerk will resume the reading.

The legislative clerk resumed the reading of the bill.

The next amendment of the Committee on Patents was, on page 6, after line 7, to strike out:

SEC. 3. Where any work, except a dramatico musical or musical work, is created by an employee within the scope of his employment, his employer shall, as author, be the owner of the copyright in such work, in the absence of agreement to the contrary; but this provision shall not apply to works created on special commission where there is no relation of employer and employee, unless the parties shall agree otherwise.

And in lieu thereof to insert:

SEC. 3. In the absence of agreement to the contrary where any work is created by an employee within the scope of his employment his employer shall, as author, be the owner of the copyright in such work; but this provision shall not apply to works created under special commission where there is no relation of employer and employee, unless the parties agree otherwise.

Mr. TRAMMELL. Mr. President, I find on page 9 a provision which it seems to me conflicts with the plain provisions of the amendment which has just been read. Under section 3, as it is proposed to be amended, the work produced by an employee would be under the authorship of the employer if it was in the course of his employment; but on page 9 we find an amendment which goes even further. On that page, beginning in line 8, there is a proviso which reads:

Provided further, That the benefits of this action—

That is, the right to sue—

shall not inure to any copyright owner who, when he makes such claim, is in the employment or service of the Government of the United States or the assignee of any such author.

In other words, we give the employer the right to any discovery or any production made by the employee and make the employer the author if the work is produced in the course of his employment, which is probably all right, although I think the provision is quite favorable to the employer, and does not contain the proper safeguards for the employee. However, the bill then goes further in the next amendment and provides that an employee shall have no right to sue the Government or to sue the assignee, for an infringement if he happens to be in the employ of the Government or of the assignee, and it is not related to a production that was made in the course of his employment, but just the mere fact that he is an employee of the Government or of the assignee precludes his right to sue them for an infringement of a copyright which he may have copyrighted even prior to entering that employment. I think that ought to be corrected. I have no particular objection to the adoption of the amendment we are considering at this moment, but I am merely calling attention to what appears to be an inconsistency in the two amendments bearing upon the same subject.

Mr. HEBERT. Mr. President, let me say to the Senator from Florida that the amendments are quite different in their scope and in their effect and in their operation. If the Senator has no objection to the present amendment, let me suggest that we proceed; and when we reach the amendment on page 9, to which the Senator appears to have objection, I will explain it, I think, to his satisfaction.

Mr. TRAMMELL. I think, of course, there is a difference. One is dealing with the question of a remedy, and the other is dealing with the question of the rights between employer and employee; yet they are so interwoven that I think they should be considered together. However, so far as I am concerned, it is all right to adopt the other amendment first.

Of course, had I been writing that amendment, I would have had a little more regard for the employee, and would

have tried to give him greater protection, instead of endeavoring to give every right and every benefit to the employer against the scientific and the deserving employee who might be working for him. This provision gives decided favor to the employer as against the author or composer.

Mr. HEBERT. That is so only in a measure. If the Senator will read that amendment, he will find that in the absence of agreement to the contrary that would be so; but there is nothing to prevent a writer under a contract of employment from agreeing with his employer that he shall retain the copyright in that which he produces in the course of his employment. That is precisely what the committee had in mind when it made this amendment, so that it would be brought clearly to the attention of the employee that he may protect himself by whatever contract or agreement he may see fit to make with his employer.

Mr. TRAMMELL. Oh, of course he has the privilege, if he can procure it, of making an agreement; but the employer in a large measure will dominate and control the situation to such an extent that the author will have but little opportunity to procure that agreement.

Take the situation at the present time: One of the big institutions which has a monopoly in this particular field requires authors to submit copy on probation. They pass on it, and they criticize it, and they do not give the authors any very due consideration. I think that the so-called agreement privilege will be of but little value to the authors and the producers of the country, especially those who have not the finances necessary to promote their own endeavors. It will work to the advantage of organizations and associations of a monopolistic tendency and to the detriment of the authors of the country.

I have not, however, prepared an amendment on this subject, and I do not think I shall object to the adoption of this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The VICE PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed, beginning on page 6, line 23; and the legislative clerk read as follows:

SEC. 4. Copyright secured by this act shall extend to any work subject thereto to the extent to which it is original, notwithstanding it is based in part upon or incorporates in whole or in part some previously existing work: *Provided, however,* That such use shall not extend the copyright, if any, in such previously existing work nor recreate copyright therein and the enjoyment and exercise of such copyright shall be subject and without prejudice to the rights of the owner of the copyright, if any, in the previously existing work and/or of anyone deriving or who has derived any right or rights from said owner. This section shall not apply to works referred to in section 5 of this act:

The LEGISLATIVE CLERK. On page 7, line 9, the committee proposes, after the word "act," to insert the following proviso:

Provided, That nothing in this act shall prevent the fair use of quotations from copyright matter, provided credit is given to the copyright owner, unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment to the amendment. On page 7, line 11, beginning with the word "provided," I move to strike out the remainder of lines 11, 12, 13, and 14, in the following words:

Provided credit is given to the copyright owner, unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Florida to the amendment of the committee.

Mr. TRAMMELL. Mr. President, I desire to say a word or two in regard to my amendment.

This is the section which deals with the question of quotations from any copyrighted matter. The amendment, as proposed by the committee, provides as follows:

Provided, That nothing in this act shall prevent the fair use of quotations from copyright matter, provided credit is given to the copyright owner, unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

In other words, if a person desires to quote from any copyrighted matter, he first has to ascertain who holds the copyright. Under the provisions of this bill, it is proposed to do away with the registration of copyrights in the copyright office, as is done at present, and to establish the automatic copyright system. Therefore, in order to quote as authorized by this proposed amendment which I am criticizing, it is necessary to ascertain who holds the copyright, either in America or in any foreign country which has a copyright system.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Washington?

Mr. TRAMMELL. I yield.

Mr. DILL. I desire to call the attention of the Senator to this part of the amendment:

Unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

That much of the amendment would require that the copyright owner give notice to the effect that no quotation should be made, in whole or in part; and let me call the attention of the Senator to the reason why that provision is in there.

The Senator, I think, is familiar with newspapers and magazines that spend large sums of money to send some writer to some part of the world to secure a certain article; and in order to protect them against being copied and quoted, after they have spent all this money for it, they will place on their copyrighted matter, "Reproduction prohibited, in whole or in part."

It seemed to the committee that we ought not to take away the encouragement that there is to the man who copyrights matter of that kind to have it for his own publication; and the objection which the Senator raises would not apply, because, if he had expressly prohibited reproduction, he would have his name on the matter necessarily, and the expression would be there. I call the Senator's attention to that fact; but that would not apply to the ordinary copyright.

Mr. TRAMMELL. What does the Senator think of the other provision, which says: "Provided credit is given to the copyright owner"?

That would not apply to productions of the character of which the Senator is speaking.

Mr. DILL. No; the Senator is right. It would not apply to any other, unless they had expressly prohibited it.

Mr. TRAMMELL. In other words, some newspaper writer is preparing an article upon some public policy, and he thinks probably his views can be more or less accurately expressed in connection with that article by a quotation from some particular poem. The writer of the story or the writer of the editorial says, "I have heard a little poem which I think is very apropos, and expresses this situation very admirably"; so he writes in his editorial:

Some poet has said—

And then he quotes one or two or three verses of the poem. He has violated the provision of the copyright act as it is proposed to enact it at the present time, because it requires that he must give credit to the copyright author of that production. How is he going to find the copyright author? He can not find his name in the registration any more, because under the proposal of this bill that is abandoned. He has violated the provisions of the copyright law as it is proposed to enact it at this time.

That inexcusable provision is what I want to get rid of. I would not infringe upon any author's production. I believe in giving them ample and reasonable protection; but in deliberating upon the situation we should use a little common sense. We should consider before there are surrendered the ordinary rights of the editorial writers of the country and of the American citizen in the exercise of free speech; and yet those who favor the pending provision would put him in

a position where he could not even quote anything without violating this new copyright law.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Utah?

Mr. TRAMMELL. I do.

Mr. KING. I invite the Senator's attention to the words "the fair use" of copyrights. What is a fair use of a copyright?

Mr. TRAMMELL. That, of course, is going into a field of doubt and of uncertainty.

Mr. HEBERT. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TRAMMELL. Certainly.

Mr. HEBERT. The fair use of copyright has a well-recognized meaning in the law. All publishers know what it is, and all publishers recognize it, and all publishers respect it. There never is any difficulty about that.

Mr. TRAMMELL. I think the Senator probably is wrong about that. He talks about what the publishers are aware of. I dare say that there are not a half a dozen editorial writers in America out of every 50 of them who know what that means—I mean, in law—and it is no reflection upon them, either, or upon their intelligence. They are a very intelligent class of people and remarkably well posted in a general way; but, generally speaking, they would not have any conception or knowledge of that particular technical meaning.

I should like to know what the Senator from Rhode Island thinks it means. Can he give us in a very succinct, concise expression what it means?

Mr. HEBERT. It means that you can cull from an article or a poem some few lines, or a stanza, or a paragraph, to set out the meaning or to give effect to that which has already been stated in an article. You can supplement that which you yourself have advanced in any article by quoting somebody else as having said so and so.

Mr. TRAMMELL. Why does the Senator say that? A person can not even quote that unless he gives the copyrighted author credit.

Mr. HEBERT. It is not intended that way, Mr. President. For instance, if the Senator were going to make a speech, and quoted from some poem or quoted from an editorial or quoted from an article in a newspaper which was copyrighted, he would not be called upon to answer for a fair quotation from that.

Mr. TRAMMELL. I may or I may not be called upon to answer for it. Suppose I am invited to make an address at a county fair or a State fair down in my State, and they charge admission to the building. I care nothing about myself personally. I am speaking now for the interest of the American people and the authors of the country and the publications of our country, newspapers and other publications. I may be making an address, and there may be an admission fee charged, not on my account, but to promote a voluntary, nonprofit enterprise carried on in my State. I may think of something which I felt would be very appropriate. I can not recall the author of every poem, a part of which I may have remembered. I may quote from some author touching upon the wonderful position and importance of agriculture in the welfare and prosperity of our Republic. I have heard a good many speakers quote striking and forceful utterance of this character at agricultural fairs where a charge was made for admission at the gate. Yet, unless the speaker produced the copyright author's name, he violates the provision contained in this amendment. Yet under such circumstances some person who is trying to monopolize and control and dominate the productions of the authors of this country, if he is so unscrupulous—and there are many unscrupulous people who are feasting upon the genius of the able authors—could say to the fair people, "We think that that fellow, Jones, or Smith, or whoever it might have been, has violated the copyright law, and you have to pay so much money for it." That is possible and probable under the provisions of this amendment.

That is what I object to. I do not want the possibility open for any infringement of others' rights, but I say we should not go to an unreasonable extent, where the remedy would be worse than the disease, and I think there are a good many provisions in this bill about which that could be truthfully said. I feel that this provision is all wrong.

Mr. DILL. Mr. President, will the Senator yield to me?

Mr. TRAMMELL. I yield.

Mr. DILL. I want to say to the Senator that this amendment has a history which explains, probably, a part of the difficulty in understanding it and getting just what its meaning is.

The amendment was first proposed by the Literary Digest representative, because they wanted the privilege, under the law, of making fair quotations from newspapers and magazines throughout the country in their articles, and that applies to a number of digest publications which appear.

Their amendment as proposed provided for fair quotations in book reviews and newspapers. A few days after the matter was discussed in the committee, one of the Senators called my attention to the fact that under that amendment one could not quote anything over the radio, or in a speech, without being liable under that provision. So I had inserted in it the provision about the radio.

I think a little later somebody came to the Senator from Rhode Island—as I recall it, he spoke to me about it—and wanted the privilege extended to text-book publishers. So, in order to simplify the matter, we struck out the restrictions and simply provided that a fair quotation might be made from copyrighted matter, provided credit were given to the copyright owner.

The Senator raises a question which is rather in point, but I think the way to reach it would be, not by striking out this language, but by adding a proviso, that this shall apply to printed matter, and possibly matters spoken over the radio for profit. I am very fearful about the dangers of copyright infringement under this bill. It is so broad that language can not make it any broader, and nobody wants to give the owner of a copyright the power to penalize the people who simply want to make fair quotations. So it seems to me that the Senator might, by a proviso at the end of this language, rather than striking out these words, provide that this measure shall apply to printed matter, or words quoted for profit. In other words, we ought to somewhat free the public in the use of quotations. Yet we should not allow printed publications to quote without giving credit to the copyright owner.

Mr. HEBERT. Mr. President, let me suggest to the Senator from Florida that if he will prepare an amendment, providing it is satisfactory to him, along the line suggested by the Senator from Washington, we may pass this over for the time being, and it can be taken up later on at the request of the Senator from Florida.

Mr. TRAMMELL. That will be perfectly agreeable to me. I will confer with the Senator from Washington in regard to the matter.

The VICE PRESIDENT. The amendment will be passed over. The clerk will continue the reading.

The legislative clerk resumed the reading, the next amendment of the committee being on page 7, lines 21 and 22, where the committee proposes to strike out the words "the publication" and insert in lieu thereof the words "such copyright," so as to read:

SEC. 5. Any compilation, abridgment, adaptation, arrangement, or dramatization of a dramatico-musical or musical work, if the same be a work in the public domain, or of a copyright dramatico-musical or musical work when produced with the consent of the proprietor of the copyright in such work, shall be regarded as a new work subject to copyright under the provisions of this act; but such copyright of any such new work shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works; nor shall copyright exist in the original text of any work which is in the public domain.

Mr. McKELLAR. Mr. President, I do not know whether that is the section about which I want to ask a question, but there is a question I desire to propound.

May any transferee of a composition have it copyrighted, or is the copyright privilege allowed only to the man who composes the piece of music, for instance?

Mr. HEBERT. Mr. President, an author may transfer all his rights in a work, and then have the assignee copyright it.

Mr. McKELLAR. Why should that be allowed? It seems to me that we are going a long way if we allow people to go around and buy up pieces of music which other people compose and have them copyrighted, and charge the public on the music itself, then charge the musicians for producing the music, and then charge the hearers for hearing the music. That is away beyond what was intended by the fathers who prepared our Constitution. I do not think that that is right.

Mr. HEBERT. Mr. President, that is the law now, and has been since shortly after the Government was founded.

Mr. McKELLAR. It is immaterial whether it is or not. I do not think it is the law. If it is, it would not be taken care of in this bill, in my judgment.

Mr. HEBERT. It is the law, and one could not proceed in any other way if that provision were not made.

Mr. McKELLAR. I am told that the original composer of music may get very little for it. It is generally bought up for a song and then copyrighted and put on the market probably under the name of another person than the composer. If such is the case, that should not be permitted. Why should a man who has not composed any music—and I just take music for an example—one who merely has the money to buy what some poor devil has already composed, have a monopoly for all time, as he would have, virtually, under this measure? To my mind we are asked to go far beyond anything ever contemplated by those who provided for this matter in the Constitution. Does not the Senator think so?

Mr. HEBERT. I do not, Mr. President, because ordinarily an author is not very well fortified with the necessary finances to take care of the publication of his own works, and that is more true in the case of composers than in a case of authors, if I am not very much mistaken. Of course, again, the better the work, the more profit the author derives, because in a large number of instances such works are sold on a royalty basis, and the more copies there are sold, the more money is paid to the author as a return for his composition.

Mr. McKELLAR. It has been a long time since my attention was called to the constitutional provision, but I can get it in a moment. The Constitution provides:

> To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

Under the terms of this bill no attention whatsoever is paid to authors. There is simply a proposal to provide so that financial concerns can buy from authors as they please, and then get all the emoluments on what the authors have created. To my mind there ought to be some provision in this bill looking after the authors, if Senators want to do something really worthy, want to do something according to the Constitution. The authors ought to be looked after. I understand that the poor devils sell their productions for whatever they can get, to a great organization in New York, and that organization gets the copyright, or would under this bill, if I understand it correctly.

Take a piece of music as an illustration. They would get a royalty. If that music is used by some company or orchestra, they have to pay for it. Those who hear the music have to pay for it. Does the original author who is provided for in the Constitution receive any benefit? Not one time in a thousand. He is left out entirely. In the words of the Constitution, you are not "promoting the progress of science and useful arts" by the many ramifications of this bill. I am inclined to think that this is a very dangerous bill.

I want to say, while I am on my feet, if the Senator from Rhode Island will permit me, that in so far as copyrighting a book written by Mrs. Eddy is concerned, I would be very happy to agree to a resolution looking to that end. That ought to be done, I have no doubt, and I for one would be delighted to vote for such a resolution. But when it comes to creating a monopoly, one of the worst kinds of monopoly, on compositions of authors, when there is no provision made for the protection of productions of authors, I am against it. If you want to do something for the authors in order to encourage, in the words of the Constitution, "the progress of science and useful arts," why is not some provision made for those authors? We ought to provide that if they should dispose of their compositions, after they have disposed of them they should have a part of the royalty, at any rate.

I understand royalties are charged all the way along down the line, all the way. Out to the remotest country districts in the land everyone who listens to music has to pay for listening to the music.

I have my grave doubts about this bill. I am rather inclined to think I am not going to vote for the bill under the circumstances.

Mr. TRAMMELL. Mr. President, I think that the Senator from Tennessee has expressed a very appropriate view in regard to the measure and made a criticism of it to which it is meritoriously subject, and that is that it goes beyond the intention of the constitutional provision under which we enact such legislation. I am just going to read briefly from a line of decisions relating to the Constitution. The courts' decisions upon this question are summarized in a headline and a number of citations given in support of it. This author, writing the annotations of the Constitution, upon this particular provision of the Constitution says that—

> This power is given not generally but only as a means to this particular end, hence it expressly appears that Congress is not empowered by the Constitution to pass laws for the protection or benefit of authors and inventors except as a means to promote science and useful arts.

This measure, in my humble opinion, is not taking very much care of the authors, but it is trying to take care of those who would monopolize and dominate the field of literature and of art, giving every advantage to those who are speculating upon the talent, the productions, and the creations of the authors of our country. I think it goes beyond the intent and purpose of the constitutional provision.

Mr. KING. Mr. President, I want to ask the Senator from Rhode Island a question with reference to the words "original text" on page 8, line 2. Would that mean that a work which was in the public domain and was translated into some other language, or part of it translated into some other language, would be brought within the copyright act?

Mr. HEBERT. It would. That provision of the bill is meant to apply to those cases where any part of a work in the public domain is used in a new work. That part of the work in the public domain does not by that fact become copyright. Only the new material in the work is copyright. The material that is in the public domain at that time remains in the public domain.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. HEBERT. I yield.

Mr. McKELLAR. Generally speaking, in so far as composition which can be copyrighted is concerned, is not the bill along the same line and for the same purpose as the Capper-Kelly bill?

Mr. HEBERT. I am not familiar with the Capper-Kelly bill.

Mr. McKELLAR. That bill gives the manufacturer the right after he sells his goods to fix the prices to the ultimate consumer. Does not this bill virtually do the same thing?

Mr. HEBERT. The copyright, by the section which has just been read, is distinct from the work itself. If I own a copyrighted book and I sell the Senator a copy of that book, I do not by that transaction sell him my copyright; I merely sell him a copy of the book.

Mr. BLACK. Mr. President, I desire to ask the Senator from Rhode Island a question in regard to section 6. I notice the latter part of the section refers to photographs and portraits. Is it true that under this section the very

moment a portrait is taken the photographer automatically has a copyright?

Mr. HEBERT. The section provides otherwise unless there is an agreement to the contrary.

Mr. BLACK. In other words, if under this bill a man happens to have a portrait taken and does not stipulate in advance with reference to his portrait the photographer would have a copyright on his portrait for 70 years. Is that correct? In other words, the man who happened to have the portrait taken could not use it for 70 years, even for a cut to be used in a newspaper?

Mr. HEBERT. The language of the bill is very specific on that point. On page 8, in line 10, it is provided—

Except in the case of photographic portraits made for hire or on commission, in which case, in the absence of written agreement to the contrary, the copyright shall vest in the person whose portrait is reproduced or his legal representatives.

Mr. BLACK. In other words, if the portrait was taken without the individual paying anything for it, then for 70 years the photographer, his successors and assigns, would have the copyright automatically?

Mr. HEBERT. The Senator can not read that construction into the section.

Mr. BLACK. That is what I understood the Senator to say.

Mr. HEBERT. Except in the case of agreement to the contrary, the copyright on the photograph belongs to the subject of the photograph.

Mr. BLACK. I desire to call the attention of the Senator from Rhode Island to the fact that the exception to which he refers is only in case the portrait is made for hire or on a commission. In cases where it is not made for hire or on a commission the photographer would have automatically a copyright on the portrait.

Mr. HEBERT. That is true.

Mr. BLACK. So if some one happens to come to the Senator's office and takes his picture, and he does not pay them for it, and later on he should desire to use it for the purpose of having a newspaper cut made, he could not do it for a period of 70 years without infringing on their copyright.

Mr. HEBERT. He would have the copyright in the photograph which he took.

Mr. BLACK. It would be automatically a copyright for 70 years?

Mr. HEBERT. Yes.

Mr. BLACK. The mere fact that he takes the portrait and the Senator did not happen to pay him for it at that time would give him for 70 years the right to deprive the Senator of the use of his own picture.

Mr. TRAMMELL. In other words, if some one came to the Senator's office and obtained his photograph and then furnished him with one or two copies of the photograph and later on some newspaper man came along and asked for a photograph for the purpose of having a cut made and the Senator turned it over to the newspaper and the newspaper made a cut from it, the newspaper would then be subject to damages on account of the photograph made by the photographer.

Mr. BLACK. Unquestionably; and if the Senator happened to show that photograph to some one he would be infringing on the copyright.

May I ask the Senator another question?

Mr. McKELLAR. Mr. President, before the Senator leaves that point I would like to ask the Senator from Rhode Island a question.

Mr. BLACK. Very well.

Mr. McKELLAR. Surely the Senator from Rhode Island does not want us to enact a law like that. Will he not accept an amendment striking out that provision? It would lead to a very remarkable situation. Men in public life are frequently called on for a photograph and we would never know whether we were violating a copyright and making ourselves liable for damages. It would probably stop the giving away of photographs by public men and by actresses, the latter being very greatly interested in advertising, as we know. They send out thousands and thousands of photographs and I think that they as well as the political public should be protected somewhat in this matter. I do not think they ought to be subjected to lawsuits when they give away their own photographs or portraits for any purpose.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

The message also announced that the House had passed the bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 543) to increase the pay of mail carriers in the village delivery service, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; and

H. J. Res. 525. Joint resolution to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes.

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

H. J. Res. 357. Joint resolution classifying certain official mail matter; and

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931.

AMENDMENT OF THE NATURALIZATION LAWS

Mr. JOHNSON submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

"'SEC. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

"'(b) Any woman who before this section, as amended, takes effect, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship, may if she has not acquired any other nationality by affirmative act, be naturalized in the manner prescribed in section 4 of this act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

"'(c) No woman shall be entitled to naturalization under section 4 of this act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM H. KING,
Managers on the part of the Senate.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

UNEMPLOYMENT PROBLEM—ARTICLE BY HARRY CHANDLER

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Harry Chandler, editor of the Los Angeles Times, on the subject of the problem of unemployment, one of the great, perhaps the greatest, economic problem that faces the world to-day.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROBLEM OF UNEMPLOYMENT

(By Harry Chandler, editor of the Los Angeles (Calif.) Times)

Incomparably, the greatest economic problem that faces the world to-day is that of unemployment.

Not solely, nor even chiefly, because of the hardship which lack of remunerative occupation brings to individuals, grave and pressing as that condition is. Were that the only consideration the problem would still be worthy of the ablest efforts which could be brought to its solution. The question, however, goes much deeper than one of merely individual welfare. It is hardly too much to say that the economic future of the world, even the forward progress of civilization itself, depends upon clear-sighted recognition of the fundamental character of the problem and upon a solution not merely temporary and superficial but which, by reaching to the roots of the trouble, shall be permanently adaptable to meeting the conditions which the evolution of our industrial system has gradually but inevitably brought upon us.

To a degree, unemployment is self-perpetuating in that it creates a vicious circle tending continually to widen and aggravate its own evils. Where by reason of unemployment normal purchasing power is reduced, the effect of that decline in the motivating factor of business and industry is promptly manifested in a corresponding curtailment of merchandising and thence of industrial production, dependent in its turn upon an unimpeded outlet for its manufactured commodities. When, for lack of demand, either business or industry slows down, economic necessity forces retrenchment and, for lack of needed work for them to do, more wage earners are added to the ranks of the unemployed, the aggregate purchasing power is still further reduced and the circle of evils is repeated on a continually widening diameter. Its progress is hastened in the meantime by the psychological effects of depression, which express themselves in various forms of retrenchment, including "buyers' strikes" even on the part of those still amply able to buy. In the case of the still employed wage earner whose rainy day stake is small, this curtailment of normal buying is prompted by the perfectly natural and sensible fear that any day may see his own source of income cut off by the termination of his employment. To such a one, faced with the necessity of hoarding his resources against the probability of an indefinite period without income, the "buy now" slogan, sensible enough in its application to those of means, has little significance and less effect.



Less spectacular and appealing than human unemployment, but even more serious in its economic effects, are those phases of the cycle of depression which halt the free circulation of money, the lifeblood of business and industry, and freeze in unproductive idleness the huge capital investments in industrial plants and mercantile undertakings which are the source of most gainful employment.

Though capital itself suffers no major hardship, a protracted period of idleness for it spells tragedy for millions of workers dependent for a livelihood upon its uninterrupted functioning as the motive power of all production. Silent factories and empty offices are a more serious symptom, from the human standpoint of the wage earner, than even the breadline or the soup kitchen. Idle workers and idle dollars are two problems, born of and helping to perpetuate and to increase the same evils. The remedy for the one is the remedy for the other.

These considerations are elementary and obvious enough, as is their corollary—that the way to break the vicious circle is by some means to restore employment. That these recurrent progressions of depression and unemployment have not in recent years continued to panic extremes has been due to the timely application of some extraneous stimulus to employing industry, sometimes fortuitous, more frequently artificial, and increasingly seldom a logical outgrowth of the conditions themselves.

Excepting those periods of depression directly traceable to some definite economic catastrophe, a survey of their recurrent appearances over the years shows reasons for them of successfully diminishing sufficiency, considered strictly from the standpoint of material wealth in the areas affected. For the present "hard times," for example, a dozen causes have been assigned, all more or less different and none of them entirely adequate in the face of the fact that, in this country and in recent years at least, money has never been so plentiful, standards of living so high, prices of everyday necessities so low, well-to-do people so numerous, and actual continuing poverty so near a minimum.

It is true, of course, that industrial production, mechanical and agricultural, has proceeded at a rate during the past few years which has been so well in advance of demand as to bring about an embarrassing surplus of most commodities and raw materials, greatly depressing their prices and forcing a period of production-curtailment which is of itself sufficient to account for the beginning of such a cycle of unemployment as has been described.

It is likewise true that in time this condition will right itself and that, as accumulated demand catches up with excess supply, industry will resume its normal pace and, for the time being at least, unemployment will be relieved.

However, apart from the fact that such relief can not wait the time when such automatic self-adjustment of conditions will come about, we are faced with the probability of an early recurrence of the same situation and from the same causes. In other words, thanks to our high-speed industrial processes manned by an army of robots in the form of a thousand efficient devices for eliminating human labor, our normal pace of industry appears already to have passed the point where production is equaled by demand, at least available demand. By the same token, our labor-saving machinery has been so successful in reducing the number of wage earners necessary to industry that even under normal conditions the available supply of man power is already in excess of that which can be accommodated. Our normal unemployment figures are growing year by year. Only in periods of what might be described as supernormal prosperity, in which production is keyed up to its highest pitch, is there anything approaching a shortage of labor.

Such periods are few and come at wide intervals, partly because they are usually due to an exceptional set of circumstances but chiefly because production can not long be maintained at abnormal heights; its own excess tends quickly to force it back to normal and usually, on the recession, below normal.

Under ordinary conditions, neither of depression nor of exaggerated prosperity, the present balance between the available supply of labor and the demand for it is still fairly even, but with no margin of safety. So delicate is the adjustment, in fact, that it requires very little in the way of economic mischance to produce what appears to be altogether disproportionate results Once tilted the wrong way, the balance does not tend quickly to right itself but rather, for the time being, to increase its own distance from equilibrium, for the reasons seen

As the supply of labor grows with a growing population and as the efficiency and use of labor-saving machinery increases, this differential becomes continually larger and more difficult of adjustment. Emergency expedients of a wide variety are resorted to for the purpose of restoring the balance. But, because the remedies are superficial, their effects are only temporary and the fundamental ailment tends shortly to reappear, unchanged except in increased dimensions.

Where a condition, whether temporary or permanent, arises in which the old ratio between labor supply and labor demand no longer suffices to provide employment at what we now call full time to all who must be provided for, the obvious remedy lies in a new division of the available work among those available to do it, on some basis as nearly as possible equitable to all and as well to industry itself. It is similarly obvious that, under such conditions as obtain at present, such a division would mean less work proportionately for each person and that less time would be required by each to perform his share. This might mean a 7-hour or a 6-hour working day or a 5-day week or even less, according to the different circumstances to be met. The general formula, determined solely by the ratio of labor supply to labor demand, would have the great advantage of indefinite elasticity, applicable to any possible set of conditions.

Such a readjustment necessarily would involve a corresponding readjustment of pay, in order that no inequitable burden be placed upon industry. To increase the cost of production disproportionately to its return and thereby to wipe out the narrow margin of profit which alone makes possible its continued existence would be disastrous, not only to industry but to the wage earners dependent upon it.

Admittedly such a plan is nothing new. As will appear in the next article, similar readjustments have been made repeatedly in the past, in response to like necessities. Each of them has been an entirely logical and inevitable forward step in industrial evolution.

II

The history of industry is largely the history of invention. Without noteworthy exception every new phase of the colossal expansion of industry which has marked the past two centuries is directly traceable to some new mechanical device or new application of physical law to perform faster and better than human hands some essential task theretofore done by manual work.

It is a curious though familiar fact that nearly every great labor-saving device perfected up to recent years has, in its inception, been bitterly fought by labor on the ground that it would cause unemployment, only to develop in a few years into an agency of immense benefit to labor through making possible undreamed-of expansion of its industrial field. The first weaving looms equipped with the flyshuttle invented by John Kay in 1738 were torn to pieces by the hand weavers of England, who saw in the device something which would destroy their laborious means of livelihood. Yet the flyshuttle now is given credit for having changed the entire economic structure of the world. The first of Eli Whitney's cotton gins were burned in the fields by men whose bread and butter depended on the arduous hand labor of picking cottonseed from the boll fibers, yet the enormous expansion of the cotton industry made possible by the gin created thousands of new though different jobs for every one with which it did away. Similar opposition attended the birth of the blast furnace, the steam engine, the sewing machine, coal-mining machinery, the Bessemer and Siemens steel-making processes, the lintoype, the typewriter, the grain harvester, and a dozen other labor-saving devices, which are now the foundations of vast industries giving employment to millions.

In connection with the present problem it is interesting and significant to note the effect which the expansion of industry, through the influence of labor-saving machinery, has had upon wages and hours of labor. Speaking generally, each new phase of the modern industrial epoch has seen an early reduction in both, with later rises in wages due to other economic factors, but with the reduction in hours changed only to give way to still shorter ones. With few exceptions, the shortening of the workday was coincident with a localized saturation of labor; that is, the introduction of labor-saving machinery in a given locality made possible a reduction in the working time of individual wage earners, and in many instances served thereby to give employment to others who would otherwise have been without work. A century and a half ago many wage earners toiled 14 hours daily. Persons now living can recall the period when 12 hours was the standard workday. Gradually decreasing, usually by an hour at a time, but by no means uniformly throughout industry, the average rate of reduction has been particularly rapid during the past 20 years. The period between 1900 and 1910 saw 8 per cent of the country's workers employed on an 8-hour basis, about 16 per cent on 9 hours, and most of the rest on 10. By 1914, 11.8 per cent were on 8 hours, and by 1923, 46.1 per cent. In the latter year only one-fourth were working 9 hours or more. To-day the 8-hour day for 6 days a week is the schedule most generally observed, but, according to the American Labor Yearbook, 1,250,000 wage earners are now working only 5 days weekly.

This is not to say, of course, that the demands of organized labor for shorter hours have not been a considerable factor in this progressive reduction, but comparison of the fields in which these demands were pressed with the total number in which they became effective indicates that other and much more potent causes of an economic nature were at work.

So many factors other than labor supply and demand enter into the question of wages that it is impossible to trace with any certainty the successive relations between pay scales and reduced hours. The available figures indicate that in general wages were roughly determined by the cost and the return of production, with occasional variations in one direction or the other due to other causes. When the cost of production would have been increased by reason of the employment of more men to do the same amount of work wages fell off proportionately.

When there was a general increase in the cost of raw materials and a parallel but no greater increase in the prices of manufactured products, the net cost of production and wages showed no marked changes. In the period beginning about 1913, when the purchasing power of the dollar began its long decline, wages increased more rapidly even than did the cost of living, a phenomenon amply accounted for by the scarcity of labor and of manufactured materials due to the demands of war. At the height of this extraneous war influence, the cost of labor was itself a determining factor in raising the cost of production and of prices for finished products to the highest point in many years. In the

period of deflation following the war the effort to maintain wages at war-time levels, out of proportion to the decreasing returns to industry, was one of the factors in producing economic depression and unemployment.

The essential relation between wages and production costs, the latter the directly determining factor in the cost of living, was recognized and enunciated more than a hundred years ago by the economist Ricardo in what has since been called Ricardo's law of wages. In effect, this declared that the base level of wages always tends to approximate the amount required to meet the cost of living at any given period and that any artificial departure from this ratio can not be long maintained, since any such departure causes either an increase or a diminution in the number of workers, producing a state of unbalance which, through competition, soon restores the old rate. In the days of low wages, costs were relatively low and the dollar had a correspondingly high purchasing power. As costs rose, wages rose with them but the wage earner's buying power was no larger because his increased number of dollars would buy no more than the fewer ones did before. Standards of living have risen, but costs as well as wages have risen with them.

It would be a hardy prophet who would venture to predict an end to the expansion of industry, yet the increasing figures of our "normal unemployment" indicate that the period when new labor-saving machinery created, through such expansion, more jobs than it destroyed is pretty well in the past. Most of the really important inventions of recent years have forced thousands of wage earners out of employment or into other already overcrowded vocations. Modern agricultural machinery, such as the combined power harvester and thresher, has displaced whole armies of one time farm workers, and in itself largely accounts for the falling off of rural population. The mechanical cotton picker, perfection of which now appears a probability of the near future, will add enormously to the unemployment problem of the South. And for agriculture, in this country at least, the era of great expansion is at an end, so far as the creation of new jobs is concerned. The areas of unutilized arable land are very limited and even their coming under cultivation through the bringing of water will mean little in the way of added employment, for they will be machine farmed.

Almost every industry is seeing similar developments gradually force out human labor without any visible outlook for compensating expansion to provide new jobs for those displaced. A steam shovel and a few trucks now do the work of a hundred laborers and teamsters. Mechanical calculators, tabulators, billing machines, and automatic bookkeeping devices have cut in half the one-time army of office clerks. The automatic telephone has replaced thousands of switchboard operators and the telegraph printer is everywhere eliminating key telegraphers. An extension of the same device is reported on the point of perfection whereby type will be set directly by telegraph, doing away with the linotype operator. Sound films have taken away the immediate means of livelihood of a great number of professional musicians formerly employed in picture theater orchestras and threaten to do the same for all but a favored few of stage entertainers. The radio is making extensive inroads on the theatrical and lyceum professions.

Three years ago the industrial magazine, Iron Age, made this prophecy:

"If the productivity of industry by mechanization continues to increase in the next 25 years in the same way and at the same rate as during the last 25, only 45 men will be needed for the work that to-day requires 70 and that formerly required 100. In the automobile industry, 30 workers were doing in 1925 as much work as 100 did in 1914."

It is the age of the robot.

However marvelous such advances in mechanical science may appear, it must be clear to the most casual observer that they are laden with grave economic possibilities. The common belief or, rather, hope that somewhere, somehow, something will turn up to give employment to the increasing thousands of artisans and unskilled workmen being displaced by labor-saving machinery is not supported by the facts. England thought so, and her burden of unemployment, plus the makeshift methods adopted to meet it, are daily bringing her nearer the brink of economic disaster. It is a truism, but one that needs to be repeated, that no considerable fraction of any population can be removed for any length of time from the earning, producing, and buying class without grave danger, not only to themselves but to everyone else in any way dependent on the well-being of business and industry.

If it be conceded that we are now or soon will be facing a situation in which all of our available work no longer requires all of our available labor, on the basis whereon labor is now employed, it appears obvious that we must have recourse to the same expedient heretofore employed in similar situations. By reducing the time of the working day or the working week, more persons must be employed to accomplish the same production. The cost of production, however, can not be increased out of proportion to its return if industry is to continue; in other words, the gross sum of wages paid must remain substantially the same until production cost itself justifies a change. Each wage earner would be paid the same amount for the same effort, but proportionately less for less effort.

That such an expedient involves no uncompensated disadvantages to anyone affected by it will be made apparent in the next article.

III

As was shown in a preceding article, there is nothing new in the plan for eliminating unemployment, caused by the introduction of labor-saving machinery, by reducing the working time of each wage-earner so that more persons must be employed to accomplish the same production. It has behind it 150 years of precedent, during which the average working day has been reduced from 14 to 8 hours in gradual stages closely paralleling the modernization of industrial processes by new mechanical devices continually cutting down the number of workers required for sufficient production to meet the world's needs.

The present unemployment situation, however much it may have been aggravated by other causes, is such as to create at least a strong presumption that another stage in the process of working-time reduction is now required in order to provide gainful occupations for millions now without work and consequently without effective buying power—thereby to restore our economic system to an even keel.

It is true, of course, that the elimination of the other causes mentioned—our oversupplies of commodities for example—will of itself reduce unemployment, but that process is being rendered infinitely more difficult by the fact that so many of the normal buying class have been removed therefrom for lack of work and consequently of means to buy. It is obvious that this now slow process of restoring the balance between production and consumption would be vastly hastened by any means, even if only temporary, which would return those now unemployed to their former status of normal consumers.

There is abundant evidence, if it were needed, that this could be most readily accomplished by a reduction of working hours. Whether this should be temporary or permanent could well be left to be determined by results. Past experience indicates that, if the step is temporary only, we may soon be forced to resort to it again and then again, until it became a fixture in the industrial scheme pending the next and similarly inevitable reduction stage.

In this connection, it may be news to some who see something revolutionary in the idea of a general 5-day working week that that reduced work period was common in several major industries even before the present depression. The year 1929 was regarded as a good industrial year, but, according to the American Labor Year Book, 1,000,000 American workingmen—close to 2 per cent of the whole number of wage earners in this country—were regularly on a 5-day week basis and that, even before "hard times" developed, it was estimated that another 250,000 would be put on the shorter week in 1930. So far and without the spur of general depression, the 5-day schedule has been introduced—with good results—in several branches of the steel industry, in automobile fabrication, men's clothing factories, in some of the building trades, and in a few large machine shops.

The manner in which a more general adoption of the 5-day week would do away with unemployment is too obvious to need elaboration, since it is easy to see that, under that plan, it would require one-fifth more men to accomplish the same production. That is, if a plant employing 100 men 6 days a week should go on a 5-day basis, it would take 120 men at 5 days to do as much as the 100 did in 6.

It is interesting to apply this ratio to our unemployment situation and see what the 5-day week would do to it. According to the 1930 Federal census and the latest figures of the Department of Labor, there are roughly 47,000,000 wage earners in the United States, of which about 3,400,000 are out of work. At least 1,000,000 of the 43,600,000 employed are already on a 5-day basis, leaving 42,600,000 who work six days a week. If, for the sake of argument, all of these should be put on a 5-day basis, it would require the employment of 8,520,000 more persons to accomplish in five days what the 42,600,000 now do in six. Instead of an unemployed surplus of 3,400,000 workers we would thus be short 5,120,000 of enough to do the necessary work.

Of course, it would be impracticable and even undesirable for all industry to adopt the 5-day week all at once. Such changes require time and careful adjustment if production is not to be thrown out of gear. There are, further, some industries which could not adjust themselves to such a change without extensive reorganization. In any case, a labor shortage of 5,000,000 men would itself be embarrassing. Further inspection of the figures shows that, in order to absorb the 3,400,000 now unemployed it would be necessary for 17,000,000 of the present 6-day workers to go on a 5-day basis, maintaining production at the present level without increase or decrease.

Counting the 1,000,000 already on the 5-day week, this would make a total of 21,400,000 on that working schedule, or about 45 per cent of the whole number. Of course, it would be found that it actually would require such a change for very much fewer men, since the return to employment of any considerable part of the 3,400,000 would speed up demand to a point where the rest would be absorbed on the old basis to meet the need for increased production. It is to be remembered that in even "normal" times, the United States averages more than 1,000,000 wage earners without employment, so that our present abnormality is by no means as large as it appears.

In the matter of wages, the plan contemplates no reduction in the amount paid for the same effort; that is, the hour rate or the day rate would remain the same but, because he would do one-sixth less work, the wage earner would receive one-sixth less gross income for five days than he formerly received for six.

It is here that this 5-day week plan and such adaptations of the same idea as the 6-hour day instead of 8, differ radically from

those urged by the American Federation of Labor. The latter demands 6 days' pay for 5 days' work, 8 hours' pay for 6 hours' work, and so on.

Now, there is no quarrel whatever with the right of anyone to try to get as much as he can for whatever work he does, so long as he adopts no illegal or improperly coercive means to enforce his demands. No reasonable person objects to the organization of labor for the purpose of improving its condition as to hours or wages by any proper means or denies its right to refuse to work jointly or individually, if it sees fit, so long as it does not interfere with the rights of others. Labor unions, especially in their early history, did a great service both to labor and to industry in forcing the elimination of oppressive conditions imposed upon workers by certain greedy employers, and their existence, if not some of their methods, is still necessary to maintain labor's rights.

In this case, however, it is not a question of rights but of what is economicaly possible and what is not. As has been seen, putting an industry on a 5-day-week basis means that that industry must employ one-fifth more men to maintain the same production. To pay each of these men six days wages for five days work would mean an addition of one-sixth to the pay roll, with no compensation whatever in the form of additional production. Under modern competitive conditions and operating on an extremely slender profit-margin at best, it is impossible for the average industrial plant to add 16 per cent to the labor item of production costs and preserve that slender margin. If all units of a given industry did not thus grant what amounts to a 16 per cent increase in already-high wages, competition and underselling would kill those which did. If all jointly attempted to pass this large addition to production costs on to the consuming public in the form of higher prices, it would mean again upsetting the delicate balance which must be maintained among all the integral parts of our economic system and, in the end, the crippling of industry would leave labor much worse off than before. It has been proven time and again by hard experience that neither wages nor costs can be artificially increased out of proportion to other related economic elements without trouble. Ricardo's law of wages still holds good.

But similarly, the law of economic compensation is still operative. The same conditions which are making necessary a reduction in working time have simultaneously reduced the cost of commodities to a point where the prospective 16 per cent cut in the worker's apparent income is largely offset by a coincidental reduction in the cost of living. The results of careful surveys show that the dollar of to-day has a purchasing power of nearly $1.25 as compared with the dollar of peak-price times. Wages are purely relative; their buying power is what counts. In the added buying power of his money, the wage-earner has received in the past year the equivalent of a 20 per cent increase in pay. If prices should later reverse their present downward trend and go up the return to industry will increase and wages will rise as they have always done in the past. It is as broad as it is long.

There are other compensations to the 5-day-week worker. He would have two days of leisure in place of one—twice the present opportunity for recreation, family enjoyment, and self-improvement. He would not only be steadily employed but he would be freed from the constant fear of unemployment and possible enforced recourse to charity against which he must save to-day. The money he would thereby feel justified in spending for pleasure on his extra "day off" and for normal wants otherwise would, in the aggregate, supply a considerable stimulus to general prosperity, of which he would enjoy his share. And—a consideration of weight to many—he would have the satisfaction of knowing that he had had a share in relieving the hardships of others by making possible employment for everybody.

The next article will give consideration to some other suggested remedies for unemployment.

IV

For reasons which are perfectly understandable and subject to no practical criticism, the tendency of every community, whether city, county, State, or national, is to deal with unemployment as a strictly localized problem and without particular regard to the unemployed elsewhere. It is natural that each industrial area should seek first to care for its own, even though analysis of the remedies suggested shows that the relief they offer is indirectly at the expense of other areas.

The economist, however, must recognize that such a condition as now exists is a world problem, essentially affecting all industry alike, whether in California or Maine, in the United States or abroad. From which it follows that, if the question is universal and fundamental, its correct answer must possess the same qualities, must be equally applicable and efficacious over the world, profiting no economic unit at the cost of any other.

As to the abstract accuracy of this general premise, there is, unfortunately, little room for argument. The most recent and authoritative figures on unemployment for those countries which include the great bulk of the world's manufacturing industry, show that, in general, those most modern in their industrial processes are the greatest sufferers from unemployment and those where hand labor is still general are comparatively free from it. This is additional evidence, if it were needed, that the root of the trouble lies in the great numbers of workers which are being displaced by the continual advance in efficiency of labor-saving machinery and that any real remedy must provide a solution for that condition.

Germany, for example, has 3,484,000 unemployed, or 5.58 per cent of her entire population—and Germany is the leading nation of the world in the percentage of her people engaged in modern manufacturing. England, likewise highly industrialized, has 2,285,987 unemployed wage earners, or 5.17 per cent of her whole population. Of the larger nations the United States is next with 3,400,000 unemployed, or 2.77 per cent of the whole population. The latest available figures show that 19 per cent of Germany's people are employed in industrial establishments, 17 per cent of England's, and 11 per cent of this country's. On the other hand, Russia, with 25,000,000 more people than the United States, reports only 1,150,000 unemployed, or 0.78 per cent of the population. With modern machinery just getting a start there, a very large part of Russia's work is still done by hand. Partly for this reason and partly because of her specialized industrial and reconstruction program, France is relatively free from unemployment, having but 20,000 jobless, or 0.05 per cent. Italy has 322,287, or 0.79 per cent; Belgium, 23,000, or 0.29 per cent; the Netherlands, 25,000, or 0.33 per cent; Rumania, 23,000, or 0.13 per cent; Denmark, 25,000, or 0.73 per cent; Norway, 20,000, or 0.75 per cent; Switzerland, 10,350, or 0.26 per cent; Czechoslovakia, 37,000, or 0.25 per cent; Poland, 240,000, or 0.79 per cent; and Finland, 4,000, or 0.11 per cent.

The number of unemployed in 1930 was three and a half times as great in Finland and Rumania as in 1929, while the number almost trebled in Belgium and more than doubled in France, the Netherlands and Poland. The British Department of Labor reports large increases in unemployment last fall over the fall of 1929 in Italy, Great Britain, Switzerland, Hungary, Czechoslovakia, and Austria, and slight increases in Ireland and Sweden.

The whole number of wage earners without employment throughout the world, excluding China and India, is estimated by the International Labor Organization at Geneva at 15,000,000. The actual totals for 22 countries from which figures are available as 12,133,624, out of an aggregate population of 598,330,036.

This is only 2.02 per cent and at first glance does not appear so serious. However, the whole number of wage earners in those countries number fewer than 200,000,000, which means that more than 4 per cent of all who can work and need to work are without jobs. Note further that 15,000,000 jobless breadwinners mean at least 40,000,000 persons without means of subsistence other than their meager savings, and something of the magnitude and universality of this, as a world problem, begins to be manifest.

The same figures give some idea of the inadequacy of purely local remedies, or of even national-only expedients, to deal with a situation which is world wide. This is no criticism of such expedients, most of which are practical and praiseworthy so far as they reach. Their inadequacy, from the general economic viewpoint, lies in the fact that they do not reach far enough, and that not a few of them are calculated to help some at the expense of others.

There can be no question of the right, in fact the duty, of a government to protect the employing and wage-paying powers of its own industries by tariffs and immigration restrictions which will effectively prevent the goods and workers of other countries from entering into destructive competition with its own. The tariff is a protecting bulwark to American manufacturers and both it and our constantly rising immigration walls to the jobs of American workingmen. Conceding their necessity as measures of protection to our nationals and our own institutions, we are still obliged to admit that neither constitutes any solution to world unemployment as a whole.

A close parallel to these, on a still more localized scale, is the plan often advocated as a remedy for local unemployment, to buy home products, and to hire only local workers, in order, of course, to keep local factories busy, make more jobs for home wage-earners, and keep all others out. With this again there can be absolutely no quarrel as a measure of strictly community benefit, yet it is clear that, so far from being a remedy for country-wide unemployment, it tends to aggravate rather than relieve the general situation.

Another device advocated and practiced by all classes of political subdivisions, from village to national government, is to relieve unemployment by the arbitrary speeding up of public and private improvement programs for the double purpose of creating more jobs and getting more money into circulation. A business corporation which regularly does considerable construction work will, for example, crowd two years of such construction into one in order temporarily to give employment to more persons. City, State, and Federal Governments appropriate public funds to finance the immediate construction of public works, buildings, and the like, for which an ultimate though not actually present need is seen, similarly to make more work.

All such efforts are laudable in their purpose and immediately useful in their effect. They are predicated, however, on what is likely to prove a fallacious hypothesis—that the emergency is purely temporary and that, if such artificial means succeed in tiding over the existing situation, things will shortly "get back to normal," and that then the normal requirements of public and private business will be sufficient to provide what is now called full-time work for everybody.

When it is remembered that even in normal times there is an increasing excess of available labor over available work, the probability becomes apparent that the expedient will not only fail of its full purpose but that we may suffer further for having thus anticipated future needs and done work now which otherwise would have been spread over a number of years. In any case, the normal labor requirements of such works and their pay-roll funds for some time to come will have been considerably depleted and their absence will have to be compensated for through some other

means. The sometimes-advanced scheme for raising taxes to provide funds for thus "making more work" would defeat its own purpose by adding to the burdens of industry and thereby increasing unemployment.

The suggestion that the situation be relieved by a general "buy-now" program is likewise a worthy one, but its accomplishment meets the serious obstacle that a large proportion of the potential buyers are either without means to do so by reason of unemployment or feel obliged to hoard their resources against the possibility of unemployment or of some other untoward manifestation of general depression.

Similar objections appear to the various plans offered for increasing the domestic and foreign markets for manufactured goods. It is doubtless true that at some time in the future such comparatively undeveloped countries as China and Russia will supply a large outlet for the industrial products of nations more advanced, but this prospect is too far removed to be of any present service. Other countries of the enlightened world are all too deeply involved in the same difficulties to offer much aid to each other in the way of increased consumption.

If unemployment is to be considered as a world problem, as it must be if any generally applicable solution is to be found, it is apparent that no merely local remedy, or one applying to a single country only, will suffice. If, further, the difficulty is not merely a temporary emergency but is fundamentally inherent in conditions resulting from our industrial evolution, as the facts seem to indicate, it is obviously there that the permanent remedy must be sought. If it is true, as the figures show, that there is a normal and growing surplus of labor over that normally required, on the basis of a working week of six days of eight hours each, then the only possible solution lies in workday or workweek for each wage earner which shall be shorter by enough to give equal employment to those now crowded out. Literally, "full time" employment means nothing—the last half century has seen five different definitions of it, ranging all the way from 12 hours a day to 8. If the step be necessary, we shall be embarking on no new and untried industrial experiment. If, whether temporary or permanent, it is the right way out of our difficulties, the sooner we recognize the fact and act on it the better off we shall be.

The next article will discuss some of the hitherto unconsidered dangers of the unemployment situation.

V

Grave as they are, the direct economic evils which follow in the train of depression and unemployment are mild in comparison to those which would result from some of the remedies advocated, were the latter actually put into effect. One of the characteristic and invariable phenomena of hard times is the horde of "panaceas" of every description which they bring forth, ranging from the visionary schemes of well-meaning but misguided cranks to the calculated, anarchistic propaganda of dangerous radicals seeking to exploit misfortune for their own benefit.

To the former class belong most of the prolific crop of plans for tinkering with the currency which appear in every period of economic abnormality and for which, in fact, they have often been in part responsible. The panic of 1837 was the first of a series of bitter lessons of this kind from which American business, if not a certain type of near economist, has learned the value of a sound currency. This, as may be recalled, was the era of "cheap money," during which State banks everywhere were permitted to issue their own bank notes up to any amount and without corresponding specie reserves. The second flood of fiat money, with its inevitable sequel, came during the period of financial stringency during and immediately after the Civil War, when the United States Government itself issued more than $400,000,000 in the paper money popularly known as "greenbacks," which, for lack of specie reserves for their redemption, came finally to be worth about 30 cents on the dollar. The painful process of bringing this depreciated currency back to par accompanied years of acute depression.

Ten years after that recovery a new kind of "cheap money" was being advocated in the form of unlimited silver coinage in the ratio of 16 ounces of that metal for every ounce of gold coined. Sanctioned by Congress in 1878, a slight modification of this scheme flooded the country with silver dollars which presently sank in value to 80 cents a piece in gold. In an effort to sustain them, the Government issued in payment for the vast quantities of silver bullion required Treasury notes redeemable in gold. They promptly were redeemed in gold; nobody wanted the depreciated silver dollars the bullion made. The country's gold reserve sank to alarming levels and the growing depression culminated in the panic of 1893. In the next Presidential campaign, that of 1896, the country definitely rejected cheap money as a cure-all for financial ills and the adoption of a permanent gold standard followed.

For an earlier lack of coordinated and elastic banking system and for reasons out of the reach of merely sound money, the gold standard has not saved the country from subsequent depressions, though the establishment of the Federal reserve system in 1913 has, with its later elaborations, pretty well eliminated the danger of future acute financial stringencies.

But not even a century of practical object lessons in the folly of cheap money has eliminated the theorists who see in almost any kind of fiat currency, whatever its value under our established monetary standard, a cure for conditions of business depression under which money has ceased to circulate freely. It is not surprising, therefore, particularly in view of the present world shortage of gold, that our present situation should have seen revived and refurbish under half a dozen disguises the same old schemes for restoring free silver or bimetallism. Most of these have had their rebirth in localities where silver-mining interests are strong, but they have made little real headway.

Another relief plan more directly applicable to the unemployment phase of hard times, but not less economically perilous, is that which proposes a subsidy on idleness in the form of government participation in unemployment insurance. For a horrible example of the evils inherent in this vicious scheme one needs go no farther than England, where it has been in effect in its present form for approximately 10 years.

Theoretically, the English Government, the employer and the wage earner, in his time of employment, contribute to a fund from which the last named is given "unemployment pay" at regular wage intervals upon which to subsist during jobless periods without any limit determined by what he has actually paid in. Practically the plan is rapidly turning one time industrious British workingmen into an aggregation of idlers and is bankrupting the Government, despite the ruinous taxes imposed on property to maintain it. Under the dole system, as it is well called, it is possible for an English "worker" to make one payment to the fund, throw up his job, find excuses for declining others and thereafter to subsist at government expense, actually receiving in many instances more money from the royal treasury than he earned when at work. Why, under such circumstances, should he work?

According to the results of an investigation by Isaac Marcosson, the economist, 1,993,500 unemployed British "wage earners" were receiving the dole last July 1; the number is considerably larger now. At that time the unemployment-insurance fund was overdrawn by $215,000,000. The only means for maintaining it is by huge government loans to the fund, the outlays therefrom exceeding the income by $2,250,000 per week and its own legal borrowing powers having been long since exhausted. So far the experiment has cost England a total of $3,000,000,000, with apparently much worse to come.

Yet even that frightful cost is slight in comparison to the real loss which England is suffering in the demoralization of her working classes through this misguided paternalism. In place of the sturdy race of artisans which has made Britain one of the world's three greatest industrial nations, she is now breeding a generation of idle parasites.

Under proper auspices and control unemployment insurance, to which a single company and its employees contribute, doubtless has much to commend it, though the experiment has hardly proceeded far enough on such lines, at least in this country, to make possible final judgment. Certainly government participation has no place in it. In general the same applies to all the wide variety of paternalistic schemes which have been advanced whereby, in one way or another, public funds would be utilized, not for emergency relief, but to maintain unemployed in idleness.

Periods of depression and unemployment are the golden harvest times of radical propagandists and advocates of socialistic schemes of every shade of red. The immediate objects of these campaigns are, of course, the rank and file of workers. So long as these are employed, prosperous, and contented the apostles of unrest make little headway. But, given large groups of men and women bitter and discouraged for lack of employment and eager for anything which, however fantastically, promises better things, the red prophet's job is easy. His work is half done for him already. Idleness is still the devil's workshop and his wholesale product is anarchy.

It is herein that thoughtful students of present world-wide conditions see the general situation's greatest menace. Everywhere expert propagandists for communism, emissaries of the Soviet Government of Russia, are busy capitalizing unemployment and unrest to their own vicious and subversive ends. For them the field is a fertile one, and from generations of practice they are expert in sowing the seeds of trouble.

No secret is made by the directors of the Communist Party of Russia of its deliberate intent to recruit the world's "army of unemployed" into an army of militant communists for the overthrow of law and order, of governments and established institutions everywhere. The Moscow Pravda, official organ of world communism, early this year published detailed instructions to communist leaders in this country of "methods to be employed in taking advantage of the present economic crisis in the United States" and predicting, if the instructions be followed, the early collapse of the "industrial colossus of America." Particular attention, according to this handbook of revolution, is to be given to the less intelligent of the unemployed, the field of young unskilled labor being especially recommended. March 6, 1930, was officially set aside by the soviet organization as "international unemployment day" and soviet newspapers everywhere printed inflammatory editorials calling upon the unemployed in all countries on that date to "rise and overthrow capitalism" under the leadership of the Third International.

In Germany, England, and the United States numerous "demonstrations of the unemployed" have been directly traced to inciting communist agitators. The British Parliament and our own Congress have taken official cognizance of the situation, and the investigations made have revealed a scope and progress of the movement to give pause to the most determinedly blind. Evidence was presented to the Fish committee, named by the House of Representatives to investigate the spread of communism, to show that Russia's present assault on world markets is a deliberately planned move to aggravate depression, promote unemployment, and thereby further the soviet plans for a world revolution. William F. Long, general manager of the Associated Industries of Cleveland, told

the committee in November that the communists have concentrated on industry and that the situation has become a menace.

"We are sitting on an industrial volcano," he declared.

Similar facts could be cited almost indefinitely, were they necessary to demonstrate the real and active peril of the situation. Familiar to every newspaper reader, they are hardly necessary. Admission of the danger brings with it the obvious conclusion that the only practicable means of dealing with it must lie in some remedy for unemployment which, by its universality of application and manifest equity to workers and to industry alike, shall assure general reemployment and, coincidentally, the ability of industry to maintain it.

The purpose of these articles has been to demonstrate that such a remedy can only be found in an equitable division of available work among the available workers and in working periods of whatever length any given set of conditions shall determine.

The next and concluding article of the series will discuss the actual working of the plan under practical conditions.

VI

In the preceding articles of this series an effort has been made to show that the most direct, logical, and effective remedy for any situation, temporary or permanent, in which the available and necessary work does not require all the available labor at so-called full time, is to effect as equitable as possible a division of the work among those whose livelihood depends upon gainful employment, each worker so employed to be paid according to the service rendered. Comparison with other suggested remedies for unemployment indicates that only by such a plan is it possible to avoid the horde of economic evils, small and great, which are the inevitable attendants upon any device which does not thus accord with the fundamental law of normal supply and normal demand. Any departure from that basic economic principle is merely borrowing from Peter to pay Paul—a loan which, sooner or later, must be repaid with usury.

As has been seen, every such new balance struck between labor supply and labor demand during the past century and a half of industrial history has meant shorter working hours for each individual worker, with wages proportionate to production value. Every effort artificially or arbitrarily to alter that ratio in favor either of employer or employed has been defeated not by laborer nor by capital but by inexorable economic law.

In the present unemployment situation we have a condition requiring the striking of another such new balance, though whether it be temporary or permanent can only be determined by experience. The consequently necessary shortening of individual work periods with which many industries are experimenting in order to give employment to more individuals is variously called the stagger system, rotated employment, part time, the 5-day week, and other similar appellations. Whatever its name, the principle is the same. In nearly every instance of its first introduction, it has been as a temporary measure for unemployment relief, but in more than one major industry its manifest benefits are making it permanent, as the logical evolution of industry indicates that, sooner or later, it must become.

As in every similar change in past standards of what was then called "full-time employment," objections are numerously advanced on the part of both employers and employed. Perhaps the most common of these is the declaration that certain industries, such as transportation, are organized from the ground up on the basis of present working time schedules and can not be adapted to a new one without complete reorganization, upset, confusion, and loss. While this is doubtless true in some cases, it is also true that practically every major industry of the kind has, in the past, undergone similar adjustments in response to similar necessity, and with ultimate benefit.

Again, it is pointed out that, even if they made room for more men by cutting the time of those now employed, many skilled industries could not absorb outside unemployment because new and untrained men could not do the work. It is not necessary that they should; obviously, if by such an expedient every industry could avoid further lay offs and could reabsorb those trained employees already laid off for lack of work, there would be no considerable unemployment.

Again, it is declared that the reduction of gross pay consequent upon payment for only five days' work, say, instead of six, would precipitate serious labor troubles. This is probable in some instances, though extensive experimenting with the plan has shown that, in most cases, intelligent workers, recognizing alike the necessity and the compensations to themselves in the way of added leisure, assurance of steady work, the correspondingly higher purchasing value of their fewer dollars, and the knowledge of their own contribution to the welfare of their fellows, have accepted the adjustment willingly. In passing it may be remarked that the agitators are always making trouble anyway, no matter what the conditions. Their insistence that industry should pay out of proportion to production, as in the demand for six days' pay for five days' work, is as economically impossible and unreasonable as would be a demand for seven days' pay for their present six days' work.

Again, it is set out that certain work of a specialized character requires the continuous service of the same individuals and can not be "rotated." Such cases are comparatively few and might constitute necessary exceptions, though it is worthy of note that even these have been adjusted to permit cessation of such work one day in seven. Two days in seven would be only an extension of the present system.

It is argued in some quarters that workers of a certain class would misuse two consecutive days of idleness to the disadvantage of themselves and of their employers. In such cases it is probable that some other modification of the same principle, such as a 6-hour instead of an 8-hour day, in place of a 5-day week would obviate the difficulty. One of the advantages of the plan is its indefinite elasticity and adaptability to any set of conditions.

Another objection advanced is that it would increase the unit cost of production because of added bookkeeping, time keeping, more help of the foreman or overseer class, and so forth, involved. Such an addition, if any, would be small and probably would be found to be more than offset by the plan's direct advantages.

The proof of any pudding is in the eating of it and the test of any plan is how it actually works in practice. It is worth while, therefore, to note here the experience of some typical major industries with working periods less than six days a week or of less than eight hours a day.

As has been said, the 5-day week is no new thing. More than 1,000,000 American workingmen were on that basis even before the present depression and the number was estimated to be increasing, without the spur of hard times, at a normal rate of some 250,000 a year.

The steel industry, long characterized by lengthy working hours, now has normally more than 50,000 men on a work week of less than six days and, in their trades, employs about a fifth more men in consequence. The Allegheny Steel Co. mills at Brackenridge, Pa., has just put 1,800 men on a 6-hour day to relieve unemployment. It already had 900 men on a 3-day week. The Torrance, Calif., unit of the United States Steel Corporation (Columbia Steel Co.) is experimenting with shortened work periods in order to avoid lay offs.

Practically every industrial plant in Detroit is now operating on a short week and during the past two months the leading ones have been enabled to lengthen their pay rolls very considerably thereby. The Ford plant has added 25,000 men to its minimum figures by this device, the Hudson Co. more than doubled the number of men on its pay roll in one month, and a dozen other big car and body works have added each from 500 upward to the number of their employees. As a remedy for unemployment the plan is indorsed by the automobile industry as "ideal."

The rubber industry has put the plan into effect in several plants with good results. The Firestone Tire & Rubber Co. of California has been able to retain its full personnel by utilizing the straight 5-day week. The Goodyear Tire & Rubber Co. of California observes the 5-day week in its rubber department, thereby maintaining a normal force therein. In its textile department the 6-day week is in force and the number of workers there has been somewhat reduced. The Samson Tire & Rubber Corporation's factory is on the 5-day basis and has retained its full force. The main plant of the Goodrich Pacific Rubber Co. is on a 6-day basis, but in some departments the 5-day schedule is being tried out.

The Boston & Maine Railroad has reduced the working week of employees in its mechanical department by one and two days and has been enabled to add 200 men to its force as a result.

The Kellogg Co. and the Postum division of the General Foods Corporation at Battle Creek, Mich., are following the custom of several years in taking up seasonal slack of employment by reducing the normal 8-hour day to one of 6 hours, requiring about 400 more men to do the same work.

Several varieties of shortened work periods, as circumstances require, have been put into effect in the mines, mills, smelters, and refineries of the Anaconda Copper Co. in order to avoid lay-offs.

The oil industry is experimenting with the plan with good results. By putting some of its refinery men on a 3-day week basis and some employees of less than five years' service in the producing department on a 3-week month, the Standard Oil Co. of California has avoided any lay-offs. The Texas Co. has put the 5-day week into effect in some departments.

Unemployment for a temporary surplus of vegetable workers in Imperial Valley has been avoided by the Western Growers' Protective Association by recourse to a five and even a three day week.

The Hotel Statler in Boston now employs the system in slack periods.

The Western Union Telegraph Co. has put a considerable number of its employees on part time to avoid lay-offs.

The Pacific Clay Products Co. is maintaining a full complement of employees by a shortened work week in its two Los Angeles plants.

The Los Angeles Times, with the consent and indorsement of its employees in the mechanical departments, has put the five-day week into effect in those departments, thereby maintaining a full force.

These instances of the successful working of the plan are cited merely as representative examples. The list is by no means complete. In several of the building trades, in some men's clothing factories and in some large eastern foundries and machine shops the five-day week is regularly in force.

In a radio address broadcast nationally from Chicago on December 6, Secretary of Commerce Lamont cited a recent survey of 103 typical industrial plants, employing more than 82,000 workers, in which, by rotated employment and similar devices, 10,000 more persons were being kept on the pay rolls than would be needed were all on "full time." The speaker strongly urged employers everywhere to avail themselves of the plan as an expedient for the temporary relief of industrial workers and added:

"An even wider adoption of such measures offers the best opportunity for prompt alleviation of our present problems."

It is a significant fact that, so far as has been reported, the establishing of the shortened work period in representative industries as a remedy for unemployment not only has made no trouble but, in most instances, has earned the approval of both employers and employed.

An important feature of the plan is that, even before it is actually put into operation, it enables employers to assure their workers of steady, if somewhat curtailed, employment for an indefinite period. The effect on community buying power of this assurance against unemployment is very marked. As has been noted elsewhere, the absence of such assurance is in itself a powerful contributing cause of business depression. With no certainty of a continuing income, the natural course of every wage earner is to cut his expenditures to the absolute minimum and to hoard his resources against the prospect of unemployment. The aggregate effect of such curtailment of normal purchasing on the part of the bulk of merchandise consumers is greatly to aggravate the depressed conditions and to delay their recovery. Restoring the confidence of the wage earner restores his customary mode of living and, thanks to lower costs, his normal consumption of commodities, a situation which is quickly reflected in a corresponding restoration of confidence and normality in every other interdependent part of our complex economic system.

Such is the case for the shortened work period as a remedy for unemployment and the economic ills concomitant to it. Whether its application now need be temporary only or whether we have arrived at an industrial stage where, in some degree, it represents a new and necessary normal balance between labor supply and labor demand may well be left for the test of time. In either case the preponderance of evidence indicates it to be the one expedient applicable to present conditions whose certain beneficial effects are offset by no disproportionate disadvantages.

CIVIL GOVERNMENT IN VIRGIN ISLANDS—EXECUTIVE ORDER

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD the Executive order of President Hoover transferring the government of the Virgin Islands from the Navy Department to the Interior Department. The order is found in the United States Daily of March 2, 1931.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the United States Daily, March 2, 1931]

PRESIDENT ORDERS CIVIL GOVERNMENT IN VIRGIN ISLANDS—EXECUTIVE EDICT ISSUED TO TRANSFER SUPERVISION FROM NAVY DEPARTMENT TO INTERIOR DEPARTMENT

President Hoover issued an Executive order February 27 placing the government of the Virgin Islands under the supervision of the Department of the Interior. (A summary of the announcement was printed in the issue of February 28.)

President Hoover recently appointed Dr. Paul M. Pearson, of Swarthmore, Pa., Governor of the Virgin Islands, and announced at the time that the government of the islands would be transferred from the Department of the Navy to the Department of the Interior.

The Executive order follows in full text:

PRESIDENT'S ORDER

"Executive order placing the government of the Virgin Islands under the supervision of the Department of the Interior.

"I, Herbert Hoover, President of the United States of America, under the authority conferred upon me by the act of March 3, 1917, entitled 'An act to provide a temporary government for the West Indian islands acquired by the United States from Denmark by the convention entered into between said countries on August 4, 1916, and ratified by the Senate of the United States on September 7, 1916, and for other purposes,' (39 Stat. 1132), and by virtue of all other powers thereto me enabling, do hereby place the administration of the government of the Virgin Islands, including expenditures and the appointment of personnel, under the supervision of the Secretary of the Interior, subject to the entrance upon duty of a civil governor, and direct that the unexpended balance of the appropriation 'Temporary government for the West Indian islands for the fiscal year 1931,' included in the Navy appropriation act, shall be transferred, effective on the entrance upon duty of the civil governor, to the Department of the Interior.

"Further, the Secretary of the Interior shall contract for the employment of and fix salaries of those persons employed in the government of the Virgin Islands of the United States whose positions and salaries are not specified in the annual budgets of the two colonial councils, and he may where necessary contract to furnish to such persons, or to any other appointees to positions in the islands, free transportation from the port of departure in the United States, including meals on the steamer, but no compensation or expenses for the journey to the port.

"Under the authority recited herein I do hereby order and direct that all naval officers, nurses, enlisted men, and clerical employees of the Department of the Navy now assigned to the executive departments of the municipal governments shall remain in their present positions until relieved by civil employees with the approval of the Secretaries of the Navy and Interior, but they shall be relieved not later than six months from the date of entrance upon duty of the civil governor.

"The requirement that the governor of said islands shall report to the President through the Secretary of the Navy, according to the instructions of the President in letter dated October 12, 1922, is hereby revoked, and the governor shall hereafter report to the President through the Secretary of the Interior.

"HERBERT HOOVER.

"THE WHITE HOUSE, *February 27, 1931.*"

PAY OF VILLAGE MAIL CARRIERS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 543) to increase the pay of mail carriers in the village delivery service, which were, on page 1, line 8, after "1925," to insert "(U. S. C., title 39, sec. 106)," and on page 1, line 9, to strike out all after "10" down to and including the word "annum," in line 1, page 2, and insert "Carriers in the village delivery service shall be graded, with salaries for each grade, as follows: First grade, $1,250; second grade, $1,350; third grade, $1,450. That in the readjustment of salaries for letter carriers in the village delivery service to conform to the grades herein provided, village letter carriers who are now receiving $1,150 per annum shall be placed in grade 1, those who are now receiving $1,250 per annum shall be placed in grade 2, and those who are now receiving $1,350 per annum shall be placed in grade 3. In determining the aggregate period of service upon which promotions are to be based, all time served as letter carrier in the village delivery service is to be included: *Provided,* That hereafter substitute letter carriers in the village delivery service when appointed regular carriers shall have credit for actual time served on a basis of one year for each 306 days of 8 hours served as substitute, and appointed to the grade to which such carrier would have progressed had his original appointment as substitute been to grade 1: *Provided further,* That letter carriers in the village delivery service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade."

Mr. GEORGE. I move that the Senate concur in the House amendments.

The motion was agreed to.

ADDITION TO WEST POINT MILITARY ACADEMY

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, which was to strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized to acquire, by purchase, condemnation, or otherwise, additional land in the vicinity of, and for use by, the United States Military Academy, in connection with the present military reservation at West Point, N. Y., such land being 15,135 acres, more or less, and including land surrounding Popolopen Lake, land bordering on the River Hudson, and other interlocking plots of land, all located in Orange County, N. Y.; and the sum of $1,500,000 is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended: *Provided,* That nothing herein contained shall adversely affect the existing water supply, its sources, or pipe lines of the town of Highlands, N. Y.

SEC. 2. The Secretary of War shall, by due advertisements in such manner as he deems best and calculated to give the widest necessary publicity, call for offers of land for use in connection with said West Point, N. Y., and if after negotiation he is able to buy said land or any part or parcel or tract thereof, and at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose.

Mr. REED. Mr. President, I move that the Senate concur in the amendment of the House. The only effect of the House amendment is to put in certain provisions for the protection of the water supply of the town of Highland Falls.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania that the amendment of the House be agreed to.

The amendment was agreed to.

AMENDMENT OF THE ACT OF MAY 12, 1900

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174), ch. 21, title 26), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "if issued after December 31, 1931, and if claim for their redemption is presented by the manufacturer or importer within three years after the year of issue as indicated by the number or symbol printed thereon by the Government, irrespective of the date of their purchase. Beginning with the year 1933, stamps of any issue shall not be sold until those of the previous year's issue have been disposed of or later than one year after the year of issue"; and the Senate agree to the same.

REED SMOOT,
JAMES E. WATSON,
PAT HARRISON,
Managers on the part of the Senate.
W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

Mr. BARKLEY. Mr. President, I merely want to state that I hope the conference report will be agreed to at once. It is entirely satisfactory to all the interests concerned in the manufacture and sale of tobacco. The House desires to act on it immediately.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Mr. President, I do not object, but I did not understand from the reading of the conference report that the Senate Finance Committee's provision for a six months' period was agreed to. Did not the committee amend the House bill?

Mr. BARKLEY. As the bill passed the House, it had a 2-year limitation. The Senate Finance Committee eliminated that 2-year limitation and left it entirely open. The conference report limits it to 1933. There is a limitation in the conference report, but it is longer than the two years, as passed by the House.

Mr. McKELLAR. I hope the report will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report?

The report was agreed to.

THE EIGHTEENTH AMENDMENT

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a short article by Mr. Thomas F. Cadwalader, one of the leading attorneys of Baltimore, on the subject "Is the Eighteenth Amendment Invalid—And Why?"

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

IS THE EIGHTEENTH AMENDMENT INVALID—AND WHY?

By Thomas F. Cadwalader

The extraordinary amount of publicity given to the extraordinary opinion of Judge Clark, holding the eighteenth amendment invalid because submitted to and ratified by State legislatures instead of State conventions elected for the purpose, makes the time opportune to try to clarify the issues as to the validity or invalidity of that amendment.

That its adoption was a very serious mistake from the constitutional point of view is the firm conviction of the overwhelming majority of lawyers, whatever their views might be about prohibition as a domestic policy. That the measure is for this or any reason actually unconstitutional and void appears to be the belief only of a very few, and those few reach such a conclusion on several distinct and even contradictory grounds. The layman might care to have these grounds set forth in some intelligible manner.

1. It has been ably argued that the amendment was illegally proposed because it was passed only by two-thirds of a quorum present in the House of Representatives and not by two-thirds of the entire membership of the House. The Constitution says that "two-thirds of both Houses" are requisite.

In other places the Constitution requires action on other matters by "two-thirds of those present," thus showing the apparent intention to distinguish between matters requiring the approval of two-thirds of the entire body and those where a two-thirds vote of a mere quorum, which might be little more than one-third of the whole House, would suffice.

However, the Supreme Court has held that if a quorum is present it constitutes the "House," and two-thirds of such a body is a sufficient majority. There is reason to believe that the first 10 amendments constituting the so-called Bill of Rights were proposed by only two-thirds of a quorum in the First Congress, and the Supreme Court gave weight to this. The fact, however, has been denied. The records of the First Congress are not full enough to determine it positively either way, though they seem to indicate that the action was by two-thirds of a quorum only.

2. Counsel for Sprague, the defendant before Judge Clark, argued that no amendment granting new powers to Congress, such as the eighteenth, could lawfully be ratified by State legislatures, especially since the tenth amendment became part of the Constitution. That amendment reads as follows:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

The argument runs this way. The power to amend the Constitution is not a power delegated to the United States. The Federal Congress can merely propose amendments for ratification by the States in either of two ways. Therefore it is a reserved power. Reserved to whom? Either to the States or to the people, assuming there is a difference between them. Interpreting the term "States" as meaning the State governments or legislatures they argue that these are incapable of surrendering to any other body, even to Congress, any powers originally entrusted to them by their own people. A fortiori they would be incapable of vesting in Congress any powers that never were entrusted to them at all, and which the people in adopting their State constitutions forbade their legislatures to exercise. Therefore if a proposed amendment involves a redistribution of powers between the States and Congress or the grant of new powers to Congress that some or all of the States do not possess, it is necessary that recourse be had to the people themselves, i. e., to constitutional conventions to be elected by the people especially for the purpose of considering and acting upon the proposal. Accordingly it is the duty of Congress when it proposes an amendment to consider what sort of an amendment it is. If it merely limits the scope of Federal powers, or reserves to the people additional rights, or merely changes the machinery of government without affecting the substantive rights of the people (as for instance the twelfth amendment which changed the method of electing the President and Vice President) the Congress would be within its rights in submitting such a measure to the State legislatures; but if it affects entrusted powers or rights that are beyond the control of any legislature or government Congress must submit it to the people in separate State conventions, and if it fails to do this the ratification is ineffective and the amendment does not really become part of the Constitution at all.

This argument has a certain plausibility. Many pamphlets and two or three books have been written in support of it. It was not made by Mr. Root and his associates in the national prohibition cases and has never been considered officially by the Supreme Court.[1] It is, however, in the opinion of most lawyers fallacious. In the first place the Constitution itself makes no distinction in the Fifth Article or elsewhere between the powers of legislatures and those of conventions as ratifying agencies. Secondly, if the legislature of any State lacks competence to transfer its own powers, or to grant entirely novel powers over its own constituents, to Congress, why should it be supposed that conventions of the people in other States can do so? The people of Maryland might have limited the power of their own legislature to bind them, but did they grant power to conventions in New York and Pennsylvania to do to them what they refused to allow their own representatives to do? If so, such grant to foreign bodies was made in the Fifth Article of the Federal Constitution when Maryland ratified that instrument in 1788. But in that article they drew no distinction between foreign legislatures and foreign conventions. They conceded the power of adopting amendments to three-fourths of the States speaking through either of such sorts of assemblies as Congress might direct. The power to ratify amendments by three-fourths vote of the States depends entirely on the Fifth Article, and to its wording alone we must look to see how it can be exercised.

Certain writers hold however that when the people of all the States are called on to act through popular conventions, though elected in each State separately, and possessing no common bond,

[1] Some of the briefs filed contained the substance of this argument, and at least inferentially the court has overruled it.

the joint act of three-fourths of these conventions becomes an act of supreme sovereignty of the entire population of the Nation, and as such far transcends the powers of three-fourths of the legislatures. As to this it may be said that not a word in the Constitution and not a fact in our history can be adduced in support of it. Certain dicta of the Supreme Court, twisted out of the application shown by their context, and certain unfounded general assumptions, with a good deal of rhetoric added, form the basis of their argument.

The Constitution itself was adopted as everyone knows by popular conventions. But it was expressly provided therein, as was necessarily the case, that each convention bound its own State and no other. Any State was fully at liberty to stay out of the Union, and two of them in fact did. Nobody pretended they were legally bound by the Constitution until their own conventions assented to it. If the action of the people in these conventions had been that of one sovereign nation distributed for convenience into separate parts, as these authors assume, then a substantial majority would have bound all indiscriminately. But that never has been and never can be the case until either a revolution takes place or by unanimous agreement of the States our Federal form of Government is definitely abandoned and a consolidated national system takes its place. Whenever that happens, if it ever does, all question as to the validity of constitutional amendments will have vanished.

3. Judge Clark does not adopt the argument we have been considering. On the contrary he can see no distinction between the people of the States acting through their legislatures and the same people acting through their conventions except the purely pragmatic one that the second method would more clearly and satisfactorily reflect their reasoned opinions. Of this there can be little doubt. Conventions would be elected on the issue, which legislatures seldom are. They would contain a larger proportion of intelligent and public-spirited citizens and a smaller proportion of office seekers and political small fry. Their debates would be instructive and illuminating, or at least more so than those of the ordinary legislative assembly.

From these considerations, and also from a view of the importance the founders attached to conventions, Judge Clark concludes that Congress was really intended to refer all vitally important amendments, that is to say, all those involving new grants or vital transfers of governmental powers to these bodies and not to legislatures. If the Constitution did not say so—and it does not—apparently Judge Clark thinks it was a clerical oversight. He says that Congress is charged with the duty of selecting the ratifying agencies, and that this duty is not legislative but purely administrative, and involves the use of a discretion not uncontrollable by the courts. He, therefore, assumes the power and duty to control it by invalidating an amendment where Congress has misused its discretion according to the—unexpressed—intent of the Constitution, and has failed to submit it to those bodies most competent from practical considerations of public policy to deal with it wisely.

This is at least an original view of the extent to which judicial power may be pushed. But as the judicial power to avoid acts of legislation depends entirely upon the existence of a written Constitution, which inferentially at least, creates the power to strike down acts inconsistent with its terms, it seems quite untenable for the courts first to add something of their own to the written Constitution and then to strike out other parts which have been duly added consistently with its actual language though inconsistent with the judicial additions thereto. If this doctrine should prevail the Constitution would be henceforth whatever the judges might make it. To a great extent that is true now, of course. Some clauses in the instrument have been expanded or distorted by the Supreme Court beyond any semblance to the original intention of their authors. Judge Clark is really only endeavoring to put into the Constitution something that probably every member of the convention of 1787 would have assented to had he foreseen the conditions of to-day, and that most of them would have agreed to if suggested even without such foreknowledge. Yet it can not be denied there is no language in the instrument itself which by any stretch of logic or construction can be made to sustain his decision. If it be sustained it will be simply and purely a judicial amendment to the most vital article of the Constitution.

4. The argument given most publicity at the time of the hearing on the national prohibition cases in 1920 was very simple. It was to the effect that the tenth amendment, above quoted, was a restraint not only against encroachments by Congress on the rights of the States, but also against such encroachments by the legislatures or conventions of three-fourths of the States themselves. In other words, Article X of the amendments limited the scope of Article V providing how and when amendments might be made. Textually the position is tenable. The principal answer is that such a doctrine would forever prevent a redistribution or shifting of any powers whatever between the States and Congress. We should have to get along under the scheme adopted in 1788 forever, or until a revolution should occur or some foreign power conquers us. It seems incredible that the people who expressly provided for amendments almost without limit in 1788 should in the space of two years have concluded to withdraw the most important part of this very vital power to make government workable in the unknown future. It is less credible that the debates or writings of the period should not disclose such an intent, if that meaning is really attributable to Article X. Furthermore, it never was thought of seriously even during the bitter contest over slavery. In 1860 it was thought necessary if slavery were to be safeguarded from the amending power to propose a new amendment expressly restraining such interference, which was actually proposed by Congress and ratified by two or three States. The thirteenth amendment in 1865 abolishing slavery in the States was accepted without question as valid, the tenth amendment notwithstanding. The Supreme Court in the prohibition cases heard and overruled this argument.

5. Lastly there is another argument which was to some extent urged upon the Supreme Court in 1920 and which that court has therefore formally passed upon and overruled (though without rendering any opinion), but which has the double merit of being based not only on the wording of the Constitution itself but on the implied assumptions that underlie all politico-legal language in English-speaking countries. All written law in such countries is presumed to be enacted by either the voters who live under it or by their representatives, and it is a necessary part of the conception of legislation that the same power that enacts it can alter or repeal it at will. Indeed the accepted philosophic justification of man-made law consists precisely in this fact, and obedience to the law is deemed a duty because an orderly method of remedying its defects in accord with substantial public opinion is conceived to be always open to those on whom it may seem to bear harshly or unjustly. Consequently the method of legislating, and the only method of legislating, provided for in the Constitution is this familiar method by majority vote in a representative body, subject to frequent elections, and presumably or potentially responsive to the general currents of opinion. Amending the frame of government is a different thing from enacting laws, and consequently a different method of accomplishing it is provided. To enact laws by a method prescribed for a different purpose is a violation of the Constitution and finds no authority in its text. The first article of the Constitution reads: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Language could hardly be plainer in excluding legislative power granted by the Constitution from any other bodies, be they State legislatures, conventions, or any other. The legislative powers that those bodies possess were granted by entirely different instruments and for quite different ends. The power to make laws applicable to the whole Union was vested in Congress alone.

The eighteenth amendment does not purport merely to add new powers of legislation to Congress, which would be perfectly in consonance with the theory and practice of the founders, however unwise they might have thought the specific delegation to be. On the contrary, it purported to enact a law forbidding the manufacture and sale of liquor. No power was granted by the Constitution to enact any laws in this manner. If it can lawfully be done, then laws may be enacted—man-made legislation—which no power on earth short of revolution or the virtually unanimous consent of over a hundred million souls can possibly alter or repeal. Unalterable laws have no sanction in any civilized system of ethics, or in any logical conception of human government.

Of course, the founders could not have intended to vest legislative powers in the various bodies invested with the joint power of amending the Constitution because on the face of it this would necessarily result in a form of legislation that could indeed be enacted in response to a public demand, but could never again be subjected to the test that all law must meet—the continued support of public opinion expressed by substantial majorities at the polls and in the legislative chambers. The majority of a quorum in a single house in each of 13 petty legislatures can forever keep such laws fastened upon 48 Commonwealths, containing 120,000,000 people, inhabiting a vast continent washed by two oceans and almost touching every clime. The idea is unthinkable. It is repellent to common sense. It is the real and eternal vice of the eighteenth amendment or any analogous measure that may hereafter be conceived and brought forth from the same womb.

There is no need for any court to do violence to juristic traditions, to invent clauses not written in the Constitution, to stretch the ordinary legal significance of words, to overrule settled principles of law, in order to sustain this contention. Legislation by constitutional amendment never was before attempted, with the sole exception, if it be one, of the amendment abolishing slavery. Concede that this be an exception, it can yet be justified as a solemn covenant between victors and vanquished never to reestablish an institution which brought about an irreconcilable conflict between brothers and which perished in the devouring flame of war. But if this treatment of the slavery issue is to be a precedent to justify the making of unalterable laws on all subjects then democracy also received its death wound at Appomattox.

Judge Clark felt this argument was foreclosed by the Supreme Court's decision in 1920. No court is great enough to subject all the citizens of the United States to the necessity of obeying a law that by the vote of a substantial majority they or their representatives can not repeal. The court's decision was based on no reasoning, on no opinion vouchsafed. Many times in its history that court has had to overrule its former decisions. This decision, too, one is forced to believe, must in the course of time be overruled.

BALTIMORE, *January 14, 1931.*

STATE ENFORCEMENT ACTS UNDER EIGHTEENTH AMENDMENT

Mr. SHEPPARD. Mr. President, I ask permission to have printed in the RECORD an article entitled "State Enforcement Acts—Eighteenth Amendment Places Mandate on Commonwealths," by Jesse F. Orton.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

STATE ENFORCEMENT ACTS—EIGHTEENTH AMENDMENT PLACES MANDATE ON COMMONWEALTHS

By Jesse F. Orton

There has been much discussion of the question whether each State is under a duty, legal or moral, to pass an enforcement law in pursuance of section 2 of the eighteenth amendment, providing that "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation." On the side relating to a legal duty I am not aware that any very complete or conclusive treatment has been published. I believe the following justifies an affirmative answer to the question.

If before the eighteenth amendment the States had possessed no power to regulate or prohibit the liquor traffic, the State power mentioned in section 2 would unquestionably be new power, and apparently it would be generally conceded that each State would be under a legal duty to pass an enforcement law, from which a moral duty would probably result even if it did not otherwise exist. Governor Ritchie of Maryland and other opponents of the amendment base their argument that no legal duty exists upon the premise that no new power was conferred upon the States by section 2. But, irrespective of them, it is well settled in law that when the Federal Constitution confers a power to execute a command or enforce a prohibition contained therein, it imposes a corresponding legal duty. This is the opinion of Chief Justice White, expressed in the national prohibition cases, as follows:

"I take it that if the second section of the article did not exist no one would gainsay that the first section, in and of itself, granted the power and imposed the duty upon Congress to legislate to the end that by definition and sanction the amendment would become fully operative." (253 U. S. 391.)

STATES DID HAVE POWER

Of course, prior to the eighteenth amendment each State did have power to regulate or prohibit the liquor traffic within its borders. This power was exclusive; but the Federal Government had as complete and exclusive power to regulate or prohibit trade or commerce in liquor between any State and its sister States or foreign countries.

I think it is very plain that section 2 did confer new power upon the States, notwithstanding their previously existing power to control intrastate transactions. In his opinion, Chief Justice White says: "I assume that it will not be denied that the effect of the grant of authority was to confer upon both Congress and the States power to do things which otherwise there would be no right to do" (p. 392).

Obviously this is true with respect to the control of interstate and foreign commerce in liquor. Under the Constitution before the eighteenth amendment no State had any power whatever over such commerce except a limited permission given by Congress in the Webb-Kenyon Act and the Reed amendment, revocable by Congress at any time. But section 2 of the amendment gave each State complete power to prevent absolutely all commerce in liquor between itself and sister States or foreign countries, by virtue of its concurrent power to enforce the prohibition (in sec. 1) of the importation of liquor into, or its exportation from, or its transportation within, the United States.

SIMILAR POWER FROM OTHER SOURCE

And with respect to the control of intrastate transactions, the power of each State was radically changed. It lost all power to permit or regulate the manufacture, sale, or transportation of liquor; it could only prohibit or prevent, in accordance with section 1. That it received new or additional power to enforce this prohibition of intrastate acts can hardly be questioned. It may have had a similar power before, constituting one of the powers reserved to the States ever since 1788. But there is surely such a thing as having the same or similar powers derived, respectively, from different and distinct sources. If the original source of this State power to prohibit intrastate transactions should be cut off, the power would still remain to each State given by section 2 of the amendment.

The natural and obvious meaning of the language used in section 2 forces the conclusion that the same power to enforce—that is, "to enforce this article" completely—was conferred upon Congress and the States. The words, "The Congress * * * shall have * * * power to enforce this article," admittedly conferred new power upon Congress to enforce the entire amendment. The same words, "the several States shall have * * * power to enforce this article," clearly must have conferred a corresponding new power upon the States. There is no intimation that any reference was made to power already existing. Obviously, the power which the States "shall have" must be new power so far as the prevention of interstate or foreign commerce is concerned; and it would be absurd to conclude that the words "power to enforce this article" refer in part to new State power and in part to the old police power of the States.

It thus appears that all the State power mentioned in section 2, "to enforce this article" by prohibiting the liquor traffic, whether intrastate or otherwise, had its source in the amendment itself. The previously existing State power to prohibit intrastate traffic in liquor might continue; but there would be no reason for mentioning that power in section 2, which spoke only of "power to enforce this article," for which purpose the power already possessed by the States was wholly inadequate. Being given a new and adequate power by the Constitution, the States are under a corresponding legal duty. It is not merely a moral duty; it is a strictly legal duty as well, since it is a duty to carry out an imperative mandate of the Constitution, although there is no way of compelling performance by Congress or the States except by political action.

SUPREME COURT OPINION

Governor Ritchie and other contenders who claim that the States are under no legal duty to pass an enforcement law, rely upon the opinion of the Supreme Court in United States *v.* Lanza (260 U. S. 377) and in Hebert *v.* Louisiana (272 U. S. 312). In stating a reason for its decision in the former case, the court said:

"To regard the amendment as the source of the power of the States to adopt and enforce prohibition measures is to take a partial and erroneous view of the matter. Save for some restrictions arising out of the Federal Constitution, chiefly the commerce clause, each State possessed that power in full measure prior to the amendment, and the probable purpose of declaring a concurrent power to be in the States was to negative any possible inference that in vesting the National Government with the power of country-wide prohibition State power would be excluded. In effect, the second section of the eighteenth amendment put an end to restrictions upon the State's power arising out of the Federal Constitution and left her free to enact prohibition laws applying to all transactions within her limits. To be sure, the first section of the amendment took from the States all power to authorize acts falling within its prohibition, but it did not cut down or displace prior State laws not inconsistent with it. Such laws derive their force, as do all new ones consistent with it, not from this amendment but from power originally belonging to the States, preserved to them by the tenth amendment, and now relieved from the restriction heretofore arising out of the Federal Constitution" (260 U. S. 377, 381–382).

Undoubtedly, many lawyers disagree with this opinion as to the effect of section 2, but not many appear to have done more than express surprise at the statement of the court. Thus Professor McBain, in his work on Prohibition, Legal and Illegal, says:

"Contrary to general popular impression, and contrary also to the apparent meaning of the phraseology of the amendment, the court has emphatically declared that the States have no power whatever generally to enforce national prohibition within their respective limits" (p. 28).

And after quoting the "line of argument" used by the court, Professor McBain says:

"It seems difficult to square it with the wording of the amendment. The amendment certainly declares that 'Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.' * * * For all practical purposes the court has read out of the amendment the declaration that 'the several States shall have * * * power to enforce this article by appropriate legislation'" (pp. 29–30).

I believe Professor McBain's opinion and the "general popular impression" to be correct, and the statement of the court to be clearly wrong. However, the decision which the court made in the Lanza case, and later in the Hebert case, was in no way dependent upon this erroneous statement. The decision was unquestionably correct, but the wrong reason was given for it. The statement of the reason, therefore, may be classed as a dictum, not binding upon the court in the future.

These two cases involved the well-established principle that when an act is punishable as a crime against the Federal Government, and also as a crime against a State, prosecution under the State law will not bar prosecution under the Federal law, and vice versa. But the Federal Constitution—fifth amendment—provides that no person shall be "subject for the same offense to be twice put in jeopardy of life or limb"; and most, if not all, of the State constitutions have a similar provision. Thus "double jeopardy" is forbidden in the Federal courts, and likewise in the State courts; but prosecution in both a Federal and a State court for the same act does not constitute "double jeopardy," it being considered that there are two distinct "offenses" against the two sovereignties. This principle was first recognized in 1847 in a case involving a prosecution for passing counterfeit money. (Fox *v.* Ohio, 5 Howard 410.)

An act committed on the Canadian border may be a criminal offense under the laws of Canada and also under the laws of the United States; and many acts now constitute offenses against the United States and against the State in which they are committed. If this principle were not recognized, it would be within the power of a State, by apprehending a criminal promptly and punishing him lightly, to give him immunity from adequate punishment; and the Federal Government might do the same in violation of the rights of a State. The Supreme Court in 1847 expressed the belief that this rule would be applied with caution by the Federal and State Governments and with due regard for the equities of each particular case; and I think it is generally admitted that it has been so applied, in a spirit of justice and accommodation between the Federal and State authorities.

In the Lanza case it appeared that the defendants had been prosecuted in the State court for illegal manufacture of liquor under the State law and had thereafter been prosecuted in the Federal court for the same act under the national law. The question before the Supreme Court was whether this second prosecution was in violation of the provision in the fifth amendment against "double jeopardy." The court held that it was not. Counsel for the defendants argued that in this case the State was exercising power granted by the Federal Constitution,

since both Congress and the States derived from section 2 their authority to enforce the eighteenth amendment, whereas in Fox *v.* Ohio and similar cases the States were exercising their own State powers. It was urged that power to enforce the amendment by punishing the manufacture of liquor was Federal power, whether exercised by Congress or by the States, and therefore the constitutional prohibition of double jeopardy was applicable.

Instead of meeting this argument by denying that double jeopardy existed, in the sense of the provision in the fifth amendment, even though the State was exercising power derived from section 2, the court disregarded the plain language of that section and announced that the States had nothing but their old original power to prohibit the liquor traffic within their borders. The court could not deny that the States now had power they had never before possessed (except by the grace of Congress), power to prohibit any sale of imported liquor. But the court construed this as an exercise of the old power, "relieved from the restriction heretofore arising out of the Federal Constitution." Section 2 plainly has no such meaning. And, furthermore, the States could now do much more than merely to prohibit the sale of imported liquor, or to confiscate or destroy it. They could prohibit and prevent the importation itself, since all transportation within the United States or importation into the United States was prohibited by section 1 of the amendment. It is certain that the mere removal of the "restrictions arising out of the Federal Constitution" could have given this new power?

STATES HAVE A DUTY

The court's decision might have been based on a much better foundation than a denial of the natural meaning of section 2. Lanza's argument that prosecution by both State and Federal authorities would be unlawful if the State's power came from section 2 was clearly unsound. The "appropriate legislation" by which the States were authorized to enforce the amendment was strictly State legislation, administered and executed by the State's own officers and courts; and violation thereof was an offense against the peace, dignity, and sovereignty of the State. Surely a State may be interested in the enforcement of a part of the Federal Constitution for its own peculiar State purposes. If the Federal authorities could give practical immunity to violators of State enforcement law, the grievance and indignity suffered by the State might be quite as serious as if the law had been passed under an original power of the State. Every reason for allowing double prosecution in the one case would, or at least might, be present in the other. The Supreme Court in United States *v.* Marigold (9 How. 560, 569) expressed the purpose of the rule permitting double prosecutions as that of "avoiding conflict between the State and Federal jurisdictions." Such conflict could not well be avoided unless the State were allowed to execute its "appropriate legislation," without interference from the Federal authorities; and, on the other hand, the Federal Government would be seriously hampered in the performance of its duty if it were subject to interference by the States.

It thus becomes evident that the constitutional provision against double jeopardy is applicable only to successive prosecutions in the Federal courts for the same offense. This was the logical and correct reason for the decision of the court in the Lanza and Hebert cases. The reason given by the court to the effect that section 2 did not confer power upon the States to enforce the amendment should be abandoned as illogical and incorrect.

The resulting conclusion is that each State, having received power to enforce a positive mandate of the Constitution, is under a legal duty to act thereunder and enact "appropriate legislation."

JESSE F. ORTON.

NEW YORK, *November 18, 1930.*

THE FLEXIBLE TARIFF

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD the prevailing and dissenting opinions rendered in the United States Customs Court, Third Division, involving the constitutionality of the flexible provision of the tariff act.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The opinions are as follows:

NEW YORK, N. Y., *March 3, 1931.*

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.:

Please correct mistake in Customs Court decision I gave you in second paragraph following quotation from Pollock *v.* Farmers' Loan & Trust Co. (157 U. S. 574) the words "the extreme modernists who prate of scientific taxation as if there could be such an absurdity concerning the political act of levying taxes or" was stricken out, making the sentence read: "Even those who talk of taking out politics the necessarily political act of writing tariff laws will realize," etc., and seven lines below that the words "which he writes to please himself" were stricken out, and there appeared in place thereof the words "under some elastic formula." If you have already printed it in CONGRESSIONAL RECORD, please have Public Printer make above correction.

MARK EISNER.

CONSTITUTIONALITY OF FLEXIBLE TARIFF

FOX RIVER BUTTER CO. *v.* UNITED STATES

1. The right to classify, as appearing in section 315, tariff act of 1922, by writing a new paragraph into the tariff act of 1922, is executive legislation and, as such, unconstitutional, being in conflict with Article I, sections 1 and 8, of the Constitution. The case of Hampton *v.* United States (276 U. S. 398), which dealt only with Executive changing of rates to keep them conformed to the cost-difference policy distinguished.

Paragraph 710 of the tariff act of 1922 reads:

"PAR. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

The new presidential provision reads:

"Cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmenthaler type, 7½ cents per pound, but not less than 37½ per cent ad valorem."

2. Decision of the question whether Executive power under the flexible tariff extends to minimum rates will not avoid deciding the constitutional question because sustaining that claim in the protest would result in a smaller judgment.

3. The Executive action here contested concerning the conduct of the investigation including treating an advantage as a disadvantage, under and within the flexible provisions, is not subject to judicial review. Nor is the Tariff Commission's published report admissible in evidence for the purpose of showing the conduct and scope of said investigation or for showing a higher sales price of the foreign cheese in America was treated as a disadvantage to the American producer when it really was an advantage. These are matters confided to the discretion of the President and his advisors, the commission. There is no legal right to the imposition of a particular tariff rate.

"Review of reappraisement" cases and "Public Service Commission" cases distinguished.

[United States Customs Court, third division. Fox River Butter Co., plaintiff, *v.* United States, defendant. Port of New York. Protest 374220–G–25342–29. Decided February 24, 1931. (Judgment for the plaintiff.)]

Walden & Webster (J. L. Klingaman of counsel) for the plaintiff.

Charles D. Lawrence, Assistant Attorney General (James R. Ryan, special attorney), for the United States.

Before Young, Cline, and Brown, judges.

Young, Judge: This is a suit against the United States arising at the port of New York, brought to recover certain customs duties alleged to have been improperly exacted upon a certain shipment of cheese. The collector assessed the merchandise for duty at 37½ per cent ad valorem under the provisions of paragraph 710, tariff act of 1922, as amended by and in accordance with the presidential proclamation, T. D. 42251, increasing the duty.

The protest herein reads as follows:

"Protest is hereby made against your decision as to the rate or amount of duties chargeable on Swiss cheese and your assessment thereof at 7½ cents per pound, or 37½ per cent ad valorem, and your liquidation of the entries below named. The reasons for the objection, under the 'tariff act of 1922,' are that said merchandise is dutiable at 5 cents per pound but not less than 25 per cent ad valorem under paragraph 710, or in the alternative when assessed at 37½ per cent ad valorem at 7½ cents per pound. We further claim that the President exceeded his power in issuing his proclamation on Swiss cheese, because he is limited by law to proclaiming an increase in rate which will equal the difference in cost of production, and that such difference can not be one or the other of the two sums, whichever is higher.

"We further claim that under the law he could only increase the rate in the enacting clause and not in the proviso, or at the appropriate rate according to the component material of chief value provided such rate is not greater than the rate assessed, or at 10 or 20 per cent ad valorem under paragraph 1459."

Paragraph 710 of the tariff act of 1922 reads as follows:

"Par. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

The conclusion of the presidential proclamation, T. D. 42231 (51 Treas. Dec. 934), issued June 8, 1927, reads as follows:

"Now, therefore, I, Calvin Coolidge, President of the United States of America, do hereby determine and proclaim that the increase in the rate of duty provided in said act shown by said ascertained difference in said costs of production necessary to equalize the same, is as follows:

"An increase in said duty on cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmenthaler type (within the limit of total increase provided for in said act), from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem."

The power-granting clauses of section 315 of the tariff act of 1922 relating to this controversy read as follows:

"SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country, he shall, by such investigation, ascertain said dif-

ferences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations, such changes in classification shall take effect and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act. * * *

"(c) That in ascertaining the differences in costs of production under the provisions of subdivisions (a) and (b) of this section the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

"The President proceeding as hereinbefore provided for in proclaiming rates of duty shall, when he determines that it is shown that the differences in cost of product have changed or no longer exist which led to such proclamation, accordingly, as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list, or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified."

The plaintiff relies upon the following claims, as stated in his brief:

1. That the President in raising the minimum rate from 25 per cent to 37½ per cent ad valorem exceeded the power granted him in section 315 and that, therefore, the proper rate of duty is only 7½ cents per pound but not less than 25 per cent ad valorem.

2. That the President misconstrued section 315 (c) (4) apparently authorizing him to take into consideration in the determination of differences in the cost of production "any other advantages or disadvantages in competition," and has treated an advantage as a disadvantage, wherefore his proclamation should be set aside.

3. That because the Tariff Commission did not make what in law constitutes an investigation of the cost of production of Swiss cheese in Switzerland, the President's proclamation is premature and should be set aside.

4. That section 315 is a delegation of legislative power and therefore unconstitutional.

We take up No. 4, the last claim, first, relating to the constitutionality of the action taken, as by far the most important.

The constitutional question before us for decision is whether, under the above provisions, the President can write new language into the tariff act, i. e., insert a new paragraph therein, carved out of a statutory paragraph, as this proclamation before us does. That is, whether the words in section 315 *in italics* above, which expressly authorize the President to reclassify imported articles, are unconstitutional as in conflict with sections 1 and 8 of article 1 of the Constitution which limit legislation and taxing power to the Congress.

The delegation sustained in Hampton *v.* United States (276 U. S. 394), to which the language of the opinion in that case solely relates, was the part of the so-called cost-difference formula which affected tariff rates, based on the assumption that Congress in its statutory rates met cost differences and that the President's action was merely to conform them to that standard by making necessary adjustments to that end. By the legal fiction that the President was merely carrying out the intelligent plan and purpose of Congress in keeping rates adjusted to the cost-difference idea, either by finding what many persons (we think erroneously) believe to be mere facts and not judgments, or by making so-called findings in conformity with the cost-difference "purpose and plan," the case of Hampton *v.* United States (276 U. S. 394) sustained as constitutional that part of the statute actually involved therein. That Executive action involved only the increase of the rate on barium dioxide from 4 cents a pound to 6 cents a pound to equalize the difference in cost of production at home and abroad, without changing words in paragraph 12 which classified it.

That doctrine may be made to conform, in the Supreme Court's view, to dealing with tariff rates by Executive raising and lowering them, according to the so-called standard, and, in that view, may be treated as consistent with our constitutional division of powers. But it can not in any view be applied to writing a new tariff act by changing the language of the law. The minute the President does that he goes into a new field; he proceeds a thousand times further than changing rates to meet cost difference. When one writes new language, strikes out and inserts, writes new paragraphs (as is done here), he manifestly legislates. He makes new law. The simplest man on the street can see, without instruction from any court, that when the President does that he legislates. Most people know that the Constitution reposes that dangerous and heavy responsibility upon the Senators and Representatives whom the people elect in their States, no matter with what zeal Congress may seek to avoid the responsibility and pass this delicate trust on to the President. That is hardly an arguable proposition. It is difficult to support a self-evident proposition by argument. Either one sees it or his eyes are blind to the self-evident fact. No legal fiction can camouflage it.

Every lawyer who has ever tried a customs classification case, and every lawyer who has dealt with statutory construction, knows that when the language is changed by striking out and inserting, the construction of the law is inevitably changed. Every customs lawyer will see at a glance that when a new classification is written the legal incidents of the goods in customs law may be changed. In the case before us, out of a paragraph covering "cheese and cheese substitutes" as a general class, there is carved out a new paragraph covering an eo nomine designation, associated with special descriptive words. If the President can do that he can write any new provision levying duty upon any test he desires, based on use, or chief use, over a certain value, chief value, eo nomine terms, or any other of the numerous classifications commonly used in tariff laws, or newly invented by him. In short, he can write a new tariff law, which was self-evident from the statement of the proposition at the beginning of the discussion.

Every rule of customs construction may be changed in its application to the particular articles whose classification he rewrites. Such as the rule of commercial designation, chief value, use or chief use, similitude, noscitur ex sociis, and all the others.

If he should happen to base the new classification on value above a certain figure the incidents such as paying penalties for undervaluation may be newly applied, or an appeal to reappraisement to test the value and thus keep within or stay without the classification may arise by his action.

If the legal fiction under which presidential changes in rates have been upheld, namely, that he is merely carrying out the purpose and plan of adhering to the cost-difference formula, is attempted to be applied here it fails and fails utterly, because in rewriting the law he necessarily and incidentally affects many other matters which have no possible relation to the cost difference formula, of which he will not even be vividly aware. It is too plain for argument that when the President rewrites the language of the law he legislates, and we are not going to assume that the Supreme Court meant he could do that in the Hampton case in the absence of their expressly saying so. And they did not.

Nor do the limits in the statute save the attempted delegation to write new law. To legislate within limits is exactly the same on principle as legislating without limits. It can not be claimed that the limits even support the sustained cost difference purpose and plan. On the contrary, they tend to defeat it and make it fall short.

We hold without hesitation that the Hampton case sustained presidential changing of rates to meet cost difference under the cost formula with which it solely deals. That case involved nothing else and discusses nothing else. It does not attempt to validate as constitutional the bald writing of new language into the law by the President, which has many other effects and consequences totally unrelated to the cost formula.

Nor is the result affected by the fact that the statute attempts to link wih changing rates the rewriting of the language of the law by reclassifying and attempts to give the President the right to so classify. We are not here dealing with congressional intent but with congressional power to violate our Constitution.

In the confusion which seems to have arisen over the scope and effect of the Hampton decision it is well to quote the language of the Supreme Court in Pollock *v.* Farmers L. & T. Co. (157 U. S. 574):

"Doubtless the doctrine of stare decisis is a salutory one and to be adhered to on all proper occasions, but it only arises in respect of decisions directly upon the points in issue."

And, again:

"Manifestly, as this court is clothed with the power and intrusted with the duty to maintain the fundamental law of the Constitution, the discharge of that duty requires it not to extend any decision upon a constitutional question if it is convinced that error in principle might supervene." (Ibid. 576.)

Error in principle would most certainly supervene if we attempted to extend the language of the Hampton decision on an alleged application of the rule of stare decisis to cover delegating to the President the power to write new tariff acts.

Even the extreme modernists who prate of scientific taxation, as if there could be such an absurdity concerning the political act of levying taxes, or those who talk of taking out of politics the necessarily political act of writing tariff laws, will realize that our unique constitutional plan of representative government does not contemplate delegating to our President the power to write the language of all our Federal tax laws, including classification of persons into the groups that shall pay graduated rates of income tax, which he writes to please himself. Yet if this can be done, so can that. We are not prepared to make a decision which legally authorizes the setting up of that executive despotism in America in face of the express words of our Constitution reading:

"ARTICLE I, SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ART. I, SEC. 8. Congress shall have power to lay and collect taxes, duties, imposts, and excises," etc.

When it says "Congress" it does not mean the President. If that despotism is desired, let a constitutional amendment to that

end be proposed and ratified. Do not expect the courts, whose primary duty is to defend the Constitution, to set it up by construction and legal fiction.

One of the best judicial statements covering what can and what can not be delegated is in ex parte Wall. (48 Cal., 279), reading as follows:

"A statute to take effect upon a subsequent event, when it comes from the hands of the legislature, must be a law in praesenti to take effect in future. On the question of the expediency of the law the legislature must exercise its own judgment definitely and finally. If it can be made to take effect on the occurrence of an event, the legislature must declare the law expedient if the event shall happen, but inexpedient if it shall not happen. They can appeal to no other man or men to judge for them in relation to its present or future propriety or necessity; they must exercise that power for themselves and thus perform the duty imposed upon them by the Constitution."

No one can candidly say the language of the new provision as written by the President in this case is the complete act as it left the hands of Congress, written by Congress in praesenti to take effect in futuro. On the contrary, the language originated entirely with the President. He, and not Congress, unmistakably decides what the law shall be, which is the test. When, in Field v. Clark (143 U. S. 649), he looked into a foreign law book to find the actual fact as to whether the foreign country had incorporated a provision taxing our exports more than those of other countries and, by his proclamation of that simple fact, brought into effect a rate already written in amount by Congress, he was not writing the words of a new law, as he is here.

To recapitulate. When, as here, in addition to changing the rate, the President also changes the language he does much more than keep the rates to the plan of representing cost differences by the operation of the cost formula. He also changes the meaning of the act, or may change it. The latter is sufficient, because the legality of a power is not determined by what is done in the particular case before the court but by what may be done under it.

In Collector v. Day (11 Wallace 113), the tax levied on the salary of the State judge was only $30. Yet that was unconstitutional, because, if legal, it permitted the Federal Government to take his whole salary in taxes and thus destroy an essential instrumentality of the State.

In Brown v. Maryland (12 Wheaton), the State of Maryland levied a tax of $50 on importers which the Supreme Court held amounted to a State tax on imports, and the question of its small amount being referred to John Marshall, said on page 439:

"Questions of power do not depend on the degree to which it may be exercised. If it may be exercised at all, it must be exercised at the will of those in whose hands it is placed."

In both Stewart v. Palmer (74 N. Y. 183) and Gilman v. Tucker (128 N. Y. 190), the Court of Appeals of New York said:

"The constitutional validity of a law is to be tested not by what has been done under it but what may under its authority be done."

The President, under the guise of conforming to the cost difference formula, may, and, if he uses the proper language, can change the meaning of the law. In the case before us he changes the language as follows:

"Act of 1922, par. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

New presidential provision—

"Cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmenthaler type, 7½ cents per pound, but not less than 37½ per cent ad valorem."

None of the expressions used by the President appear in the statute of 1922, which he is modifying. He uses descriptive words (eye formation) applied to an eo nomine description (Swiss or Emmenthaler), coupled with an expression "by whatever name known," which latter is frequently used to negative the effect of the rule of commercial designation.

If an eye formation cheese was universally bought and sold in the wholesale trade as something else it would, under the rule of commercial designation, the first and primary rule of customs classification, not be covered by paragraph 710 as "cheese or substitutes therefor," but bear some other rate. It would be especially included, however, in the new presidential written paragraph by reason of the added words "by whatever name known."

But the particular language he used is not important. The issue turns on whether he made any change of language at all. Because, if he can make any changes in language, he can rewrite the language of the whole law.

Nor under the same principle is it important whether the particular language the President uses actually produces a change in the construction and effect of the statute or not. This, at the time of making the change, it would frequently be next to impossible to determine, as the enormous volume of customs litigation filling the books testifies. It is enough if any change in meaning may result by changing the law. It is legislation on its face done by the conventional method of legislating, i. e., changing the language, whether it successfully changes the meaning or not. The possibility of the change in meaning is there, and the statutory right to change the language and incidentally the meaning is there, which is sufficient to make the words in the statute authorizing classification illegal. The language of the statutory paragraph before us was changed in at least three important particulars by the President.

This conclusion carries a judgment in favor of the plaintiff against the defendant for the sum of $404.25, which will accordingly issue.

As to the first contention in plaintiff's brief, we heartily agree with the brilliant argument of plaintiff's counsel conclusively showing that under a rational construction of the flexible provisions no power was intended to be granted to the President to advance a minimum rate.

Had the constitutional question above stated not been involved, we would have sustained this alternative claim in the protest.

Holding the view that the presidential power does not cover minimum rates will not enable us to avoid deciding the constitutional question. If we sustained the claim against advancing the minimum rate, it would only hold illegal the 37½ per cent ad valorem rate in the newly written paragraph, while a decision on the question of constitutionality holds illegal both the newly written 7½ cents a pound rate and the newly written 37½ per cent rate. The judgment on the minimum-rate claim would amount, as shown by the figures in the record, to $186.75, while the judgment on the claim of unconstitutionality would amount to $404.25. And the plaintiff is legally entitled to have his maximum claim decided. Therefore the constitutional question must be decided.

The second claim, as powerfully stated in plaintiff's brief, is an assertion that a higher sales price in America of the Swiss cheese, alone covered by the presidential written paragraph, was treated as a disadvantage to the American producer, when it really was an advantage to him, and that nothing could be added to the supposed calculation of cost difference on that account.

As to this claim, we are constrained to hold that it is not litigable, as the question of the reasonableness of a carrier's rate found by a State commission is generally held to be litigable, for the conclusive reason that the reasonableness of a carrier's rate is litigable at common law, and when fixed by a State commission it merely determines that common-law right. That determination by the commission, of course, can be and, as to State commissions, usually is made litigable, and under some State constitutions would doubtless be litigable without express statute. While, on the other hand, as no one has a legal right to the imposition of a particular tariff rate, a justifiable subject matter does not arise.

Secondly, it is not litigable because, as pointed out by the Hampton decision, the conclusion as to what is to be considered cost difference is not made by the Tariff Commission, who state that they added 4.9 cents to their finding of cost difference, due to something that the plaintiff claims to be an advantage instead of being a disadvantage, but by the President. He can ignore everything they do and make no ruling at all; can act on other information for other reasons; and even order an increase when they have suggested a decrease. Therefore their statement that they have done the remarkable thing charged does not vitiate his act.

As to the plaintiff's third claim, to the effect that the Tariff Commission show by their report that they did not find foreign costs, although the report shows that they did make some investigation in Switzerland, we hold that the extent of their investigation within the statute is not subject to judicial review, no legal right being here present to assert or judicially enforce. That may result in a wide discretion on their part as to how much and how little they shall choose to investigate and what sales prices, etc., they shall choose to consider as supposed evidence of foreign costs. That arbitrary power, in our opinion, was plainly intended to be conferred. The courts can not undertake to dictate the details of its performance or to declare the resulting levy illegal if they happen to think the investigation unjust or unfair. Besides, it is the President and not the Tariff Commission who fixes new rates. They are merely his advisers. He can ignore what they do and do the contrary. We have no power to interfere. This may be unfortunate and harsh in its results, but we believe it to be the law. The only remedy against that sort of action is solely the political remedy of repeal of the delegation to change rates.

The supposed formula for executive adjusting of rates which the Supreme Court has sustained is not, as generally supposed, a strictly cost-difference formula. It authorizes the use of two factors to determine cost difference which have no direct relation to cost difference and differ therefrom. They are the indefinite and uncertain expression meaning anything.

"Any other advantages or disadvantages in competition" ("other" referring to something beyond cost factors) and "selling prices in America of the two competing articles." Selling prices are not costs. They differ entirely from costs. How can one thing be found from two different things?

Thus we have a formula so indefinite in form with three different things so hopelessly mixed up that it would be impossible for a court (if it had the power) to say it had been improperly used or improperly applied.

Upon the question of the admissibility of the published report of the Tariff Commission on cheese, reserved at the trial, we sustain the defendant's objection thereto and hold it inadmissible, noting an exception for the plaintiff, and marking it for identification to make good plaintiff's exception, according to our established practice, such practice being based upon avoiding the necessity of remand for retrial in case that ruling is reversed on appeal. In this connection we do not deny that all the reports of the Tariff Commission under section 315 can be taken judicial notice of by the courts, in order to examine the uncertain, arbitrary, and discretionary nature of the process in considering the legality of the delegation and perhaps for some other purposes. That, however, does not make it admissible in evidence.

The claims it is offered to support are (1) because the commission's investigation in Switzerland was imperfect and incomplete

and (2) because by treating a higher price in America for foreign Swiss cheese as a detriment, instead of an advantage, to the American manufacturers they turned an advantage into a disadvantage. These questions we have already determined to be not justifiable, for the reasons (1) because the President, not the Tariff Commission, levies the new tax, (2) because no legal right is involved in this process.

A protest against the legality of a customs reappraisement of a parcel of merchandise is, and always was in the nature of, a legal contest. It applies the existing rule, or law, to a particular importation. The President's proclamation under section 315, on the other hand, makes the new rule, or law, under which all future importations of the article investigated must pay duty thereafter. The distinction is a simple and elementary one. It shows conclusively that the "review of reappraisement" cases cited by the plaintiff are not in point. Again the reasonableness of a State public-service commission toll or charge is only justifiable because it enforces the common-law right of the public-service company to charge, and the user to pay, a reasonable toll for services rendered. Indeed, it happens that a toll or charge for such services fixed by the Interstate Commerce Commission is not subject to judicial review for mere unreasonableness. It must be confiscatory, or amount to an arbitrary fiat, in order to be reviewed by the courts; the first because it is unconstitutional to confiscate by means of it, the second because it enforces a legal right existing at common law. But a tax can confiscate property. (McCray *v.* United States, 195 U. S. 27.) That is why John Marshall called it the power to destroy. A tax need not be reasonable. (Patton *v.* Brady, 184 U. S. at p. 623.) A tax may be arbitrary. (Flint *v.* Stone, etc., 220 U. S. 107.) If these are controlling political reasons why the people's representatives in Congress should never delegate this drastic power to others, because they are purely political and not legal reasons, we can not consider them in deciding this or any other case. The consequences can not be avoided by straining to set up a judicial review which does not and, because taxation is the power to destroy, can not exist.

Investigations are to be made in the discretion of the Tariff Commission or the President. (Norwegian Co. *v.* Tariff Commission, 274 U. S. 110.) The President may refuse to act after an investigation has been made by the Tariff Commission. This discretionary beginning and ending gives no one a statutory right to the levy of a particular tariff rate by this process, whether he be a consumer, importer, or producer.

At least as applied to writing new language into the statute, the matter in issue here, this discretionary beginning and optional ending, partakes wholly of the domain of the legislature. It excludes any possibility of the operation of the process within the statute being justifiable, and strongly supports our ruling above upon the question of constitutionality.

The theory of the Hampton case is that the process is automatic and self-acting, so that when the President acts to carry out the will of Congress, previously expressed in the formula, they, and not he, are legislating. He is supposed to be merely enforcing the statute according to the congressional will. But if Tariff Commission and President decide, in their discretion, if and when they will start the process, and the President, in his sole and uncontrolled discretion, can weigh and use or discard, as he sees fit, such evidence as has been collected by them or by him, and decide the amount of what new tax he shall proclaim (within the statutory limits) or whether or not he shall proclaim any tax whatever, executives exercise the very essence of legislative power—the power to initiate and the power to complete a new tax levy.

What becomes of the provision of the Constitution (Art. I, sec. 7) that—

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills"—

when a new tax is initiated by Tariff Commission or President, in their discretion, and its levy calculated and completed by the President, in his discretion, all outside the Halls of Congress?

Complete uncontrolled executive power, without judicial review, to initiate the process or to refuse to do so, with similar complete uncontrolled executive power to amend the statutory rate or to refuse to do so after investigation was not pressed upon the attention of the Supreme Court by the petitioner in the Hampton case as a separate substantive ground of unconstitutionality, because wholly legislative in character, nor was it expressly ruled upon by the Supreme Court nor discussed in the opinion.

No claim of fancied necessity, fancied after 142 years, will support this attempted grant of executive power to write tariff laws. Necessity knows no law. A constitution which can be brushed aside by necessity is no constitution.

Any claim to the effect that the President might write better tariff laws than Congress is not a legal argument but a political plea for a more autocratic kind of government than the republican form which the Constitution established.

The dissenting opinion is based entirely upon a misapplication of the doctrine of implied powers to make an express power effective, which has no application to a situation like this. Such a doctrine can not be invoked to expand a method of avoiding, by legal fiction, the command of an express constitutional limitation intended to prohibit executive legislation. The misapplication of any such doctrine here would have the effect of turning the prohibition into a permit.

We have the delegation in the Hampton case sustained upon the very technical ground that executive adjusting of rates to cost difference by legal fiction avoids the prohibition against executive legislation. To expand that doctrine to dividing up paragraphs and writing new words avoids the whole prohibition.

The grant of any power to the Executive to take any part in the legislative process must necessarily be carefully guarded and confined in order to preserve the express constitutional limitation of such power to Congress. Any implication or assumption of such power to support or expand what has been already sustained as legal implies a further impairment of the express constitutional limitation. There is no legal rule to justify the grant of further power in such circumstances.

The existing holding that authority may be delegated to merely change a rate in a complete paragraph, as it left the hands of Congress, implies no sanction for the granting of further power to divide up the paragraph.

It is not the liberal construction of a granted power to the Executive to make it effective and workable that we are considering, but how far an express limitation in the Constitution confining legislative power to Congress can be avoided by a congressional grant to such Executive.

A holding that power of rate adjusting may be granted by Congress to the Executive is therefore necessarily confined to the rates which Congress named in the statutory paragraphs of a complete law as it left their hands.

To grant further power to the Executive to break the paragraphs up in order to affect only part of the articles covered thereby is to grant power to change the body of the statutory law itself and to negative the congressional legislative arrangement of imported articles for taxation.

If the sustained theory of delegation applies not only to each statutory rate but to each separate article covered thereby, the Executive could take a hundred articles covered by a single statutory rate and tax them by a hundred separate amounts if he chose to investigate them all, or he could pick out one only if he chose to investigate no more.

If the power to select which articles in a paragraph he shall investigate, to change their taxable status, is not executive legislation, we would like to know what other name for such executive selection is appropriate.

If that power can be delegated, then an act which repealed all existing rates and simply authorized the Executive to fix the rate on every imported article upon cost difference within named limits or without limits would be equally constitutional. The legal nature of that delegation and of the delegation at issue here would be identical. Each would equally be an "intelligent purpose and plan."

If the theory of the Hampton case can be carried further than changing the rates as they are named and applied by Congress in the statutory paragraphs, then we are at a loss to state the legal limits beyond which such delegation can not go. If such legal limits can not be stated, then the constitutional limitation confining legislation to Congress ceases to exist. Nothing remains to which it can be applied.

We are unable to comprehend how the rule simply requiring an intelligent plan or purpose provides any limitation upon what power can be legally delegated, unless it is confined to the delegation actually sustained in the Hampton case. If not so confined, nothing remains of the express constitutional limitation.

This disposes of all phases of this complicated test case.

Judgment will issue in favor of the plaintiff for the sum of $404.25.

Concurring.

Entry 762877 herewith returned.

DISSENTING OPINION

Cline, judge: I regret that I am unable to concur in all of the conclusions reached by my associates in the case at bar. I concur in the ruling that the report of the Tariff Commission—which was marked for identification "Exhibit No. 1"—is inadmissible as evidence of the scope of the investigation upon which the President's proclamation was based. I believe this court is without authority to go behind the proclamation, which shows on its face that it was issued according to law.

As to all other questions raised herein, I respectfully dissent from the opinion of my associates.

The brief of plaintiff's counsel lays much stress upon the contention that the President, in exercising his power of revision under section 315, tariff act of 1922, construed as disadvantages certain conditions which are claimed to be advantages. There is no evidence in the record on this point, and it is not before us. The report of the Tariff Commission was excluded and matters appearing therein can not be considered in reaching a conclusion in the case at bar. The official papers covering the importation involved and the President's published proclamation are the only evidence in the record.

The official papers show: First, that 64 tubs of cheese, weighing 11,440 pounds net, were imported into the United States; second, that this merchandise was classified under paragraph 710 of the tariff act of 1922; third, that the total dutiable value of the cheese was $3,234; fourth, that duty was assessed thereon at 37½ per cent ad valorem, the total amount of duty being $1,212.75.

Paragraph 710 of the tariff act of 1922, as originally enacted by Congress, reads as follows:

"PAR. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

By virtue of the President's proclamation, issued under section 315 of the tariff act of 1922 and published in T. D. 42251, paragraph 710 is amended to increase the duty collectible thereunder on cheese having the eye formation characteristic of Swiss or Emmenthaler, as follows:

"An increase in said duty on cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmen-

thaler type (within the limit of total increase provided for in said act), from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem."

It will thus be noted that the President's proclamation increased the amount of duty to be assessed upon one particular type of cheese, by whatever name known, exactly 50 per cent over the duty assessable under paragraph 710 as originally enacted, which is in accordance with the limitation placed upon the President's power in the proviso contained in section 315 (a), tariff act of 1922, the pertinent portion of which reads as follows:

"SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the *duties* fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country, he shall, by such investigation, ascertain said differences and determine and *proclaim the changes in classifications* or *increases* or *decreases* in any rate of duty provided in this act shown by said ascertained differences in such costs of production *necessary to equalize the same* * * *: *Provided*, That the total increase or decrease of such *rates* of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act." (Italics not quoted.)

In plaintiff's brief it is contended that section 315, supra, is an unlawful delegation of legislative power to the Executive, and therefore unconstitutional. In the case of Hampton *v.* United States (276 U. S. 394) the United States Supreme Court upheld the constitutionality of this section of the tariff act of 1922, and I believe the decision in that case controls the decision in the case at bar. In the Hampton case Mr. Chief Justice Taft, delivering the unanimous opinion of the court, said:

"It seems clear what Congress intended by section 315. Its plan was to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States and the cost of producing and selling like or similar articles in the United States, so that the duties not only secure revenue but at the same time enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States. It may be that it is difficult to fix with exactness this difference, but the difference which is sought in the statute is perfectly clear and perfectly intelligible.

* * * * * * *

"If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a Tariff Commission appointed under congressional authority."

The decision of my associates holds that the Hampton case, supra, is not controlling in the case at bar because in the former case the court had before it a state of facts which involved only an increase of certain definite rates, whereas in the case now before us the President has added descriptive words in addition to raising rates. Section 315 (a), supra, expressly empowers the President to ascertain the cost differences and "determine and proclaim the changes in classifications or increases or decreases in any rate of duty * * * necessary to equalize the same." Thus the President, in exercising this power of classification in the case at bar, acted within the letter of the statute, and the question is whether or not, under the Constitution of the United States, that portion of section 315 (a) which delegates to the President the power to make "changes in classification" is valid.

The power to classify by descriptive words the particular article upon which the rate is to be increased or decreased is necessary and proper as a means to carry into effect the cost-difference policy which the Congress has announced in section 315 of the tariff act of 1922. The Supreme Court of the United States in the Hampton case, supra, has held this policy to be an intelligible principle and "not a forbidden delegation of legislative power." Congress, having stated its cost-difference policy, has intrusted the execution thereof to the President, and in its opinion in the Hampton case, supra, the Supreme Court has said that the Executive is thereby empowered "to make the adjustments necessary to conform the duties to the standards underlying that policy and plan." If, in the execution thereof, the President discovers that, due to "changing conditions of production at home or abroad," the rate applicable to a particular kind of cheese needs adjusting—although other kinds of cheese may not have been subjected to the changing conditions—he must, as an incidental power, use descriptive words to set apart and distinguish the particular commodity requiring a rate adjustment in order to conform to the legislative plan. Should the President be required to raise the rates on all cheese because of changes in competitive conditions of one kind, or must he act on none because the rates on all kinds are not in need of revision? So to hold is to give an absurd construction to the statute. In the case of Prigg *v.* Pennsylvania (16 Pet. 539, 10 L. ed. 1060) Mr. Justice Story, delivering the majority opinion of the Supreme Court, stated the following:

"The fundamental principle, applicable to all cases of this sort, would seem to be that where the end is required the means are given, and where the duty is enjoined the ability to perform it is contemplated to exist on the part of the functionaries to whom it is intrusted."

In the case of Marshall *v.* Gordon (243 U. S. 521, 61 L. ed. 881), Mr. Chief Justice White, in the opinion of the Supreme Court, said:

"The rule of constitutional interpretation announced in McCulloch *v.* Maryland (4 Wheat. 316, 4 L. ed. 579), that that which was reasonably appropriate and relevant to the exercise of a granted power was to be considered as accompanying the grant, has been so universally applied that it suffices merely to state it."

The majority opinion, delivered by Mr. Chief Justice Marshall, in the case of McCulloch *v.* Maryland (4 Wheat. 316, 4 L. ed 579), enunciated the following rule:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are *appropriate*, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (Italics not quoted.)

The President's power to set apart and describe the commodity in the case now before us, is a right incidental to the main general power of executing the cost-difference policy, and is conductive to its beneficial exercise.

The protest in the case before us makes the further claim that the President exceeded the power granted by the statute, in that he increased the minimum rate, as well as the specific rate, appearing in paragraph 710 as originally enacted, and the decision of my associates sustains this contention. I believe the President acted well within his statutory power when he increased the minimum rate. The exceptions to the President's power of revision within the 50 per cent limitation are expressly set forth in the last paragraph of section 315 (c), in the following words:

"Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified."

It will be noted that the only exceptions enacted by the above-quoted paragraph are: (a) An article may not be transferred from the dutiable list to the free list; (b) an article may not be transferred from the free list to the dutiable list; (c) the form of duty may not be changed; and (d) no maximum ad valorem rate may be increased. Section 315 (c) fails to except from the general terms of the statute the President's power to change a minimum ad valorem rate; and under the rule of construction, expressio unius est exclusio alterius, the President has this power. In the case of Ford *v.* United States (273 U. S. 593, 71 L. ed. 793), the United States Supreme Court held that this maxim is properly applied "when, in the natural association of ideas, * * * that which is expressed is so set over by way of strong contrast to that which is omitted that the contrast enforces the affirmative inference that that which is omitted must be intended to have opposite and contrary treatment." In the case of United States *v.* Dickson (15 Pet. 141, 10 L. ed. 689, 698), Mr. Justice Story, delivering the opinion of the Supreme Court, said that "where the enacting clause is general in its language and objects, and a proviso is afterwards introduced, that proviso is construed strictly, and takes no case out of the enacting clause which does not fall fairly within its terms." This statement was quoted with approval in the case of United States *v.* Ewing (140 U. S. 142, 35 L. ed. 388, 391). See also Wayman *v.* Southard (10 Wheat. 1, 6 L. ed. 253). In the case of United States *v.* Dickson, supra, the United States Supreme Court held further that—

"In short, a proviso carves special exceptions only out of the enacting clause; and those who set up any such exception must establish it as being within the *words* as well as within the *reason* thereof." (Italics not quoted.)

The Dickson case was cited, and the same general rule of law again stated by the Supreme Court in the case of Ryan *v.* Carter (93 U. S. 78, 23 L. ed. 807, 809) and Schlemmer *v.* Buffalo, etc., R. Co. (205 U. S. 1, 51 L. ed. 681, 685). It can not be said that the exception claimed in the case at bar is within the words of the limiting provision of section 315 (c) of the tariff act of 1922.

In the case of Arnold, Constable & Co. *v.* United States (147 U. S 494, 37 L. ed. 253, 255), the United States Supreme Court, quoting from its opinion in the case of Brown *v.* Maryland (12 Wheat. 419, 6 L. ed. 678) applied the following principle in construing certain provisions in the tariff act of 1890:

"In Brown *v.* Maryland (25 U. S. 12, Wheat. 419, 438 (6: 678, 685)), Chief Justice Marshall recognized as 'a rule of interpretation, to which all assent, that the exception of a particular thing from general words proves that, in the opinion of the lawgiver, the thing excepted would be within the general clause had the exception not been made.'"

In the case of Kendall *v.* United States (107 U. S. 123, 27 L. ed. 437), the Supreme Court, construing a statute which enumerated certain exceptions to its general provisions, held, that "the court can not superadd to those enumerated" and that it had no authority to "engraft" additional exceptions upon the statute. In the case of Bend *v.* Hoyt (13 Pet. 263, 10 L. ed. 154, 158), involving the construction of certain sections of the tariff act of 1832, Mr. Justice Story, delivering the opinion of the Supreme Court, applied "the well-known maxim that an exception in a statute

amounts to an affirmation of the application of its provisions to all other cases not excepted" and also stated:

"And it would violate every rule of interpretation to hold that where the legislature had declared the manufactures of silk, except one, free from duty, the court should create other exceptions by its own authority, without any express or implied intent on the part of the legislature, *manifested in the context* to warrant such exceptions." (Italics not quoted.)

Applying these rules of construction to section 315 of the tariff act of 1922, the context of that section does not manifest either an express or implied intent on the part of Congress to provide for any exceptions to the general policy other than those expressly enumerated therein, and therefore this court is without authority to engraft additional exceptions upon the statute.

Plaintiff's counsel contends in his brief that the effect of the President's proclamation in the case at bar was to increase the rate of duty assessable on the merchandise involved in excess of the 50 per cent limitation prescribed by section 315 (a) of the tariff act. A careful analysis of the duties assessable on this importation of cheese under paragraph 710 as originally enacted, with the duties assessed by the collector pursuant to the President's proclamation, discloses the following:

A computation of duty at 5 cents per pound upon 11,440 pounds, the total net weight as returned by the Government weigher, results in a total duty of $572, which is less than 25 per cent of $3,234, the appraised value of the merchandise. Therefore, under paragraph 710 as originally enacted, the 5-cent specific duty would not have been applicable to the shipment, but instead the merchandise would have been assessable at the minimum rate of 25 per cent ad valorem, or $808. The official papers show that the actual amount of duty assessed by the collector under the President's proclamation was $1,212.75, which is an exact 50 per cent increase over the amount of duty which would have been assessable under the original paragraph 710. Plaintiff's brief cites as examples hypothetical instances under other paragraphs of the tariff act, where a change in a minimum ad valorem rate might result in the assessment of duty in excess of the 50 per cent limitation upon the statutory power of the President. Such cases, which are entirely hypothetical, should be given little weight in reaching a decision in the case at bar, where the facts are as set forth herein and clearly show that the President has not exceeded the power granted by the statute in any particular. "To put an extreme case is not a good test of the fair and just interpretation of any statute." United States *v.* Dickson (15 Pet. 141, 10 L. ed. 689, 698).

After carefully considering all of the evidence and the briefs filed by counsel, I believe that the protest in the case at bar should be overruled and that judgment should be entered for defendant.

DEVELOPMENT OF THE MERCHANT MARINE

Mr. JONES. Mr. President, I have a very interesting letter from the Second Assistant Postmaster General with reference to the shipping situation and the development of the American merchant marine, which I ask permission to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 27, 1931.

Hon. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: Know just how interested you are in the development of the merchant marine under the act known as the Jones-White Act of 1928, in the enactment of which you took such a prominent part, and realizing how impossible it is for you to leave your legislative duties to go to the scenes of action where these fine, new ships are being constructed, just want to advise you how the picture of the merchant marine is developing to a point where every American citizen can be justly proud of the progress that is being made in its upbuilding. Proud, not only because of the many new vessels that are being built but on account of the fact that over 20,000 men are now employed in the shipyards of the United States, and the further fact that practically every industry in the country is called upon in the construction of each new vessel.

The shipbuilding industry is the only one which has not felt the effect of the national depression which, of course, is also world-wide.

The first development I want to bring to your attention is that of the four fine ships which are fast being completed by the New York Shipbuilding Co. at Camden, N. J., for the Export Steamship Corporation, two of these vessels are now in service, and the first ship launched under this program was the *Excalibur*, now practically completing its first voyage to the Mediterranean, while the second ship is known as the *Exochorda*, and it left the port of New York on February 25. The other two ships are fast nearing completion and will soon be ready to leave the ways. These four magnificent ships represent the last word in marine architecture and every known device for the safety of life and the ship itself are included in their equipment. They are 475 feet in length and 8,700 gross tons, with a cargo-carrying capacity of approximately 6,000 tons and 34,000 cubic feet of refrigeration space and last, but not least, ideal accommodations for 152 first-class passengers. Every stateroom is of absolutely modern design with complete installation of hot and cold running water, shower and tub baths, and also metal beds which make one feel that the maximum of sleep and rest may be obtained. And the public rooms are large and comfortable and equipped as only the great, giant liners have been in the past. No longer will the traveling public have to look to the foreign liners for all these comforts aboard ship.

Let us now look at the accomplishments of the Grace Steamship Co. under the act. Four vessels of 16,200 tons displacement and 508 feet in length are being built. They will have accommodations for 222 first-class passengers and 64 third-class, and will cost about $17,000,000. The first ship will be ready for service about September 1, 1932. The building of these ships is very gratifying to the Latin American business man and merchant, as well as to us Americans. They will go a long way toward firmly implanting the American flag in the markets of Central and South America. They will have a cruising speed of 18 knots and carry passengers, mail, and freight, from one to eight days faster between the United States and their ports of call.

The Porto Rico Line sends out this week the magnificent ship, the *Borinquen*, built in the yards of the Bethlehem Shipbuilding Corporation (Ltd.), of Quincy, Mass. This vessel will ply between New York and Porto Rico, and is 429 feet over all and, like our other developments, she is the last word in marine architecture.

At the yards of the New York Shipbuilding Co. we find two ways occupied by the newly laid keels of the two, 30,000-ton, giant liners of the United States lines which will be ready for delivery in 1932. They will cost $11,000,000 apiece and will be the pride of the American merchant marine.

At the Federal shipyards in Newark, N. J., we find the Baltimore Mail Steamship Co. reconditioning five vessels bought from the Shipping Board at a cost of approximately $7,000,000. These vessels will be lengthened and practically as good as newly built vessels when completed. Everything will be new except the hulls and the passenger accommodations will be of the cabin type and absolutely the last word in marine equipment.

Wish it had been possible for you to have seen the inspiring sight on Saturday, February 21, at the yards of the Newport News Shipbuilding & Dry Dock Co., of Newport News, Va., as the giant 23,000-ton liner slid into the welcoming waters of the James River while the former first lady of the land, Mrs. Calvin Coolidge, sponsored the *President Coolidge*, a sister ship of the *President Hoover*, which lay about 78 per cent completed in one of the adjacent docks of the yard and would soon be given her trial trip and then take her place in the New York-California-Orient service of the Dollar Line. One could not inspect the *Hoover* from flying bridge to engine hole, as I did last Saturday with Mr. Stanley Dollar, without being thrilled over the accomplishments made possible under the Jones-White Act. Would that it were possible for every Member of the Congress who voted for the act in 1928 to see the results obtained as a result of their efforts. They will represent more than the last word in shipbuilding and passenger accommodations with outside swimming pool and a permanent sand beach and a sports deck which will look like that of the largest country club in the country, and plenty of cargo space to bring and take the products of this country and the world to the various ports of call.

Do not let us overlook the great building program of the United Fruit Co., which has placed contracts for six new vessels to take their place in the Caribbean Sea trade. These American-flag carriers are of 7,500 gross tons and will cost $3,500,000 apiece. They will be a notable addition to the great white fleet of this line.

And then we look to the west coast again for an answer to the question whether America plans to build a merchant marine second to none, and we find that the Matson Line (Oceanic Steamship Co.) has contracted for the steamships *Monterey* and *Mariposa*, which will be ready for delivery in 1932, at a cost of $7,500,000 each. These ships will have a gross tonnage of 17,500 tons and will far eclipse this line's effort in the present vessel, the *Malolo*. They are being built in the yards of the Bethlehem Co. at Fall River, Mass., and will be a notable addition to our flag services on the Pacific.

And we can go to the port of New York and see the steamships *Morro Castle* and the *Oriente*, of the Ward Line, sailing to and from the port of Habana, Cuba, each week, and as the American flag furls into the breeze from the stern staff, it waves to the world the message that the land of the Stars and Stripes builds well its merchant marine and that it truly means business as it daily builds a stronger, a larger, and a better fleet of ships.

Just as I am writing this letter to you the word comes to me that the Eastern Steamship Lines (Inc.) have to-day signed a contract with the Newport News Shipbuilding & Dry Dock Co. for two new 22-knot ships at a cost of $7,000,000 and, at the time the contract was awarded, it was said by Capt. Eugene E. O'Donnell, president of the line, that it may be necessary for them to build two additional vessels of this same type for the increased business which he believes will come after the world-wide business depression is over. These ships, like the many other sisters of this new fleet, will be 402 feet long with 10,000 tons displacement and will have accommodations for 756 passengers each.

And, my dear Senator, these ships which I have specifically mentioned do not represent the entire story. You might say, "Have we not forgotten the cargo-carrying vessel," that part of the merchant marine which might be called its backbone? No; that class of vessels has not been forgotten. We have contracts which have been awarded to the American-South African Line, the American Scantic Line, the Gulf Mail Steamship Co., the Lykes Bros. Steamship Co., the States Steamship Co., the Pacific

Argentine Brazil Line, the Tacoma Oriental Line, the Colombian Steamship Co., the Mississippi Shipping Co., and these lines just mentioned are real cargo carriers, and every contract carries with it a requirement to build vessels or provide for a reconstruction program.

And am certain, Senator, that you do not realize how far your ambition has been realized in this great development of the merchant marine. Let me say that the Post Office Department has now 40 contracts in operation, covering practically every trade route of the world. The number of new ships required to be built under these contracts is 46 and they range in speed and tonnage from 13 knots and 4,000 gross tons to 28 knots and 45,000 gross tons. And, in addition, there is a reconstruction program carried in these same contracts which requires 36 vessels, equal practically to a new vessel, at a cost of $14,700,000. The new shipbuilding program shows an expenditure of $238,947,000 or a grand total of $253,647,000 in all. Further, there are additional building requirements, which the Postmaster General may require, calling for a total of 10 new vessels, as trade may demand, at an approximate cost of $41,000,000.

This is the answer of America to the call from Congress that this country again build a merchant marine second to none in the world and thus assume the leadership that it held in the clipper-ship days of 1851.

United States shipbuilding showed a gain of 20,000 tons in the December quarter, while other great nations showed a decline in ship construction.

History will repeat itself as it always does. Increased trade will come to that nation which develops its own merchant marine. They say that our foreign investments total the staggering sum of $7,500,000,000. And this new merchant marine, which is fast coming into being, will secure control of the foreign markets for American industries as rapidly as they are conquered.

No longer will the citizen of this country have to wait until he sails into the harbor of the Golden Gate or salutes the Statue of Liberty at the port of New York to see Old Glory, for he will see it proudly floating from ships, American built, American owned, and manned by American seamen in the ports of the world and on the Seven Seas.

The task, which is not yet finished, will have to be completed through additional aid from the Congress which, in the past, has been most liberal in its attitude toward the upbuilding of the American merchant marine. Slight changes in the act will be necessary, and am sure the many friends of the merchant marine will help in this respect.

Let me say in closing, my dear Senator, that there is great glory in it for everyone who has had a part in the upbuilding of the merchant marine of this country, and to you personally we owe an everlasting debt of gratitude for your vision and the forward-looking policy you have adopted toward this great American question.

Please pardon the length of this letter, but it was my earnest desire to write you quite fully on this subject, which I know is very dear to your heart.

Very sincerely yours,

W. IRVING GLOVER,
Second Assistant Postmaster General.

PROHIBITION

Mr. JONES. Mr. President, I have here a very interesting statement by Dr. Arthur MacDonald with reference to prohibition. I ask that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROHIBITION

By Dr. Arthur MacDonald, Washington, D. C.

(Whether the author be wet or dry, is of no consequence; for science has no use for personalities.) Points on the use or abuse of alcohol as a beverage might be suggested as follows:

(1) The use of alcohol as a beverage is fundamentally a moral question, but it appears to have been made a political issue. The Apostle Paul (the greatest theological genius; Christ was the greatest moral genius) says "It is good neither to eat flesh nor drink wine nor anything whereby thy brother stumbleth or is offended or is made weak."

(2) Nature has placed the stomach under the brain and not above the brain.

(3) Alcohol as a beverage may be a geographical and racial question, and not a general issue; thus

(4) The people of the United States are about midway between the American Indian and the Latin race: Alcohol in excess makes the Indian crazy, the American drunk; but the Latin peoples seldom use it to excess. A Frenchman will discuss serious questions for an hour sipping one glass of wine; that hurts no one. But an American will often order many glasses. If the children eat all the sugar in the bowl and become sick they should not have any more sugar.

(5) Referring to the treating habit in our country, it is said in Europe, that Americans are the only animals who drink when not thirsty.

(6) In France, if any one appears drunk in public, he is often ostracized socially; not so in the United States. The French consider a person weak-willed if not able to avoid excess.

(7) In France, surgeons, passing through the hospital wards often remark to the students with them: "Gentlemen, this is a case for operation, but drinking weakens resistance to the healing of the wound, making it too dangerous to operate." During cholera epidemics drinkers in the hospital are usually passed by; to treat them is almost hopeless. In general alcohol tends to reduce resistance to disease. Notwithstanding, an old toper was bit by a rattlesnake and he was filled up with whiskey to cure him, but when he got well he went looking for more snakes.

(8) How can you know a drunkard when he is sober? (a) When walking he unconsciously makes very long slight staggers instead of short ones as when drunk. (b) When handing something up, as a fare to a conductor, he seldom looks up. It would seem that drink had exhausted him, and nature caused minimum exertion. (c) When taking water the drinker often smacks his lips involuntarily as he does when tasting whisky. (d) At the sight of green blinds in a saloon many drinkers were unable to resist entering the saloon. (This was before prohibition days.) In general, a person can be called a drunkard when he is so alcoholized that when sober he imitates in a slight way unconsciously the movements of his body when drunk.

(9) People are always moderate drinkers before they become drunkards. The moderate drinker usually gets drunk once or more times in a year; but these occasions tend to increase (man is a creature of habit) until he is nearly drunk if not actually so; not able to decide when to stop.

(10) The Bible says, "Love your enemies," but very few can; the drinker, however, is an exception, for he really loves whisky, his enemy.

(11) A father was asked why he did not get his boy some stockings and shoes; his truthful answer was that the money required would buy him many glasses of beer, and he preferred the beer.

(12) Before prohibition more than one-half of children in reformatories were there because their parents drank; the children did not drink.

(13) Prohibition statistics are necessarily very incomplete and unreliable, and therefore can not be used either for or against prohibition. It, however, has been long known to criminologists that the same town when wet has many more cases of assault than when dry. In short, the evils of drink became so enormous that is was possible to put prohibition into the Constitution of the United States, where it will remain for some time to come.

(14) In inebriate asylums there are a few cases where tapering off would be best; but it can not be allowed, for all the other patients would insist on the same privilege. Since prohibition has been in the Constitution the tapering off has been very great, and as yet it has not been possible to carry out strict prohibition. Those States which oppose prohibition and those persons who try to encourage breaking the law are moral secessionists, just as the States who left the Union were political secessionists.

(15) When a good sport loses out he keeps mum. Every time prohibition matters come to a vote in Congress the wets are beaten 3 to 1, but they are not good sports, they do not keep quiet.

(16) All criminals, bandits, ex-convicts, and thugs; all street walkers, harlots, prostitutes, and degenerates are against prohibition. But the good church people, the humanitarians, those who try to uplift and help others are for prohibition. Therefore, do not split hairs; join one crowd or the other. As the Bible says, "Ye can not serve God and mammon."

(17) Drunkenness is worse than addiction to opium, for it often leads to moroseness if not violence, as when a man becomes grouchy at home, or worse, beats his wife and children and otherwise makes his home a hell.

In fact, it is almost incomprehensible why some women should oppose prohibition, for they are the greatest sufferers from drunken husbands.

(18) The drinking husband if he does not make a hell of his home, makes it bad enough; comes to the house, is cross, irritable, and often a nuisance to his family, is uncleanly, soils the bed, and often acts in unmentionable ways. His family are ashamed; his behavior is a mortification and humiliation to them.

(19) In athletic contests, usually all participants, especially those in training, are forbidden to touch alcohol; sometimes they are made to swear on their honor that they will totally abstain from it. Yet there are those who have the hallucination that liquor makes them strong.

(20) A certain United States Senator of very high character drank and frequently was drunk and was sometimes seen so on the floor of the Senate; but fortunately he was in good humor when under the influence of liquor. This Senator said after prohibition was in the Constitution, he would obey it at any cost. He put his honor as a law-abiding citizen above his taste and appetite for drink. Would that there were more of such high, moral characters.

(21) Sometimes a man of prominence with a distinguished family, if there be any manhood left in him, wakes up some morning and realizes that he is a disgrace to his home on account of drunkenness, and shoots himself; but he brands his family name forever thereafter.

(22) In spite of all the enormous evils mentioned above, there are people who put their personal liberty and ease and joviality and pleasures of taste of liquor above morality, above the good of their fellow beings, and yet claim to be Christians. Yet they are unwilling to make any sacrifices for the good of human beings who are weak, unfortunate, in poverty, or other troubles. Such behavior in this world is hypocrisy.

(23) A young criminal tried to commit suicide because he wanted to meet his mother in heaven, the only friend he had had on earth, but whom his drunken father had killed.

(24) A drunkard may become insane, but the dipsomaniac (a periodical drinker) is insane to drink.

(25) The signs of drunkenness are, first stage (first 5 or 10 minutes): Pale face, its muscles drawn and fixed in position; eyes bright and glittering, moving quickly but constrained; mouth firmly shut, lips spasmodically affected in speaking; breath short and panting; pulse increased; speaking interrupted and difficult; body trembling with sensation of shivering. Second stage (after 5 to 10 minutes of first stage): Unnatural movements, very quickly distorted and staggering; irregular and unsteady mental activity; voice elevated and incessant talking with absurd boasting; nervous system loses power, is unduly sensitive; waste of nervous matter; blood impoverished, retarded in circulation; irritative effects; degenerative effects on the nerve centers; vasomotor paralysis, impaired reflex action; tissue changes; fatty fibroid; lungs; alcoholic phthisis, chronic interstitial pneumonia; cirrhosed liver, gin or hobnail liver; kidney cirrhotic, hard, or contracted; stomach with congestion of blood vessels, exaggerated or vitiated secretions from the gastric glands; effusion of serous fluid into the ventricles and arachnoid, with marked development of fibrous tissue, granular fat, etc., causing vasomotor paralysis; local stasis; alcoholic neuritis, etc.; in nutrition, lowering the vitality of the brain cells; post-mortem appearances, as excessive growth of connective tissue of the brain; nerve cells crushed, distorted, and atrophied.

(26) It is said you can not legislate morality. Well, murder, theft, and false pretense are fundamentally moral questions, but we have legislation for them.

(27) The enormous amount of many and various evils coming directly or indirectly from the use as well as abuse of alcohol as a beverage has caused our religious, humanitarian, and uplift people to place prohibition in the Constitution of the United States.

28) We live too fast, eat too fast (leads to eating too much), we tend to overdo many things, we have surplus vitality, like a young nation should have; in brief, the American life is stimulating enough; we need no alcoholic stimulants; wholesome food is sufficient. The future medicine will be dosing of food rather than drugs.

(29) Perhaps in the history of the world we are the first nation to place a moral issue in the highest form of law. It is to our credit to have taken the lead in morality; it is our moral optimism helped by religion that has accomplished it. We are in fact a genius nation in tightening on morality.

(30) The main question simmers down to this: Shall we stop the use of the thing, the enormous abuse of which is found impossible to lessen or cause to cease? In this United States a very extensive, long, and various preprohibition experience has shown this fact in the use of alcohol as a beverage. Therefore, the only practical thing left to do is to stop its use. This applies to our country, but not necessarily to every country, like France, for instance, where there is enormously less abuse of alcohol as a beverage.

(31) Let us therefore gird ourselves up and stand on our constitutional prohibition platform, which has been reaffirmed recently by our Supreme Court. Let morality and true patriotism be twins and unite and carry the prohibition fight straight on to final victory. Let us stand by forever the prohibition American flag and fight to the finish the much fewer but lower moral forces which are trying to pull down our flag.

(32) The wets give various reasons for their objections to prohibition: Intrusion on personal liberty; can not legislate morality; outrage to be deprived of an innocent glass of wine or beer; contributing to conviviality and pleasure; criminals becoming bootleggers; increasing crime; enforcement of amendment ridiculous, etc.

(33) The real reasons are: Pleasures in the taste of wine and beer and especially whisky, which gives a kick to them all, when added; and perhaps an occasional spree to forget one's troubles, etc. If they did not like wine, beer, or whisky, they certainly would not complain.

(34) The wets are not like the man who asked a railway superintendent for a pass. The superintendent inquired why he desired a pass. The man answered that he did not want to pay his fare. The superintendent said, "You can have a pass, you are the first to tell the truth around here for a long time."

OCEAN MAIL CONTRACTS

Mr. JONES. Mr. President, I have here a letter from Mr. John Nicolson somewhat in answer to a letter dealing with shipping matters which was placed in the RECORD by me some time ago. I think it but fair that it should be printed in the RECORD, and I ask permission that that may be done.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 26, 1931.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The statement by Mr. Plummer, vice chairman of the United States Shipping Board, published in CONGRESSIONAL RECORD of January 23, came to my attention accidentally; no notice was sent me from any source that such a publication was intended or had been made. This fact is mentioned because most of the statement is of personal references to the writer as the author of Senate Document No. 210, entitled "The Truth About the Postal Contracts."

My reply, published in CONGRESSIONAL RECORD of February 9, mentions that Mr. Plummer's comments on the author's relation to the grant of a postal contract for route No. 33 from Savannah to Europe would be answered separately, and I wish to partly cover the matter in this letter and, if you will indulge me, make several general comments which will materially aid you in evaluating the vice chairman's statement.

The vice chairman devotes a full column of fine print to the Savannah contract. He says that while the author "denounces the Shipping Board for acting along these very lines (i. e., as criticized in the Senate document), he charges the author with having advocated, and indeed, applied the very policies in favor of the port "of his old home city—Savannah," and cites my letter dated August 17, 1928, in support of the comment.

The writer admits his keen interest in southern ports; he lived 30 years in the South. Any imputation, however, that his official influence or work was applied in their favor, to the prejudice of the rights of other ports or areas, is unfounded and untrue. His influence was to the end that benefits extended by the Government to other areas should likewise be applied to the ports of the South Atlantic and the Gulf; as a matter of fact, that had not and has not been done. To illustrate—$135,000,000 has in the aggregate been awarded postal routes from the one port of New York, whereas the aggregate of all contracts for routes, in the aggregate, from all ports of the South, both Atlantic and Gulf, is less than $26,000,000.

Under these circumstances I became active to secure to southern ports a more equitable share of benefits under the law, including benefits under the postal contracts; hence my letter of August 17, 1928, from which he quotes, and about which he says:

"Although the line at that time had not even been purchased, and ultimately was purchased at the unprecedented low price of $3 per ton, which price was half consumed by the repairs which the board was forced to make before these ships would be accepted, Mr. Nicolson apparently determined that buyers of his old home's service should run no risks whatever in taking over this line, had several negotiations with the Post Office Department regarding a mail contract, and finally secured one at the maximum mail pay possible under the law of 1928."

The vice chairman's obvious intent is that the reader shall think the author is responsible for: (a) The sale of the ships at so low a price as $3 per ton; (b) having them put in such a fine state of repair, for delivery to the purchasers, as that the repairs cost half the purchase money; (c) that he "finally secured a mail contract at the maximum mail pay possible under the 1928 law"; and (d) that he was responsible for the terms of the contract and "didn't even suggest that the Savannah contract ought to contain a provision for building at least one new ship. Why?"

The writer can not claim merit or be charged with responsibility for either of these items.

As to the first two, incident to the sale of the vessels: The vice chairman knows that neither official work or informal contacts ever brought the author into negotiations or conferences concerning the sales prices of vessels or lines, or with respect to the amount expended on repairs of vessels sold. Having this knowledge, he nevertheless says: "This case being one where the 'subsidy' of low sales price and the subsidy of 'unjustifiable mail pay' were secured simultaneously."

Secured by whom—simultaneously? By the author—according to the vice chairman. The disclaimer of responsibility is not intended as a criticism of the terms—for the situation as of time of contract—and its terms, have not been analyzed. If, however, it violates any of the principles enunciated in the Senate document, it is disapproved.

As to the second two items—(c) and (d): incident to the postal contracts: The board's functions in respect to these were allotted, in their preliminary aspects, to the bureau of the board, of which I was director, and of which the vice chairman was the commissioner in charge. Notwithstanding this fact, because of the director's protests and disapprovals of the methods and policies applied by the commissioner, opportunity to even suggest the terms, when the matter was up for official action, was not accorded the director.

The motive of the vice chairman in attributing to the author responsibility for the terms of the Savannah contracts, is to attribute inconsistency to him, as the Senate document criticizes maximum rates in certain cases—especially when an early "subsidy" had been granted in the low sales price.

With similar motive he comments on the "Mail in Fact Transported" (Senate document, p. 36):

"But in this impressive list Mr. Nicolson makes no reference to the fact that the mail actually carried by the Savannah Line during four months would have amounted to only $35.66, while the mail-contract pay was approximately $130,000. * * * Why did he indulge in this omission?"

This comment suggests this was the only "omission." There were then 25 postal contracts outstanding, and 17 only are in the list, "Mail in Fact Transported"; hence 8 were not mentioned. To have put in these would have been cumulative only, and legal experience has taught an overaccumulation of evidence serves no useful purpose.

Prior to writing the letter of August 17, 1928, conferences, informally, with the Post Office Department revealed it was not apparent to them a route from a South Atlantic port to Europe could be declared a postal route, as the ordinary course of mail would be by the fast vessels in the North Atlantic route. The writer submitted these questions: (a) Would it satisfy requirements if parcels post only moved by that route? (b) Could not parcels post originating in the southeast quarter of the United States be sent by a South Atlantic route; and if so, (c) does

enough parcels post originate in that area to justify declaring the route a postal route under the new law?

The Post Office Department responded to the suggestion of a test, and had post offices in that area make a 10-day count of parcels post originating in them, addressed to Europe—with encouraging results. My letter of August 17, 1928, was then written. This was long before the line was sold. The letter reveals it was not a brief for any particular or prospective purchaser, but an appeal for the route and for the port—no matter who bought the line. These activities were during the absence of the commissioner in charge. Upon his return, for reasons previously mentioned, the writer's part soon ended. He had no part in the determination of the rate to be paid or provision relative to new tonnage.

Although the 1928 letter is substantially consistent with the Senate document, let us assume that it had advocated terms like those awarded lines from other ports to the extent that such terms had become the general and uniform practice of those in control. Although one who championed the southern ports had even then believed the terms were based on wrong views, legally and economically, would that be a reason, ethical principles not being involved, why southern ports should not be made to benefit by the policy and practice, in fact, being broadly applied to other areas?

To answer yes would be equivalent to ruling that a southern Democrat opposed to a protective tariff should not, a protective tariff having been enacted, demand for southern ports any benefits accruing under it. When the ocean mail act of 1891 was under debate, although many southern Senators were in opposition, nevertheless Senator Morgan, speaking in behalf of southern ports, said (vol. 22, p. 3641):

"* * * When it comes to the division of bounties and subventions voted by the Congress of the United States, we want to have a chance at once to enjoy some of those benefits."

Furthermore, and in conclusion, when the August, 1928, letter was written he knew that wrong methods and policies had been applied, but the contracts, which had been granted and the collateral facts bearing on them, had not been fully analyzed and ascertained, hence their enormity had not become fully apparent. This came when the writer, some time later, was preparing a paper he had been requested to present before the American Association of Port Authorities November, 1928, wherein he discussed the whole group, demonstrating how southern ports had not been awarded a proportional share. The author did not think his address before the Association of American Port Authorities was the occasion to dwell on other aspects of the matter, nor had his own convictions fully matured.

During 1929 he was convinced the discrimination against southern ports was not the only grave objection to the system that had been created and applied, resulting in many grossly excessive contracts, and he thereupon determined on a course of procedure which culminated in Senate Document No. 210, entitled, "The Truth About the Postal Contracts," applied as subsidies to shipping.

Very respectfully,

JOHN NICOLSON.

POSTAL CONTRACT—SOUTH ATLANTIC PORTS

UNITED STATES SHIPPING BOARD,
Washington, August 17, 1928.

HON. WARREN IRVING GLOVER,
Second Assistant Postmaster General,
Washington, D. C.

DEAR SIR: Referring further to the possibility of a postal contract for the route between a South Atlantic port and north Europe ports, about which Mr. White, director of foreign mails, and the writer have several times conferred, with special reference to the route at present covered by the United States Shipping Board American Palmetto Line.

At our last conference we also had present Mr. E. T. Trosdal, the managing operator of the United States Shipping Board Line out of Savannah, and the possibility of changes in the service in conformance with postal requirements was considered at length. The conference closed with the understanding that Mr. Trosdal would give the matter further consideration; this he has done and has written us the results of his inquiries.

Although it was not suggested that a weekly service would be a condition precedent to obtaining a contract, Mr. White tentatively suggested that a weekly service to the United Kingdom and the Continent would simplify the problem from the point of view of the Postal Service. The possibility of an 8-day schedule has therefore been considered by Mr. Trosdal, and he is of the opinion that a private purchaser would not be justified in purchasing the line, even with the assistance of a postal contract, under an 8-day service guaranty. To install and maintain such a service would probably result in operating deficits exceeding the total postal compensation received.

This opinion is, of course, based on present conditions. However, all parties interested hope for an increase of exports and imports moving through South Atlantic ports, and that a weekly service in course of time may be amply justified, financially, and provision might be made for a weekly service when conditions justify it. Apart from a postal contract, the guaranty contemplated by the advertisement of the Shipping Board for the sale of this service to private parties has reference solely to a total of 24 sailings during the year, with large discretion in the purchaser as to exact date of sailings; that is to say, if a sailing is planned for a given date, the purchaser would be free to delay the sailing for a while to procure additional cargo; always provided the total sailings required were in fact met during the year, and that two occurred each month. Under a postal contract, this uncertainty would, of course, have to be eliminated to the end that the mail would arrive at destination by the contemplated dates.

While the managing operator of the Shipping Board has informed us that an 8-day schedule would be too onerous for a purchaser to assume, even with postal aid, he is of the opinion that three sailings per month, on fixed dates, with intervals of 10 days, could be reasonably risked by a purchaser, with postal aid, the sailings to be, say, on the 5th of the month to Bremen, with a stop at Plymouth; on the 15th to Liverpool, with a stop at Brest, France; on the 25th to Bremen, with a stop at Plymouth; and so on, indefinitely; the exact dates of sailings, however, to be mutually arranged. This would furnish 36 sailings per year. It is recognized that the mail matter which would be chiefly transported by this route would be parcel post. The 10-day count very kindly made at our request by your department in early July, to ascertain the parcel-post movement from post offices in the southeastern area of the United States to north Europe ports, furnish most encouraging statistics in favor of a postal contract for the transportation of such mail through a South Atlantic port, instead of having it go by rail to New York, thence to destination; its transport through, say, Savannah, is made more feasible because of the postal regulations which allow it to be held in New York as long as six days, in order to send it by an American steamer from that port; and to this six days must be added the time for transportation by rail from point of origin to New York, to the extent that such rail transportation may exceed the rail transport to Savannah.

It is frankly recognized both in Congress and in the administration of certain laws relating to ocean mail (such as the ocean mail act, 1891; sec. 24 of the merchant marine act, 1920; and the recent act of 1928) that the plan is in no sense solely for the transportation of mail; jointly with this important aspect of the matter is the fact that the development of our merchant marine is also intended, and the cooperation of the Post Office Department to that end has been most gratifying to the friends of the merchant marine. It is the obvious policy of Congress that the development of our merchant marine shall be a geographical development in the sense that lines operating from various parts of the United States should be encouraged and developed. Section 8 of the merchant marine act, 1920, has this in view in assigning to the Shipping Board the study of problems incident to the movement of our foreign commerce through natural channels. It is a fact that much of this commerce does not move through natural channels, and this fact is due not to deficiencies in our ports but to railway rates or regulations or other collateral factors which should be offset or corrected in favor of our exports and imports moving normally from a transportation point of view. It is within our knowledge that cotton, for instance, has been sent from points in Georgia and Alabama by rail to New York for transshipment there to Liverpool; it is obvious this is an abnormal transportation fact, and, if possible, should be corrected. We refer to it only as evidence of the importance of postal contracts being awarded in proper cases to South Atlantic and other southern ports in aid of steamship services from these ports in foreign trade.

Postal contracts have been awarded under the 1928 act very generously to services operating from North Atlantic ports, but no one has as yet either been awarded or advertised for a postal route from a South Atlantic port; the policy of geographical distribution of governmental aid in support of our merchant marine, to which we have referred above, is therefore in harmony with the suggestion now under consideration. This aspect of the matter has been the subject of press comment throughout the southeastern area of the United States, and also of formal action by various trade bodies of prominent southern cities, including cities of the interior. We will not undertake to enumerate these, but as specimens send herewith a copy of a letter dated August 10 received by us from the Atlanta Chamber of Commerce, and also of a letter dated August 14 from the Macon Chamber of Commerce inclosing also a formal resolution of that body. We understand several such resolutions have been sent you.

We appreciate, of course, such comments and communications are not controlling factors and that your consideration of the case will naturally be on its merits; we refer to them as evidencing the keen interest of the people of that area in the entire situation and in this particular project; that such general interest should be recognized is in harmony with that part of section 7 of the merchant marine act, 1920, which directs the Shipping Board in making sales of steamship lines to give special preference to people of the "domestic community" involved in the transaction.

The port of Savannah, with its extensive foreign commerce, is an apt illustration of the conditions of ocean transportation in our foreign trade. During the fiscal year ending June 30, 1928, the total number of sailings from Savannah of vessels in foreign trade was 362, and of this entire number only 65 were American-flag sailings, thus leaving 297 as sailings under foreign flags. To present the illustration in another form: The total amount of cargo involved in all sailings for 12 months ending March 31, 1928, was 383,011 tons, and of this total only 92,901 tons were carried in American-flag vessels, thus leaving 290,110 tons as having been carried in foreign-flag vessels. Of the total sailings, only 18 per cent were American vessels; of the total cargo carried, less than 24 per cent was carried in American vessels.

As applied to the service we have had under consideration, namely, from Savannah to north Europe, the importance of Government aid is demonstrated by the very heavy deficits which the

Shipping Board has had to meet in the operation of the line now offered for sale. If the 10-day mail service to northern Europe and the United Kingdom, as suggested above, should be adopted as the basis of a postal contract, the expenditure by the Government through the Post Office Department would be less than $10,000 per voyage, whereas the cost to the Government of maintaining this service during the fiscal year ending June 30, 1928, was nearly $20,000 per voyage (to be more exact, it averaged $19,238 per voyage); hence, if the line is sold to private operators and a postal contract is given them on the basis of three sailings per month, as suggested above, the Government would save nearly $10,000 per voyage compared with last year's operations; we therefore commend to your consideration whether steps may not be appropriately taken to advertise the route mentioned on the basis suggested.

Please permit me to express my appreciation of the freedom you have given us to write you informally and from the point of view presented by this letter,

Very respectfully,

JOHN NICOLSON,
United States Shipping Board.

AMENDMENT OF COPYRIGHT LAW

Mr. TOWNSEND. Mr. President, I desire to renew my request that the Senate proceed to the consideration of House bill 16836 with the companion bill, Senate bill 5745.

The VICE PRESIDENT. Is there objection?

Mr. MOSES. Mr. President, I desire to submit a parliamentary inquiry. Is the Senator from Delaware asking for unanimous consent or is he making a motion that the bill be taken up?

The VICE PRESIDENT. The Senator is asking unanimous consent.

Mr. COPELAND. Mr. President, reserving the right to object, may I ask the Senator from Rhode Island [Mr. HEBERT] is there reasonable hope that we may finish this bill by 8 o'clock?

Mr. HEBERT. I think we can go a long way with its consideration if we could proceed until 8 o'clock without interruption. We have been on this bill now for about an hour, but really we have not been considering it for half that time because of interruptions for the presentation of reports and requests by various Senators. If we could proceed with the consideration of the bill without interruption until 8 o'clock, I am quite sure we would make very good progress.

Mr. COPELAND. Mr. President——

Mr. MOSES. May I make a suggestion?

Mr. COPELAND. If I have the floor, I yield to the Senator from New Hampshire.

Mr. MOSES. I notice that the junior Senator from Utah [Mr. KING] is now in his seat. We could make much more progress with the bill along the lines of the suggestion of the Senator from New York if the Senator from Utah would forego the privilege of having read in his hearing every word in the bill.

Mr. DILL. Mr. President, I want to say in response to that suggestion that the reading of this bill has brought to my attention some provisions which I did not know were in the measure. It is very evident that the bill needs some revision. I want to help pass it; but I have not studied the photographic provision, and I do not think other Senators on the committee have studied it. I think we ought to go ahead with the consideration of the bill in the way we are going.

Mr. MOSES. If the Senator from Alabama [Mr. BLACK] will permit me, I am astounded at what the Senator from Washington says, because I understood that he was meticulous in bringing about all the amendments which the Senate has added to the bill.

Mr. DILL. I want to say to the Senator from New Hampshire if he wants me to tell him how this bill was brought on the floor of the Senate, I will tell him, and the Senate may understand it.

Mr. MOSES. I always have a desire for information.

Mr. DILL. I have had some experience relative to this bill which the Senate does not know much about. The bill was ordered reported by a majority of the Committee on Patents before it was ever brought from the House of Representatives. When that was done I protested that hearings ought to be held because the committee had never considered the bill and it involved a complete revision of the law. I was told by the chairman of the committee that I had been overruled. I proceeded then in my own way to take care of that situation. I held the bill on the clerk's desk here until I had an agreement with the majority of the committee that there should be hearings on the bill. We had two days of hearings and amendments were proposed. We were rushed and considered only the amendments which were then offered. I did offer what amendments were adopted with one or two exceptions. I offered a large number of other amendments that were not adopted; but the committee never had time really to study the bill. That is the kind of consideration this bill had.

Mr. MOSES. If the Senator from Alabama will permit me to continue I recall the circumstances to which the Senator from Washington refers. Of course "us literary fellows" want to have the bill expedited as much as possible and I understood from conversations which I had with the Senator from Washington that through his efforts having brought about the hearings, having brought about the agreement to amendments which the Senate committee have now reported, the bill has been vastly improved in its effect, and that having been brought upon the floor in this form it would be possible to go on with it without the delay which has been occasioned for a great variety of reasons.

I want to ask the Senator from Washington is it possible—and I join him in the appeal which I have just made to the Senator from Utah—is it possible for us now to go on without taking all the time to read every word of the House text? The House text must have been familiar to both of the Senators to whom I am appealing; they must have known about it; otherwise the amendments to it would not have been proposed.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BLACK. I yield.

Mr. SWANSON. There are other Senators who are interested in this bill besides the two Senators referred to by the Senator from New Hampshire [Mr. MOSES]. I should like to know what I am going to vote on.

Mr. MOSES. I am glad to know that the Senator from Virginia takes that view of legislation.

Mr. SWANSON. It is astonishing that any Senator should take that view, according to the Senator from New Hampshire.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Delaware has submitted a request for unanimous consent, but the Senator from Alabama [Mr. BLACK] has the floor.

Mr. DILL. I object to the unanimous-consent request.

The VICE PRESIDENT. Objection is made.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. COPELAND. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. BLACK. I yield.

Mr. COPELAND. I appeal to the Senator from Delaware to let us go along with the copyright bill until 8 o'clock. If we have made no material progress by that time, I agree that it should be temporarily laid aside at least, and the other bill taken up. I am interested in the other bill, but I know that thousands of persons in this country, a great many of them living in my State, are vitally interested in the pending bill, and I want to be sure that the Senate has given it all the consideration that it may properly give. It is unfortunate that it came up so late, and yet, after all, we ought to have at least until 8 o'clock to see if we can make progress with the bill. Then, so far as I am concerned, after that time I feel that perhaps it might be wise to put it aside, for the time being anyway, and take up the other bill.

The VICE PRESIDENT. Objection is made to the request of the Senator from Delaware.

Mr. TOWNSEND. Mr. President, I move——

The VICE PRESIDENT. The Senator can not make a motion while the Senator from Alabama has the floor.

Mr. BLACK. I yield the floor if the Senator from Delaware desires to make a motion.

The VICE PRESIDENT. If the Senator yields the floor, some Senator must be recognized.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Delaware.

TAX ON OLEOMARGARINE

Mr. TOWNSEND. I move that the Senate proceed to the consideration of House bill 16836 to amend the act entitled "An act defining butter," and so forth.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Robinson, Ind.
Barkley	Fess	Keyes	Schall
Bingham	Fletcher	King	Sheppard
Black	Frazier	La Follette	Shipstead
Blaine	George	McGill	Shortridge
Blease	Glass	McKellar	Smith
Borah	Glenn	McNary	Steck
Bratton	Goff	Metcalf	Stelwer
Brock	Goldsborough	Morrison	Stephens
Brookhart	Gould	Morrow	Swanson
Broussard	Hale	Moses	Thomas, Idaho
Bulkley	Harris	Norbeck	Thomas, Okla.
Capper	Harrison	Norris	Townsend
Caraway	Hastings	Nye	Trammell
Carey	Hatfield	Oddie	Tydings
Connally	Hayden	Partridge	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pittman	Waterman
Dale	Johnson	Ransdell	Watson
Davis	Jones	Reed	Wheeler
Deneen	Kean	Robinson, Ark.	Williamson

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BINGHAM. Mr. President, the motion made by the Senator from Delaware would displace the so-called Vestal copyright bill in the last hours of the session. There are less than 42 hours between now and the 4th of March at 12 o'clock noon. It is true that the bill which the Senator from Delaware has moved to consider is a bill in which the dairy farmers of my State are deeply interested, as well as the dairy farmers of all other States. It is also true that the Vestal copyright bill is one in which every author and every ingenius inventor is interested. I venture to say, Mr. President, that there has been no bill in the last five years which has aroused more general interest throughout the country and which has been the cause of more letters being sent urging its passage and fewer letters being sent urging that it be not passed than the Vestal copyright bill.

Mr. President, both of these measures are important, both ought to pass, and I am wondering if some way may not be found whereby an arrangement may be made to divide the time between those in charge of each bill whereby at least two hours more may be given for the consideration of the copyright bill, which has already been improved by the amendments offered by the Senator from Washington and by the committee, so that that bill may be passed and may go into conference.

I ask the Senator from Delaware if he will not be willing to permit us to vote on his motion not later than 8.30 o'clock this evening and in the meantime proceed and see if we can not pass the Vestal copyright bill.

Mr. TOWNSEND. No, Mr. President; I should not want to agree to that. I should be willing to agree to unanimous consent to vote on the bill at a certain time to-morrow.

Mr. BINGHAM. On which bill?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does he yield to the Senator from Idaho?

Mr. BINGHAM. I yield to the Senator.

Mr. BORAH. The suggestion of the Senator from Delaware seems to me to be an excellent one, if we could have an agreement to vote on the oleomargarine bill to-morrow at 2 o'clock.

Mr. TOWNSEND. Pardon me—and also on the other bill at a fixed time.

Mr. BINGHAM. Let us do one thing at a time. Can we not get an agreement to vote on the oleomargarine bill at any time to-morrow that would satisfy those who desire to speak?

Mr. BORAH. In the meantime, such time as we had we could utilize in considering the copyright bill.

I think it unfortunate that the copyright bill is likely to be defeated. A vast amount of work has been done upon that bill; and we know the penalty which will follow if it is not enacted, if the treaty which is the enabling act, as it were, is not ratified. I should like to see an attempt made to get a definite time for a vote to-morrow on the oleomargarine bill.

Mr. COUZENS and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. To whom does he yield?

Mr. BINGHAM. I yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, I should not consent to fix any time to vote on the oleomargarine bill until we have had some debate on it. I never heard of a bill being presented and an agreement made to vote on it before we knew what it is all about. We had better go on with the motion of the Senator from Delaware, and then decide afterwards what we will do.

Mr. BINGHAM. Would the Senator be willing to vote on it after four hours of debate?

Mr. COUZENS. My own judgment is that it will not take that long. Let us consider the bill for 30 minutes, and see what it is all about, and then talk about a unanimous-consent agreement.

Mr. BINGHAM. Would the Senator agree to a proposal to have not more than four hours of debate?

Mr. COUZENS. Let us debate the bill first and see.

Mr. NORRIS and Mr. WATSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. To whom does he yield?

Mr. BINGHAM. I yield to the Senator from Nebraska, and then I yield to the Senator from Indiana.

Mr. NORRIS. Mr. President, I should like to suggest that we find ourselves now where we always find ourselves whenever there is a limit about the adjournment of Congress. I should like to call the Senator's attention to the fact that he is now meeting just what we tried to relieve him of when he opposed the amendment in regard to the beginning and the ending of the term of Congress.

Now we have the copyright bill here; and while I have not been able to give it the consideration that I should like to give it because of this rush that comes on, I realize that it is important, and that we ought to consider it, amend it, if necessary, and do something with it; but we have had two or three days of it, and it is quite evident to me that the bill is not going to pass.

Now the Senator from Delaware wants to take up the oleomargarine bill, an important piece of legislation. It is late, it is true. In addition to that bill we have here a conference report on a bill on which we have spent a great deal of time, known as the maternity bill. It is doubtful whether any of these bills will pass now; but I see no help for the situation. We are up against a stone wall. We can not help it. I understand that there is a message coming from the President in the morning that ought to bring about a debate on another important bill, but there will not be time to do it.

So it seems to me that the Senator from Delaware is justified now in making a motion that will displace the copyright bill, much as I should hate to see it done; but it is quite evi-

dent that we shall not get this bill through. Senators have not had time to consider it, and probably all of the time will be consumed.

It may happen that that will be true of the other bill, too. It is an important bill. If we could pass it here and send it over to the House and have it come back here, I think we ought to dispose of it.

The same thing is true of the maternity bill. It is in the shape of a conference report now. It has passed both Houses, and a conference committee has been appointed, and has made its report. The House has adopted the conference report; and it seems to me that if these other bills can not be passed, if the time is going to be consumed, we ought to take up these things that have only one step left and finish them first, and then do the best we can with the other measures.

Mr. BINGHAM. Mr. President, of course the Senator from Nebraska could not resist the temptation to say, "I told you so"; but I will forgive him for that. Would he object if I asked unanimous consent that we may vote on the oleomargarine bill at not later than 2 o'clock to-morrow?

Mr. NORRIS. No; I will say to the Senator that I am not going to object; but I realize, to be fair about it, that Senators who would object at this time have reason for it.

Mr. GEORGE. Mr. President——

Mr. NORRIS. I know more about that bill than I do about this other one; but I heard what the Senator from Michigan [Mr. COUZENS] said about it. His request is not unreasonable. We ought not to be in the condition we are in, so that we are almost helpless. So far as I am concerned, I am ready to vote on the oleomargarine bill right now; but I have to respect the wishes of other Senators who have a right to know something more about it before they vote on it.

Mr. WATSON and Mr. McNARY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yield to the Senator from Indiana.

Mr. WATSON. Mr. President, I ask unanimous consent that the Senate vote on the copyright bill two hours from now.

Mr. COUZENS. I object.

Mr. TRAMMELL. Mr. President, I think the request of the Senator from Indiana is a very unreasonable one. This bill has been considered only a few hours, and it is a bill of 54 pages. It has many amendments proposed to it, and I think many features that a great many Senators object to when they have them brought to their attention. I do not believe there are half a dozen Senators on this floor who favor the provisions of section 6 in regard to photographs. I doubt if there are half a dozen Senators here who actually favor the provisions of that section.

I submit that on an important matter of this character, not having been heretofore considered by the Senate—simply a few hours on Saturday, with many other matters intervening taking up at least half the time, a bill which has only been considered a couple of hours to-day—it is nothing short of an effort to railroad a proposition to attempt to have it settled in two hours.

The PRESIDENT pro tempore. Objection is made.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. To whom does he yield?

Mr. BINGHAM. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I was going to make a suggestion, and I shall state it in the form of a unanimous-consent agreement—that we proceed to the consideration of the House bill regulating oleomargarine, and that we have a final vote on the bill and all amendments thereto without further debate at 9 o'clock to-night, at which time, at the conclusion thereof, we return to the consideration of the copyright bill.

The PRESIDENT pro tempore. Is there objection?

Mr. COUZENS. I shall have to make the same objection I made before. I have not heard anything about the oleomargarine bill. After it has been discussed for 30 minutes I shall not object if Senators want to vote on it then; but I can not consent at this time.

Mr. McNARY. May I state to the Senator from Michigan that that allows 2 hours and 15 minutes for its discussion?

Mr. COUZENS. Yes; but I do not know what will intervene. What is the objection to waiting 30 minutes before we give unanimous consent for a vote?

Mr. KING. Let us debate it first.

Mr. COUZENS. Let us have 30 minutes of debate on it.

The PRESIDENT pro tempore. May the Chair suggest that the motion of the Senator from Delaware will have to be agreed to before that can be done?

Mr. McNARY. I appreciate that.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. The Senator from Delaware has consented to amend his motion to the effect that the unfinished business be temporarily laid aside for three hours, and that a vote on the oleomargarine bill be had at the end of three hours of debate.

Mr. ROBINSON of Arkansas. Mr. President, that can not be done by motion. If the Senator moves to proceed to the consideration of another bill, that will displace the pending bill. It is not competent to move to limit the consideration of a bill.

The PRESIDENT pro tempore. The Chair understood the suggestion of the Senator from Minnesota to be that unanimous consent should be granted for the temporary laying aside of the unfinished business, with an agreement to vote.

Mr. ROBINSON of Arkansas. I point out to the Chair that the Senator's suggestion was that the Senator from Delaware modify his motion so that it be that the pending bill be temporarily laid aside, and that at a fixed time a vote be taken on the bill which he moves to take up.

The PRESIDENT pro tempore. Of course that may not be done on motion.

Mr. ROBINSON of Arkansas. I am just pointing out that fact.

Mr. SHIPSTEAD. Mr. President, will the Senator from Connecticut yield?

Mr. BINGHAM. I yield.

Mr. SHIPSTEAD. Will the Senator from Delaware ask unanimous consent that the unfinished business be temporarily laid aside, and that at the end of three hours' debate a vote be taken on the oleomargarine bill?

Mr. TOWNSEND. I understood the Chair to say that that could not be done.

The PRESIDENT pro tempore. That may be done, by unanimous consent. It may not be done on motion. The Senator from Delaware now has a motion before the Senate. If the Senator from Delaware withdraws his motion and then asks for unanimous consent in the terms proposed by the Senator from Minnesota, and the Senate agree thereto, we may proceed under that.

Mr. TOWNSEND. Then can I renew my motion, if the request for unanimous consent fails?

The PRESIDENT pro tempore. Undoubtedly. It is always in order to move to proceed to the consideration of a bill.

Mr. COUZENS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BINGHAM. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator from Delaware has made a motion to proceed with the oleomargarine bill, and I shall object to any other procedure except proceeding to consider that bill by motion.

Mr. BINGHAM. Of course, the Senator from Michigan can block all action on all bills at this time if he chooses.

Mr. COUZENS. I do not desire to do that.

The PRESIDENT pro tempore. The Senator making a motion may always withdraw it, may the Chair say to the Senator from Michigan.

Mr. BINGHAM. If the Senator from Delaware chooses to withdraw the motion and ask unanimous consent to deal with a matter in another way, I hope the Senator from Michigan will not object.

Some of us are in the position that in our States there are several thousand dairymen and there are several thousand authors, and if we vote to take up one bill and lay aside the other we are bound to offend somebody. I should like to see both bills passed; and I am trying to find some way whereby we might instruct the Senator from Michigan fully in regard to this bill, either by an hour or two hours' or three hours' or four hours' debate on it, limiting the debate to 15 minutes to each Senator.

The Senator in charge of the bill tells me that he does not need more than 15 minutes to explain the bill, and then questions may be asked. In view of the fact that so many of us are interested in the passage of this bill, I am wondering whether we may not have a unanimous-consent agreement to limit debate on it.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from California.

Mr. SHORTRIDGE. It appears to be perfectly obvious that we can not secure any consent agreement in respect to the disposal of these two bills.

The copyright bill has been given weeks and months of consideration, has been immediately before the Senate for several days, and it would appear that the Senate is ready to express its view in regard to that bill. I suggest that we proceed to dispose of the motion of the Senator from Delaware and defeat it, and proceed to take up further and pass the copyright bill. We will then have plenty of time to-morrow to dispose of the oleomargarine bill, and either pass or defeat it.

So let us vote upon the motion of the Senator from Delaware.

Mr. DILL and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yield to the Senator from Washington.

Mr. DILL. Mr. President, it seems to me we are wasting a lot of time that we ought to put on the consideration of some bill. It is very evident that we can not get an agreement to vote at any particular time on any of these bills. I object to any unanimous-consent agreement to lay aside the copyright bill, and I have been one of the most active in trying to amend that bill. I should like to see that bill passed; but I am in a position a little bit like that of the Senator from Connecticut [Mr. BINGHAM], only worse. I have in my State a tremendous lot of dairy people who are deeply interested in and who are flooding my office with telegrams for the oleomargarine bill. I do not feel free to vote against taking it up when I do not know how long it may take. We may be able to dispose of it in a short time, and we can then go back to the copyright bill.

It seems to me that there is no use spending time trying to get a unanimous-consent agreement, because we can not get it.

Mr. ROBINSON of Arkansas. I call for the regular order.

The PRESIDENT pro tempore. The regular order is that the Senator from Connecticut has the floor debating the motion of the Senator from Delaware, which, having been made after 2 o'clock, is a debatable question.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. BINGHAM. I yield for a question.

Mr. SMITH. I think we have a splendid opportunity to help the Senator out of his dilemma, by not passing either bill, and therefore he can pacify both sides by saying nothing was done. I think that would be agreeable to a majority of the Senate.

Mr. BINGHAM. Mr. President, I do not desire to hold the floor indefinitely. I would like to know if it would not be possible to secure a unanimous-consent agreement for a limitation on debate on the bill of the Senator from Delaware?

Mr. BRATTON. That can not be done.

The PRESIDENT pro tempore. That bill is not before the Senate, and no agreement can be made to limit debate on a matter that is not before the Senate.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. McKELLAR. The copyright bill is a very complicated bill, one which I have not studied, and I really should not pass an opinion on it. But many things have occurred here, and statements have been made here about it this afternoon which it seems to me make it utterly impossible to pass the bill as it is.

There is one feature in the bill which ought to be passed, and ought to be passed at this time. I understand that the copyright of Mrs. Eddy's book will expire in June, and that there is a desire to get an extension of the copyright. I think somebody interested in this bill should prepare an amendment to strike out all the rest of it and simply extend the copyright on Mrs. Eddy's book for the next 10 years, or something of that kind. I know everybody in the Senate is in favor of the utmost religious freedom, and a large number of our people want to have this copyright extended, and we ought to extend it. But all these other provisions, a vast number of complicated provisions, some of them burdensome, some of them trying, some of them very unusual, surely we should not agree to at this late date in the session, and so far as I am concerned, I do not think I would agree to them. I do not believe any legislation is going to pass on this subject, but I am very much interested in the idea that the copyright on Mrs. Eddy's book should be extended for a period of time.

Mr. BINGHAM. Mr. President, I have held the floor for some time, but other Senators have done the talking. All I want to say is this: That with great regret I shall vote against the motion of the Senator from Delaware, notwithstanding the thousands of dairymen in my State who are interested in the bill, because I believe that in fairness to the copyright bill that ought to be disposed of first; and I think it could be disposed of in a few hours. I shall then vote to take up the oleomargarine bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Delaware.

Mr. LA FOLLETTE. Mr. President, I wish to make a brief explanation of the vote I shall cast on this motion.

I am in favor of the copyright bill, and I regret very much that it was taken up in the closing hours of this Congress. According to the Constitution, we must adjourn on the 4th of March. It has become evident that the Vestal bill is in a position where a very few Senators in opposition to it can bring about its defeat through a filibuster. I think it is also very evident, as a result of the maneuvering which has been going on in connection with the copyright bill, that there are more than a few Senators who are determined to talk it to death.

Therefore I shall vote to take up the oleomargarine bill, in the hope that there are not so many Senators who are determined to defeat that bill as there are who are determined to defeat the copyright bill.

Mr. COPELAND. Mr. President, the distinguished leader of the Republicans has always told me that you can explain a vote but that you can not explain a speech. I dare say I represent as many dairy farmers as anybody in the Senate, but likewise, I have a tremendous constituency interested in the copyright bill.

I am going to vote against the motion made by the Senator from Delaware because it is my judgment that if we could have two or three hours more debate on the copyright bill, we could reach some conclusion regarding it. The oleomargarine bill is bound to lead to much less debate, because there is less general interest in it. There is no question but that if we brought it up in the middle of the afternoon to-morrow we would have ample time to pass it. I wish that might be the sentiment of the Senate.

There are thousands upon thousands of persons in this country who are interested in the copyright bill. The matter has been before Congress for many years, and it is a matter which should be determined.

Mr. President, I hope the Senate will see fit to permit further debate for a reasonable time upon the copyright bill, and then in a very short time, in my judgment, we

can pass the oleomargarine bill, which I shall be very happy to vote for at the proper time.

Mr. COUZENS. Mr. President, I do not want it understood that I am opposed to the copyright bill in its entirety; but it is a 53-page bill, and in three or four days we have reached page 8. Everyone has been astounded at the changes which are sought to be made in existing law by this bill. I can not see why in the last hours of this session we should attempt to pass such a momentous measure, and to change existing law to such an extent, when there are other matters which ought to be settled now, and this matter could be passed by for the present.

I am not trying to filibuster against the measure, but in going over the bill we find many sections over which there will be considerable debate and differences of opinion, particularly the section to which the Senator from Washington just referred, section 6, with which he himself, as a member of the Committee on Patents, was not fully familiar. I also draw his attention to section 8.

I submit that it is not fair to hold up all legislation while we debate this bill to a conclusion.

The bill of the Senator from Delaware, I understand, is very controversial, and it seems to me that ought to be gotten out of the way first. So I am going to vote for his motion.

Mr. CAPPER. Mr. President, I am in favor of the copyright bill, but it is evident to me that we can not get a vote on it. The discussion has gone on for two days, and it is very plain that there is opposition which can not be overcome. I am very much in favor of the oleomargarine bill, and I believe it can be passed after an hour or two of discussion. While we are fixing up a program for to-night, I hope it will not be forgotten that some of us have been waiting here for more than a month to get a chance for action of some kind on the oil bill. There is a tremendous demand from a dozen States for action on this bill, and I shall insist that it have consideration before we adjourn.

Mr. HEBERT. Mr. President, I am going to take but one moment of time of the Senate. I can not allow to pass unchallenged the statement which has been made here that this bill has been under consideration for three days and that we have reached only page 8 of it. It is true that the bill has been before the Senate as its unfinished business for three days, but we have not considered it three hours. The fact is that we have not considered it for three-quarters of an hour. The time of the Senate has been taken up with the consideration of other matters, to the exclusion of this bill.

Much is made of the objection to section 6. That section is the existing law. It has been the law for years and years. If Senators object to it, they are at liberty to present amendments to it, but that is no reason why we should not consider the bill. I say that there are those on the floor of the Senate who have given serious consideration to this measure, and who have reached a conclusion about its merits. I do not want to take the time of the Senate needlessly, but I do want to set myself right before the Senate, because I reported the bill at the instance of the Committee on Patents, of which I am a member, and I am prepared to defend it on the floor, if Senators will give me an opportunity to do so.

For three days I have been endeavoring to have the Senate go on with the consideration of the measure. I have had to yield to the importunities of Senators during all that time. I repeat that the Senate has not given 45 minutes of consideration to the measure since it became the unfinished business of the Senate.

Mr. DILL. Mr. President, I do not want that statement to stand, because two hours and a half were spent on the bill the first day it was before the Senate, we took an hour or so on it yesterday, and we have had it up to-night nearly an hour and a half.

I want to be frank with the Senate. There are many things about this legislation as it has been written here that are a great improvement over the present law, but there are many parts of it to which the members of the Committee on Patents as a whole have not given careful consideration, and anyone who wants to may find an amendment he wants to offer as he goes along. I believe we will have a chance to pass this bill to-morrow, and I do not think we will get anywhere by trying to force Senators to act on a bill if they do not want to.

I would like to go ahead with the bill if that is the will of the Senate, but I want to go ahead in an orderly manner. I want to consider the bill as we go along, because we are writing new law. We are writing a law that will affect every home in the United States. It is revolutionary, and we ought to go carefully about writing such a statute.

I am willing to do whatever the Senate wants to do, but I do not want anyone to get the impression that we can go hurriedly through this legislation, because it is important to the future of the American people.

Mr. SHIPSTEAD. Mr. President, I want to extend my sympathy to the Senator from Rhode Island. I know the difficulties with which he has been confronted. But it is quite evident that the consideration of the copyright bill will take considerable time, and that there will be considerable debate.

I simply want to call the attention of the Senate to a statement accredited to Mr. Legge of the Farm Board, when testifying before a House committee as reported in the New York Times of February 28. He is said to have asserted that it was felt the Smoot-Hawley Tariff Act would not bring any substantial relief to agriculture. It is my opinion that the so-called oleomargarine bill would extend greater benefits to agriculturists than all the benefits, if any, they ever received from the tariff act that was passed last year. It should not take over an hour to explain the benefits of this measure to agriculture, and in view of the condition of the dairy industry following the ruling of the Secretary of the Treasury, it seems to me, with all due respect to the Senator from Rhode Island, that as this matter can be disposed of within an hour or two, so far as I am concerned, we should proceed to its consideration. I would be perfectly willing to go back and consider the copyright bill until the end of the session. It will very likely take until after to-morrow.

Mr. BLACK. Mr. President, I desire to ask the Senator from Rhode Island a question. He made the statement that section 6 is already in the existing law. I have looked through the law and can not find it.

Mr. HEBERT. Mr. President, I did not make that statement. I made the statement that it was the law. It is not statute law, but the right of photographers in these photographs in the pending bill is just as it is now stated in the law by court decisions.

Mr. BLACK. Can the Senator refer us to a decision which holds that the law is to-day as stated in section 6?

Mr. HEBERT. I have not the decision in mind, but before the conclusion of the consideration of the bill I think, perhaps, I can find the decision for the Senator.

Mr. SMITH. Mr. President, I was a member of the committee that studied the copyright bill. I appreciate the fact that it is perhaps one of the most important pieces of legislation which is likely to come before the Senate. There has been earnest and honest work done to try to formulate a bill which would be of the greatest benefit to those concerned. But it is of such a nature that I doubt very much if it is satisfactory to any member of the committee which considered it. There are features in it which are startling when one envisions the results.

What I rose to say in particular is that if we supplant this bill by any other measure it is tantamount to saying that the copyright bill is dead so far as this session is concerned. It is tantamount to saying that we find we can not get it through and therefore what it is possible to pass we will pass and make merely a gesture at the passage of the copyright bill. I think the Senator from Rhode Island [Mr. HEBERT], who has charge of the copyright bill, and the committee who worked upon it are entitled to have an opportunity to give it a thorough investigation as we have already started to do. Then, after certain amendments have been made and after it has been thoroughly discussed, I think the bill can very well go to its passage or rejection by this body. But I do not think it fair to the Senator from Rhode Island nor to the committee to take this way

of saying that Senators are against the copyright bill. That is what it is tantamount to doing. The minute we substitute another bill, it means that so far as any serious consideration of the copyright bill is concerned at this session, it is ended. In behalf of fair play I shall vote to keep the copyright bill before the Senate until we make some positive decision in reference to it.

LEASING OF LITTLE ROCK AIR DEPOT, ARKANSAS

Mr. REED. Mr. President, I ask unanimous consent out of order to report back favorably, with amendments, by unanimous vote of the Committee on Military Affairs, the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark. The first amendment merely authorizes the relocation of the railroad tracks in Bolling Field near Washington, which run across the middle of the field, which is eventually to be used as a landing field in that place. The second amendment is a direction to the Secretary of War to remove the old iron bridge which lies above the Key Bridge in the Potomac River here in Washington. The old bridge is a menace to navigation and is not used for traffic of any sort. The bridge ought to be removed. Those are the only amendments.

The PRESIDENT pro tempore. Is there objection to receiving the report? The Chair hears none, and the report is received.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the present consideration of the bill just reported by the Senator from Pennsylvania, and will state that if it requires prolonged discussion I shall withdraw the request.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill. The amendments were, on page 1, after line 12, to insert a new section, as follows:

SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Baltimore & Ohio Railroad Co. a right of way for railroad purposes, in such location as the Secretary of War may approve, across the Bolling Field Military Reservation, D. C., as now and to be enlarged under authority of the act approved February 25, 1929 (45 Stat. 1303), in exchange, on such terms and conditions as the Secretary of War deems necessary, for the right, title, and interest of the Baltimore & Ohio Railroad Co. in the right of way occupied by it as now located and constructed across said property: *Provided*, That the expense incident to effecting said exchange, including grading and relocation on the new right of way of existing tracks and facilities, shall be payable from funds heretofore appropriated or those authorized to be appropriated, when available, for improvement of the landing field at Bolling Field.

The amendment was agreed to.

The next amendment was, on page 1, after line 12, after the amendment just agreed to, to insert a new section, as follows:

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., to be removed and sold or otherwise disposed of, and the sum of $228,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the cost of such removal and disposal: *Provided*, That any balance remaining from this appropriation may be applied to such protection and improvement work on the Virginia side of the river, in the area included in the approaches to the Aqueduct Bridge and the new Francis Scott Key Bridge, as may be deemed necessary to insure that the surrounding conditions, after the removal of the old bridge, shall harmonize with the design of the new bridge and in no way endanger the said structure.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock air depot, Arkansas, and for other purposes."

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. Mr. President, I was directed by the Committee on Military Affairs to report favorably, without amendment, the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended. This is known as the National Guard bill. I ask leave to submit the report.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. Mr. President, reserving the right to object, may I ask the Senator what he intends to do regarding the consideration of the bill? I know nothing about the bill except that I was informed to-day that 73 amendments were put on it by the House, that only 20 minutes of discussion was had in the Committee on Military Affairs, and that six Senators voted against reporting on the bill on the ground that they did not know what was in it. If the Senator is going to press for the consideration of any such bill in the closing hours of the Congress, I would have to object to the reporting of it unless he can assure us that there will be plenty of time given to study the measure and find out what is in it.

Mr. REED. My request now is only for permission to report the bill. It is true, as the Senator said, that it was reported by a vote of eight to six and therefore in the request I am now making I am asking leave only to report it.

Mr. LA FOLLETTE. When does the Senator intend to try to take it up for consideration?

Mr. REED. It is perfectly evident from what Senators have said to me that there is no possibility of getting unanimous consent to take it up to-morrow. Therefore I am asking leave to report it only to put it on the calendar. If it should be possible to get consideration of it to-morrow I would like to do so, although I realize the difficulty of doing so.

Mr. LA FOLLETTE. Has the Senator studied the bill carefully?

Mr. REED. No; I have not. I was not present at the moment the vote was cast in the committee. I was in a conference committee and therefore did not vote either for or against the reporting of the bill. The committee voted by a vote of eight to six to report it out, and so in loyalty to the committee I am making the report which they directed, but I am not now asking for the consideration of the bill.

Mr. LA FOLLETTE. Inasmuch as I understand we are going to have a morning hour to-morrow, I shall have to object.

The PRESIDENT pro tempore. Objection is made.

TAX ON OLEOMARGARINE

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Delaware [Mr. TOWNSEND] that the Senate proceed to the consideration of House bill 16836, known as the oleomargarine bill.

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	King	Robinson, Ind.
Barkley	Fess	La Follette	Schall
Bingham	Frazier	McGill	Sheppard
Black	George	McKellar	Shipstead
Blaine	Glenn	McMaster	Shortridge
Blease	Goff	McNary	Smith
Borah	Goldsborough	Metcalf	Smoot
Bratton	Gould	Morrison	Thomas, Idaho
Brock	Hale	Morrow	Thomas, Okla.
Brookhart	Harris	Moses	Townsend
Broussard	Harrison	Norbeck	Trammell
Bulkley	Hastings	Norris	Tydings
Capper	Hatfield	Nye	Vandenberg
Carey	Hayden	Oddie	Wagner
Connally	Hebert	Partridge	Walcott
Copeland	Heflin	Patterson	Walsh, Mass.
Couzens	Howell	Phipps	Watson
Cutting	Johnson	Pittman	Williamson
Dale	Jones	Ransdell	
Davis	Kean	Reed	
Deneen	Kendrick	Robinson, Ark.	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Delaware [Mr. TOWNSEND] that the Senate proceed to the consideration of House bill 16836, known as the oleomargarine bill.

Mr. BRATTON and Mr. HEBERT asked for the yeas and nays, and they were ordered.

The legislative clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his unavoidable absence, I withhold my vote.

Mr. HATFIELD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. MORRISON]. Not knowing how he would vote, I withhold my vote.

Mr. TYDINGS. On this vote I have a pair with the senior Senator from Oklahoma [Mr. PINE]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. FESS. On this vote I am paired with the junior Senator from Arkansas [Mr. CARAWAY]. Not knowing how he would vote, I withhold my vote.

Mr. THOMAS of Idaho. On this vote I have a general pair with the junior Senator from Montana [Mr. WHEELER]. I find I can transfer that pair to the junior Senator from Oregon [Mr. STEIWER]. I make that transfer and vote "yea."

Mr. SHEPPARD. I am authorized to state that the Senator from Virginia [Mr. SWANSON] is necessarily absent. He has a general pair with the Senator from Colorado [Mr. WATERMAN]. If he were present, the Senator from Virginia would vote "yea."

I also desire to announce, that the Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness.

Mr. MORRISON. I transfer my general pair with the Senator from West Virginia [Mr. HATFIELD] to the Senator from Iowa [Mr. STECK] and vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 43, nays 32, as follows:

YEAS—43

Barkley	George	McMaster	Reed
Blaine	Glenn	McNary	Robinson, Ind.
Blease	Goff	Morrison	Schall
Borah	Gould	Moses	Shipstead
Brookhart	Hale	Norbeck	Thomas, Idaho
Capper	Hastings	Norris	Thomas, Okla.
Couzens	Howell	Nye	Townsend
Dale	Johnson	Partridge	Trammell
Davis	Jones	Patterson	Walcott
Deneen	La Follette	Pittman	Williamson
Frazier	McGill	Ransdell	

NAYS—32

Ashurst	Copeland	Heflin	Robinson, Ark.
Black	Cutting	Kean	Sheppard
Bratton	Dill	King	Shortridge
Brock	Goldsborough	McKellar	Smith
Broussard	Harris	Metcalf	Vandenberg
Bulkley	Harrison	Morrow	Wagner
Carey	Hayden	Oddie	Walsh, Mass.
Connally	Hebert	Phipps	Watson

NOT VOTING—21

Bingham	Hatfield	Smoot	Walsh, Mont.
Caraway	Hawes	Steck	Waterman
Fess	Kendrick	Steiwer	Wheeler
Fletcher	Keyes	Stephens	
Gillett	Pine	Swanson	
Glass	Simmons	Tydings	

So Mr. TOWNSEND's motion was agreed to; and the Senate proceeded to consider the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

Mr. TOWNSEND. Mr. President, hearings were held on this bill in the House; it was very thoroughly discussed, both in the committee and on the floor of the House, and the bill passed the House by a vote of 303 to 101.

The purpose of the bill is to correct the condition that has arisen due to a ruling by the Commissioner of Internal Revenue on November 12, 1930, which threatens the life of the dairy industry in this country. There are 4,000,000 dairymen in the United States who are very keenly interested in the measure. In a brief statement I hope to point out to Members of the Senate the reasons for the need of this legislation and why it is an emergency measure.

Mr. President, in 1886 it became necessary for the Congress of the United States to legislate to regulate and control the sale of butter substitutes, as the fraud that was at that time being perpetrated upon the consuming public was threatening the life of the dairy industry. The condition at that time was such that President Cleveland, when he signed the bill, made this statement: "I venture to say that hardly a pound [referring to oleomargarine] ever entered a poor man's home under its real name and its real character." That law levied a tax of 2 cents a pound upon all oleomargarine; levied a special tax upon manufacturers, wholesalers, and retail dealers, and provided for branding the packages in which oleomargarine is sold. That act left the oleomargarine manufacturers free to color their product yellow. Substitution and fraud persisted, especially in public eating places. In 1902 the House of Representatives passed an amendment to the oleomargarine act of 1886 increasing the tax from 2 to 10 cents per pound, but provided that—

> When oleomargarine is free from coloration or ingredients that causes it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

The Senate adopted an amendment striking out the words "or ingredients" and inserted the word "artificial" before the word "coloration." The act then assessed a tax of 10 cents per pound upon oleomargarine, but provided—

> When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Mr. Henry, of Connecticut, chairman of the House Committee on Agriculture, recommended the acceptance of this provision with this statement:

> Inasmuch as it is not the purposes of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.
>
> It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient this defect in the law can be corrected by future legislation.

The record of the proceedings of Congress during the debates on this act will convince any reader that the intent of the enactment was to protect the dairy interests and that no such situation as that which at present confronts us was anticipated. This condition has developed because of the fact that the manufacturers of oleomargarine have learned to color their product yellow with palm oil; and the Commissioner of Internal Revenue, in a ruling on November 12, 1930, decided that oleomargarine thus colored was not artificially colored, and not subject to a tax above one-quarter of 1 cent per pound. So the very situation which was foreseen by those Members of the House who insisted on the words "other ingredients," and lost their fight, now confronts us.

I have reviewed the legislation with regard to oleomargarine, Senators, in order that you may see that this bill proposes simply to strengthen the existing law, so that it shall be proof against such interpretation.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Michigan?

Mr. TOWNSEND. I do.

Mr. VANDENBERG. Am I correct, then, in understanding that if it had not been for the ruling of the commissioner a few months ago, this legislation would be unnecessary?

Mr. TOWNSEND. That is my understanding.

Mr. VANDENBERG. In other words, this bill simply validates the law for the last 28 years?

Mr. TOWNSEND. That is my understanding.

Mr. VANDENBERG. It seems to me it is simply in the name of plain honesty, as well as fair play to the farmer, that the Senator makes his plea.

Mr. TOWNSEND. All of the leading farm organizations in this country are supporting this measure. Among them are the following national organizations:

American Dairy Federation, National Cooperative Milk Producers' Federation, National Grange, American Farm Bureau Federation, American Association Creamery Butter Manufacturers (who make one-half of the butter made in the United States), National Dairy Union (a voluntary organization of large and small creameries), Holstein-Friesian Association of America, American Jersey Cattle Club, American Guernsey Cattle Club, Ayrshire Breeders' Association, and American Livestock Association.

Resolutions have been received in support from great numbers of State granges, from State dairymen's associations, from State creamery associations, and from individuals. Only last week representatives from these organizations from 24 States met in conference here with regard to this measure—over 100 persons.

STATEMENT BY ALEXANDER LEGGE

Addressing the Ways and Means Committee on February 18, Alexander Legge, president of the Farm Board, was especially insistent that palm oil be embargoed on the ground that it displaces American dairy products, stating that under a process discovered since the enactment of the Hawley-Smoot law palm oil can be used in oleomargarine, and that it is now seriously affecting the American dairy industry. Palm oil was left on the free list by the Hawley-Smoot tariff, and farmers have no protection against it.

However, it is my opinion that an embargo or a tariff will not relieve this situation permanently, for science will discover something that will take the place of palm oil unless the law is strengthened with respect to color in oleomargarine.

With respect to the bill, Secretary Mellon has said:

It is true that the production and sale of oleomargarine obtaining its yellow color from naturally colored ingredients have increased, and may continue to increase with the development of new oils made edible through improved methods of refining. The proposed amendment would, it is believed, prove easier of administration than the present law, for the reason that the question of whether the use of these naturally colored ingredients constitutes artificial coloration would not be raised. It is thought that S. 5745 would not materially affect the revenue collected from this source, because it is believed manufacturers would turn to the production of the white product taxed at the rate of one-quarter cent per pound, and thus avoid the higher rate of tax, namely, 10 cents per pound.

The Secretary of Agriculture says:

We have carefully considered the bill. The original act of August 2, 1886, was obviously intended to restrict the sale of oleomargarine colored yellow in imitation of butter. The effect of this law has been in part nullified by the recently acquired ability of the manufacturers of oleomargarine to obtain a yellow product by the use of naturally colored fats.

We believe that the bill would correct this condition, and, under the circumstances, is justified. So far as we can determine, the limit placed on the yellow color permitted in oleomargarine is high enough to allow the use of any naturally colored oleo oil, and would exclude the use of yellow-colored vegetable oils which are obviously added for the purpose of increasing the color. The bill, therefore, has the approval of this department.

Gentlemen, unless this bill becomes a law, disruption will follow in the dairy business. Butter can not be produced for a price to compare with oleomargarine, even should the latter product be obliged to pay the tax proposed. It can compete in food value, and that is most certainly conceded.

COMPARISON IN FOOD VALUES BETWEEN BUTTER AND OLEOMARGARINE

Doctor McCollum, of Johns Hopkins University, perhaps the highest-qualified food expert in the United States, when asked for his opinion on any campaign that should push forward a yellow-colored oleomargarine as a substitute for butter, replied:

I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health; that any invasion of so precious a product as butter or any other dairy product should be so marked that there is no prospect that a purchaser may be deceived as to what he is purchasing, and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food such as butter.

Palm oil is claimed to have a food value. But food experts state that the proportion of vitamin A found in butter and oleomargarine in equal amount is 30 to 1. While Doctor McCollum says that he has made no study of palm oil, which, since the ruling of November 12, has produced the yellow color in oleomargarine, he has read and is familiar with all that has been written on the subject and is convinced that the yellow substance in palm oil is not carotin, which is the mother substance of vitamin A, but cycopin, of much less food value. Butter will supply vitamin A in the most economical form.

See Doctor McCollum's statements in the House hearings, pages 76 to 80. Also this extract:

Mr. PURNELL. Doctor, I think this committee would like to know your estimate of the relative nutritive value of butter and oleomargarine, for instance, whether colored artificially or with some natural product.

Doctor MCCOLLUM. Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats, in the case of certain margarines; in the case of certain others very largely, if not exclusively, of vegetable fats. It happens that there are no vegetable fats which provide vitamin A in any considerable amount. There are a few that contain traces of it, but very little. Animal fats vary in respect to this peculiar quality of vitamin A content, which I shall stress—vary because the food of the animal producing the fats varies. If a hog is kept on alfalfa, rape, or clover pasture and eats very liberally of leaves his fat will contain a demonstrable but not a large quantity of vitamin A; in fact, it is always low.

COMPARISON OF PRICES OF BUTTER AND OLEOMARGARINE

We shall not consider cost of distribution, but just of ingredients.

It is estimated that a pound of oleomargarine made entirely from vegetable oils costs 6.8 cents for the ingredients.

For 1 pound of oleomargarine made from a mixture of vegetable and animal oils, the price of the raw materials is 9 cents.

The cost of the cream necessary to make a pound of butter varies with the productivity of herds; but in a group of herds producing 200 pounds of butterfat annually, which is better than the average for the whole country, the cost per pound is estimated at 39 cents.

It would seem to me that there would be no question as to which industry we should favor in legislation—the dairy industry or the oleomargarine industry—when we realize that the dairy industry is the largest single branch of agricultural interest—21 per cent. In fact, from milk and its products are obtained $2,045,000,000; from meat, $435,000,000. Dairy cattle are on 78 per cent of the farms in this country, although 92 per cent of the butter used in the United States is manufactured from the cream in plants, and not made into butter on farms.

The number of people affected directly by the butter industry are, producers, 4,068,000; owners of manufacturing plants, about 5,000.

In contrast to this, the plants engaged in the manufacture of oleomargarine are given as 35; the number of wage earners in the plants, 1,369.

You may argue that this competition should not be great enough to disrupt the great dairy industry; but I warn you that sufficient figures are not yet available to show the leaps and bounds by which there will be an entirely different story should no restriction be made on this yellow product which so nearly resembles butter in appearance.

Moreover, it should be understood clearly that most of the oils used in the manufacture of oleomargarine are imported. Among these are palm oil from the West Coast of Africa, Dutch East Indies, Sumatra, Java, and the Free State of Liberia, coming into this country in great quantities, free of duty; soybean oil, the supply of which is almost unlimited, and which bears a tariff of 3½ cents per pound; coconut oil, 99 per cent of which comes from the Philippines free of duty. Palm oil was left on the free list because it was thought to have no food value.

Do you wish to support an industry that depends so entirely on foreign oils rather than support an entirely domestic industry?

Mr. BLACK. Mr. President, would the Senator object to yielding for an inquiry there?

Mr. TOWNSEND. Will not the Senator permit me to finish? Then I shall be glad to yield to him.

Mr. BLACK. I simply wanted to suggest a matter which the Senator may cover in his remarks. I desire to ask if the Senator would agree to an amendment which would protect against the importation of the foreign oil, but would not penalize the use of domestic oil. I think, if that were done, there probably would be very little difficulty in reaching an agreement.

Mr. TOWNSEND. Mr. President, I do not think I could agree to that, because this bill has been very carefully considered in the House, and very thoroughly discussed, and passed by a very large vote, and any amendment now that would cause further discussion in the House would be dangerous to the bill.

It is true that oleomargarine contains domestic oils. The first formula I have here calls for 8 or 9 per cent of cottonseed oil, and the same of peanut oil. The other oils used are coconut oil and palm oil. Right here permit me to quote from a statement made by Congressman JONES of Texas, which emphasizes the point I am trying to make:

I want to talk to the people from the South for a few moments about what kind of a commodity this is. Something has been said about cottonseed oil. According to the report of the Bureau of Internal Revenue, 6.90 per cent of this commodity is cottonseed oil and less than 1 per cent is peanut oil. There were only 30,000,000 pounds of cottonseed oil put into oleomargarine last year, while 185,000,000 pounds of coconut oil were used. The 30,000,000 pounds of cottonseed oil represented a value of $3,000,000. I have a report from the Bureau of Agriculture showing that $89,000,000 worth of cottonseed meal and cottonseed cake were fed to the cattle of America, and their estimate is that $51,000,000 of that was fed to dairy cattle. Of the 58,000,000 cattle in the United States, 32,000,000 are dairy cattle. In other words, there are seventeen times as much cottonseed products fed to dairy cattle as were put into oleomargarine. If you put the dairy cow out of business, you destroy your own products. This is a crisis not only for the dairy products but for cottonseed. It is a crisis for peanuts; it is a crisis for all domestic oils, because this country is being flooded with foreign oils. Nine hundred and eighty-two million pounds of coconut oil came into America last year. The trouble is that we have been favoring foreign commodities. Gentlemen talk about this being a domestic commodity. It is not a domestic commodity. It is made out of foreign ingredients, and the domestic ingredients are a minor portion.

The dairy cow is certainly a better customer of the cotton farmer and the soybean farmer than is the oleomargarine industry.

Let me insist that this legislation will not outlaw an industry, as has been suggested in the hearings by opponents; it will leave that industry just where it was before the ruling of November 12, 1930, when it was in a flourishing and prosperous condition. At that time the housewife might always buy oleomargarine instead of butter, and she may do the same when this bill shall have been passed. At that time she paid the same additional tax as is now proposed for yellow oleomargarine, if she desired it yellow in color. She may continue to do so under the provisions of this bill, but it may be said, "Why should she pay that additional 10 cents for the same article?" The question has even been asked: "Why deprive the poor man of his spread for his bread?" No one is trying to deprive him of it; he will have the same food value in white oleomargarine that he will have in the yellow; it is optional with him whether he shall pay the additional 10 cents for the yellow which he likes.

The whole question resolves itself thus: A grave situation confronts the dairy industry for the price of butter is reflected in the prices of all other dairy products. The economic distress that may follow the preference of the housewife of moderate means for yellow oleomargarine in no degree approaches the economic distress that would follow the disruption of the dairy business. For disruption would certainly follow; and it would be a national calamity to drive the dairy interests out of business, or to affect them to such an extent that their products would be in the class of luxuries.

The price of butter has never far exceeded the price of production. The law of supply and demand has taken care of that. At present, when butter should not be far from its peak price, which is generally reached December 1, the producers are losing money.

It is folly to try to explain that this is altogether a result of the prevailing economic depression or to compare it with selling prices of other products. Moreover, the condition which confronts us will become more alarming, as the latest census reports will convince you. Congress has protected the dairy interests all of these years; by supporting this bill we shall carry out the intent of previous legislation which has been enacted with that purpose. The same arguments which prevailed before are still cogent, and there is the additional argument that no ruling in recent years has so affected the dairy industry as the ruling under discussion. We must safeguard the industry from a recurrence of anything of that nature.

The pending bill passed the House by an overwhelming majority.

The VICE PRESIDENT. The bill will be read.

The legislative clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 3 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (U. S. C., title 26, sec. 207), is amended to read as follows:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8, shall also be held to be a manufacturer of oleomargarine within the meaning of this act and subject to the provisions thereof."

SEC. 2. Section 8 of such act of August 2, 1886, as amended (U. S. C., title 26, sec. 546), is amended to read as follows:

"SEC. 8. (a) Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

"(b) For the purposes of subsection (a) and of section 3, oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than 1.6 degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent. Such measurements shall be made under regulation prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such regulations shall provide that the measurements shall be applied in such manner and under such conditions as will in the opinion of the commissioner, insure as nearly as practicable that the result of the measurement will show the color of the oleomargarine under the conditions under which it is customarily offered for sale to the consumer.

"(c) The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

SEC. 3. This act shall take effect upon the expiration of 90 days after the date of its enactment.

Mr. GEORGE obtained the floor.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. GEORGE. I yield.

Mr. WAGNER. I ask unanimous consent for the immediate consideration of Senate bill 6114, to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I should dislike to have the calendar called at this time for special bills. It is hoped that later in the evening we may consider the calendar. In addition to that, I think when this bill came up before there was some objection to it.

Mr. WAGNER. I have consulted those who objected, the Senator from Wisconsin and the Senator from Pennsylvania, and they have withdrawn their objections, on better understanding of the bill.

Mr. FESS. Mr. President, two or three Senators who are not in the Chamber at this time asked that a quorum be called if any request for unanimous request were made. So I wish the Senator would withhold his request.

Mr. WAGNER. Mr. President, I was going to suggest that if the Senator from Oregon proposed to have the calendar called, I would withhold my request.

Mr. McNARY. I shall have a call of the calendar if possible, and I think it will be possible.

Mr. BRATTON. When does the Senator from Oregon expect to have a call of the calendar?

Mr. McNARY. Some time later in the evening, after the disposition of the unfinished business.

Mr. WAGNER. I withdraw the request.

Mr. GEORGE. Mr. President, I desire to offer an amendment to the bill.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. The Senator from Georgia proposes to add at the end of the bill the following:

That section 15 of the agricultural marketing act, approved June 15, 1929, is amended by adding at the end thereof a new subdivision to read as follows:

"(g) As used in this act, the term 'agricultural commodity' includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived; gum spirits of turpentine and gum rosin, as defined in the naval stores act, approved March 3, 1923."

Mr. GEORGE. Mr. President, I do not care to discuss this amendment further than to say that a bill to the same general effect has already passed the Senate. It passed the Senate, I believe, in June, 1930. The bill went to the House and was considered by the House Committee on Agriculture, and was reported with an amendment, and is now on the House Calendar in the exact form in which I have offered the amendment.

I have followed the suggestion of the chairman of the House Committee on Agriculture, Mr. HAUGEN. There is no change of meaning, however, between the suggestion made by the chairman and the bill as actually reported out by the House committee and the bill which actually passed the Senate.

I believe the Senator in charge of the pending bill is willing to accept the amendment. I earnestly hope so; and if so, I will not delay the Senate with any discussion.

Mr. TOWNSEND. Mr. President, I am willing to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to amendment. If there be no further amendments proposed, the question is, Shall the amendment be engrossed and the bill be read a third time?

Mr. CONNALLY. Mr. President, the Senator from South Carolina desired to be heard, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McGill	Shortridge
Barkley	George	McKellar	Smith
Bingham	Gillett	McMaster	Smoot
Black	Glass	McNary	Steck
Blaine	Glenn	Metcalf	Steiwer
Blease	Goff	Morrison	Stephens
Borah	Goldsborough	Morrow	Swanson
Bratton	Gould	Moses	Thomas, Idaho
Brock	Hale	Norbeck	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Bulkley	Hastings	Oddie	Tydings
Capper	Hatfield	Partridge	Vandenberg
Caraway	Hayden	Patterson	Wagner
Carey	Hebert	Phipps	Walcott
Connally	Heflin	Pine	Walsh, Mass.
Copeland	Howell	Pittman	Walsh, Mont.
Couzens	Johnson	Ransdell	Waterman
Cutting	Jones	Reed	Watson
Dale	Kean	Robinson, Ark.	Wheeler
Davis	Kendrick	Robinson, Ind.	Williamson
Deneen	Keyes	Schall	
Dill	King	Sheppard	
Fess	La Follette	Shipstead	

The VICE PRESIDENT. Ninety-three Senators have answered to their names. A quorum is present. The bill is open to amendment.

Mr. CAREY. Mr. President, I have an amendment which I desire to offer to the bill. I want to say in offering it that I am not opposed to the bill, but I feel that the amendment will protect the local people who are engaged in the livestock industry.

The VICE PRESIDENT. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. Strike out the period at the end of section 8 (b), insert in place thereof a semicolon, and add the following proviso:

Provided, That the provisions of this section and the tax at the rate of 10 cents per pound as provided for herein shall not apply to oleomargarine made exclusively from fats and/or oils derived from domestic animals and/or seeds produced within the continental limits of the United States if such oleomargarine contains at least 50 per cent of fats and/or oils derived from domestic animals produced within the continental limits of the United States.

Mr. REED. Mr. President, there is a very large number of bills upon the calendar to which there is no objection. I have not the slightest desire to interfere with the progress of the oleomargarine bill which is now before the Senate, but it seems to me in fairness to the Senate as a whole that we ought to try to go over the calendar for unobjected bills to-night before we adjourn. If we do not do that, it is very probable that in the enrollment and engrossing of bills, a number of bills actually passed by both houses will not reach the President in time for his signature. I am going to suggest to the Republican leader or to the assistant leader that we make some satisfactory arrangement, say to start at 9 o'clock to-night to consider all unobjected bills on the calendar. That will not unduly interfere with the progress of the pending business.

Mr. McNARY. Mr. President, there is a great deal of force in what has been suggested by the Senator from Pennsylvania. I stated a few moments ago to the Senator from New York [Mr. COPELAND] that it has been the purpose to have a call of the calendar some time this evening, but I would not want to enter into an agreement now to commence at 9 o'clock until we have further considered the unfinished business. For the present I shall object, but a little later I shall be glad to cooperate with the Senator.

Mr. REED. Then I shall renew my request in about an hour.

Mr. ASHURST. Mr. President, while the Senator from Pennsylvania is on his feet may I ask him a question?

Mr. REED. Certainly.

Mr. ASHURST. I am quite exercised and alarmed about the fate of House bill 16982, a bill proposing to authorize the appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes. What is the fate of that bill, if the Senator from Pennsylvania can inform me?

Mr. REED. The present status is that the House and Senate conferees are in a deadlock. It may be that we can meet to-morrow morning. If we do, and if we fail to agree at that time, the Senator from Mississippi [Mr. HARRISON] and I will have something to say about it on the floor of the Senate.

Frankly, the present situation is that the House of Representatives wants to dictate the precise location of every hospital. The Senate wants to leave that to the President of the United States, with whatever help it occurs to him to summon to his aid. It is a question of logrolling and nothing else. I would rather not go into it too deeply to-night, but I shall discuss it fully to-morrow. We are still hopeful that the House will see fit to recede.

Mr. ASHURST. Mr. President, will the Senator from Pennsylvania indulge me another word on the subject?

Mr. REED. Certainly.

Mr. ASHURST. I thank the Senator from Pennsylvania for his frank statement. He is always frank. I wish to say to Senators that we are all, one not more than the other, interested in the fate of that bill which contains a program for expanding the present facilities for hospitalizing dis-

abled ex-service men. I thank the Senator from Wyoming for giving me the opportunity to sound the alarm. I believe the bill is imperiled, and whilst I have no disposition to draw any strictures upon any Member of another body of Congress or upon a Member of this body of Congress, I say now that Senators to-morrow morning should have it in their minds and should have it in their voices to make a drive to put through this bill.

Mr. REED. Mr. President, I share the feelings of the Senator from Arizona entirely, but I am still hopeful that it is going to be possible for us to accomplish something. If it should not be, I do not intend to remain muzzled one minute. I want the Senate and the country to know just where the trouble lies.

Mr. BARKLEY. Mr. President, with reference to what the Senator from Pennsylvania said about the call of the calendar, I wish to draw the attention of the Senator from Oregon [Mr. McNARY] to the situation. I think we have had less real night work during the closing days of this session than is customary during a short session of Congress. There are not only many important bills on the calendar, but there are many pending bills which ought to be disposed of before we adjourn. So far as I am concerned, I am willing to stay here all night if necessary in order that we may dispose of important measures, not only on the calendar, but which are pending, together with conference reports and other important legislation that ought to be disposed of before we adjourn. I hope those in charge of the Senate on both sides of the aisle will, if necessary, insist that we stay here.

Mr. REED. Mr. President, I am not in any sense in charge of the Senate, but I agree with the Senator from Kentucky, only I think we do better work early in the evening than we do in the late hours of the night. I hope we are going to get at the calendar before it is too late.

Mr. SWANSON. Mr. President, I am in accord with the Senator from Kentucky and will "go him one better." I will stay here until the sun rises or until noonday!

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Wyoming [Mr. CAREY].

Mr. CAREY. Mr. President, I feel that the bill without the amendment which I have offered imposes a penalty upon the livestock grower and also upon the cotton grower in that oleomargarine is made both from the fat of cattle and of hogs, and also from cottonseed oil. My amendment would prevent the importation or the use in oleomargarine of palm oil and coconut oil, which are the oils which are being mostly used to-day in the manufacture of oleomargarine. My opinion is that the bill with amendment in it would give to the industry the protection which I think it ought to have. Therefore, I hope the amendment will be adopted.

Mr. TOWNSEND. Mr. President, much as I would like to agree with my friend from Wyoming, I must protest against the adoption of the amendment because the House discussed this very amendment very thoroughly, both in the committee and on the floor, and rejected it. I feel sincerely that if the amendment were agreed to it would defeat the measure.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Utah?

Mr. TOWNSEND. I yield.

Mr. KING. I did not have an opportunity of hearing the amendment read nor did I hear the observations made by the Senator from Wyoming [Mr. CAREY]. May I ask the Senator, if the amendment should be rejected, would it not be a discrimination against animal fats used in the manufacture of oleomargarine or some form of butter fat for use in cooking?

Mr. TOWNSEND. I do not think so. The amendment was offered in the House, both in the committee and on the floor, and was rejected by a very large vote. It was thoroughly discussed both in the committee and on the floor of the House, and was rejected in both places.

Mr. KING. Was not the rejection because it was designed to prevent the utilization of animal fats of the character described, as I understand it, in the manufacture of substitutes for butter?

Mr. TOWNSEND. My understanding is that this is the same amendment which was offered in the House and rejected there.

Mr. BARKLEY. Mr. President, I did not hear the amendment read nor did I hear it explained, but as I understand it, it seems that oleomargarine is exempt from the tax provided it is made exclusively of domestic ingredients so long as those domestic ingredients are one-half animal fat. In other words, the amendment provides that oleomargarine shall not be subject to the tax, although it has been colored by some artificial substance and therefore made to look like butter which it is not, so long as one-half of it is animal fat. Why should any special privilege or status be given to oleomargarine made wholly of domestic products, by giving it a color and a character and reputation which it does not enjoy in the natural state, and by exempting it from the tax which is proposed in the bill? If it is to be sold or used as lard, why should it not go as lard? Why should it be colored artificially to make it look like butter, which it is not? Why should the people be deceived into believing that it contains what is known in the medical profession as vitamin V, which is necessary in order to keep alive certain cells of the human body, when a ton of oleomargarine does not contain as much as an ounce of vitamin A?

Mr. TOWNSEND. That was the reason I understand that the House rejected the amendment.

Mr. BARKLEY. For the same reason the Senate ought to reject it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMITH. Mr. President, it is a matter of very great surprise to me, for two reasons, that Senators on this side of the aisle are supporting this measure. I do not think anyone in this body can accuse me of being an opponent of anything that would benefit the farmer or the farm, but I am going to content myself with pointing out, so far as I am concerned, the reasons why I can not support this proposition.

Divested of everything, the bill is designed to protect and foster one food product at the expense of another. If there is anything that is violative of every democratic principle, it is involved in this measure. It goes further than the ordinary protective tariff. Under the protective tariff we have heard, so long as the question has been discussed, that the measure of protection should be the difference between the cost of production at home and abroad, so as to give the domestic producer an opportunity to enjoy the market of his own country. In the case of this bill we propose to go beyond that and to impose an obnoxious tariff tax on one domestic article as against another domestic article.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. SMITH. I yield.

Mr. NORBECK. I am not sure that I understand the Senator. If I understand the bill aright, there is a tax of only a quarter of a cent imposed unless the article is colored in imitation of butter. Is that correct?

Mr. SMITH. Yes. I am coming to that proposition now. We are attempting to tax this commodity in order to foster and protect and develop the dairy industry. I ask any Democrat on this floor what is the principle of Republican protection if it is not to foster one industry at the expense of other industries. We have done that so far as foreign industries are concerned, but it is proposed to go further than that in this measure and to foster the dairy industry at the expense of what?

Mr. COPELAND. Mr. President, will the Senator from South Carolina yield to me?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. I yield.

Mr. COPELAND. Does the Senator contend, then, that Democratic doctrine is against all protection?

Mr. SMITH. Yes; against all protection. Any true Democrat will vote for a tariff for revenue to help support his Government. I believe any foreigner who has an article to sell should pay for the privilege of being able to avail himself of the market of this country.

Mr. COPELAND. Mr. President, will the Senator from South Carolina yield just once more?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. Let me finish my sentence.

Mr. COPELAND. I simply want to say that I do not agree with the Senator.

Mr. SMITH. I do not doubt that, for I have previously seen evidences of it. [Laughter.] Yes; we have pseudo-Democrats now to the destruction of our party, so that one can not tell the difference between this side and the other side when it comes to a measure affecting something produced within a given State. A man's loyalty to a principle is measured by the sacrifice he is willing to make for it. I do not propose to stand here and see the principles of democracy emasculated, as we are proposing to do in this measure, in order to protect the dairy industry.

Now let us analyze this measure and see what it means. Does any Senator say that oleomargarine is not a food product? In 1911 the late Senator Lodge, of Massachusetts, and I were on a subcommittee to investigate the cost of living. God save the mark. In 1911 we were talking about the high cost of living! There came up this very question of imposing a 10-cent tax on artificially colored oleomargarine. I asked Doctor Wiley, who was then at the head of the pure food administration, four questions. I asked him as to the nutrition, the wholesomeness, the palatability, and the digestibility of oleomargarine as compared with butter. He answered those four questions to the effect that practically the articles were equal, and he himself suggested a fifth element, that when colored with the pure extract of carrot oleomargarine was as pleasing to the eye as is Elgin butter.

Mr. President, it is not denied that oleomargarine is a food product; it is not denied that it has nutritive qualities, but the production cost is so low that the poor, who desire an edible fat in the form of oleomargarine, are using it to the detriment of butter. Now we propose to tax it so as to raise the cost of this common food in order that it may not be so readily available to the masses of the people and that there may be afforded a more profitable sale for butter. What have we been doing here during this session? We have been appropriating millions of dollars for the relief of the poor, and yet here we are about to impose a tax that will raise the price of an edible fat to the very ones who need our protection so far as a food supply is concerned.

Mr. President, I have had brought to my attention the fact that only 1.7 per cent of cottonseed oil is used in the production of oleomargarine, and, therefore, it has been intimated that I should not be opposing this bill on the ground that it would decrease the sale of cottonseed oil. If my political principles rested upon such a basis I would be a full-fledged Hamiltonian Republican. [Laughter.] In other words, I am asked to adopt the principle that so long as a given proposal is not beneficial to me or to the people of my State, I believe in a tariff for revenue, but when it is beneficial to me and to my State I am a protective-tariff man. I would not care if oleomargarine were made entirely of cottonseed oil, I would be here denouncing this bill as I am denouncing it to-night; and I am basing my opposition entirely upon the principle involved. I have received letters from all over my State urging the passage of this bill, and God knows I will go as far as any man in this body in fostering an industry that looks to diversified farming and to the aid of agriculture, but I am not going to attempt to aid agriculture at the expense of the rank and file of the American people who are dependent upon food and clothing.

Now I want to analyze this question just a bit further. We put a tax of 10 cents a pound upon artificially colored oleomargarine on the ground that a fraud was attempted to be practiced upon the American people. Now it has been discovered that the fat from old cows carry a color like butter and that certain palm oil used in the manufacture of oleomargarine gives a color that is yellow. Therefore, the manufacturers of oleomargarine have avoided the technicality with reference to artificial colorization and thereby have been enabled to avoid the tax.

Mark you, Mr. President, the inhibition of the law was against artificially colored oleomargarine, but now that it has been discovered that it can be colored naturally the proponents of measures such as this come out in the open and say, "We want the tax imposed both upon the artificially colored and the naturally colored product." That means that they do not propose to allow the two products to come into competition with butter.

I will go to as great an extent as any Senator here in protecting the public against fraud. Let us require that the menu of every hotel and restaurant and eating place for the public shall have printed on it the statement, "We provide oleomargarine and butter and our guests may choose." Let us provide a penalty if one should be substituted for the other, and require that every package of oleomargarine shall be stamped "oleomargarine," and then, in justice to the public, require every pound of butter to be stamped "pure butter," so that the public may have its choice between two legitimate edible fats and know exactly what it is getting.

Here we make no such provision; but, in the face of the worst economic condition that America has ever seen we solemnly propose to place a tax upon a food that is readily obtainable by those who are stricken by the present economic calamity.

Now, I want to state to the Senate that from the Agricultural College of South Carolina and from dairy interests throughout my State the plea has come to me not to oppose this proposed legislation. I repeat I will go the limit with any Senator here in protecting the public against fraud, but I ask you, Mr. President, is oleomargarine a fraud? Look to what extent we tried to go here in putting upon the military appropriation bill a prohibition against soldiers in the Army ordering oleomargarine when they desired it. What is it all about? The dairy interests, if they want the support of the American people, should ask that these two articles of food should be clearly labeled and clearly protected each in its own sphere; but we on this side who are supporting this bill are committing ourselves to the most obnoxious form of the protective tariff.

I thank God that I have the distinction in this body of being perhaps the only Senator who voted against every schedule in the Smoot-Hawley bill and against the bill itself, and to-night I am sustained in my position in view of what has overtaken America under that iniquitous measure. Yet some Senators would stand here and say that the Government should not go to the succor of the American people when the Government brought about the condition from which they are suffering. The Treasury of the United States ought to be opened to the relief of the starving masses and to feed those in the bread lines, because the legislation Congress enacted helped bring about the conditions which caused the distress and suffering, if that legislation was not solely responsible; and the very source that brought the evil ought to be made to pay for it.

We are here treating symptoms, putting a little salve on some eruption on the body politic, without addressing ourselves to the disease itself and helping to eradicate it; and in the face of the calamity that has befallen the American people by our class legislation, by protecting the few at the cost of the impoverishment of the many, we are attempting to carry out the same thing to-night.

When I get ready to vote for this kind of thing I will move on the other side of the aisle. There I will find just about as much Democratic company as I have found heretofore here. [Laughter.] It is not a question of whether it is a

tax against cottonseed oil. The idea of imputing to a real, genuine, Simon-pure Democrat a selfish motive.

No, Mr. President; I have a record that I propose to keep. This thing has spread rapidly. I want to see the dairy industry prosper. God knows we have failed in everything else. I think the attempt to help the farmer by the dairy industry is like the negro that sold a man a hound. The man asked him if the hound was good for coons. He said, "Yes, suh." The man took him out, and the coon ran right over the hound as though he had not been there at all. The man went back to the negro and said to him, "You told me a lie about that dog. That coon ran right over him and never paid any attention to him." The negro said, "Well, boss, I allus heard it said that everything is good for something. I tried that dog at every darn thing but a coon, and he wasn't no 'count. I thought sho', as a coon was the only thing left, he'd be good for coons." [Laughter.]

We have tried everything, so far as legislation is concerned, for the benefit and upbuilding of special privileges; and here to-night we are solemnly putting into the law an approbation of the law that is already on the statute books.

Some one said to me in the cloakroom a while ago, "Why, your 10 cents a pound tax on oleomargarine is already there. This is simply trying to place it on the natural oleomargarine." Because we did wrong in the first instance, it is now said that we must indorse it in the second instance.

I should have been delighted to join with any of my colleagues here in defining oleomargarine, and putting on any penalty if the manufacturers or dealers attempted to foist it on the public as butter.

Mr. President, does not everyone understand that if we can get the consent of our minds to do this thing, it is just as logical to put a tax on Guernsey butter as against Jersey butter, to put a tax on maple sirup as against cane sirup?

The amendment offered by the Senator from Wyoming [Mr. CAREY] is to the effect that the tax shall not be placed on this substance if it is derived from domestic fats. As a matter of course, between two evils I think I should prefer to vote for that; but it still carries the implication that if any foreign substance is used in the product a prohibitive tariff must be placed on it. I will not even subscribe to that, because I do not believe we have the right to tax one legitimate substance openly and above board in favor of another, especially in these times of distress.

I know it may encourage the cattle grower. I will do anything in my power legitimately to help develop the cattle industry, but I will not do it at the sacrifice of my political principles and my conviction of economic justice. Those who discovered oleomargarine and the process of making it pleasing and edible are entitled to our gratitude rather than to our tax. They have added to the possibilities of human support and food.

Mr. President, laying aside every other question, the thing that I rose for was to define my position as a Democrat—a Democrat who is against the protection of one industry at the expense of another, and of the American people.

I know what this means; I am fully apprised of what it means; but I want to keep my record straight, and I will keep it straight. If I were to be convinced that this did not include the principle of the protective tariff to the *n*th power, I might be able to vote for it; but what is the use of my standing here and pleading with my colleagues as to the principle involved in this thing?

Mr. President, it is useless for me to talk longer. I know the bill will pass. The thing that I regret more than anything else is that my section of the country has seen fit to indorse this kind of legislation. I wish we might have a line of clear demarcation based entirely upon principle, based upon equal rights to all and special privileges to none, even including the dairy people.

I have defined my position. I do not propose to have anything more to say on this measure; but I want to keep the faith.

The VICE PRESIDENT. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. COPELAND. Mr. President, I have listened with great interest, as I always do, to the remarks of the Senator from South Carolina [Mr. SMITH]. He is an earnest student of politics and of agriculture. I honor him for the views he has stated to-day; but he has intimated that a Democrat is one who believes only in a tariff for revenue.

That is not the original doctrine of our party. I heard a very remarkable address by the senior Senator from Louisiana [Mr. RANSDELL] on the subject of the protective tariff; and he pointed out to us, with ample quotations from Thomas Jefferson, what the founder of the Democratic Party thought about protection. But, regardless of what may be the theory of one member of the Democratic Party, even though he is so distinguished and able and consistent a member as the Senator from South Carolina, I could not permit the moment to pass without saying that I do not believe in the doctrines he presented.

Labor in America never had any chance until it combined and dealt collectively with its problems; and labor in America made little progress until we had a protective tariff which would protect labor against the serf-made and slave-made and slum-made products of the Old World.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. Yes.

Mr. SMITH. Where are the bread lines coming from now, and the 30,000,000 unemployed, under the protective tariff which is said to be taking care of American labor?

Mr. COPELAND. Let me ask the Senator a question. Are the bread lines due to the protective-tariff system?

Mr. SMITH. Ninety per cent; and to the substitution of labor-saving devices to take the place of labor.

Mr. COPELAND. Mr. President, I had hoped that I could disagree with the Senator on the one subject of protection; but I certainly disagree with him as regards the cause of the bread lines; and perhaps, if I speak long enough, I may come to that point. I want to say, however, that anybody who has visited the industrial establishments in England or France or Germany or Italy or Austria or any other country of Europe must be convinced that he does not want American labor to work under such conditions. American labor is sure to work under such conditions if we permit the cheap labor of Europe to compete with American labor. I believe in a protective tariff, in a tariff for protection as well as for revenue.

The Senator is distressed because it is hard to draw a line of demarcation between the two parties. There is no difficulty in my mind about it. I believe, and I say it in sincerity and without criticism——

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I do.

Mr. BARKLEY. I hope the Senator from New York observes the pleasing smile on the face of the senior Senator from Ohio [Mr. FESS]. [Laughter.]

Mr. COPELAND. I suppose my friend thinks that is "the smile on the face of the tiger." The Senator from Ohio need not smile. If he is smiling, he is not smiling over the fact that he thinks I may agree with him, but he is smiling because he sees a chance for division in the Democratic Party. That is what he is smiling about.

There is a great difference between the attitude of the two parties toward the tariff. The Republican Party is conspicuous for the passage of tariff schedules which favor great industries and the owners of those industries. The Democratic Party is seeking a tariff sufficient to protect American labor. It is not seeking to enrich the men who own these industries. It is seeking to make the conditions such that labor in America will have some of the "gravy" of life.

Mr. President, speaking of labor in America, my memory goes back to the time when a man working on the section on the railroad in my little community got a dollar a day. In that day the saying was—

A dollar a day
Is darn poor pay.

That is what the laborers got, and they worked 12 hours a day. Welfare laws have been passed, and protective tariff laws have been passed, hours of labor laws have been passed, and other measures which have helped labor in this country have been enacted.

If we were to destroy the protective-tariff system, labor would go back to the old-time conditions, provided along with the destruction of the protective-tariff system came the destruction of the other laws which have to do with the welfare of labor.

The farmer has been the victim of the tariff system; there is no doubt. He has been a willing victim, because he has always voted the Republican ticket. But everything he has to buy has certainly increased in price by reason of the tariff system.

Mr. President, is it not time that the farmer had his opportunity? There are very few times when he can have an opportunity under these laws we have passed.

We raise the tariff on wheat, but we do it just at a time when there is a great world crop of wheat, and he gets no benefit from the law. If the dairy farmer can get any benefit from the tax, which my friend from South Carolina says is another application of the American protective system, and destructive of Democratic law and custom and practice, then I want to vote for it in spite of the destruction of any theory.

The farmer has a hard time. He gets up early in the morning, works all day until nightfall comes, and then he has not anything to do but to milk the cows, bring in the wood, and go to bed, only to get up the next morning at 4 o'clock and do it all over again.

I am glad that in these last few years some thought has been given to the farmer. I am not pleased about some of the things we have done thinking we were going to help the farmer. We voted $500,000,000 in the hope and expectation that we might help the farmer. I am glad I did not vote for that legislation, because, as I see it, it has done the farmer much more harm than good. I can not yet conceive why it was we were not ready to accept the McNary-Haugen bill. It seemed to me when we were debating the measure, and as I have thought about it since, that that bill had in it some hope of helping the farmer. We had the debenture proposition before us, and that disappeared, and we have not done anything of practical value for the farmer.

As I see it, we have an opportunity now, by the passage of this measure, to give him some help. Therefore, Mr. President, so far as I am concerned, I want to vote for the measure.

This is not quite the time to discuss theories of government, I realize, and I know the hour is late; and while my heart is filled with some of the things I would like to say, I will say simply that, as far as I am concerned, regardless of any doctrine or theory, I am glad to vote for the measure before us.

Mr. BARKLEY. Mr. President, I had not intended to say anything at all about this bill until a little while ago, and I am not going to say much now, but I do wish to say that I do not regard this question as having any partisan politics whatever connected with it. I do not regard a vote either for or against the bill as any indication of a man's loyalty to or his opposition against any Democratic or Republican theory of government.

The question, it seems to me, is a very practical and a very simple one, whether we are to allow the manufacture of a certain combination made to be sold and used as a substitute for natural butter, produced from the milk of the cow, and that without levying a tax upon the product.

The cow has in all ages of the world been recognized as a necessary domestic animal, and the milk of the cow has always been recognized as one of the indispensable elements in human food.

Oleomargarine is the combination of animal fats and vegetable oils. Any sort of animal fat is lard, that is all it is, just lard, rendered from the animal by processes which we all understand. By taking lard, which is called animal fat, and mixing it with certain vegetable oils, we obtain a combination which is called oleomargarine, and which would still perhaps be in its natural color except for the fact that by adding a certain amount of palm oil, and other similar oils, the manufacturers are able to give it a color which makes it look like good, rich, Jersey butter.

It takes 25 pounds of oleomargarine to contain as much nutritive substance as 1 pound of butter made from the milk of the cow. Therefore, if by any process the Government of the United States should encourage the use of this substitute, it is thereby encouraging the use of a product calculated to deceive the people, calculated to work an imposition upon people who may not know any better, and who may be enticed by the cheapness of the article to think that they are getting just as much food value as they would be getting in a certain quantity of butter.

The tragedy of this is that in the large centers of population, where the growing children need the real food value of all the articles which they consume, people are induced to buy and consume this substitute, which is injurious and deleterious to the human system if consumed exclusively in place of butter.

There are certain elements in the human body which form the system by which food is masticated, digested, and absorbed, and the mastication, digestion, and absorption of food go into the production of blood and bone and muscle, and in order that the greatest amount of blood and bone and muscle may be obtained from a given quantity of food, it is necessary that the cells which produce the secretions of the human body shall be vitalized by the necessary requirements of food which feed those cells.

As I said on the other side of the aisle, when I was interrogating the Senator from Delaware, it is recognized all over the world that butter which is the product of the milk of the cow is one of the great containers of a very vital and indispensable food element known in science as vitamin A. I do not know just what vitamin A is. That is a medical term, and I do not think anybody thoroughly understands just what it means. But it has come to mean an outstanding element in the food of the human being, necessary to satisfy not only the hunger of the body, but to feed the cells which are so necessary to the production of the gases and juices which are required for the digestion and absorption of food taken into the human body.

For instance, it creates a saliva in the mouth, it creates certain juices in the stomach, one known as hydrochloric acid, I believe, and all the way from the consumption of the food, in all the processes of digestion, absorption, and elimination, these fluids and acids are required in order that health and strength may develop in the human being.

Oleomargarine does not contain an ounce of these elements. One might to-night, if he had the power, consume a ton of oleomargarine, and he would not obtain an ounce of vitamin A, required to feed and strengthen the cells which are so essential in the production of the gases and elements about which I have been talking, necessary in the mastication, the digestion, and the absorption of food. It therefore not only works, innocently, harm to the consumers in great centers of population, but in some cases it induces the producers of butter themselves to sell it in order to obtain a higher price for it and in return to buy the cheaper product and consume it to the injury of their own families, their own children.

Therefore, Mr. President, aside from the question of protection, aside from any relationship it may have to any tariffs, as a matter of honesty, as a matter of good faith to the consumers of human food, it does seem to me that this bill ought to pass, and I hope it will pass very shortly.

ALABAMA SENATORIAL ELECTION

Mr. HEFLIN. Mr. President, there is so much confusion here about what Democracy is that I think I need to set right some of my colleagues who seem to be at variance one





with the other. I want to bring their attention back to some of the fundamental principles of the party.

First. No representation in Congress based on alien population.

Second. No substitution of bank credits for the money of the American people.

Third. No American jobs for aliens.

Fourth. No foreign titles shall be accepted by any American citizen.

I commend that also to the senior Senator from Idaho [Mr. BORAH].

Fifth. No room for Fascism and communism in America.

Mr. BORAH rose.

Mr. HEFLIN. Does the Senator want me to yield to him?

Mr. BORAH. The Senator was not insinuating that I was wearing foreign badges?

Mr. HEFLIN. Not at all; but the Senator is chairman of the Committee on Foreign Relations, and he has my bill in his committee. That bill provides that no American citizen shall accept a title from any foreign king, prince, or state. The Constitution and the laws of our country provide that no American holding an office under the Government may accept a title from any foreign power.

Recently the King of Italy appointed a Fascist leader, a citizen in New York City, an Italian count. That Italian is an official of the Kingdom of Italy. That is a practice which should not be permitted in the United States, and I have introduced a bill which would prevent any American citizen from accepting a title of that kind.

I have called upon my good friend the Senator from Idaho, and each and every member of the Committee on Foreign Relations, to report that bill out. It has been in the hands of the committee a month, perhaps more, and I have a motion pending to discharge the committee from further consideration of the measure.

I am trying to return our Government to its ancient moorings. I am trying to bring it back to the fundamental principles of the American Government. We have wandered far afield. We have reached a time now when many men in public life are afraid to offend anybody who has any connection with the foreign countries. Alien influence in the United States is something tremendous. Time was when the American was alert, ready to go to the rescue when his own country was assailed and its principles attacked by anyone. But we have reached the point now with many men, some in public place, where they are afraid to offend the foreign elements in the United States. Mr. President, this is an alarming evil and danger.

Sixth. No flag above the Stars and Stripes. We have a custom now of pulling down the American flag on its own staff or hoist whenever we put out a pennant indicating that we are going to have religious services on our battleships. I have a resolution pending to stop that practice and custom. There is no necessity for pulling our flag down. I do not want to see it pulled down for anybody's flag or pennant. The Union Jack upon British battleships is never lowered. It holds its place in season and out of season, year in and year out. A pennant is put up to indicate religious services, but it is put somewhere else on the battleship. But there has been introduced into our Navy a custom of lowering our flag about 3 feet, pulling it down from its majestic place and sovereign status and putting a pennant above it. Senators, why should that be? Why not let the American flag fly at the top of its own hoist or mast? Why pull it down if it is desired to put up a pennant indicating religious worship is being held?

Seventh. No amalgamation of the white and negro races, no marriage between whites and negroes. Mr. President, the Democratic Party, the branch of it which I have the honor to represent, stands, first, unreservedly, for white supremacy.

Second. We demand the deportation of all aliens.

Third. We regard the separation of church and state as a fundamental American principle, one upon which the well-being and perpetuity of the Republic depends.

Fourth. We regard religious freedom, which allows every American citizen to have the religion of his or her choice, as of supreme importance, and we owe it to ourselves and those who are to come after us to preserve that principle inviolate.

Fifth. We regard the public school as the greatest agency, safeguard, and mainstay in promoting and preserving the democracy and liberty in America. It is the citadel and stronghold of free government.

Sixth. We regard free speech as the indispensable instrumentality of fearless, independent thinking and as the all-important medium for expressing our honest convictions. Free speech is a terror to tyrants and a deadly enemy of oppression wherever found.

Seventh. We regard the right of peaceful assembly as a dear and a sacred right. It is the American city of refuge where American men and women can go and discuss undisturbed any question of interest to them. Free speech and peaceful assembly are the radiant angels in the temple of liberty, the most powerful forces in our Government for the preservation of free government in America. The welfare of truth, right, justice, and liberty all depends upon those two great American institutions, free speech and peaceful assembly. If the free press shall succumb to alien influences, sinister interests, and predatory power, free speech and peaceful assembly will keep the fires of enlightenment and liberty forever burning in our country.

Eighth. We regard a free press as one of the mightiest agencies of our American civilization. With a press that is honest, fearless, and free to give the truth to the people, no harm can come to our great Republic.

Mr. President, to-night, I believe it is, Governor Smith addresses the Legislature of North Carolina. This is the beginning of his second race for the Presidency. As a Democrat, as a southern Democratic Senator, I have the right to know what his position is upon some of the questions which confront the American people. Time was, Mr. President, when the Democratic Party adhered strictly to principles. It insisted that the nominee should be true to the principles of the party. Not until Alfred E. Smith became the nominee of our party did we abandon that position. Heretofore the party has demanded that the nominee stand on the platform, that he be true to it, that he give whole-hearted support to it.

But in 1928 we fell upon dangerous and degenerate days for my party, and through the aid of Republicans in Republican States enough so-called Democrats were produced to nominate Alfred the anointed for President of the United States, and oh, the tactics that they used! Senators will recall that out in the State of Wisconsin our former colleague, Jim Reed, of Missouri, polled 35,000 votes and Smith 8,000, and Smith got the delegation. That is the principle which I can express best in telling the story about rabbit hash.

There was a county fair out in the West and a man was standing there at the gateway peddling his wares. He cried, "Right this way for your rabbit hash." He was selling rabbit hash on little wooden trays. A gentleman purchased some of it and tasted it. Then he said, "I do not get much of the rabbit flavor in this hash." The man said, "It is rabbit hash all right." The gentleman said, "Of what do you make that rabbit hash?" He said "Horse meat and rabbit." "On what principle?" "Fifty-fifty—one horse and one rabbit." [Laughter.] They gave Jim Reed "rabbit hash" in Wisconsin, although he had the "horse" end of the delegation from Wisconsin. [Laughter.]

Mr. President, the national convention met. They were there with a majority to nominate Governor Smith. They told us that he was the only man who could carry New York State for the Presidency. Well, he carried it with a vengeance, did he not? The people of New York would elect him governor but not President.

In order that the record may be kept straight, I want to submit some fundamental doctrine not only to the Senate, to the Democrats here, but to the country. This issue is to be fought out. The Democratic Party will not be sacrificed if I can prevent it. I have already suffered personally greatly because I dared to challenge Al Smith's leadership when he bolted my party's platform and forfeited his right

to run as a Democrat, but I have no apology to make for the stand I took. I am going to take it again if they nominate this man for President; I am going to oppose him again; and I am going to tell Senators some of the reasons why I am going to oppose him.

They can not come into my State with thousands and tens of thousands of dollars of money and work their skullduggery tricks to steal an election, to pervert my party from the ends of its institution, to buy up managers, corrupt the ballots, and carry their point over the will of the sovereign people of my State, and get away with it.

This is why I opposed Smith in 1928: First. He repudiated the party platform upon which he was nominated. Let me show Senators what that platform was. I quote its language:

> Speaking for the National Democracy, this convention pledges the party and its nominees to an honest effort to enforce the eighteenth amendment and all other provisions of the Federal Constitution and all laws enacted pursuant thereto.

This is from the 1928 Democratic platform.

Mr. President, Alfred Smith repudiated that plank, and I was read out of the party because I would not support him when he abandoned my party's platform; when he did not represent my party's principles.

Second. He appointed Raskob, a Republican, chairman of the Democratic National Committee. You will recall, Mr. President, that when Mr. Raskob was asked why they had gone over into the Republican Party to pluck him and make him chairman of the Democratic National Committee, he said, "I have done this in order to relieve the country of the damnable affliction of prohibition." Senators will recall, as will some other people, that Raskob never denied that statement until it was suggested to him that he do it when he appeared before the lobby committee in the spring of 1930. He never denied it once while he was going through the campaign of 1928.

Third. Governor Smith was not only a member but a chief of Tammany Hall, a political organization denounced by Cleveland and Wilson, the only two Democratic Presidents we have had in 60 years, as the most corrupt political organization in the United States. They picked out this chief of Tammany, put him at the head of my party, and he repudiated the party platform. They selected Raskob to be the chairman, and then when Democrats like myself over the country refused to support him they brought pressure to bear from Raskob and Alfred Smith.

Tammany! Look what is going on up there now. Corruption has invaded the judiciary; judges are being tampered with on the bench; judgeships are being sold as barter to the highest bidder. Investigations have been going on; and the situation is so corrupt they can not convict the culprits involved in this stupendous criminal deal; and I must submit to leadership for my party out of a concern like that. If I refuse, Mr. Alfred Smith and Raskob and his Tammany bunch use their influence in my State to have me read out of the Democratic Party, because those who were forced to run against me in the primary knew that I would beat them in the primary if they permitted me to enter it.

Mr. President, if you ask me why I say that, I reply that on the day of the inauguration of the governor in January of this year at Montgomery, the Montgomery Advertiser, a newspaper that I showed by the facts in the Senate was purchased by the brewery interests of the United States, stated in an article that if the State committee had not read me out of the party, I would have been elected to the Senate and Judge Locke, my running mate, would have been inaugurated as governor. There is an admission that I was the choice of the Democrats and that Judge Locke was the choice of the Democrats. We had supported Hoover against Smith. That is the situation; and those opposing me were not willing to let the party in my State decide whether they would punish me or not. They took in their hands to use the tactics of a political assassin, they shot me in the back, and would not let me run in the primary.

I requested the State committee to permit me to run; my colleague [Mr. BLACK] did the same thing, and all others who had supported Hoover, 8 Members of the House out of 10 Democrats from Alabama, asked the State committee to do it; the governor of my State made a similar request; but, no; they said, "We are going to run Al Smith again in 1932, and we must punish everyone who opposed him in 1928 in order to intimidate the Democrats so that they will be ready to take whatever may be offered them in 1932 and will not dare to oppose Alfred when he shall be nominated the second time."

I wish my Democratic colleagues here only knew how the people out in the States feel. I am not talking about the victory recently achieved in certain districts where tremendous liquor funds were spent; I am talking about the thoughtful men and women, the moral forces of my country. The Democratic Party can not ignore them, and the intelligent, upstanding Democracy of America will not follow Tammany leadership.

Fourth. Governor Smith was recognized as the champion of the liquor forces of America and had stood in open opposition to the Democratic Party's declared position on that question. Mr. President, it is an interesting story about that telegram he sent to Houston. I do not know what time he sent it, but it was not read until half of the delegates had gone, thinking all of the business of the convention had been transacted.

I have talked to delegates who were there and witnessed what happened. The telegram was forgotten apparently, but somebody thought it could be slipped over just before the convention adjourned. So the telegram was read. Then Mr. Roosevelt, of New York, as I have been told, moved that the convention do now adjourn, and the Democratic delegates of the United States were not permitted to pass upon this action of Governor Smith. Mr. President, I am giving you the history of this movement out of which they struck down such Democrats as Senator SIMMONS of North Carolina and myself.

I am not boasting, but there is not a Democrat in this body who has fought more battles for the party than I have in the 25 years past. There is not a Democrat in this body who has been called on more frequently than I have by the national committee to carry the battle of the party into the various States of the Union. I have been looked upon as a leader of the party in my State, but when I failed to bow to this Tammany Baal, they read me out and undertook to assassinate me at the threshhold of my own party which I had helped to build up and had led so long in my State. But there is another day coming.

Fifth. Governor Smith's record as a member of the Legislature in New York State stamped him as a man who believed in social equality between whites and negroes. He voted for a bill there which compelled every white hotel and restaurant proprietor in New York State to admit and serve on equal terms both negroes and whites. My God, think of him leading the host of Democracy in the South; just think of it! Not only that, but the bill he voted for provided a heavy fine for any white hotel proprietor or restaurant proprietor who refused to admit and serve negroes the same as whites.

There he was seeking by law to compel white men to admit negroes to hotels and restaurants which hitherto had admitted and served only whites. He was not content with just being in favor of social equality between negroes and whites himself, but he voted to force that distasteful, degrading, and dangerous doctrine upon white men and women who are bitterly opposed to it. In doing that he took a stand hurtful to both races and violated the fundamental tenets of white supremacy, a cardinal doctrine of the Democratic Party. I could not support him for that reason.

Sixth. Mr. Smith was Governor of New York State for eight years; all during that time he sanctioned the marriage between negroes and whites, and at no time during his service as governor did he ever protest against it or seek to put an end to it by an act of the legislature.

Seventh. In the spring of 1928, prior to the convention that nominated Governor Smith at Houston, I read from the Senate floor an article from the New York World, a strong supporter of Governor Smith, boasting that he was in favor

of social equality between negroes and whites. I could not support him for that reason.

Eighth. Again, during the spring of 1928, before the national convention at Houston, Senator BLEASE, of South Carolina, had a newspaper article read in the Senate which declared that Governor Smith had promised certain negro leaders that if he were elected President he would put a negro in his Cabinet. As a Southern Democrat, I called upon Governor Smith to tell me and to tell the Democrats of the South whether the New York World had correctly stated his position on the negro question. Governor Smith never answered my question. He never denied the truthfulness of the New York World's statement. As a Southern Democrat, I called upon Governor Smith to tell me and the Democrats of the South whether or not the newspaper article stating that he had promised to appoint a negro in his Cabinet if he were elected President was true. He made no reply. He has not yet denied the truthfulness of that statement.

The charge that Governor Smith favored social equality of negroes and whites, that he favored mixed churches and mixed schools for negroes and whites, and marriage between negroes and whites, was made against him in the Southern and Western States all during the presidential campaign of 1928, but he never once denied the charge. He made no answer to the hundreds of questions demanding that he either affirm or deny these charges. Day after day, in my speeches in Alabama during that campaign, I read these charges and statements regarding Governor Smith's position on the negro question, and called upon him either to affirm or deny these charges. He did not and could not deny the truthfulness of the charges. He remained silent on the subject.

I then offered to make a present, first of $50 and then of $100, to Congressman OLIVER, chairman of the Smith campaign committee in Alabama—and I included John H. Bankhead in that offer—to get a statement from Governor Smith denying that he favored social equality between negroes and whites, denying that he favored mixed schools and mixed churches for negroes and whites, denying that he favored marriage between negroes and whites, and denying that he would, if elected, put a negro in his Cabinet. From the time I made that offer to the end of the presidential campaign they did not and could not get Governor Smith to deny any of these charges. Governor Smith has not yet denied the truthfulness of these charges. I challenge him now to deny them. He will not, he can not, deny them.

Think of a man being thrust upon the great Democratic Party as a candidate for President who holds the views that Governor Smith holds upon the question of social equality and marriage between negroes and whites! Think of southern Democrats being called upon to vote for such a man for President! His position is antagonistic and harmful to the South's position upon a question present with her always. Shall we, the Democrats of the South, surrender a position that we know is right, and accept the position of Governor Smith that we know is wrong and deadly to our civilization, to the peace and order and well-being of the Southern States?

Why, Senators, if that had been any other candidate, we would not have stood for it a moment, none of us. What strange influence is it that has so preyed upon the Democratic Party that it will make it get down and crawl like a mendicant, following in the wake of Al Smith and Raskob, leaders of a party that once pointed with pride to Thomas Jefferson, Grover Cleveland, Hickory Jackson, and Woodrow Wilson? Al Smith and Raskob! Lord God of Hosts, be with us yet! Is it not awful? [Laughter.] The great Democratic Party!

Oh, for a new outpouring of the spirit of George S. Houston and John T. Morgan in Alabama—men who honored Alabama and the Senate when white supremacy stood erect and knighthood was in flower! Think of taking up a Bowery leader and Roman Raskob, the Rumite, to lead the great Democratic Party, shaking a bottle and saying, "We have got to return liquor and the barroom, or the Democratic Party is dead"!

Is not that an awful thing? They are going to meet over here on the 5th of March, I understand, with Rummy Raskob leading the hosts, to commit the Democratic Party to this body of political death. It is not going to work. You are going to sever relations with that fellow or you are going to see the greatest stir in the Democratic ranks that you have witnessed in a lifetime.

We are not going to surrender the principles of our party. Think of a Democrat like myself, who believes with all his being in white supremacy, who has taught that doctrine all his lifetime, whose father fought for it in reconstruction days, being broken down by a committee controlled by these crooked interests and read out of the party in the very temple of the Democratic Party to make room for others who would take salt out of Raskob's hands and come up and get their blessing from Alfred the anointed! [Laughter.]

O Mr. President, we have fallen upon evil days! They thought we were asleep. We had just been watching and seeing what they were up to. Why, I saw Raskob come down here, chairman of the Democratic National Committee—God save the mark! He testified before the lobby committee of the Senate, and testified—listen—that he had contributed money to help beat Democrats in their election to Congress.

I never lifted my voice against a Democrat. I supported every Democrat nominated for Congress in my State. In every speech I made, I asked them to take the State ticket straight from the top down to the precincts, to elect every Congressman. I could not support Smith, because when he abandoned these principles he was no longer a Democrat. He was not entitled to Democratic support. He bolted my party's platform. He went out and selected a Republican to be the head of the national committee; and that chairman comes to the Capitol and swears that he has given money to help elect wet Republicans to Congress over dry Democrats!

Has anybody called him to account? Oh, no! Has anybody undertaken to lecture him? Oh, no! He has a million or so—purse-proud Raskob, with his money-bags! He can flaunt them in the face of our party. He can help elect wet Republicans over dry Democrats, but nobody asks him any questions. But when I, on conscientious grounds, refused to support his candidate for President in 1928, they pursued me; and what happened?

Why, his satellites in Boston, Roman Catholic Democrats, wired Senator ROBINSON and asked him to have me read out of the Democratic caucus. Why? Because of my stand on public questions, responsible to my party and my State and to the people who elected me, they wired the minority leader to call a Democratic caucus and read me out of the party. Is that home rule in our party? Is that local self-government—the old-time Democratic doctrine?—Boston Democrats, Roman Catholics, asking to have me read out of the party because they did not like my position on Alfred and the other questions involved?

They did not stop with that. They wired the governor of my State, Governor Graves, and asked him to call the legislature together and have me read out of the party in my State. Whence this new origin of leadership in our party—Boston Democrats telling the governor of my State what steps to take with a Democrat who dared to stand here and tell the truth for the good of his party and the good of his country?

They did that. That is the second step they took. The third step was to influence the State committee; and they did it.

We were all led to believe that they were going to let down the bars, and we were all coming in, and all of us were going to run and agree to abide the action of the primaries. I wanted to do that. I offered to do it. They said, "No; if you let HEFLIN into the primary, he will get the nomination"; so they deprived the Democrats of my State of an opportunity of punishing me if they wanted to, of an opportunity of indorsing me if they wanted to. They hamstrung my party in Alabama. They gagged it, hog-tied it, and

politically assassinated me for the time—for what? Carrying out the edict of Al Smith's satellites, getting ready to make his campaign for 1932.

There it is, Senators. What happened on the State committee? One member who was for letting down the bars, who had promised to let down the bars, had financial difficulties. They arranged his finances, and he went up and voted to put up the bars, to read me out, and Judge Locke and the others.

What else? R. W. Patrick, of Norfolk, Va., elected on the State committee in 1926, moved to Virginia in 1927, and paid his poll tax in 1928 and 1929. They took him down there, paid his expenses and I do not know what else, and they voted him on that committee to read me out of the Democratic Party in December, 1929.

These are some of the foul things done, to give you an idea that the trail of the serpent is over it all, and when they read me out, Arthur Fite, a brilliant lawyer, a member of the committee from Jasper, took the matter up with Mr. Bankhead, the man who ran against me, and said, "If Senator HEFLIN goes into the primary, and his friends write his name on the ticket anyhow," handicapped as I would be, with my name not printed in the ballot, they would not print it.—"If his friends go in, Democrats, and write his name on the ticket and he gets a majority of them, will you concede his nomination?" Mr. Bankhead said, "I will not." That gives you an insight into the situation, too. They were not going to print my name on the ticket. His name appeared. My name was not on it. But they were going in, indignant men and women, and write it on and take a chance, and he said, "No. If he got a majority of them, I would not concede his nomination."

That is not all. Arthur Fite took it up with the chairman of the State committee, Mr. Pettus. They were figuring on buying thousands and tens of thousands of little stamps and stamping my name on the ticket, and making a cross mark in front of it, and Mr. Fite said, "If they stamp HEFLIN's name on the ticket, will you count those tickets?" He said, "I will not." The chairman of the State committee said, "We will not count those tickets."

How did they bar these Democrats? The law of my State provides that the State committee shall fix the qualifications of voters and candidates, but they shall be the same for voter and candidate. What did they do? They said, "Those who did not support Smith can come in and vote, but they can not run for office." The law plainly said, "If you let them in for any purpose, as candidate or to vote, they can vote under the law. If you let them in to vote, automatically under the law they are entitled to run." They violated that provision of the primary law when they kept me out of the primary.

The ablest supreme court judge in my State handed down a decision in which he said they violated the primary law of my State. My colleague, in a statement he gave out when the committee acted, said they had clearly violated the primary law in Alabama.

These are some of the steps taken to strike me down and to prevent me from having the opportunity of running before the Democrats of my State in the primary with any candidate they might pick.

These are the steps taken to force me to run outside. Listen, Senators. They said, "We will read him out. We will force him to run outside, and if we can get him outside, we will say he is attacking the party and running against the regular nominee." All over the State they said to Democrats who never scratched a ticket, "You are not going to support HEFLIN, are you? He is running outside of the party." They said, "You drove him out. He tried to run inside, he wanted to be a candidate and submit his cause to the primary, and you refused to let him run. We are with him. We are for him. We are not going into the primary," and they did not. That primary perished for lack of votes. They padded the returns more than 40,000. Judge Wilkerson charged that, and they never have denied it.

They claim to have gotten 200,000 votes in the primaries, and they voted but 150,000 in the general election. What became of the other 50,000? Did I take them away from them? They gave my opponent 50,000 majority. They could have given him 150,000 just as easily. They just counted it that way, and the votes were not there.

These are some of the steps taken to strike me down because I dared to oppose Al Smith for President.

Mr. President, in North Carolina they said, "Senator SIMMONS is old. We will let him in the primary." They had the machinery. In the last talk I had with him he told me he was satisfied that his majority was 60,000. But they beat him about that much, according to their count.

They said, "How about HEFLIN? Why not let him in? They are doing it everywhere else. Virginia let down the bars and they let them all in." They said, "No; if you let him in he will get the nomination." "Well, if he does, that shows that the Democrats are for him, and that is self-government, that is local home rule." "Oh, no," they said, "we are going to get him." There never was such a campaign made as they made against me. Whipped from the start!

Mr. President and Senators, I have seen men here this week, and saw some last week, who have been in my State, coming out of Florida, and they have said that people they have seen everywhere said they could not understand how I was defeated. They said, "He spoke here in our town before three or four thousand people, and they all held up their hands saying they were going to vote for him, and the other side had their meetings here and they had 150 to 200 people to hear them speak." That happened all over the State.

Senators, let me tell you something. If this thing continues, free government is dead in the United States. I know that I won my election. I know that the people elected me. Yet under this gag rule, until this contest is over, I must retire day after to-morrow, stricken down a victim of the Al Smith and Raskob régime in the Democratic Party. Are we going to submit to that? Are we going to continue that leadership?

Senators, no doubt you know what the silver fish does when his body gets covered all over with jellyfish. They annoy him, and he swims hither and thither. They finally become so obnoxious, so disgusting, so nauseating, that he leaps out of the water 10 feet or more, and when the sunlight and air hit the jellyfish they break loose, and the silver fish strikes the water far off, 10 or 15 feet away

The Democratic Party must spring out of this lagoon with the jellyfish—Raskob and Al Smith and the liquor interests—and free itself from these devilish, dangerous, demoralizing influences.

Mr. President, there is nothing to it. There are not five Senators in this body who will say to-night that we ought to continue Raskob as leader. There are not five Democrats on this side who will rise now and approve Raskob's leadership and say that he ought to be continued at the head of the Democratic National Committee. If they are here, let them stand up and say it. They will not do it.

What are we going to do Thursday, when they have their meeting to attempt to tie the Democratic Party to a wet program? You do that and you will hear something you have not been looking for.

Mr. President, the Democratic Party stands for white supremacy. Every southern Democrat worthy of the name stands unreservedly for that principle.

Smith refused to answer on that subject. I want to talk to you, my southern Democratic brethern, to every one of you. What are we coming to if we will stand for a man who favors social equality between negroes and whites? Think of my party and your party having a candidate at the head of the party who believes in social equality between negroes and whites. What has become of our party and the things we stand for on this great vital question if we are going to have negro children and white children educated side by side, in the same school; negroes and whites in the same churches, side by side; negroes and whites married. Think of it.

My friends, if that had been a Republican candidate who stood for those views, what would we have done to them? What would we have said about it?

I stood here in my place in the Senate and criticized Mr. Hoover for his order putting certain negroes and whites together in one of the divisions in the Commerce Department. I criticized him. He did wrong.

What did Governor Smith do? Did he ever deny any of these charges? No. What did Hoover do? During the campaign Governor Bilbo, of Mississippi, charged that he danced with a negro woman at a ball down there, and Hoover rose up in his wrath and said that was the biggest lie told in the campaign. Governor Bilbo retracted that statement, and the thing was dropped. Did Governor Smith ever express himself on this question? Not once. Down in Elizabeth, Tenn., when Hoover spoke down there during the campaign, they charged that if he were elected—and they made the same charge all over my State—that he would put negroes in post offices, and that we would have negroes in the legislature if Hoover were elected.

Down at Elizabeth, Tenn., Hoover said in a speech, "If I am elected President I will not appoint anyone in a community where the community is opposed to him." That is all we wanted him to say. He has not appointed a negro in the South. I do not agree with a great many things President Hoover has done, but I agree with the Democrat or the Republican who is sound on that question. On this issue Hoover had the edge, so I supported him against Smith.

I challenge Smith to-night to state, and I challenge any friend of his to get a statement from him to-morrow denying that he is for social equality between negroes and whites, denying that he favors marriage between negroes and whites, denying that he said he would put a negro in the Cabinet if he were elected President.

Mr. President, have we reached a time in America where a certain group can put up a candidate and we may not ask him questions, we may not compel him to come out on Democratic principles like we would another candidate? Have we reached the time when, if he happens to be a Roman Catholic, it will be said "Shh! Shh! Don't do that. No; you will offend him." Senators, what are you going to do about it? I want my party to be so clean, so honest, so courageous that it will make any candidate, whether he is a Protestant, a Catholic, or a Jew, walk up and take his stand on the Democratic platform and stand there. That is my position.

The Senator from South Carolina [Mr. SMITH] uttered a classic to-night. I took it down. He said, "A man's loyalty to a principle is measured by the sacrifice that he is willing to make for it." I said in the campaign in my State in 1928 that unless Governor Smith answered those questions and denied the statements I would not support him. I said I would take that course if I knew that I would never hold another office while I lived. That is my position, that is my principle, and I am willing to make that sacrifice. So help me, God, I will be true to those principles! My father and my mother taught them to me. Those principles warmed their hearts before I was born. My forebears have stood for those principles, and now because I have been true to them, standing with drawn sword at the altar place of my party with the unfurled flag of Jefferson in my hand, it was said, "Strike him down. He would not take Smith." Raskob said, "Strike him down. We are going to pick out another to go in his place." They employed bushwhacking tactics. They employed the tactics of political assassins against me. They would not meet me on the stump.

When I challenged my opponent all over the State, he would not meet me. I said that when that campaign was over I was going to ask the legislature to enact one little statute for me requiring him to meet me once so that he might see a crowd before he died. He had crowds of 100 to 150 to hear him, while I had 3,000 and 4,000 all over the State and 10,000 or 12,000 in the cities of Montgomery, Birmingham, and Mobile, and then I have to come here and have a certificate sent up in the hands of another who I know is not entitled to it. I know how it was obtained, and then I have to have this thing flaunted in my face! I have had letters from them, anonymous, saying that "We got John Roach Straton." He is dead. I do not know how he died. They said, "We are going to get Bishop Cannon," and they threatened me. They have not got Bishop Cannon yet. He has too much sense for them.

The senior Senator from North Carolina [Mr. SIMMONS] is sick now down in North Carolina. God bless him. He is the best Democrat from the Southland. I remember when that "Little Giant" in his prime unfurled the flag of the white man in North Carolina and led his forces in planting the flag of victory over the opposition. He drove out the scallawags and the carpetbaggers. He gave back home rule and self-government to the Old North State. He cleaned up in North Carolina, restored the ballot to the lily-white fingers of the Anglo-Saxons there, the proud Anglo-Saxon homes. He was sent here by the proud people of that State. He fought in this body for twenty-odd years. When he knew of Smith's record and the things he represented, he said, "These are contrary to my party. I would have to betray its principles if I accepted him." He refused to do it, and look what they did to him. Senators will remember that in the old days they stoned the prophets. They plucked out and destroyed the men of courage.

That is the campaign going on in the Democratic Party now. Unless one takes orders from Raskob and Al Smith and Tammany, it is said, "You are not a Democrat."

If that be true, then I am not a Democrat. I am a Jeffersonian Democrat. I am a southern Democrat. I am an Alabama Democrat. I stand for the things for which I have always stood. I never surrendered them in 1928, I never surrendered them in 1930, and I am not going to surrender them in 1932.

Senators, you may as well get ready. If they lay down their Raskob platform—a wet platform—you may as well put out the lights, for the jig will be up; it will be all over. The people of the Nation are not going to stand for that leadership. I repeat, they will not do it.

I would not do Alfred Smith or anyone else an injustice if I knew it. I am going to read a statement from a noted Roman Catholic paper which supports my position. This is a periodical published in New York City called America, of date February 22, 1930, a year ago. The Roman Catholic mouthpiece in substance said editorially that it has wiped out all lines of distinction between negro and white Catholics and says—listen, for I am going to quote—that:

> When Senator HEFLIN stated in the Senate that the Roman Catholic group permits white and negro Catholic children to attend the same Catholic school and sit side by side in the same schoolroom, and permits white and negro Catholics to attend the same church at the same time and worship together, and approves marriage between white Catholics and negro Catholics, he tells the truth.

There it is. I am dealing with facts, Mr. President. I do not believe in those things. I am a southern Democrat. I believe in having a negro school and a negro teacher, a negro church and a negro preacher. I do not believe in having negroes and whites mixed up in this fashion. If you want to learn a lesson from history, go and visit the precincts of Mexico with her conglomerate mixtures of races, and look at the turmoil that has existed there for 400 years. There is a fair example of the amalgamation process which they would have us introduce here. If you want another example, go into Spain. When she pressed her conquest to the limits of the then known world, she stamped the image of Hercules upon her coins with the inscription, "Ne plus ultra"—no more beyond. Look at her now. The finest civilization that ever lived once existed there, but there came these mixtures of races, lowering of blood standards, corrupting the blood stream, and what do we see in Spain to-day? She is toppling, ready to fall, because of the mixture of races.

The same thing is being introduced into the United States, and we are being told that we must not oppose it. "If you do, you are fighting this group and will lose their vote." My God, when will the time come that candidates for positions here will have the courage to say, "I am an American. I am for American standards. I am for promoting and preserving American civilization. I am opposed to these alien influences. I am opposed to the amalgamation of the races. I stand for the American standards for the protection of the

blood strain of the white race of America." Senators, the day is not far distant when somebody will sound that around this Nation like a trumpet call, and he will win. The people are getting tired of this sort of business, very tired.

Mr. President, a few words more and I shall bring my remarks to a close. In the campaign of 1928 I never opposed Governor Smith because his religion was different from mine. I never opposed him because he worshiped in a way different from the way in which I worship. That was not it. I opposed him for another reason. I opposed him for the reason that he believes in a form of government which is antagonistic to the government in which I believe. He believes in the Roman Catholic form of government of union of church and state. I believe in the American form of government—separation of church and state. That is the difference between us.

I made a speech in this body last June and when I finished my remarks there were some 30 or 40 people out in the reception room from various States who sent their cards in to me to come out. They wanted to tell me that they approved my speech. I went out and shook hands with them and talked with them. I started back with a handful of cards. I had gone but a little distance when a lady hailed me and said, "Senator HEFLIN, did you get my card?" I did not know any of them. I did not know whether I had her card or not. I opened my hand and commenced to look amongst the cards, and she pointed and said, "That is my card. I am Miss La Barbe. I heard your speech and I approve of most of it. I wanted to shake your hand." She said, "I am a Democrat, but I am a Roman Catholic." I said, "I do not care what you are, just so you are a good American." She said, "I want to ask you a question, if it will not offend you." I said, "Go ahead." She said, "Why do you hate the Catholics so?" I said, "I do not hate them; I never attack the individual Catholic; I never attack his form of worship; I do not care how he worships; I believe in religious freedom; I want everyone to worship just like he or she chooses to worship; but I am attacking your political beliefs." She said, "What are they?" I said, "They are that the Roman Catholic form of government, the union of church and state, is correct, and the American form of government, separation of church and state, is incorrect; you are teaching that doctrine in every parochial school in the Nation; it is dangerous. Some day the Catholic young men will fight to establish that form of government when called upon by the high authorities to do it, and we shall fight to prevent it." She threw her hands up and very earnestly said, "Senator HEFLIN, I believe you are telling the truth."

Yes, Mr. President, I am telling the truth. I am telling a truth that is good for the Catholics; I am telling a truth that is good for Protestants and Jews. This Government, under God, shall remain a Protestant government, with separation of church and State.

Do Senators recall a few months ago when the Lutherans held a great convention, celebrating the anniversary of the Protestant reformation, and President Hoover sent them a telegram congratulating them and telling them the blessings that had flowed to us through the Protestant reformation, and mentioning the separation of church and state; and the Roman Catholic National Welfare Conference and the Roman Catholic hierarchy took him to task and tried to make him apologize for that American stand?

My God, what are we coming to in America! And when an American who stands and pleads for his country, pleads for the preservation of American ideals and institutions, is stricken down, they boast about it! For what? For the purpose of intimidating others and making them so cowardly that they dare not lift their voices in opposition to their program.

Mr. President, I believe there are thousands of Roman Catholics who if they knew the truth would not be led by this doctrine that is being propagated; I believe they would wake up because it is going to bring trouble to their children and their children's children.

Doctor Ryan in his book—he is right out here now, a professor in the Catholic University; he holds his appointment by a Roman Catholic king, Pope Pius and King-Pope the Eleventh—in his book called "Church and State" says pointedly and plainly, "When we are strong enough we are going to set up a Catholic state." Listen: "What chance would they then have against the Catholic state?" That is occurring right in the Capital, and I am the only man in this body who is condemning that doctrine. There are men here who are just as courageous as am I, but I want Senators to know what is going on. This burden fell upon my shoulders, and I dared to pick it up. I have never counted the cost in any fight that I have ever made. All I wanted to know was: Is it right? Is it good for my country? Am I doing my duty in this regard? And I have dared to take it up.

Now, I want to say to my friends on this side, the Democrats, that my Democracy was questioned in Alabama; every little "pirootin'" stump speaker they could get was out telling that I was not a Democrat. I said, "Well, I am accepted as a Democrat in the Senate; I hold positions on Democratic committees; I attend all the Democratic conferences and caucuses on the Democratic side; and the truth is, I am the best Democrat up there, if I do say it [laughter], because I am standing by the old-time religion, the old-time religion of Jefferson and Jackson, the old-time Democracy."

Now, is not our party a nice-looking object with Al Smith, with a bunch of his niggers, leading down the line, with his "white supremacy" Democrats coming along cheering and hurrahing for Alfred with his nigger brigade?

I am in favor of doing justice by the negroes. My father owned more slaves than did any man in my section of the State. Those old Heflin niggers think more of us than anybody else, but, Mr. President, our way of handling that question is the right way. It is necessary to segregate the negroes from the whites; there has to be a chasm between the whites and the negroes on the marriage question; there must be schools for white and schools for negroes. All of you will learn it one of these days. There is but one way to handle that question, and that is the way we handle it. It is best for the whites; it is best for the negroes, but here we were in 1928 with a candidate for President who stood for social equality between niggers and whites; nigger children and white children in school together; niggers and whites in church worshipping together; niggers and whites marrying.

Mr. President, what happened in the South? I am going to tell you something. Without interference from any source on the straightforward, untrammeled vote of the white people Hoover carried every Southern State but South Carolina. I am telling you he carried my State, I believe, by between forty and fifty thousand majority. They claimed it for Smith by 7,000, but they did not have as long to work on that as they did on me. If they had they would have made it 50,000. What is 50,000 among Raskob's friends?

What did the South do with such a leader? It cast him out; it would not take him. That is what happened and that is what is going to happen again if they nominate him. And I am going to tell you how they are going to try to nominate him. They are going to let a candidate spring up in the West. They will say lay off of him; let him have that State and the two or three around it; and they are going to fix the delegates so that they will be for Al Smith at heart. They will do that around in other States. They want to encourage about 8 or 10 candidates, and after they get into the convention and ballot for a while, they will march Alfred out, with a jug and a nigger, holding them up, and saying, "Here is our leader." I want to tell you in advance that the South will not stand for it. We know why. We are in favor of the separation of the races. We know what it means and what it has meant in every government on earth that has mixed the races. When the races are mixed the superior race is pulled down; the standard of the white race is lowered; the blood stream is corrupted, and when that happens it is a dangerous thing for our country, and whoever does that is an enemy to the white race in the United States. We are not going to stand for it.

Mr. President, I have no apology to make for the stand that I have taken. I would take it again under the same

circumstances. I am established in this faith; I know why I am a Democrat. Think of reading a Democratic United States Senator out of the party for failing to support one candidate after supporting all the ticket in his State! I will have served my party in the Congress 27 years day after to-morrow, 16½ years in the House and nearly 11 years in the Senate. I have been true to the principles of my party. I went into my State and preached the doctrine of my party there. I said, "We have done something now that we never did before." Every State in the Union, so far as I know, makes the governor the test of party loyalty, Democratic or Republican. In Alabama since the government was organized we have had that test.

If one supported the Democratic candidate for governor, he was all right; he was a Democrat to all intents and purposes. I have always done that; but this time they pulled down the State standard; they abolished the old custom; they intruded a new system upon us; they took a Bowery leader, a Tammany chief, who had repudiated the party platform, who stood for social equality, for marriage between negroes and whites, and brought him into my State, and said, "No Democrat who did not support him and indorse his position can be a candidate in a Democratic primary in Alabama." That is, in brief, the story in my State.

My friends, I have tried to stand for the things that were best for my party and best for my country. I have no apology to make for the stand I have taken. During the campaign of 1928 some friends came to my home to see me. They drove across the State. They wanted to appeal to me. They said: "Tom, if you will support Al Smith we will send you back to the Senate without opposition." I listened to them, and when they got through I said: "Now, will you let me make a statement? This man has bolted our party platform and has therefore forfeited the right to run as a Democrat. He appointed Raskob, a Republican, as chairman of our national committee. That is another reason for not supporting him. On the floor of the Senate I charged that he favored social equality and submitted the proof, and demanded of him either to affirm or deny it; I charged him with favoring marriage between whites and negroes, and challenged him to deny or affirm it, and he has not done either. I can not support him. He believes in a form of government that would overthrow this American form of government, the union of church and State, which has cursed every government upon which it has been fastened and has dragged it down to ruin. I am fighting for the preservation of my Government. I can not vote to put a man in the White House who believes in a system of government that is contrary to the present American form of government. That is my position, gentlemen."

They said, "They will beat you. They have the power. They have the machine." Then I said, "Gentlemen, that is not for me to consider now. I am considering my duty. I know what it is, and I will dare to do it. If I knew they would read me out, I would oppose him. If I knew I would never hold another office, I would oppose him"; and I took the course I did.

I made enemies—yes.

He hath no enemy, you say:
My friends, your boast is poor.
He who hath mingled in the fray
Of duty that the brave endure
Must have made foes.
If he has none,
Small is the work that he has done.
He has hit no traitor on the hip;
He has removed no cup from perjured lip;
He has never turned the wrong to right;
He has been a coward in the fight.

That is the truth, uttered by a poet many, many years ago.

Great is the facile conqueror.
But haply yet is he
Who, wounded sore
And covered o'er
With blood and sweat,
Sinks foiled, but fighting ever more,
Is greater yet;
For, if not I, others will succeed;
For freedom's battle, once begun,
Bequeathed from bleeding sire to son,
Though baffled oft, is ever won.

Fight on for these principles! Hold true to the American form of government! Dare to stand by the flag and its highest and best interests, and all will be well with our Republic.

ORDER OF BUSINESS

Mr. MORRISON obtained the floor.

Mr. REED. Mr. President, will the Senator yield to me just for a question?

Mr. MORRISON. If I do not lose the floor.

The VICE PRESIDENT. The Senator will not lose the floor if he yields for a question.

Mr. REED. Mr. President, I should like to address a question to the Senator from Oregon [Mr. McNARY]. It comes pretty late. We have all been anxious to get at the calendar for unobjected bills, but I realize that it is pretty late now to ask that we start on them. What is the intention of the Senator from Oregon about that?

Mr. McNARY. Mr. President, I hoped we might reach the calendar this evening; but I think it is very proper that we should go forward with this bill until we reach a vote. I was about to suggest, if it meets with the universal approval of those present, that we recess until 10 o'clock to-morrow, with the unanimous-consent agreement that we will proceed to the calendar at 11 o'clock for unobjected bills.

Mr. KING. Did the Senator say from 10 until 11?

Mr. REED. Starting at 11 o'clock.

Mr. KING. Starting at 10, and going on until 11 with unobjected bills?

Mr. McNARY. I propose the following agreement——

The VICE PRESIDENT. Does the Senator from North Carolina yield for that purpose?

Mr. MORRISON. I shall occupy the floor for only a few minutes.

Mr. McNARY. I can state my proposal in just a moment, if the Senator will bear with me.

Mr. MORRISON. I yield to the Senator.

Mr. McNARY. I propose a unanimous-consent agreement that when we shall have concluded the work of this evening we recess until 10 o'clock to-morrow, and that at 11 o'clock we proceed with the consideration of the calendar on unobjected bills under Rule VIII, until completed.

Mr. ROBINSON of Arkansas. Pending the request of the Senator from Oregon, may I inquire when he expects the Senate to complete its business this evening?

Mr. McNARY. I think, Mr. President—it is only a calculation—that we shall probably get a vote on the unfinished business in 30 minutes.

Mr. REED. Can we not then have an executive session?

Mr. McNARY. Yes; then we shall have an executive session.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield? The Senator from North Carolina has the floor.

Mr. MORRISON. Mr. President, I should like to say now what little I have to say.

The VICE PRESIDENT. The Senator declines to yield.

Mr. McNARY. Will the Senator bear with me until the Chair may state the proposal?

Mr. MORRISON. Yes, Mr. President; I will.

Mr. JONES. Mr. President, I desire to ask whether this agreement will interfere with conference reports.

Mr. McNARY. During the consideration of the calendar, which will not require more than one hour, of course it will be exclusive of other business.

Mr. JONES. Will the Senator, then, couple with the agreement with reference to taking up unobjected bills on the calendar that it shall run from 11 to 12, not later than 12 o'clock?

Mr. McNARY. Say 12.30; I should be glad to do that. I am sure we can finish at 12.30. I will couple that with a limitation of time from 11 to 12.30.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. WALSH of Massachusetts. Mr. President, may I suggest to the Senator that he fix the hour for convening at 10.30?

Mr. McNARY. I fixed the hour at 10.

Mr. WALSH of Massachusetts. Why not make it 10.30?

Mr. McNARY. I hope the Senator will not object to a 10 o'clock meeting. There is so much to do to-morrow; and that will give an opportunity for a roll call and some preliminary business prior to reaching the calendar. I am sure that will be found satisfactory.

Mr. WALSH of Massachusetts. We have some committee meetings arranged for 10 o'clock; but I will not press the suggestion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Senator from North Carolina is recognized.

REPLY TO SENATOR HEFLIN

Mr. MORRISON. Mr. President, it distressed me to hear the Senator from Alabama [Mr. HEFLIN] so mercilessly assault one of the great religious denominations of our country, to which millions of our countrymen belong; but I shall not undertake to answer that part of his address.

It also distressed me to hear him so cruelly assault one of the greatest geniuses in government our country has developed in modern times, the candidate of the great Democratic Party for President of the United States in 1928; but I shall not undertake to answer that assault.

I hated to hear him assault his own great State of Alabama, and disclose to this body the corruption practiced upon him in his own State after he had served it so long here and in the other House of Congress; but I shall not interpose in that matter.

When, however, the Senator went out of way to assault the honor and the integrity of the State which I have the honor, in part, to represent here, I must lift my voice in defense of that great State in whose honor I have as much faith as I have in the honor of any people upon earth.

He states, Mr. President—

In North Carolina, they said—

Referring, as was disclosed by the previous part of his speech, to the Raskob crowd—

Senator SIMMONS is old. We will let him in the primary.

Mr. President and Senators, Raskob has not a single friend upon the Democratic executive committee of the great State of North Carolina; and no such statement was made by any representative of the Democratic Party as the Senator asserts.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. MORRISON. Yes; I yield.

Mr. HEFLIN. Does not the Senator know that the papers in the State stated that they had better let him into the primary; some wanted to keep him out, and some wanted him to come in?

Mr. MORRISON. I never heard a single, solitary Democrat in North Carolina question Senator SIMMONS's right to enter the primary, and I do not believe that any man upon that committee or any other responsible Democrat in North Carolina made any such contention.

There never was any sentiment to that effect. We thought a great deal more of Senator SIMMONS's conduct than the people of Alabama seem to have thought of the conduct of the distinguished Senator from Alabama. There was no objection whatever to Senator SIMMONS entering our primary, and all the Democrats of North Carolina were invited to enter it. If they had strayed away somewhat, they were invited to come back and receive free grace and never-dying love from the Democratic Party of North Carolina. I do not see where the Senator received that information.

They had the machinery—they.

We have a modern election law in North Carolina. All parties are represented in our Australian ballot-box system. Senator SIMMONS had representatives and markers everywhere, and a loyal band of Democrats, 130,000 strong, who stood round him and battled for him loyally and well. Under our election laws he could not have been defrauded.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. MORRISON. I do.

Mr. HEFLIN. What is the board called in the Senator's State—the election board?

Mr. MORRISON. The State board of elections; yes, sir.

Mr. HEFLIN. Senator SIMMONS told me that he did not have a friend on it.

Mr. MORRISON. That may be true. I am not informed; but all the board does is to certify the election officers to the precincts selected by the county organizations; and Senator SIMMONS did have a great many of the county organizations who gathered around him loyally and faithfully. As to these State election officers, there are only three—two Democrats and one Republican. I am sure the Republican was not a Raskob man and an enemy of Senator SIMMONS, through whose influence the electoral vote of North Carolina had been given to President Hoover. He was on the board. He has never uttered a single sentence indicating that he thought a fraud was perpetrated upon Senator SIMMONS

In many of the counties of the State Senator SIMMONS had the local election machinery, and everywhere he had representation of his own selection.

The Senator from Alabama states what Senator SIMMONS told him. Of course, I would not question any statement made by the Senator from Alabama or any other Senator upon this floor; but it astounds me that Senator SIMMONS should be so quoted, because after he was defeated by a vote of about 200,000 to 130,000 he supported the straight Democratic ticket, including his successful rival, Mr. Bailey.

I never heard from him or from anybody authorized to speak for him that he was defrauded. Such an utterance has never been made in North Carolina. His campaign managers—my friend, Col. John D. Langston, a man whose character is above reproach, whose loyalty and courage are above question—supported Mr. Bailey on the stump, and declared he had been fairly nominated and was entitled to the support of his party. Mr. C. A. Hines, the chairman of Senator SIMMONS's executive committee, did the same thing: and the 130,000 Democrats who supported Senator SIMMONS in his last great conflict in that State almost to a man supported Senator-elect Bailey, because they declared everywhere he had been fairly and honorably nominated, without abuse or vilification of Senator SIMMONS in the slightest particular by anybody in all the State.

Now, Mr. President, I want to say about the elections in North Carolina that they are fair. We have a great Republican Party in North Carolina, and they could not be swindled and cheated if anybody wanted to swindle and cheat them, for they are brave and intelligent, and they have a representative of their own choosing at every ballot box in that State. Mr. President, somebody—we never could find out who—told tales about us, and the Nye committee went down to investigate us, and they kept open house in the capital of the State for some time. We never saw the eye of a man who traduced North Carolina, or heard evidence of a single, solitary fact that reflected upon the absolute honesty and integrity of that election. They investigated; they have not made their report yet. Upon that committee which visited North Carolina were Senator NYE and the great Republican Senator from Missouri [Mr. PATTERSON], and a Democratic Senator, Mr. WAGNER of New York. Their report has not yet been made, but North Carolina confidently awaits its publication, because we are confident that not one scintilla of evidence was produced before that committee which would in any way reflect upon the election in North Carolina.

I want to say this, that if the Senator has quoted Senator SIMMONS correctly, it will disappoint tens of thousands of Democrats in North Carolina to hear that he made any such statement.

Mr. HEFLIN. Mr. President, did not the Senator say that he did not know whether he had a friend on that board or not?

Mr. MORRISON. About what board is the Senator talking?

Mr. HEFLIN. The election board.

Mr. MORRISON. That is a board up at the capital with three men on it.

Mr. HEFLIN. Certainly.

Mr. MORRISON. And I have explained to the Senator all it has to do with the election.

Mr. HEFLIN. I will ask the Senator another question. Was not that particular board created since Governor Gardiner was elected governor?

Mr. MORRISON. It was not; it has been there a long time, except that he appointed a new board, because one of the old board was dead; he could not serve any longer. [Laughter.]

Mr. HEFLIN. He appointed a new board.

Mr. MORRISON. And there is not a man in North Carolina, not even a Republican—no; not even a man disturbed with the Raskob mania—but would testify that every man on it is above reproach, and Senator SIMMONS, I am sure, would not say one word reflecting upon a man on it. They do not do anything but appoint the county election officers certified to them by the respective chairmen in the counties.

I want to say this. I love Senator SIMMONS. I loved him for many years and stood by his side until he saw fit to withdraw his support from the party which had so long honored him. Then I could not follow him longer. But I never abused him. Nobody else in North Carolina ever abused him. With sadness we recognized that he had parted from us, and we nominated a brilliant statesman to succeed him in this great body and elected him by the largest majority a Democrat or any other candidate ever received in the history of North Carolina.

Mr. President, I desire finally to say that if Senator SIMMONS did make the statement the Senator ascribes to him, I care not who made it, as a representative of the proud people of North Carolina I deny it, I denounce it, I assert it is false, and not one bit of evidence can be brought here by Senator SIMMONS or any other living man to sustain this unjustified assault upon the proud people of North Carolina.

Mr. HEFLIN. Mr. President, I have not reflected upon North Carolina. I told what has been told me about what took place down there. I have my own views about what took place also.

I know the relationship between the Senator from North Carolina and Senator SIMMONS. I remember when Senator SIMMONS championed the Senator's cause for governor. He was recognized as Senator SIMMONS's candidate. The enemies of his charged that SIMMONS was supporting him.

Mr. MORRISON. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. I yield.

Mr. MORRISON. Does the Senator recall that in that campaign I stated that I did not wear Senator SIMMONS's or any other man's collar? I was no man's candidate; I did not want to be appointed Governor of North Carolina, but elected by the proud people of the State, and I was elected by the largest vote a man ever received for governor in the history of the State.

Mr. HEFLIN. Senator SIMMONS supported the Senator very loyally.

Mr. MORRISON. Yes; and if the Senator will yield again, I supported him for 30 years before he supported me.

Mr. HEFLIN. Yes.

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. What has this to do with the oleomargarine bill? [Laughter.]

The VICE PRESIDENT. Under the rules of the Senate, a Senator may discuss any question he pleases.

Mr. HEFLIN. Mr. President, the history of that campaign has been written. Senator SIMMONS, this great Democrat, opposed Alfred Smith. He has been rebuked and punished for that.

It was reported during the campaign that a tremendous amount of money was spent in North Carolina on the primary day. It was rumored around here that a check for $27,000 went to Asheville, and that the bankers thought it was a joke, and none of them would cash it; that later they got into telegraphic communication with some of the forces up about New York, and the check was later cashed. I do not know in detail what all occurred down there.

Mr. MORRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I yield.

Mr. MORRISON. Does the Senator think it is right to regale this country with dirty rumors like that, without any evidence to sustain them? The Nye committee hunted that check with all the power of the United States Government, and found out it was about like the rest of the things the Senator talks about.

Mr. HEFLIN. The Senator heard that rumor himself, did he not?

Mr. MORRISON. No; I never did.

Mr. HEFLIN. I thought the Senator said——

Mr. MORRISON. Until after the Nye committee was sent down there. They hunted and hunted and hunted, and found it was all a joke.

Mr. HEFLIN. I do not know about its being a joke. A lot of checks were used in my State, and they probably will not be found; but they were not jokes. That bunch up yonder know how to cover up their tracks.

Mr. President, the facts remain that SIMMONS opposed Smith, and in his ripe old age, the ablest Senator on this floor from the South, the first leader in the Southern States to clean up the ballot and restore the rule of the white man, this man in his old age, and feeble, has paid the penalty for opposing Al Smith. As to just how it was done and the details I hope the Nye committee will go to North Carolina and stay there under the direction of Senator SIMMONS, not just make a flying visit down there and come back.

I know the hold Senator SIMMONS had on the people of that State. I know how they followed him in 1928, overturned the party leadership in that State, the machine if you please, and carried the State by an overwhelming vote for Hoover. I am talking about what transpired in the machine. I have not attacked the people of my State. I am fighting for the people of my State. I am attacking the renegades of my party. I am attacking the corrupt machine of my State. I am after putting them out of politics, and I think I will put some of them in the penitentiary where they belong.

I am not attacking the people of North Carolina. My grandfather was born in North Carolina. I love the Old North State, and I honor Senator SIMMONS, God bless him, old and feeble now, stricken down in his old age because he stood, a little giant, with drawn sword, at the altar place of his party, protecting and defending the things for which he has fought a lifetime.

The party is surrendering the things for which we have all stood, accepting the leadership of Alfred Smith and Raskob, new leaders in our party, and we are to be repudiated, cast down, politically assassinated, by the uprising of this new element, the old rum crowd of Tammany and of Europe. They are to be enthroned as the leaders of my party.

I will ask the Senator from North Carolina now whether he approves Al Smith's position on the negro question, social equality between negroes and whites, marriage between negroes and whites.

Mr. MORRISON. Mr. President——

The VICE PRESIDENT. The Senator has no right to ask a question of another Senator.

Mr. MORRISON. I am glad to answer it.

The VICE PRESIDENT. The Senator may yield for a question.

Mr. HEFLIN. Well, the Senator can answer it some other time if he has not time to answer it now.

Mr. MORRISON. Oh, I am ready. [Laughter.] And the Senator knows it.

Mr. HEFLIN. I reiterate what I said. My party has never before nominated a candidate who was wrong on so many questions. Al Smith is wrong on the immigration question. He is wrong on the deportation question. He is wrong on the whisky question. He is wrong on the negro

question. And he is a chief of Tammany, the very essence of corruption, and was their candidate for President in 1928.

My God, how my party has fallen down, to take up a leader like that, and the Democrats who dared to refuse him and to accept these principles and policies are to be stricken down under party discipline, and these gentlemen exalted and praised for the stand they take.

All hail to SIMMONS and his kind! God bless him! I always loved him. His place is going to be hard to fill in the Senate. He feared God, and God only. He never trimmed his sails for political fortune. He never shaped his creed for his cravings, or swallowed his convictions for a job. He dared to stand up and fight like a man. He fought in the open. He asked his enemies to meet him in the open, and for the last stand he made, standing at the altar place of his party in North Carolina, he is stricken down holding to the principles which have inspired him for a lifetime. God bless him, he is still true to them. He is still hugging them to his heart. He will not surrender them.

I will not surrender my principles. I will debate this question with my friend from North Carolina at any place in his own State, or with any other Senator in his State, and we will let the audience decide. Fill any auditorium with 8,000 or 10,000 people, and let us discuss this question and put it to a vote. I am willing to do that.

These things are near and dear to me. My father was tried in a Federal court before a carpetbag judge for being the head of the Ku-Klux Klan. He was one of the leaders in reconstruction days. They railroaded him. They wanted to convict him and get him out, a great Democratic leader. They tried him before a jury which had negroes on it. The jury made a mistrial or he would have been convicted under the evidence of men who had perjured themselves.

I know what it means. I have heard him tell the story over and over again of Confederate soldiers returning from the war, starting life over again on the shattered ruins of war, doing picket duty, walking the lone settlement roads at night with their rifles, guarding the widows and daughters of deceased Confederate soldiers from the lust and carnality of negroes drunk on their new found freedom.

I know what it is. My father stood with the whites for white supremacy. He died carrying that flag aloft. I have followed in his footsteps. I will never lower my arm. I stand by those principles. Come what will—Al Smith, Raskob, Tammany, alien influences—I will never desert those principles. So help me God, I will be true to them!

Mr. MOSES. Mr. President, before the Senate takes up the smooth and oleaginous course of legislation concerning butter substitutes I want to submit to the Senate this quotation from the Psalms: "Behold how good and how pleasant it is for brethren to dwell together in unity." [Laughter.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 2106. An act for the relief of John Baba;

S. 3206. An act for the relief of Rebecca Green;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic and Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5215. An act for the relief of H. L. Todd; and

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1244. An act for the relief of Capt. Christian Damson; and

S. 4274. An act for the relief of Dr. Cooper Nicholson.

TAX ON OLEOMARGARINE

The Senate resumed the consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

Mr. SHORTRIDGE. Mr. President, I favor the bill pending before the Senate. I trust it will meet the approval of this body to-night. I have many reasons supporting my view, but I do not wish to consume the time which would be necessary for their statement. In support of them, however, I ask that there may be incorporated in the RECORD certain telegrams and letters which I have received, that they may speak for me.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams and letters are as follows:

YREKA, CALIF., *February 16, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Over 2,000 subordinate Grange members in Siskiyou County urge your support of the BRIGHAM oleomargarine tax bill.

SISKIYOU COUNTY POMONA No. 6.

MODESTO, CALIF., *February 15, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Butter values the basic price determinator of all milk products suffered sympathetically with other commodities but Revenue Commissioner Burnet's ruling in November added another 10 cent industry killing price slump. Am exclusively identified with California dairy industry 35 years. Assure you dairy industry facing the most serious situation ever. Your constituency beg you to support Townsend oleomargarine bill, S. 5745.

J. H. SEVERIN,
Stanislaus County Dairy Inspector.

LOS ANGELES, CALIF., *February 14, 1931.*

Senator SAMUEL M. SHORTRIDGE:

Twelve hundred dairymen of this association ask you to support BRIGHAM bill, H. R. 15934. Their welfare depends upon your support. The butter industry needs all the help it can get; please help us.

H. A. WALSH,
Secretary Cooperative Dairy Products Association,
1236 Compton Avenue, Los Angeles, Calif.

MODESTO, CALIF., *February 15, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SIR: Will you kindly give your support to Townsend bill S. 5745 and Brigham bill, H. R. 16836, and try to get them through at this session.

I understand these bills are to correct the recent ruling which removed the tax on colored oleomargarine if it was colored by the use of palm oil.

This has worked a great hardship on us dairymen as it has lowered the price of butter fat considerably and it was already below the cost of production.

A great many dairymen have been forced out of business, losing their ranches and cows and more will be as soon as their reserve is used up.

Thanking you, I remain, yours truly,

RICHARD H. DAVIS.

RIVERSIDE, CALIF., *February 11, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.

In view of very serious condition confronting the dairy industry due to the introduction of yellow palm oil in manufacturing oleomargarine we urge your active support of Senate bill 5745 providing tax of 10 cents per pound on oleomargarine no matter how colored.

RIVERSIDE COUNTY FARM BUREAU.

SAN DIEGO, CALIF., *February 13, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.

In the interests of California dairy industry we respectfully urge you to lend every possible assistance to bring about the enactment of the Brigham-Townsend oleomargarine color test bill.

MILK PRODUCERS' ASSOCIATION OF SAN DIEGO COUNTY.

WOODLAND, CALIF., *February 12, 1931.*

Hon. SENATOR SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SENATOR SHORTRIDGE: Members of the Yolo County Farm Bureau dairy department wish to urge your support of the dairy industry of this Nation by doing whatever is within your power to pass Senate bill 5745 (Brigham-Townsend bill) at the present session of Congress.

The dairy interests of Yolo County are vitally interested in this measure, as dairying here is affected by national conditions.

The dairy department of the Yolo County Farm Bureau represents 300 dairymen of this section of California, and they individually and collectively ask you to vote to put a tax of 10 cents per pound upon yellow oleomargarine, no matter how colored.

Very sincerely,

W. H. MARTIN.

SAN DIEGO COUNTY FARM BUREAU,
San Diego, Calif., February 11, 1931.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SIR: The San Diego County Farm Bureau, in which organization 90 per cent of the dairymen of this county are enrolled, congratulates both the Senate and the House on their activities to date relative to the control of colored oleomargarine.

We do not write you with the intent of urging your efforts in this regard, since we have every assurance from past experience that you will lend your good offices to the support of the dairy industry of California, which is an important one. Rather, we write you to state our appreciation of the help you may be able to lend at this time to the dairy industry which faces in this new oleomargarine threat a most serious source of competition. With kind regards, I am

Very truly yours,

FELIX LANDIS, *Executive Secretary.*

PATTERSON, CALIF., *February 10, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SIR: At our last regular meeting I was instructed by the membership to write you and say that this post approves of the present pending "Legion" legislation and to urge your support.

We, of course, know of the splendid cooperation you have given us in the past, and take this opportunity of thanking you for the same.

In addition to the above, the post also went on record favoring the 10-cent oleomargarine tax. This particular motion was brought about through the indorsement of this tax by our local Chamber of Commerce. As you know, dairying is one of our largest local industries.

Yours respectfully,

GEO. P. NEWCOMB.

SALIDA, CALIF., *February 8, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SIR: As a dairyman and a constituent of yours I would urge you to vote for the Townsend bill, putting a 10 per cent tax on oleomargarine.

Yours truly,

D. F. KOETITZ.

HANFORD, CALIF., *February 3, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Thousands of dairy farmers throughout San Joaquin Valley protest recent ruling by Revenue Commissioner Burnet relative to tax on oleomargarine containing substantial quantities of palm oil. All evidence indicates palm oil used for sole purpose of obtaining butter color and paying only ¼ cent per pound revenue tax. We ask your valuable assistance in rescinding ruling and supporting H. R. 15934, since passage of this bill at present session of Congress is of vital interest to our dairy industry.

CHARLES KLINT,
Vice Chairman State Farm Bureau Dairy Department.

LOS ANGELES, CALIF., *February 3, 1931.*

Senator SAMUEL M. SHORTRIDGE:

The Adohr Stock Farm, an organization of 9,000 acres and 2,500 head of dairy animals, together with the Adohr Creamery Co. and an organization handling the production of some 10,000 additional cows and employing approximately 625 men, respectfully urge your assistance and support of the Brigham bill, H. R. 15934. California's dairy industry is backbone of its agricultural activities, whereby making it an industry of paramount importance. The sale of oleomargarine with a nominal tax of ¼ cent per pound as prescribed by recent ruling Commissioner Burnet would be a disastrous blow to our great industry and its corresponding effect on the general welfare of California as a whole—I mention only California as no doubt you will receive similar communications from every dairy State in the Union. We respectfully ask your assistance.

MERRITT H. ADAMSON,
President Adohr Stock Farm and Adohr Creamery Co.

EL CENTRO CHAMBER OF COMMERCE,
El Centro, Calif., February 2, 1931.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SENATOR SHORTRIDGE: As a community of California in which dairying is predominant we ask you to use every possible means to secure the passage of the Brigham bill, H. R. 15934, during the present session of Congress. The dairy industry, due to the competition of oleomargarine, has reached the lowest point in its history in the last 15 or 20 years. Means must be taken to restore this important basic industry to its rightful place. Dairy products constitute the most important single product of American farms and as you know in California and particularly Imperial Valley dairying is of paramount importance. Will you therefore take every possible means in the interest of this very wise proposed legislation. You will earn the gratitude of this and other dairying communities.

Yours very truly,

ROBERT HAYS, *Secretary-Manager.*

EUREKA, CALIF., *February 8, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Humboldt County Dairyman's Association representing 1,200 dairy farmers of the county assembled to-day in annual meeting. Appeal to you to exert all possible effort and influence toward passage of Townsend oleomargarine bill just favorably reported to Senate by its Agriculture Committee. Failure to pass this bill will cause untold financial losses to dairy industry of Humboldt County, Calif., and the Nation.

HARRY B. HARBERS, *President.*

FRESNO COUNTY FARM BUREAU,
Fresno, Calif., February 4, 1931.

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SIR: At a meeting of the directors of the dairy department of the Fresno County Farm Bureau, February 4, 1931, certain proposed dairy legislation was discussed.

The board voted to request the assistance of Senators H. W. JOHNSON and SAMUEL M. SHORTRIDGE and Congressman H. E. BARBOUR in the passage of Senate bill 5745 or House bill 15934, known as the Brigham-Townsend bill, which contemplates a tax of 10 cents per pound on yellow oleomargarine. The passage of this bill would help to eliminate the unfair competition of oleomargarine against butter.

Very truly yours,

J. A. POYTRESS,
Chairman Dairy Department.

THE NATIONAL DAIRY UNION,
Washington, D. C., February 4, 1931.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHORTRIDGE: Your letters and your position with reference to the palm-oil ruling made by Commissioner Burnet have been very helpful to us.

We completed yesterday morning hearings before the Senate Committee on Agriculture on the Townsend bill (S. 5745), which, if it can be passed, will take care of this situation.

May we ask your interest, first, in getting this bill reported as quickly as possible by the Senate Committee on Agriculture; and, second, with the steering committee in the Senate to bring it to a vote?

Yours respectfully,

NATIONAL DAIRY UNION,
A. M. LOOMIS, *Secretary.*

SAN RAFAEL, CALIF., *February 3, 1931.*

Senator SAMUEL M. SHORTRIDGE,
United States Senate Office Building,
Washington, D. C.:

The board of directors of Marin County Farm Bureau, representing dairy industry of the county, very earnestly request your fullest support in securing passage of Brigham-Townsend bill at this session of Congress. This is necessary to maintain dairy industry of Nation on basis of American standard of living.

WILLIAM A. GNOSS, *President.*

FERNBRIDGE, CALIF., *January 31, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Humboldt County dairymen request your assistance to have rescinded ruling Internal Revenue Department regarding tax oleomargarine colored to represent butter; also newly introduced bills, subject oleomargarine, vitally interest us, and we ask you to sup-

port passage during present session. Please send me copies House and Senate bills this subject.

F. M. BAILEY.

FERNDALE, CALIF., *January 31, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

The board of directors of Ferndale Bank earnestly hope you will attend committee hearings February 2 and 3 on Senator TOWNSEND's companion bill to H. R. 15934 and use your best efforts to speed its early passage, as it is of vital importance to us and our clients.

F. N. RASMUSSEN, *President.*

Mr. GEORGE. Mr. President, I desire to offer two perfecting amendments, both relating to the form of the bill. The amendment which I offered earlier in the evening having been adopted and referring to a matter not exactly germane to the original text of the bill, I move that the title of the bill be amended by adding at the end thereof the words "and for other purposes."

The VICE PRESIDENT. That must come after the passage of the bill.

Mr. GEORGE. That is true. I move now to add, at the end of section 4, the following words:

Except section 3, which shall take effect upon the approval of this act.

Section 3 relates to the amendment which I offered.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GEORGE. I now move to renumber section 3.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is on its passage.

Mr. ASHURST. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). On this question I have a pair with the junior Senator from Arkansas [Mr. CARAWAY]. Not knowing how he would vote I withhold my vote. Were I permitted to vote I would vote "yea."

Mr. GLENN (when his name was called). I have a general pair for the night with the junior Senator from Tennessee [Mr. BROCK]. Therefore I withhold my vote.

Mr. MCNARY (when his name was called). On this vote I have a general pair with the senior Senator from Mississippi [Mr. HARRISON]. I am unable at the present time to obtain a transfer and I withhold my vote. If I were permitted to vote I should vote "yea."

Mr. SMITH (when his name was called). On this vote I have a pair with the junior Senator from Virginia [Mr. GLASS]. If he were present he would vote "yea." If I were permitted to vote I would vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. I transfer that pair to the senior Senator from Iowa [Mr. STECK] and vote "yea."

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I understand that if he were present he would vote as I intend to vote and I am therefore free to vote. I vote "yea."

Mr. MCNARY. I find I can transfer my pair with the senior Senator from Mississippi [Mr. HARRISON], to the junior Senator from Oklahoma [Mr. PINE], which I do and vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH].

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The result was announced—yeas 68, nays 9, as follows:

YEAS—68

Barkley	Goff	McNary	Shipstead
Bingham	Goldsborough	Metcalf	Shortridge
Blaine	Gould	Morrison	Steiwer
Borah	Hale	Morrow	Stephens
Brookhart	Harris	Moses	Swanson
Bulkley	Hastings	Norbeck	Thomas, Idaho
Capper	Hatfield	Norris	Thomas, Okla.
Carey	Hebert	Nye	Townsend
Copeland	Howell	Oddie	Trammell
Couzens	Johnson	Partridge	Tydings
Cutting	Jones	Patterson	Vandenberg
Dale	Kean	Phipps	Wagner
Davis	Kendrick	Pittman	Walcott
Deneen	La Follette	Ransdell	Walsh, Mass.
Dill	McGill	Reed	Watson
Frazier	McKellar	Robinson, Ind.	Wheeler
George	McMaster	Schall	Williamson

NAYS—9

Ashurst	Bratton	Hayden	Robinson, Ark.
Black	Connally	Heflin	Sheppard
Blease			

NOT VOTING—19

Brock	Gillett	Keyes	Smoot
Broussard	Glass	King	Steck
Caraway	Glenn	Pine	Walsh, Mont.
Fess	Harrison	Simmons	Waterman
Fletcher	Hawes	Smith	

So the bill was passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, as amended, and for other purposes."

The bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was ordered to be indefinitely postponed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 155. An act for the relief of Jesse J. Britton;

S. 181. An act for the relief of James H. Roache;

S. 351. An act for the relief of John Donahue;

S. 401. An act for the relief of Claude J. Church;

S. 1412. An act for the relief of Stanislaus Siemek;

S. 1918. An act for the relief of Irene Strauss;

S. 2068. An act for the relief of Lester L. Wilson;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3050. An act for the relief of James M. Booth;

S. 3184. An act to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton;*

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5516. An act for the relief of E. G. Mason;

S. 6254. An act for the relief of United States Marshal George B. McLeod; and

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.; and

S. 5353. An act for the relief of Mrs. Herman M. Warr.

ADDITIONAL REPORTS OF COMMITTEES

Mr. HATFIELD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2466. An act for the relief of William L. Bruhn (Rept. No. 1851); and

H. R. 3556. An act for the relief of Mabel L. Brown (Rept. No. 1852).

Mr. CAREY, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5813. An act for the relief of Harold M. Reed (Rept. No. 1853); and

H. R. 9070. An act for the relief of William Fisher (Rept. No. 1854).

Mr. WILLIAMSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 1428) for the relief of Thomas Murphy, reported it without amendment and submitted a report (No. 1855) thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 10113) for the relief of Uriel Sliter, reported it without amendment and submitted a report (No. 1856) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 1605) for the relief of Frank C. Russell, reported it without amendment and submitted a report (No. 1857) thereon.

Mr. PATTERSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 896) for the relief of Frank D. Peck, reported it without amendment and submitted a report (No. 1859) thereon.

Mr. BROCK, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3004. An act for the relief of Arthur Moffatt, deceased (Rept. No. 1860);

H. R. 5931. An act for the relief of Milton Lockhart (Rept. No. 1861);

H. R. 5932. An act for the relief of J. Walter Smith (Rept. No. 1862);

H. R. 5933. An act for the relief of Joseph C. Looney (Rept. No. 1863); and

H. R. 10136. An act for the relief of William Marks, also known as William Marsh (Rept. No. 1864).

Mr. BLEASE, from the Committee on Military Affairs, to which was referred the bill (H. R. 6128) to establish a national military park to commemorate the Battle of Kings Mountain, reported it without amendment and submitted a report (No. 1865) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 12215) for the relief of Daisy Ballard, reported it without amendment and submitted a report (No. 1866) thereon.

Mr. REED, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 10306. An act for the relief of Henry I. Power (Rept. No. 1867); and

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md. (Rept. No. 1868).

Mr. REED also, from the Committee on Military Affairs, to which was referred the bill (H. R. 11529) for the relief of William J. Bodiford, reported it with an amendment and submitted a report (No. 1869) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (H. R. 644) for the relief of Casey McDannell, reported it without amendment and submitted a report (No. 1858) thereon.

ADDITIONAL ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 2, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia;

S. 4030. An act to provide books for the adult blind;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes; and

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. NYE (by request):

A bill (S. 6270) to amend section 129 of the Criminal Code of the United States (35 Stat. 1112; U. S. C., title 18, sec. 235); to the Committee on the Judiciary.

By Mr. DAVIS:

A joint resolution (S. J. Res. 264) extending the duration of copyright protection in certain cases; to the Committee on Patents.

AMENDMENT TO COPYRIGHT BILL

Mr. DILL submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table and to be printed.

INVESTIGATION RELATIVE TO THE CONSTRUCTION OF GOVERNMENT BUILDINGS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 493), which was ordered to lie over under the rule:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or cooperations engaged in the produc-

tion, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work; and (b) whether or not there is or has been any custom or practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

IMPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

Mr. CAPPER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas.

Mr. ASHURST. Mr. President, I make the point of order that the bill proposes to raise revenue and that it alters the latest tariff act, and therefore the Senate is not eligible to institute and inaugurate such a bill.

The VICE PRESIDENT. That being a constitutional question, the Chair refers it to the Senate.

Mr. JOHNSON. Mr. President, if the point is to be entertained before the Senate, it ought to be discussed. I presume the Senator from Arizona, with his usual care, has prepared himself and is ready to discuss it. I am ready to present it as well, but I suggest to my friend the Senator from Arizona that we ought not to be cruel enough to the Senate to present the matter to-night.

Mr. ASHURST. Of course, if the able Senator from California desires me to submit some authorities on this question I should feel it my duty to do so. But I scarcely think that on a question of this character I ought to be required to make any other argument than merely to state the question. In other words, Mr. President, it seems to me that it would have been offensively presumptuous on my part to have informed the Senate that I was such a great constitutional lawyer that I discovered, whilst all the remaining Senators were oblivious to it, that the Senate of the United States could not originate a tariff bill and could not originate a bill looking toward the raising of revenue. If I had walked into the Senate a new Member and some one had done that, I would have said, "That is an offensively presumptuous man." But if there be a Member of the Senate who does not know the Constitution of his country well enough to know that the Senate can not originate a tariff bill, then I presume I had better begin to quote some authorities.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. ASHURST. I yield.

Mr. TYDINGS. Will the Senator yield for the purpose of enabling me to move that the Senate take a recess until 10 o'clock to-morrow morning?

Mr. ASHURST. Yes; I yield for that purpose.

Mr. McNARY. Mr. President, I wish to state that we want to have a short executive session. I would not want to interfere with that plan.

Mr. TYDINGS. I want to offer my motion——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield before he does that?

Mr. TYDINGS. I yield, but I do not wish to lose the floor.

Mr. ROBINSON of Arkansas. I wish to suggest to the Senator from Oregon that the Senate has been in continuous session now 12 hours and 15 minutes and that it would not be objectionable, I think, to the Senator from Maryland or to other Senators to have a brief executive session; but unless he chooses to proceed in that way I think we ought to test out the question as to how long the Senate is going to remain in session to-night.

Mr. JOHNSON. Mr. President, if the Senator will yield to me, I desire to say I am very glad, indeed, to adopt that course; but by adopting it and saying nothing in respect to the matter, I did not want for one instant to have it thought by the Senate that I subscribe to the doctrine which has been enunciated by the Senator from Arizona. This bill is neither a tariff bill nor a revenue-raising measure; that can be demonstrated; but I am very glad, indeed, to let the discussion go over until to-morrow, then to be presented.

Mr. TYDINGS. Mr. President, I want to withdraw my motion and turn the remaining operations of the Senate over to the very able leader. I did want to make it clear that we were probably going ahead into a prolonged debate, and I did not want to do that to-night.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States, transmitting sundry nominations, which were referred to the appropriate committees.

REPORTS OF COMMITTEES

The VICE PRESIDENT. Reports of committees are in order.

Mr. PHIPPS. From the Committee on Post Offices and Post Roads I report certain nominations for the Executive Calendar.

The VICE PRESIDENT. The nominations will be placed on the calendar.

Mr. WATSON. From the Committee on Finance, I report the nomination of Richard N. Elliott, of Indiana, to be Assistant Comptroller General of the United States vice Lurtin R. Ginn, retired.

THE CALENDAR

The VICE PRESIDENT. If there be no further reports of committees, the Calendar is in order. The first business on the calendar will be stated.

The treaty, Executive H, an international convention signed at Berlin November 13, 1908, relative to the protection of literary and artistic works, which convention is a revision of a convention signed at Berne September 9, 1886, and also an additional protocol signed at Berne March 20, 1914, to the international convention signed at Berlin November 13, 1908, was announced as first in order.

Mr. BORAH. I ask that the treaty may go over.

The VICE PRESIDENT. The treaty will go over.

ORDER OF BUSINESS

Mr. LA FOLLETTE. Mr. President, I believe a great injustice has been done to the copyright bill and to those who have worked for many years to secure its enactment. I understood when we voted to take up the oleomargarine bill the Senator from Rhode Island [Mr. HEBERT] would be given an opportunity to go forward with the copyright bill which has been before the Senate for several days, but has had only a few hours of actual consideration by this body. I want to take occasion at this time to appeal to those who are in favor of the proposed copyright legislation not to vote to recess or adjourn to-night, but to go back into legislative session at the conclusion of the executive session, to take up the copyright bill, and to hold it before the Senate until we get a vote on it. If there be enough Senators here who are the friends of the measure to do that, we do not need to recess, but we can give this bill the consideration which its importance merits.

If that be done, Mr. President, and if Senators will vote to continue in session, then, while I shall do it reluctantly, I shall move to lay the motion of the Senator from Kansas on the table, because every Senator knows that it is a futility to take up here an embargo bill which has not been considered by the House of Representatives and which would be flung back in our teeth if we should pass it here, in the closing hours of this session, in order to give the impression to some independent oil producers in the country that they are having consideration of their measure.

It is a futility; it is a gesture of the worst kind, Mr. President, if I may be permitted to say so. To waste the few remaining hours of this session of Congress in the dis-

cussion of that futility when there is an important piece of legislation before the body that has had eight years of consideration in the House of Representatives; that has had careful consideration by a Senate committee, it seems to me, is not becoming to the dignity and common sense of the Senate.

So I hope, Mr. President, that we shall go back into legislative session at the conclusion of this brief session on the Executive Calendar, and that the Senate will vote to lay the motion of the Senator from Kansas on the table, will proceed to the consideration of the Vestal copyright bill, and that its friends will stay here until that bill shall have been either voted up or voted down by this body on its merits.

If that shall be done to-night, the bill can go to conference, can receive consideration, and have an opportunity to become law. If it shall not be done to-night, after eight years of conscientious effort upon the part of those who are supporting it, and the opportunity to join the International Copyright Union, we might as well throw the Vestal bill into the wastebasket.

Mr. DILL. I think I know a little about the copyright situation, and I just want to say that it is not necessary to stay here all night in order to put through the copyright bill. It ought to be considered here to-morrow. There is no sense staying here to-night in order to consider it to-night.

Mr. LA FOLLETTE. Will the Senator from Washington yield?

Mr. DILL. Yes, sir.

Mr. LA FOLLETTE. The Senator from Washington knows full well that there will be dozens of conference reports to-morrow. There is one conference report lying on the table now which the Senator's colleague will call up to-morrow and which will occupy hours of debate on this floor. It is rumored that the President's veto message on the Muscle Shoals measure is to come to the Senate to-morrow. That is a highly privileged matter, and will undoubtedly provoke long debate. So I say to the friends of the Vestal bill in this Chamber that, if they want that bill to have any further consideration at this session of Congress, they must obtain such consideration for it in the remaining hours of this night.

Mr. JOHNSON. Mr. President, I want just a word; that is all. There is much that has been said by the Senator from Wisconsin that is entirely accurate and there is something that he has said that is entirely inaccurate. The idea that the Vestal bill will be passed long since fled from this Chamber, and when the Senator from Wisconsin talks of futilities respecting the oil bill of the Senator from Kansas, he may just as well speak of the futility of the Vestal copyright bill.

I am for the Vestal copyright bill; I am perfectly willing to take it up, if it can be taken up, at any time, I do not care when; I am for the oil bill. It is a question which may or may not have an opportunity of hearing here in the last few hours. I grant, because it would be a bit of intellectual dishonesty otherwise, that there is little or no hope of the ultimate passage of the oil bill; but I say there is little or no hope of the passage of the Vestal copyright bill, and every man who has sat in this Chamber during the last few days or the last week or so realizes that fact full well.

Mr. ROBINSON of Arkansas and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Arkansas?

Mr. ROBINSON of Arkansas. I do not wish to take the Senator from California from the floor. I thought he had concluded.

Mr. JOHNSON. I am perfectly willing to yield to the Senator.

Mr. ROBINSON of Arkansas. If the Senator wishes to retain the floor I will not speak now.

Mr. JOHNSON. I have no particular desire to proceed if the Senator wishes the floor.

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON of Arkansas. I do not understand that this debate is in order on the consideration of the Executive Calendar. If Senators desire to test out the disposition of the Senate to remain here all night, of course it can be done on a motion to take a recess. If the Senator from Oregon shall make a motion to take a recess at the conclusion of the Executive Calendar, I shall support that motion, and I shall not do so from any disposition to obstruct legislation.

The Senate has been in session now for 12½ hours. The time has been taken by debate, much of which has been irrelevant to the question under consideration, and I do not think there is the slightest justification, in the condition in which we find the business of the Senate, in attempting to remain here all night long. I have concluded all that I wish to say at this time.

Mr. BORAH and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. Mr. President, I do not know whether there is any possible chance to pass the Vestal bill, but I think it will be conceded by everyone that there is no possible chance of passing the embargo bill through the two Houses so that it will ever reach the President. It seems to me in view of that fact that the Senator from Kansas ought not to press his motion. I am sure the Senator from Kansas has no hope of the embargo bill becoming a law at this session.

The Senator from Oklahoma [Mr. THOMAS], who certainly is as sincere about this matter as anyone, announced this afternoon that there was no possible chance of passing the embargo bill at this session, and he was correct in his view. What is the use to spend the night here upon the embargo bill or spend any time upon the embargo bill? It does not make any difference how much one may be in favor of it, we know it is an impossibility. The House has put it aside; it is off its calendar; it is not going to consider it, and whatever time we put on it here is simply wasted. I think all those who are in favor of the bill will agree to that proposition.

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. LA FOLLETTE. I merely wish to say a word in reply to the suggestion of the Senator from California that further consideration of the Vestal bill is a futility. I can not agree with that statement, Mr. President. The Vestal bill has passed the House of Representatives. Certain amendments have been put on in the Senate, and other amendments are pending, but there is a possibility of those amendments being considered and the bill being voted upon and sent to the House of Representatives, and there is still a possibility in my judgment, of its becoming a law. The reason I say that is that the debate upon this bill, as the Senator from Arkansas has pointed out, has not been directed to the subject matter. If we will remain in session here to-night, assuming that the friends of the bill have a majority, we can force the debate to a conclusion and secure a vote on the bill. If that is not done, then the Vestal bill is in the limbo of dead legislation.

Mr. JOHNSON. Mr. President, it is simply ridiculous to stay here all night on either bill, and, being ridiculous for us to stay here all night on either bill, we ought not to attempt it. I spoke not because I have any particular inside knowledge about the Vestal copyright bill, but I have ears that hear and eyes that see, and in the last few days on this floor it has become obvious to me that, however much I might wish, or the Senator from Wisconsin might wish, or the Senator from Rhode Island might wish, to pass the Vestal copyright bill, it is not going to be passed. If it were passed, it would be in such shape that it would be impossible to hold a conference upon it and make it a law at this session.

I recognize exactly the situation in regard to the oil bill. The Senator from Kansas, however, has the right to make his appeal in behalf of that bill, just as the Senator from Wisconsin has a right to make his appeal for the copyright bill, but I recognize in the situation here that it is very unlikely that either bill can become a law at this session.

Mr. DENEEN and Mr. HEBERT addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas [Mr. ROBINSON] suggests that all this debate is out of order. The Chair thinks he is correct. The Senate is in executive session, and it is not in order to consider anything except executive business, unless by unanimous consent.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senate is in executive session. It has no business to consider anything but executive business, except by unanimous consent.

Mr. BORAH. Mr. President, we have a right to discuss questions in executive session just the same as we have in legislative session.

The VICE PRESIDENT. If any Senator makes the point of order, the Chair is ready to rule.

Mr. BORAH. The Chair will not take me off the floor.

The VICE PRESIDENT. The Chair is not trying to do that. The Chair has not tried to do that.

Mr. BORAH. I know perfectly well that there is no limit on the right of debate here in executive session any more than there is in legislative session.

The VICE PRESIDENT. The Chair is ready to rule if the question is raised.

Mr. DENEEN. Mr. President——

The VICE PRESIDENT. The Senator from Illinois.

Mr. DENEEN. This morning I submitted three reports from the Committee on the Judiciary relating to Presidential appointments for Illinois. I ask unanimous consent that they may be considered. They are on the calendar.

The VICE PRESIDENT. The calendar has reached the point of post offices.

Mr. ROBINSON of Arkansas. Mr. President, I am going to call for the regular order.

ERNEST H. SMOTHERS

The VICE PRESIDENT. The regular order is the report of nominations on the calendar.

The Chief Clerk read the nomination of Ernest H. Smothers to be postmaster at Camden, Tenn., vice I. L. Presson, resigned.

Mr. ASHURST. Mr. President, on that I wish to be heard.

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. Mr. President, I premise first by saying that I trust the Senator from Kansas [Mr. CAPPER] and the Senator from California [Mr. JOHNSON] will not feel in any sense offended because I presumed to make the point of order respecting the bill, which point of order I made some time ago. I recognize their indubitable right to move to proceed to the consideration of this bill; but I beg the indulgence of Senators long enough to say that in the closing hours of a Congress, with the country languishing from a lack of foreign trade, with ships in every port trying to obtain cargoes to carry our foreign trade, we are asked to consider a bill which paralyzes and destroys another part of our foreign commerce. We are asked to do it in the most revolutionary and unconstitutional manner. We are asked, in behalf of the Sinclairs and Dohenys, to put an embargo upon the importations of oil.

No, Mr. President; it will not be done by this Senate. It will require a different kind of Senate to lay an embargo upon oil and further paralyze our foreign trade. In saying this I mean no reflection on the estimable gentlemen on the other side or this side who, just as earnestly as I view a question, are in favor of the embargo.

Of all the men who have ever served with me in the Chamber, I think I love the Vice President the most, outside of my own colleague; but I protest against his ruling tonight. I protest against the ruling which he announced.

The VICE PRESIDENT. Will the Senator yield to the Chair just for a second?

Mr. ASHURST. Certainly. I yield to the Chair always.

The VICE PRESIDENT. The Chair's ruling was correct in this, that legislative business can not be taken up in executive session. The Chair did not say that Senators could not discuss anything they desired to discuss in executive session.

Mr. ASHURST. Then, I stand corrected, and the old affection stands unimpaired. [Laughter.]

So, Mr. President, I am pleased, I am gratified to know that the Vice President has not held—because no person who could occupy the chair would hold—that in executive session Senators are restricted as to what they shall say, and that a rule of germaneness applies the moment we go into executive session. We have never adopted a rule of germaneness. There is no such thing as remarks being germane in the Senate. The Senate would not be the Senate if there were a rule of germaneness.

Mr. President, I never speak at great length. I am going to close now.

If we can be assured, by voting against a recess, that we will consider the copyright bill, I am prepared to vote against a recess or adjournment; but I do not propose to vote for a continuation of the session with the understanding that if we step out to get a cup of tea some Senator will move to put an embargo on our foreign trade.

The Senator from Idaho [Mr. BORAH] a moment ago correctly called attention to the able speech of the Senator from Oklahoma [Mr. THOMAS]. Of all the men who have contested in behalf of the oil industry in this country, the name of the Senator from Oklahoma, like that of Abou Ben Adhem, leads all the rest. With an ability rarely equaled in the Southwest, with unsurpassed courtesy and scholarship and punctuality and correctness of conclusion from his own viewpoint, he has pressed his case. If one of us, during the course of the tariff bill, stepped outside, up jumped the Senator from Oklahoma to propose a tariff on oil. Three times when Senators would leave the Chamber up would be the Senator to propose an amendment for a tariff on oil. His State should reward him by returning him to the Senate, for he has so ably served her.

But, Mr. President, there is a larger question here than the mere question of serving the oil interests and the Dohenys and the Sinclairs of this country. Are we going to levy a tax, already too heavy, upon every person who uses an automobile, upon every farmer who has a motor upon his farm, in order to swell the profits, already great, of the oil industry?

No, Mr. President! This Congress has done some quite dubious things. The tariff bill which it passed was adverted to to-night by the Senator from South Carolina [Mr. SMITH], who said that 90 per cent of the distress and the woe and the misery that has come upon our country came directly from the tariff bill; yet here we have Democrats and Republicans proposing, not a tariff but an embargo.

Mr. BINGHAM. Mr. President——

Mr. TRAMMELL. Mr. President, what does the Senator think about the effect of the tariff on long-staple cotton?

Mr. ASHURST. I voted for it, but I do not want any embargo on long-staple cotton. Because, forsooth, I like a pinch of salt in my soup, it does not mean that I want to be immersed in brine. [Laughter.]

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield to the Senator from California.

Mr. JOHNSON. Let me correct one statement the Senator has made. The Dohenys and the Sinclairs and the big oil combines are against this bill. They are not in favor of this measure.

Mr. ASHURST. In reply to that, I say that Mr. Doheny's attorney wrote and asked me to vote for an embargo.

Mr. JOHNSON. Whom?

Mr. ASHURST. Mr. William G. McAdoo.

Mr. JOHNSON. That is beyond me. It is beyond me.

Just let me make plain to the Senator, because he has left an imputation here that I am sure he does not intend, that I never support a bill at the instance of an interest such as the Senator has denounced. I have not supported this bill with any such design. It was independents who appeared before the Commerce Committee; it was the men who represented the smaller producers who made their appeal; and it is their appeal that was listened to by the Senator from

Kansas and by the Commerce Committee—theirs, and theirs alone.

Mr. ASHURST. Mr. President, as a rule, when we listen to the independents it is the voice of Jacob, but it is the hand of Esau.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield the floor.

Mr. BARKLEY. I simply want to say in reply to the Senator, with reference to Mr. McAdoo, that while Mr. McAdoo did write letters in behalf of a tariff or some restriction on the importation of oil, I do not think it ought to be stated that he represents Mr. Doheny. I think in years past, at one time, he did represent Mr. Doheny in certain matters; but I do not understand that he is his attorney in this matter.

Mr. ASHURST. I do not consider the relation of attorney any improper relation at all.

Mr. BARKLEY. I understand; but it is not any relation that exists at all.

Mr. JOHNSON. But what the Senator indulged in was an imputation that at the instance of Doheny and Sinclair interests this bill was being pressed.

I have not the slightest conception of Mr. McAdoo's position or of Mr. McAdoo's inclinations, nor do I know anything at all about his clients. This bill, let me impress upon the Senator from Arizona—and he knows enough of the Commerce Committee to know that I am stating the fact—is the result of the appeal of men who are down in the dirt to-day and of those who are out of employment, 100,000 or more, in the oil fields, whose representatives testified before our committee. It is in the interest of the small producer, the man who is termed the independent in the oil business, not at the instance of the big companies; for the only testimony before us of the big companies was all in opposition to the measure.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. ASHURST. Just let me conclude, and then I shall be glad to yield.

I have said all that I care to say. I do not think it would be an improper relation if Mr. McAdoo or any one else represented the independents; but Senators will find out, after they have put an embargo upon oil—a substance which people everywhere must use—that they have put into the hands of the monopolists an instrument for the destruction of the independents; an instrument that will oppress the people with further and excessive taxation.

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. ASHURST. I do not yield for the moment.

The VICE PRESIDENT. The Senator from Arizona declines to yield.

Mr. ASHURST. Nothing in my remarks must be construed as challenging the motives of Senators. Nothing that I have said could be construed as any reflection upon the able Senator from California and his attitude in this matter. His attitude has been open, consistent, and able in his championship of this bill, which bill, by the way, should have been sent to the Committee on Finance; and Senators do not know any good reason why it was not sent to the Committee on Finance. Why was such a bill as this sent to another committee instead of the Finance Committee? It is a circumstance that does not rest well on the stomachs and the consciences of Senators.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Alabama?

Mr. ASHURST. I yield the floor.

Mr. BLACK. I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. REED. A point of order, Mr. President.

Mr. LA FOLLETTE. I call for the yeas and nays.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

Mr. BARKLEY. I make the point of order that the motion is not in order because, by unanimous consent, we have already agreed to take a recess until 10 o'clock, not 11 o'clock.

Mr. BLACK. I change the hour to 10 o'clock.

Mr. MOSES. I call for the yeas and nays.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I transfer the pair I have with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Wyoming [Mr. CAREY], and vote "nay."

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK], which I transfer to the junior Senator from Iowa [Mr. BROOKHART], and vote "nay."

Mr. McNARY (when his name was called). Referring again to my pair and the transfer, I vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. Not knowing how he would vote, in his absence I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. DALE] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from Massachusetts [Mr. WALSH].

Mr. BINGHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Virginia [Mr. GLASS], and in his absence I withdraw my vote.

Mr. BULKLEY. In further carrying out the double transfer of my pair to the junior Senator from Arkansas [Mr. CARAWAY] and the senior Senator from Ohio [Mr. FESS], having a general pair with that Senator, and I having a general pair with the junior Senator from Wyoming [Mr. CAREY]—leaving the Senator from Wyoming [Mr. CAREY] paired with the Senator from Arkansas [Mr. CARAWAY]—I vote "nay."

The result was announced—yeas 12, nays 50—as follows:

YEAS—12

Black	Dill	McKellar	Robinson, Ark.
Blease	George	Morrison	Smith
Couzens	King	Norbeck	Tydings

NAYS—50

Ashurst	Glenn	McNary	Shipstead
Barkley	Goff	Metcalf	Shortridge
Blaine	Hale	Morrow	Steiwer
Borah	Hastings	Moses	Stephens
Bratton	Hatfield	Nye	Thomas, Okla.
Bulkley	Hayden	Oddie	Townsend
Capper	Hebert	Partridge	Trammell
Connally	Howell	Phipps	Vandenberg
Copeland	Johnson	Ransdell	Walcott
Cutting	Jones	Reed	Watson
Davis	Kean	Robinson, Ind.	Williamson
Deneen	La Follette	Schall	
Fess	McGill	Sheppard	

NOT VOTING—34

Bingham	Gillett	Keyes	Swanson
Brock	Glass	McMaster	Thomas, Idaho
Brookhart	Goldsborough	Norris	Wagner
Broussard	Gould	Patterson	Walsh, Mass.
Caraway	Harris	Pine	Walsh, Mont.
Carey	Harrison	Pittman	Waterman
Dale	Hawes	Simmons	Wheeler
Fletcher	Heflin	Smoot	
Frazier	Kendrick	Steck	

So the Senate refused to take a recess.

Mr. TRAMMELL. Mr. President, in view of the fact that the time in executive session so far has been occupied with the discussion of the Vestal copyright bill, I want to submit that this matter is very easy of solution. If those who are

supporting the bill will be willing to have all after the enacting clause stricken out and provide that the copyright privilege shall be extended to 60 years, that would take care of a great religious organization in this country, the members of which have been responsible to quite an extent for all of this stampeding process which has been carried on among Senators.

I have received a thousand telegrams and letters from people scattered all over my State, and to the best that I can ascertain, they have come almost altogether from propaganda carried on by the Christian Scientists, a religious organization for which I have the highest regard. I think perhaps there is a greater percentage of high-toned, honorable citizenship among the Christian Scientists than among any other people I know of, and I have a very high regard and esteem for them. But very largely the propaganda has come through that source. I am quite sure that has been the fact in my State.

That does not stampede me into supporting a complete and absolute change of the copyright system of this country. That does not stampede me or intimidate me into accepting absolutely objectionable provisions, simply because those folks wish to have an extension of a copyright. I understand they claim they want an extension. On the present book they are using, they will have probably 20 years more, but there is some book issued by Mary Baker Eddy the copyright of which will expire on June 4 of this year, and a great many Senators desire to allow them to have that perpetuated.

I do not know the reason why they want to perpetuate that when they have a more modern book, which will have 20 more years under the present copyright privilege, but they seem to want that. There seem to be a great many Senators who desire to accord them the privilege of keeping alive for a certain length of time one of their old editions, which would expire under the copyright law, I understand, on June 4.

As far as I am concerned, I have no objection to them doing that, it is all right if they wish to do it, and I have no objection if Senators wish to extend the copyright law for two or three years longer so that they can keep alive that old edition. I think that would be a very happy solution. That would certainly be a sacrifice of nothing particular.

On the other hand, that object and that purpose should not be used as a lever with which to force into the copyright laws features which are very objectionable, as I see them, to the interests of the American people and very objectionable and will be so considered, when the press of this country begins to dissect this bill, to the newspapers of the United States.

Take this bill and study it and interpret it and construe its provisions, and it will be found that it is going to hedge about and throttle the newspapers of the country, until they will be constantly in danger of violating the copyright law, a copyright law, as I believe it to be, not in the interest of the honest, legitimate author but in the interest of the manipulator of literature and science, and of those who conceive and bring forth productions.

I suggest that we can have a very happy solution of this matter by striking out all after the enacting clause and providing for the perpetuation of copyrights for 60 years. I do not see any reason why that should not be done, and if we do that we can then vote on the question as to whether or not this country shall enter into the Berne convention.

I have heard Senators who are supporting this proposition talk very earnestly and very patriotically against the United States becoming involved in foreign entanglements and making any concessions to foreign interests. I have often heard that argument made here, even by my good friend from Wisconsin, who is so anxious about this matter tonight. He has always been very apprehensive about any cooperation or any connection whatever with any foreign interest. But now he wishes to involve us in the Berne convention, and I dare say—and I do not consider this a reflection upon any Senator—that there are not half a dozen Senators on this floor who know what the provisions of the Berne convention are.

Yet we are asked to go pell-mell, helter-skelter into the Berne convention and accord to all the authors of every foreign country all kinds of privileges and all kinds of protection and favoritism in the United States which they do not enjoy to-day.

We can settle this matter in the way I have suggested. I concede that we might do that. I would like to accommodate these good people. But if we are not going to do that, then we are going to discuss the different features of this bill.

There is no filibustering. I want that understood. Everybody knows there is no filibustering. There is no filibustering involved. Talk about consideration of this bill. This bill has been actually considered by the Senate only six or seven hours altogether, and it has not been that Senators have talked when this bill was pending on extraneous subjects. The fact that the bill has not been considered more has been due to the fact that conference reports have been brought in, resolutions have been called up, we set the bill aside for the purpose of taking up the oleomargarine bill, and the bill has been set aside for strictly proper and legitimate purposes.

It has been considered at the most only five or six hours by the Senate, a bill making all kinds of changes, radical changes, in our present copyright system, involving us and plunging us into the Berne convention, which has been largely inspired and controlled and dominated by foreign interests, not American interests. I would like some time to see these different public policies shaped upon the idea of American ideas and American policies, instead of conforming always to some foreign policy or idea.

We can amply assist our friends among the Christian Scientists, for whom I have the very highest regard, by just deciding that we will extend the copyright privilege to a period of 60 years, say. At the present time I understand it is 56 years. That will take care of that situation. Most of those who have importuned us have been the people of this religious faith or their friends. We can take care of that situation in the way I have suggested.

Of course, if that is not done, some of us believe that there are very objectionable provisions in the bill which should be considered, very objectionable provisions, and as the consideration of the measure proceeds during the night we will occupy not any undue length of time, at least I would not, but I shall occupy sufficient time to discuss the provisions to which I have referred.

I have never seen the Senate get into such haste in the 14 years I have been a Member here upon a matter of such great importance. This measure is important not only to the authors and the producers of the country but it is important to all American citizens, the people generally of the United States. They have some rights to be considered.

I think as we proceed with the consideration of the measure it will be the duty of many of us who feel as we do to call attention to what we consider provisions which are discriminatory against the interests of the American people, generally speaking, and also in many instances discriminatory against the authors and the people who should be rewarded for whatever literary productions they may bring forth.

Of course we will discuss it unless we can agree upon the idea of an extension. If we can do that we can all go home and get a good night's rest and go away friends of the idea of a 60-year extension, and then we can consider the question of whether we will go into the Berne convention or not. We can vote on that matter, too.

Mr. JONES. Mr. President, I just want to make an announcement. I have a conference report which deals with a very important matter. It is a privileged matter, of course. But I want to give the petroleum bill an opportunity to have consideration. However, I feel that unless the bill is disposed of in two or three hours anyhow there is absolutely no chance for the passage of that bill or the copyright bill. After giving ample time for that purpose I shall feel that it is my duty to call up the conference report and ask for its disposition one way or the other. I thought I ought to give this notice before taking action.

Mr. SWANSON. Mr. President, I would like to ask the senior Senator from Oregon [Mr. McNARY] what purpose he has in connection with the calendar? For the last two days we have been told that we would have a call of the calendar to-night. There are bills on the calendar, which have passed the House, which affect the American people. They are domestic bills of importance that can be passed here in a short time. Are those bills to be sacrificed in order that we may have an interminable debate on a matter that everybody realizes there is not the remotest chance of passing at this session of Congress? If that is the case, then Senators must realize that their bills will die on the calendar.

Mr. McNARY. Mr. President, while the Senator from Virginia was absent on account of official business the Senate agreed to take up the calendar to-morrow morning at 11 o'clock.

Mr. SWANSON. That is fine.

POSTMASTERS

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to the nomination of Ernest H. Smothers to be postmaster at Camden, Tenn.

Mr. PHIPPS. I ask that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination will be confirmed. The next nomination on the calendar will be stated.

The Chief Clerk read the nomination of John C. Spann to be postmaster at Allendale, S. C.

Mr. PHIPPS. I ask that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of L. Rather Day to be postmaster at Decatur, Ala.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read sundry nominations for associate justices, Supreme Court of the Philippine Islands.

Mr. BINGHAM. Let those go over.

The VICE PRESIDENT. The nominations will go over.

Mr. KING. Mr. President, under the rules of the Senate is a single Senator's request sufficient to carry the nominations over?

The VICE PRESIDENT. They can only go over by unanimous consent or by a vote. The Chair announced that the nominations would be passed over, because it has been the practice; but the Chair will withdraw that statement if the Senator objects to the nominations going over.

Mr. KING. I realize that we are powerless in the situation. I will only say that the three judicial nominations which are upon the calendar were unanimously recommended by the Judiciary Committee. Objection was made to taking up the nominations and we are powerless under the rule and under unlimited debate which is permitted in the Senate to secure consideration of the nominations. I regret this very much.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. The Chair has announced the nominations would go over.

Mr. BINGHAM. May I say that so far as I know no objection has been raised in the committee to the three American judges who were nominated at the same time, but by a vote of 6 to 5 the Judiciary Committee this morning did not report any of them out for reasons best known to that committee. To confirm three Filipino judges and not confirm the three American judges would upset the balance of the court which has existed ever since the court was formed.

The VICE PRESIDENT. The next order of business on the Executive Calendar will be stated.

The Chief Clerk read the nomination of Luther B. Way to be United States district judge, eastern district of Virginia.

The VICE PRESIDENT. Without objection the nomination is confirmed.

COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of Ernst Ebert Strohsner and Chester Joseph Beyma to be aides, with relative rank of ensign in the Navy.

The VICE PRESIDENT. Without objection, the nominations are confirmed.

POSTMASTERS

The Chief Clerk read sundry nominations for postmasters.

Mr. PHIPPS. Mr. President, I ask that the postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. LA FOLLETTE obtained the floor.

Mr. DENEEN. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. DENEEN. This morning I submitted three reports relating to judicial nominations in Illinois. They are not printed or on the calendar. I ask unanimous consent for their present consideration.

The VICE PRESIDENT. Let them be reported.

The Chief Clerk read the nomination of Frank K. Lemon, of Illinois, to be United States attorney, southern district of Illinois.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Arthur M. Burke, of Illinois, to be United States marshal in the eastern district of Illinois.

The VICE PRESIDENT. Without objection the nomination is confirmed.

The Chief Clerk read the nomination of John P. Barnes, of Illinois, to be United States district judge, northern district of Illinois.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. RANSDELL. Mr. President, the Committee on the Judiciary recommended the confirmation of George W. Montgomery to be United States marshal, western district of Louisiana. I ask for the present consideration of the nomination.

The VICE PRESIDENT. The nomination will be stated.

The Chief Clerk read the nomination of George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. COUZENS. Mr. President, from the Committee on the Judiciary, I report favorably the nomination of Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The nomination will be stated.

The Chief Clerk read the nomination of Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

ASSAYER

Mr. ODDIE. Mr. President, from the Committee on Mines and Mining, I report back favorably the nomination of Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, and ask for its present consideration.

The VICE PRESIDENT. The nomination will be stated.

The Chief Clerk read the nomination of Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho.

The VICE PRESIDENT. Without objection the nomination is confirmed.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin has the floor. Does he yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield to the Senator from Nebraska.

Mr. HOWELL. I ask unanimous consent as in legislative session that the Senate proceed to the consideration of Order of Business 901——

Mr. LA FOLLETTE. Mr. President, I can not yield for that purpose. I object. The Executive Calendar having been completed, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative business.

RESTRICTION OF IMMIGRATION

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

At the proper place in the bill to insert:

"That from and after July 1, 1931, migration of citizens of the Philippine Islands to continental United States shall be limited to students, visitors for business or pleasure, merchants, government officials, their families, attendants, servants, and employees.

"For the issuance of permits to travel to continental United States an official shall be designated as provided in paragraph (f) of section 28 of the immigration act of 1924, as amended.

"This joint resolution shall be in force and effect for five years from and after the date of its approval, and if within that time the independence of the Philippines shall have been granted or by act of Congress definitely provided for, then this joint resolution shall continue in force definitely thereafter."

PROPOSED EMBARGO ON PETROLEUM

Mr. LA FOLLETTE. Mr. President, I move to lay on the table the motion of the Senator from Kansas [Mr. CAPPER] to proceed to the consideration of the so-called petroleum bill.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. TRAMMELL. That is true; but I can suggest the absence of a quorum.

The VICE PRESIDENT. The Senator may.

Mr. TRAMMELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	McGill	Shipstead
Barkley	Fess	McKellar	Shortridge
Bingham	George	McNary	Smith
Black	Glenn	Metcalf	Steiwer
Blaine	Goff	Morrow	Stephens
Blease	Hale	Moses	Swanson
Borah	Hastings	Norbeck	Thomas, Idaho
Bratton	Hatfield	Nye	Thomas, Okla.
Bulkley	Hayden	Oddie	Townsend
Capper	Hebert	Partridge	Trammell
Connally	Howell	Phipps	Tydings
Copeland	Johnson	Reed	Vandenberg
Couzens	Jones	Robinson, Ark.	Walcott
Cutting	Kean	Robinson, Ind.	Watson
Davis	King	Schall	Williamson
Deneen	La Follette	Sheppard	

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Wisconsin to lay on the table the motion of the Senator from Kansas. [Putting the question.] The ayes seem to have it.

Mr. KING. I ask for the yeas and nays.

Mr. LA FOLLETTE. I object. The Chair announced his decision, and it is too late to ask for the yeas and nays.

The VICE PRESIDENT. No; it is not too late. Is the request for the yeas and nays seconded? Apparently not. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

AMENDMENT OF COPYRIGHT LAW

Mr. HEBERT. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1799, the bill, H. R. 12549, to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum. A good many Senators have left the Chamber thinking we were going to adjourn after we concluded executive business.

The VICE PRESIDENT. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	McGill	Shipstead
Barkley	Fess	McKellar	Shortridge
Bingham	George	McNary	Smith
Black	Glenn	Metcalf	Steiwer
Blaine	Goff	Morrow	Stephens
Blease	Hale	Moses	Swanson
Borah	Hastings	Norbeck	Thomas, Idaho
Bratton	Hatfield	Nye	Thomas, Okla.
Bulkley	Hayden	Oddie	Townsend
Capper	Hebert	Partridge	Trammell
Connally	Howell	Phipps	Tydings
Copeland	Johnson	Reed	Vandenberg
Couzens	Jones	Robinson, Ark.	Walcott
Cutting	Kean	Robinson, Ind.	Watson
Davis	King	Schall	Williamson
Deneen	La Follette	Sheppard	

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, I think I ought to state particularly the matter to which I referred to a moment ago. I did not refer to the conference report on the deficiency appropriation bill but to the conference report on the maternity bill, which is before the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island [Mr. HEBERT].

The motion was agreed to and the Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

RESTRICTION OF IMMIGRATION

Mr. REED. Mr. President, yesterday I entered a motion to discharge the Committee on Immigration from the further consideration of House Joint Resolution 500. I now call up that motion.

Mr. COPELAND. Mr. President, is it in order for the Senator from Pennsylvania to do that?

The VICE PRESIDENT. The Chair thinks it is in order, if the Senator makes the motion, but if the motion is carried and the joint resolution is laid before the Senate, of course it would displace the unfinished business.

Mr. REED. I would then have to make a further motion to proceed to its consideration. I am now moving only to discharge the committee from the further consideration of the joint resolution, and I should like to say before that comes to a vote that I am authorized by the committee to report the joint resolution. I tried to do so yesterday, but unanimous consent was refused, and obviously no opportunity will be given the committee to submit the report unless we are to have a morning hour except on the motion to discharge.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. As I understood the Senator from Pennsylvania, he just stated that he was instructed by the committee to report this House joint resolution.

Mr. REED. That is exactly so.

Mr. KING. When did the committee meet?

Mr. REED. The committee met last week and considered the measure before it passed the House, and authorized me when the joint resolution came over from the House to make a favorable report upon it.

Mr. KING. I happen to be the ranking Democratic member of the committee. I had no notice of such a meeting, and I never heard of the House joint resolution being before the committee. I knew that there had been a Senate bill before the committee which had been considered, and that bill was referred to the Senator from Pennsylvania [Mr. REED], the Senator from California [Mr. JOHNSON], the Senator from New York [Mr. COPELAND], and myself. I have been waiting for a meeting of that committee. It seems to me that if the committee met sub silentio, without giving notice to the other members of the committee, and took up a

measure that had not been passed by the House, it is a procedure that can scarcely be vindicated.

Mr. REED. Notice was given to every member of the committee. It was at the last meeting of the Immigration Committee. At that time a number of bills were ordered reported, and this joint resolution was laid before the committee at that time.

Mr. KING. Before it passed the House of Representatives?

Mr. REED. Before it passed the House. The joint resolution passed the House without amendment. The committee acted on it in exactly the form in which it has come here. So I say, Mr. President, that the motion to discharge the committee implies no disrespect to the committee, but is in accordance with the wishes of every member of the committee who was present at the last meeting.

Mr. COPELAND. Mr. President——

Mr. REED. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, my recollection is that the Committee on Immigration appointed a subcommittee consisting of the Senator from Pennsylvania, the Senator from California, and myself.

Mr. REED. That is correct, Mr. President.

Mr. COPELAND. And these measures were referred to the subcommittee?

Mr. REED. Not this joint resolution, Mr. President.

Mr. COPELAND. All measures relating to the restriction of immigration were so referred, and there has never been a meeting of that committee.

Mr. REED. This House joint resolution was introduced in the other House after that subcommittee was appointed.

Mr. COPELAND. Mr. President, I want to say in positive terms, as a member of the committee, one who has been faithful in his attendance, that the Committee on Immigration appointed a subcommittee to deal with all these matters of the restriction of immigration, and that committee, as the Senator from Pennsylvania well knows, has never been called together. I am not aware of any time when the Committee on Immigration has passed upon the joint resolution in question.

Mr. REED. Of course, Mr. President——

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. BLACK. I desire to ask the Senator, if this is the joint resolution which cuts down the immigration to 90 per cent.

Mr. COPELAND. Yes; it is, Mr. President.

Mr. BLACK. I hope the Senator will press his motion.

Mr. REED. I am going to press it.

Mr. KING. Mr. President, will the Senator from Pennsylvania yield?

Mr. REED. I yield.

Mr. KING. I want to say to the Senator that, as I stated a moment ago, I have never received any notice of the meeting. My secretary has sent me a note since I made that statement saying the notice was received in the mail the day after the meeting was called. If there had been a meeting of the committee, I would have been there. I ask the Senator from California if he knew of this meeting.

Mr. JOHNSON. I knew that there was a meeting of the Committee on Immigration, but I was not present at any time when this joint resolution was ordered reported.

Mr. KING. The chairman of the committee is not here.

Mr. JOHNSON. I do not know who was present or who reported the bill.

Mr. STEPHENS and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Mississippi.

Mr. STEPHENS. Mr. President, I am a member of the Immigration Committee. I was notified of the meeting; I attended the meeting, and I will say in this presence that the Senator from Pennsylvania [Mr. REED] is absolutely correct. We were informed that this joint resolution was pending before the House and was likely to pass on that day. We considered the House joint resolution, and the Senator from Pennsylvania was authorized to report that joint resolution and to take whatever steps were necessary to secure its passage when it came from the House.

Mr. REED. I thank the Senator from Mississippi.

Mr. KING. Mr. President——

Mr. REED. I insist upon my motion.

Mr. KING, Mr. LA FOLLETTE, and Mr. COUZENS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield, and, if so, to whom?

Mr. REED. I yield to the Senator from Utah.

Mr. KING. I should like to ask the Senator from Mississippi a question.

Mr. STEPHENS. I will be glad to answer the Senator's question.

Mr. KING. I want to ask the Senator from Mississippi if he thinks the procedure followed was fair to members of the committee? After the joint resolution was before the committee for several weeks, it was referred to a subcommittee of which the Senator from Pennsylvania was chairman, and the Senator from California, the Senator from New York were members, and while the committee was waiting to receive their report some members of the committee, perhaps a majority—I was not there and never heard of the meeting—met and passed upon the same joint resolution which was in the House and had not been brought here. It does seem to me that it was not quite fair to the committee.

Mr. STEPHENS. I think I am not called upon to pass upon the fairness or the unfairness of the proceeding. I was simply stating what actually occurred in the committee. I presumed at the time that every member of the committee was notified of the meeting. I attended as did several others, and we had a discussion of the matter and reached the agreement which the Senator from Pennsylvania has stated.

Mr. COPELAND. Mr. President, I can not conceive it possible the Senate will view with pleasure this situation. As I have stated, by reason of differences in the committee a subcommittee was appointed of which the Senator from Pennsylvania was the chairman. Two or three times in the next two weeks after the appointment of the subcommittee the Senator from Pennsylvania suggested to me that tomorrow or next Monday or at some other time we were to have a meeting of the Senate committee. He never called the committee together, and the subcommittee never has had this matter before it, and has never given it any consideration.

Mr. REED. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. REED. That was all stated at the full committee meeting; it was all explained to the full committee, and, knowing that, the committee reached its decision.

Mr. COPELAND. I will ask the Senator from Pennsylvania how many members of the committee were present at the full committee meeting?

Mr. REED. I think that several were present. I do not remember the number.

Mr. COPELAND. Were there three?

Mr. REED. I have just asked the Senator from Mississippi——

Mr. COPELAND. Were there three present?

Mr. REED. Oh, there were more than that.

Mr. COPELAND. Were there five?

Mr. REED. I do not remember.

Mr. COPELAND. I venture to say that there was not a quorum present and so far as I am concerned I had no knowledge of such a meeting. It is beyond reason that the Senate should take advantage of such a situation, when the committee itself has not given consideration to the measure, and it might long since have done that had the Senator from Pennsylvania called together the subcommittee in order that it might report.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. TRAMMELL. Mr. President, as I understand, the object of the Senator from Pennsylvania is to have the committee discharged from the further consideration of the bill so that, following such action, he may call up this joint resolution which has already passed the House and which will make a reduction of 90 per cent in the immigration to America.

Mr. REED. That is exactly the case, Mr. President.

Mr. TRAMMELL. And, as a natural consequence, the adoption of a measure of that character will work very beneficially and will be helpful at least in affording some relief in the unemployment situation in this country.

Mr. REED. That is exactly correct, Mr. President.

Mr. TRAMMELL. I am very heartily in sympathy with the measure, and, regardless——

Mr. COPELAND. Will the Senator yield?

Mr. COUZENS. Mr. President——

Mr. TRAMMELL. Just a moment—and, regardless of whatever deliberation may have taken place on the part of the committee, I dare say that Senators know a great deal more about this measure than they do about the copyright bill and are thoroughly capable of passing upon the simple question of restricting immigration and trying to help the laboring people of America, millions of whom are out of employment and begging that relief be given them in order to enable them to better their situation so that they may seek a livelihood in the different avenues of industry in this country. I think we ought to take up the joint resolution and pass it.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. I yield.

Mr. COPELAND. Is not the Senator aware of the fact that by presidential proclamation, without further action, we now may have such a restriction of immigration?

Mr. TRAMMELL. If that is true, the passage of the joint resolution will not hurt anything.

Mr. COPELAND. But why do we need it? What is the use of keeping us here all night to consider the measure?

Mr. TRAMMELL. What is the use of anybody opposing the joint resolution if it makes no further restriction than we have at the present time? Why should it be opposed?

Mr. COPELAND. Does the Senator consider that the way in which the matter has been dealt with by the committee is fair to members of the committee who have had no opportunity to discuss the joint resolution?

Mr. TRAMMELL. I think that that is equally as fair as the method which was adopted by the Committee on Patents in dealing with the copyright bill. A member of that committee stated this afternoon that the Committee on Patents voted to report that bill favorably before it had ever come to the Senate from the House of Representatives, and I did not hear my good friend from New York object to that. He did not object to that character of procedure in the case of a bill he favors.

Mr. REED. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. REED. I think Senators may want to bear in mind that House Joint Resolution 500 was not messaged to us from the House until yesterday, Monday, after 12 o'clock.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. HEBERT. I merely wish to state, Mr. President, that the Committee on Patents did not report the copyright bill to the Senate until after it had fully considered some 400 or 500 amendments and had held very extensive hearings. I did not want the statement to go unchallenged that the committee had voted to report the bill without consideration.

Mr. TRAMMELL. Mr. President, I will say to the Senator that I do not make that assertion myself; but it will be recalled that the Senator from Washington [Mr. DILL] did state here to-day that the committee had voted to report this bill favorably before it ever came from the House. Now, of course, he states that he insisted that the committee should carry on an inquiry and investigation thereafter, and that it was done; but, preceding that, the Committee on Patents, he stated, had agreed to report the bill favorably before it ever came here from the House. I do not know who is right.

Mr. HEBERT. Mr. President——

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. COPELAND. If the motion of the Senator from Pennsylvania should prevail, will that displace the copyright bill?

The VICE PRESIDENT. The Chair would hold, without further information on the subject, that the carrying of this motion would not, but the carrying of the second motion would.

Mr. COPELAND. That is, the second motion would be the motion to take up the bill?

The VICE PRESIDENT. To suspend the rules and proceed to its consideration.

Mr. COUZENS. Mr. President, will the Senator yield in order that I may move for a recess?

Mr. TRAMMELL. Yes; I yield for that purpose.

Mr. COUZENS. I move that (at 12 o'clock and 30 minutes a. m. Tuesday) the Senate take a recess until 10 o'clock this morning.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence I withhold my vote.

Mr. FESS (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Vermont [Mr. DALE] and will vote. I vote "yea."

Mr. GLENN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. BROCK]. I transfer that pair to the junior Senator from Iowa [Mr. BROOKHART] and will vote. I vote "nay."

Mr. McNARY (when his name was called). Again referring to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BULKLEY (after having voted in the affirmative). I have a pair with the junior Senator from Wyoming [Mr. CAREY]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and will allow my vote to stand.

Mr. HATFIELD (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I transfer that pair to the junior Senator from Maryland [Mr. GOLDSBOROUGH] and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Idaho [Mr. THOMAS] with the junior Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the senior Senator from Montana [Mr. WALSH]; and

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER].

The result was announced—yeas 17, nays 43, as follows:

YEAS—17

Ashurst	Couzens	Johnson	Trammell
Black	Dill	King	Tydings
Bulkley	Fess	McKellar	
Capper	George	Robinson, Ark.	
Copeland	Hayden	Smith	

NAYS—43

Barkley	Davis	Hebert	Metcalf
Blaine	Deneen	Howell	Morrow
Blease	Glenn	Jones	Moses
Borah	Goff	Kean	Norbeck
Bratton	Hale	La Follette	Nye
Connally	Hastings	McGill	Oddie
Cutting	Hatfield	McNary	Partridge

Phipps	Sheppard	Stephens	Walcott
Reed	Shipstead	Thomas, Okla.	Watson
Robinson, Ind.	Shortridge	Townsend	Williamson
Schall	Steiwer	Vandenberg	

NOT VOTING—36

Bingham	Gillett	Keyes	Smoot
Brock	Glass	McMaster	Steck
Brookhart	Goldsborough	Morrison	Swanson
Broussard	Gould	Norris	Thomas, Idaho
Caraway	Harris	Patterson	Wagner
Carey	Harrison	Pine	Walsh, Mass.
Dale	Hawes	Pittman	Walsh, Mont.
Fletcher	Heflin	Ransdell	Waterman
Frazier	Kendrick	Simmons	Wheeler

So the Senate refused to take a recess.

Mr. KING. Mr. President, I move to lay upon the table the motion of the Senator from Pennsylvania [Mr. REED]; and upon that I demand the yeas and nays.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FESS (when his name was called). Making the same announcement of the transfer of my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Vermont [Mr. DALE], I vote "nay."

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK] and therefore refrain from voting.

Mr. HATFIELD (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I transfer that pair to the junior Senator from Maryland [Mr. GOLDSBOROUGH] and will vote. I vote "nay."

Mr. McNARY (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. BULKLEY (after having voted in the affirmative). I transfer my pair with the Senator from Wyoming [Mr. CAREY] to the Senator from Iowa [Mr. STECK] and will allow my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the junior Senator from Virginia [Mr. GLASS];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the senior Senator from Montana [Mr. WALSH];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Idaho [Mr. THOMAS] with the junior Senator from Montana [Mr. WHEELER]; and

The Senator from Colorado [Mr. WATERMAN] with the senior Senator from Virginia [Mr. SWANSON].

The result was announced—yeas 12, nays 46, as follows:

YEAS—12

Blaine	Cutting	La Follette	Schall
Bulkley	Howell	Norbeck	Shipstead
Copeland	King	Nye	Tydings

NAYS—46

Ashurst	George	McNary	Smith
Barkley	Goff	Metcalf	Steiwer
Black	Hale	Morrow	Stephens
Blease	Hastings	Moses	Thomas, Okla.
Bratton	Hatfield	Oddie	Townsend
Capper	Hayden	Partridge	Trammell
Connally	Hebert	Phipps	Vandenberg
Couzens	Johnson	Reed	Walcott
Davis	Jones	Robinson, Ark.	Watson
Deneen	Kean	Robinson, Ind.	Williamson
Dill	McGill	Sheppard	
Fess	McKellar	Shortridge	

NOT VOTING—38

Bingham	Gillett	Keyes	Steck
Borah	Glass	McMaster	Swanson
Brock	Glenn	Morrison	Thomas, Idaho
Brookhart	Goldsborough	Norris	Wagner
Broussard	Gould	Patterson	Walsh, Mass.
Caraway	Harris	Pine	Walsh, Mont.
Carey	Harrison	Pittman	Waterman
Dale	Hawes	Ransdell	Wheeler
Fletcher	Heflin	Simmons	
Frazier	Kendrick	Smoot	

So the motion to lay on the table was rejected.

Mr. TRAMMELL. Mr. President, in connection with the joint resolution which the Senator from Pennsylvania seeks to bring before the Senate, with which I am very heartily in sympathy, I just want to say for the RECORD that I have had petitions and resolutions from all of the patriotic organizations of my State, and from practically every organized-labor council in my State, in behalf of this measure. In addition to that, I have had a large number of communications, by wire and letter, from patriotic people in Florida, generally speaking, who believe in restricted immigration and who believe that we should at this time do all we can in the interest of American laborers, that we owe our first duty to American labor, and that we should restrict foreign immigration to this country. I wish to make acknowledgment in the RECORD of all those petitions and resolutions which I have received from the State of Florida.

It has also been brought to my attention by the labor organizations of my State that the American Federation of Labor at some recent convention unanimously indorsed this joint resolution. I think it very important, and I hope we will get it up for consideration.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Pennsylvania.

Mr. COPELAND. Mr. President, if I understand the motion, it is to discharge the committee from further consideration of this joint resolution. This seems to be a very remarkable procedure. The committee has not considered the joint resolution. The joint resolution has just passed the House and was sent to the Senate for consideration. To attempt to discharge a committee from the consideration of what has here been considered is really a strange form of legislative racketeering.

I do not think the Senate should vote for it under the circumstances.

A subcommittee was appointed for the purpose of considering this joint resolution and other measures. The committee was not called to meet, never made any report to the full committee, and yet it is proposed now to discharge the committee from the further consideration of a joint resolution which it never did consider.

Mr. COUZENS. Mr. President, before the motion is voted on, I would like to have an explanation from the Senator from Pennsylvania, because there are a great many protests coming to Senators with respect to this proposed legislation, particularly with respect to the fact that it will deter or prevent the joining of many families. I think before this matter is voted on we ought to know from the Senator just what the measure proposes.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. COPELAND. I do not know, of course, what the further intent of the Senator from Pennsylvania is. The pending motion is to discharge the committee.

Mr. COUZENS. I understand that.

Mr. COPELAND. It would take a further motion to proceed to the consideration of the bill. Of course, I assume that the Senator from Pennsylvania would not be willing to displace the copyright bill.

Mr. COUZENS. That is not important to the question I asked, as I see it.

Mr. REED. Mr. President, if the Senator will yield, let me first answer the Senator from New York.

If the pending motion carries, it puts the immigration measure on the calendar, a privilege which I have been denied during the day when I asked unanimous consent to make the report.

Then it will be necessary to make another motion, to proceed to the consideration of the joint resolution, once it is on the calendar.

If there is going to be a filibuster against the copyright bill, I will not wait any longer, but I will make a motion for consideration of this joint resolution, and try to have it pass. If there is no filibuster against the copyright bill, I would like to see it acted on before this joint resolution is taken up.

Now to answer the question of the Senator from Michigan. Any immigration-restriction measure necessarily interferes to some extent with the reunion of families in this

country. When there is talk about reuniting families, we must remember that the separation always takes place in some other country, and the reunion desired always has to take place in this country; and that we did not separate the families, that the families separated themselves.

However, realizing the human appeal that is made by the man who wants to bring his relatives here from abroad, the Congress has very liberally allowed preferences to American citizens to bring in their relatives outside the quota entirely, and it has allowed preferences to them to bring in more distant relatives ahead of anybody else within the quota, and this measure does not in any way interfere with those preferences. What it does is to reduce the quotas themselves. In so far as it is possible within the reduced quotas, the process of reuniting families can go on.

I may say to the Senator that the evidence showed that even these reduced quotas would be large enough to allow all of the relatives preferences to come in from all of the countries of northern and western Europe. It will not prevent any family reunion from northern or western Europe—that is, the Scandinavian countries, Great Britain, Ireland, France, Belgium, Holland, Germany.

The countries which would be retarded in the so-called family reunions would be the southern and eastern countries of Europe, like Poland, Italy, some of the Balkan countries, countries in that part of Europe.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED. May I explain the reason why that is so?

Mr. COUZENS. Certainly.

Mr. REED. It seems to be the habit of a German or an Englishman or a Swede when he comes to the United States to bring his family with him. On the other hand, it seems to be the habit of the average Greek or Italian to come alone, leaving his family behind him, and it is from that latter class that we hear the demand for the reunion of families. The northerner, the average German, the average Englishman, the average Swede, does not make that demand so loud, because there never was a separation in his family. Ordinarily he has brought his wife and children with him to share his fate in the new land.

I now yield to the Senator from Michigan.

Mr. COUZENS. I would like to ask the Senator a further question. In section 2 of the joint resolution I find this language:

> During such fiscal years no immigration visas shall be issued under subdivision (c) of section 4 of the immigration act of 1924.

What is subdivision (c) of section 4?

Mr. REED. That is that part of the immigration law which allows unlimited immigration from the countries of the Western Hemisphere. The effect of this joint resolution will be to allow quotas to the countries of the Western Hemisphere which will be exactly 10 per cent of the number of persons who came from those countries to the United States during the last fiscal year. In other words, if 20,000 Mexicans came last year—I have not the exact figures in my head, but I say that for the purpose of illustration—then the quota for Mexico beginning next July 1 will be 10 per cent of 20,000, or 2,000 persons. The immigration from Mexico will be limited to 2,000 persons during the next fiscal year, under those circumstances.

Mr. COUZENS. In other words, this is applying the quotas to countries which do not now have quotas?

Mr. REED. For the next two years.

Mr. COUZENS. I think that is a different phase of the situation. As I understood the proposal, it was to limit the countries which now have quotas, but I understand this goes further than that, and we will now place quotas on countries which never heretofore had quotas.

Mr. REED. We saw no use locking the front door and leaving the back door open. We saw no use keeping out British or Germans or Scandinavians and letting an indefinite number of Mexican people into the country.

Mr. COUZENS. I am not finding particular fault with that; but I was wondering why that was not done when the act was passed. If the front door was closed, why was not the back door closed then?

Mr. REED. Because we thought then that the immigration from the Western Hemisphere was relatively negligible. The year which has gone by has shown us that that is not so, and that the quality of the immigration we have been receiving from Mexico particularly, and from the British West Indies, was of the lowest type of citizen they had to send us.

Mr. BORAH. Mr. President, does this cover all the Western Hemisphere?

Mr. REED. Yes; it is absolutely impartial. It covers the whole round globe. Nobody is favored.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Pennsylvania.

Mr. COPELAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). Making the same announcement relative to my pair and transfer, I vote "yea."

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK]. In his absence I withhold my vote.

Mr. HATFIELD (when his name was called). In keeping with my former statement, I transfer my pair with the junior Senator from North Carolina [Mr. MORRISON] to the junior Senator from Maryland [Mr. GOLDSBOROUGH] and vote. I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS].

The roll call was concluded.

Mr. GEORGE. I desire to announce that my colleague the senior Senator from Georgia [Mr. HARRIS] is necessarily absent. If he were present, he would vote "yea."

Mr. COPELAND. I wish to announce that my colleague the junior Senator from New York [Mr. WAGNER], who is necessarily absent, would vote "nay" if he were present.

Mr. BULKLEY (after having voted in the negative). I announce the same transfer of my pair as on the last vote and allow my vote to stand.

Mr. BLEASE (after having voted in the affirmative). I have a pair with the Senator from Maine [Mr. GOULD]. However, I understand that he would vote as I have voted on this question. Therefore I will allow my vote to stand.

The result was announced—yeas 44, nays 13, as follows:

YEAS—44

Ashurst	George	McKellar	Shortridge
Barkley	Goff	McNary	Smith
Black	Hale	Metcalf	Steiwer
Blease	Hastings	Moses	Stephens
Bratton	Hatfield	Oddie	Thomas, Okla
Capper	Hayden	Partridge	Townsend
Connally	Hebert	Phipps	Trammell
Couzens	Howell	Reed	Vandenberg
Davis	Jones	Robinson, Ark.	Walcott
Dill	Kean	Robinson, Ind.	Watson
Fess	McGill	Sheppard	Williamson

NAYS—13

Blaine	Cutting	Morrow	Shipstead
Borah	Johnson	Norbeck	Tydings
Bulkley	King	Nye	
Copeland	La Follette		

NOT VOTING—39

Bingham	Dale	Glenn	Heflin
Brock	Deneen	Goldsborough	Kendrick
Brookhart	Fletcher	Gould	Keyes
Broussard	Frazier	Harris	McMaster
Caraway	Gillett	Harrison	Morrison
Carey	Glass	Hawes	Norris

Patterson	Schall	Swanson	Walsh, Mont.
Pine	Simmons	Thomas, Idaho	Waterman
Pittman	Smoot	Wagner	Wheeler
Ransdell	Steck	Walsh, Mass.	

So Mr. REED's motion was agreed to.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the convention of Berne for the protection of literary and artistic works.

Mr. HEBERT. Mr. President, the copyright bill is before the Senate. I ask that the clerk proceed with the reading of the bill.

The legislative clerk resumed the reading of the bill on page 8, section 7, and read to the end of section 7.

Mr. TYDINGS. Mr. President, it is after 1 o'clock a. m. and the Senate has agreed to meet at 10 o'clock a. m. I do not want to delay or interfere with the transaction of business, but it does occur to me that with only 57 Senators present at 1 o'clock in the morning it would be better to get some sleep and come back, and then take up the bill, than it would to go through the futile process of trying to understand it at this late hour in the morning. Therefore I move that the Senate take a recess until 10 o'clock this morning.

Mr. LA FOLLETTE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. GLENN (when his name was called). I repeat the announcement made on the last vote and vote "nay."

Mr. HATFIELD (when his name was called). Making the same statement that I previously made I vote "nay."

The roll call was concluded.

Mr. BULKLEY. I transfer my pair with the junior Senator from Wyoming [Mr. CAREY] to the senior Senator from Iowa [Mr. STECK] and vote "nay."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 17, nays 39, as follows:

YEAS—17

Ashurst	Copeland	Johnson	Smith
Black	Couzens	King	Tydings
Blaine	Dill	McGill	
Blease	George	McKellar	
Connally	Hayden	Shipstead	

NAYS—39

Barkley	Hale	Morrow	Steiwer
Borah	Hastings	Moses	Stephens
Bratton	Hatfield	Norbeck	Thomas, Okla.
Bulkley	Hebert	Oddie	Townsend
Capper	Howell	Partridge	Trammell
Cutting	Jones	Phipps	Vandenberg
Davis	Kean	Reed	Walcott
Deneen	La Follette	Robinson, Ind.	Watson
Fess	McNary	Sheppard	Williamson
Goff	Metcalf	Shortridge	

NOT VOTING—40

Bingham	Dale	Goldsborough	Kendrick
Brock	Fletcher	Gould	Keyes
Brookhart	Frazier	Harris	McMaster
Broussard	Gillett	Harrison	Morrison
Caraway	Glass	Hawes	Norris
Carey	Glenn	Heflin	Nye
Patterson	Robinson, Ark.	Steck	Walsh, Mass.
Pine	Schall	Swanson	Walsh, Mont.
Pittman	Simmons	Thomas, Idaho	Waterman
Ransdell	Smoot	Wagner	Wheeler

So the Senate refused to take a recess.

The PRESIDENT pro tempore. The clerk will resume the reading of the bill.

The reading of the bill was continued to line 24, page 8, at which point the committee proposes to insert the following new provision:

Whenever any copyrighted work or part thereof shall hereafter be used, reprinted, copied, or distributed by or for the United States without license of the owner of the copyright or lawful right, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation therefor: *Provided*, That in any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by any defendant in an action for infringement: *Provided further*, That the benefits of this action shall not inure to any copyright owner who, when he makes such claim, is in the employment or service of the Government of the United States or the assignee of any such author, nor shall this section apply to any matter originated by the author during the time of his employment or service by the Government of the United States.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment for the purpose of perfecting the amendment proposed by the committee. On page 9, line 8, I move to strike out the words "provided further," and to strike out also all of lines 9, 10, 11, 12, 13, and 14.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. TRAMMELL. I will state briefly that I have no desire to delay the bill. I think this is a matter of importance and worthy of some consideration. I do not know when I ever saw such an effort to railroad a matter of such great importance through the Senate as there is in this instance. Senators talk about filibustering! On the other hand, there seems to be a determined effort to try to railroad this matter through absolutely with no consideration of the different provisions of the bill.

The amendment which I have proposed to the amendment of the committee is to strike out the following language:

Provided further, That the benefits of this action shall not inure to any copyright owner who, when he makes such claim, is in the employment or service of the Government of the United States or the assignee of any such author, nor shall this section apply to any matter originated by the author during the time of his employment or service by the Government of the United States.

The plain and unquestionable language of the proviso which I seek to strike out is that if a person is working for the Federal Government or working for an assignee then that person, although holding a copyright which may have been granted years prior to his employment, shall have no right to institute a claim against the Federal Government nor against the assignee for infringement of that copyright. I do not think anybody wants to make such a complete slave of an employee of the Government or an assignee that he would have no right to proceed in order to protect his patent if it is infringed by the Federal Government or by some assignee. That is the plain language of the provision. I presume a great many of my friends in the Senate who are supporting this bill desire to have that done. They desire to have a law that will provide that if a Government employee had a copyright five years previous to his entry into the employ of the Government, and then finds the Government is infringing his patent after he goes into the Government employ, the fact that he has a position with the Government forever ties his hands and takes from him his right to sue for infringement and that the same applies with reference to an assignee.

Mr. HEBERT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TRAMMELL. I yield.

Mr. HEBERT. Let me say to the Senator that the committee, when considering this amendment, thought we ought to afford some protection to the Federal Government, but inasmuch as the Senator feels that that should not be done, I, on behalf of the committee, am willing to accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida to the amendment of the committee. Without objection, the amendment to the amendment is agreed to.

Mr. TRAMMELL. Mr. President, I desire to protect the Federal Government, but I do not think the Federal Government or an assignee should lay the strong hand, as it were, upon an employee and rob him of his rights, and that is the reason why I offered the amendment.

Mr. BLACK. I desire to ask the Senator from Rhode Island [Mr. HEBERT] if the provision is a new one which provides for suit against the United States Government by one to whom it has granted the grace of a copyright.

Mr. HEBERT. It is a new provision. The committee felt there was no reason why suit should not be brought against the Government for infringement of a copyright by the Government as well as by an individual.

Mr. BLACK. Does the Senator think that all matters of copyright or matters of grant by the Government are of special privilege which are frequently used as a monopoly, as the Authors and Composers Union of New York is using it at the present time? I call the Senator's attention to the fact that in last Saturday's United States Daily a report was made of a case pending in the Supreme Court at the present time. A suit was filed against a hotel in Kansas City, and here is what the report said:

> According to the brief a radio station at Kansas City broadcast a musical number with the permission of the copyright owner. The selection was picked up by the hotel central receiving set and through it made available to guests of the hotel in public and private rooms. Suit was instituted against both the broadcaster and the hotel.

The result is that under the law, even as it now exists, a suit is pending in the Supreme Court on the theory that if a hotel central office happens to pick up a tune, a popular melody, and transmits it to the private rooms of its guests a suit may be brought against the hotel. May I ask the Senator if the evidence before the committee did not show that 90 per cent of all the popular songs to-day were owned and controlled by one organization in New York; that 90 per cent of all the popular melodies that are broadcast over the radio are owned by one company in New York?

Mr. HEBERT. If the Senator will pardon me, that is not true. They are not owned by one company in New York; they are owned by the owners of the copyright—the Society of Authors and Composers. It is a New York organization of authors and composers. They are not owned by a company, I will say to the Senator.

Mr. TYDINGS. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield to the Senator from Maryland.

Mr. TYDINGS. Will the Senator yield for the purpose of suggesting the absence of a quorum? There are very few Senators in attendance. This bill is important enough to command a quorum.

Mr. BLACK. I am perfectly willing to yield to the Senator from Maryland for that purpose.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	King	Sheppard
Barkley	Dill	La Follette	Shipstead
Black	Fess	McGill	Shortridge
Blaine	Glenn	McNary	Smith
Blease	Goff	Metcalf	Steiwer
Borah	Hale	Morrow	Stephens
Bratton	Hastings	Moses	Thomas, Okla.
Bulkley	Hatfield	Nye	Townsend
Capper	Hayden	Oddie	Trammell
Connally	Hebert	Partridge	Tydings
Copeland	Howell	Phipps	Vandenberg
Couzens	Johnson	Reed	Walcott
Cutting	Jones	Robinson, Ark.	Watson
Davis	Kean	Robinson, Ind.	Williamson

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment as amended.

Mr. BLACK. I want to ask the Senator from Rhode Island another question. Information came to me this afternoon, for which I can not vouch. It is on the same proposition that I was discussing with the Senator, and is to the effect that this so-called authors' and composers' association is, in reality, run for the benefit of a very few men in the city of New York. I was told by a man on the floor this afternoon that the evidence showed that they paid one man $100,000 a year salary. Does the Senator know whether or not that came out in the evidence?

Mr. HEBERT. It did not; but it did come out in the evidence that there are 700 authors and composers who are members of that society.

Mr. BLACK. The Senator did not bring out before the committee the amount that went to the authors and composers and the amount that went to eight men in New York, did he?

Mr. HEBERT. One of the witnesses before the committee testified that, from the revenue from fees and radio broadcasting, the society had an income last year of about $700,000.

Mr. BLACK. Did it appear how that money was divided?

Mr. HEBERT. It did not.

Mr. BLACK. I should like to ask the Senator another question. I have now on my desk a letter from a small hotel. The owner had a 4-piece orchestra at that hotel, a very good thing for the size of the town. He bought some music; the orchestra happened to play a piece which had been purchased at a music store, and the first thing he knew a man came to his hotel and informed him that he was infringing on the copyright and demanded, I believe it was, $250. The music had been played a few times, and he was finally compelled to settle for $60. Under the law as it is now written, could that be repeated?

Mr. HEBERT. Mr. President, that law was established by the Supreme Court of the United States in the case of Victor Herbert against Shanley's Restaurant, which was decided in 1917.

Mr. BLACK. Then, it is true that if a man happens to have a two or three piece orchestra playing at his hotel or restaurant and it plays a piece of music which was bought he must pay damages if he has not found out in advance to whom he should pay the royalty? Is that correct?

Mr. HEBERT. Mr. President, I thought I answered that question when I stated that that had been decided by the Supreme Court in 1917.

Mr. BLACK. I understood that. Now another question, I desire to ask, is this: I have also understood that if a bootblack stand here in the city of Washington has a radio and happens to play a piece of music—and of course all music will be copyrighted automatically under this proposed law—if the owner of the bootblack stand does not in advance pay a royalty he will be subject under this bill to $250 damages.

Mr. HEBERT. Mr. President, that is not so, because of an amendment which has been agreed to and which has been inserted in the bill.

Mr. BLACK. The penalty is $100 now, is it not?

Mr. HEBERT. It is not anything under the amendment as agreed to.

Mr. BLACK. May I say to the Senator that, according to the information given me by the Senator from Washington, in this bill the amount has been reduced from $250 damages to $100 damages.

Mr. HEBERT. Where no admission is charged to a place there is no charge for the music and no copyright infringement.

Mr. BLACK. There is no admission charged in a hotel restaurant or in a hotel café.

Mr. HEBERT. The Supreme Court held that there was in effect a charge for admission.

Mr. DILL. The Senator does not mean quite that. What the court held was that there was a reproduction for profit, because the reproduction of the music brought guests to the hotel.

Mr. HEBERT. It came to the same thing. The court held that as they were operating for profit; what is known as the "cover charge" was partly for the music being furnished.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. TRAMMELL. Mr. President, I should like to ask the Senator if the court so held under existing law why was it the committee did not try to give the public a little relief against such an abuse as that, instead of trying to strengthen the law and create a greater opening for an abuse of that kind against the public?

Mr. HEBERT. I do not think that the committee has done any such thing.

Mr. TRAMMELL. I think, if that is the law now, we ought to put an amendment in the pending bill to correct that, instead of trying to strengthen it and to give greater latitude for an abuse of that kind, to the annoyance of the people of this country.

At the appropriate time—and I do not want to lose my right—I am going to make a motion to strike out the amendment in section 7, in regard to suits against the Government. That is a new departure; that is a new privilege or concession which is given to the promoters. Ninety per cent of all the protection that is provided in this bill goes to that association in New York, instead of going to the authors. Not over 10 per cent goes to the authors, while 90 per cent of it goes to the trust and monopoly handling the productions of the authors throughout the country. I do not think we ought to open up an avenue to them so that they can harass and annoy the Government with their suits in the Court of Claims.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. TRAMMELL. I yield.

Mr. COUZENS. Will the Senator offer an amendment to cut out the proviso beginning in line 8 and ending in line 14, on page 9?

Mr. TRAMMELL. I will offer that amendment.

Mr. COUZENS. That amendment was carried.

Mr. TRAMMELL. That was carried.

Mr. COUZENS. What is the objection to offering an amendment now to the amendment of the committee?

Mr. TRAMMELL. The substance of my proposal would be the rejection of the committee amendment, I presume.

Mr. COUZENS. Instead of offering it later, I trust the Senator will offer it now.

Mr. TRAMMELL. I want to have the entire amendment rejected.

The VICE PRESIDENT. Let the Chair suggest that that amendment would be in order after the committee amendment shall have been disposed of. It was agreed that the committee amendments should be considered first.

Mr. COUZENS. This is a committee amendment.

Mr. TRAMMELL. What I desire to do is really to reject the committee amendment. That is a particular feature of this section that I think is objectionable. It just adds another concession, allowing copyright owners to go into the Court of Claims, a privilege which, out of 120,000,000 people in this country, very few enjoy. It is a special privilege granted to this class to sue in the Court of Claims. Congress has never accorded to the ordinary citizen, if he has a grievance against the Government, the right to go into the court and sue the Federal Government. Yet we would make that concession to this particular class, while 90 per cent of the benefits of it would go to the trust operating in the production of these works.

Mr. REED. Mr. President——

Mr. TRAMMELL. I yield to the Senator.

Mr. REED. I desire to ask the Senator, who has given so much attention to this matter, whether, in his judgment, there is any possibility of passing this bill, even if the Senate should remain in session all night?

Mr. TRAMMELL. I dislike to say in regard to that. I have studied this bill. I will state frankly that my inclination was to support the bill at first, until I read it; but after I read it, I said, "I can not vote for anything like that unless it is very materially amended."

I spent about three or four hours reading this bill without any prejudice for or against it. When I read the bill I saw that the concessions were all made one way, as I conceived them; and I have just stated that under those circumstances I should like to vote for some reasonable protection and aid toward these poor unfortunates—that trust up there, for instance, which, I understand, pays about $100,000 a year to a representative. It is making enough money to do that; and some of the promoters of it are making a great deal more probably. I do not think, however, that it is quite proper to make such enormous concessions to this poverty-stricken concern that is chiefly backing this bill. If they can pay $100,000 or $150,000 a year for an attorney, and have all kinds of lobbyists around here advocating and pushing this measure, I do not think their condition is so very distressed that we should not give a little deliberation to considering the bill.

So I am going to discuss, from time to time, the different features of this bill which I think are not in the interest of the American people, and really not in the interest of the authors of the country, and I think in the main are absolutely against the interest of the press of the country. I do not know how much time it will take. The bill has fifty-odd pages and a good many amendments.

Mr. REED. How many pages have been considered thus far?

Mr. TRAMMELL. About nine pages, I think.

Mr. REED. Nine pages have been covered in four days, and there are 50 pages still to come.

Mr. TRAMMELL. Mr. President, that statement is not exactly correct. This bill was called up probably four days ago, but I do not think over six hours all told have been actually devoted to this particular bill.

The various extraneous matters that have arisen have not arisen in connection with any delay on this bill, but have arisen on account of conference reports, calling up the oleomargarine bill, and different other matters.

Mr. REED. If it has taken 6 hours to do 9 pages, it is going to take about 40 hours to do the remaining 40 pages; and there are only 34½ hours left of this Congress.

I should like to ask the Senator from Utah [Mr. KING] if he thinks this bill could pass to-night?

Mr. KING. Mr. President, I am not quite clear why the Senator should "pick on me."

Mr. REED. I know the Senator has studied it.

Mr. KING. I have given some little attention to the bill. I am utterly unable to answer the Senator. There are some provisions in the bill that are meritorious. There are some that I think should be amended.

I will say very frankly that the failure to pass the bill, in my opinion, would work no harm except, perhaps, to one organization referred to by the Senator from Florida a few moments ago. I am perfectly willing to grant the relief to which reference was made; but I am very much opposed to this automatic copyright, plunging the United States into European affairs without any reservations whatever. Our fathers have rejected that proposition every time it has come up; and yet I would waive that, because I am anxious to get a reasonably safe and sound bill through, and I would not take part in any filibuster.

Mr. REED. Oh, no.

Mr. KING. I have not talked 15 minutes on this bill.

Mr. REED. I am not implying that the Senator is filibustering.

I see the Senator from Indiana [Mr. WATSON], the Republican leader. May I ask him whether he thinks there is any chance of getting this bill through to-night, even if we stay in session all night?

Mr. WATSON. Mr. President and Senators, I have talked with a number of Senators who told me they thought there was no possibility of passing this bill to-night; but sometimes men talk one way and act the other, especially under press of circumstances such as may happen to people of our advanced years about 1.30 in the morning.

So far as I am concerned, I will say to the Senator from Pennsylvania that I am willing to stay here all night to help pass the bill.

Mr. REED. So am I, if it will pass.

Mr. WATSON. I am willing to stay here to help try to pass it. I think it is due the sponsors of this measure, who have worked so faithfully and so diligently for so many years to bring it to its present state of perfection, and I think it is due to the Senator from Rhode Island [Mr. HEBERT] that he be given a full opportunity to test the question as to whether or not the Senate really wants this measure passed.

I am in full sympathy with the Senator from Pennsylvania in wanting to pass his bill, because I think it is a most meritorious bill. I am a member of the committee that reported it; but, really, because of that fact I do not think this bill should be displaced as long as there is a possibility of passing it. That is my judgment.

Mr. FESS. Mr. President, will the Senator yield for a question? Is there any possibility of getting a limit on debate on the copyright bill?

SEVERAL SENATORS. No!

Mr. KING. Mr. President, we shall be greatly pleased to hear the Senator from Ohio, as we always are.

Mr. TRAMMELL. Mr. President, if the Senator will yield, I do not see why the Senator wants to try to railroad this proposition. No lengthy speeches have been made. I think every Senator here realizes that the different points of objection are matters that are perfectly proper to be discussed. Is not this question of opening up the avenue so that the Federal Government can be sued a matter of a little importance to the American people? A big question of that character has been discussed only 10 or 15 minutes.

Another question is that of subordinating the rights of an employee, and robbing him of his privilege to sue either the Federal Government or an assignee if there is an infringement of his copyright that might have occurred prior to his employment. That has occupied about 15 or 20 minutes. Is not that a matter of some importance to the Senate and to the American people?

Mr. FESS. That amendment has already been made.

Mr. TRAMMELL. There is no disposition to try to draw out the debate at all. There should not be any disposition to try to railroad this matter.

Mr. HOWELL obtained the floor.

Mr. COUZENS. I suggest the absence of a quorum.

Mr. HOWELL. Mr. President, will the Senator withhold that suggestion for a moment?

The VICE PRESIDENT. Does the Senator withdraw his suggestion?

Mr. COUZENS. I do not withdraw it, but I withhold it.

AMENDMENT OF PUBLIC ACT NO. 624, SEVENTY-FIRST CONGRESS

Mr. HOWELL. Mr. President, I have an amendment to a bridge bill which will not go through unless it is passed to-night. I am going to ask unanimous consent for the consideration of this bill. It is Order of Business No. 1901 on the calendar.

The VICE PRESIDENT. The clerk will state the bill for the information of the Senate.

Mr. BRATTON. What is the request?

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent for the consideration of a bridge bill, which the clerk is about to read for the information of the Senate.

The Chief Clerk read the bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress, as follows:

Be it enacted, etc., That section 2 of Public Act No. 624, Seventy-first Congress, is amended by adding before the period at the end thereof a colon and the following proviso: "*Provided*, That no such city or county shall exercise any rights or powers herein granted unless and until a majority of the electors of such city or county, voting at a general election, shall have expressed their approval of the exercise of such rights or powers, or if a special election is held therefor, unless and until 60 per cent of the electors voting at such election shall have expressed their approval of the exercise of such rights and powers."

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL

Mr. COUZENS. Now I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	King	Robinson, Ind
Barkley	Dill	La Follette	Sheppard
Black	Fess	McGill	Shipstead
Blaine	Glenn	McKellar	Shortridge
Blease	Goff	McNary	Smith
Borah	Hale	Metcalf	Steiwer
Bratton	Hastings	Morrow	Stephens
Bulkley	Hatfield	Moses	Thomas, Okla.
Capper	Hayden	Nye	Townsend
Connally	Hebert	Oddie	Trammell
Copeland	Howell	Partridge	Vandenberg
Couzens	Johnson	Phipps	Walcott
Cutting	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Williamson

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. A quorum is present.

RESTRICTION OF IMMIGRATION

Mr. REED. Mr. President, I move that the Senate suspend the second paragraph of Rule XXVI and proceed to the consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. COPELAND. What effect will the adoption of this motion have upon the pending bill?

The VICE PRESIDENT. It will displace the pending bill.

Mr. COPELAND. It will set aside the copyright bill. It will defeat the wishes and desires of the thousands of authors, musical producers, and others who are interested in this measure.

Mr. TRAMMELL. To refuse to set it aside would be contrary and disappointing to the wishes and the heart yearnings of all the patriotic organizations of America, of all the unemployed, and the laboring people of this country, those who believe in restricted immigration.

Mr. COPELAND. Mr. President, I can not quite follow the Senator.

Mr. COUZENS. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. COUZENS. I do not understand the statement just made by the Senator from New York. This bill would not change the status quo of authors and publishers. They are existing under the present law, and have been for many, many years. Why the haste to enact this bill?

Mr. HEBERT. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. COPELAND. I yield.

Mr. HEBERT. I think I have already explained to the Senate that there is need for haste in order to get into the International Copyright Union before the 1st of August of this year, which is the last day on which the United States can enter. The authors and composers of this country consider it of very great importance for the United States to become a member of that union.

Mr. COUZENS. We have not been a member of the union up to this time, have we?

Mr. HEBERT. That is true.

Mr. COUZENS. Have they suffered very greatly because we have not been?

Mr. HEBERT. Oh, yes, Mr. President; they have been at a disadvantage. They have to go over to England to get their copyrights for use in other countries.

Mr. DILL. Mr. President, I think it ought to be said, in fairness, that we can go into the Rome convention just as well as into the Berne convention. The necessity of getting into the Berne convention is not itself a reason for passing this bill. A lot of people came before the committee and told us how important it was to get into the Berne convention, but when we asked them what the advantage was,

they just had two advantages to state. One was that we could make certain reservations—but this bill does not make those reservations—if we went into the Berne convention, which we could not if we went into the other. The second advantage was that it would cost a little bit more to run the convention from the United States Treasury under the Berne convention. I am not complaining about it, but I have failed to hear anybody give any real sound reason why there was any advantage in our getting into the Berne convention.

Mr. HEBERT. Mr. President, the soundest reason why we should not go into the Rome convention is that it does not exist. Only two states have signified their intention of adhering to the Rome convention, and it will not be in existence until six have agreed, and there is no assurance that six will ever agree.

Mr. DILL. The Rome convention was written in 1928 and the Berne convention was written in 1886. Mr. Solberg, who I think is as good authority on this matter as can be found, stated that in his judgment inside of three years there would not be anybody in the Berne convention, and other men who appeared before us stated that if we went into the Berne convention, we could then join the Rome convention. I do not think there is any great rush about getting in by August 1. I never have felt so. But I do think there would be many advantages from getting into a European convention. I dislike, however, to have the Senate told about the terrible burden upon us if we do not get into the Berne convention.

Nobody has been able to cite any real value of the Berne convention as against the Rome convention, while, on the other hand, the Rome convention would protect radio rights, which the Berne convention would not protect, and the Rome convention does protect the paternity of authors, which the Berne convention does not protect. I do not like to have the Senate given the impression that we are going to be ruined if we do not join the Berne convention.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. TRAMMELL. Would there be any inhibition against entering the Berne convention if we did not go in this year?

Mr. DILL. Yes; after August 1.

Mr. TRAMMELL. Then we would have to go into the Rome convention?

Mr. DILL. Yes.

Mr. TRAMMELL. Which latter is the more desirable, the Senator has been impressed.

Mr. DILL. I can not find any advantages in the Berne convention. It is not necessary to pass all this legislation and get into the Berne convention, but it is a little like the Christian Science proposition, this is all hung upon it as an excuse. But I am not objecting to our going into the Berne convention. I am objecting to anyone attempting to give the impression that we are forever barred from getting into the international union if we do not go in before the 1st of August.

Mr. TRAMMELL. I have suggested that the way to settle this is to provide that we will extend the copyright privilege three or four years, which would take care of the special case brought before us, and then we could vote on the question of whether or not we would enter the Berne convention, and the other important features could be disposed of.

Those who are so anxious to go into the Berne convention, those who are so anxious to extend the copyright privilege for three or four years to the particular case, can get the matter easily adjusted in that way, and the other important matters can be settled later.

Mr. HEBERT. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HEBERT. If the motion of the Senator from Pennsylvania shall be agreed to, would that displace the bill now under consideration?

The VICE PRESIDENT. It would displace the bill, and as it will take a two-thirds vote to carry the motion, it being a motion to suspend the rules, the Secretary will call the roll.

Mr. HEBERT. I hope the motion will not be agreed to.

Mr. COPELAND. Mr. President, it may seem strange for a doctor of medicine to make any plea for Christian Science, but as a matter of fact I have in my heart a sympathetic, kindly feeling for that organization.

The officials of that organization are very anxious that the copyright on Science and Health shall be continued. I have no question but that very much of the enthusiasm for this bill comes from the adherents to that faith.

The book referred to has brought comfort and happiness to thousands of people, and I feel that it is utterly wrong for us to deny to the Christian Scientists what they have so long sought. There are friends of the bill here, in spite of the disparaging things which have been said in the last 15 minutes; and I sincerely hope that the motion will not prevail, because if it does the copyright measure will be set aside and all the fond hopes of the friends of the measure will have fallen to the ground.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK]. I understand that under the present circumstances that pair will not apply, and therefore I vote "nay."

The roll call was concluded.

The vote resulted—yeas 22, nays 34, as follows:

YEAS—22

Ashurst	Couzens	McKellar	Stephens
Barkley	Dill	Moses	Thomas, Okla.
Black	George	Reed	Trammell
Blease	Hayden	Robinson, Ark.	Williamson
Bratton	Jones	Sheppard	
Connally	McGill	Smith	

NAYS—34

Blaine	Glenn	La Follette	Shipstead
Borah	Goff	McNary	Shortridge
Bulkley	Hale	Metcalf	Steiwer
Capper	Hastings	Morrow	Townsend
Copeland	Hatfield	Norbeck	Vandenberg
Cutting	Hebert	Nye	Walcott
Davis	Johnson	Oddie	Watson
Deneen	Kean	Partridge	
Fess	King	Phipps	

NOT VOTING—40

Bingham	Glass	McMaster	Smoot
Brock	Goldsborough	Morrison	Steck
Brookhart	Gould	Norris	Swanson
Brousard	Harris	Patterson	Thomas, Idaho
Caraway	Harrison	Pine	Tydings
Carey	Hawes	Pittman	Wagner
Dale	Heflin	Ransdell	Walsh, Mass.
Fletcher	Howell	Robinson, Ind.	Walsh, Mont.
Frazier	Kendrick	Schall	Waterman
Gillett	Keyes	Simmons	Wheeler

So the Senate refused to suspend the rule.

Mr. DAVIS. Mr. President, on the vote just taken to suspend the rule I voted under a misapprehension. My vote is recorded in the negative, when I intended to vote "yea."

The VICE PRESIDENT. On this question the yeas are 22, and the nays are 34, and two-thirds of the Senators present not having voted in the affirmative, the motion is rejected.

Mr. REED. Mr. President, I give notice that I will renew the motion later in the day.

Mr. COPELAND. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. Is it possible for the Senator to renew the motion?

The VICE PRESIDENT. The Chair would rather pass upon that question when it comes up.

Mr. LA FOLLETTE. Mr. President, I do not like to let that motion stand on the RECORD. The Senator having had a vote upon his motion, and it having been voted down, I would like to have the Chair consider the question as to whether or not it does not require the filing of another notice.

Mr. REED. Mr. President, I am advised by the parliamentarian of the Senate that the efficacy of the notice remains as before, and that the same motion can be made at any subsequent stage of the proceedings.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. REED. I yield.

Mr. FESS. The motion to discharge the committee was carried and the joint resolution went on the calendar. To take it off the calendar before it gets on, as the Senator first attempted, would take a two-thirds vote, a suspension of the rules being necessary. It will not when it comes up in the regular order.

Mr. REED. Absolutely, but I propose to get it up on March 3 if I can, and I have already given notice of my intention to that effect. I am advised that that notice will remain, and that the same motion will be in order later in the day.

The VICE PRESIDENT. If the Senator wants a ruling on the matter at this time, the Chair is ready to rule. Does the Senator want a ruling?

Mr. REED. I shall be glad to have a ruling.

The VICE PRESIDENT. The Chair would hold that there would have to be another notice filed specifying the purpose of the joint resolution.

Mr. REED. When the motion is made, if the Chair rules in that way, of course it will be my duty to appeal.

Mr. LA FOLLETTE. I demand the regular order.

AMENDMENT OF COPYRIGHT ACT

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

The VICE PRESIDENT. The question is on the committee amendment as amended.

Mr. DILL. Mr. President, this amendment was put in by the committee in order to have the copyright law conform to the patent law. The patent law contains identically the same wording. If this amendment is not agreed to then every person who feels a grievance will be coming to Congress with a bill to give him permission to go before the Court of Claims. I do not think it is a particularly serious matter either way whether the amendment is agreed to or not, but I may say that the committee put it in simply because it is the law as to patentees and we saw no reason why the same right should not be granted to copyright holders.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I yield.

Mr. BLACK. Suppose the Marine Band should happen to play this tune to which reference has been made, which seems to be protected by this small group monopoly in New York. Suppose the Marine Band happened to play it out here for the benefit of the public, would the Government be subject to a suit for damages?

Mr. DILL. No; it could not be, for the reason that the band was not producing the music for profit.

Mr. BLACK. Suppose the Marine Band went to some other town and they charged 10 cents admission, would the Government be subject to a damage suit in that case?

Mr. DILL. No; I do not think so. I think the person who charged the admission would be subject to a suit in that case.

Mr. BLACK. The Senator does not think the suit should be against the United States when it was the agent of the United States that committed the act?

Mr. DILL. The band would not be acting as the agent of the United States when playing at an entertainment at which an admission was charged.

Mr. KING. Mr. President, is the pending motion to strike out the amendment tendered by the committee?

Mr. TRAMMELL. Mr. President, my suggestion was that the amendment as amended be rejected, which accomplishes the same result. That is the pending question, whether the amendment should be agreed to or rejected.

Mr. KING. Mr. President, I am in favor of that motion. It seems to me that with the automatic copyright and the opportunity being given to every Tom, Dick, and Harry, if I may be permitted the language of the street, to bring suit against the United States in the Court of Claims for small or large amounts, and in view of the eagerness with which persons who claim that their rights have been infringed in the past by storekeepers, by bootblacks, and so forth, it is evident the United States would be compelled to submit to a multiplicity of suits in the Court of Claims. I think if the bill should become a law and its operation shall have been observed and we are familiar with it, its virtues and its vices, and it shall be apparent that persons should have the opportunity to go into the Court of Claims without the consent of Congress and without any further legislation, Congress would give them that opportunity.

It seems to me it is to invite everybody who could claim that the Government has infringed his copyright to bring suit, which would be a great mistake. The Marine Band and other bands of the United States may play musical numbers which are copyrighted, and we can conceive in many ways of the possibility of agents of the Government infringing without any intention to infringe some of the provisions of this bill. It seems to me it would be the part of wisdom to disagree to the amendment offered by the committee.

Mr. HEBERT. Mr. President, may I ask the Senator from Florida if his amendment affects the entire amendment proposed by the committee or just a part of it?

Mr. TRAMMELL. It affects the entire amendment proposed by the committee.

Mr. HEBERT. I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was rejected.

The VICE PRESIDENT. The clerk will continue the reading of the bill.

The legislative clerk resumed the reading of the bill and read section 8, as follows:

SEC. 8. The copyright of a work of architecture shall cover only its artistic character and its design and shall not extend to processes or methods of construction, nor shall it prevent the making, exhibiting, or publishing of photographs, motion pictures, paintings, or other illustrations thereof, which are not in the nature of architectural drawings or plans, and the owner of the copyright shall not be entitled to obtain an injunction restraining the construction, substantially begun, or use, of an infringing building, or an order for its demolition or seizure.

Mr. COUZENS. Mr. President, I understand that a motion to strike out section 8 is not now in order?

The VICE PRESIDENT. It is not in order.

Mr. COUZENS. I think I recall that the Senator from Rhode Island [Mr. HEBERT] did not object to the elimination of section 8.

The VICE PRESIDENT. Such a motion could be made by unanimous consent.

Mr. COUZENS. I ask unanimous consent for permission to move to delete section 8 at this time.

Mr. HEBERT. Mr. President, I ought to say that the bill came from the House with this provision in it. It was inserted in the bill at the request of the American Institute of Architects. They very much desired to have such a provision in the bill. Senators will observe that it only goes to the artistic character of the design and not to the method of construction. It seems to me there should not be any very serious objection to it because it does not prevent the making of photographs of designs and other matters connected with it except to make use of them from which to build.

Mr. COUZENS. Mr. President, I do not know whether I am at liberty to quote the author of the bill, but in speaking with the author of the bill, Mr. VESTAL, to-night he said he was not at all keen about this provision. I pointed out to him that if this was enacted into law, no one could build another house like the house which he had seen. He might be infringing if he built a house that was designed like somebody else's house. While the bill is alleged to be a copyright bill for the protection of authors, that would be a copyright for the protection of architects.

The VICE PRESIDENT. Is there objection to considering the amendment of the Senator from Michigan at this time to strike out section 8? The Chair hears none. The question is on the amendment of the Senator from Michigan to strike out section 8. [Putting the question.] The ayes

have it and the amendment is agreed to. The clerk will resume the reading of the bill.

The legislative clerk resumed the reading of the bill and read to page 10, line 12, where the committee proposed to insert the following language:

But no assignment, mortgage, license, or other disposition of said copyright or any right or rights comprised therein shall be valid except as between the parties thereto, unless it is in writing signed by the owner of the right in respect of which such instrument is made, or, except in the case of a will, by his duly authorized agent.

Mr. KING. Mr. President, may I ask the Senator from Rhode Island if he does not think, where a transfer is made and a license is given or an assignment made, it should be recorded, in order that the public may be protected, so they may know who is the owner? They may know who owns the copyright, but if an assignment is made and not recorded they would have no means of learning who was the assignee or the vendee. Does not the Senator think that where it is assigned, where a purchase had been made, there should be a recordation of the copyright owner for the protection of the public?

Mr. HEBERT. That is precisely what the amendment of the committee does. The assignment is not good except as between the parties unless it is recorded. It is the same provision that applies all over the country as to a transfer of real estate.

Mr. KING. I may misunderstand the language of the provision.

Mr. DILL. Mr. President, if the Senator will look on page 11, line 18, he will find that the committee inserted an amendment which will cover the very point he is making. I think the Senator from Rhode Island misunderstood the question.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, page 10, where the committee proposed to strike out the following language:

Provided, That no assignment by the author, where the author is an individual, of the copyright in any work and no grant by him of any right or rights comprised therein (otherwise than by will), after the passage of this act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of 28 years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest, shall be null and void.

The amendment was agreed to.

The reading of the bill was resumed, the next amendment of the committee being on page 11, line 13, where the committee proposed to strike out the following provision:

SEC. 10. Assignments, grants, licenses, and mortgages of copyright or of any separate right therein, or any other instrument or paper writing relating to or affecting a copyright or rights therein, may be recorded in the Copyright Office at any time after execution. A failure so to record shall not affect the validity of any such instrument:

And to insert in lieu thereof the following:

Every assignment of copyright or any right or rights comprised therein shall be recorded in the Copyright Office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Mr. DILL. Mr. President, this is a reenactment of the present law. The present law is the identical wording which the committee has inserted in preference to the permissive recording. It seemed to the committee that the recording should be mandatory as against innocent purchasers in this country within three months and in foreign countries within six months.

Mr. TRAMMELL. Mr. President, I would like to know why the recording of mortgages or assignments should be required and the idea of the recording of a copyright itself should be abandoned. Is that a consistent position?

Mr. DILL. No; I think not. The Senator knows the reason why the bill does not provide for compulsory registration and notice is that if that is done we destroy the automatic copyright, and without the automatic copyright we can not enter the international union. By an amendment which we will probably reach in a few minutes we will practically compel all copyright owners to register their work and put notice on them. It is very important that there should be a record somewhere in order that the public may be able to go and find out who owns a copyright when it has been assigned.

Mr. TRAMMELL. I think it is equally important that the public should have some place where it could go and ascertain whether or not a certain product is copyrighted. It seems that is to be abandoned and the system changed entirely.

Mr. KING. Mr. President, I should like to ask the Senator from Rhode Island or the Senator from Washington——

Mr. DILL. I offered the amendment and will be glad to answer the Senator's question.

Mr. KING. What provision is found in the bill to deal with copyrights in foreign countries obtained by Americans, automatically or otherwise, and copyrights obtained by foreigners in the United States, in the matter of assignments?

Mr. DILL. This will apply to any assignment of any copyright whether by foreigners or other people. If they want to make those assignments valid in this country they must file them here.

Mr. KING. Is there any obligation under this bill for an American author who obtains a copyright, for instance, in Germany to make an assignment in writing and have it recorded in Germany?

Mr. MOSES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MOSES. I am informed that the amendment beginning in line 18, page 11, has been agreed to; and yet it seems to be under discussion. Am I correct in that?

Mr. DILL. It has not been agreed to.

The VICE PRESIDENT. That amendment has not been agreed to.

Mr. KING. Even if it had been agreed to there would be no impropriety in trying to ascertain what its limitations and implications are.

Mr. DILL. I may say to the Senator——

Mr. MOSES. Who has the floor, Mr. President?

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. KING. I have the floor, and am asking the Senator from Washington a question.

Mr. DILL. I may say that I am unable to answer the question as to what the law is in Germany or England or other countries. This is one of those domestic provisions of law that International Union permits a country to control through its own legislation.

Mr. KING. May I ask the Senator what would be the situation if a foreigner who published his work in the United States obtained an automatic copyright and desired to make an assignment in the United States? Would he have to comply with this law?

Mr. DILL. If the person who secured the assignment wanted it to be valid in the United States as against any innocent purchasers in any assignment thereafter, he must record it. I may say this is the present law, and it works entirely satisfactorily.

Mr. KING. But we are not in the union.

Mr. DILL. But this is the present law when we are not in the union.

Mr. MOSES. Mr. President, I should like to hear some adequate reason for the amendment which substitutes the language beginning in line 18 for the provision in the House bill. My understanding was that the House provision was designed after much study to do away with the uncertainty and confusion which exist in the present copyright law, and it seems to me that the amendment now proposed simply adds to the confusion.

Mr. DILL. What did the Senator say?

Mr. MOSES. It seems to me that this amendment adds to the confusion which is already complained of in the present coypright law.

Mr. DILL. This amendment simply provides a method of recording assignments. If the law shall not contain something of this kind there will be no protection for the innocent purchaser. There is not anything about the proposed new law that changes the need of having a record of assignments. I may say further to the Senator that I have consulted with the chairman and minority members of the House committee and they are entirely satisfied with this amendment and have no objection to it.

Mr. MOSES. Since this matter goes to conference, any way, I am not disposed to make any extended comment upon it, especially at this hour of the morning, but I wanted to know just why it was that the language was changed, inasmuch as I understood that the House, after much study, had sought to get rid of the confusion and uncertainty which exist under the present copyright law.

Mr. DILL. But not as to assignments.

Mr. MOSES. However, since the matter goes to conference, I am not disposed to pursue it.

Mr. COUZENS. Mr. President, I understood that this bill would not go to conference; that the House was going to accept all the Senate amendments; that that was the reason for the haste, because everybody admitted that there would not be time for the conferees to go over the bill, and, therefore, it was agreed that the House would accept all the Senate amendments and there would be no need of a conference.

Mr. MOSES. Does the Senator mean to say that the House has taken the position, after having spent several years in its several committees on patents in discussing this matter, and arriving at a form of words, that it is now going to surrender the whole matter?

Mr. COUZENS. That is the assurance we got, because it was pointed out that there would be no opportunity to have conferees meet and agree upon a conference report, and for the Senate to consider and act upon such a report. So it has been stated that the House it going to agree to the Senate amendments without a conference.

Mr. MOSES. I simply want to remark in connection with that that—and I think the Senator from Michigan will agree with me—that there has come a great change over the sentiment of the House if it is going to accept what the Senate does without any argument.

Mr. COUZENS. As the Senator knows, the House maintains its position very strongly on most matters, but it is glad to surrender other things some times.

Mr. MOSES. In other words, this bill is a trading proposition?

Mr. COUZENS. That is my understanding.

I wish to point out one thing, and to it I invite the attention of the Senator from New Hampshire. On page 11, lines 17 and 18, the House bill contains a provision reading:

> A failure so to record shall not affect the validity of any such instrument.

That is what the Senate committee cut out, and I think that is a proper provision to cut out.

Mr. MOSES. My understanding of that provision in the House text is that the House wished to carry the continuity of the automatic copyright clear through all subsequent proceedings that might arise.

Mr. COUZENS. I understand that is so, but giving the right to mortgage an instrument without any record, it seems to me, is going much farther than any automatic copyright law ought to go.

Mr. MOSES. I am not quite sure that I follow the Senator in that conclusion, but it seems to me that the automatic copyright is the key to the whole measure; that automatic copyright is the open sesame to our adherence to the convention, and that it has to go clear through every proceeding in connection with the copyright.

Mr. COUZENS. It has been pointed out repeatedly here, by the Senator from Rhode Island in particular, that, as a matter of fact, everyone would register his copyright, and if he does that, of course, it should follow that he would register his mortgage or assignment.

Mr. MOSES. Yes, indeed; if he is going to do that, but it is very considerable, if may I say so, to the Senator from Michigan, in the hope that the Senator from Rhode Island will hear what I say.

Mr. CONNALLY. I move that the Senate take a recess until 10 o'clock a. m. to-day.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas that the Senate take a recess until 10 o'clock a. m. to-day.

Mr. BLACK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. REED (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON] and, in his absence, withhold my vote.

Mr. FESS (when his name was called). Making the same announcement as before, I transfer my pair to the senior Senator from Vermont [Mr. DALE] and vote "nay."

Mr. GLENN. I have a general pair with the junior Senator from Tennessee [Mr. BROCK] and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. WAGNER (when his name was called). I am paired with the junior Senator from Missouri [Mr. PATTERSON], but I am advised that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote and vote "nay."

Mr. BULKLEY. I understand that the Senator from Wyoming [Mr. CAREY], with whom I am paired, if present, would vote as I intend to vote. I therefore am at liberty to vote and vote "nay."

Mr. HATFIELD (after having voted in the negative). I transfer my general pair with the Senator from North Carolina [Mr. MORRISON] to the Senator from Maryland [Mr. GOLDSBOROUGH], and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES].

The result was announced—yeas 15, nays 34, as follows:

YEAS—15

Black	Copeland	Hayden	McKellar
Blaine	Couzens	Johnson	Smith
Blease	Dill	King	Trammell
Connally	George	McGill	

NAYS—34

Barkley	Hastings	Moses	Stephens
Bratton	Hatfield	Norbeck	Thomas, Okla.
Bulkley	Hebert	Nye	Vandenberg
Capper	Jones	Oddie	Wagner
Cutting	Kean	Partridge	Walcott
Davis	La Follette	Phipps	Watson
Fess	McNary	Robinson, Ind.	Williamson
Goff	Metcalf	Sheppard	
Hale	Morrow	Shortridge	

NOT VOTING—47

Ashurst	Gillett	McMaster	Smoot
Bingham	Glass	Morrison	Steck
Borah	Glenn	Norris	Steiwer
Brock	Goldsborough	Patterson	Swanson
Brookhart	Gould	Pine	Thomas, Idaho.
Broussard	Harris	Pittman	Townsend
Caraway	Harrison	Ransdell	Tydings
Carey	Hawes	Reed	Walsh, Mass.
Dale	Heflin	Robinson, Ark.	Walsh, Mont.
Deneen	Howell	Schall	Waterman
Fletcher	Kendrick	Shipstead	Wheeler.
Frazier	Keyes	Simmons	



So the Senate refused to take a recess.

Mr. HEBERT. As a part of the amendment of the committee the words beginning in line 1, page 12, with "Provided" down through and including the word "not," in line 8, should be deleted, and then in line 8 the words "Such proviso" should be changed to read "This paragraph."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, will the Senator briefly state the object of that. I confess that I do not perceive it.

Mr. HEBERT. The portion proposed to be stricken out is inconsistent with the amendment adopted by the committee on page 11.

Mr. LA FOLLETTE. Regular order, Mr. President!

The PRESIDENT pro tempore. The Chair is informed that a prior amendment to section 10 has not as yet been acted upon. Therefore it will be stated by the clerk.

The LEGISLATIVE CLERK. Strike out lines 13 to 18, page 11, down to the word "instrument," and insert the words heretofore read.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The legislative clerk continued the reading of the bill, beginning on page 12, line 8, and read as follows:

This paragraph, however, shall not apply to unrecorded instruments by which periodical and/or newspaper publication rights are assigned or conveyed; but if, in addition thereto, such instruments also assign or convey other rights, and/or refer or pertain in any way to any other rights, then such instruments to the extent of the provisions or agreements contained therein relating to such other rights shall be subject to such proviso.

Mr. COUZENS. Mr. President, was the amendment proposed by the Senator from Rhode Island adopted?

The PRESIDENT pro tempore. It was.

The legislative clerk continued the reading of the bill, and read as follows:

After the effective date of this act, upon the purchase of a part, but not all, of the rights of the author in or under a copyright, unless the instrument assigning such rights by its terms expressly includes the right of first publication, the purchaser shall be deemed to have knowledge, at the time of such purchase, of the existence of such first publication right in or under such copyright, having priority as to time of publication over any right or rights so purchased: Provided, That rights of first publication——

Mr. COUZENS. Do I understand the Senator from Rhode Island to mean that lines 16 to 23, just read, are in the existing law?

Mr. HEBERT. No, Mr. President. Under existing law there can be nothing bought except the copyright or the entire assignment of copyright. Under this bill there may be divisible rights in a copyright, all of which may be assigned, or any one of which may be assigned. That is in accord with the divisible-copyright idea provided by this bill.

Mr. TRAMMELL. Mr. President, may I ask the chairman of the committee just what is the meaning of the paragraph beginning with line 16 on page 12 in regard to the question of first publication? It seems that it provides that if a person sells a copyright, assigns it to some one, unless it is specifically provided otherwise, the copyrighter reserves the right of first publication. What does that mean—that they shall have the privilege of selling the first issue of the product that is copyrighted?

Mr. HEBERT. As the bill reads, Mr. President—

Upon the purchase of a part, but not all, of the rights of the author in or under a copyright, unless the instrument assigning such rights by its terms expressly includes the right of first publication, the purchaser shall be deemed to have knowledge, at the time of such purchase, of the existence of such first publication right in or under such copyright, having priority as to time of publication over any right or rights so purchased.

In other words, under those conditions one who buys the copyright buys it with the understanding that there is a first-publication right outstanding against him; for instance, the right of magazine publication where there is to be a book right, or the right of book publication where there is to be a subsequent right to place upon a film for moving pictures, and the like.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. TRAMMELL. I do. I yield to the Senator.

Mr. SMITH. This is a very important matter, and I think those Senators who come in and vote against adjournment ought to stay here and help to put through this measure. Therefore, I suggest the absence of a quorum. We have passed upon several items since the last quorum call.

The PRESIDENT pro tempore. The Chair is trying to ascertain what business has been done since the last quorum was demanded.

Mr. SMITH. We have adopted one or two amendments.

The PRESIDENT pro tempore. Amendments have been agreed to in the meantime. Accordingly, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Glenn	La Follette	Robinson, Ark.
Blaine	Goff	McGill	Sheppard
Bratton	Hale	McNary	Shortridge
Bulkley	Hastings	Metcalf	Stephens
Capper	Hatfield	Morrow	Thomas, Okla.
Connally	Hayden	Moses	Townsend
Copeland	Hebert	Norbeck	Vandenberg
Cutting	Howell	Nye	Wagner
Davis	Johnson	Oddie	Walcott
Deneen	Jones	Partridge	Watson
Dill	Kean	Phipps	Williamson
Fess	King	Reed	

The PRESIDENT pro tempore. Forty-seven Senators having answered to their names, there is not a quorum present.

Mr. LA FOLLETTE. Mr. President, pursuant to paragraph 3 of Rule V, I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. It will be necessary to call the names of the absentee Senators first.

Mr. KING. I move that the Senate take a recess until 10 o'clock this morning.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Utah.

Mr. LA FOLLETTE. On that I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Making the same announcement as on the last roll call, I refrain from voting.

Mr. HATFIELD (when his name was called). In keeping with my previous announcement, I vote "nay."

Mr. McNARY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. McKELLAR]. I transfer that pair to the junior Senator from Oregon [Mr. STEIWER] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH], who is absent. Being unable to secure a transfer, I withhold my vote.

The roll call was concluded.

Mr. BULKLEY (after having voted in the negative). I have a pair with the Senator from Wyoming [Mr. CAREY]. I understand, however, that he would vote as I have voted. Therefore, I will allow my vote to stand.

Mr. STEPHENS (after having voted in the negative). I am paired with the Senator from Indiana [Mr. ROBINSON]; but I understand that he would vote as I have voted. Therefore, I allow my vote to stand.

Mr. WATSON. I find that I can transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Wyoming [Mr. CAREY], which I do, and will vote. I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the senior Senator from Montana [Mr. WALSH];

The Senator from Colorado [Mr. WATERMAN] with the senior Senator from Virginia [Mr. SWANSON];

The Senator from Connecticut [Mr. BINGHAM] with the junior Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. THOMAS] with the junior Senator from Montana [Mr. WHEELER]; and

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES].

The result was announced—yeas 9, nays 37, as follows:

YEAS—9

Blaine	Dill	Johnson	Robinson, Ark.
Connally	Hastings	King	
Copeland	Howell		

NAYS—37

Barkley	Hatfield	Moses	Thomas, Okla.
Bratton	Hayden	Norbeck	Townsend
Bulkley	Hebert	Nye	Vandenberg
Capper	Jones	Oddie	Wagner
Cutting	Kean	Partridge	Walcott
Davis	La Follette	Phipps	Watson
Deneen	McGill	Reed	Williamson
Fess	McNary	Sheppard	
Goff	Metcalf	Shortridge	
Hale	Morrow	Stephens	

NOT VOTING—50

Ashurst	Frazier	McKellar	Smoot
Bingham	George	McMaster	Steck
Black	Gillett	Morrison	Steiwer
Blease	Glass	Norris	Swanson
Borah	Glenn	Patterson	Thomas, Idaho
Brock	Goldsborough	Pine	Trammell
Brookhart	Gould	Pittman	Tydings
Broussard	Harris	Ransdell	Walsh, Mass.
Caraway	Harrison	Robinson, Ind.	Walsh Mont.
Carey	Hawes	Schall	Waterman
Couzens	Heflin	Shipstead	Wheeler
Dale	Kendrick	Simmons	
Fletcher	Keyes	Smith	

So the Senate refused to take a recess.

Mr. LA FOLLETTE. A parliamentary inquiry. How many pairs were announced on that vote which were not recorded?

The PRESIDING OFFICER (Mr. FESS in the chair). Only one. The clerk will call the roll of the absentees.

The Chief Clerk called the names of the absent Senators, and Mr. CONNALLY and Mr. TRAMMELL answered to their names when called.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is not present.

Mr. LA FOLLETTE. Mr. President, pursuant to paragraph 3 of Rule V, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. CONNALLY. Mr. President, is that motion debatable?

Mr. LA FOLLETTE. I make the point of order that the motion is not debatable.

The PRESIDING OFFICER. The point of order is sustained.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. HOWELL entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present. The clerk will proceed with the reading.

The reading was resumed on page 12, line 23, the next amendment of the committee being on page 13, line 18, to strike out the following proviso:

Provided, however, That for this purpose, where such notice or instrument or assignment is mailed by registered mail properly addressed to the Copyright Office in Washington, the date of such mailing shall be deemed the date of record.

Mr. TRAMMELL. Mr. President, I want to ask a question merely for information. The first part of this section provides that where the copyright owner disposes of part of his interest, then unless specifically otherwise provided, the right of first publication is reserved in the owner. Then, following that provision of the measure, in this proviso is provided a method by which he is relieved of that right if he does not proceed within the period of one year.

The injustice of that against the author is that if the purchaser of only a part of the copyright shall take advantage of this technicality at a later date, he can exclude the owner from the right of first publication. I would like to ask the Senator from Rhode Island if he thinks that is justice to the author or owner of the copyright?

Mr. HEBERT. There is absolutely no injustice to the author. The law to which the Senator refers simply provides that unless the right of first publication is exercised within a year, it expires, and there is no more first publication right.

Mr. TRAMMELL. It provides that, but that is in the case where there is a sale of only a part of the right. That proviso reacts to the original provision. The original provision applies only to the sale of a part of the rights, and the institution in New York which is back of this, the monopoly, go and purchase a part of a right, as an illustration, from an author, and because the author does not exercise the right he retains within one year, then this purchaser, who has purchased only the right by a technicality, acquires all of the author's right, and the author is thereafter precluded from first publication.

That is a great injustice to the author, a great injustice to the owner of a copyright, to set up a system of technicalities whereby he loses a right which has not been paid for by the purchaser, the purchaser having purchased only a part of it. I do not think that is in the interest of the author.

Mr. BLEASE. Mr. President, does not the Senator understand that lawyers generally make laws so that there will be technicalities, and they can keep their business going?

Mr. TRAMMELL. I have heard that the lawyer representing this monopoly, which controls more than 90 per cent of all the music productions in this country, according to their own statement, was very largely the author of this bill as it appeared in the House. I do not know whether it is true or not that it was written by a lawyer to whom the monopoly pay a salary of perhaps $100,000 or $150,000 per annum.

Mr. BLEASE. The Senator would not expect lawyers to legislate themselves out of a job, would he?

Mr. TRAMMELL. No; I would not expect that. I wanted to understand this provision, and I really think it is to the detriment of the authors of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 13, line 18.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, there are a number of Senators who were very anxious to be here to deliberate on and consider this measure to-night. With this effort to force and railroad a proposition of this important character, I am going to suggest the absence of a quorum so that those Senators can come here and assist in the consideration of the measure.

Mr. HEBERT. Mr. President, will the Senator not withhold his request for one moment? If he will permit us to go along and finish the consideration of section 10—there are only a few more lines—I shall not press for the further consideration of the bill this morning. I will then yield to the Senator from Oregon to make a motion.

Mr. TRAMMELL. That is perfectly agreeable to me. I withdraw the suggestion of the absence of a quorum.

Mr. McNARY. I will then make a motion for a recess until 10 o'clock.

Mr. TRAMMELL. Very well.

The reading of the bill was continued to line 2, page 14, the last provision read being as follows:

All assignments, grants, licenses, mortgages, and other instruments, notices or paper writings hereinabove referred to, when recorded in the Copyright Office, shall be indexed in the name of the author and the assignor, licensor, or mortgagor, and in the name of the assignee, licensee, or mortgagee, and under the title of the copyright work.

Mr. McNARY. Mr. President, I ask the Senator from Rhode Island whether we have concluded the section about which he spoke?

Mr. HEBERT. Yes; we have.

RECESS

Mr. McNARY. I move that the Senate, pursuant to the agreement, take a recess until 10 o'clock this morning.

The motion was agreed to; and the Senate (at 2 o'clock and 55 minutes a. m., Tuesday, March 3), under the order previously entered, took a recess until to-day at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 2 (legislative day of February 17), 1931

REGISTER OF THE LAND OFFICE

Robert J. Carsner, of Oregon, to be register of the land office at The Dalles, Oreg., vice George W. Miller, who died before assuming office.

POSTMASTERS

ALABAMA

Tyler M. Swann to be postmaster at Roanoke, Ala., in place of T. M. Swann. Incumbent's commission expired January 29, 1931.

Roger S. Bingham to be postmaster at Talladega, Ala., in place of J. S. Chambers. Incumbent's commission expired February 14, 1931.

ARIZONA

Helen A. McNutt to be postmaster at Prescott, Ariz., in place of W. F. Day. Incumbent's commission expired January 7, 1931.

CALIFORNIA

Lillian G. Brackett to be postmaster at Geyserville, Calif., in place of L. G. Brackett. Incumbent's commission expired December 11, 1930.

Fred W. McCullah to be postmaster at Long Beach, Calif., in place of F. W. McCullah. Incumbent's commission expired January 29, 1931.

Warren N. Garland to be postmaster at Oakdale, Calif., in place of W. N. Garland. Incumbent's commission expired February 12, 1931.

COLORADO

Walter H. Morris to be postmaster at Granada, Colo., in place of G. W. Karn, deceased.

CONNECTICUT

Joseph H. Derenthal to be postmaster at Madison, Conn., in place of J. H. Derenthal. Incumbent's commission expired December 22, 1930.

Thomas B. McDonald to be postmaster at Sharon, Conn., in place of T. B. McDonald. Incumbent's commission expired December 13, 1930.

GEORGIA

William B. King to be postmaster at Bluffton, Ga. Office became presidential July 1, 1930.

Martha C. Aultman to be postmaster at Byron, Ga., in place of M. C. Aultman. Incumbent's commission expired February 9, 1931.

Jesse S. Weathers to be postmaster at Cairo, Ga., in place of J. B. Crawford, resigned.

Clifton O. Lloyd to be postmaster at Lindale, Ga., in place of C. O. Lloyd. Incumbent's commission expired January 21, 1931.

Theron E. Watson to be postmaster at Lithonia, Ga., in place of T. P. Philips. Incumbent's commission expired May 12, 1930.

Christine P. Hankinson to be postmaster at McDonough, Ga., in place of C. P. Hankinson. Incumbent's commission expired June 3, 1930.

William B. Smith to be postmaster at Tennille, Ga., in place of W. B. Smith. Incumbent's commission expired February 17, 1931.

ILLINOIS

H. Melville Potter to be postmaster at Ashley, Ill., in place of H. T. Peeck. Incumbent's commission expired February 24, 1931.

Madison R. Hunter to be postmaster at Avon, Ill., in place of G. E. Simmons. Incumbent's commission expired January 16, 1930.

Charles H. Collins to be postmaster at Casey, Ill., in place of C. H. Collins. Incumbent's commission expired June 30, 1930.

Charles V. Champion, sr., to be postmaster at Catlin, Ill., in place of Lem Neville, removed.

Clarence L. Kiger to be postmaster at Cisne, Ill., in place of C. L. Kiger. Incumbent's commission expired March 23, 1930.

Mode Morrison to be postmaster at Manteno, Ill., in place of Mode Morrison. Incumbent's commission expired January 28, 1931.

Henry J. Troeger to be postmaster at Mount Olive, Ill., in place of F. A. Sassmannshausen. Incumbent's commission expires March 3, 1931.

Clayton O. Merricks to be postmaster at Abingdon, Ill., in place of C. O. Merricks. Incumbent's commission expired December 11, 1930.

INDIANA

Guy J. Shaughniss to be postmaster at Angola, Ind., in place of F. B. Rowley. Incumbent's commission expired December 13, 1930.

Frost R. Harden to be postmaster at Covington, Ind., in place of J. W. McMahon. Incumbent's commission expired January 29, 1931.

Burr S. Balser to be postmaster at Delphi, Ind., in place of Morton Hefner. Incumbent's commission expired January 22, 1931.

Carl W. Sims to be postmaster at Frankfort, Ind., in place of E. A. Spray. Incumbent's commission expired January 29, 1931.

Normal V. McClellan to be postmaster at Goodland, Ind., in place of W. G. Beal. Incumbent's commission expired December 17, 1930.

Frank M. Martin to be postmaster at Gosport, Ind., in place of T. C. Dodd. Incumbent's commission expired February 5, 1931.

Pearle H. Moulton to be postmaster at Parker, Ind., in place of C. F. Morris, resigned.

Nellie G. Hallowell to be postmaster at Pendleton, Ind., in place of C. L. Bragdon. Incumbent's commission expired December 17, 1930.

Sol A. Tuttle to be postmaster at Pleasant Lake, Ind., in place of Martha Wise. Incumbent's commission expired June 10, 1930.

Omer R. Huff to be postmaster at Troy, Ind., in place of Lawrence O'Connor. Incumbent's commission expired May 19, 1930.

Valance U. Slater to be postmaster at Warren, Ind., in place of D. P. Keller. Incumbent's commission expired February 17, 1931.

Guy Hudson to be postmaster at Waynetown, Ind., in place of Isaac Sutton. Incumbent's commission expired January 15, 1931.

James C. Harris to be postmaster at Windfall, Ind., in place of Fred Dunn, removed.

IOWA

Alfred G. Rigby to be postmaster at Independence, Iowa, in place of A. G. Rigby. Incumbent's commission expires March 3, 1931.

Harold H. Phillips to be postmaster at Luverne, Iowa, in place of E. A. Haskell. Incumbent's commission expired January 7, 1931.

Lola Thomas to be postmaster at Randolph, Iowa, in place of A. V. Gillette, resigned.

Hiram K. Evans, jr., to be postmaster at Seymour, Iowa, in place of H. E. Morrison. Incumbent's commission expired February 16, 1931.

KANSAS

Newell R. Kirkham to be postmaster at Lebo, Kans., in place of N. R. Kirkham. Incumbent's commission expired February 24, 1931.

Clarence L. Keith to be postmaster at Menlo, Kans. Office became presidential July 1, 1930.

Louis Feuerbacher to be postmaster at Robinson, Kans., in place of R. B. Terrill. Incumbent's commission expired January 18, 1931.

KENTUCKY

Benoni H. Lott to be postmaster at Lewisport, Ky., in place of B. H. Lott. Incumbent's commission expired March 22, 1930.

Frank A. Mohney to be postmaster at Lynch, Ky., in place of S. F. Nelson. Incumbent's commission expired February 11, 1931.

Marsh F. Chumley to be postmaster at McHenry, Ky., in place of A. M. Smith. Incumbent's commission expired January 6, 1931.

Burton Roberts to be postmaster at Richmond, Ky., in place of Burton Roberts. Incumbent's commission expired February 11, 1931.

Clifford V. Bryant to be postmaster at Fleming, Ky., in place of A. G. Bryant, removed.

Benjamin F. Shepard to be postmaster at Wayland, Ky., in place of Byrd Wicker, resigned.

Mabel K. Kipping to be postmaster at Carrollton, Ky., in place of M. K. Kipping. Incumbent's commission expired February 17, 1927.

LOUISIANA

Jeannette Clarkson to be postmaster at Clarks, La., in place of P. B. Allbritton, resigned.

Howard A. Hudson to be postmaster at Lake Arthur, La., in place of B. S. Marquart. Incumbent's commission expired April 9, 1930.

MARYLAND

Thomas E. Brian to be postmaster at Ellicott City, Md., in place of T. E. Brian. Incumbent's commission expires March 3, 1931.

George W. Nichols to be postmaster at Hurlock, Md., in place of Mary Stevens. Incumbent's commission expired June 30, 1930.

Philip E. Huntt to be postmaster at Waldorf, Md., in place of P. E. Huntt. Incumbent's commission expired February 4, 1931.

MASSACHUSETTS

Wilfred B. Littlefield to be postmaster at Brockton, Mass., in place of L. T. Briggs, deceased.

James R. Delaney to be postmaster at Dedham, Mass., in place of F. A. Campbell, deceased.

John K. Parker to be postmaster at Duxbury, Mass., in place of R. B. DeWolf, resigned.

MICHIGAN

Frank E. Darby to be postmaster at Kalkaska, Mich., in place of F. E. Darby. Incumbent's commission expired February 16, 1931.

John F. Reed to be postmaster at Ravenna, Mich., in place of R. S. Cox, removed.

MINNESOTA

William J. Annon to be postmaster at Anoka, Minn., in place of G. H. Veidt. Incumbent's commission expired March 22, 1928.

Charles A. Allen to be postmaster at Milaca, Minn., in place of C. A. Allen. Incumbent's commission expired December 17, 1930.

Charles A. Luscher to be postmaster at Redwood Falls, Minn., in place of H. W. Ward, deceased.

Mathew Rivers to be postmaster at Rollingstone, Minn. Office became presidential July 1, 1930.

Lenore E. Merrill to be postmaster at Rose Creek, Minn., in place of L. R. Cronan, deceased.

Henry M. Burtness to be postmaster at Spring Grove, Minn., in place of H. M. Burtness. Incumbent's commission expired January 10, 1931.

MISSISSIPPI

Louise H. Gray to be postmaster at Greenville, Miss., in place of R. K. Haxton, resigned.

Mary C. Carr to be postmaster at Tylertown, Miss., in place of W. W. Collins. Incumbent's commission expires March 3, 1931.

MISSOURI

David W. Puthuff to be postmaster at Bolivar, Mo., in place of D. W. Puthuff. Incumbent's commission expires March 3, 1931.

Alta O. Snow to be postmaster at Holt, Mo., in place of W. H. Smith, removed.

Charles F. Hamrick to be postmaster at Stover, Mo., in place of C. F. Hamrick. Incumbent's commission expired February 6, 1930.

Frankie F. Tanner to be postmaster at Union Star, Mo., in place of L. D. Fisher, deceased.

NEBRASKA

Carl K. McCleery to be postmaster at Blue Hill, Nebr., in place of F. E. Britton, resigned.

Gustav A. Koza to be postmaster at Clarkson, Nebr., in place of G. A. Koza. Incumbent's commission expired February 11, 1931.

Edmund J. Barrett to be postmaster at Lawrence, Nebr., in place of H. H. Schroer, removed.

George F. McMullen to be postmaster at Walthill, Nebr., in place of G. F. McMullen. Incumbent's commission expired February 14, 1931.

NEW JERSEY

Alfred J. Perkins to be postmaster at Atlantic City, N. J., in place of A. J. Perkins. Incumbent's commission expired February 9, 1931.

John T. Boyd to be postmaster at Greystone Park, N. J., in place of J. T. Boyd. Incumbent's commission expires March 3, 1931.

Caroline A. Cowan to be postmaster at Haworth, N. J., in place of C. A. Cowan. Incumbent's commission expires March 1, 1931.

Howard G. Pearce to be postmaster at Point Pleasant, N. J., in place of Harold Chafey, resigned.

Richard T. Wilson to be postmaster at Ridgewood, N. J., in place of C. R. Stoneall. Incumbent's commission expired January 10, 1931.

William F. Bodecker to be postmaster at Tenafly, N. J., in place of W. F. Bodecker. Incumbent's commission expired March 1, 1931.

Jacob Feldman to be postmaster at Woodbine, N. J., in place of Jacob Feldman. Incumbent's commission expired February 16, 1931.

NEW MEXICO

Charles F. Wilhelm to be postmaster at Alamogordo, N. Mex., in place of O. C. Cady. Incumbent's commission expired March 1, 1930.

Gertrude E. Reid to be postmaster at Dexter, N. Mex., in place of F. E. Knight. Incumbent's commission expired May 29, 1930.

Ernest U. Scott to be postmaster at Grenville, N. Mex., in place of E. U. Scott. Incumbent's commission expired December 16, 1930.

NEW YORK

Nicholas Reilly to be postmaster at Brentwood, N. Y., in place of Nicholas Reilly. Incumbent's commission expired February 16, 1931.

Alexander Glendinning to be postmaster at East Quogue, N. Y., in place of Alexander Glendinning. Incumbent's commission expires March 3, 1931.

William T. Williamson to be postmaster at Troy, N. Y., in place of W. T. Williamson. Incumbent's commission expired February 24, 1931.

NORTH CAROLINA

Harley E. Wright to be postmaster at Canton, N. C., in place of C. F. Smathers. Incumbent's commission expired January 22, 1931.

Lawrence T. Gibson to be postmaster at Gibson, N. C., in place of A. M. Gibson. Incumbent's commission expired January 29, 1931.

NORTH DAKOTA

Louie L. Gardner to be postmaster at Langdon, N. Dak., in place of L. L. Gardner. Incumbent's commission expires March 3, 1931.

Francis R. Cruden to be postmaster at McHenry, N. Dak., in place of F. R. Cruden. Incumbent's commission expired December 17, 1930.

Martin H. Weber to be postmaster at New Leipzig, N. Dak., in place of M. H. Weber. Incumbent's commission expired January 17, 1931.

Sidney O. Dundas to be postmaster at Watford City, N. Dak., in place of S. O. Dundas. Incumbent's commission expired June 21, 1930.

Mary E. Swartwout to be postmaster at Wimbledon, N. Dak., in place of A. M. Hewson, deceased.

OHIO

Garnet E. Sharp to be postmaster at McArthur, Ohio, in place of J. C. Gill. Incumbent's commission expired December 21, 1930.

Lema M. Collins to be postmaster at Proctorville, Ohio, in place of M. V. Smith. Incumbent's commission expired February 12, 1929.

Karl Hale to be postmaster at Upper Sandusky, Ohio, in place of G. R. Irwin. Incumbent's commission expired February 26, 1931.

William E. Thomas to be postmaster at Wellston, Ohio, in place of W. E. Thomas. Incumbent's commission expired February 4, 1931.

Matthew C. Morrison to be postmaster at Bradner, Ohio, in place of J. P. Evans, resigned.

OKLAHOMA

Osman A. Gilbert to be postmaster at Cleveland, Okla., in place of Ward Guffy. Incumbent's commission expired January 18, 1931.

Harold D. Larsh to be postmaster at Norman, Okla., in place of G. D. Graves. Incumbent's commission expired February 16, 1931.

PENNSYLVANIA

Fred A. Wyckoff to be postmaster at East Stroudsburg, Pa., in place of G. C. Hughes. Incumbent's commission expired February 27, 1930.

Mahlon C. Cleaver to be postmaster at Girardville, Pa., in place of M. C. Cleaver. Incumbent's commission expires March 3, 1931.

Carl Steuer to be postmaster at Johnstown, Pa., in place of W. E. Shissler. Incumbent's commission expired December 22, 1930.

William F. Houser, sr., to be postmaster at Middletown, Pa., in place of W. F. Houser, sr. Incumbent's commission expires March 3, 1931.

Anna E. Snyder to be postmaster at Seven Valleys, Pa., in place of H. F. Groff, deceased.

SOUTH CAROLINA

Henry N. Folk to be postmaster at Bamberg, S. C., in place of H. N. Folk. Incumbent's commission expired May 26, 1930.

Paul DeL. Mazyck to be postmaster at Gaffney, S. C., in place of F. B. Gaffney. Incumbent's commission expired April 5, 1930.

Murray S. McKinnon to be postmaster at Hartsville, S. C., in place of J. S. Cathcart. Incumbent's commission expired June 12, 1930.

Clarence J. Fickling to be postmaster at Blackville, S. C., in place of H. A. Rich. Incumbent's commission expired May 12, 1930.

SOUTH DAKOTA

William B. Poe to be postmaster at Andover, S. Dak., in place of S. T. Wickre, resigned.

Louis E. Castle to be postmaster at Britton, S. Dak., in place of L. E. Castle. Incumbent's commission expired December 17, 1930.

Charles A. Olson to be postmaster at Claremont, S. Dak., in place of C. A. Olson. Incumbent's commission expires March 3, 1931.

Claud I. Force to be postmaster at Clear Lake, S. Dak., in place of C. I. Force. Incumbent's commission expired February 23, 1931.

Ernest F. Roth to be postmaster at Columbia, S. Dak., in place of E. F. Roth. Incumbent's commission expired February 23, 1931.

William O. Johnson to be postmaster at Faulkton, S. Dak., in place of W. O. Johnson. Incumbent's commission expired February 5, 1931.

Gunnell M. Gorder to be postmaster at Frederick, S. Dak., in place of G. M. Gorder. Incumbent's commission expired January 14, 1931.

Thorvald Jordeth to be postmaster at Lebanon, S. Dak., in place of Thorvald Jordeth. Incumbent's commission expires March 3, 1931.

Clarence S. Johnson to be postmaster at Milbank, S. Dak., in place of C. S. Johnson. Incumbent's commission expired December 21, 1929.

Garfield G. Tunell to be postmaster at Mobridge, S. Dak., in place of G. G. Tunell. Incumbent's commission expired February 23, 1931.

Hattie Alseike to be postmaster at Northville, S. Dak., in place of H. F. Cook, resigned.

Percy R. Miklebost to be postmaster at Peever, S. Dak., in place of P. R. Miklebost. Incumbent's commission expired December 17, 1930.

William Zwicky to be postmaster at Rapid City, S. Dak., in place of J. H. Mathias, resigned.

Clarence I. Hougen to be postmaster at Wilmot, S. Dak., in place of C. I. Hougen. Incumbent's commission expired January 18, 1931.

TENNESSEE

Thomas H. Hale to be postmaster at Pikeville, Tenn., in place of S. L. Robinson. Incumbent's commission expired March 1, 1930.

Simon C. Dodson to be postmaster at Sparta, Tenn., in place of S. C. Dodson. Incumbent's commission expired January 24, 1931.

TEXAS

John R. Martin to be postmaster at Anson, Tex., in place of J. R. Martin. Incumbent's commission expired December 11, 1930.

Fred A. Mansfield to be postmaster at Bandera, Tex., in place of F. A. Mansfield. Incumbent's commission expired December 11, 1930.

Flora G. Bowers to be postmaster at Borger, Tex., in place of Harold Rothschild, removed.

John J. Crockett to be postmaster at Chapel Hill, Tex., in place of J. J. Crockett. Incumbent's commission expired December 10, 1928.

Alfred W. Orr to be postmaster at Livingston, Tex., in place of A. W. Orr. Incumbent's commission expired January 25, 1931.

Santford P. Rosette to be postmaster at Mission, Tex., in place of S. P. Rosette. Incumbent's commission expired March 29, 1930.

Mollie A. Hough to be postmaster at Montgomery, Tex., in place of M. A. Hough. Incumbent's commission expired December 11, 1930.

UTAH

Porter A. Clark to be postmaster at Parowan, Utah, in place of P. A. Clark. Incumbent's commission expired January 6, 1931.

VERMONT

Paul Tudhope to be postmaster at North Hero, Vt., in place of J. T. Tudhope, resigned.

VIRGINIA

James K. Carter to be postmaster at Clinchport, Va., in place of J. K. Carter. Incumbent's commission expired December 22, 1930.

Robert E. Fugate to be postmaster at Nickelsville, Va., in place of R. E. Fugate. Incumbent's commission expired March 16, 1930.

WASHINGTON

Lynn P. Hart to be postmaster at Hunters, Wash., in place of L. R. Menkee, resigned.

WEST VIRGINIA

Harison G. Vicars to be postmaster at Fort Gay, W. Va., in place of Oscar Sipple, removed.

Harry O. Lockman to be postmaster at Helen, W. Va., in place of H. O. Lockman. Incumbent's commission expired December 11, 1930.

James G. Meadows to be postmaster at Hinton, W. Va., in place of J. G. Meadows. Incumbent's commission expired March 30, 1930.

Thomas C. Scott to be postmaster at Philippi, W. Va., in place of T. C. Scott. Incumbent's commission expired January 17, 1931.

Ira W. Folden to be postmaster at Ronceverte, W. Va., in place of I. W. Folden. Incumbent's commission expired December 17, 1929.

Emmett W. Williams to be postmaster at Stotesbury, W. Va., in place of E. W. Williams. Incumbent's commission expired March 30, 1930.

Willard E. Hatfield to be postmaster at Williamson, W. Va., in place of W. E. Hatfield. Incumbent's commission expired March 1, 1931.

WISCONSIN

Edward C. Szyperski to be postmaster at Cudahy, Wis., in place of Paul Mlodzik. Incumbent's commission expired January 14, 1931.

Otto E. Born to be postmaster at Fond du Lac, Wis., in place of T. A. Watson, deceased.

George W. Rickeman to be postmaster at Racine, Wis., in place of G. H. Herzog, removed.

WYOMING

Albert J. Schils to be postmaster at Cokeville, Wyo., in place of A. J. Schils. Incumbent's commission expired December 16, 1930.

Arthur W. Crawford to be postmaster at Guernsey, Wyo., in place of A. W. Crawford. Incumbent's commission expired January 29, 1931.

Verne W. Mokler to be postmaster at Casper, Wyo., in place of E. M. Bean. Incumbent's commission expired January 8, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2 (legislative day of February 17), 1931

UNITED STATES DISTRICT JUDGES

Luther B. Way to be United States district judge, eastern district of Virginia.

John P. Barnes to be United States district judge, northern district of Illinois.

Ernest A. O'Brien to be United States district judge, eastern district of Michigan.

UNITED STATES ATTORNEY

Frank K. Lemon to be United States attorney, southern district of Illinois.

UNITED STATES MARSHALS

George W. Montgomery to be United States marshal, western district of Louisiana.

Arthur M. Burke to be United States marshal, eastern district of Illinois.

ASSAYER IN CHARGE

Elias Marsters to be assayer in charge, United States assay office, Boise, Idaho.

COAST AND GEODETIC SURVEY

Ernst Erbert Stohsner to be aide, with relative rank of ensign in the Navy.

Chester Joseph Beyma to be aide, with relative rank of ensign in the Navy.

POSTMASTERS

ALABAMA

L. Rather Day, Decatur.

ARIZONA

John Murray, Snowflake.

COLORADO

Robert L. Newton, Arvada.
Jessie L. Thurston, Carbondale.
Norman Matheson, Matheson.

FLORIDA

Matye E. Mills, Cross City.
Richard T. Bevington, Lake Worth.
Edward Roberts, Odessa.
George E. Gay, Palatka.
Millard C. Sullivan, Pinecastle.

GEORGIA

James A. Grant, Alto.
Afley M. Cherry, Donalsonville.
Frank Summerour, Duluth.
Laurene K. Coleman, Graymont.
Herschel I. Harris, Hamilton.
Eddie L. D. Horne, Leary.
Kate C. Knox, Lexington.
Allen E. Pettitt, Nelson.
Ivey M. Cox, Newton.
George H. Broome, Pavo.
Annie P. Harper, Stillmore.

IDAHO

Samuel P. Oldham, Rexburg.

ILLINOIS

Percy Gaston, Centralia.
William A. Fay, Jacksonville.
Henry D. Oakland, Maywood.
Rollin M. Meisenbach, Pearl.
Rebecca C. Miller, Smithfield.

KANSAS

Fred C. Ferguson, Attica.
Charles I. Zirkle, Garden City.
Henry J. Weltmer, Hiawatha.
E. Erwin Townsdin, Hugoton.
Durward J. Wilson, Hutchinson.
John J. Groshong, McLouth.
Ralph H. Gibbs, Oskaloosa.
Robert E. Martin, Stafford.

KENTUCKY

Ward H. Metcalfe, Brooksville.
Willie C. West, Crestwood.
Charles A. Bickford, Hellier.
Fountain S. Aynes, Pleasureville.
Lenora B. Bryant, Science Hill.

MICHIGAN

Emma Creevy, Barryton.
Robert Ryan, Bronson.
William E. Oakes, Drayton Plains.
Benjamin A. Faunce, East Lansing.
Lloyd R. Doane, Mason.
Lee J. Campbell, Royal Oak.

MINNESOTA

George M. Tronsrue, Long Prairie.
Louis A. Muckelberg, Millville.

MISSISSIPPI

Melzar J. Nye, Carrollton.
Neppie R. Lockwood, Crystal Springs.
Robert J. E. Barwick, Glen Allan.
Minnie B. Dubuisson, Long Beach.
Sidney M. Jordan, Louisville.
Nellie E. Hardy, Piney Woods.

MISSOURI

Bess N. Jones, Ethel.

MONTANA

Burr A. Davison, Roundup.

NEW HAMPSHIRE

Nellie C. Chaplin, Belmont.

NEW YORK

Howard Tuttle, Brewster.
Harold G. Haines, Earlton.
Arthur E. Brundage, Newburgh.
Harry A. Pearce, Ocean Beach.
Augustus P. Altemeier, Port Jervis.
Harry Pottenburgh, Rhinebeck.
David R. Dunn, Scarsdale.
William H. Young, Voorheesville.

NORTH DAKOTA

Chapin Hayford, Casselton.
Hugh C. Corrigan, Fargo.
Mabel Dickinson, Fullerton.
Alfred B. Welch, Mandan.

OHIO

Ernest C. Ludwig, Anna.
Roy H. Hannum, Long Bottom.
Marcus S. Roush, Rutland.
Pearl H. Cheney, South Charleston.

OREGON

Harry A. Cool, Drain.
Nellie G. Reed, Gold Hill.

PENNSYLVANIA

Kenneth Cooper, New Kensington.
James S. Fennell, Salina.
James A. Miller, Schellsburg.
Coleman A. Wingard, Spring Mills.
Charles Nahf, Tamaqua.
Anna Kolesar, Terrace.
Henry W. Merritt, Wilkes-Barre.

SOUTH CAROLINA

John C. Spann, Allendale.

SOUTH DAKOTA

Joshua Trumm, Hayti.
James E. McLaughlin, Onida.

TENNESSEE

Alexander H. Hill, Harrogate.
Guy V. Jackson, Humboldt.
Ernest H. Smothers, Camden.

TEXAS

Rebecca White, Carbon.
William T. McRee, Gruver.
Arthur B. Rook, Harrold.
William L. Keeler, May.
Isidore Newman, Mexia.
John B. Reneau, Munday.

WISCONSIN

Darryl V. Lampman, Augusta.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 2, 1931

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We draw near to Thee, our Father, not as unto an avenging God but by the way of a merciful Savior, touched with a feeling of our infirmities. Be with us this day. May we be patient and gentle, courageous and strong without rudeness. Again death has reduced our ranks. Beloved and honored in public and in private life, bearing a dignity and poise, the insignia of a wonderful character. Yes, Father, he has left us. O Death, thou dost come equally to all and make us all equal when thou dost come. We walk in no strange way. It was the way of the prophets, the apostles, the martyrs, the pioneers, and it will be our way. May we wait and walk patiently with Him who sends forth His love even as the sun sends forth the summer. Loving Father, remember her who in weakness is bowed in the silence of an unspeakable sorrow which curtains to-day in darkness, blots the sun out of noonday and the stars out of the night. The companion of the years sits bereaved and alone—the cheerless heavens above, the homeless earth beneath, and the tempest beating against her with its pitiless storm. O God, if Thou art just, and Thou art, then come and be her eternal refuge; take her to the Father's arms, the Father's breast, to the Father's heart, and at the last to the Father's home. Amen.

The Journal of the proceedings of Saturday, February 28, 1931, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 6169. An act to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes;

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6260. An act granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.; and

S. J. Res. 233. A joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

THE LATE REPRESENTATIVE HENRY ALLEN COOPER

Mr. TILSON. Mr. Speaker, our distinguished colleague, Hon. HENRY ALLEN COOPER, who has been longest of all of us in the service of this House and one of the most beloved men who ever sat in this House of Representatives, has fallen at his post of duty. Ordinarily, of course, the House would immediately adjourn. Under the conditions which now confront us, so close to the end of the session, it will not be possible for us to adjourn, but instead, following a very notable precedent, it is my hope that out of respect to his memory we may recess until noon. A suitable resolution will be offered in a few moments to carry this idea into effect.

Mr. BROWNE. Mr. Speaker, as a friend and colleague of many years of Mr. COOPER, I ask for just a moment or two to pay a tribute to his memory.

Representative HENRY ALLEN COOPER, of Racine, Wis., passed away early Sunday morning at his apartment in the Washington Hotel overlooking the majestic Potomac, the Washington and Lincoln Memorials, a view which always stirred his soul to look upon.

In the passing of Representative COOPER the people have lost a friend who for 36 years in the Halls of Congress has been their valiant champion.

In every contest where human rights and property rights have come in conflict HENRY ALLEN COOPER has stood for human rights, and, like Henry of Navarre, his plume has always waved in the thickest of the conflict.

He believed in the principles of Thomas Jefferson and Abraham Lincoln, and held these principles higher than party fealty.

In all places and at all times he had the courage of his convictions, and was never afraid to stand with a small minority or even alone in espousing a cause he believed right.

A fearless, constructive, painstaking legislator.
A man of distinguished presence.
A classical scholar.
A skilled musician as well as a composer of music.
A cultured, interesting gentleman.

He would have ranked high at any period in the history of the American Congress.

> Statesman, friend of truth, of soul sincere,
> In action faithful and in honor clear,
> Who broke no promise, served no private end,
> Who gained no title, and who lost no friend.

Mr. MOORE of Virginia. Mr. Speaker, as a member of the Committee on Foreign Affairs, I have had the privilege of serving with Mr. COOPER for several years, and perhaps, so far as committee associations are concerned, no one is in better position to have formed an estimate of his unusual ability, of his great courage, of his high character, and his devotion to the public interests as he understood those interests. Just the other day he rose here and delivered a very beautiful address relative to the designation of one of the avenues of this city so as to relate its name to the Constitution. At the conclusion of that address the membership of the House rose and acclaimed him. That was just a little while ago, and since his sudden demise I have thought of what Cicero in his De Amicitia says of a somewhat similar occurrence. He recites that Scipio Africanus, who had rendered great service to his country, one evening ascended the hill in Rome to the capitol and there was received by the Senate with all of the respect which it could accord him, and with all of the acclamation which could be given a citizen of the Republic. He died that night, and Cicero in his record says that the happiest hour of the life of Scipio was the hour just before he died. So it seems to me in looking back we may believe that the very happiest hour in the long service of our friend here was when the Members of the House of Representatives after having known of his record for so many years, and after having had the opportunity to realize the manner of man he was, did what it did after that fine address of his—rose to their feet and testified to their great regard and affection for him. It would be fortunate for any man serving here or serving the public elsewhere to think that just before the shadows come upon him and he leaves the scene he should receive such splendid recognition as was accorded Mr. COOPER on that occasion.

Mr. OSIAS. Mr. Speaker, as a Representative of the Filipino people, I would be recreant to my trust if I did not rise and, on their behalf, join the membership of the House in an expression of the bereavement which all must feel at the departure of Congressman HENRY ALLEN COOPER.

That venerable figure has been removed from our midst, but he will ever be remembered. Mr. COOPER in life always interested himself in the Philippine question and in its proper solution. In season and out of season he defended the rights and the liberties of the Filipino people. Even in the days when it was difficult to stand in defense of those islands, he never swerved from his path of duty. Guided by what he believed to be just and right, he rendered disinterested service to the people of those distant isles, and in so doing he served both the United States and the Philippines.

Standing high in the councils of this Government, his advice was sought by no less than three Presidents on matters Philippine. He was the first chairman of the Committee on Insular Affairs of this body, and as such he played a prominent part in congressional enactments affecting the people of the Philippine Islands. To him more than any other single individual was due the passage of the act of Congress of July 1, 1902, which was the first organic law for the Philippines when civil government was implanted.

Mr. COOPER was greatly instrumental in the creation by Congress of the first elective Philippine Assembly. In the deliberations of the committee that passed judgment on that historic step toward self-government, there were some who doubted the capacity of the inhabitants to exercise greater autonomous powers. One, in fact, launched an intemperate attack on the Filipinos, calling them "pirates, barbarians, savages, incapable of civilization."

Congressman COOPER came to the defense of the Filipino people. He spoke of the culture and progress of the islanders. He recited with telling effect Rizal's Last Farewell, the epic poem of the great Filipino hero and martyr, and as a fitting climax Mr. COOPER said:

> Pirates! Barbarians! Savages! Incapable of civilization! How many of the civilized Caucasian slanderers of the race could ever be capable of thoughts like these, which on that awful night, as he sat alone amidst silence unbroken save by the rustling of the black plumes of the death angel at his side, poured from the soul of the martyred Filipino? Search the long and bloody roll of the world's martyred dead, and where, on what soil, under what sky did tyranny ever claim a nobler victim?
>
> Sir, the future is not without hope for a people who, from the midst of such an environment, has furnished to the world a character so lofty and so pure as that of Jose Rizal.

For these and other services the Philippines owes Mr. HENRY ALLEN COOPER a great debt.

In the passing of a soul so great, words are utterly inadequate. What he said, what he did, and, above all, what he was—these constitute the best monument to HENRY ALLEN COOPER, the public servant, the defender of right, a friend, true and tried, loyal and beloved.

It is a singular coincidence that Rizal's poem which Mr. COOPER in life used frequently to recite from memory should close with these words:

> To die is to rest (Morir es descansar).

To COOPER death was rest. May he rest in peace.

Mr. LINTHICUM. Mr. Speaker, HENRY ALLEN COOPER served with me on the Committee on Foreign Affairs for some 18 years. I did not know him so well in the beginning, but when I did become well acquainted with him I found, just as did many other Members of the House, that he was not only a diligent legislator but a very devoted friend. For years I have met him on various occasions, together with Mrs. Cooper. I know of no couple who enjoyed a more lovely life together than did those two good people, whom I shall always revere. Mr. and Mrs. COOPER were always devoted, not only to the legislation and to the interests of the country but they were devoted to those things which bring Members closer together and which make legislation easier and persons better known and understood. Mr. COOPER did perhaps more than any other man to instill in the Foreign Affairs Committee that it was a committee which dealt with international affairs; that it was not a committee which should indulge in partisanship, and he worked to that end at all times. He was always impartial as to which Member or which party was interested in a measure. It was his sole purpose that it should be in the interest of the country through the Department of State and the Foreign Service, and when that appealed to him he was for the bill or against it, regardless of who introduced it or what party might be interested.

I feel I am like many other Members of this House. We have lost a very devoted friend, a very able legislator, and a very great social friend as well.

It is, however, gratifying that Providence spared him to the country and to Congress through so many years during the vigorous period of his life and until the sunset of his brilliant career.

Our committee will miss his wise counsel, his independent action, and his impartiality.

Mr. GUEVARA. Mr. Speaker and Members of the House, the Filipino people mourn the passing to the Great Beyond of the great American, HENRY ALLEN COOPER. At this moment, the 13,000,000 Filipinos are bereft by the death of the man who has been devoted to the cause of the Philippine Islands ever since that country was brought under the American Flag. During the years that Congressman COOPER has occupied his place in the Congress of the United States, he has rendered valuable service to the United States and to the Philippines, and his death is a loss, a great loss, to the American and Filipino peoples alike.

May I assure the American people that the memory of Representative COOPER will live forever in the hearts and minds of every Filipino of this and future generations.

May God give him the place he deserves in that invisible region to which all of us aspire to go some time.

Mr. FREAR. Mr. Speaker, I have no words that need be added to the splendid eulogy of HENRY ALLEN COOPER, uttered by Chaplain Montgomery in his prayer this morning. Those who have already spoken have also voiced their knowledge of the many superior qualities of our distinguished friend and colleague, a man whom we all loved. He was one of the best friends I ever had, and less than 30 days ago it was my privilege to express on this floor the high appreciation of an American patriot and nature's nobleman which this House had for Representative COOPER. He died as he would have wished, "in harness," and I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 387

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY ALLEN COOPER, a Representative from the State of Wisconsin;

Resolved, That a committee of 25 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral;

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House;

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair will announce the appointment of the committee later.

The Clerk read as follows:

Resolved, That, as a further mark of respect, this House do now stand in recess until 12 o'clock meridian.

The resolution was agreed to.

Accordingly (at 11 o'clock and 26 minutes a. m.), the House stood in recess until 12 o'clock noon.

AFTER THE RECESS

The recess having expired at 12 o'clock noon, the House was called to order by the Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 487

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

Resolved, That a committee of 15 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock meridian to-day.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16111. An act to amend sections 1 and 7 of the second Liberty bond act, as amended.

EXTENSION OF REMARKS

Mr. TILSON. Mr. Speaker, I should like to ask the usual permission for all Members to extend remarks in the RECORD until the last issue of the RECORD of the present Congress is printed. This is the usual request and it means the Members' own remarks. The last issue will be printed, I understand, on the 16th of March.

Mr. SABATH. Does that mean a Member's own remarks on any subject.

Mr. TILSON. It does.

Mr. BANKHEAD. Will that include the right to incorporate statements, editorials, data, and things of that sort?

Mr. TILSON. I should think only where they are quotations that are properly explanatory of a Member's own remarks and not editorials or other articles from newspapers and magazines.

Mr. ABERNETHY. Does that mean one extension?

Mr. TILSON. No; as many extensions as desired.

Mr. SABATH. Will that permit a Member to extend his own remarks on the procedure of the House, on the rules, and on anything of that kind?

Mr. TILSON. On anything that is of a parliamentary character. Of course, these extensions will be under date of March 2 or March 3.

Mr. STAFFORD. I assume that with the passing of my colleague Hon. HENRY ALLEN COOPER, in this Congress there will be no memorial services in the next Congress with Mr. COOPER listed as one of those to whom we pay special tribute, and I assume it will be necessary to pay tribute to his services to extend remarks on his life and character in the RECORD of this session.

Mr. TILSON. No; the gentleman is mistaken about this. Mr. COOPER's name will be included in the next list of memorial services held by the House, so that there will then be opportunity for all who are Members of the Seventy-second Congress to extend their remarks. Mr. Speaker, I renew my request.

The SPEAKER. Will the gentleman restate his request?

Mr. TILSON. My request is that all Members may extend their own remarks in the RECORD until the last issue of the RECORD for the present Congress, which, I understand, will be not later than March 16.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members may have the privilege of extending their own remarks until the last issue of the CONGRESSIONAL RECORD. Is there objection?

Mr. McSWAIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McSWAIN. Would it be the Speaker's construction that this general request would cover the privilege given to me to revise and extend the remarks which I made on Saturday last, which I have withheld and have not yet printed.

The SPEAKER. The Chair thinks that the privilege to revise and extend remarks would extend back to remarks already made. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, there is one question I want to ask the gentleman from Connecticut. There are a great many Members who have not yet inserted their remarks on the lives and characters of deceased Members and a great many Members will not be able to do so until after the adjournment of Congress. What I want to know is whether or not those remarks will be included in the bound volumes that are to be issued later?

Mr. TILSON. In my judgment, they will be included, although I have not consulted with the chairman of the Committee on Memorials. However, I believe the resolution already adopted in connection with memorials would authorize what the gentleman has in mind.

Mr. RANKIN. That is all I am interested in.

The SPEAKER. Is there objection?

There was no objection.

THE RELATION OF THE NEWSPAPER TO THE PUBLIC

Mr. FRANK M. RAMEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address made by H. L. Williamson, editor of the United States Publisher, over the radio, on the subject of "The Relation of the Newspaper to the Public."

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting an address made by H. L. Williamson. Is there objection?

There was no objection.

ELIJAH P. LOVEJOY AND FREEDOM OF THE PRESS

The death of Elijah Parish Lovejoy, the militant editor and publisher of slavery days in St. Louis and Alton, Ill., did more to strengthen the antislavery sentiment north of the Mason and Dixon line than, perhaps, any other incident preceding the Civil War.

Elijah Parish Lovejoy was born in Albion, Me., November 9, 1802, the son of a Congregational minister. When he was less than 4

years old he exhibited his ruling passion—an ardent desire for knowledge; at that age he read fluently in the Bible. As he grew older this insatiable desire grew more pronounced and he literally devoured book after book in his father's theological library. After reading all of his father's books he had recourse to a public library.

His powers of memory were exceedingly retentive. An incident serves to illustrate these powers. His Sunday-school teacher one day remarked to the class that it might increase its lesson for the next Sunday. During his leisure hours the following week he committed to memory the One hundred and nineteenth Psalm and 20 or more hymns to go with it. Poetry he drank in like water. By reading any piece of one or two pages twice he could accurately repeat it. It was no uncommon thing for him to repeat 150 hymns from Watts at a single recitation.

Under the forming hand of his mother, with a few months in each year at the district school, the first 18 years of his life were passed. At this time he set his heart strongly upon obtaining a public education. He spent a single quarter term in the academy at Monmouth, Me., during which time he read Vergil, Cicero, and Sallust. He had studied Latin but two or three weeks previous to this. His preparatory studies were continued at intervals in China Academy; he entered as a sophomore at Watervelt College in September, 1823, and graduated in 1826 with first honors in his class.

For several months after leaving college he was engaged in teaching in an academy. In May, 1827, he left his friends and native State with his eye fixed upon the inviting and youthful West. It was with great reluctance that he left his family and social circles to make his home among strangers. It was late in 1827 when he arrived in St. Louis. He was immediately engaged in teaching school.

In the course of the next year he was engaged in editing and publishing a political paper advocating the claims of Henry Clay to the Presidency. From letters written to his parents, the paper for which he worked seemed to have been the St. Louis Times—at that time a Whig organ.

In January of 1832 there was a great religious revival in St. Louis. Lovejoy became ardently interested in the work of the church and soon afterward he was wending his way toward Princeton, N. J., and that great school's theological seminary. He was enrolled in the seminary March 24, 1832, and began to educate himself for the ministry. During his summer vacation he visited his parents, who still lived in Maine.

In April, 1833, Lovejoy received a license to preach the gospel. Some months of the summer were passed in preaching at Newport, R. I., and as a temporary supply at the Spring Street Church in New York. While at the latter place he received news of the death of his father.

In the latter part of August, 1833, a number of friends in St. Louis requested, and even strongly urged, that Lovejoy return there and become the editor of a weekly religious paper. The friends furnished a capital of $1,200 for press, type, and other equipment. Lovejoy was to have entire control of the establishment with the right to mortgage the plant in order to secure more equipment and material. If the net income exceeded $500 a year the editor was to pay the surplus to the proprietors.

In pursuance of this arrangement the first number of the St. Louis Observer was issued.

Lovejoy, as editor of the Observer, often rode into the country around St. Louis, preaching and attending meetings of the Synod and Presbytery and other meetings for various benevolent objects.

Articles on slavery were frequently found in the Observer as early as 1834. The space devoted to the subject occupied about one-seventh of the paper a great deal of the time. Lovejoy was thoroughly convinced of the sin of slavery and cherished an ardent desire to see it abolished.

Sun and clouds alternate Lovejoy's life from this period on. One of the sunbeams was his marriage to Celia Ann French. The ceremony took place at St. Charles, Ill., August 4, 1835.

Later in the year, in October, Lovejoy was absent for two or three weeks attending the Presbytery and Synod at Potosi, Mo. While he was gone the publishers of the Observer received a communication advising an entire suspension of all controversy upon the exciting subject of slavery. While Lovejoy was not in his office the publishers agreed not to publish anything about slavery, but attached a string to the announcement by adding that the final policy would be determined upon the return of the editor. The angry mob was not satisfied with the explanation and threatened destruction of the Observer unless the editorial policy was completely and at once changed with regard to abolition.

When Lovejoy returned to St. Louis from his trip the abolition excitement was at its height. The immediate cause of the climax was the abduction of two negroes, who were taken to a field and lashed nearly 200 times. The newspapers carried articles threatening Lovejoy for his stand. "At any moment," he wrote his brother in Maine, "I expect to be hanged or tarred and feathered. * * * In the Observer of Thursday I shall come out openly, fearlessly, and, as I hope, in such a manner as becomes a servant of Jesus Christ, when defending His cause."

In his own office there was turmoil. The publishers requested him to resign. Lovejoy had legal control of the plant and could not have been forced to turn it over to the owners. However, he did not wish to continue the paper against their wishes, so he resigned. When control passed from his hands a note for $500 on the plant passed also. As the note was then due and could not again be renewed, the proprietors turned the plant over to the holder of the note, a Mr. Moore. Then the unexpected happened. Mr. Moore assumed control of the plant and asked Lovejoy to be editor on condition that he remove it to Alton. When he went to Alton to make arrangements the people received him with open arms. While there he received a plea from Mr. Moore in St. Louis to return at once and continue the publication of the Observer there. Lovejoy accordingly returned and resumed publication of the paper.

In June of 1836 came the determination to move the paper to Alton. After much deliberation and consultation with friends Lovejoy decided that the Observer would meet with much better support in the Illinois city and would be even more valuable to the subscribers, for the paper had a large circulation both in Missouri and Illinois.

The St. Louis office was destroyed by a proslavery mob on the eve of his departure for Alton. His press, type, and equipment were safe for the time being, however. The steamboat which carried his plant to Alton arrived on Sunday; Lovejoy declined to receive it on the Sabbath. The press lay on the bank all night. Early next morning five or six men destroyed the press and type and dumped them into the river.

Lovejoy immediately acquitted the citizens of Alton, and he had good reason to do so for later on the same day the citizens voluntarily and unanimously pledged themselves to make good the destruction which the vandals from the outside had caused. Lovejoy took the subscription of money and went to Cincinnati at once and secured new equipment. On the way home he fell ill and was forced to stay in Louisville for some time. Consequently the publication of the Observer was suspended from the middle of July to the 8th of September, 1836.

Lovejoy's paper soon threw Alton into a turmoil. Mass meetings were held to discuss him. Friends insisted upon a recognition of his right as a free citizen to express his opinion.

Proslavery advocates grew violent in their denunciation of him and threatened his property with destruction and his life with death. At one public meeting where the issue was hotly discussed Lovejoy arose and declared he was opposed to slavery but was not an abolitionist. This did not satisfy and the agitation continued with increasing fury.

At a public meeting July 11, 1837, the Observer was publicly condemned, not only because of its utterances and views, but because of its very presence the peace and order of the community was threatened. His reply was resolute and courteous but unyielding. A determination to remain and continue his course, unswerved and unbroken, was shown in every line, gesture, and movement. So on August 21 his office was again wrecked.

Willing friends bought him another press and outfit, which arrived a month later. Lovejoy was not in Alton at the time and the new machinery and material were stored in a warehouse. That night the building was broken open and the press and type were rolled into the river.

A fourth press was ordered. More resolute than ever, even to the point of foolhardy stubbornness, Lovejoy refused to move to Quincy. His friends urged him to accept the offer from a safer haven, but he announced his determination to remain in Alton and fight it out.

A public meeting on November 2 showed the feeling against him had grown. Friends of other days, still believing in his rights, condemned his judgment in inviting upon himself death and upon the town a tragedy and disgrace that could never be wiped out.

Lovejoy appeared to defend himself and his right to free speech. He was passionately and pathetically eloquent. He flamed as he stood for his rights; he wept as he told of his sick wife at home, a nervous wreck from the excitement and the terrors of her life. He recounted her experiences in a garret to which she had been driven by the demonstrations of the mobs. But in spite of his pleas and his fiery defiance the resolutions were against him.

The fourth press arrived November 6, 1837, and was safely stored. A volunteer guard of 60 friends agreed to protect the warehouse. At 9 o'clock the following night, the guard, believing danger past, dispersed and nearly all went home. The mob soon gathered and the remnants of the guard were overpowered. The press was demanded or the building would be destroyed. Every man who would offer resistance was told he would imperil his life. The mob's demand was refused and the attack on the building began. A shot from within the building killed Lyman Bishop. Mayor John M. Krum ordered the mob to disperse, but its fury was only increased.

A ladder was raised against the building to enable one of the rioters to place a firebrand on the roof. Lovejoy and two volunteers offered to dislodge him. At this instance two shots were fired from behind a lumber pile. Lovejoy was in plain view and received five buckshot; he died without a struggle. No inquest was held and his body was buried next day. In January of the following year the defenders of the press were acquitted but the leaders of the mob were never apprehended.

Condemnation of Lovejoy's murder was universal. The reaction, of course, favored the antislavery and abolition press and advocates, and throughout the entire country they enjoyed greater freedom and more favors than had ever before been accorded them, and their cause commanded more and more respectful attention.

Elijah Parish Lovejoy is one of the editors selected by the Illinois Press Association for the Editors' Hall of Fame which will be formally opened at the University of Illinois in October, 1930, at the sixty-fifth annual convention of the association. Mr. Lovejoy was one of the first four editors to be selected by the hall of fame committee. The other three editors are Victor Fremont Lawson, former editor of the Chicago Daily News; Joseph Medill, former editor in chief of the Chicago Tribune; and Henry Wilson Clendenin, former publisher of the Illinois State Register at Springfield.

Eight more busts will be unveiled at the sixty-fifth annual meeting. These editors will be selected at the meetings this fall and next spring. Some pictures will also be hung in the hall of fame, which will be located at the University of Illinois.

ORDER OF BUSINESS

The SPEAKER. The Chair desires to state that at this moment he will only recognize requests for extensions.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. I see a great many Members, including the chairman of the Appropriations Committee, about to ask recognition, and I want to inquire of the Speaker as to the status of the business before the House when we adjourned on Saturday.

The SPEAKER. The Chair thinks that before proceeding with any other business he should state the parliamentary situation. When the House adjourned on Saturday there was pending a motion by the gentleman from Ohio to suspend the rules and pass a bill. The gentleman from New York has 10 minutes remaining and the gentleman from Ohio has 12 minutes remaining.

Mr. DICKSTEIN. Mr. Speaker, I understand it is just the reverse. I think the gentleman from New York has 12 minutes and the gentleman from Ohio 8 minutes.

The SPEAKER. The Chair is informed by the Clerk that the gentleman from New York has 10 minutes remaining and the gentleman from Ohio 12 minutes. If the House will indulge the Chair, he desires to state the situation in which we find ourselves. This mass of papers on the Chair's desk represents the requests for suspension of the rules, which the Chair has tentatively promised. Beyond that there are probably 40 or 50 Senate bills on the Speaker's table, similar House bills having been reported and now on the calendar, for which the Chair will grant recognition at some time or another. Besides that, there are a number of conference reports pending, there may be messages from the President, and but a few hours remaining before final adjournment.

Now, on Saturday night when the Chair recognized the gentleman from Ohio [Mr. JENKINS] to suspend the rules, intimation was made—I would not say that the Chair was accused, but it was rather intimated that the Chair was unfair in so doing.

The Chair is very jealous of what reputation he may have for fairness. There is one thing that the Chair has never consciously done, and never will do, and that is to be unfair under any circumstances, but the situation was that some gentlemen were exercising their parliamentary rights, under the rules as they exist, to interpose objections to the passage of the bill and to delay it as much as possible. The Chair has no criticism to make. The Chair thinks that any Member is not only within his rights, but it is his duty, where he is opposed to a measure, to adopt all proper parliamentary methods to prevent the passage of the bill; but in the interest of the speeding up of the business of the House, it is equally the right of Members in favor of the bill to use all proper parliamentary methods to speed its passage. One of these parliamentary methods which has been repeatedly used is the motion to suspend the rules.

The Chair agrees that suspension of the rules is not a normal legislative procedure. In a sense, it is a trifle unfair in that it limits debate and does not permit the right of amendment. If anybody thinks that the Chair covets the right to recognize or not to recognize motions to suspend the rules in the last six days of a session, he is far from being correct. It is one of the most burdensome, unpleasant duties that can fall to the lot of a Member of Congress. It is always unpleasant for the present occupant of the Chair to say no four out of five times, as he is compelled to do.

But there are times when suspension of the rules is vitally necessary to dispatch public business. It is going to be vitally necessary in the next few hours because very few hours remain before adjournment, and the Chair must use his discretion, when he believes it is in the interest of a large majority of the House to use the right of suspension.

I think the Chair is safe in saying that not more than three or four times since his incumbency of this office for the past six years has the motion to suspend the rules, out of hundreds of cases, received less than the necessary two-thirds; in other words, the Chair was in fact aiding the House to carry out its will.

Now, when we speak of the question of unfairness, may the Chair make this observation? If he was unfair on Saturday night in recognizing suspension of the rules, he was equally unfair the other day when he entertained a motion to suspend the rules to provide hospitalization for veterans. If he was unfair on Saturday night, he was unfair two weeks ago when he entertained a motion to suspend the rules to increase the borrowing capacity on veterans' adjusted-service certificates. If he was unfair on Saturday, he is going to be unfair to-day when he recognizes a motion to suspend the rules and pass a bill providing half holidays for Government employees. [Applause.]

I think the tempers of gentlemen were, perhaps, a little ragged the other evening, and I think on mature consideration and deliberation they will withdraw the charge that the Chair was unfair on Saturday. The Chair always tries to be not the master but the servant of a majority of the House of Representatives. [Applause.]

The Chair recognizes the gentleman from Ohio to call up the unfinished business.

Mr. JENKINS. Mr. Speaker, may I inquire how the time stands?

The SPEAKER. The gentleman from Ohio has 12 minutes remaining and the gentleman from New York has 10 minutes.

Mr. DICKSTEIN. Mr. Speaker, I would like to have recognition on a question of personal privilege with respect to the question of procedure of this House, and I would like to be heard on that question before we proceed with this bill.

The SPEAKER. The gentleman will state the grounds for his question of personal privilege.

Mr. TILSON. Mr. Speaker, there is an emergency matter here of such urgent importance that I think the Speaker, by unanimous consent, might suspend consideration of the immigration measure until the matter which the gentleman from Indiana [Mr. WOOD] has to submit is first considered.

THE LATE HENRY ALLEN COOPER

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of a joint resolution (H. J. Res. 524) to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin. Such sum to be disbursed by the Sergeant at Arms of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

On motion of Mr. WOOD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The gentleman from New York will state his question of personal privilege.

Mr. DICKSTEIN. Mr. Speaker, my impression is, and I believe it is the rule, that procedure before this House should be properly recorded as appears from the stenographer's record which is transmitted and reported in the CONGRESSIONAL RECORD. Mr. Speaker, I charge that this RECORD of Saturday, apparently, underwent a perfect operation.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that that is a question of the privileges of the House and not a question of personal privilege.

The SPEAKER. The gentleman from New York will state his question of personal privilege.

Mr. DICKSTEIN. Certain remarks brought about this whole unpleasant situation, which arose from the very man, Mr. JOHNSON of Washington, who brought about this condition, whereby Mr. LAGUARDIA told some of the folks on the other side that he was just as good an American as anyone on the other side.

Mr. JOHNSON of Washington. Mr. Speaker, I ask that the gentleman's words be taken down. I said or did nothing that brought about that condition.

The SPEAKER. The Chair thinks the gentleman is making a proper statement of the question.

Mr. DICKSTEIN. The gentleman, Mr. JENKINS, introduced Mr. CABLE as a 100 per cent American from Ohio and that remark and that introduction brought about resentment on the part of one of the gentlemen, Mr. LAGUARDIA, as well as others on this side of the House. As a result of that remark and that introduction by the distinguished gentleman, Mr. JENKINS, from Ohio, of the other gentleman from Ohio, Mr. CABLE, there came about an awful row and confusion and almost blows, as a matter of fact, Mr. Speaker.

Now, these remarks and introductions have all been eliminated from page 6575 of the RECORD, and I am willing to testify to that.

Mr. SNELL. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. SNELL. If there was anything unpleasant Saturday night that ought not to have been said, is it not a good thing it was kept out of the RECORD? Let us be fair about it.

Mr. DICKSTEIN. I will say to the gentleman from New York [Mr. SNELL] I am just as fair as any man in this House.

Mr. SNELL. We all want to be fair.

Mr. DICKSTEIN. But when they leave out our conversation and objections to the remarks made by the other side, which were obnoxious and un-American, from the RECORD and cut out their remarks, I say that is entirely unfair, and it is about time the House should wake up, and I demand that what was said on the floor be restored to the CONGRESSIONAL RECORD.

Mr. SNELL. Does not the gentleman think that we had better cut it all out?

Mr. DICKSTEIN. That is a matter for the House as representatives of the American people.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. LAGUARDIA. I think it is only fair, as far as the statement I made, to say that I gave consent that one certain statement I made be stricken from the RECORD. Because, in the first place, I can absorb all the punishment that any Members of the House may try to inflict upon me. I do think it was extremely ungenerous on my part to compare my record at a certain time with anybody else's. When I was asked, I consented cheerfully that my statement go out. I do not care what they say about me. [Applause.]

The SPEAKER. The Chair does not think that the gentleman has laid a foundation for a question of personal privilege. It might be a question of the privilege of the House if the gentleman accompanies it with a resolution. The Chair does not see the object——

Mr. DICKSTEIN. The object is to call attention to the fact that a part of what occurred on Saturday has been eliminated from the RECORD, that questions and remarks are not printed.

The SPEAKER. The Chair does not see how the gentleman can get at that except by offering a resolution.

Mr. DICKSTEIN. Well, Mr. Speaker, under the circumstances, after hearing the statement of the gentleman from New York [Mr. LAGUARDIA] I withdraw my suggestion. [Applause.]

RESTRICTION OF IMMIGRATION

The SPEAKER. The unfinished business is the House joint resolution, restricting immigration. The gentleman from Ohio has 12 minutes remaining, and the gentleman from New York 10 minutes remaining.

Mr. JENKINS. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, I desire to express my appreciation of the remarks made by the Speaker as to the necessity for orderly procedure of the House. We all know of the Speaker's continuous efforts for exact fairness. I hardly need to call the Speaker's attention to the fact that not one of the Members among the three-fourths or more in this House who favor further restriction challenged the Speaker. Nor did any of our greatly nonpartisan majority run out of the doors of the Chamber in an effort to prevent a quorum being counted.

Mr. CONNERY. Mr. Speaker, I make the point of order that the gentleman is not speaking to the bill. That was the point that was made on me last Saturday evening.

Mr. JOHNSON of Washington. I want to say that it is probable that the firm of Johnson, Johnson & Johnson, of Washington, is just as good as the firm of Dickstein, Dickstein & Dickstein, of New York [laughter], which may be the firm in power in the next Congress.

Now, as to the need for this bill.

The country would like absolute suspension. This bill does not mean absolute suspension by any means, for it will let in some 75,000 persons per annum, three-fourths of whom, at least, will be relatives. The bill is as liberal as the needs of the country will permit. It will keep out 188,000 each year for two years, or in round numbers 376,000 inhabitants from foreign lands from entering this country to take jobs needed by the millions of unemployed citizens in this country. And mind you, every alien legally in this country has a right under the Constitution and entitled to protection in that right. Please remember, also, that this bill is a suspension for two years, and that it is exactly fair as between all the countries of the world.

Mr. Speaker, I make bold to predict that when November comes again this country will still have the unemployed in addition to the 1,000,000 who are always out of work through failure to contact with the jobs. I can see when winter comes again many will be seeking jobs which they can not find, in spite of every possible effort of the Government to create work, and in spite of the efforts of the employers to provide work. We may care for 2,000,000 of the 5,000,000 now unemployed that way. We may live and buy and build among ourselves, but so far as I can see there is not a sign around the world of improved world conditions. I hate to make these pessimistic statements, but we must not fool ourselves. In fact, the soviet system points to worse conditions. Here in the United States the continued use of labor-saving machinery, the consolidation of business for economy's sake, the farm situations, the export figures, and the condition of the treasuries of most of our States and of our great Nation all are danger signs. I urge the passage of this bill. [Applause.]

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. COOKE].

Mr. COOKE. Mr. Speaker, ladies and gentlemen of the House, in my opinion the bill under consideration is merely another hysterical effort on the part of this Congress to do something to relieve unemployment, and under the guise of patriotic endeavor a great many Members of this House are being deceived as to the real purpose of the legislation. There is not any question but that one can appeal to the patriotic ardor of Members of the House in this period of economic depression and get their support for an exclusion measure, but the bill before you is not as good in its provisions as are the regulations under which we are operating now. The Department of State, under the regulations which it is using, is excluding at least 93 per cent of the applicants for immigration to this country at the present time. This bill is a snare and a delusion, as far as being an exclusion measure is concerned. Gentlemen have not taken into consideration for a moment another principle involved in this

bill, and that is the right of American citizens to have united to them their fathers and mothers who are now in the old countries. From an economic standpoint, you are making a great mistake if this bill is enacted. Over $300,000,000 a year is being sent abroad at this time to support the wives and minor children of aliens and American citizens resident in this country. If you can spell from this bill anywhere a regulation of immigration beyond that which you are receiving now, if you can get from it an economic benefit that we do not now have, then I believe you would be justified in passing the bill; but as a matter of fact, it is wrong from the standpoint of economics, it is wrong from the standpoint of humanity, honesty, and justice on the part of the people of this country.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker and ladies and gentlemen of the House, it is with sorrow that I rise here this morning. I shall not attempt seriously to discuss the resolution, because under the rule that might makes right all debate has been throttled. I am sorry as a Member of the House of Representatives at this session to have this record go down to posterity. I am indeed sorry and I say that some day it will rise to plague you. The Rules Committee of the House brought in a rule to grant four hours of debate on this resolution. What happens? Instead of a decent, orderly procedure under the rule, the rule was throttled and the time for debate limited to 40 minutes. Was that fair? Was that just?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BOYLAN. Was that American fair play? Was it fair parliamentary procedure? I am ashamed of the record of this House on House Joint Resolution 500, the Jenkins resolution.

Mr. DICKSTEIN. Mr. Speaker, ladies and gentlemen of the House, I do not know how you are going to vote on this bill, but at least I ask you to be considerate and give me an opportunity to say a few words to you regarding this legislation. In the first place, this is not a proper exclusion or a suspension bill to relieve unemployment. This bill, if passed to-day and signed to-morrow, will not help any American to get one single job. The bill is nothing but a fraud on the American Congress concocted by a few members of my committee to present an opportunity to say that it is going to suspend 90 per cent of the immigration when, as a matter of fact, the State Department has suspended over 93 per cent of the immigration for the last six months.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LAGUARDIA. What are these gentlemen who are going to restrict immigration going to do with the alien seamen's bill? That will be a real step.

Mr. DICKSTEIN. And why do not they deport the 400,000 criminal aliens illegally in the United States? That would do justice to the American people.

Mr. LAGUARDIA. The gentleman knows that the Immigration Committee of the House have been practicing sabotage on the alien seamen's bill because the steamships are against it.

Mr. JOHNSON of Washington. Our committee put that bill, S. 202, with amendments, on the calendar Saturday morning and we are trying to call it up.

Mr. DICKSTEIN. I wish the chairman of the Committee on Immigration would advise my good friend Mr. SNELL, the chairman of the Committee on Rules, who said on Saturday that I was against all immigration, that I voted in the committee for the exclusion of alien seamen and for other bills in that committee.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. I have not the time.

Mr. JOHNSON of Washington. The gentleman knows that the seamen's bill is on the calendar.

Mr. DICKSTEIN. And I voted for it.

Mr. JOHNSON of Washington. Of course.

Mr. DICKSTEIN. I want the gentleman to tell that to Mr. SNELL.

Mr. JOHNSON of Washington. Oh, the gentleman knows that we do not divulge what occurs in executive sessions in the committee.

Mr. DICKSTEIN. I also call to the attention of my very good friend the Speaker of this House, for whom I have the warmest regard and the very highest respect, that on Saturday when I made the point of no quorum he immediately took away the right of debate on this bill so that I might not have time enough to enlighten the people of the country and make you Members of the House understand what you are doing under this bill, and I might have had an opportunity to defeat it.

Under the hammer I can not defeat this bill, because Johnson, Johnson & Johnson of Washington, told the Committee on Rules that he had 75 per cent of the Members in his vest pocket, and 90 per cent of the Members are going to vote for his bill whether they understand it or not.

Now permit me to call attention, ladies and gentlemen of the House, to the fact that on Saturday was the first time in eight years' service in this Congress that I ever made a point of order of no quorum. That was the first time, gentlemen, and I call attention also to the fact that I have never made objection to any man's bill, so that I was not filibustering. All I was asking you was to give me an opportunity to explain and point out to you that by voting for this bill you are going to separate the children of men and women legally in the United States. You are forever going to separate the aged father and mother of American citizens. You are forever destroying the union of families, and, my Republican friends, you seem to forget it. When I tried to tell you something you hoodooed me, and you made so much noise that one would think there was a mob riot. Let me call something to your attention. I say to you, not by way of threat but by way of warning, I may be in the minority, but I am willing to vote to suspend immigration to-day if it will help one single American get a job. But, for God's sake, bring together the blood relatives and families, who will not be in competition with labor but families which will be consumers of American products.

Now I want you to take that home with you, because I hope to see you again, if God spares my life. In 1928 in the Republican platform what did you say? What did you tell the people of this country? That where a hardship is created you are going to unite families. What you are doing now is completely destroying the last vestige of blood between families. That is what you are going to do if you vote for this Johnson, Johnson & Johnson of Washington bill. Read it. The trouble with this Congress is that this kind of legislation is brought up without opportunity of debate. If you only could read the reports and hear the testimony, you would not vote for this bill. You would vote a hundred times against it. I make this promise now, gentlemen: I am willing to vote to suspend immigration and close our doors, but for God's sake let the little babies and the old people whom the Republican platform promised to unite come in. You are now completely destroying the promise, and I hope the people of this country will remember this condition. [Applause.]

For your information let me also present to you some statistics which I was able to obtain from our own State Department after considerable difficulty so as to be in a position to enlighten you as to the details of this proposed measure. Bear in mind, gentlemen and ladies, that we are seeking to pass this legislation for the sole purpose of relieving unemployment. It is therefore important for us to find out just how many competitors in our American labor market can come in under our present immigration laws.

I have before me a letter from the State Department dated January 15, 1931, which shows that during the month of November, for instance, a total of 76 quota visas were issued against the Polish immigration quota. In the month of December, 1930, these Polish quota visas amounted to 165, and as of July 1, 1930, the total demand from Poland for visas within the class of all legal preferences was in excess of 23,000, and in spite of that the monthly issue of visas does not exceed 165. All the visas that were issued were issued only to preferred immigrants. No immigration which was not in the preferred class has ever been able to come into the United States so that the only ones to whom visas were issued were wives, minor children, and parents of American citizens. If we are to cut down the quota it is not going to affect any new blood from immigrant countries who may enter the United States but these very fathers, mothers, wives, husbands, and children of immigrants who are now in the United States. How can any sane person claim that an aged parent or a minor child under the age of 18 or the wife of an American citizen may in any sense be deemed to be a competitor in the American labor market? These people are wholly innocent of any design to take away jobs from citizens of the United States and, of course, can not possibly combat with any one of us.

What is the purpose of such legislation? Can anyone be helped by it? As I said, if I can be convinced that a single American citizen will obtain any relief after this bill is passed I will be whole-heartedly for it. As it is I necessarily must be against it.

Turning, however, from opposition to the bill as a whole, serious questions arise, above indicated, that can and ought to be remedied by amendment. Limitation to one year has already been referred to as desirable. Much more oppressive and unjust, however, is the new provision contained in section 1, cutting down maximum quotas to one-tenth. Immediate relatives, such as wives and minor children of resident aliens born in some of the European countries involved, have been separated in shocking fashion for many years by the brutalities of the quota laws, which have called practically unanimously for rectification, and pledge after pledge to remedy these evils has been given, but practically wholly disregarded by Congress. Such wives and minor children are not breadwinners and do not come over to seek employment, and their presence here would not aggravate the employment situation in any way. Even after some slight but really inadequate relief was furnished by the act of May 29, 1928, amending section 6 of the quota law of 1924, repeated pledges were given that adequate relief would be afforded to the countries with small quotas, whose citizen husbands and fathers had been coming over here in large numbers in late years.

The Republican national platform adopted June 14, 1928 (a few weeks after this amendment of 1928), on which President Hoover and the present Republican Congressmen were elected, while favoring continued restrictions, expressly provided:

> Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

The Democratic national platform adopted two weeks later contained the following clause:

> Laws which limit immigration must be preserved in full force and effect, but the provision contained in these laws that separate husbands from wives and parents from infant children are inhuman and not essential to the purposes or the efficacy of such laws.

Although President Hoover has repeatedly declared himself as favoring such modifications, as did also his predecessors, and his Secretary of Labor and the Immigration Bureau again and again recommended such remedial legislation, Congress failed to carry out this pledge, and now is even asked to strike out practically nine-tenths of the inadequate relief it granted in 1928. Its Committee on Immigration and Naturalization is proposing to do this, despite the recommendation of Secretary of Labor Davis, contained in his annual report dated November 1, 1930, reading:

> I would exempt from this plan of control immigrants coming to join near relatives already in the United States. I have always advocated liberality in the matter of reuniting families, and my attitude has not changed in this respect.

The present bill arbitrarily treats wives and minor children of resident aliens quite differently than of citizens, section 4 (a) of the act of 1924 applicable to them not being modified in any way, though it is elementary that such residents ought to enjoy the same civil rights and family happiness as those already citizens. Separation of families is quite as inhumane, antisocial, and contrary to American interests in the case of the resident alien and prospective citizen as in the case of the man already naturalized.

Figures recently furnished by the State Department as to the number of applications of such near relatives of resident aliens registered at our consulates down to July 1, 1930, are striking as showing the number of persons involved, and how largely residents of southern and eastern Europe are discriminated against because of the small quotas assigned to them.

Twenty-seven thousand seven hundred and thirty-five wives, children, and parents of residents born in southern and eastern European countries are registered as seeking admission, as compared with 1,566 from northern and western Europe, as also 23,404 fathers, mothers, and husbands of United States citizens from the former group of countries, as compared with 692 from northern and western Europe. It will take many years for many of the former group before these near relatives can come over under our oppressive quota laws, even without such new curtailment.

As already pointed out, wives and minor children who are not breadwinners are involved, whose maintenance must be and is provided for by the husband and father resident in the United States.

Far from aggravating the employment situation in the United States, their presence here would keep hundreds of millions of dollars within our country to be spent here instead of being sent abroad for their maintenance there. Trade Information Bulletin No. 698, issued by the United States Department of Commerce for the year 1929, gives what it calls a conservative estimate of the amount of money sent that year by residents of the United States to their relatives abroad, namely, $247,000,000, exclusive of currency sent by mail. Figures kept by the Hebrew Immigrant Aid Society as to remittances by residents of the United States to near relatives abroad through its bureau during 1929, compared with the first 11 months of 1930, show that despite the hard times the amount did not greatly fall off in 1930, it having been more than 79 per cent of the preceding year's totals, and figures from other sources indicate a still higher percentage than this for 1930. The total of $247,000,000 for all races and creeds, reported by the Department of Commerce for 1929, reduced to the same 79 per cent for 1930 amounts to over $195,000,000. It is thus obvious that far from injuring our economic condition, just and humane laws authorizing reunion of families would keep enormous sums here to be spent in our own country. Nay, more, the narrow and oppressive provision barring reunion of families, and consequently involving transmission of such enormous sums to relatives abroad for their maintenance there for years past, is itself a serious contributing cause to our present economic troubles.

I believe that very few Members of Congress and Senators know the hardship and suffering that has been created by the act of 1924, which has cut immigration down to 150,000 for all of the world. As a result of the 1924 act thousands of families have been separated and have been waiting all these years with the hope that they can join their relatives. They have suffered untold hardships, and millions of dollars

have been sent for their support and maintenance, and furthermore, since 1924 at least $1,000,000,000 has been forwarded to the European countries for the support of these relatives.

These families could not be united because of the small quota allotment to the countries under the national origin scheme. We are now trying to add additional hardships and burdens by cutting the quota down 90 per cent, which is practically closing the doors, as these relatives of persons entitled to come here under their preference quotas would never during their natural life be able to join their families.

In the past several months the State Department, through its consuls, have denied visas to persons legally entitled to come to the United States, whose preferences have been established for many years, and who are now refused admission on the ground they are liable to become a public charge. I have information that even children and wives of American citizens were denied admission on the ground of becoming a public charge; that aged parents of American citizens whose visas have been established and who are entitled to enter have been refused admission on the ground of liability to become a public charge, in spite of the fact that proof has been presented to the consuls of their financial ability.

The State Department, through its consuls, takes the position that under the 1917 act it has the power to exclude all persons likely to become public charges. I can not emphasize the matter more strongly or emphatically than to submit to this honorable body the additional and recent report of the State Department, published under the heading of Press Releases, dated January 24, 1931, which is marked "Exhibit C" of my minority views on this bill, and I hope that this Congress will find the time to thoroughly examine this report, which will prove my case beyond question of doubt that this bill, known as House Joint Resolution 500, to cut 90 per cent of immigration does not come in good faith and is not going to help labor conditions in the United States. On the contrary, it is destroying the firesides of American citizens whose husbands, whose fathers, whose mothers, and whose children will be forever debarred.

The principle so ably set forth by Theodore Roosevelt in his famous presidential message of 1906 should be heeded:

> We must treat with justice and good will all immigrants who come here under the law. Whether they are Catholic or Protestant, Jew or gentile; whether they come from England or Germany, Russia, Japan, or Italy matters nothing. All we have a right to question is the man's conduct. If he is honest and upright in his dealings with his neighbor and with the State, then he is entitled to respect and good treatment.

It is as plain as the nose on the face that if this bill passes, with only 10 per cent left of the quota, that 10 per cent will be classed by American consuls as public charges. In other words, we are building a fence around the United States and completely closing our doors regardless of rights of citizens.

I spoke to you a few moments ago of statistics which I have been able to obtain from our State Department. In order to make the situation clear I am inserting in the RECORD the information obtained from the department, together with the letters accompanying the same.

DEPARTMENT OF STATE,
Washington, January 15, 1931.

The Hon. SAMUEL DICKSTEIN,
House of Representatives.

DEAR MR. DICKSTEIN: In accordance with the request made upon your call at the department on January 14, 1931, I am transmitting herewith a copy of the department's pamphlet entitled "Admission of Aliens into the United States"; also a copy of the latest press release on visa statistics, indicating further and continued reductions in visas issued to immigrants during November, 1930, as a result of the enforcement of the existing provisions of law in the light of the present economic conditions. As may be seen therefrom, 76 quota immigration visas were issued during the month of November against the Polish quota.

I may add that the records indicate that 165 visas were issued under the Polish quota during December, 1930.

Sincerely yours,

A. DANA HODGDON,
Chief Visa Office.

DEPARTMENT OF STATE,
December 17, 1930.

VISA STATISTICS, INDICATING CONTINUED AND FURTHER REDUCTIONS IN VISAS ISSUED TO IMMIGRANTS DURING NOVEMBER, 1930

I. QUOTA IMMIGRATION VISA STATISTICS FROM EUROPE[1]

Reports from American consular officers assigned to 21 countries, whose annual quotas represent 148,466 of the total quota of 153,714, indicate that of the possible portion of the monthly 10 per cent of the total quotas, which 10 per cent equals 14,846, that only 944 visas were issued to nonpreference aliens as compared to 1,687 in October. This means that there was an underissue in November of 12,647 numbers which were available for issue to such applicants from those countries. In other words, there was an underissue of 93 per cent of numbers to this class of aliens who would normally have received visas during that month.

The underissue of the possible monthly 10 per cent of the above quotas, amounting to 14,846, is 85 per cent if the visas issued to aliens entitled by law to preference as well as those classifiable as nonpreference aliens is taken into consideration.

The consuls of the United States, in the enforcement of existing provisions of law in the light of present economic conditions, have brought about the above results without arbitrary rejections of applicants.

Incomplete reports received to date from the remaining countries whose annual quotas amount to 5,248 and whose quotas are not restricted to a 10 per cent monthly issue indicate that only 41 numbers were issued during the month of November.

II. NONQUOTA IMMIGRATION VISA STATISTICS FROM NORTH, CENTRAL, AND SOUTH AMERICA

The two countries which have furnished the volume of nonquota immigrants to this country are Canada and Mexico, which contributed 89 per cent, or 70 and 19 per cent, respectively, of the total of 61,504 visas reported as issued to nonquota aliens during the fiscal year ended June 30, 1930. Consular officers in Mexico initiated stricter enforcement in that country in February, 1929, and in Canada in April, 1930. Reports received for the month of November indicate a continued decrease in visas issued in these two countries.

(*A*) *Canada*

Reports received from Canada indicate that only 808 nonquota visas were issued in November, 1930 (which figure includes unmarried minor children, the wives or the husbands of American citizens married prior to June 1, 1928, as well as certain professors, ministers, students, and previous lawful residents of the United States who would not be chargeable to the quota if there were a quota for Canada), as compared with 3,669 visas issued during the same month in 1929, which represents a reduction in visas issued during this period of 76 per cent. The 808 nonquota visas issued in Canada in November show a reduction of 800 visas issued when compared with 1,608 visas issued in October of the current year (a further reduction of 50 per cent).

(*B*) *Mexico*

Only 169 Mexicans (which figure includes unmarried minor children, the wives or the husbands of American citizens married prior to June 1, 1928, as well as certain professors, ministers, students, and previous lawful residents of the United States who would not be chargeable to the quota if there were a quota for Mexico) were issued visas in November, 1930, as compared with 2,889 in November, 1926 (the last corresponding normal month before stricter enforcement began), or a decrease of 93 per cent. The 169 nonquota visas issued in Mexico in November, 1930, show a reduction of 47 visas issued when compared with the 236 visas issued in October of the current year (a further reduction of 20 per cent).

On the basis of these figures, both quota and nonquota, it is estimated that 135,000 aliens who would have come into this country during the quota year ended June 30, 1931, will not receive visas.

The attached table of quota visa statistics for the month of November, 1930, represents reductions in visas issued to immigrants during the second month of the enforcement of the "likely to become a public charge" provision of the immigration act of 1917 by consular officers in the light of present unemployment in the United States, which policy was put in effect in October following the announcement in this regard by the President on September 8, 1930, based on a report presented by the State Department at his request.

In this connection consular officers have been informed that in view of the serious unemployment which exists in the United States particular care should be taken before issuing immigration visas to determine whether the applicants may become public charges.

If any alien, upon whom the burden of establishing admissibility is placed by section 23 of the immigration act of 1924, should be unable to establish that he is not likely to become a public charge the consular officer to whom he may have applied for a visa would have no other choice under section 2 (f) of the

[1] Includes all countries in the world other than most of the countries in the Western Hemisphere and certain parts of the Far East known as the so-called Asiatic barred zone.

immigration act of 1924 than to refuse a visa. Section 2 (f) of the act cited provides in part that "no immigration visa shall be issued to an immigrant if it appears to the consular officer * * * that the immigrant is inadmissible to the United States under the immigration laws * * * nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws."

Immigration quota visa statistics, November, 1930

[Countries with quotas of 300 or more]

Country	Monthly 10 per cent of quota [1]	Number relatives of American citizens	Farmers	Number relatives of aliens	Nonpreference	Total quota visas reported issued	Per cent issued	Per cent under-issued	Per cent nonpreference issued	Per cent nonpreference underissued
Column	1	2	3	4	5	6	7	8	9	10
Austria	141	1	6	3	15	25	0.18	0.82	0.11	0.89
Belgium	130	2	1	10	11	24	.18	.82	.09	.91
Czechoslovakia	287	28	3	39		70	.24	.76	.00	1.00
Denmark	118	2	6	4	12	24	.20	.80	.12	.88
Finland	57		10			10	.18	.82	.00	1.00
France	309	3	4	14	67	88	.28	.72	.23	.77
Germany	2,596	22	2	106	91	221	.09	.91	.04	.96
Great Britain	6,572	9		138	398	545	.08	.92	.06	.94
Greece	31	16		15		31	1.00	.00	.00	.00
Hungary	87	42				42	.48	.52	.00	1.00
Irish Free State	1,785	2		3	52	57	.03	.97	.03	.97
Italy	580	296		131	17	444	.77	.23	.11	.89
Lithuania	30	17	3	18		38	.97	.03	.00	1.00
Netherlands	315	2	11	19	74	106	.34	.66	.26	.74
Norway	238	4	13	16	40	73	.31	.69	.20	.80
Poland	652	55	1	17		76	.12	.88	.00	1.00
Portugal	44	14		30		44	1.00	.00	.00	.00
Russia	278	20	8	25	111	164	.59	.41	.49	.51
Sweden	331	3	5	11	43	62	.19	.81	.14	.86
Switzerland	171	3			9	12	.07	.93	.05	.95
Yugoslavia	85	20	10	9	4	43	.51	.49	.09	.91
Total	[2] 14,846	564	83	608	944	2,199	.15	.85	[3] .07	.93

[1] Only 10 per cent of quotas which are 300 or over may be issued each month.
[2] Per cent of total monthly 10 per cent issued or underissued.
[3] The figure given under totals in column 9 represents the percentage of total nonpreference visas issued as compared to the monthly 10 per cent ratio after reduction of the preference cases listed under columns 2, 3, and 4. The figure under column 10 represents the corresponding underissue of visas.

NOTE.—The above figures represent visas actually reported as issued under each quota. In some instances reports on other visas for which quota numbers have been allotted to distant consulates are received by the quota control officers only after the end of the month for which allotted. The figures given for visas issued at the end of a given month are therefore in some cases provisional in character and are slightly less than the total obtained at a later date.

DEPARTMENT OF STATE,
Washington, February 27, 1931.

The Hon. SAMUEL DICKSTEIN,
House of Representatives.

DEAR MR. DICKSTEIN: Referring to your request over the telephone, I am inclosing a statement to show the reported demand as of July 1, 1930, against the various quotas on the part of aliens coming within the first preference and second preference classifications. I may add that these figures have been hastily prepared and may, therefore, require revision.

Very truly yours,

ELIOT B. COULTER,
Assistant Chief Visa Division.

Registered demand for visas as of July 1, 1930, as reported by consuls

[First-preference relatives and second-preference relatives only]

NORTHERN AND WESTERN EUROPE

	First preference	Second preference	Total
Belgium	5	8	13
Denmark	24	70	94
France	44	41	85
Germany	190	811	1,001
Great Britain and Northern Ireland	6	120	126
Irish Free State	38	28	66
Netherlands	30	56	86
Norway	105	171	276
Sweden	220	206	426
Switzerland	29	55	84
Total	691	1,566	2,257

Registered demand for visas as of July 1, 1930, as reported by consuls—Continued

SOUTHERN AND EASTERN EUROPE

	First preference	Second preference	Total
Austria	72		72
Czechoslovakia	953	2,481	3,434
Finland	80	157	237
Greece	720	176	896
Hungary	636	25	661
Italy	10,000		10,000
Lithuania	322	61	383
Poland	3,463	19,887	23,350
Portugal	60	938	998
Russia	2,871	121	2,992
Yugoslavia	422	77	499
Total	19,599	23,923	43,522

ALL OTHER COUNTRIES [1]

Albania	32	324	356
Armenia	4		4
Australia	1	9	10
Bulgaria	25	224	249
Egypt		21	21
Estonia	5	18	23
Iraq		15	15
Latvia	94	95	189
Luxemburg	1		1
Palestine	16	87	103
Persia	10	17	27
Rumania	800	300	1,100
South Africa		1	1
Spain	27	963	990
Syria	564	72	636
Turkey	1,535	101	1,636
Total	3,114	2,247	5,361

[1] Quotas less than 300.

These statistics can convince the impartial listener of only one thing—of the great clamor made by relatives and others entitled to preferences to obtain visas to enter this country and of the policy of restriction which the State Department has been pursuing for some time past, as I had occasion to speak on the floor of the House, and which policy results in a curtailment of immigration even beyond the terms of the proposed legislation.

We can, therefore, conclude that this legislation is wholly useless and unnecessary. That the State Department has already done as much and more as this bill proposes to do. That those who desire to come to the United States to-day are not coming in competition with our labor, but are coming to join relatives in the United States. We may, therefore, safely vote against this proposed bill, and whether we agree or do not agree with the policy of the State Department or with the general tenor of the existing immigration laws, no useful object can be served by passing this new bill.

Mr. Speaker, I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, ladies and gentlemen of the House, it shall be my purpose, if I possibly can, to make a statement of facts with reference to what this bill will do and will not do.

In the first place, permit me to say to you this is not a partisan bill. It is not a Republican bill. It is not a Democratic bill. It is a bill that comes out of the urge, the great demand of the people of America for further restriction of immigration. It comes indirectly to us, I might say, from a paragraph of the President's message.

This bill has the support of the Secretary of State in exact language, in unambiguous language. It has the support of the Secretary of Labor in unambiguous language. It has the support, I might say, of organized labor in unambiguous language. It has the support of the patriotic organizations of America in unambiguous language. Consequently, I am proud to stand on this floor and attempt to explain a bill that I think the American people would like to have passed at this time.

Saturday's RECORD shows a reference to me in the remarks of the gentleman from New York [Mr. O'CONNOR]. If the gentleman sought to convey the impression that I am in any





way a devotee of the "hooded figure" referred to by him he was giving me a classification that I am not entitled to. He was mistaken.

I have prepared a table of figures which I have had made up into a chart. That table is as follows:

Exhibit A

	Present law	New bill
European (non quota): Wives and children of American citizens, teachers, ministers, returning visitors, all others	45,097	45,097
Western Hemisphere (no quota at present):		
Canada	41,248	
Mexico	11,801	7,637
All others	9,323	
Total	62,372	
European (quota):		
Great Britain, North Ireland, etc	65,721	
Germany	25,957	
Italy	5,802	
Poland	6,524	19,703
	153,714	72,437
All others	49,710	
	261,183	
Difference	188,746	

There is a great influx of population into this country that comes in without coming within the provisions of the quota laws. It is given no consideration in these figures which I have prepared on this chart. There are many thousands of people who come here to visit; people who come as transients. They are not considered as immigrants. They are absolutely not taken into consideration in this chart. They are outside all quotas and they come in in unlimited numbers. This bill under discussion will not curtail them in the least. There are two classes of people that I took account of here in this chart. They are all "immigrants," these two classes are the "nonquota" people and the "quota" people. At this point on the chart are represented the nonquota people who come here. They come outside of the quota, and it makes no difference where they come from just so they comply with the law as to health and literacy and other similar tests.

Mr. SABATH. Who are they?

Mr. JENKINS. They are the wives and children of citizens.

There are teachers, there are ministers, returning visitors, and a few other minor classifications.

Last year, ending with June 30, there were 45,097 of those people who came in from various countries. They came from all countries. I may tell you that Italy, of that 45,000, sent 17,872 people. They come in this list which I have indicated on the chart. They are mostly wives and children of American citizens. While Italy was sending in that number, Poland sent in 4,022; Rumania, 1,053; Greece, 1,875; Turkey, 1,039; while Germany was only sending 1,840, and Sweden was only sending 453. It is readily apparent that in this classification the southern European countries have a decided advantage. The opponents of this bill fail to explain this.

Now, let us go further. At this place on the chart is shown the Western Hemisphere. This bill seeks to deal with the Western Hemisphere. Up to this time we have had no quotas on the Western Hemisphere. Canadians and Mexicans come in without restriction whatever, except as to health, criminal records, and other requirements of a similar character.

A few days ago Canada issued an edict calling for a total suspension of immigration into Canada for two years.

I want to say to you that our bill provides for a 90 per cent suspension for two years. They have gone further than we have on this question of restriction. Let us see how many people came in from Canada last year—41,248. They were people who were seeking to become citizens, and not people who were merely passing over the border. I tell you men and women who live on the Canadian border that this bill will not interfere in any way with any man who daily crosses the border as a visitor or as one who wishes to transact business in our country or with a man wishing to pass from our country into Canada for the same purpose. They can cross from Canada in their cars just the same as they are doing now. A man who lives on either side can go and come like he has been doing. This bill does not interfere with him in the least.

Mr. HALE. Will the gentleman yield?

Mr. JENKINS. For a question.

Mr. HALE. Then why any restriction on Canada?

Mr. JENKINS. This is a restriction against those who come here to secure employment, to take the jobs of those who are citizens of this country.

Mr. SNELL. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. SNELL. What about a man who lives across the Canadian border and comes to Ogdensburg, in my district, to work during the day and goes back at night. Will he be shut off?

Mr. JENKINS. He will not be shut off if he comes within the purview of the agreement made by the Secretary of State and the Secretary of Labor with corresponding officers in Canada, an agreement made two or three years ago.

Mr. SNELL. Can the gentleman tell me what that agreement does?

Mr. JENKINS. It is a very exhaustive agreement, and I do not believe I have the time to go into it now. But I am advised that there will be no difficulty in that respect as to a man who has a job now, but it will affect those who in the future wish to come across to take the jobs that belong to our people.

Mr. JOHNSON of Washington. It applies to a man who is domiciled here, even though he sleeps in Canada at night.

Mr. JENKINS. I understand that the officers have worked that out. They appeared before us and gave us the absolute understanding, without any question, that the thing would be worked out satisfactorily to both nations.

Mr. SNELL. They can come here and continue here if they have a job here.

Mr. JENKINS. If they have a job here now; yes.

Mr. JOHNSON of Washington. If that is their status now.

Mr. GREEN. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. GREEN. When this matter was before our committee the gentleman will recall I offered an amendment whereby no visa should be issued to an immigrant unless he came from a country to whom we could deport.

Mr. JENKINS. I remember the gentleman's amendment.

Mr. GREEN. That was voted down. Another amendment I offered was that no visa should be issued to anyone except he be of the Caucasian race, and that was voted down.

Mr. JENKINS. Referring to this chart, as I said, Canada sent in last year 41,248, Mexico 11,801, and all other Western Hemisphere countries 9,323, a total of 62,372. Under this bill this number will be reduced to 7,637.

Let us go down to the next classification. I have been referring to the nonquota countries, and now I will discuss the quota countries. Great Britain, Ireland, Scotland, Wales, and some of the other principalities of Great Britain have a quota of 65,721; Germany, 25,957; Italy, 5,802; Poland, 6,524; and all the other countries of Europe have a combined quota of 49,710. That makes a total of 153,714. This is the total quota of Europe. This number together with the 45,097 nonquota from Europe represents the total influx of immigrants from Europe for the year ending June 30, 1930. This does not include visitors, and so forth, heretofore referred to. There are thousands who come in as visitors and in other ways who lose themselves in our population and never return to their native countries.

Mr. DUNBAR. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. DUNBAR. Under the head of Europeans, wives and children, teachers, ministers, and so on, the gentleman said over 10,000 came from Italy?

Mr. JENKINS. Yes; 17,872.

Mr. DUNBAR. Yet in the European quota the gentleman says that 5,802 came from Italy.

Mr. JENKINS. I confess that the immigration law is complicated and hard to understand. The first figures, 17,872, are nonquota immigrants; for instance, wives of citizens count. There is no limitation on these. If 50,000 Italians were naturalized this year, they at once bring in their wives and children, regardless of any quota limitation. But the second number, 5,802, that represents the quota fixed for Italy. That deals with immigrants who wish to come for the first time and the wives and children of aliens within this country who have not as yet been naturalized. The total quota immigration from Europe is 153,714. The total nonquota for 1929 and 1930 was 45,097. This figure can fluctuate, but the quota figures are fixed by law.

Now, what does this bill propose to do. It reduces quota immigration 90 per cent. In other words, each of these European countries will be reduced to 10 per cent. Ten per cent of 153,714 will be 15,371. You ask me then, how do I arrive at the figure 19,703. That figure is 10 per cent of the original quota plus the addition that comes by reason of the provision that allows a minimum quota of 100 to each country. Under this bill, therefore, the total European quota is reduced from 153,714 to 19,703.

Let us now consider the Western Hemisphere. What does it do in the Western Hemisphere? As heretofore explained, the Western Hemisphere is not under a quota. It is proposed by this bill to give to each of the countries of the Western Hemisphere a quota equal to the number of aliens arriving from that country into the United States during the fiscal year 1929–30. Then take 10 per cent of that number. In other words, fix a quota for these countries and then reduce it by 90 per cent, just like it proposes to do with all other quotas. From this chart you can see that Canada sent us 41,248 immigrants in 1929–30, while Mexico sent us 11,801, a total from the Western Hemisphere of 62,372. A 90 per cent reduction from this figure plus the additions that come from allowing each country a minimum of 100 gives a total of 7,637 which will be the quota immigration from the Western Hemisphere. In addition, as heretofore explained, any Canadian wishing to come to the United States for business or to cross daily about his business, if he is known to the immigration authorities on the border, will not be interfered with. Also, the wives and children of Canadians who have become American citizens can come in, in unlimited numbers. The same is true as to Mexico. Also, a Canadian or Mexican living here but who is not yet a citizen may bring in his wife and children; they must come under the quota, but are given preference ahead of new stock. By that I mean that a Mexican in the United States for permanent residence under this bill will be permitted to ask that his wife and children be permitted to come in, and they will be preferred ahead of a young single man or another married man still in Mexico wanting to come in.

You will note from this chart that the number of nonquota immigrants heretofore given as the number coming in under the present law is 45,097. You will also note that I carry that same figure over into the column headed "New bill." I do that for there will be absolutely no change in this class under the new bill. The number of this class coming next year may not be the same as given here. It may be larger or it may be smaller. This new law does not limit it any more than the present law does.

There is no change in that respect. They can come right along and this statement proves it.

Now, if you will total these columns, you will see that the column listed "new bill" totals 72,437. A total of the same classifications under the present law is 261,183. This shows a net gain of 188,746 per year for two years. [Applause.]

Now, I want to say again, ladies and gentlemen, like everyone else, I feel very kindly toward the Canadians, and I am glad that we can say to them, "You can come over and trade with us, you can come over and buy from us, you can come over and visit with us, with the little tickets, like you have always had, and we will go back and forth, as we have always done." There will be absolutely no trouble about it. If there is no trouble with Canada, our nearest neighbor and one of our finest friends internationally, we certainly should have no concern whatever with the results of passing this bill, from a diplomatic standpoint.

Now, what else are we doing under this bill? Great Britain takes a cut of 90 per cent, from 65,000 down to 6,572; Germany takes the same kind of cut, Italy takes the same kind of cut, and so does Poland.

If I have the time, I want to show you how the quotas of Poland and Italy and Turkey and the other southern European countries work out to the benefit of the women and children. As you know, in 1928 we passed a bill for the uniting of families. I was the author of that bill and I am proud of it, and I may say to you that the Department of Labor has repeatedly in its reports said that this bill has worked out wonderfully for the benefit of women and children. That bill provided that preferences within the quotas should be given to fathers and mothers of American citizens and wives and children of aliens within the country for permanent residence. Let me illustrate: Germany has a quota of about 26,000 per year. The law provides that preference be given to fathers and mothers of American citizens and husbands married before June, 1928. This preference applies to the extent of 50 per cent of the total quota, and a preference is given to the wives and children of alien residents to the extent of the other 50 per cent, and these wives and children are given the balance of the 50 per cent going to fathers and mothers if that class does not consume their percentage. To explain further, the German quota would be divided so that 13,000 could be used by fathers and mothers, if necessary, and 13,000 by wives and children. But in Germany only a small percentage is used for any of these preferences and the great bulk goes to new stock. But in countries like Poland every single item there of that whole 6,524 can go to the women and children [applause]; and I want to say to you that every single item does go to the women and children in Poland and in all the southern European countries. The Polish quota is divided so that 50 per cent goes to fathers and mothers and the other 50 per cent to the wives and children. The total quota is, under my bill of 1928, applicable to reuniting families.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. DICKSTEIN. Mr. Speaker, I yield one-half minute to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I simply want to explain the amendment which we were anxious to offer. We could not do so because the bill is being considered under suspension of the rules and no amendments are possible. It was an amendment to permit the fathers and mothers of citizens, who could show to the satisfaction of the Secretary of Labor that they would be properly cared for and would not engage in gainful occupation, to come in within the limits of the existing quota. This is the only request that we had to make, and it seems to me it was a humane, reasonable request, and I am sure would have had the support of American people. Such an amendment would not have weakened the bill. It would not have, in any way, defeated the purpose of keeping out peon labor. It would have given the opportunity of uniting families and getting in the many aged parents who have been waiting for years to join their children. Under the bill reducing quotas 90 per cent, these mothers will never live to reach their turn. It is without doubt the most scientific legislative cruelty ever devised by man. The failure to exempt parents of citizens from the 90 per cent cut can not be justified. Why not permit parents who will not look for work and who can be properly supported by their citizen children to enter? What justification can be given for this arbitrary general reduction? None. I have made every effort humanly possible to make you see the wrong, the hardship, the mental torture you are inflict-

ing on thousands of good families. It seems it is all futile. Our only hope is that the Senate will not permit this outrage to become the law.

Mr. DICKSTEIN. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, ladies and gentlemen of the House, I want to call your attention to this chart. This chart is made up for the purpose of showing figures that do not belong here at all. These figures have nothing to do with the wives and children and fathers and mothers, because if a man comes here on a visit from a foreign country he has to go back, whether he goes back in one month or two months, whether he is a teacher or a minister. They also have nothing to do with the aged parents of 60 or 65, or the babies or wives of aliens legally admitted to the United States.

Mr. SABATH. And they would not take anybody's job.

Mr. DICKSTEIN. They would not take one single job away from anybody.

This is just another attempt to close the doors to make you believe that there are thousands of immigrants coming in here, when the truth of it is there are only 150,000 who can come in under the national-origins scheme, and Great Britain and the Nordic races, including Germany, get almost 112,000, thereby continuing to separate families as they have been separated since 1924.

As already pointed out, wives and minor children who are not breadwinners are involved, whose maintenance must be and is provided for by the husband and father resident in the United States.

Far from aggravating the employment situation in the United States, their presence here would keep hundreds of millions of dollars within our country to be spent here instead of being sent abroad for their maintenance there. Trade Information Bulletin No. 698, issued by the United States Department of Commerce for the year 1929, gives what it calls a conservative estimate of the amount of money sent that year by residents of the United States to their relatives abroad, namely, $247,000,000, exclusive of currency sent by mail. Figures kept by the Hebrew Immigrant Aid Society as to remittances by residents of the United States to near relatives abroad through its bureau during 1929, compared with the first 11 months of 1930, show that despite the hard times the amount did not greatly fall off in 1930, it having been more than 79 per cent of the preceding year's totals, and figures from other sources indicate a still higher percentage than this for 1930. The total of $247,000,000 for all races and creeds, reported by the Department of Commerce for 1929, reduced to the same 79 per cent for 1930 amounts to over $195,000,000. It is thus obvious that far from injuring our economic condition, just and humane laws authorizing reunion of families would keep enormous sums here to be spent in our own country. Nay, more, the narrow and oppressive provision barring reunion of families, and consequently involving transmission of such enormous sums to relatives abroad for their maintenance there for years past, is itself a serious contributing cause to our present economic troubles. In fact, Jane Addams, who has no superior in familiarity with conditions among the foreign born, in her newly published work, The Second Twenty Years at Hull House, suggests that our quota law immigration policy is responsible for much of our present disturbed economic condition in barring so many immigrants from our shores. She says (p. 278):

> The economists, it seems to me, have never sufficiently stressed the fact that the great number of immigrants formerly arriving represented an enormous mass of consumers who needed food, clothing, and shelter on a constantly rising standard of living. We are told that in this country of ours every person, on the average, eats about 5 bushels of grain a year. How far is our annual plethora of foodstuffs due to the fact that we were long accustomed to having to have markets come to us, so that we are slow to learn how to overcome the difficulty in disposing of our products in foreign markets.

There is no need to point out the elementary fact that the family is the basis of our civilized life and that laws separating near members of families are brutal and inhuman. This applies equally to resident aliens admitted for permanent residence as to citizens. The United States Supreme Court, in Meyer *v.* Nebraska (262 U. S. 390), well pointed out that among the inalienable rights granted by the fourteenth amendment to all residents is the right "to marry, establish a home, and bring up children," and it is pure despotism to deny this right to domiciled aliens under cover of our immigration laws. Far from remedying this evil, in accordance with party pledges, this bill reduces present maximum quotas to 10 per cent, subject to much additional administrative curtailment.

As already pointed out, this proposed legislation, I predict now, is intended as an entering wedge for the future, to build a fence around the United States and to continue to separate the families of resident aliens and to persons entitled to preference under the law, who are seeking to join their citizen children and citizen wives.

One does not have to argue very much to convince you gentlemen if you will just read Mr. Johnson's majority report accompanying this House Joint Resolution 500. I call your attention particularly to the statement contained in the report on pages 4 and 5:

> While it is true that immigration from Canada, Mexico, and Cuba was greatly reduced during the last fiscal year (and still further reduced during the past few months), it is apparent that the present economic situation assists United States consuls in applying the "likely to become a public charge" clause of the 1917 act, and when conditions change it will be increasingly difficult to use that clause as a barrier.

Now, what does the author mean by saying "that when conditions change it will be increasingly difficult to use that clause as a barrier"? Is not this legislation intended solely as temporary legislation to meet the present economic conditions, and if economic conditions should change to-morrow or next month why should there be any barrier against anyone who can meet the requirements of the law and be admitted under the 1924 act? What is intended by the author, Mr. JOHNSON, when he said "when conditions improve we will not be able to use the 1917 act as a barrier"? In other words, the chairman of immigration is now laying a foundation, using the depression as an excuse, that although conditions will improve to-morrow he wants something permanent to keep people away from the United States who would lawfully be entitled to come—from those bound in blood and from those who would have a right to bring them in.

This bill is going to separate the parents of American citizens forever, because they come within the preferred quota of the countries of their nationality. If you are going to take away 90 per cent of the small-quota countries you might as well have turned around and built a fence and let no one in, for as a matter of fact they will never in their lifetime be able to see their dear children, and you Members of Congress will have to carry the burden and carry it on your conscience, that you were the cause and support of this un-American piece of legislation, bearing in mind that you are not helping one single American job, but you are destroying the last breath of liberty among free people for which our forefathers fought and died.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIROVICH. Coming from the most congested district in this Nation, I have not had an opportunity to say a word. May I ask your indulgence, Mr. Speaker, to have five minutes to proceed out of order?

The SPEAKER. The gentleman from New York asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. JENKINS. Reserving the right to object, I shall object unless we may have five minutes to reply.

Mr. SNELL. If we start that procedure we will have to keep it up. We want to be fair. The gentleman is one of my very best friends, but I shall have to object.

Mr. SIROVICH. May I make an appeal to the House? I spoke to you, Mr. Speaker, on Saturday night, and I spoke to you this morning to show the unfairness of this bill.

The SPEAKER. The Chair has recognized the gentleman to make his request, but objection is heard.

All time has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I reserve the right to object——

The SPEAKER. The gentleman from New York [Mr. SIROVICH] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. McLAUGHLIN. I object, Mr. Speaker.

Mr. JOHNSON of Washington. I would like to couple with that request that the gentleman from Texas [Mr. BOX] have five minutes thereafter.

Mr. SNELL. Mr. Speaker, there is important business that we must conclude to-day, and I object.

The SPEAKER. Objection is heard.

The question is on the motion of the gentleman from Ohio [Mr. JENKINS] to suspend the rules and pass the bill.

Mr. DICKSTEIN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 299, nays 82, not voting 49, as follows:

[Roll No. 47]

YEAS—299

Abernethy	Dickinson	Johnson, Ind.	Pittenger
Ackerman	Dominick	Johnson, Nebr.	Pou
Adkins	Doughton	Johnson, Okla.	Pratt, Harcourt J.
Allen	Douglas, Ariz.	Johnson, S. Dak.	Pritchard
Allgood	Dowell	Johnson, Tex.	Purnell
Almon	Doxey	Johnson, Wash.	Quin
Andresen	Drane	Jonas, N. C.	Ragon
Arentz	Drewry	Jones, Tex.	Rainey, Henry T.
Arnold	Driver	Kading	Ramey, Frank M.
Aswell	Dunbar	Kelly	Ramseyer
Ayres	Dyer	Kendall, Ky.	Ramspeck
Bachmann	Eaton, Colo.	Kendall, Pa.	Rankin
Bacon	Eaton, N. J.	Kerr	Rayburn
Baird	Edwards	Ketcham	Reece
Bankhead	Elliott	Kinzer	Reed, N. Y.
Barbour	Ellis	Knutson	Reilly
Beedy	Englebright	Kopp	Rich
Beers	Erk	Lambertson	Robinson
Blackburn	Eslick	Lankford, Ga.	Romjue
Bland	Esterly	Lankford, Va.	Rutherford
Blanton	Evans, Calif.	Leavitt	Sanders, Tex.
Bohn	Evans, Mont.	Leech	Sandlin
Bowman	Finley	Lehlbach	Schafer, Wis.
Box	Fish	Letts	Schneider
Brand, Ga.	Fisher	Linthicum	Seiberling
Brand, Ohio	Free	Loofbourow	Selvig
Briggs	French	Lozier	Shaffer, Va.
Browne	Fuller	Ludlow	Shott, W. Va.
Browning	Fulmer	McClintic, Okla.	Shreve
Brumm	Gambrill	McClintock, Ohio	Simmons
Buckbee	Garber, Okla.	McCormick, Ill.	Simms
Burtness	Garber, Va.	McDuffie	Sloan
Busby	Gasque	McFadden	Smith, Idaho
Butler	Glover	McKeown	Smith, W. Va.
Byrns	Goldsborough	McLaughlin	Snell
Cable	Green	McLeod	Sparks
Campbell, Iowa	Greenwood	McMillan	Speaks
Campbell, Pa.	Gregory	McReynolds	Sproul, Ill.
Canfield	Guyer	McSwain	Sproul, Kans.
Cannon	Hadley	Maas	Stafford
Carter, Calif.	Hall, Ill.	Magrady	Stalker
Carter, Wyo.	Hall, Ind.	Manlove	Steagall
Cartwright	Hall, Miss.	Mapes	Stone
Chalmers	Hall, N. Dak.	Menges	Strong, Kans.
Chase	Halsey	Michener	Strong, Pa.
Chiperfield	Hancock, N. C.	Miller	Summers, Wash.
Christgau	Hardy	Milligan	Sumners, Tex.
Clague	Hare	Montague	Swanson
Clancy	Hartley	Montet	Swick
Clark, Md.	Hastings	Moore, Ky.	Swing
Clarke, N. Y.	Haugen	Moore, Ohio	Taber
Cochran, Mo.	Hawley	Moore, Va.	Tarver
Cochran, Pa.	Hess	Morgan	Taylor, Tenn.
Cole	Hickey	Mouser	Temple
Collier	Hill, Ala.	Murphy	Thatcher
Collins	Hill, Wash.	Nelson, Mo.	Thurston
Colton	Hoch	Nelson, Wis.	Timberlake
Cooper, Ohio	Hoffman	Newhall	Tucker
Cooper, Tenn.	Hogg, Ind.	Niedringhaus	Turpin
Cox	Hogg, W. Va.	Nolan	Vestal
Crail	Holaday	O'Connor, Okla.	Vincent, Mich.
Cramton	Hooper	Oldfield	Wainwright
Crisp	Hope	Oliver, Ala.	Walker
Cross	Hopkins	Owen	Warren
Crowther	Huddleston	Palmer	Watres
Culkin	Hudson	Parker	Watson
Darrow	Hull, Tenn.	Parks	Welch, Calif.
Davis	Hull, Wis.	Parsons	Welsh, Pa.
Dempsey	Irwin	Patman	Whittington
Denison	James, Mich.	Patterson	Williams
De Priest	Jeffers	Peavey	Williamson
DeRouen	Jenkins	Perkins	Wilson
Wingo	Wolverton, W. Va.	Woodrum	Yon
Wolfenden	Wood	Wright	Zihlman
Wolverton, N. J.	Woodruff	Wyant	

NAYS—82

Aldrich	Cullen	Howard	Ransley
Andrew	Dallinger	Hull, Morton D.	Rogers
Auf der Heide	Dickstein	Hull, William E.	Sabath
Bacharach	Douglass, Mass.	Igoe	Sears
Beck	Doyle	Kahn	Seger
Black	Estep	Kvale	Sinclair
Bloom	Fenn	LaGuardia	Sirovich
Bolton	Fitzpatrick	Lindsay	Snow
Boylan	Fort	Luce	Somers, N. Y.
Brigham	Foss	McCormack, Mass.	Stobbs
Britten	Freeman	Martin	Sullivan, N. Y.
Buchanan	Garner	Mead	Sullivan, Pa.
Burdick	Gavagan	Merritt	Tilson
Carley	Gibson	Mooney	Tinkham
Celler	Gifford	Morehead	Treadway
Chindblom	Goss	Nelson, Me.	Wason
Christopherson	Graham	Norton	White
Condon	Granfield	O'Connor, N. Y.	Whitley
Connery	Griffin	Palmisano	Wigglesworth
Cooke	Hale	Prall	
Crosser	Hancock, N. Y.	Pratt, Ruth	

NOT VOTING—49

Bell	Golder	Kurtz	Spearing
Brunner	Goodwin	Langley	Stevenson
Clark, N. C.	Houston, Del.	Lanham	Taylor, Colo.
Connolly	Hudspeth	Larsen	Thompson
Corning	James, N. C.	Lea	Underhill
Coyle	Johnson, Ill.	Mansfield	Underwood
Craddock	Johnston, Mo.	Michaelson	Vinson, Ga.
Davenport	Kearns	O'Connor, La.	Whitehead
Dorsey	Kemp	Oliver, N. Y.	Wurzbach
Doutrich	Kennedy	Reid, Ill.	Yates
Fitzgerald	Kiefner	Rowbottom	
Frear	Korell	Sanders, N. Y.	
Garrett	Kunz	Short, Mo.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following pairs were announced:

Mr. Connolly and Mr. Vinson of Georgia (for) with Mr. Kennedy (against).

Mr. Goodwin and Mr. Lanham (for) with Mr. Oliver of New York (against).

Mr. Kurtz and Mr. Stevenson (for) with Mr. Brunner (against).

Mr. Larsen and Mr. Taylor of Colorado (for) with Mr. Golder (against).

Mr. Garrett and Mr. Coyle (for) with Mr. Corning (against).

Mr. Johnson of Illinois and Mr. Reid of Illinois (for) with Mr. Kunz (against).

General pairs until further notice:

Mr. Doutrich with Mr. Clark of North Carolina.
Mr. Frear with Mr. Dorsey.
Mr. Underhill with Mr. James of North Carolina.
Mr. Yates with Mr. Kemp.
Mr. Davenport with Mr. Mansfield.
Mr. Wurzbach with Mr. Lea.
Mr. Sanders of New York with Mr. Underwood.
Mr. Korell with Mr. Whitehead.
Mr. Short of Missouri with Mr. Spearing.
Mr. Kiefner with Mr. Bell.
Mrs. Langley with Mr. O'Connor of Louisiana.
Mr. Fitzgerald with Mr. Hudspeth.

Mr. FITZGERALD. Mr. Speaker, I was not in the Chamber during the call, but if present I would have voted "aye."

The result of the vote was announced as above recorded.

House Resolution 370 was laid on the table.

PROMOTION OF HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I call up the conference report on the bill S. 255, for the promotion of the health and welfare of mothers, infants, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255), an act for the promotion of the health and welfare of mothers and infants, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

JAMES S. PARKER,
JOHN G. COOPER,
SAM RAYBURN,
Managers on the part of the House.
HIRAM W. JOHNSON,
W. L. JONES,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 255, entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely, that the Senate has receded from its disagreement to the amendment of the House, which provided that in addition to promoting the health and welfare of mothers and infants the United States shall cooperate with the States in promoting the general health of the rural population of the United States and extending the provision of the act to Alaska and authorizing an additional appropriation in order to take care of the additional territory. The second amendment corrects the title so as to make it conform to the body of the act.

JAMES S. PARKER,
JOHN G. COOPER,
SAM RAYBURN,
Managers on the part of the House.

Mr. PARKER. Mr. Speaker, the Senate receded from its disagreement and accepted the bill exactly as we passed it on Friday. The conference report shows that it is exactly the same bill that the House voted on and passed on Friday.

Mr. TUCKER. How about the increased appropriation?

Mr. PARKER. Five thousand dollars was added to take care of Alaska. That was done in the House.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

REDUCED CAR FARE FOR SCHOOL CHILDREN

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the special reduced street car fare bill for school children which has been signed by the President. That is a measure for which I have been fighting ever since the convening of the Sixty-sixth Congress. It is a shame that for all these years the 69,875 school children of Washington have had to pay full car fare. They will now have a 3-cent fare.

The SPEAKER. Is there objection?

There was no objection.

SATURDAY HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. LEHLBACH. Mr. Speaker, I move to suspend the rules and pass the bill S. 471, providing for a Saturday half holiday for certain Government employees, as amended.

The Clerk read the bill, as follows:

An act providing for Saturday half holidays for certain Government employees

Be it enacted, etc., That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws.

The SPEAKER. Is a second demanded?

Mr. McCORMACK of Massachusetts. Mr. Speaker, I demand a second.

Mr. LEHLBACH. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER]

Mr. DALLINGER. Mr. Speaker, this bill was unanimously reported by the Committee on Civil Service last May. It was understood at that time that if the bill reported by the Post Office Committee granting a half holiday each week to postal employees was passed and sent to the President, that this bill would be allowed to come up for the consideration of the House.

This bill grants the Saturday half holiday to the other employees of the Federal Government, and I would like to call the attention of the Members of the House to the fact that 44 out of the 48 States of the Union have laws providing for a Saturday half holiday to all State employees.

Moreover, this legislation has repeatedly been recommended by the Civil Service Commission and by the Comptroller General.

Mr. GREEN. Does this apply to the District of Columbia or all over the country?

Mr. DALLINGER. With one or two slight exceptions, it applies to all civilian employees of the Federal Government, except the postal employees, who are taken care of by a law enacted by this Congress. The Civil Service Commission has recommended this legislation for the reason that the practice of granting a Saturday half holiday to Federal employees is not uniform throughout the country. It depends upon the official in charge. In many cases the collector of customs or the collector of internal revenue or some other Federal official in charge, as the case may be, gives his employees a Saturday half holiday because throughout the country, particularly in the cities, the Saturday half holiday has come to be an accepted fact. On the other hand, other officials in charge of Federal offices do not give their employees the Saturday half holiday but make them work Saturday afternoons whether there is anything really important to do or not. It, therefore, frequently happens that the clerical offices in the Federal building or a Federal establishment, such as a navy yard or arsenal, are the only mercantile or manufacturing establishments in their neighborhood where the employees are obliged to work Saturday afternoon. It is for that reason that the Civil Service Commission has recommended and urged that the practice in this regard be made uniform throughout the country.

Mr. GLOVER. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. GLOVER. We have already passed a bill granting a half holiday to the postal employees.

Mr. DALLINGER. Yes.

Mr. GLOVER. And this will place all of them upon the same plane?

Mr. DALLINGER. Yes.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. BURTNESS. The postal employees' bill is a 44 hour a week bill, with Saturday afternoon off.

Mr. DALLINGER. Yes.

Mr. BURTNESS. How many hours do the Federal employees in the District of Columbia, generally speaking, work during the week?

Mr. DALLINGER. I am very glad the gentleman has raised that question.

Mr. BURTNESS. I have the impression that most of the employees now work 7 hours a day for 6 days, which would make a total of 42 hours, or two hours less than the postal employees work.

Mr. DALLINGER. I take it the gentleman is referring only to the clerks in the District of Columbia, as the employees of the Government Printing Office, the Bureau of Engraving and Printing, and the Washington Navy Yard work eight hours a day.

Mr. BURTNESS. Yes.

Mr. DALLINGER. As a matter of fact, the determination of the hours of labor of the clerks in the District of Columbia is entirely in the hands of the heads of the departments. A good many years ago, in fact in 1901, Congress passed an act making Saturdays after 12 o'clock noon legal holidays for all purposes in the District of Columbia, but the heads of the executive departments have apparently paid no attention to the law. The clerks in the District of Columbia actually enjoy a Saturday half holiday during four months in the year by Executive proclamation.

Mr. BURTNESS. I am glad they do.

Mr. DALLINGER. But when the matter has been brought to the attention of the different Presidents—and the gentleman will find this law in the District Code, title 22, section 126, page 308—and they have been asked why it has not been enforced, the matter usually has been referred by them to the members of the Cabinet and that has been the last of it. So far as the law is concerned, all of the clerks in the District of Columbia are now supposed to have every Saturday afternoon in the year.

Mr. WELSH of Pennsylvania. Will this cure that defect?

Mr. DALLINGER. I think so. If the law recently enacted providing for a half holiday for postal employees is carrried out, there is no reason why the provisions of this bill should not be carried out.

Mr. WELSH of Pennsylvania. Will it be carried out?

Mr. DALLINGER. I think so, because, as I am informed, President Coolidge told representatives of the Government employees that he was unwilling by Executive proclamation to extend the Saturday half holiday beyond four months in the year, as he thought the matter ought to be decided by the Congress. In regard to the hours during the day that the clerks in the District of Columbia work, the shorter hours in the District are entirely due to the action of Congress. When I first came to Congress a Representative from the State of Missouri, Mr. Borland by name, tried year after year to have enacted in the form of a rider on an appropriation bill a provision compelling Government employees in the District of Columbia to work eight hours each day, and Congress every time by an overwhelming vote defeated the proposition. So if the clerks in the District of Columbia are working less than an 8-hour day it is due entirely to the action of Congress.

Mr. BURTNESS. The fact is, is it not, that they are now working 7 hours a day, and if this bill passes it will mean 7 hours for five days, or 35 hours, plus 4 hours on Saturday, or a week consisting of 39 hours? Is that correct?

Mr. DALLINGER. It will be a 39-hour week, but, as I have already stated, the hours they have to work are entirely in the hands of the heads of departments. As a matter of fact, a great many of them frequently work more than 44 hours a week, and some of them much longer than that. I know of one employee in the Supervising Architect's office who has worked every night until almost midnight for weeks.

Mr. BURTNESS. That is because of his interest in his work and his desire to do so, is it not?

Mr. DALLINGER. Not only that, but because of the rush of work. A head of a department or bureau can compel any clerk in the District of Columbia to stay after hours, and even can make that clerk come back in the evening and work, is he so desires, and there is no overtime paid.

Mr. BURTNESS. But that is the exception and not the rule?

Mr. BEEDY. Why is there not any provision in this bill for a 44-hour week, so as to make it uniform with other employees? Why make a distinction here?

Mr. DALLINGER. We are simply carrying out the recommendation of the Civil Service Commission for a uniform Saturday half holiday throughout the service.

Mr. BEEDY. But in getting that uniform half holiday you are making a 39-hour week for thousands of Federal employees as against the 44-hour week for others. I am wondering whether we will get into trouble on account of that.

Mr. DALLINGER. As a matter of fact, as I have already pointed out, so far as the law is concerned, all the Government employees in the District of Columbia are already supposed to have every Saturday afternoon off, but they do not get it.

This law was passed in 1901, making every Saturday after 12 o'clock noon a legal holiday for all purposes in the District of Columbia. The reason that Government clerks in the District of Columbia do not work as many hours per day as similar Government employees in the rest of the country or as many hours as the employees in the navy yards, the Government Printing Office, or the production department of the Bureau of Engraving and Printing is because Congress has refused to increase the time and require them to work eight hours. As a matter of fact, the heads of departments can make them work just as many hours as they desire.

Mr. BEEDY. But I do not see how this bill will correct the fact that they now have a half holiday but do not get it.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. DALLINGER] has expired.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman two additional minutes.

Mr. CARTER of California. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. CARTER of California. I am very much in sympathy with the legislation, but I notice there is excluded Interior Department employees in the field. I presume there is some particular reason for doing that.

Mr. DALLINGER. We tried to make this bill acceptable as far as possible to the heads of departments. The Secretary of the Interior represented to the committee that there were certain employees in the field in his department that were seasonal; that is, young men who were working their way through college and who were employed in the national parks during the summer, and it was felt that the Saturday half holiday should not apply to them. With regard to employees of the Panama Canal, the President and Secretary of War already have full authority to regulate the hours of labor there.

Mr. CARTER of California. Just one other question. This applies to those who are working on part time or piecework.

Mr. DALLINGER. Yes.

Mr. CARTER of California. How does the gentleman propose to reckon their earnings in the hours they are not working?

Mr. DALLINGER. I will ask the gentleman from New Jersey, the chairman of our committee, Mr. LEHLBACH, to answer that question.

Mr. LEHLBACH. The piecework basis is estimated. Today's pay is estimated on the average piecework, and in that way the matter is adjusted. With regard to piecework in the Government, the pieces are not actually counted, but an average is struck.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. DALLINGER] has again expired.

Mr. McCORMACK of Massachusetts. I yield to the gentleman from Massachusetts one additional minute.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to extend as a part of my remarks the report of the Committee on the Civil Service on this bill, which I prepared by direction of the committee, and which concisely states the reasons for this legislation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

[House Report No. 1498, Seventy-first Congress, second session]

SATURDAY HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. DALLINGER, from the Committee on the Civil Service, submitted the following report (to accompany S. 471):

The Committee on the Civil Service, to whom was referred the bill S. 471, having considered the same, report favorably thereon with a recommendation that the bill as amended be passed. The amendments are as follows:

Amend the title so as to read:

"A bill providing for Saturday half holidays for certain Government employees."

Strike out all of line 7 after the word "all," in line 8, and line 9 to and including the word "Government" in line 10, and insert in lieu thereof the following: "civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field," so that the bill will read as follows:

"*Be it enacted, etc.*, That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws."

This bill, if enacted, will establish a 4-hour workday on Saturday throughout the year, without loss of pay, for all civil employees of the Federal Government and the District of Columbia, except those employed in the Postal Service, those in the field service of the Department of the Interior, and employees of the Panama Canal on the Isthmus, practically all of whom are working under the provisions of the 8-hour law.

Employees of the Postal Service have been excluded from the provisions of the bill for the reason that the Committee on Post Offices and Post Roads has already reported a similar bill applying to all postal employees, which is on the Union Calendar. The field service of the Department of the Interior was excluded by the committee on account of the objections made by the Chiefs of Bureaus of Reclamation, Forestry, and National Parks, and the Indian Bureau, the field services of the three latter bureaus being very largely composed of temporary employees during the summer vacation period. The Panama Canal employees on the Isthmus were excluded because the committee felt that this service has other compensating advantages, and that the conditions of employment can be regulated by the Secretary of War under authority of the President without congressional enactment.

Employees of the Government Printing Office are included in the provisions of the bill, although legislation affecting this branch of the Government service does not ordinarily come before the Committee on the Civil Service. This action was taken in view of a statement made under date of February 11, 1930, by the Public Printer to S. M. Lee, clerk of the Committee on Printing of the United States Senate, which read in part as follows:

"I respectfully recommend that your committee propose an amendment to the Jones bill (S. 471), which is now on the Senate Calendar (No. 70), striking out the words "and the Government Printing Office" from line 9, page 1, of the bill. The elimination of those words would make the Jones bill, providing for a 44-hour week, applicable to the Government Printing Office as well as to other Government employees."

The United States Civil Service Commission, to which a number of House bills granting Saturday half holidays to different groups of Government employees were referred for comment, stated, through its secretary, Mr. John T. Doyle, in a letter to Hon. FREDERICK R. LEHLBACH, chairman of the House Committee on the Civil Service, that—

"The commission desires to state with reference to these bills in general that in the larger cities especially, in conformity with business usage in their localities, many, if not all, of the Federal establishments, in common with private business, observe the half-day holiday on Saturday afternoon. It is important to note that the District of Columbia Code provides that every Saturday after 12 o'clock noon shall be a holiday in the District for all purposes. Under an Executive order of May 9, 1927, from the first Saturday of June to the last Saturday of September, both inclusive, of each year, four hours, exclusive of time for luncheon, constitutes a day's work on Saturdays for all clerks and other employees of the Federal Government. The order permits exceptions to be made by the head of the department or establishment where the practice authorized is inconsistent with the provisions of existing law.

"It will be seen that there is thus an inconsistency of practice between the field and the departmental services, since the Government for only four months of the year follows the customs of banks and business houses in closing on Saturday afternoons.

"By statute the departments properly have the right to require employees to serve additional hours or on holidays when necessary.

"The legislation proposed is in general in keeping with the trend in outside business, and the commission favors conformity with the code in this matter. Reference is made to the comment by the Reclassification Commission on March 12, 1920, in House Document No. 686, Sixty-sixth Congress, second session, entitled 'Report of the Congressional Joint Commission on Reclassification of Salaries,' on page 92, where it is stated that as contrasted with the Government's policy regarding leave of absence 'many progressive employers in the business and industrial world, especially in the larger cities, grant their office employees two weeks' vacation and every Saturday afternoon with pay.'

"It is believed legislation of the kind proposed should affect all classes of Federal employees alike, and no particular class or group should be favored unless for administrative reasons."

The Comptroller General also favors the proposed legislation. In a letter to Chairman LEHLBACH, of the Civil Service Committee under date of May 16, 1930, he writes:

"In view of the lack of uniformity and because of the long-existing practice of the executives of requiring a full day's work on Saturdays except during the summer months, it would no doubt avoid much confusion and complaint if the matter should be covered by specific legislation * * *. As the administrative head of the General Accounting Office I would favor the granting of Saturday half holidays to all Federal employees where services may be spared, which would be in harmony with the trend of employment policies in the commercial world."

The language of the bill in question follows in a general way the Executive order issued by the President on May 9, 1927, which grants a 4-hour workday on Saturday for four months of the year, and which permits full pay for all those employees whose services can be spared. The Executive order above mentioned, however, does not provide compensating time off on any other day of the week in the few exceptional cases where the services of employees can not be spared on Saturday. These employees, under the terms of the proposed bill, would be entitled to a shortening of the workday on some other day of the week, which, of course, would be determined by the head of the department or bureau in which they work.

By enacting this legislation, therefore, Congress will not be establishing a new practice, but will merely be keeping pace with developments that have been going on in private industry for some time.

The cost to the Government of the proposed legislation can not very well be estimated since it does not involve a direct cost and may or may not reduce the quantity of work performed. In private business the experience has been that it has not materially reduced the output. Moreover, there is no evidence that the granting of Saturday half holidays to the Government employees of the District of Columbia four months of the year has resulted in any increased cost to the Government.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. COCHRAN of Missouri. This bill will in no way disturb the half holiday law that was passed for postal employees?

Mr. DALLINGER. Not in the least. The postal employees are specifically excepted from this bill.

Mr. COCHRAN of Missouri. It would not disturb the other law in any way, shape, or form?

Mr. DALLINGER. Not at all.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. EATON of Colorado. In correspondence with the gentleman or his committee it was indicated that employees of the Interior Department who were not actually in the field, as far as outside the cities is concerned, would be benefited by this bill, and the amendment has not been made. The employees of the Interior Department in the field have been excluded. Now, "employees in the field" has been construed by the Comptroller General to mean everybody away from Washington. For instance, in the city of Denver, Colo., there are over 250 employees in the Interior Department, and they are in the office and not in the field.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. DALLINGER] has again expired.

Mr. McCORMACK of Massachusetts. I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, it is a great pleasure for me to see this Saturday half holiday bill being favored by my colleagues from Massachusetts. It seems that Massachusetts rather has the floor to-day, with Mr. McCORMACK and Mr. DALLINGER.

In Massachusetts, of course, we have the half holiday for State employees on Saturday. I am glad to see that Congress to-day proposes to make Saturday a half holiday for Government employees.

Incidentally, I understand that this bill which is reported to the House to-day is the product of the brain of my distinguished colleague from Massachusetts, Mr. McCORMACK.

The bill proposed by the gentleman, Mr. McCORMACK, of all bills which were introduced in the committee, when the bills were referred to the different departments of the Government, was the bill which received the sanction of all de-

partmental heads, and therefore I think great credit should be given to Mr. McCORMACK to-day for his fine work in behalf of the Government workers and seeing to it that they get this Saturday half holiday.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. EATON of Colorado. Is Mr. McCORMACK the gentleman who is responsible for making the people who work in the offices outside of Washington, work on Saturday afternoons in the Interior Department?

Mr. CONNERY. I think the gentleman from Massachusetts [Mr. DALLINGER] explained that matter thoroughly a few moments ago.

Mr. EATON of Colorado. The gentleman from Massachusetts [Mr. DALLINGER] did not answer a word.

Mr. CONNERY. That is the gentleman's judgment. I listened to him and I thought he explained the matter very fully.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. SUMMERS of Washington. I do not want to detract at all from the credit which should go to the gentleman from Massachusetts [Mr. McCORMACK], but I call attention to the fact that we are considering the Senate bill introduced by Senator JONES, of Washington.

Mr. CONNERY. This bill was introduced in the House and it is substantially the same bill which Senator JONES introduced in the Senate except that the McCormack bill goes further and covers all Government employees rather than a limited class.

Mr. SUMMERS of Washington. Yes; they are similar bills.

Mr. CONNERY. But the real credit, as I understand the matter, belongs to my colleague, Mr. McCORMACK of Massachusetts, who has been making a valiant fight for a long time for this measure.

I expect this measure will pass the House overwhelmingly, and I wanted to take this opportunity to congratulate the House on passing such fine legislation for the Government workers.

Mr. GARBER of Oklahoma. Will the gentleman yield.

Mr. CONNERY. I yield.

Mr. GARBER of Oklahoma. Hearings were held on the McCormack bill?

Mr. CONNERY. Yes, sir.

Mr. GARBER of Oklahoma. Did the hearings develop the economic effect this would have on labor throughout the country?

Mr. CONNERY. I think so. When this bill passes, other employers will follow the practice of the Government on the Saturday half holiday and, eventually we will get around to a 5-day week, which I think will do much to clear up the depression and do away with overproduction.

Mr. GARBER of Oklahoma. I think the country generally is more interested in this national effect, of which the gentleman speaks, than in limiting it to the District of Columbia.

Mr. CONNERY. I think the national effect will be very salutary, and eventually we are coming to the 5-day week anyway, which, in my opinion, will be a fine thing for the country and necessary in view of the tremendous substitution of machinery for human labor that has taken place.

Mr. Speaker, I yield back the balance of my time.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. RAMSPECK]. [Applause.]

Mr. RAMSPECK. Mr. Speaker and Members of the House, this House recently passed the 44-hour bill for the postal employees and the President signed that legislation. I sincerely hope he will approve this measure when it reaches him, and thus put the great number of employees in other branches of the Federal service on the same basis. I am quite sure there is no man in this House who really opposes this legislation. We have reached a point in our development in this country where we recognize the fact that 44 hours a week is long enough for any man to have to work in the Federal service. In spite of that fact, however, we have in the Federal prisons of this great Government guards who are working 70 hours a week, and I hope that in the next session of Congress legislation will be provided to stop that condition, which is deplorable. This bill in itself will give them at least a half day off each week, and it will help them to that extent.

It is a pleasure to pay tribute to our colleagues on the committee who have so diligently pressed this legislation, the gentleman from Massachusetts, Mr. McCORMACK, the gentleman from Massachusetts, Mr. DALLINGER, and the chairman of the committee. They deserve full credit for all that has been done in behalf of this measure. As I recall, no member of the committee was opposed to it, and the committee has been diligent in its efforts during this entire session in trying to get this measure before the House. We want to express our gratification to the Speaker for his courtesy in permitting us to bring it up at this late hour. I hope it will go through conference without any objection on the part of the Senate to the changes we have found necessary to make.

The employees of this great Government are diligent and faithful and I know they are entitled to this Saturday half holiday which this bill will give them. It is a pleasure for me to support it. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. LEHLBACH. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, I wish to say a word in opposition to this proposal. We passed a bill some days ago which, I understand, is in the hands of the President, limiting the hours of employees in the Postal Service to 44 hours a week. It occurs to me that is about as little as anybody ought to work; in other words, they ought to be gracious enough and liberal enough to work 44 hours a week for Uncle Sam. If this bill becomes a law, this is going to be the situation under it: They will work but 39 hours a week, and the next thing that will happen will be the postal employees coming in and asking that they be permitted to work only 39 hours a week. Following what we did for the postal employees the employees in the service here are using that as a leverage to accomplish this purpose. If we do the thing they are now asking us to do we will again be discriminating against the postal employees, and at the very next session of this Congress or very soon thereafter there will be a bill before this House from the postal employees asking that their hours of labor be reduced at least to 39 hours per week, or perhaps under that, and directly we will yield to the demand.

It strikes me that we have been very liberal in fixing the hours of employment for Government employees. I remember when Mr. Borland, with all the earnestness of his being, and he was a very earnest man, thought that the employees of the Federal Government should work at least eight hours a day, but he failed in his endeavor.

They have gotten along pretty well, and we have not heard of anybody being overworked in the Government departments. There may be occasionally some man conscientious enough or some woman conscientious enough to work a little bit of overtime, but they are the exception. I will warrant you that if you go into any of these departments you will find that most of them quit at noon for their luncheon and at the end of the day's work on Government time. They are already up and ready to go; they have fixed themselves and ready to quit when the gong rings, and some of them ahead of that time, with the exception of those who are conscientious enough to work up to the required time. I do not think I am exaggerating when I say that the majority of the people in the Government service have more regard for their hours and their wages than they have for the work they are doing. There is no doubt about that. If you will go into any of these departments to-day, you will find at least one-third more employees than you would find in a commercial institution doing the same character of work. So to my mind there is no justification for the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. LEHLBACH. Mr. Speaker, I yield one minute to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Speaker, ladies and gentleman of the House, I hate mightily to differ with my friend Mr. WOOD, because as a rule he is a very safe man to follow in matters of legislation. However, I am particularly interested in the navy-yard employees. It does seem to me that it is unthinkable in this modern day that they should be required to work from 8 o'clock in the morning until 4.30 in the afternoon, from Monday until Saturday, and not have Saturday afternoon off. I do not know what effect this is going to have in the District, and I do think that 44 hours a week is enough for any Government employee to work.

It does seem to me, however, that in this modern age we should give them at least Saturday afternoon off, and I hope that the measure will carry. I am glad it has come up, even at this late day in the session. I have been hoping it would come up all during the session.

Giving these men Saturday afternoon off is what I am interested in and what they are interested in. They are willing to give full service and full time if they can get Saturday afternoon for recreation and enjoyment. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. GRANFIELD].

Mr. GRANFIELD. Mr. Speaker, I join with my colleagues from Massachusetts [Mr. CONNERY, Mr. McCORMACK, and Mr. DALLINGER] to urge the passage of the Saturday half holiday bill for certain Federal employees.

I wish to take the time to preface my remarks to compliment Mr. McCORMACK, the gentleman from Massachusetts, whose indefatigable and successful advocacy of this legislation brings it for consideration to the floor of the House to-day. He is the author of this bill, and I know that he will receive the gratitude of thousands of employees who will be benefited by its passage.

The gentlemen who have preceded me have presented to the House clearly and ably the purposes of this bill. This legislation should have been enacted into law years ago. Nearly every State in our Union allows its employees a half holiday on Saturday. The greatest commercial and industrial institutions throughout the United States have followed this policy of half holidays on Saturday. It is only fitting and proper that our Government which has already adopted this policy should extend its policy to the Federal employees affected by this bill.

It is possible to bring to the attention of the Members many other reasons why this legislation should be enacted into law. In doing so I would be covering, partially at least, the trend of the arguments already advanced by other Members who have spoken in behalf of this bill. I am heartily in accord with this legislation, and I trust it will receive the unanimous support of the Members of this branch of the Congress.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I am wholeheartedly in favor of the pending bill, but it is not my purpose to discuss this measure now. I have asked for time to-day to discuss another subject, and respectfully request that I not be interrupted until I have finished.

Mr. Speaker, during the closing hours of each session of Congress that it has been my privilege to be a Member, administration leaders have deemed it their duty to arise and solemnly announce from this floor that the administration in power at Washington has been eminently successful with its legislative program. The Congress and the country have been assured by the leaders near the close of every session, irrespective of whether it happens to be a regular or lame-duck session, that the powers that be have given the country "the most constructive legislative program in the history of this Republic."

I have been wondering, Mr. Speaker, if the House leaders of this Congress would, in the face of the record of the present session, follow the usual course of handing the House the same old stereotyped speeches. But I see they are running true to form. Already the annual speeches have begun. The distinguished and affable majority leader, the gentleman from Connecticut [Mr. TILSON], will no doubt soon arise on this floor and perform his usual annual task. It is amusing that even the many "swan songs" of our retiring Members have been brimming over with praises for the G. O. P. and its "constructive" party program that most of them have followed so blindly in the past, and which, in a great measure, is responsible for the defeat of over 50 Members of this House at the last election.

Not only have our Republican leaders persisted in their solemn declarations that each Congress has been the "most constructive" in the entire history of the Republic, but we are invariably told by the leaders on the other side of this aisle that the party in power has been the only real, true friend of the farmer and small business man. The Republican Party, however, has pledged its undying support to agriculture and business so often and broken those promises so regularly the public has begun to realize, as evidenced by the last election, that such pledges were insincere and obviously made for campaign purposes only. [Applause.]

A quarter of a century ago the slogan of the Republican Party was, as many of you no doubt recall, "the full dinner pail"; but with five to seven millions of men out of work, walking the streets and highways looking for jobs, and with unemployment in the most deplorable and distressing condition for the past 50 years, our Republican friends have long since been forced to abandon that time-worn slogan. "The full dinner pail" is now a memory. It was discredited and junked and a new slogan was of necessity born and brought forth to bolster up the party in power.

Despite the serious and unprecedented slump in business within the last several months, a condition that is the natural consequence of unfair and stupid legislation, the Republican Party has the unmitigated gall to continue to boldy declare its perpetuation in power is essential to a guaranty of good times. "Vote the Republican ticket and insure business prosperity" is another time-worn slogan that was adopted years ago as a sort of substitute for the "full dinner pail"; but that slogan, like the former, has been demonstrated to be a myth, a sham, and a fraud. For the past two years "Hoover prosperity" has been the butt of many jokes. However, with unprecedented poverty and want stalking through this land, it has ceased to become a joke. It is now a national tragedy. It is a serious situation when millions of American citizens are on the verge of starvation; when countless children of honest, loyal, American citizens go to bed each night hungry for bread, while at the same time granaries of American farmers are literally bursting with wheat they can not sell. It is not a joke, but a travesty and a humbug for the party in power to boast of being the alpha and omega of business prosperity in the face of the depressed and panicky conditions that have so far unmistakably marked the Hoover prosperity program. [Applause.]

In January, 1930, the then Secretary of Labor issued a statement reluctantly admitting that business had been "somewhat depressed" since the stock-market crash in 1929, but added, in effect, that business was then "picking up." Two weeks later the world was again assured that many were going back to work and that business in general was, by that time, "looking up." Some one has suggested that business was then, and is still, "looking up," lying flat on its back and helpless—but "looking up." It is interesting to recall that every two or three weeks thereafter for several months the distinguished Secretary of Labor sent forth statements from the Capital assuring the country that "every day in every way" business was becoming better and better. Similar reassuring statements came out of Washington at regular intervals throughout the year 1930, and

yet, in the face of such high-powered political propaganda, it must be now admitted that from the date of the inauguration of President Hoover until this hour business conditions have grown constantly worse. To-day legitimate business in America is not crippled—it is paralyzed!

Some of our Republican friends say it is unfair to charge the party in power with responsibility for this extended panic. Then, may I ask upon whose shoulders the responsibility may properly fall? Had prosperity smiled upon America the G. O. P. would have claimed all credit and glory, but when disaster comes the party in power throws up its hands in holy horror and vainly attempts to shun all responsibility.

Still another slogan of the Republican Party we heard so frequently in 1928, but which party leaders are now trying to forget, is the famous farm plank in their platform adopted at Kansas City, which so solemnly pledged that if returned to power the party would "place agriculture on equality with industries." The first gesture of the Hoover administration to carry out that campaign pledge was the calling of a special session and the rushing of the so-called farm relief bill through Congress. A bill was prepared behind closed doors and sponsored by a few of the faithful followers of "Farmer" Mellon and others who "farm" Wall Street. That so-called farm bill was presented to Congress by a committee of 15—11 of whom lived north of the Ohio and east of the Mississippi Rivers—and passed with little debate and practically no consideration. We were forced to accept the administration's bill or nothing. Under that so-called relief bill the Federal Farm Board was set up, and the farmer has been "relieved" of about everything he had left. Every time the Farm Board has made a move with respect to any farm commodity the price of that commodity has gone down. The board went into the stock market and bought 60,000,000 bushels of wheat, and the price of wheat went down to the lowest levels within the past quarter of a century. The board still holds that wheat, the inevitable effect of which is to terrorize and practically destroy the wheat market. The same or similar situation exists in the cotton market. The "noble experiments" of the Farm Board have been so disastrous to the farmers and so universally criticized that two of the Farm Board members have expressed their intention to resign. That seems to be about the only move made on the part of the Farm Board which will meet with the unanimous approval of the farmers of America. [Applause.]

Surely, Mr. Speaker, no one will arise on this floor and pretend to say that the present administration has fulfilled its sacred pledge to place agriculture on a parity with industries.

Then, to add insult to injury, the next step for the alleged purpose of keeping campaign promises of helping agriculture and restoring prosperity was the passage of a high tariff bill, the highest known in history. Rates were made higher than the highest of high-tariff advocates ever dreamed. A tariff wall was constructed so high around America that it virtually destroyed foreign commerce, and now other countries have retaliated by passing measures against the United States. The tariff bill was written and rushed through Congress in a similar fashion as was the farm bill. Farmer Mellon and his faithful followers were again the guiding factors. The tariff bill was lobbied and logrolled through the Congress of the United States in a shameful manner. During the limited discussion of the measure we were promised that business conditions would immediately revive upon the passage of the tariff act, and within six months, we were repeatedly assured, the country would be back to normalcy. Had business improved in the slightest the tariff bill would have been held up by its sponsors as the predominating factor. It is fair, then, to say that the tariff is responsible in a large measure for the nation-wide depression that followed, and has continued since its passage. It heaped additional burdens upon the American people—farmers, laborers, and business men—without giving anything in return, and an outraged public expressed itself in no uncertain terms at the election held the following fall.

It was during the consideration of the tariff bill that the people of America really began to understand the oft-repeated declaration of the party in power that it is the friend of business. It was plainly discernible then, as now, that "business" with our Republican friends means "big business"—corporate wealth, special interests, power trusts, steel trusts, international banks, and bond brokers with foreign securities. These special interests did not hesitate to send their representatives to Washington and ask for everything but the dome of the Capitol at the hand of this "business" administration; and "big business" got all it asked. For example, the Steel Trust demanded increased protection in the Hawley-Smoot tariff bill. Some of the steel corporations had made only 37 per cent interest on their investments the year previous, while others boasted of profits of 82 per cent and more. Their business had also shown a decided increase, while the farmers and small business men were going bankrupt.

On the other hand, the utter lack of any consideration shown the independent oil producers of the United States by this administration that has professed its loyalty and love for business men is one of the many glaring examples of the lack of sympathy or understanding on the part of the powers now in control at Washington of an American industry in dire distress.

Thousands of independent oil operators representing some 30 States, who have been reduced to poverty on account of the importation of foreign oil produced by cheap foreign labor, came to Congress and asked for relief in the tariff act, and again we saw the mighty hand of the Secretary of the Treasury, whom "big business" has designated as the "greatest Secretary since Alexander Hamilton." Never in the history of this Republic has any other one individual so completely dominated the Government at Washington as has Mellon. Although this "business administration," by its last tariff act, raised the price on all materials the oil producer must use in connection with his operations, which incidentally includes steel, it turned the deaf ear to the independent oil producers and 100,000 laborers in their employ and favored the Royal Dutch Shell, a foreign corporation, and the Standard Oil, that connived with the Mellon crowd to put the independent oil operators out of business.

During the session now drawing to a close, the independent oil producers again presented their case to Congress. I attended these hearings before the House Ways and Means Committee, and what an unusual case they made. These independent producers sponsored the Capper-Garber embargo bill and presented abundant and overwhelming evidence in their demands for immediate relief, but again the boasted party of protection ignored the pleas of these American business men. Again the party in power decided in favor of foreign corporations which with foreign capital and cheap foreign labor have all but destroyed a legitimate American industry. The action of that great committee in recommending another investigation of the oil situation and report back to Congress is in keeping with the policy of the Hoover administration of evading issues by appointing commissions. "Passing the buck" seems to be the order of the day at Washington.

And so the Republican Party, in full control of all branches of government, has failed dismally as the protector of American business, except, of course, the special interests that call themselves "big business." The party's pledges and slogans must needs be relegated to the scrap heap. The Steel Trust and Oil Trust have replaced the "trust" the farmers and legitimate business interests once had in the Republican Party.

It is needless for me to add that such a deplorable, nation-wide economic situation presents an excellent opportunity for real service by the party of Jefferson, Jackson, Bryan, and Wilson. Never in the history of this Republic has the time been when progressive thought throughout the country, including many independent Republicans, was so thoroughly

disgusted as it is to-day with the party in power. The eyes of the world are turning to the Democrats to lead the way in bringing order out of chaos. Will our party be able to rise to the occasion and stand foursquare for a constructive program, or is it possible that the party of Jefferson, with its splendid record of outstanding achievements in the interest of humanity and honest government, will forget fundamentals and go off after strange gods? With a progressive, constructive program and sane leadership the Democratic Party will again come into its own, and the party of special privilege, which has demonstrated so conclusively that it is long on promises but decidedly short on performance, will be scourged and driven from high places of power. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I am heartily in favor of this legislation which provides a half holiday on Saturday for all Government employees for the entire year for two reasons especially. One is I believe the employees are entitled to a half-day holiday each week for rest and attention to their own affairs, and, in the second place, I believe they will render better service to the Government if it is given to them. By Executive order half holiday on Saturday for four months in the year has been granted for a numbers of years in the District of Columbia. There is no evidence that it has resulted in any increased cost to the Government. The enactment of this legislation will not be establishing a new practice, but will merely be in keeping with the development that has been going on by private industry for a long while. In other words, it will be in accordance with the prevailing and growing sentiment in private industry to grant a half holiday all the year on Saturday. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. I am pleased that this bill, unlike the immigration bill you forced through the House under false and misleading representations, by the professional restrictionists, will be of some benefit to the few Government employees; and I regret that it does not apply to the working people of the United States in general.

I hope that in the near future there will be passed such legislation that will establish not only a 4-hour workday on Saturday but also a law that will establish a 40-hour week. And if you gentlemen are really the friends of the laboring man, as you profess to be, and as you assure them—before the elections—you are, and if you will show but one-half of the interest for them, in this bill, as you have shown in the immigration bill, such legislation could be passed without delay.

The statements made on the floor of the House as to the number of immigrants coming over were untrue and were deliberately made for the purpose of misleading the House and the Nation.

For five years I have advocated the restricting of Mexican, Canadian, and West Indies immigration; but the administration and the beneficiaries of this cheap labor—needed for the lumber and textile industries—on the one hand, and the railroads and the cotton planters' Sugar and Beet Trust on the other, have had such remarkable influence with these professional restrictionists that they have remained blind to the true situation and have failed to assist me. Under the pretext that it will aid unemployment, this bill was forced through in violation of all the rules of the House, and in a most arbitrary manner. Anyone with any degree of intelligence knows that this is nothing more than a false sham; since these people—to be prohibited from coming, by this bill—are for the greater part the wives and children of declarants and parents of American citizens, too old on the one hand, or too young on the other, to "seek the places of the American laboring man." Nevertheless, these false statements are being used constantly to unload on these few unfortunate immigrants the sins of the administration and its staunch "protectionists" in total disregard of their party pledge, adopted June 14, 1928, and on which President Hoover and the present Republican Congressmen were elected, which, while favoring continued restrictions, expressly provided:

> Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

How strange it is, that in one breath the President and some of you would-be leaders on the floor, say that the panic and depression is world-wide, and in the very next charge it to the few innocent children, wives, parents, and relatives of those American citizens who sacrificed their lives for our flag. The most ignorant will see through these false accusations and untrue charges.

I am now ready and willing to vote for the restriction of immigration from Mexico, Canada, and the West Indies; and am equally willing to put a complete stop to the immigration from the Philippines. But that can be done only by giving them their independence. For, to first refuse their release on the one hand and to then deny them admission on the other would meet with condemnation on the part of the civilized world.

The gentleman from Texas made a statement to the effect that—

> The 5,000,000 immigrants in the last five or six years are responsible for the depression.

That statement is as untrue as the others made by the proponents of this bill. The reports of the Department of Labor show that during the five months, from July to November, 1930, there were but 69,082 immigrants admitted to our shores.

If you gentlemen were in earnest in your desire to restrict Canadian, Mexican, British, and the Indies immigration to the same extent as European—even stopping completely all immigration from Europe—you could have easily done so, at any time during the session, without violating the rights and the privileges of the Members of the House in gross disregard of all the rules of the House.

In the palmiest days of Cannon and Cannonism and of Reed czarism, the constitutional rights and privileges of the Members of the House were never so wrongfully and brazenly violated as they were last Saturday night, when all precedents and rules were entirely swept aside by the Speaker. It is to be regretted that in the last few days of his service as Speaker he should have permitted himself to be used and "bullied" by the small coterie of crazy restrictionists to make impossible the reuniting of unfortunate families after many years of separation.

If that bill is of such vast importance as some of those representing certain secret, vested organizations pretend it to be it could have been called up for consideration anytime during the last week. Instead of devoting days to the Navy specialists, agricultural, and farmer bloc interests, as the oleomargarine bill, the three battleships bill, the "silk stocking" Navy officers' bill, and the real estate steal bill, as well as several other equally unimportant bills, this immigration bill, I repeat, could have been taken up instead. But as is the usual procedure of the Speaker and the manager of the House in the case of immigration bills, they waited until the very last moment—Saturday evening at 7, when all the Members were desirous of leaving and were in no mood to consider same—before calling it up for consideration. And then, after it was taken up under the agreed plan of a special rule, one hour for the rule and three for debate, at the very last moment, in flagrant violation of the rights of the Members, the Speaker, in a high-handed manner, ignored the rule which was being considered and recognized the gentleman from Washington [Mr. JOHNSON] to move to suspend the rule and pass the bill, thereby depriving the Members of any chance or opportunity of offering any amendment thereto or even debate thereon. Such action is unprecedented; it is to be regretted, for it will plague those responsible.

In my 24 years of service, it is the first time that I have witnessed the spectacle of a Speaker, without a quorum, and immediately after a vote has indicated that there were approximately only 136 Members present, with 12 or 16 not

voting, to count (as present) 230 or 240, and to declare a quorum present.

It is, of course, possible for men to err; but it is inexcusable for one occupying the high and important position of the Speaker of the House to make so deliberate and wrongful a count, in violation of true procedure and fair play. I hope that never again will such action be witnessed and permitted in this House, as I feel that the country will not tolerate for long such deplorable methods by the Speaker, who, drunk with power in his temporary occupancy of the chair of this so-called "greatest deliberate body in the world," with impunity, so flagrantly disregarded his oath of office and the rights of the duly elected Representatives of the American people.

And in conclusion, gentlemen, let me state that this bill, which has been forced through by such high-handed and unprecedented procedure, is not in the interests of American labor, as section 3 of the bill clearly makes possible and permits the importation of labor into the United States. And, judging the future by the past, the large industries will be able to import, at any and all times, the labor they seek or the labor they desire, even though this might result in beating down the wages of the American wage earner. But, as I stated, it does prevent the reuniting of unfortunate families.

I am satisfied that in the years to come, you who forced through this legislation will bow your heads in shame at the part which you have played in this manner.

Mr. McCORMACK of Massachusetts. Mr. Speaker, at the outset I want to answer an inquiry that was made by several Members on the Democratic side of the House when they asked me whether or not this bill applied to Federal employees outside of the District of Columbia. The answer to that question is that the bill applies throughout the entire country. It applies not only within the District but also to the field service throughout the entire country, affecting approximately 400,000 employees of the Federal Government.

Mr. HOUSTON of Hawaii. And I assume, of course, it applies to the Territories?

Mr. McCORMACK of Massachusetts. Yes; that is my understanding.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. McCORMACK of Massachusetts. Yes.

Mr. EATON of Colorado. Then why is it you except from the operations of this bill the office employees, almost 500 in number, who work for the Interior Department in the western part of the country?

Mr. McCORMACK of Massachusetts. I understand the only ones that are excepted from this bill in the Interior Department are those whose work is temporary. These people in the Department of the Interior outside of Washington are in the field. Such was the intention of the members of the committee. If some permanent employees of this department are affected, it is unfortunate, as such was not the intention of the committee. The committee was informed by the department, as I remember it, that during the summer time they employ temporary help whose work is such that this bill would be impracticable in its application to them. So far as the Canal Zone is concerned, I did not want them outside of the provisions of this bill, but it was necessary to make this compromise. Outside of the Canal Zone provision, whatever inequities exist are slight, and can be corrected later. The employees of the Canal Zone should be taken care of at the next session. I am sorry that it was necessary to make a compromise with reference to them, otherwise there was danger of a bill being reported that would have been broader than the limited provisions of the Senate bill.

The only ones excepted, as I understand it, are the temporary employees and those employed in the Panama Canal. This bill is a step in the right direction. As a result of mass production and the substitution of machcinery for human labor it is only fair and proper that the Government should lead the way in trying to induce private employers to adopt ultimately a 5-day week. Practically every State in the Union gives to its employees a Saturday half holiday. Federal employees now get Saturday half holidays four months in each year. I might say that the principle of this bill was approved by all of the departments.

In conclusion, I want to pay my respects to the chairman of the committee [Mr. LEHLBACH] and all members of the committee and to the Member [Mr. DALLINGER] who opened the debate to-day for the manner in which they have devoted their efforts to secure passage of this bill. It is a unanimous report of the committee; all of the membership without regard to party voting to report it. There is complete harmony among the Members on the bill. The Speaker is to be congratulated on permitting the House to pass on this measure. If he had failed or refused to recognize the chairman of the committee to suspend the rules, this bill would have died with this session. This bill ought to pass, and I sincerely trust that the rules will be suspended and the bill sent over to the other body for action, in which event I am confident it will pass at this session. [Applause.]

Mr. LEHLBACH. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, as a Member of the House Civil Service Committee, which drew up and reported out favorably this half holiday bill for the benefit of Federal employees, I wish to state that I worked for this bill in committee and did all I possibly could to see that it reached the floor of the House.

The difficulty up until Saturday was that we could not get this bill on the floor of the House. Some of us drew up a petition to Speaker LONGWORTH to grant us a suspension of the rules, and he has very graciously done so this morning, and now we will pass this bill without difficulty. I was very glad to sign the petition to the Speaker.

This is the richest country in the world, and the Government can very well afford to set a reasonable standard of wages, hours, sanitary conditions, pensions, and retirement to private business and private industry by granting fairness and justice to its own Federal employees.

The Federal Government should also set a high standard for State, municipal, county, and township governments as to the manner in which they should treat their employees. It is to be regretted that private business and private industry, however, has set the standard for the Federal Government. There are 44 States which have already adopted half holidays for employees.

The half holiday on Saturday in private business and private industry is a common thing. Even further, such companies as the Ford Motor Co. of my city have advanced a five-day week with six days' pay as a forward step. Labor is better satisfied and can perform better and develop a higher standard of existence all along the line if it can obtain a five-day week.

People are entitled to more of the open air and of the sunshine and of recreation and are entitled to more letting down of the strain and tension of modern life.

I was very happy to vote and work for the half holiday for postal employees which has already become law during this session of Congress.

This bill covers other Federal employees in the service.

I was very glad to have assisted in the salary increase bill for Federal employees which came out of my committee and has been made law recently. I was also very glad to make the motion to put the retirement legislation as the first order of business in my committee during the last session of Congress. That retirement bill is now law and ended the struggle of many years of Federal employees to make their old age more secure.

This bill as passed to-day has already passed the Senate and will undoubtedly be signed by the President as he has signed the half holiday bill for postal employees. It is a great boon to thousands of Federal employees in Michigan and particularly in my own city of Detroit.

Mr. LEHLBACH. Mr. Speaker I yield to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Speaker, in the West there are a large number of employees in the Department of the

Interior whose work is office work and others who work outside of the offices and literally in the field. The exception in this bill reads:

Employees of the Interior Department in the field.

And the construction of these words by the Comptroller is that everybody outside of Washington are in the field.

Some months ago I pointed out the effect of this construction upon the office employees of the Department of the Interior who were not in the offices in Washington, and received the following letters from Comptroller General McCarl and the gentleman from Massachusetts [Mr. DALLINGER]:

JUNE 5, 1930.

Hon. WILLIAM R. EATON,
House of Representatives.

MY DEAR MR. EATON: Further reference is made to your letter of May 28, 1930, in which you request answer to an inquiry as follows:

"I have an inquiry in regard to S. 471, which was reported to the House by the Committee on the Civil Service upon May 16, 1930, concerning the interpretation of the language in lines 3 and 4, page 2, consisting of the following words: 'Employees of the Interior Department in the field,' as to whether that language was confined in the land department to the employees of the inspection department, or whether your rules would include in its interpretation the register and other empoyees of a land office such as is operated in Denver, Colo."

In order to show the connection in which the words quoted by you are used, the following is quoted from the bill:

"That on and after the effective date of this act four hours, exclusive of time for luncheon shall constitute a day's work on Saturdays throughout the year with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: * * *."

The term "field service" or "service in the field" is ordinarily used to designate service other than the departmental service in the District of Columbia. Hence, the field service of the Department of the Interior ordinarily would be understood as including all employees under that department employed outside the departmental service in the District of Columbia. There is nothing in the wording of the bill here under consideration to indicate that the term "field," as used therein, is intended to have a more restricted meaning. It would seem, therefore, that there would be no justification for confining the application of the language in question to employees in the inspection service of the land department, but that it will be necessary, if the bill should become a law, to apply the language to all employees in the field service of the Department of the Interior, including the personnel of the local land offices, all of whom would be excluded from the benefits of the act.

Referring to the report of the Committee on the Civil Service of the House of Representatives, No. 1498, dated May 16, 1930, it is stated:

"* * * The field service of the Department of the Interior was excluded by the committee on account of the objections made by the chiefs of Bureaus of Reclamation, Forestry, and National Parks and the Indian Bureau, the field services of the three latter bureaus being very largely composed of temporary employees during the summer vacation. * * *"

If it is desired to give employees in local land offices the benefit of the act, it is suggested that there be inserted after the word "field" the words "other than employees in local land offices."

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 12, 1930.

HON. W. R. EATON,
House of Representatives, Washington, D. C.

DEAR COLLEAGUE: I have read with interest your letter of the 10th inst. with inclosure regarding S. 471 which I recently introduced favorably to the House from the Committee on the Civil Service.

As you perhaps know, this bill was objected to when it came up in the House a few days ago but I believe it will again be considered at the next session of Congress.

As introduced the bill was intended to exclude only those employees of the Department of the Interior in the field who work temporarily during the summer months, although its wording was such that it applied to all field employees generally. I am happy to say that if the bill is eventually enacted it will be amended so that only the temporary employees above mentioned will be excluded and all permanent employees will enjoy the Saturday half holiday throughout the year.

With warmest personal regards, I am

Very sincerely yours,

FRED W. DALLINGER.

I notice that the amendment suggested by the comptroller has been omitted. In discussing it recently with members of the committee, I was assured that an amendment to bring about the same result would be incorporated, and just a few moments ago I was informed by the gentleman from New Jersey [Mr. LEHLBACH] that it was proposed to amend the words on lines 3 and 4 on page 2 of this S. 471, so that they will read:

And such employees of the Interior Department in the field as the Secretary of the Interior may by regulation exempt from the provisions of this act.

He says these words will meet the situation, and they probably better express the idea to be incorporated. At any rate, with such an amendment, there will be given the opportunity to the Secretary of the Interior to designate which of the office employees outside of Washington will be given the same privileges as to Saturday afternoon work as will be enjoyed by those who work in the city of Washington.

Mr. LEHLBACH. Mr. Speaker, the title of this bill is an act providing for Saturday half holidays for certain Government employees. The length of time for work during the week has no relation to this Saturday half holiday at all. Saturday half holidays are universal in industry and in business. Forty-four States of the Union have Saturday half-holiday legislation for their own employees. For four months of the year the Government employees in the District have Saturday half holidays. The vast majority of the clerical forces in the field in the Government service have Saturday half holidays all of the year round. This extends an accepted practice. I ask for the passage of the bill.

The SPEAKER. The question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill.

The question was taken and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes."

The message also announced that the Senate had passed, without amendment, joint resolutions of the House of the following titles:

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 263. Joint resolution relating to loans to farmers in the drought and/or storm stricken or hail stricken areas of the United States.

The message also announced that the Senate had agreed to the amendments of the House to a bill of the following title:

S. 471. An act providing for Saturday half holidays for certain Government employees.

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year end-

ing June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and ask unanimous consent to have the statement read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up a conference report upon the bill H. R. 17163 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 18, 20, 27, 41, 56, 60, 63, 64, 68, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 15, 17, 19, 21, 22, 28, 29, 30, 31, 32, 34, 35, 38, 39, 40, 42, 43, 48, 49, 50, 51, 53, 54, 55, 57, 58, 62, 65, 67, 71, 74, 75, 78, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, and 98, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "Any" and insert in lieu thereof "Not exceeding $25,000 of any," and in line 6 strike out the word "are" and insert in lieu thereof "is," and in line 10 strike out "$265.000" and insert in lieu thereof "$240,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "for," insert the word "temporary," and in line 12, after the word "February," insert "27"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out "July 1, 1931," and insert in lieu thereof "on the date of the approval of this act"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Department of vehicles and traffic, District of Columbia: For personal services, fiscal year 1932, $34,300, together with the amount of $36,060 for personal services, office of the director of traffic, contained in the District of Columbia appropriation act for the fiscal year 1932: *Provided*, That the appropriation of $80,100 contained in the District of Columbia appropriation act for the fiscal year 1932 for the purchase and installation of electric traffic lights, etc., office of the director of traffic, shall be available for similar expenditures under the department of vehicles and traffic, District of Columbia."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The appropriation of $3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled 'An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment,' approved December 20, 1930, is hereby continued available during the fiscal year 1932."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "(Public—No. 616—71st Congress)"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment after the word "approved" insert "February 28"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out "year 1931 and to remain available until expended" and insert in lieu thereof "years 1931 and 1932"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment after "ruary" insert "27"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment in lieu of the dash insert "28"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That no part of this appropriation shall be expended until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the road under the provisions of the act approved March 3, 1925 (43 Stat. 1104), and the Secretary of War is authorized to convey title to such road in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies, monuments, markers, or tablets to mark and commemorate historic events connected with the battle"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 10, 14, 23, 25, 33, 36, 37, 44, 45, 46, 59, 61, 66, 72, 77, 79, 81, 82, 95, and 100.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS
J. P. BUCHANAN,
Managers on the part of the House.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 1, 2, 3, 4, 5, and 6, relating to the Senate: Appropriates for the following expenses of the Senate as proposed in the Senate amendments—$600 to William A. Folger for expert services rendered to the Senate Committee on Pensions; $50,000 for miscellaneous items; $50,000 for expenses of inquiries and investigations; and $2,500 for folding speeches and pamphlets; and strikes out the appropriation of $25,000 inserted by the Senate for printing and classifying certain data submitted to the Senate by the National Commission on Law Observance and Law Enforcement.

On No. 7: Restores the House provision continuing during the interim of Congress a subcommittee of the House Committee on Appropriations, and strikes out the provision inserted by the Senate for a joint select committee on postal affairs.

On Nos. 8 and 9, relating to the Office of the Architect of the Capitol: Increases the amount which may be expended during the fiscal year 1931 for traveling expenses from $2,500 to $4,000, as proposed by the Senate, and retains the appropriation of $100,000 inserted by the Senate for fire protection in the Senate wing of the Capitol and in the Senate Office Building.

On No. 11: Reappropriates for the Federal Power Commission for 1932 the unexpended balances in the 1931 appropriation modified so as to limit the amount so carried forward to not to exceed $25,000.

On Nos. 12 and 13, relating to the Veterans' Administration: Inserts the appropriation of $2,000,000 proposed by the Senate for salaries and expenses in connection with the making of loans to veterans under the act of February 27, 1931, modified so as to restrict such expenses for temporary purposes; and inserts the amendment proposed by the Senate making the 1932 appropriation for the adjusted-service certificate fund available immediately instead of on July 1, 1931, as proposed by the Senate.

On Nos. 15, 16, and 17, relating to the District of Columbia: Appropriates $100,000 as proposed by the Senate for expenses of the District of Columbia Commission for the George Washington Bicentennial; appropriates $36,060 additional for the department of vehicles and traffic of the District of Columbia for carrying out the new traffic law; and appropriates $4,500 additional for the fiscal year 1932 for the Public Employment Service.

On Nos. 18, 19, 20, 21, 22, and 24, relating to the Department of Agriculture: Strikes out the increases of $25,000 and $50,000 proposed by the Senate under the Bureau of Plant Industry and the Forest Service, respectively, for blister-rust control; appropriates $35,000 as proposed by the Senate for western irrigation agriculture; appropriates $800,000, as proposed by the Senate, for the construction of buildings on Government Island, Alameda, Calif., for the Bureau of Public Roads, the Forest Service, and the Coast Guard, as provided by law; and strikes out the appropriation of $5,000,000 inserted by the Senate for roads on unappropriated or unreserved public lands, nontaxable Indian lands, etc., and inserts in lieu thereof a continuance during the fiscal year 1932 of any unexpended balances under the appropriation of $3,000,000 for this purpose for the fiscal year 1931.

On Nos. 26, 27, and 28, relating to the Department of Commerce: Appropriates $90,000, as proposed by the Senate, for salaries and expenses of the Federal Employment Stabilization Board; strikes out the appropriation of $15,000 inserted by the Senate for district and cooperative offices under the Bureau of Foreign and Domestic Commerce; and appropriates $147,000 for facilities for radio research investigations by the Bureau of Standards as authorized by the act of February 20, 1931.

On Nos. 29, 30, 31, 32, 34, 35, 38, 39, and 40, relating to the Department of the Interior: Appropriates $1,217,221.25 for payment to the Uintah, White River, and Uncompahgre Bands of the Ute Indians in accordance with the act of February 13, 1931; appropriates $165,000, as proposed by the Senate, for additional land for the Papago Indian Reservation, Ariz., as authorized by the act of February 21, 1931; makes technical corrections in connection with the House appropriations for the Frazer and Poplar, Mont., school districts appropriations; appropriates $75,000, as proposed by the Senate, for general support of Indians and administration of Indians' property; reduces the House amount of $100,000 for fees and expenses in connection with litigation involving Osage mineral rights to $25,000, as proposed by the Senate; provides, as proposed by the Senate, that $30,000 of power revenues on the North Platte irrigation project shall be available for the construction of transmission lines within the project.

On Nos. 41 and 42, relating to the Department of Justice: Provides for one passenger automobile at $3,000, as proposed by the House, instead of two with an appropriation of $6,000, as proposed by the Senate; and inserts the appropriation of $2,900, proposed by the Senate, for printing and binding for the United States Court of Customs and Patent Appeals.

On No. 43: Appropriates $140,000, as proposed by the Senate, for salaries and expenses for the Bureau of Labor Statistics for the fiscal year 1932.

On No. 47: Appropriates $10,000,000, as proposed by the Senate, for alterations to naval vessels as authorized by the act of February 28, 1931.

On Nos. 48, 49, 50, 51, and 52, relating to the Department of State: Appropriates $15,000, as proposed by the Senate, for expenses of the Fourth Pan American Commercial Conference; makes $290.58 of the appropriation for the International Technical Consulting Committee on Radio Communication available for payment of expenses incurred for entertainment; appropriates $56,000, as proposed by the Senate, for the arbitration between the United States and Sweden of a claim of a Swedish corporation under the special agreement between the two countries signed December 17, 1930; appropriates $400, as proposed by the Senate, for payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject; and appropriates $50,000 additional for expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries at Paris, France.

On Nos. 53, 54, 55, 56, 57, 58, 60, 62, 63, 64, and 65, relating to the Treasury Department: Appropriates $9,160, as proposed by the Senate, instead of $6,860, as proposed by the House, for an additional amount for the Division of Mental Hygiene of the Public Health Service; appropriates $150,000, as proposed by the Senate, for acquisition and enlargement of the laboratory for studies and research in connection with spotted fever at Hamilton, Mont.; provides a limit of cost of $75,000 for a public building at Bingham Canyon, Utah; strikes out the increase proposed by the Senate in the limit of cost for the Durham, N. C., public building; makes technical corrections in connection with the public buildings at Ellwood City, Pa., and Englewood, N. J.; strikes out the increase proposed by the Senate in the limit of cost of the public building at New London, Conn.; strikes out the increase proposed by the Senate in the limit of cost for the public building at Rockingham, N. C.; strikes out the increase proposed by the Senate in the limit of cost for the public building at Silver City, N. Mex.; and inserts the authority proposed by the Senate for the public building at Texas City, Tex.

On Nos. 67, 68, 69, 70, 71, 73, 74, 75, 76, 78, 80, and 83, relating to the War Department: Transfers $400,000 from the appropriation "Subsistence of the Army, 1931," to the appropriation "Pay of the Army, 1931"; strikes out the appropriation of $188,850 proposed by the Senate for an addi-

tional amount for construction of buildings, and so forth, in Porto Rico; appropriates $73,528.61, as proposed by the Senate, for the Government road across the Fort Sill (Okla.) Military Reservation; appropriates $10,000, instead of $15,000 as proposed by the Senate, for repair of docks at Fort Screven, Ga.; appropriates $142,000, as proposed by the Senate, for completion of the sea wall, construction of a warehouse, and construction of water mains, Selfridge Field, Mich.; appropriates $53,000, as proposed by the Senate, for the construction of buildings and utilities at Tucson Field, Ariz.; makes $126 of the appropriation for national cemeteries for the fiscal year 1929 available for the payment of obligations incurred during such fiscal year; appropriates $237,230, as proposed by the Senate, instead of $118,615 as proposed by the House, for paving Missionary Ridge Crest Road in the Chickamauga and Chattanooga National Military Park from Sherman Heights to the Georgia State line, and modifies the limitations of the House and the Senate so as to exempt the State of Tennessee from contributing to such improvements, but to require that the State, upon completion of such improvements by the Federal Government, will accept title to the road and maintain the same in the future as an approach road to the park; appropriates $650 additional for a tablet to Nancy Hart; and appropriates $800, as proposed by the Senate, for a survey of flood control on the Salmon River, Alaska.

On Nos. 84, 85, 86, 87, 88, and 89: Provides for the payment of claims for damages to or losses of privately owned property adjusted and determined by the different departments in accordance with existing law and certified to Congress for payment after the bill had passed the House.

On No. 90: Appropriates $19,906.23 for the payment of judgments rendered against the United States by United States District Courts in special cases, and certified to Congress for payment after the bill had passed the House.

On Nos. 91, 92, 93, and 94: Provides, as proposed by the Senate, for the payment of judgments of the Court of Claims, certified to Congress after the bill had passed the House.

On Nos. 96, 97, and 98: Appropriates $16,327.38 for the payment of claims allowed by the General Accounting Office, and certified to Congress after the bill had passed the House, and corrects section numbers in the bill.

On No. 99: Strikes out the appropriation of $48,852.83 inserted by the Senate for refunds to certain railroads of interest payments made to the United States under sections 209g and 212 of the transportation act.

DISAGREEMENTS

The committee of conference report in disagreement the following amendments, upon which the managers on the part of the House will recommend concurrence in the Senate amendments or concurrence in the Senate amendments with amendments:

On No. 10: Authorizing the Public Printer to continue the employment of William Madden, a CONGRESSIONAL RECORD messenger at the Capitol, notwithstanding the provisions of the retirement act.

On No. 23: Appropriating $2,700,000 for the boulevard to Mount Vernon.

On No. 25: Appropriating $134,466.69 for reimbursement to the State of Florida for roads and bridges destroyed by floods.

On No. 33: Appropriating $150,000 for the Hopi-Navajo Sanatorium, Winslow, Ariz.

On No. 37: Appropriating $75,000 for investigations in connection with proposed and existing reservoirs for irrigation purposes on the North Platte River, Wyo.

On No. 61: Establishing a limit of cost for a new Federal building at Omaha, Nebr.

On No. 72: Appropriating $150,000 for construction of buildings and utilities at Plattsburg Barracks, N. Y.

On No. 77: Appropriating $37,770 for paving Missionary Ridge Crest Road and Crest and Gap Road, Ga.

On No. 81: Appropriating $20,000 for dredging the channel of Fort Pierce Harbor, Fla.

On No. 95: Remanding to the Court of Claims the case of the Pocono Pines Assembly Hotels Co., with instructions to find the facts in the case and report to Congress.

On No. 100: Appropriating $2,500 to aid the Grand Army of the Republic in its Memorial Day services on May 30, 1931.

The committee of conference report in disagreement the following additional amendments, upon which the managers on the part of the House will recommend that the House further insist on its disagreement to the Senate amendments:

On No. 14: Appropriating $5,000,000 for additional hospital construction under the veterans' administration.

On No. 36: Advancing $5,000,000 to the reclamation fund from the general fund of the Treasury.

On No. 44. Appropriating $1,500,000, or an alternative of $500,000, for the United States Employment Service.

On No. 45: Appropriating $1,000,000 to the Children's Bureau for the promotion of the health and welfare of mothers and infants.

On No. 46: Appropriating $150,000 for improvements at the Charleston (S. C.) Navy Yard.

On No. 59: Repealing a previous limitation in connection with the New Bern (N. C.) public building.

On No. 66: Authorizing a limit of cost of $1,225,000 for a new building for the Court of Claims.

On No. 79: Appropriating $100,000 for a monument in memory of the first permanent settlement of the West at Harrodsburg, Ky.

On No. 82: Appropriating $10,000,000 for beginning construction of the Cove Creek Dam in Tennessee, in connection with the Muscle Shoals project.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. COCHRAN of Missouri. On page 62 of the bill, amendment No. 45, under the heading "Children's Bureau," $1,000,000 is provided to carry out the purposes of the maternity act. I make the point of order that this is not an act. The bill is in the making. It is legislation on an appropriation bill not authorized by law.

Mr. WOOD. Mr. Speaker, if the gentleman will wait until we get to that, he will find out why we are insisting upon our disagreement.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SCHAFER of Wisconsin. What has happened to the appropriation for the additional hospital building program to take care of the disabled veterans?

Mr. WOOD. The committee is waiting for the conferees to come to some agreement so that there can be an authorization.

Mr. SCHAFER of Wisconsin. The gentleman from Indiana is one of the Republican leaders of the House. The gentleman from Massachusetts [Mr. LUCE] is one of the conferees. The gentleman from Indiana can ask the gentleman from Massachusetts to have the Republican conferees accept the Senate amendment, so that we can take care of these disabled soldiers.

Mr. WOOD. I wish I had that much influence.

Mr. EATON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. EATON of Colorado. Amendment 37 is to take care of the dam and reservoir on the North Platte River. What has become of that?

Mr. WOOD. If gentlemen will just wait, we will take up these separate items and they can then propound questions



and the matter can be taken care of in an orderly way. We will take up the items that are in disagreement.

Mr. SCHAFER of Wisconsin. I know the gentleman from Indiana is in favor of providing additional hospitals for the veterans. Will the gentleman yield so that I can ask the gentleman from Massachusetts [Mr. LUCE] what is the present status of the hospital bill which is in conference?

Mr. LUCE. The conferees have not agreed.

Mr. SCHAFER of Wisconsin. Does it appear that the conferees will likely agree, so that an appropriation can be made before this Congress automatically adjourns within a short time?

Mr. LUCE. It is beyond the power of a Member of the House to read the intention of gentlemen in another body.

Mr. SCHAFER of Wisconsin. Then I say that the Republicans in this Congress who are in favor of providing hospital facilities for the disabled veterans better ask the Republican leaders to see what they can do to get this legislation enacted at this session and an appropriation made. The gentleman whom most of the Republican Members followed the other day when the Rankin motion was up for consideration was one of the Members of the House who made a speech against the hospital bill when it came before the House, and I sincerely hope that the Republicans will not be responsible for having this Congress adjourn without an authorization enacted into law and an appropriation made for the hospital building expansion program.

Mr. WOOD. Mr. Speaker, the conferees have not come to any conclusion, and there has been no action yet by the conferees. I am in hopes that that fact will have no influence upon the action on this report. I am hopeful that there may yet be an agreement on this hospital legislation. If there is, I say to gentlemen now that immediately after that agreement I shall introduce an independent resolution carrying the appropriation.

Mr. RANKIN. Mr. Speaker, will the gentleman from Indiana yield?

Mr. WOOD. Yes.

Mr. RANKIN. It looks to me as if the conference is adjourned sine die. So far as we are concerned, as the gentleman knows, the minority members of the conference are willing to accept the Senate amendment rather than see the bill killed. The gentleman from Indiana [Mr. WOOD] has two of the conferees right behind him. If either one of them had voted with us we could have brought the bill to the floor of the House to-day. Why not interrogate them and find out whether or not there is a shadow of hope for the bill to be agreed on in conference. It is with the Republican conferees of the House, and they must take the responsibility if this bill is killed.

Mr. LUCE. I would like to have it known that the House conferees have stood up for what the House directed them to do. [Applause].

Mr. CONNERY. And I would like to ask the gentleman from Massachusetts if that means that standing by the House is going to kill the hospital bill. Is he willing to see this bill killed simply because the House wants $12,000,000 and the Senate wants $20,000,000?

Mr. LUCE. The responsibility for that rests with the Senate conferees.

Mr. CONNERY. The responsibility rests with the gentleman and his colleague, according to the gentleman who is one of the conferees on this side.

Mr. WOOD. Mr. Speaker, regular order.

The SPEAKER. Regular order is demanded.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and Members of the House, I very much regret that Senate amendment No. 5 has not been agreed to. This Senate amendment provides $25,000 to print the hearings taken by the Wickersham Commission. We have the Wickersham report. We have the report of the individual members, and then we have the consolidated report of all the members, which does not agree with their individual views. This House has always demanded that hearings be printed so that the Members can form their own judgment, but in the case of the Wickersham Commission we are prevented from having the hearings printed and we must depend entirely upon the report, to which the members themselves do not agree.

I understand the Senate has receded from this amendment, and I deplore the situation, because we all know from what has been stated in the newspapers that the hearings did not justify what some of the individual reports purported they did.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. LAGUARDIA. There is one advantage, and that is that those papers are now in the custody of a Senate committee, and sooner or later we will have them printed.

Mr. LINTHICUM. I am glad the gentleman mentioned that because it may be that later on we can have the hearings printed; but, gentlemen, that is nine months from now. Much can take place in nine months. We should have had that nine months in which to study and find out for ourselves what the hearings contained before the Wickersham Commission so that we ourselves might have information upon which to base our judgment. I very much deplore the fact that the Senate has receded from its amendment. It was a matter of only $25,000 and it would have been a satisfaction not only to Congress but a satisfaction to this country to know what the commission based its report upon. Of course, there is nothing that can be done. We certainly can not defeat this conference report which would be necessary, and the matter must go over for nine months. I certainly trust that Members of this House will consider the matter between now and the next session of Congress, and that we may have the hearings printed at that time.

Mr. WOOD. I may say to the Members of the House that each one of the items in this group of amendments in disagreement, and on which there may be diversified opinions, will be called up separately, so that for the purpose of expediting the business I trust there will be no further debate upon the conference report itself.

Mr. BYRNS. Will the gentleman yield three minutes to the gentleman from Alabama [Mr. ALLGOOD]?

Mr. WOOD. Yes. I yield to the gentleman three minutes.

Mr. ALLGOOD. Mr. Speaker, I wish to commend the action that has been taken by Congress in the building program. I believe in internal improvement. There are only two links in the chain that are left out in the completion of our building program throughout the Nation. We have taken care of the large cities. I have recently introduced a bill that will take care of the courthouse sites and towns and cities with postal receipts ranging from ten to twenty thousand dollars a year. In taking up the completion of our building program with the Post Office Department, I ascertained that $30,000,000 will build post offices at every courthouse site in the United States at which there is not now a Federal building. There are approximately 600 county sites without Federal buildings. Fifty thousand dollars is sufficient to construct a splendid post-office building. Just think of it, gentlemen. This Congress appropriated $30,000,000 only last week to recondition three old battleships, and yesterday England, France, and Italy agreed to discontinue their shipbuilding race for supremacy until 1936, when another disarmament conference will convene. By this agreement these leading nations of the world are indicating the way for peace.

Many of our people who live in the small towns and county sites have no symbol whatever of the Federal Government. They can see nothing that has been done by the Federal Government of a lasting nature. Millions of them will never have an opportunity to visit our National Capital. That they have a pride and patriotic spirit is evidenced by them having taxed their property for the construction of suitable courthouses, and there is no class of people who are more appreciative, and since introducing this measure my colleague from Alabama [Mr. OLIVER] informs me that

many towns have offered to donate sites to the Government in order to insure the construction of suitable Federal buildings. The Post Office Department officials estimate that $70,000,000 will provide buildings at all places other than county sites with receipts between ten and twenty thousand dollars. In addition to meting out justice to these small places, our Government will also save enormous sums annually now paid for rents.

I know it is too late in the session for hearings to be held on this bill, but I am inserting it in the RECORD so you will have the opportunity of studying it during the summer, and when we return to the Seventy-second Congress I expect to reintroduce this measure and hope to get favorable action during that session. [Applause.]

H. R. 17307

A bill to provide for the construction of post-office buildings in all county seats in the United States, and for other purposes

Be it enacted, etc., That it is the purpose of this act to provide a post-office building construction program to secure adequate post-office building facilities throughout the United States at advantageous costs by the utilization of local labor, services, and materials.

SEC. 2. Notwithstanding the proviso at the end of section 5 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913 (U. S. C., title 40, sec. 264), the Secretary of the Treasury is authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem to be necessary, and to cause to be constructed thereon, or upon lands belonging to the United States suitably located and available for the purpose, adequate and suitable post-office buildings (1) in every county seat in the United States (without regard to the volume of postal receipts), and (2) in every town or city in the United States where the postal receipts have reached the sum of $10,000 annually, except in any county seat, town, or city in which the construction of a post-office building has been provided for by Congress. In carrying out the provisions of this section priority shall be given to the county seats eligible under this act. The buildings authorized by this act shall be so constructed as to combine high standards of architectural beauty and practical utility. The sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the Postmaster General. The Secretary of the Treasury, in his discretion, is authorized to provide space for other activities or branches of the public service in buildings authorized to be constructed by this act.

SEC. 3. (a) In providing for the construction herein authorized the Secretary of the Treasury shall in all cases let the contracts to, or employ, responsible contractors or construction companies who are residents or inhabitants of the respective congressional districts wherein the construction is proposed.

(b) All contracts or other provisions for or on behalf of the United States made under authority of this act shall contain provisions—

(1) That in the performance of work under such contract or provision or any subcontract thereunder, preference in the employment of mechanics, laborers, and draftsmen shall be given to American citizens who are inhabitants of the congressional districts wherein the construction is proposed, who are available and qualified to perform the work to which the employment relates.

(2) That in the procurement or use of materials and supplies in the performance of any contract or other provision for or on behalf of the United States made under authority of this act preference shall be given to materials and supplies produced or manufactured within the congressional district wherein the construction is proposed, whenever such materials and supplies are available and suitable for the purposes of the construction, at costs which are not disadvantageous to the United States in comparison with costs of materials otherwise readily procurable.

(3) That there shall be deducted from the amount payable to the contractor by the United States under the contract or other provision for performance of the construction, a penalty of $5 for each laborer or mechanic or draftsman for each calendar day during which such laborer, mechanic, or draftsman is willfully required or permitted to work in violation of the provisions of paragraph (1) of this subsection.

SEC. 4. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, Treasury Department, under the direction of the Secretary of the Treasury, except as otherwise provided in this act.

(b) In so far as the Secretary of the Treasury deems it practicable and consistent with the purposes of this act, the Secretary of the Treasury is authorized to procure by contract with architects and engineers, residents of the congressional district wherein construction is proposed under this act, the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features, and to pay reasonable compensation for such services.

(c) The Secretary of the Treasury is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect, both in the District of Columbia and elsewhere as he deems necessary, giving preference wherever practicable to inhabitants of the congressional district wherein the construction is proposed, and to fix such rates of compensation therefor as he deems proper, not, however, in excess of the maximum rates paid for the same or similar services in other departments, and to submit to Congress, through customary channels, estimates for appropriations for compensation for such personal service and for travel, subsistence, and other expenses involved in making any survey in preparation for the program and report herein provided for or in the examination of sites.

(d) Notwithstanding any other provisions of law the Secretary of the Treasury shall employ, in the performance of legal services connected with the procurement of title to sites for public buildings herein authorized, attorneys resident of the city or county wherein the construction is proposed, and may expend moneys for the construction herein authorized upon the rendering of a written opinion of such attorney or attorneys in favor of the validity of the title to the site or sites on which the buildings are proposed to be constructed.

SEC. 5. There is authorized to be appropriated the sum of $100,000,000 to be expended by the Secretary of the Treasury in carrying out the provisions of this act.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 10. Page 6, line 16, insert the following: "The Public Printer may continue the employment under his jurisdiction of William Madden, CONGRESSIONAL RECORD messenger, at the Capitol, notwithstanding any provision of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and any amendment thereof, prohibiting extensions of service for more than four years after the age of retirement."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 14. Page 15, line 1, insert the following: "Hospital and domiciliary facilities and services, Veterans' Administration: For carrying out the provisions of the act entitled 'An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes,' approved February —, 1931, $5,000,000, to be immediately available and to remain available until expended."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 23. On page 31, after line 8, insert: "Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, $2,700,000, to remain available until June 30, 1932."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur, with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 23, and agree to the same with an amendment as follows: Before the period at the end of the matter inserted by said amendment insert the following: ", and this amount shall provide for the entire completion of such project and all objects of expenditure incident thereto."

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I think it would be very unfortunate if the House recedes on this amendment without a little further information in regard to it. I suppose

that road must be completed. It is like every other kind of work which the Government undertakes and then spends more money than it ought to. We appropriated $4,500,000 for that George Washington Memorial Boulevard, and certainly for 16 miles of road that is ample money. I am opposed to this additional sum, even though you add the proviso offered by the gentleman from Indiana. What earthly chance is there of that proviso being lived up to, if the commission sees fit to go ahead and obligate the Government for additional money? That is exactly what they have done. They spent the $4,500,000 and now say they want to spend $2,700,000 more. The same proviso might have been carried with reference to the expenditure of the $4,500,000, but instead of completing the road within that sum, they now ask for additional money. I am opposed to the amendment and still I realize that we can not leave a dirt heap down there and not complete it. I think the commission is very blameworthy for not having done its work within the provisions of the appropriation. They should at least have come back to Congress for more money before they obligated the Government.

I am further opposed to it on the ground previously referred to, namely, that we are spending $7,200,000 to build a most elaborate memorial highway to George Washington and then have it lead to a privately-owned property, and the only purpose of the road is to have it reach this privately-owned property. The fact that a group of patriotic women bought this property when it was going to decay about 1855, does not make it applicable in 1931. There is no reason why the Government should not to-day own that great shrine, probably the greatest shrine within all the world. [Applause.]

It ought to be owned by the Federal Government, and I for one object to spending $7,200,000 on a road which will reach to a turnstile, and there an admission is charged to enter that great shrine. I do not care how patriotic these women are. They never make a report to anybody and it is just a close corporation, a corporation that ought not to be given the privilege of having this free highway as a memorial reaching to their concession. It is time, my colleagues, that this matter was given serious attention by Congress. I have had a bill before the House for some years, although I have not pressed it, but I want to say to the ladies who are the regents and own that property that I shall press that bill in the next Congress to the best of my ability, and endeavor to reach an amicable arrangement for the Government ownership of Mount Vernon. Then if there is a road which reaches it, paid for by the Government, there will be some excuse. The only excuse given as to why these ladies do not want to disgorge is that they enjoy a trip there annually, and they say that if the Government should own this shrine it would become a picnic ground. If I know anything about the patriotic spirit of the American people, they are never going to desecrate Mount Vernon in any such manner as we are told they will. The property, if controlled by the Federal Government, will be as carefully managed as it is now. My bill will leave the women's organization in active charge.

Mr. PARSONS. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. PARSONS. How much per mile is this road supposed to cost?

Mr. TREADWAY. That was explained by the gentleman from Nebraska by putting silver dollars together. He showed that it would cost the number of silver dollars put upon end. Then the gentleman from Oklahoma [Mr. O'CONNOR] went him one better and said:

> Let us build it with gold, so that it will be sixteen times more expensive.

I am for his proposition if we are going to spend money as carelessly as that.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. Why would it not be a good idea in these Government appropriations to make these officials who make the estimates liable, so that in case of failure to live within the estimates made they would be cut off the pay roll.

Mr. TREADWAY. If that could be done, that, of course, would accomplish the purpose the gentleman has in view. And that is the only way you will ever do it.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I have asked this time particularly for the purpose of paying a tribute to the ladies who compose the Mount Vernon Association. I want to remind my good friend from Massachusetts that if it had not been for these good ladies, who come from every section of the country, Mount Vernon would not be what it is to-day. [Applause.] These ladies, out of their patriotism, their love for the traditions of this country, and their veneration for the memory of the Father of his Country, when the Government failed to take charge of Mount Vernon, formed a voluntary patriotic association of their own, more than 75 years ago. It is due to them that you have Mount Vernon out yonder to-day, preserved as it was when Washington lived. I think those ladies deserve the thanks and gratitude of the entire country for what they have done.

There are other patriotic associations composed of good women of the country which have performed similar services in connection with the homes of patriots, statesmen, and ex-Presidents, which the Government for one reason or another has neglected to preserve. The Ladies' Hermitage Association, in my own State, for years has preserved the home of Andrew Jackson—the Hermitage—just as Andrew Jackson left it when he died.

Now, one word as to this appropriation. It is true that when these estimates were submitted the commission was told that $4,500,000 was, in the judgment of those who were going to have the authority to make expenditures, all that was required to complete that highway. The act authorizing the building of the highway was passed by Congress, and the George Washington Bicentennial Commission was given authority to select the route. It has had nothing to do with the actual construction or the expenditures.

There were two propositions which came before the commission, of which I am a member. One of them was to take what is known as the river road, which was finally selected, and the other was to take the ridge road. There were those who favored the river road because under the estimates then submitted it only involved an expenditure of $150,000 or $200,000 more, and it was said by those who professed to know about such things that it had greater scenic value. Personally, I favored the ridge road because I felt it could be more economically constructed and at the same time afford scenic advantages on both sides of the road, which we do not have on the road which is now under construction. I may say that we were told that four and a half million dollars was all that would be required for the river route.

I want to say to my friend from Massachusetts that the commission has had nothing to do with the building of this road.

It is not its proposition and was not a part of the commission's work in doing honor to the memory of George Washington. It was an independent matter taken up by Congress and put through the Congress; and the money is being expended, not under the supervision of the commission, but under the supervision of the Bureau of Public Roads.

Now, how has this money been expended? I took occasion the other day to say that I could not understand why a sum of money amounting to an average of $462,000 per mile should be expended to construct this road.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Speaker, I yield the gentleman five minutes more.

Mr. BYRNS. But how has it been expended? We are to have a great memorial boulevard, 200 feet wide, for a distance of 14.6 miles. Those in authority have either bought or acquired in one way or another 805 acres of land, at an

average cost of $1,549 per acre. There is not any land in Virginia outside of the cities worth that amount. And do not forget that the most of this land is low, marshy land lying close to the river.

Two years ago it was proposed to establish a municipal airport for the city of Washington at Gravelly Point, and it was sought to pass a resolution providing that the first cash payment of $500,000 should be paid out of the Treasury of the United States. I objected to the request for the consideration of the resolution, and it was never passed. But now it appears that this appropriation has been used to acquire this whole property at the expense of the people of the United States. The appropriation provided that the Secretary might acquire the roadbed and additional lands when he thought it necessary for "parking." Undoubtedly Congress understood this to mean for parking automobiles, but those in authority have construed it to mean for public-park purposes. I do not understand why the Comptroller General, who is usually so technical, should have approved the payment or expenditure of money under any such strained construction. Congress was appropriating for a road, and I do not believe it would have made the appropriation if it had been informed that it was to be used for purchasing land not needed for that purpose. If such was the intention, it certainly should have been so advised. Whether so intended or not, it had the effect of a joker in the law as passed.

If the Washington Star states the facts, this has been acquired for the direct purpose of providing a municipal airport in the event Congress shall later on decide to establish one. I wish I had the time to read you all the Evening Star had to say on this subject after what is purported to have been an interview with the Director of Public Roads. It says this:

The Mount Vernon Boulevard development is being carried on with a view to the creation of a great airport at Gravelly Point, according to plans of the Bureau of Public Roads.

I want to know what the Bureau of Public Roads has to do with providing an airport for the city of Washington when Congress has refused up to this time to obligate the Federal Government to engage in that sort of business?

These plans—

So the article says—

provide for a great double airport site with two systems of runways connected at either end by taxi strips forming two great circles.

And later on, the article goes on to say that—

Despite the failure of Congress to go ahead with the Gravelly Point airport plan, the area will be developed just as though an airport were to be built, it was indicated. The aeronautical branch of the Department of Commerce, in line with the Gravelly Point airport plan, has located a radiobeacon station for the National Capital airways station adjacent to the Gravelly Point area. This beacon is in a position to serve the Gravelly Point area and is more than a mile away from the Washington-Hoover airport site.

Now, I would like to again ask what business has the Bureau of Public Roads or the Department of Commerce to undertake to spend hundreds of thousands of dollars of this money, appropriated as it was for the purpose of building a great monumental boulevard to the memory of George Washington, to develop the Gravelly Point area down there on the assumption that Congress may sometime, out of its generosity, devote the public funds of the United States to the building of a municipal airport, a commercial airport, if you please, for the city of Washington, which ought to do like all other cities of this country—build its own airport at its own expense. [Applause.]

Under the guise of being required for boulevard purposes, some one has unloaded on the Federal Government a lot of land—worthless in so far as the Government is concerned—at an enormous and unjustifiable price. What a pity an appropriation can not be made for a highly patriotic purpose without some one trying to make a personal profit out of it.

Mr. TREADWAY. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. TREADWAY. As a member of the commission may I ask the gentleman, in view of the fact we are going to have a beautiful boulevard and memorial to George Washington extending down the river to Mount Vernon, is there any likelihood of doing away with that large dump heap just as you leave the new bridge and as you get on the road, where for 24 hours a day there is a lot of smudge and smoke and débris being dumped in there? Under whose authority is this done and is there any chance of its being removed? It is a disgrace to the city of Washington, in my opinion. There should not be a dump heap for the rubbish of this entire neighborhood so near this city or along this new boulevard.

Mr. BYRNS. I will say to the gentleman that I have, to some extent, changed some of the views I expressed the other day after hearing Mr. MacDonald with reference to the expenditure of some of this money. Some of it is being expended for the purpose of acquiring unsightly land upon either side of the boulevard, so as to make it a real monumental road, and one that will be pleasing to the eye as well as satisfactory to the tourist as he travels over the road. But while approving the purposes, I seriously question whether he has the authority to do so under the law applying to this appropriation.

Mr. CRAMTON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CRAMTON. May I suggest to my friend from Massachusetts that if he would give the great influence that he has to the support of the bill which I have pending for amending the parkway act, we would be much nearer to cleaning up all those eyesores along the Potomac.

Mr. TREADWAY. Let me ask the gentleman in reply, if I may, whether the very disgraceful situation I am referring to is not south of the Memorial Bridge and along the line of the George Washington Boulevard, extending to Mount Vernon?

I understand the gentleman's effort is to secure a further boulevard running up to Great Falls, or north of the new bridge.

Mr. CRAMTON. The gentleman is in error about that; there is no boulevard proposed to Great Falls on the Virginia side. The act proposes to acquire all the land along the Potomac in Virginia, to remove all the eyesores, and the gentleman could not do anything to better expedite it than to support my bill, which he has not been inclined to do in the past.

Mr. TREADWAY. I am still inclined to oppose it, and I still maintain that this smoky dump that brings smoke into the White House and along the lower part of Washington whenever the wind is that way, is a blot on the landscape where we are to have a fine boulevard.

Mr. BYRNS. The remarks of the gentlemen have further confirmed me in the belief that this additional land should have been purchased under some such act as that to which the gentleman from Michigan has referred, and not under an act providing for the building of a memorial highway. I can not understand why it was permitted by those having supervision of the expenditures, or those charged with the auditing of the accounts.

In conclusion, having said what I have, let me say that under the circumstances I do not think there is anything Congress can do except to vote this appropriation. You have already appropriated $4,500,000 on this road, of which $3,500,000 has been actually expended. If you fail to make this appropriaton you simply lose what you have spent. The road is being built in the honor of the memory of George Washington. It is to be a great memorial boulevard. Notwithstanding what we may think of the extravagance of those in charge of the work, or what we may think of the manner in which they have expended the money, I believe that it would be very unfortunate if Congress should fail to appropriate this money and complete this boulevard to the home of Washington. Congress is assured that this will be all that will be required to complete this boulevard, and for that reason I think the amendment ought to be adopted. [Applause.]

This highway is being built as a memorial to Washington. Let me say that it might also be considered as a monu-

ment to the able and efficient service which our distinguished friend and colleague Judge MOORE of Virginia has rendered to the district which he has so faithfully represented. We all regret that he is soon to voluntarily retire to private life. His retirement is a distinct loss to the Congress and to the country.

Mr. WOOD. I yield five minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Speaker, at the present time I am opposed to the expenditure of $2,700,000 for this road while there are to-day thousands of ex-service men that do not have hospital and home facilities.

A few days ago when the hospital and home bill was before the House the gentleman from Massachusetts [Mr. LUCE], who, if I remember correctly, has heretofore opposed hospital legislation, stood on the floor and made a plea that the bill go to conference because, as he said, he felt that he had been insulted by not being allowed to speak on the bill.

It went to conference, and I thought at the time that the chairman of that conference committee, judging from his record on this floor, had no intention of ever bringing that bill back to this House. I interrogated the gentlewoman from Massachusetts, for I felt then that she was being led into a position where she might be responsible for defeating the legislation.

What is the result? Let me talk to you about the condition in the home in Danville, Ill. Since the matter was on this floor a veteran was turned out of the Danville home on Saturday because they did not have room for him. On Sunday morning his dead body was found in a box car, a short distance from the home. That is not the only instance of that kind that has occurred this winter.

I do not want to go back to the veterans of Illinois and say to them that we had $2,700,000 to add to $4,500,000 to build a driveway, but that we did not have money with which to build hospitals and homes for the veterans. I do not want that responsibility to be on the Republican Party.

Mr. WELSH of Pennsylvania. How does the gentleman know that we will get the hospitals if the Senate amendment goes through?

Mr. HOLADAY. I do not, but I do not want to accept the responsibility for a fancied insult that may or may not have been given to a Member of this body, and if it was, we are all sorry for it. For this trivial reason I do not want it to go out to the people of the country that the Republican Party—and we may as well face the facts, for that party will be responsible if it fails—is in the position of spending $2,700,000 for a driveway and yet can not spend $2,800,000 for soldiers' homes when there is no dispute about the need for them. As far as I am concerned I am going to do my best, irrespective of the outcome of this measure, to bring back to the House the item for the soldiers' homes.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. CRAMTON. The gentleman knows that if the pending amendment should be voted down that would not build any hospitals, and if the amendment should be adopted that will not prevent the building of any hospital. One does not depend upon the other.

Mr. HOLADAY. And I bring to the attention of the gentleman from Michigan [Mr. CRAMTON] who not only favors this, but I understand favors a few million dollars more for some more parks, that I believe it is a better policy to take care of the veterans in their hospitals and in their homes before we go to spending millions of dollars for parks, be those parks ever so desirable.

Mr. CRAMTON. Oh, I voted for the hospitals, as the gentleman well knows.

SETH PARKER

Mr. SNOW. Mr. Speaker, I ask unanimous consent to be allowed to proceed for one minute out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNOW. Mr. Speaker, Bowdoin College is a typical small New England college, located in the beautiful town of Brunswick, Maine.

In its early days it graduated Longfellow and Hawthorne, and a little later a President of the United States, Franklin Pierce.

In 1896 three graduates of this little institution were occupying, respectively, the offices of Speaker of this House, President of the Senate, and Chief Justice of the United States—Thomas B. Reed, William P. Frye, and Melville W. Fuller.

It is my privilege to introduce to you this afternoon another Bowdoin graduate. He is not, however, a poet, a novelist, a statesman, or a jurist. He is, in fact, a mere boy, but is known from one end of this country to the other. His voice is familiar to 90 per cent of the membership of the House, but not 1 per cent of you have ever seen him.

He is in Washington at this time for the purpose of appearing to-night at Constitution Hall in a benefit performance for a very worthy Washington charitable organization. His services are donated, and such is his drawing power that all tickets were completely sold out over two weeks ago.

In my opinion this young boy is the source of more joy and cheer, and contentment, and wholesome enjoyment than any person living in the United States to-day.

Mr. Speaker, it is with a peculiar degree of pride that I now present to the House—in private life, Phillips H. Lord, of New York, but on each Sunday evening lovably known in radio as Seth Parker, of Jonesport, Maine. [Applause, the Members rising.]

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker and Members of the House, I agree with every statement of our Republican colleague from Illinois [Mr. HOLADAY] with reference to the hospital building expansion program. I was one of those who voted against the motion to send the bill to conference. I gave at that time the reasons why; first, that the Senate bill provided $5,000,000 more for hospitals than the House bill; and, second, that if the bill went to conference in the closing days of the Congress, it might get into the legislative jam and die.

I understand that the conferees have failed to agree because the House conferees have held out against the Senate amendment. Perhaps I was too critical in my brief statement a few moments ago when referring to the gentleman from Massachusetts [Mr. LUCE], who opposed the Rogers hospital bill when it was first considered in the House. I understand that the author of the bill, who has the reputation of being a strong supporter of veterans' legislation, particularly legislation for disabled veterans, can by her vote accept the Senate amendment so that the legislation can be enacted and appropriations made before this Congress adjourns. I say to the members of the conference committee that there is nothing which indicates that the House by sending the bill to conference put its approval on an attitude on the part of the House conferees which would hold out for the House provision and let the bill die instead of giving way and accepting the Senate amendment. The least that we can expect of the Republican membership of the House is to demand that the Republican members of that conference committee make a report to this Congress and let the Congress on a straight issue decide whether we are going to have additional hospital facilities for the veterans or let the bill die in conference because of the pet hobby of one Member of Congress who has a reputation of being strongly in favor of the veterans.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. CONNERY. I think the gentleman knows that I feel exactly as he does. We have no partisan interest in this matter.

Mr. SCHAFER of Wisconsin. No. In fact the allocation as embodied in the committee report from the Committee

on Military Affairs contains an additional domiciliary barracks for the Northwestern Branch National Home in my district. I do not consider that report absolutely binding, and even if I should lose that building, I would gladly lose it in order that the thousands and thousands of veterans throughout the country outside of my district may have additional hospital facilities available. [Applause.]

Mr. CONNERY. There is nothing partisan in this matter. The American Legion in Massachusetts sent a telegram asking that this matter be adjusted. I say to the gentleman as a Republican, and I am a Democrat, that if this dies, it would be a wonderful political issue for us in Massachusetts, but I do not want it to die.

Mr. SCHAFER of Wisconsin. Oh, its death would no doubt result in more lame ducks in the present Republican membership than the last election did.

Mr. CONNERY. I do not want to have that political issue.

Mr. SCHAFER of Wisconsin. No; it should not be a political issue.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mrs. ROGERS. Mr. Speaker and Members of the House, I had supposed that the House had some sort of loyalty to its own body. While the House did not instruct the conferees, still, the Members knew we were going to the conference with the understanding that we would stand up for the report written by the subcommittee of the Committee on World War Veterans' Legislation. If the Members listened to my speech on the floor on that day, they will remember I stated I would be willing to go along with the Senate bill and allow them to have over $2,000,000 for additional soldiers' homes and an additional $5,000,000 for Veterans' Bureau hospitals. But I did feel, in order to secure prompt hospital construction, that we should stand by our House report. Why should the House yield in every particular? Why should not the Senate yield to us on one point in order to secure at least prompt building to the extent of $12,500,000? [Applause.] Every one of the Members who has had any dealings with the Veterans' Bureau knows before we initiated the custom of putting in our committee report the general locations for hospitals that the building program went forward very slowly. I want hospitals built for our disabled. I know the needs. I have watched the boys.

Mr. CONNERY. Will the lady yield?

Mrs. ROGERS. I have watched your Yankee Division boys. I have watched them get well and I have watched them die. I do not believe anybody wants hospitals more than I. [Applause.] It is because I want them so much that I feel the Senate should go along with us and at least yield to our program for the $12,500,000 while we let them have an added $5,000,000 for additional hospitals. It seems a curious thing that the Senate is willing to kill the bill, and I can not believe it will. It is up to the Senate.

Mr. SCHAFER of Wisconsin. Will the lady yield?

Mrs. ROGERS. I yield to the heroic color sergeant of the Yankee Division, Mr. CONNERY. [Applause.]

Mr. CONNERY. I would like to say to the lady from Massachusetts she knows and the House knows I have the highest respect for all she has done for the disabled men of the Nation. We are up against a parliamentary situation. Is it not a fact that the Senate conferees will not yield, absolutely will not yield?

Mrs. ROGERS. I believe they will yield. They are not going to kill that bill. Does the gentleman think they will dare face those veterans? [Applause.] I do not think so. I do not believe they will dare do it.

Mr. CONNERY. Then, if the situation comes at the last moment when the lady is positively convinced that they will not yield further or will not yield, will the lady then agree with the Senate so that the bill can be passed?

Mrs. ROGERS. The gentleman knows perfectly well that the Senate will yield. [Applause.]

Mr. CONNERY. I hope they will.

Mr. WOOD. I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, for obvious reasons, among them that I do not feel particularly like making a speech, I will not take much time, but I feel I ought to make a few remarks in order to state the facts in respect to the situation. In all the 16 years I have been a Member of this House I have seen the close of a great many short sessions, but I do not believe I have ever seen so many excitable Members who were on this floor as I saw last Saturday night and again to-day.

The facts are clear with reference to the hospital-bill situation. About a year ago, as chairman of the committee, I appointed a subcommittee to decide what should be done with reference to hospitals, because the Senate had never initiated such legislation. It was a very competent committee on both the Republican side and the Democratic side. They have conducted hearings for a year. They brought in from 28 States members of the American Legion, Disabled American Veterans, Veterans of Foreign Wars, and State officials, and they have studied the situation. Without disagreement, that committee, for which I have a great deal of respect, prepared this bill. It affects about 14 States. It is the only committee that has given any consideration to the matter. There were no hearings held in any other legislative body. Some of the gentlemen of another legislative body have taken the position that if they do not get a hospital in their States or in their voting precincts we will have no bill. They have given no consideration to the bill whatever. I am wondering when there are 14 States affected by this bill how 28 Members of another legislative body are going to be able to explain next year just why they killed this bill. Do not forget it will be another legislative body that kills it if it is killed. It will not be killed by this House of Representatives.

As far as the amount to be expended for hospitals is concerned, as a matter of fact none of us care whether there are two or three million dollars more or less appropriated. We want to appropriate enough, however, and are willing to expend $20,000,000. If they wanted to add more, why did not the Members of another legislative body come out in the open and say, "I want a hospital in my voting precinct or in my State?" There probably would have been no objection to the appropriation being increased. As a matter of fact, I think there will be agreement on this bill. I can not conceive of the Members of another legislative body, when there is necessity for these hospitals, standing out against agreement. It will be very regrettable if they do stand out against it. There has never been a moment that they could not have had hearings in that other body. There has never been a moment that they could not have presented the facts with reference to their States. Those demanding hospitals never appeared before the committee. As a matter of fact, all the facts have been presented to the committee, a very competent and a very able committee, consisting of the lady from Massachusetts [Mrs. ROGERS], the gentleman from Connecticut [Mr. FENN], the gentleman from Vermont [Mr. GIBSON], the gentleman from Mississippi [Mr. RANKIN], the lady from New Jersey [Mrs. NORTON], and the gentleman from Mississippi [Mr. JEFFERS]. Nobody can say they are not competent. Nobody can say they did not work. In my opinion the House conferees are taking exactly the right attitude at this time. [Applause.]

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. WOOD. Mr. Speaker, I will yield four minutes to the gentleman from Mississippi [Mr. RANKIN] and then I shall move the previous question on my motion.

Mr. RANKIN. Mr. Speaker, I have but one motive in this matter and that is hospitalization for disabled veterans. We had as well face the facts. Unless the House conferees recede, we are going to lose this hospital bill.

I do not mind telling you that my colleague, the gentleman from Alabama [Mr. JEFFERS] and I were willing to stand by the House allocations if the Senate conferees would

go along with us, but in case that was found to be impossible we were willing to accept the Senate amendments.

Now, here is your trouble: There is not a chance on earth for the Senate conferees to accept the House allocations. They can not do it. Because in this bill—and they pointed that out to us plainly, honestly, and I think, clearly—there are certain allocations provided for, and if they take these allocations back to the Senate and recommend them the bill will never get through. Because the House bill leaves out entirely the State of Virginia, which has not a single hospital, while in this bill there are at least two States that will get two or three additions if not new hospitals, that already have two or three. If you think the Senators from Virginia are going to stand for that you are mistaken. The Senators from Maryland are almost in the same predicament, and Senators from other States have served notice that they are not going to let these allocations go through.

Mr. HARDY. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. HARDY. Is this a pork barrel bill you are fixing up between the House and Senate?

Mr. RANKIN. It looks like it. But what does the Senate bill do? Why, it leaves the allocations to the President of the United States or his subordinates. Do you distrust your own President? If I, a southern Democrat, can trust the administration, can you not do so?

Now, I am going to be perfectly frank with you. I am opposed to "pork barreling" these hospitals about the country.

But the Senate conferees can not yield, and you can applaud until your hands are sore and you may talk from now until Congress adjourns on Wednesday, but unless the Republican House conferees yield, we are going to lose this bill, and I am not going to take the responsibility.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SCHAFER of Wisconsin. Does not the gentleman think the House conferees should bring the question back to the House and let the House instruct them as to what they should do?

Mr. RANKIN. I am willing to do that. I made this fight the other day and I was ingloriously attacked for it. I knew what we were getting into. I am willing to bring it back and submit it to you, but I am just serving notice now that the Senate is not going to yield. They would never get it through the Senate. If we want to take care of these disabled men who are pleading for hospital beds, the thing to do is to have your House conferees yield or bring the question back and submit it to you.

Mr. COLE. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. COLE. Why impose any more duties on the President? Why should he be compelled to look after these hospitals?

Mr. RANKIN. The President is not shirking the responsibility. It is not my duty to come here and defend the President against you Republicans.

One distinguished Senator from a State that is seriously affected said frankly in the conference that he would go to the President and ask him to carry out our allocations as far as he could and so far as the House bill went, and another distinguished Senator from another State said he would do the same thing. I lay these facts before you gentlemen in order that you may know just exactly what the situation is. You may wave the party flag, as you did the other day, but I want to tell you that you are about to kill the hospital bill by your action.

If you do, the Republican conferees on the part of the House must assume the responsibility. [Applause.]

Mr. WOOD. Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 25: On page 32, beginning at the top of the page, insert:

"For reimbursement to the State of Florida, for 50 per cent of the expenditures made by said State or subdivision thereof for repairing and rebuilding Federal highways as a result of the floods of 1928 and 1929, the sum of $134,466.69."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 25 and agree to the same with the following amendment: In lieu of the matter inserted by such amendment insert:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal aid highways and bridges by the floods of 1928 and 1929 imposing a public charge against the property of the State beyond its reasonable capacity to bear, fiscal year 1931, $65,000: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

Mr. WOOD. Mr. Speaker, and gentlemen of the House, this amendment was put on in the Senate. You will recall that some years ago we passed an act with reference to reimbursing Georgia, South Carolina, and some of the other Southern States for damage to Federal-aid highways by reason of floods. A bill has passed the Senate and been reported in the House in favor of Florida. Florida claims to have expended $268,000 on account of floods in 1928 and 1929.

In order that this matter might be settled there was an agreement, as we supposed, between the Members of the Senate and the Representatives from Florida, but the gentleman from Florida, [Mr. YON], tells me there is not such an agreement or that there is a difference or misunderstanding as to the amount. We understood they were willing to accept $65,000 as a complete acquittance. The gentleman from Florida [Mr. YON] is insisting on $80,307.

This matter will have to go back to the Senate. So, if the motion I have made is adopted, it can go back again to conference and if the Florida gentlemen can get together or if they will finally conclude to accept this amount, all well and good; if they can not, of course, it will have to go out entirely.

Mr. YON. Will the gentleman yield to me?

Mr. WOOD. Yes.

Mr. YON. Mr. Speaker and gentlemen of the House, I would like to make a little explanation of this matter. We introduced a bill, and it went before the Committee on Roads a year ago, asking for damages for 1928 and 1929. I was out of town some at that time and the matter was delayed. For the year 1929 the States of South Carolina, Georgia, Alabama, and some other of the States of the Union got a full settlement about a year ago for as much as $1,500,000 each, approximately. We have a little bill here for $134,000 for the two years—1928 and 1929—and I have agreed with the chairman of the Committee on Appropriations, in charge of this bill, that we will forego claiming anything further than the year 1929 if they will give us the full amout of $80,307 that the 1929 damage amounts to, and I would ask the chairman of the committee at this time if he can not accept that as an amendment and let it go to the conference.

Mr. WOOD. I have already stated to the House that we have a tentative agreement between the conferees of the

House and the Senate upon the amount stated in this amendment. I do not know whether the Senate will agree to this proposition, but, at any rate, we had to bring it back here and our action here will have to be concurred in by the Senate. So, when it goes back, if the gentleman from Florida can agree among themselves in conjunction with their Senators, perhaps we can get together. If we can not, we will have to throw it all out.

Mr. YON. The Members of the House from Florida have agreed to this, rather than to continue it, and in order to close the matter up; but if the conferees can not agree to the amount stated above as of damage for and in full for damage for year of 1929, I will not agree to the amount stated as to the conference agreement for $65,000, for it would be manifestly unfair and would prejudice our claim, and I would rather than do so that the whole figure be thrown out, than to accept less and thereby prejudice my State's fair and just claim in the matter, and would rather risk the judgment of another Congress in passing on our claim.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Speaker, this matter, as the gentleman from Florida [Mr. YON] has suggested, was before the Committee on Roads.

The Committee on Roads having heard this question, the same as the others, believed that Florida should be treated the same as the other States.

I have been opposed to the bill that was presented because it included the year 1928 as well as 1929, but I believe Florida should be treated the same as the other States.

This appropriation will end all the flood road claims, so far as I know, before Congress, and I want to say that hereafter, so far as the Committee on Roads is concerned, in my judgment, it will be the policy to stand very firmly, and it will have to be a case where an unusual flood has occurred before consideration will be given to these flood road bills.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 33: page 44, line 10, insert "Hopi-Navajo Sanatorium, Winslow, Ariz.: For construction and equipment of a sanatorium, including quarters for employees, at Winslow, Ariz., on a site to be approved by the Secretary of the Interior and furnished to the United States free of cost, fiscal years 1931 and 1932, $150,000."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 36: Page 46, beginning in line 1, insert: "Advances to the reclamation fund: To carry out the provisions of the act entitled 'An act to authorize advances to the reclamation fund, and for other purposes,' approved ———, 1931, $5,000,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 37: Page 45, after line 6, insert: "Secondary projects: For continuation of investigations of the Seminole Dam and Reservoir and other possible storage sites and power development in connection with proposed and existing reservoirs on the North Platte River and its tributaries in Wyoming, fiscal years 1931 and 1932, $75,000."

Mr. WOOD. Mr. Speaker, I move to concur in the Senate amendment with an amendment.

The Clerk read as follows:

Amendment No. 37: Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: After the sum "$75,000" insert the following: "*Provided*, That nothing done in pursuance hereof, or under the authority hereof, shall be construed to initiate or enlarge or constitute any water right or appropriation of water, or any priority of appropriation of water whatever."

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 44, page 61, after line 3, insert:

"UNITED STATES EMPLOYMENT SERVICE

"To carry out the provisions of an act entitled 'An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes,' if said act becomes law, all unexpended appropriations available at the time of the enactment thereof for expenditure by the Employment Service of the Department of Labor, shall be available for expenditure by the United States Employment Service, Department of Labor, in the same manner and to the same extent as if the said United States Employment Service had been directly named in the laws making such appropriations; and in addition to such sums there is hereby appropriated for expenditure by such United States Employment Service for such purposes, a sum, which, together with the sums hereinbefore mentioned in this paragraph, shall not exceed $1,500,000, all of which shall be available immediately after said act becomes law: *Provided*, That if the act herein referred to does not become a law at the present session of Congress, the amount herein appropriated shall not exceed $500,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement. I yield one minute to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, a short time ago I sent a telegram to the California Fruit Growers Exchange at Los Angeles, Calif., which has resulted in the donation of five carloads of oranges and lemons to the destitute who reside in the drought-stricken area. The telegram is as follows:

FEBRUARY 6, 1931.

CALIFORNIA FRUIT GROWERS EXCHANGE,
Los Angeles, Calif.:

I have noticed public statement that California orange growers are raising a fund of $5,000 to buy up surplus crops of oranges to destroy in order to prevent break in market. In view of the fact that certain south Texas vegetable growers have recently donated a carload of turnips and cabbages to be distributed through the Red Cross in southwestern Oklahoma it was my thought your purpose could be served in a wonderful manner by allowing this fruit to be eaten by people residing in a section of Oklahoma and elsewhere who are in destitute circumstances occasioned by the drought. I am especially interested in southwestern Oklahoma where a very large per cent of the people are now being fed by the Red Cross; therefore if some of these oranges could be shipped to the Red Cross at Altus, Hollis, Frederick, or Hobart, Okla. I know that the citizens supplied would be grateful. Answer collect.

[Official.] J. V. MCCLINTIC.

This donation has proved to be a godsend especially to those who were sick and unable to obtain this kind of food. This most worthy contribution was obtained for the entire devastated area in the United States. However, one carload was received by those residing in the district that I have the honor to represent, and distributed through the activities of the Red Cross.

I am advised to-day that Mr. Clem V. Williams and other patriotic citizens residing at Hooker, Okla., have donated a carload of wheat which will be shipped to Hon. George C. Wright, chairman of the Red Cross at Altus, Okla., to be milled into flour and distributed through the activities of the various Red Cross chairmen in Beckham, Custer, Washita, Jackson, Harmon, Greer, Kiowa, and Tillman Counties, to those in need of food. I am very appreciative for the fine motives which have prompted those to render this kind of help to a splendid citizenship, who have been made destitute because of a situation that they could not control, and I want to make this public announcement so that the donors may know that our people who have received this aid are thankful for such benevolence, which is worthy and honorable from every standpoint. [Applause.]

The motion of Mr. WOOD was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 45, page 62, beginning in line 1, insert:

"CHILDREN'S BUREAU

"For carrying out the provisions of the act entitled 'An act for the promotion of the health and welfare of mothers and infants, and for other purposes,' approved March —, 1931, $1,000,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46, page 64, beginning in line 1, insert: "Navy yard, Charleston, S. C.: For improvement of shipbuilding ways, $150,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 46.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield me some time?

Mr. WOOD. I yield five minutes to the gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker and gentlemen of the House, I should like very much to have the attention of the membership of the House and particularly the members of the conference committee on the second deficiency appropriation bill for just a few moments. The amendment now before the House has to do with providing building ways, or rather the repair to the building ways, at the Charleston Navy Yard. During the World War, building ways were erected at the Charleston yard to provide for the construction for four vessels at a time. This fact alone it seems to me shows the need of such facilities along the South Atlantic area of our country.

A few weeks ago the Navy Department recommended the sum of $150,000 for permanent repairs to one of these building ways. The item has the formal approval of the President through the Budget Bureau, and it has already twice passed the Senate during the present session of Congress. You gentlemen will recall that only a few days ago the Navy Department appropriation bill passed this House and carried an appropriation for the construction of 11 destroyers which has heretofore been authorized by Congress. Ten million dollars was carried in this bill for such a purpose.

In view of such affirmative action having been taken by the Congress I sincerely hope, and earnestly request, that the House and the committee on conference will favorably consider the incorporation of the Senate amendment in anticipation of the construction of these destroyers.

I desire to call attention of the House to the fact that in the fiscal year 1930 there was appropriated $570,000 by Congress for repairs to building ways in other navy yards of the country in anticipation of the construction of the new cruisers that were authorized to be built by Congress. In the fiscal year 1931 the sum of $565,000 additional was appropriated to complete such repairs. Surely it is proper and fair to now ask the House and the committee to provide for repairs to the building ways for the construction of destroyers in the only navy yard in the South which is admirably qualified from every standpoint to do such work, which, I repeat, has now been authorized and for which money has already been appropriated.

Many of you gentlemen, certainly those who were Members of the Seventieth Congress, will recall that two years ago without a recommendation of the department, without approval of the Budget, and over the objection of the committee on Naval Appropriations, this House by a record vote appropriated $300,000 for the extension of the dry dock at the Charleston Yard. This action it seems to me should convince every Member of Congress that it proposes to see maintained and operated a first-class navy yard along the South Atlantic coast of this country. I earnestly hope, therefore, that the conference committee when it goes back into conference on this item with the Senate conferees will concur with the Senate amendment and permit the Charleston Yard to be placed on a parity with other navy yards and thus be enabled as the only really southern navy yard to bid on the construction of one or more of the destroyers in the building program that will soon be under way by the Navy Department.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 59: Page 119, after line 18, insert: "New Bern, N. C., courthouse, customhouse, etc.: The proviso in the act of July 3, 1930, that no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site, and in the event that such an agreement is entered into, the Secretary of the Treasury may sell such a site and building to the city on such terms as he may deem proper, is hereby repealed."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement.

Mr. ABERNETHY. Mr. Speaker, I make a preferential motion that the House recede and concur in the Senate amendment and ask the gentleman from Indiana to yield me time.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Speaker, I know that I am undertaking now a rather difficult task, practically futile. I am appealing to the House on this matter and I am not coming to the House empty handed on reports. I have worked this matter out with the interdepartmental committee, the Bureau of the Budget, the President, and then I went before the House Committee on Public Buildings and Grounds and got a unanimous report from them. I appeal now to the membership of the House. I see many a Member before me whom I have helped with my vote when the matter did not concern politics. Here is my situation: New Bern is my home city. It is also the home city of Senator SIMMONS, long a Senator with a distinguished record retiring now from office on March 4. Both North Carolina Senators are behind the Senate amendment, the Senate conferees are insisting that the House recede and concur. New Bern, N. C., is suffering on account of its three bank failures. We do not get any new building in New Bern on a new site until the Secretary of the Treasury says we get it.

If we can not satisfy the Secretary of the Treasury that we need a building in New Bern, on a new site, how can striking out the proviso hurt? I have begged the chairman of this committee to let this go in. I pleaded with him, because it is my home city. It does seem to me that the House should recede and concur in this amendment.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BYRNS. As I understand it, the city of New Bern has sufficient receipts to authorize the construction of a building there. Does the gentleman remember what the receipts are?

Mr. ABERNETHY. Oh, we have plenty of receipts.

Mr. BYRNS. It has been adjudged that New Bern is entitled to a new building, and that you get a new building?

Mr. ABERNETHY. Absolutely.

Mr. BYRNS. As I understand, this is the only limitation that has ever been imposed on any building?

Mr. ABERNETHY. There never has been a limitation of this kind proposed before in any city.

Mr. DUNBAR. On what ground is this city deprived of a public building?

Mr. ABERNETHY. Because the city had three bank failures. It agreed to buy a new site, and it could not buy a new site at this time. That is all there is to it.

Mr. DUNBAR. How does the gentleman expect us to help him?

Mr. ABERNETHY. Just vote to recede and concur. That is all. I am appealing here now to the distinguished chair-

man of the Committee on Appropriations. I am asking him to give me this consideration.

Mr. WOOD. Mr. Speaker, ladies and gentlemen, I think when you hear the facts with reference to this matter you will not be carried away by reason of the appeal made for any special individual. It seems to me the Appropriations Committee has been trifled with in this case. I speak advisedly. In the first instance, when a post office at New Bern was asked for, the proposal was approved to buy more ground and put an addition on to the present building at a cost of $210,000. Then the people thought there was not sufficient ground for that. The department agreed.

Then a new proposal was submitted to Congress to change that $210,000 proposition by giving the Secretary of the Treasury authority to build an entirely new building at a cost of $250,000 on a site which the city would furnish and in return for furnishing that site the city would get the old building for use as a city hall. The new site to be furnished was estimated to cost about $75,000. While that proposal was before the committee the gentleman from North Carolina came before us and explained that the city was financially in trouble on account of the failure of some banks and could not buy the new site but that if we would raise the amount of the proposal from $250,000 to $325,000 so the Government could buy the site they would agree to buy the old building for whatever the new site cost. The committee and Congress accepted that suggestion by placing the following provision on the authorization of $325,000 for the new site and new building:

Provided, That no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site and in the event such agreement is entered into the Secretary of the Treasury may sell such old site and building to the city on such terms as he may deem proper.

Now he proposes to repeal that condition. All in the world they have to do is to keep faith and complete the agreement that they promised to make with the Secretary of the Treasury.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. ABERNETHY. I told the gentleman and the Members of the House that we have agreed with the Secretary of the Treasury that no new building shall go on this new site until we do make satisfactory terms with him, but we will not get a building for the next 18 months, and our people down there are suffering. Let us give the Secretary of the Treasury a little discretion in the matter.

Mr. WOOD. Now, the gentleman is not fooling me, and I hope he will not fool you. He has said he has an understanding or agreement with the Secretary of the Treasury. Why does he not take his agreement to the Secretary of the Treasury? All the Treasury is asking is an agreement. All he has to do is to make an agreement upon such terms as the Secretary and the officials of the city of New Bern will make between themselves. They were satisfied when we gave them this proviso so that they could make an agreement that would be satisfactory to all concerned. That is not the trouble. It looks as though they want to repudiate this entire business.

Mr. ABERNETHY. The gentleman has control of all the time, and I hope the gentleman will not charge me with that.

Mr. WOOD. I am stating the facts exactly as they appear to me. They apparently do not want to give $75,000 for the present building. They want a new site that is going to cost the Government $75,000. In consequence they do not want to enter into this agreement that they said they would enter into, to pay the Government that price for this property. If they will enter into the agreement which they promised to enter into, that they would pay the Government exactly for the present property what the new site cost, there would be no trouble here at all. We have changed this thing three different times for them and finally gave them exactly what they wanted, in order that this building might be put up. The Government is to furnish the money in the first instance to buy the site. All they have to do is to enter into an agreement with the Secretary of the Treasury and keep faith by agreeing to pay for the property what the new site costs, upon such terms as they might agree upon.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. ABERNETHY].

The motion was rejected.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No 61: Page 123, line 4, insert the following: "Omaha, Nebr., Federal office building: For demolition of building and construction of a new building on a site owned by the Government, under an estimated total cost of $740,000, and there is hereby transferred from the War Department to the Treasury Department the land comprising the site of the old Post Office and Customhouse Building at Omaha, Nebr., together with the improvements thereon, which was turned over by the Secretary of the Treasury to the Secretary of War, under authority of the act of Congress, approved January 21, 1889 (25 Stat. 652.)"

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 66: Page 140, line 3, insert the following: "Washington, D. C., Court of Claims Building: For construction of a building, under an estimated total cost of $1,225,000.

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 72: Page 144, beginning after line 21, insert the following "Plattsburg Barracks, Plattsburg, N. Y.: To carry out the provisions of the act entitled 'An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes,' approved February —, 1931, fiscal years 1931 and 1932, $150,000."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 72, and agree to the same with an amendment as follows: "After the word 'February' in the matter inserted by said amendment insert the numerals '28'."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 77, on page 149, beginning in life 16, insert: "Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That none of the money herein appropriated shall be expended until the State of Georgia, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall have given satisfactory assurances to the Secretary of War that it will at all times maintain said road in good repair."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the

Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $27,770: *Provided*, That no part of this appropriation shall be expended until the State of Georgia or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the roads under the provisions of the act approved March 3, 1923 (43 Stat. 1104), and the Secretary of War is authorized to convey title to such roads in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies monuments, markers, or tablets, to mark and commemorate historic events connected with the battles."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 79: On page 153, after line 9, insert: "For the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, in accordance with the terms of the bill S. 4384, which passed the Senate on February 17, 1931, $100,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

Mr. THATCHER. Will the gentleman yield to me for a question?

Mr. WOOD. Yes.

Mr. THATCHER. May I ask the gentleman whether there is any chance of getting together on that item.

Mr. WOOD. There is no chance of getting together on it unless the bill authorizing it passes the House. It has passed the Senate and is now pending in the House. It is the understanding that if it finally passes before this bill is concluded it will be inserted.

Mr. THATCHER. Of course, the chairman knows the merit of the proposition.

Mr. WOOD. Yes; I am in entire sympathy with it.

Mr. THATCHER. The item will go to conference again, awaiting the action of the House on the bill now pending?

Mr. WOOD. Yes.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 81: On page 153, after line 13, insert: "Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with the following amendment: In lieu of the matter inserted by such amendment, insert:

"Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932, $20,000. *Provided*, That no part of this sum shall be expended until local interests shall have agreed to maintain such channel upon completion of the dredging herein provided for."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 82, page 153, after line 16, insert: "Muscle Shoals: For beginning the construction of the Cove Creek Dam in Tennessee, as provided in Senate Joint Resolution No. 49, approved February —, 1931, $10,000,000, to be available until expended."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 95: On page 179, after line 17, insert: "The case of the Pocono Pines Assembly Hotels Co. against United States of America, No. J–543 be, and hereby is, remanded to the United States Court of Claims with complete authority, the statute of limitations or rule of procedure to the contrary notwithstanding, to hear testimony as to the actual facts involved in the litigation and with instructions to report its finding of facts to Congress at the earliest practicable moment."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur.

Mr. STAFFORD. On what page does this amendment appear?

Mr. WOOD. On page 179.

Mr. STAFFORD. The gentleman is moving to concur in the Senate amendment?

Mr. WOOD. Yes. This will send it to the Court of Claims in order to endeavor to get the facts for Congress.

Mr. STAFFORD. The gentleman is aware of the fact that there are many such provisions carried in public bills?

Mr. WOOD. If the gentleman wants an explanation I will say that it involves a claim that was allowed by the Court of Claims for the burning down of a vocational institution occupied by the Government, and there is a question as to whether the Government is responsible or whether it is not. However, a judgment was rendered against the Government and there is a great diversity of opinion as to whether that judgment ought to be honored. Until the matter is further investigated the Congress should not propose to pay it.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 100: On page 190, beginning in line 1, insert: "To aid the Grand Army of the Republic in its Memorial Day services, May 30, 1931: To aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1931, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia, fiscal year 1931, $2,500, to be paid to the treasurer of such corporation and disbursed by him for the foregoing purposes."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In line 1 of the matter inserted by said amendment before the word "To" insert the following: "Sec. 7."

The motion was agreed to.

Mr. WOOD. Mr. Speaker, I move that the House ask for a further conference with the Senate and that conferees be appointed.

The motion was agreed to.

The SPEAKER appointed the following conferees: Messrs. WOOD, CRAMTON, WASON, BYRNS, and BUCHANAN.

ECONOMIC INVESTIGATION BY WAYS AND MEANS COMMITTEE

Mr. HAWLEY. Mr. Speaker, by direction of the Committee on Ways and Means, I offer the following joint resolution to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, and ask for its immediate consideration.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of a joint resolution which the clerk will report.

The Clerk read as follows:

House Joint Resolution 525

Resolved, etc., That for the purpose of obtaining information necessary as a basis for legislation, those members of the Committee on Ways and Means of the House of Representatives of the Seventy-first Congress who are Members elect to the Seventy-second Congress, after March 4, 1931, and until the organization of the Committee on Ways and Means of the House of the Seventy-second Congress, are authorized, as a committee, by subcommittee or otherwise, to investigate the economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries.

SEC. 2. For such purposes the committee is authorized to select a chairman, and the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the United States or elsewhere, to hold such hearings, to employ such experts and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary. The expenses of the committee, not to exceed $50,000, shall be paid out of the contingent fund of the House upon vouchers signed by the chairman.

SEC. 3. Subpœnas shall be issued under the signature of the chairman and shall be served by any person designated by him. In case of disobedience to a subpœna the committee may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents. Any district court of the United States, within the jurisdiction of which any hearing is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring the person to appear before the committee or subcommittee thereof or to produce books, papers and documents if so ordered or to give evidence touching upon any matter under investigation, and any failure to obey such order of the court may be punished by the court as a contempt thereof. The provisions of sections 102, 103, and 104 of the Revised Statutes (U. S. C., title 2, secs. 192, 193, and 104) shall be applicable with respect to any person summoned as a witness under the authority of this resolution in the same manner as such provisions are applicable with respect to any person summoned as a witness in the case of an inquiry before a committee of the House of Representatives. Witnesses subpœnaed under authority of this resolution shall be paid the same fees and expenses as witnesses subpœnaed to appear before committees of the House of Representatives.

SEC. 4. The head of any executive department, independent establishment, or agency in the executive branch of the Government shall, upon request of the committee or any subcommittee thereof, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the committee, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist such committee or subcommittee in carrying out the provisions of this resolution.

Mr. CRAMTON and Mr. BLANTON rose.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I hope not to do, I will ask the gentleman what his thought is with reference to the production of sugar in the United States. I note that unless the gentleman construes it to be, as it really is, one of the agricultural products, it would not be reached in this investigation.

Mr. BLANTON. This is nothing in the world but a "sugar" bill.

Mr. CRAMTON. I am not asking the gentleman; I am asking the gentleman from Oregon.

Mr. HAWLEY. Undoubtedly, investigation of the sugar industry would be included in these terms.

Mr. CRAMTON. I am very glad to have that assurance.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this resolution is expected to appease the 20 stalwart Republicans who were about to balk on the gentleman the other night and refused to attend the Republican caucus, when they could not get oil relief. Does the gentleman expect to appease them with this kind of "sugar" resolution?

Mr. HAWLEY. The purpose of this resolution is to obtain material information that the committee did not have when we were considering certain resolutions heretofore.

Mr. BLANTON. Oh, but the gentleman knows that nearly two months ago, at the instance of the governors of oil States, the independent oil operators came to Washington and held a convention, and they appeared before the gentleman's committee and before they appeared member after member of the Ways and Means Committee appeared before them, including our good friend, Doctor CROWTHER, and told them they must have relief immediately, but nothing has been done by the gentleman's committee.

The gentleman's committee is familiar with every fact about the oil industry. The gentleman's committee knows that Mr. Mellon's big company can lay gasoline down in New York from South America in their tankers for 4 cents a gallon, and it is still selling here in Washington at 16 cents.

This $50,000 is to be wasted. It is a mere gesture, and I object, Mr. Speaker.

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, just read by the clerk.

The SPEAKER. The gentleman from Oregon moves to suspend the rules and pass the resolution just read.

Is a second demanded?

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, I yield the time to the minority leader, the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I think in this connection that whoever is opposed to the resolution ought to control half the time.

Mr. BLANTON. I am opposed to it.

Mr. GARNER. I would not want to take all the time.

Mr. BLANTON. I shall yield the gentleman whatever time he wants.

The SPEAKER. The gentleman from Oregon is recognized for 20 minutes and the gentleman from Texas [Mr. BLANTON] for 20 minutes.

Mr. HAWLEY. Mr. Speaker, the Committee on Ways and Means have held hearings on a number of bills proposing duties or embargoes on products of various kinds. After the hearings were concluded and the committee gave consideration to the bills, in the light of the information so received, it was discovered that there was material information which affected the situation which they did not have. Such information can not be obtained without the authority given the committee by the pending resolution. On the subject of transportation of oil by tankers, numbers of vessels available, pipe lines, and other means of transportation further information was desired. Also the cost of production was involved, varying with the different fields in the country, which was not sufficiently presented to the committee. There was also presented the subject of the leases made on farm lands by oil companies. It was stated that farmers receive considerable revenue from the leases made on their lands; but no estimate was presented of the amount, or what value such leases are to the farming industry, except in a very general way. Undoubtedly this is an important factor.

Then there was also presented the question of the difference in cost of production of foreign and imported oils and domestic oils.

Incident to this discussion, the question was raised of the value in the refining of the different kinds of crude oil; what values were derived from crude petroleum imported from Venezuela, for instance, and how much per barrel of the different products of oil were so obtained; also the question as to the amount of different kinds of products were obtained from the domestic oil and their values. This involved the ascertainment of the comparative value of foreign and domestic oils when refined and the market values of the products.

Also the question of proration of oil among the different fields and different wells—how that could be effected by legislation and whether anything could be done in the matter of proration of imported oil.

One material question was that involved in the question of fuel oil. It appears that the imported oil produces more fuel oil and less gasoline than American oil. The American oils produce a greater proportion of gasoline and other products and a less proportion of fuel oil. That was a material

question that was pending when the committee finally concluded.

There are many other inquiries involved in the oil question which I will not take the time to name.

Similar questions were raised regarding agriculture, coal, lumber, manganese, and asbestos. This information still lacking, which can only be obtained satisfactorily by going to the various places where these products are, taking testimony of witnesses in regard to them, and making examination of books and operations.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BLANTON. The gentleman knows that Mr. Wirt Franklin, of Oklahoma, president of the Independent Oil Operators, being a wealthy man, has generously expended about $100,000 himself gathering facts and statistics which he placed before the gentleman's committee. This comprehensive information has been placed in the RECORD, both by the Senate and the House. What information does the gentleman expect to gather in addition to that fine statement of facts presented by Mr. Franklin? You can get all the facts from Mr. Mellon. If you ask Mr. Mellon to come before you and you want information that he does not want to give you he will not give it. He would laugh at you but he would not give the information.

Mr. HAWLEY. When the committee desires to get information from any great oil companies, we will get that information. We have the power to punish recalcitrant witnesses and make them testify.

Mr. BLANTON. If you put the minority leader [Mr. GARNER] at the head of the subcommittee he will get it, but I doubt if the chairman would.

Mr. HAWLEY. It was stated in the committee that the subcommittees would be made up in the usual manner. Undoubtedly the gentleman from Texas [Mr. GARNER] will be on any subcommittee he selects. He is never backward about asking questions.

Mr. BLANTON. But the gentleman from Oregon held him out of order every time he asked a question.

Mr. HAWLEY. The chairman held him out of order when he was out of order.

Mr. BLANTON. Yes, and he would be out of order when he asked a question for information that the chairman did not want to give.

Mr. HAWLEY. That would not necessarily follow, and in the cases referred to is an error.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. HAWLEY. I yield to the gentleman.

Mr. COCHRAN of Missouri. Does the gentleman feel, as far as this resolution is concerned, that if he gets the information he wants to secure it will result in the Republican Party seeing the mistake it has made and ask for a downward revision of the tariff at the next session? I am of the opinion if our export trade continues to decrease as it has since the present law was enacted even big business will be demanding a revision downward.

Mr. HAWLEY. The chairman can not tell what will happen until he sees what information is obtained. However, the proposals recently before the committee have all been for increases.

Mr. McREYNOLDS. Is it the intention of this committee to go to Russia to investigate the oil question?

Mr. HAWLEY. If such a joint resolution were passed by Congress and signed by the President it would be an official act and if the Government of Russia were asked to admit the committee so designated to make an investigation in Russia, that would be a recognition of the Soviet Government.

I have taken the advice of Doctor TEMPLE, of Pennsylvania, who, I think, all agree is a competent authority on international questions.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SCHAFER of Wisconsin. The gentleman from Texas [Mr. BLANTON] who demanded a second, appears to be strongly in favor of either a tariff on oil or an embargo. I wish the gentleman from Oregon would ask the gentleman from Texas whether, if a protective tariff or an embargo had been placed on oil in the last tariff bill he would have supported it.

Mr. BLANTON. I will support a tariff on any product that needs a tariff to equalize the difference in the cost of production between this country and any peon country in the world.

Mr. SCHAFER of Wisconsin. And he would double-cross the people of Texas.

Mr. BLANTON. I would not double-cross anybody. I would not even double-cross BOB LA FOLLETTE.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. FINLEY. The gentleman is aware that the coal-mining industry of this country is in quite as depressed a condition as any others mentioned in the gentleman's resolution. Is it the intention under this resolution to make an investigation of the causes of that depression?

Mr. HAWLEY. All the questions involved in the economic situation with respect to coal will be investigated.

Mr. SPROUL of Kansas. I would like to ask the gentleman a question. If the committees of the Senate and the House are authorized to make the investigation——

Mr. HAWLEY. The pending resolution applies only to the House committee.

Mr. SPROUL of Kansas. Would other parties, unofficial, be permitted to appear and take part in the investigations that will be conducted, in the way of cross-examining witnesses, as, say, a friend of the committee, so to speak?

Mr. HAWLEY. That would depend upon what the committee would decide. Undoubtedly the committee will be glad to have any suggestions that anyone may make.

Mr. SPROUL of Kansas. I should think so. We ought to have full information upon the question.

Mr. McFADDEN. Is there in contemplation an investigation of the operations of the Federal Farm Board in connection with the agricultural study?

Mr. HAWLEY. That might be included, but I have not considered the question sufficiently to make a definite answer.

Mr. McFADDEN. Is it not a big factor in the economic situation with respect to agriculture?

Mr. HAWLEY. It is.

Mr. O'CONNOR of New York. Is it the purpose of this resolution to satisfy in part the gentlemen from Kansas and other places who stayed away from the Republican caucus the other night?

Mr. HAWLEY. I have already answered that question. It is for the purpose of obtaining the information the committee needs to reach a conclusion as to what ought to be done, based on information, additional to that it now possesses and some information that can be obtained only under a resolution giving the committee the powers provided in the resolution.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CHIPERFIELD. I just want to inquire what business it is of the gentleman from New York [Mr. O'CONNOR] or the gentleman from Texas [Mr. BLANTON] to inquire into the internal affairs of the Republican Party?

Mr. BLANTON. It is of interest to the people of the country to know that 20 stalwart Republicans refuse to attend a Republican caucus.

Mr. CHIPERFIELD. In other words, these gentlemen are interfering where they do not belong.

Mr. BLANTON. We will take care of that.

Mr. CHIPERFIELD. And we will take care of this side for a while.

Mr. BLANTON. Yes; for a little while longer.

Mr. BURTNESS. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BURTNESS. I am wondering whether or not the gentleman or his committee had given any consideration as

to the general nature of the investigations that are to be made with respect to agricultural products particularly?

Mr. HAWLEY. They are specially named in the resolution.

Mr. BURTNESS. I know they are, but I am wondering whether or not the gentleman is in a position to give us any general idea as to the nature of the investigation that could be made with reference to agricultural products.

Mr. HAWLEY. My opinion is that the committee would consider the agricultural situation in all seriousness and make diligent investigation of the problems involved in it.

Mr. BURTNESS. I have every confidence that it will.

Mr. DYER. It would probably give four-fifths of its time to agriculture, in accordance with the action of this Congress in giving four-fifths of its attention to agricultural questions.

Mr. HAWLEY. I think the intention is to make diligent inquiry of all of the problems.

Mr. GIBSON. We have a serious problem in relation to maple sugar in connection with the tariff.

Mr. HAWLEY. I do not know whether maple sugar is an agricultural product or not. If it is, we will investigate that.

Mr. GIBSON. It is an agricultural product.

Mr. HAWLEY. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker and gentlemen of the House, as stated by the gentleman from Oregon [Mr. HAWLEY] this resolution was reported this morning unanimously by the Committee on Ways and Means, but until 10 o'clock this morning no Democrat had an opportunity to read the provisions of the resolution. That, of course, is pleasing to the Republican side, because they do not want Democrats to have any information as to the kind of skullduggery they propose to perform until they are ready to do it. [Laughter.]

This resolution, in my judgment, is advisable if it is carried out in good faith, and the presumption is that it will be carried out in good faith. It empowers the Ways and Means Committee to make an investigation, through a subcommittee or the whole committee, of the economic conditions pertaining to oil, manganese, asbestos, lumber, and agricultural products. However, the real reason for this resolution is not apparent upon its face. It ought to be entitled, a resolution to save the face of the Speaker and the Republican organization of the House on account of the manner in which they have dealt with the oil situation.

That is what this resolution is. It never was intended for getting information upon which to base legislation. But they desired the gentleman from Kansas [Mr. HOCH] and the gentleman from Oklahoma [Mr. GARBER] and other Members from oil-producing States to be able to go back and tell their constituents that the best they could do was to get a committee appointed to gather information. From that information they hoped to bring in legislation in the Seventy-second Congress giving relief for the oil industry and thereby control their votes in the organization of the House in December. [Applause.]

I always like to tell the truth about things. That is exactly what this resolution is for. It is for the purpose of protecting the organization of the Republican Party of this House, and for no other purpose.

Mr. Speaker, more than 60 days ago Mr. HAWLEY, chairman of the Ways and Means Committee, was appealed to to give an opportunity to consider the question of levying a tariff on oil. You never could even get him to call the committee together. In fact, according to press reports, he gave out the statement that there would be no committee meeting for the purpose of considering a tariff on oil. The pressure became so great that the Speaker intervened and commanded an opportunity for the oil people to be heard. After the independent oil people were heard, they made a case so strong that the so-called free traders on the Democratic side, as they have been erroneously termed, were in favor of a duty on oil. I venture the assertion that out of 10 Members on the minority side, 9 of them would have voted for a duty on oil, but you Republicans on the committee would not do it. You claim to be protectionists, and yet you failed to vote for a duty on oil, Mr. HAWLEY. Now you are coming in and asking for this investigation

Mr. Speaker, the case is complete. As far as levying a tariff on oil from Venezuela is concerned, the case has been made. Every Republican on that committee knows that a case has been made and that there should be a duty on oil. But what happened? As soon as some of these New England people found out that there was a real consideration for a duty on oil, that the Speaker of the House had become alarmed and was looking at the setting sun in the west, they immediately arose in the east, and said: "We have some votes, and while we are regular you must give us a chance to be regular." Nick looked over the field, and when he glanced at New England with that large number of votes and down in Kansas with 6 or 7 and in Oklahoma with 1, he said, "Hold it up, gentlemen. Stop. I have made a mistake."

If you will recall that morning after the passage in his office, he was so excited, so agitated, that he could not even put the questions before the House on the various subjects. [Laughter and applause.]

Ah, sir, how does that vary from what it was six years ago! Remember that scene of that mighty Speaker, sitting on the stand, when he issued the ultimatum to those western people, when he took them by the nape of the neck and the seat of the pants and threw them out of committees, not only threw them off of committees but demoted them to the point of humiliation. He was monarch of the forest, a lion shaking his mane to the world, "We are pure Republicans; we will have none of you." [Laughter and applause.]

Now we have him at this day, when he has looked over the scene and he has seen the diminishing opportunity he has to keep his crown; he is like a 4-month-old puppy, whining, saying, "For God's sake, don't give me any more lashes. I will be good from now on." [Laughter and applause.]

Take it as you will, there can be no doubt that this resolution was brought in as a partisan matter, hoping to make it a partisan resolution, and I say that advisedly. I challenge any Republican to deny it. I will prove it. But when it came into committee a Democrat moved that it be reported. The Democrats made it unanimous. After the Republican membership of the Ways and Means Committee had caucused and had their little conference and fixed this thing up, they said: "Maybe we can get the Democrats to oppose it, and that will save us." But when we got in there and we learned the situation, we determined not to let them get by with it. So we unanimously reported this to this House for its consideration. [Applause and laughter.]

Whether or not you will get anything out of it, I do not know. It will depend upon the energy, the forcefulness, the desire, and effort to go into the oil question; $50,000 will not pay the expenses of the oil investigation. Production, transportation, refining, marketing must all be investigated. Not only that, Mr. HAWLEY, but I am putting it into the RECORD now, sir. I want to know whether you are going to ask Uncle Andy to come before the committee and explain the holding companies in the oil industry?

Mr. HAWLEY. I have no objection. I suppose all organizations importing oil into this country will be subpœnaed to appear and give any testimony the committee may desire, and I suppose that will include all oil companies, including the one in which the gentleman says Mr. Mellon is interested.

Mr. GARNER. I want to suggest to you, sir, so that the RECORD may show it now, that the first two witnesses to summon and to bring their books should be Andrew W. Mellon and Mr. John D. Rockefeller, jr., so we may have something concerning this oil business that will be of some value. I want to know about the old companies. I want to know whether there is a price control of oil in this country. I think a great many people believe there is in this country an oil industry controlling the price to the ultimate consumer. To ascertain these facts you must summons these men who control the industry, and I undertake to

say that Mr. Mellon and Mr. Rockefeller come nearer controlling it than any other two men, and they can come nearer giving us information on which to ascertain what is necessary with reference to it than any other two men in the country.

I am thoroughly convinced of two things about oil from the limited investigation I have made. First, that you ought not to permit these four companies which control oil in this country to bring cheap oil from abroad and put it in competition with the independent oil people. [Applause.] Of this I am convinced.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. GARNER. Second, I am thoroughly convinced that as an economic problem the marketing of oil, of gasoline, and of lubricating oil in this country ought to be severed from the production, transportation, and refining of oil. Of those two things I am convinced from the limited investigation I have made. If you will do that, if you will give the independents a fair opportunity to produce oil and compete with these old-line companies, who control the market in this country, you will be doing something worth while for them. Then if you will tell the four old-line companies to sell their filling stations, and not permit the people who produce, transport, and refine oil to retail the refined products, you will go a long way toward putting oil, gasoline, and lubricating oil in this country in competition. Those two things I know ought to be done now.

I am going to vote for this resolution. I realize it is in your behalf, Mr. Speaker, and I want to do something at least to make you happy before the end of the session. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, this resolution is an effort to placate the Representatives from the oil States. It will deceive no one in the Middle West. It will give the recalcitrant Members a chance to get back on the reservation.

Congress adjourns on the 4th day of March, 1931. The leaders have deceived those interested in the oil industry, towing them along until the very closing days of the session, into the belief that favorable action would be taken in behalf of an embargo or a tariff on oil. Those more intimately familiar with the situation were not deceived. The four big companies who import 82 per cent of the oil have a strangle hold on the situation and, of course, are opposed to any legislation in favor of the independent oil producers.

AN ISSUE IN 1928 CAMPAIGN

Representing the administration, Senator CURTIS, then the nominee of his party for Vice President, during the campaign last year committed the administration to a policy of protection on oil. On September 27, 1928, Senator CURTIS, in Oklahoma, advocated a tariff in the following language, as shown by the following published quotation from his speech:

> Our Democratic friends favor a competitive tariff. That will not help a single farmer in this country, not a workingman in this country, not a single oil producer, not a manufacturer of goods. The Republicans are opposed to a competitive tariff and favor a protective tariff.
>
> In the last two revenue bills I proposed a duty on oil. You, in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels, and you would not have to shut down production here.

We strenuously insist upon faith being kept and that this campaign pledge be carried out.

I introduced a bill providing for a tariff of $1 per barrel on oil and 50 per cent ad valorem duty on refined products. I supported the embargo bill, which was a temporary measure, limiting the importation of crude oil to 16,000,000 barrels for three years; but the Republican members of the Ways and Means Committee, after holding hearings for a number of days, and having all the facts available before the committee, passed a resolution declining to take up for consideration either the tariff bill or the embargo bill. This, of course, defeated the legislation for this session of Congress.

In the meantime, 67 cents per barrel is offered for oil in the mid-continent field. There is a market at this time for only a small percentage of the oil produced. Everyone knows that the oil interests have been betrayed. The steering committee of the Senate has refused to give consideration to the bill reported to the Senate. Everyone knows that consideration could be secured for this legislation if it were favorably recommended by the President. By special message he has urged the enactment of much legislation during this session of Congress, but Congress has not been urged to enact this legislation, which is of vital importance to the oil industry of the country. The independent producers have no chance against the Big Four.

The oil situation has been investigated and reported upon by the Tariff Commission. All the facts have been placed before the Ways and Means Committee. They want more time to appease the wrath of western Members and have fallen upon this plan to pass a resolution to make an investigation. Let the resolution pass. It will deceive no one. It will serve as an excuse to defeat any legislation at the present session. In the meantime the Big Four will complete their strangulation of the independent producers.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Speaker and Members of the House, the Ways and Means Committee has reported two resolutions. One you have before you. It provides for an investigation by the members of the committee of conditions in these industries. The other one is for a further investigation by the Tariff Commission particularly upon refined products of oil, which was not included in their first investigation, the report to be made by the 1st of next December. I certainly hope that both of these resolutions will be adopted, because I am confident, in the first place, that the report of the Tariff Commission will furnish an absolute basis for tariff legislation in the oil industry. With reference to the resolution now before us, I am confident that if the members of the Ways and Means Committee will go out into the oil country they will come back with a story which will confirm our viewpoint as to the legislation.

Now, reference has been made to these resolutions as placating certain Members of the House. I know nothing about that, but I know that these resolutions are in no way what we asked for. But, for the reasons stated, I hope they will be adopted.

In the few minutes I have, just let me say a word or two about this oil situation. The great oil industry is prostrate in a dozen States in this Union, from West Virginia to the State of California. And what has the industry been asking at this session?

It has only asked that there be applied to importations a measure of the same limitation which the industry itself has applied to domestic production.

I say there is no industry in this country which has done so much in the last two years to meet its problem without governmental aid as the oil industry.

The statement is made that if you limit importations of oil or place a tariff upon oil, this will increase the price of fuel oil. I have no time to discuss this, but I say that this is a strange argument to be coming from protection States.

It is said it will increase the price of gasoline. I say the figures disprove this. Over a course of years it is shown that the price of crude oil would go down 50 per cent, while at the same time the price of gasoline would go up.

I give my good friends credit for sincerity, but I say to them that in my judgment the independent oil industry of this country is now in process of strangulation, and within a comparatively short time, unless something is done, a comparatively few big oil companies will have control of the oil properties of this country, and when they have this control

then we will see what price will be paid by the consumers of this country for fuel oil and gasoline.

We have made no sectional appeal. I want to say that without any rancor we have simply resisted, and I may say resented, a sectional application of the policy of protection to which we have given our support, and I am sure that when our good friends upon the Republican side know all the facts, there will be no question about the result. When they know all the facts I am sure they will not repudiate the policy of protection when we are in distress, a policy of which they have been the beneficiaries for many years with our help.

Now in the moment of closing let me say, so there may be no misunderstanding, to my good friend from Texas JACK GARNER—and I am sorry he is not here—let him be under no misapprehension. As fond as I am of my friend from Texas I have no intention whatever of helping secure for him a certain automobile which he has had his eyes on for some time—none whatever. [Laughter and applause.]

During the years I have been here I have seen too much lip service by my friends on the Democratic side in behalf of the policy of protection when the issue was not before us for vote and such little support of it when it was before us for vote to be fooled by any protestations of support of the policy of protection that may be made from the Democratic side of the House. I have been appealing to you Republicans as a Republican and registering my position in every possible way so that there may be no misunderstanding about it.

I am appealing to my Republican friends in the House for the same sort of protection for our country when we are in distress that we have readily granted in the past to them when their industries came here seeking protection. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and Members of the House, I would not want the impression to go out to the country that the Democratic Party has become a high-protection party. There are some of us who are still against high protection, who are still against a protective tariff on oil. There are still some of us who oppose this resolution because we know it is the forerunner of a high-protective duty on oil, which will inure to the benefit of the four or more companies at which it is directed; and after a protective tariff, then you are going to outprotection protection and put on an embargo, and there are still some Democrats left who will vote against the resolution and vote against a high-protective tariff even if it is on oil. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one-half minute to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Speaker, in reply to the gentleman from New York [Mr. O'CONNER] who has just taken his seat, I want to say that there are Democratic Members of this body who are in favor of a tariff on oil and I am one of them.

Now in reply to my colleague from Kansas who said, "I have seen too much lip service by my friends on the Democratic side in behalf of the policy of protection, and so forth." I resent that statement and do not propose to let it pass unchallenged. The delegations in Congress from the States of Kansas and Oklahoma, both Democrats and Republicans, have worked unceasingly for the past six or eight weeks to get some legislation to relieve the independent oil producers. I am willing to leave it to the men who were here from Kansas, Oklahoma, and Texas representing the independent producers whether or not we Democrats from those States did our part, and further, Mr. Speaker, with final adjournment confronting us by noon day after to-morrow, I should feel I were derelict if I did not in these closing hours of the session again voice my protest against the utter disregard of the distressing plight of the independent oil producers and refining companies of our country that has been manifested by the administration and the leaders of the majority party.

The unwillingness to do absolutely anything toward alleviating the actually startling situation in which the independent oil industry of the country finds itself is another indication of the vacillating course the party in power has pursued as to all proposals in the interest of business recovery and in extending relief in one form or another to those who have been reduced to a state of sheer want through drought conditions and widespread unemployment.

I have exhausted every means at my disposal to secure legislation that would keep foreign oil from our shores. Failing this, I was determined to prevent as far as I could the use of taxpayers' money to buy oil of foreign production for use by our Federal agencies. I, therefore, first succeeded in amending the appropriation for the United States Shipping Board Merchant Fleet Corporation to prevent the purchase of fuel oil of any kind of foreign production, either at home or in our possessions, where domestic oil is available, providing the cost of our oil does not unreasonably exceed the cost of foreign-produced oil. I next directed my efforts to get a similar restriction placed on the naval appropriation bill. The Navy is by far the largest Federal user of fuel oil. I met with considerable opposition but in the end succeeded in having included in the bill, which the President approved on Saturday, a provision which reads as follows:

Provided further, That no part of this appropriation shall be available, any provision in this act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable, but nothing herein shall apply to fuel oil on hand or on order on July 1, 1931.

I am fully cognizant of the fact that nothing short of an embargo on the importation of foreign oil will appreciably aid in the solution of the domestic oil problem, but my amendments at least are tantamount to committing the Government to the embargo principle in so far as they apply to the use of oil by its own agencies. And let me say right here that these amendments are not mere gestures. I shall make it my business when Congress convenes in regular session next December to ascertain to what extent, if any, foreign oil has been bought in preference to domestic oil solely on account of a price difference, and what that difference has been, and what factors have contributed thereto. It may be possible to lay down foreign oil along the Atlantic and Gulf coasts and possibly at points in our possessions at a lower cost than the domestic product because of cheaper production costs and lower transportation charges. These factors should be discounted under my amendments. The only factors that should enter into the determination of the reasonableness of the prices quoted for domestic oil should be those that contribute to the difference between the delivery price quoted for domestic oil at different points in the United States and its possessions. If the spirit of my amendments is complied with, the effect no doubt will be an increase in our budget for oil consumed by Federal agencies. What of that? We look to such a result and that was taken into account by myself and those with whom I negotiated in order to have my amendments adopted, and I desire to say here that I am ready and willing to vote larger appropriations to meet the additional cost.

I can not conceive of any branch of the United States Government, and especially the United States Navy and Merchant Fleet, purchasing fuel oil from a foreign source. Even though it may be purchased at a less cost, patriotism alone should forbid it. If it were impossible for the Navy and the merchant fleet to procure fuel oil of American production, it would be a different story; but we have millions of barrels of home-produced oil on the Atlantic coast, on the Gulf coast, and on the Pacific coast. There can be no reasonable excuse for not purchasing this oil from our people to whom the Navy, the Merchant Fleet Corporation, and our Government itself must look for support.





The Navy Department would prefer not to be hampered by my amendment. It has been contended that it might deny the purchase of fuel oil on the East coast, due to the fact that the major producers in their refining processes make use of considerable quantities of Mexican and South American crude oils, which become mingled with American crude, and it would be impossible for the Navy, as a purchaser, to determine whether the fuel oil offered contains crude oils wholly of domestic or foreign production, or a mixture of both. The very purpose of my amendment is to make it impossible for the Navy and Merchant Fleet Corporation to purchase fuel oil produced in Mexico and South American countries by peon labor and brought into this country in competition with American labor. My object has been to compel these governmental activities to purchase fuel oil refined wholly from American crude. If such large companies, like the Standard, the Gulf, and the Dutch Shell, with their subsidiaries, want this business, and the records show that these concerns furnish practically all of the fuel oil for the Navy and Fleet Corporation, let them refine American crude. If they will not do this, then let the Navy and the Fleet Corporation purchase it from companies that will.

The Navy and Shipping Board can require a certificate to accompany all bids for supplying fuel oil that they are based upon a product refined wholly from American crude. Congress can not directly compel American private concerns to purchase fuel oil refined wholly from American crude, but it can compel this Government, or its departments, to do so, and in the face of the existing condition of the independent oil industry of the United States, it is our duty to do it. That is the reason for my amendments to the appropriation measures for the Navy and the Merchant Fleet Corporation.

The independent oil producers and refining companies are to-day almost bankrupt because of unfair treatment by their Government. Practically every industry in this country, except the oil industry, received ample protection in the tariff measure that was passed last year, and it is unquestionably a fact that no industry or business appearing before the Ways and Means Committee during the hearings on that measure made a stronger or better case for a tariff than the independent oil industry; but notwithstanding that fact, for some inexplicable reason or motive it was denied any protection. Because of that neglect on the part of the Government, thousands of men and business concerns formerly large income-tax payers, to-day scarcely can pay state and local taxes assessed against their properties.

We were told prior to the passage of the measure increasing the potential borrowing limit on adjusted service certificates that we would close the fiscal year with a deficit of something like half a billion dollars. A considerable portion of this amount is owing to the substantial decline in revenues derived from income taxes. The condition of the oil industry in this country in a large degree is responsible for the financial predicament in which the Government finds itself. Former heavy income-tax contributors to the Federal Government are to-day either bankrupts or bordering on that state.

But that is not all, Mr. Speaker. The trouble is not confined to the oil operators; it extends to the farmers as well. Thousands of farmers leased their lands to operators at a remunerative rate, which provided them with ready money to meet their obligations, and to-day they are deprived of this income because the lessees either were compelled to cancel their leases or continue them at substantially reduced rates.

To what extent farm acreage throughout the entire Nation was leased, I am unable to state. In my own State of Kansas alone there were approximately 12,600,000 acres under lease which, before this oil situation arose, brought to Kansas farmers $10,500,000 of lease money and, in addition to this, I am told that they were getting from lease bonuses and from royalties, over $5,000,000 per annum, or a total annual income of over $15,000,000. Within the past eight months this source of income practically has been wiped out.

A few days ago I obtained data showing the situation in the five counties of the eighth congressional district of Kansas, which I have the honor to represent. They show that there are 3,230,080 acres of land in that district, of which 1,806,139 acres were under lease. Of that area approximately 80 per cent was leased for $1 per acre, or a total of $1,444,911. The remaining 20 per cent was leased for 50 cents and upwards per acre, or for about $180,614, thus making a total of $1,625,614 paid annually to the farmers in those five counties. Many of these leases have been canceled, and on many more leases still in effect the price has been reduced materially. The oil lease to the farmer is a serious matter in view of poor crops and low prices for such crops as he is able to produce, together with increased taxes, and the cancellation of his lease leaves him nothing with which to meet his obligations. Here is a copy of a letter written by one of these farmers of my own county to an oil man of Wichita, Kans., when informed that his lease money would be reduced to 50 cents per acre. This is what he said:

> I regret most exceedingly to hear that you are compelled to reduce your rentals on your oil lease on my land, for these oil leases have sure been a godsend to those of us tax-ridden farmers * * *, but we are used to taking orders; you know we can only have what the elements and that "Hooverized" Farm Board will permit us to have, then we must submit to being taxed blind by a bunch of "dead beat" nontaxpayers, then we must pay the other fellow's price for things we must buy. This, it seems is the penalty we must pay for the privilege of being farmers; so, if 50 cents per acre is all you can pay on your lease, we will accept it—because we have to—and say we like it. But right here I want to compliment, congratulate, and thank all you oil men for having given the farmers of Sedgwick County far more relief than they will ever get from Washington, and many thanks for what you have already paid me.

I am personally acquainted with the author of this letter. He is a fine citizen. While he has expressed his feelings in a somewhat caustic manner, one can not blame him. This letter, Mr. Speaker, is indicative of the feeling of a great many farmers who believe they have received a raw deal; and they have. These farmers have been told that the so-called farm relief or farm marketing act would put them on an equal basis with other industries; that the tariff measure passed would relieve their situation. They have been given both, and about the only relief they have received has been to relieve them of what they had, by hard knocks, been able to save up, and that has been precious little during the last 8 or 10 years. One place where there might have been something done to help the farmer, along with others, was to have put a tariff on oil, but the powerful interests would not permit it, so about all the farmer can do now is to express his opinion concerning those who have made so many promises, and wait for a chance to express himself more forcibly, which I prophesy he will do in the election of 1932.

I shall now refer to another group who have been affected adversely by the plight of the independent oil producers and whose future is not promising under the administration's do-nothing policy. It is estimated that over 100,000 oil-field workers in the mid-continent field alone are jobless, and that in the United States over 1,000,000 men in the various oil fields are unemployed. This, of course, does not mean the oil-field workers alone, but includes thousands of employees of the independent refining companies. It is said that the average daily wage of these workers, skilled and otherwise, was from $5 to $18 per day. This was sufficient to support a family very nicely; but, as has been stated, thousands of these workers have had their daily wage reduced, and thousands more have been let out and receive not a penny to sustain life, but are in the bread lines. I received, a few days ago, a telegram from the commander of the Salvation Army of Wichita, Kans., as follows:

> Convinced with our knowledge of present conditions that much help can come through passing of Garber-Capper oil relief bills. It is imperative that this happens. Present and future status of those engaged in all industry in Wichita and vicinity hanging in balance. Something must be done now in this crisis. We are

feeding more than 570 families, average 5 to 6 to family. A great number formerly employees in oil industry.

SALVATION ARMY OF WICHITA,
GEORGE HUNT, *Commanding.*

These men, only a few months ago, were receiving living wages and providing for themselves and families. It is the first time in the history of Kansas that there have been bread lines. This condition is not confined alone to the actual workers in this industry but reaches much further. When these men are thrown out of employment they naturally cease to be consumers and buyers of the necessities of life, such as food, clothing, and so forth, and their effacement as buyers is reflected in business of many kinds. Clerks in stores in numerous instances have had their salaries reduced or have been forced to quit because the business would not justify continuing their employment. It is an endless chain. There is no need further to dwell upon its many ramifications. I have received reliable information that a machine company in the city of Wichita, which furnishes a great part of the oil-field machinery in the mid-continent district, including Kansas and Oklahoma, has had its output of machinery cut 75 per cent in that district alone. Because of this, they have had to lay off men of all classes, laboring men and skilled high-salaried men. A number of the small competitors of this larger concern have been compelled to shut down entirely and let out all of their men. And what of the banks? How long may we expect them to survive? Because of this condition in the mid-continent fields many banks already have been forced to close their doors.

Let us turn to the lumber business. In the hearings on the embargo measure before the Ways and Means Committee, Mr. Ortmeyer, of Wichita, Kans., stated that ordinarily in the mid-continent oil fields over 250,000,000 feet of lumber were consumed in a year, and the records show that this consumption has dropped off more than 50 per cent in the past six months. The fact of the matter is, Mr. Speaker, that business of all kinds in the mid-continent field practically is paralyzed, all on account of the independent oil industry being put out of business. And, in the face of all this, what encouragement does the administration offer? The leaders of the political party in power here in Washington do not seem to be interested enough to do anything or even to permit anything to be done.

Soon after Congress convened in December I began receiving letters and telegrams asking me to do everything possible for a tariff on oil. My reply to these messages was that I have been at all times in favor of a tariff on oil and would have voted for it when the present tariff act was passed if given a chance. I have stated that, from a talk had with the leaders of the House, it was very evident that no oil tariff legislation would be considered at this session, and that unless the President could be persuaded to take a hand in this matter that there would be no oil measure even considered. I suggested that it would be well for the independent oil producers and their friends to urge the President to seek means that would enable him to meet the existing emergency; that, in my opinion, Congress would grant his request; and that this seemed to be the only way by which the present leaders of Congress, or the party in power, could be prevailed upon to act. My suggestion was severely criticized by some for bringing the President into the picture. There is not a single word or syllable in that suggestion that I wish to retract. And why should I? What I predicted has come to pass. To those who have been here in Washington for the past six weeks, pleading for protection for the independent oil producers, the President and the leaders of the majority party have given a sympathetic hearing, but nothing more.

In my opinion, a measure providing for a tariff of $1 per barrel would have passed both Houses of Congress by an overwhelming majority; but the committee having charge of such legislation refused to report such a measure. That committee also refused to report the Capper-Garber measure to limit the importation of oil to 16,000,000 barrels. Under the rules governing the House of Representatives the leaders of the party in power have absolute control of all legislation and are empowered to say just what legislation can be considered, as well as what can not be considered. They have decreed that oil tariff legislation should not be considered.

While I realize, as I have indicated before, that the two amendments that have been adopted, which were offered by me, providing that the United States Merchant Fleet Corporation and the United States Navy shall use fuel oil of American production, will not appreciably relieve the American oil producers, they appear to be the full measure of relief that may be looked for at this time. It is not much, but it is all we have gotten.

The New England interests have never been timid in their demands for the highest tariff obtainable on all produced in that section, and certain Congressmen from Western States have at all times assisted them in getting it. But when the time comes to reciprocate, as it did a few days ago, to provide a tariff on oil, or even to support a measure to limit the importation of oil for a year or so, they unhesitatingly said they could not go along as it would increase the cost of fuel oil and gasoline to New England users. Then some of the western supporters of the New England tariff sounded a warning note to the effect that there is another day coming. Yes, there is; but I am afraid before that day is reached it will be too late to help the independent oil industry. For one, I am anxious to see it settled at once, even though it means an extra session of Congress. That is the only reason that can be given for not settling this question within the next two months, instead of letting it drag until next winter. A great industry is prostrate; thousands of investors are facing bankruptcy. Now is the time to bring about the relief sought, not next winter, when Congress convenes in regular session.

Who is it that is afraid of an extra session of Congress? I notice that whenever it has been necessary to call an extra session to pass a tariff measure, such as the Smoot-Hawley measure, there has been but little or no complaint from the New England interests. Why not have one now, if the time be too short before adjournment, to enact a law for the protection of the independent oil producers?

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker and gentlemen, I am opposed to this resolution. The Ways and Means Committee proposes during the summer recess to investigate the economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries. Now, we all know that an entire summer could be consumed in investigating any one of these fields. If this resolution said what it meant, it would cut out all the enumerated subjects mentioned and put in just one—apple sauce. [Laughter.]

This resolution carries an appropriation of $50,000 to defray the expenses of the committee in securing information on these various subjects. So far as the oil industry is concerned, every bit of information which they can obtain or will obtain and a great deal more is now available and they can have it for the asking. In fact, we think they already have it on oil from the hearings that were held last summer and this session on the embargo bill. Mr. GARNER and the Democratic membership have made and will continue to make political capital out of the failure of the committee to report out the oil embargo bill. I am wondering how many of these gentlemen on the other side of the House, who are now so loud in favor of helping the oil interests, would have voted for the tariff bill if it had contained adequate protection on crude oil? The only justification that I can see for the committee's refusal to report this bill is so that this body might have credit for making some of the blunders that have been made and not leave them all to the other end of the Capitol or the other end of the Avenue.

I have been a Republican and a protectionist all my life, and I have said truthfully that the Democrats want protection for the things produced in their districts and everything produced elsewhere to come in duty free; but I have found to my sorrow that certain gentlemen of my own party take exactly the same illogical position.

In fairness, however, I do not believe that the full and complete blame for failure to report the embargo bill should be placed on the Ways and Means Committee; a portion must be shared by the independent oil interests.

Among the independents there are two schools of thought in reference to the policy of proration of oil production. One group believes that the policy of proration is unsound, is a mere pretext for price fixing, and is the weapon used by the so-called Big Four to further crush the independent interests. The other school of thought believes firmly in proration and feels that if the same should be now abandoned it would mean bankruptcy of the independent oil concerns, both great and small. Suits have been brought, and some are now pending, attacking the legality of proration. Legislation is proposed in the State of Oklahoma to prevent proration. The governor of our State has appointed an oil committee, which said committee split and made a divided report on this matter. The lie has been passed, and prominent gentlemen are at each other's throats.

The purpose and justification of the embargo bill was to compel the importers to prorate their importations to the same extent as the domestic producer is now prorating his production either because of legal requirements or voluntary agreement.

It would seem quite obvious that the passage of the embargo bill would mean the continuation of the policy of the domestic proration. While on the other hand, the failure to pass the embargo legislation would have a very marked tendency to add strength to the cause of the opponents of proration.

In this situation I believe it is a fair and justifiable inference that this lack of harmony and unity over proration tremendously weakened the whole hearted, bona fide support in good faith of the entire independent oil interests in their pressing their cause before the committee to a favorable outcome.

The embargo bill died in the Ways and Means Committee. It died before it was born, but its early demise was hastened, if not caused, by the bitter quarrel existing between its parents over the question of proration. If it was a boy, it would mean the continuation of proration; if it was a girl, the abandonment of proration. If it was neither, it would leave the warring factions of the independent oil industry where it found them, without arming the one group or disarming the other.

In closing I want to repeat here in part the statement which I made before the Ways and Means Committee during the hearings on the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D. C., February 14, 1931.

The committee met at 10 o'clock a. m., Hon. WILLIS C. HAWLEY (chairman) presiding.

The CHAIRMAN. The committee will be in order. When the hearing was interrupted last night by the roll call in the House, Congressman O'CONNOR, of Oklahoma, had been called to the stand. If the gentleman is here and ready to proceed, we shall be glad to hear him at this time.

STATEMENT OF HON. CHARLES O'CONNOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, I am glad of this opportunity to appear here, because I represent the first district and my home, the city of Tulsa (which is in one of the 10 counties in my district), the headquarters from which the operations of the mid-continent field are largely managed and financed, that being the great oil city of the mid-continent field.

The oil business grew to be one of the major industries of the country, without any governmental help whatever. The country is full of big businesses, of which we are proud, which have developed from their infancies into great world industries behind the wall of the protective tariff, in which my party used to believe.

The only thing that we are asking here is that the oil business receive the same consideration as other great industries. The thing that astonishes me is the fact that men who call themselves protectionists and whose section of the country has been built by and because of a protective tariff have come around to the point where they are now protectionists only for their particular industry or their part of the country.

The management of these great industries further think, after they have been built up because the American people have paid a higher price for their tariff protected output, in order that they could maintain a high wage standard, and develop the great American market—I say, they now think that, because they are so big, have had all the benefits of the policy of protection—they owe nothing in return and should be free to go to the uttermost parts of the world for their raw material, wherever they can buy it the cheapest. They do not want to buy the American raw material if it costs more; and crude oil is raw material.

Now, I am not supporting this embargo bill just because I was the father of the idea. I am the man who laid this baby on the doorstep of a tariff meeting (in Tulsa last fall held by the people who are here urging this legislation), and, it not being a legitimate child, it received a rather cold reception at their hands, but now, in spite of its parentage, they have adopted it because it is a promising child. We are here asking for this bill because it is the only thing we can get under the circumstances, and, in my opinion, it is the only thing that can do us any immediate good.

It is very easy, gentleman, especially if you are opposed to a proposition, to defeat it by making it very involved, by spreading it too widely, by making it widely complicated and involved. Regardless of how much merit there is in the many controverted claims, and there is merit in all of them, there is merit in the argument with respect to employment, etc., that has been brought up here. But I want to put my thumb right on the one thing that this embargo will do, and that is undisputed and unanswerable.

Suppose, this morning, instead of appearing here as a Congressman addressing you gentlemen as members of the distinguished Ways and Means Committee I appeared as a salesman offering to sell 100,000,000 barrels of crude oil to you as prospective buyers of crude oil. That is exactly the situation. You gentlemen are buying the oil for the American consumer. Here is another salesman selling crude oil. I am selling the American oil and I am selling it at the same price as the other fellow. I am asking that you buy your own people's oil for our own people—oil that is being now held back in our wells. The opposition salesman wants you to buy the oil that comes into this country from abroad. To whom are you going to give the purchase order?

I do not think that the embargo will do nearly all that the men who are in favor of it expect it to do. In my opinion, it will not affect at all the price of gasoline. But if it will do this much, if it will sell 100,000,000 barrels of American oil, in round numbers, now in the wells ready to run to the American people, that the importers' salesman is now selling to them, that will help a great deal. The importers say that that is only 10 per cent, and such a little bit that it does not amount to anything. But 10 per cent often means the difference between profit and loss in a great industry.

Ten per cent more oxygen will save the pneumonia patient. We are asking you to put the pulmotor on this industry that is practically strangled and suffocating by proration aggravated to the extent of our importations.

Let me give you one illustration. Not due to proration, but due to the lack of storage, the Prairie quit buying oil down there. We had 300,000 small wells in this country that were producing 500,000 barrels a day; say a barrel and a half each. Those wells are on the pump. When you stop pumping them, those wells go dry, just as a cow goes dry when you stop milking her.

The only difference is, the cow may become fresh again, but these wells will never flow again. Such a waste and loss is an economic crime.

I am not one of those who believe in trying to catch the millennium by putting legislative salt on its tail. But I say to you gentlemen that these eastern people who are opposed to this proposition do not realize the extent of the great market that we are furnishing for their goods. I will ask Mr. Hastings and Mr. Galloway, if they will, for a moment, to unfold this picture of the skyline of Tulsa, so that you gentlemen may see it.

Your first reaction when looking at that picture is, "Why, those people do not need any help."

That city was built on the oil business. But I am telling you that every brick that you see there, every bit of steel, everything that went into those buildings was purchased somewhere outside of Oklahoma.

What are these buildings for? Why is this building (the Exchange Bank) in which I have my office, there? It is there because people are in business down there, and making their living there, and those people consume food and use clothing and shoes and buy automobiles and use all the things that are produced by you people. The people on the Atlantic coast who are so afraid that you are going to have a rise in your price of fuel oil should realize that we are furnishing you a pretty good market for the products which you produce.

I think it will raise temporarily the price of fuel oil on the east coast, but keen domestic competition and use of tankers on the Mississippi will soon overcome that.

Gentlemen, I am not one of those who blames a company for being big. Oil is a big-company business. A lot of these independent companies are big companies. But here is the situation. There are companies who own the acreage in foreign fields. I am glad that some American companies own some of that acreage. I wish they would go everywhere and I wish the American Government would back up American business, instead of trying to interfere with American business. But here is the proposition. They can produce oil cheaper there than they can here. They can make more money by selling us oil that they produce there, than here. But these follows here at home do not have any foreign oil. They are prorating and holding back their oil.

I think if the intelligence departments of these large companies could just see that it was a whole lot better to make a voluntary gentleman's proration agreement covering importations, and carry

it out, there would not be any need of coming here to Congress to ask for an embargo on foreign oil in order to compel them by law to do what we are already doing at home and thus make our proration here effective.

I do not know how much the Government can do to help business. I think the statesmanship in industry (if any there be) is going to restore prosperity. It's their job. But you can not restore prosperity if you are going to leave great industries like the oil industries prostrate. The statesmanship that is going to restore industry has got to come from industry, from those who know industry and its problems.

If there was some magic way by which the Government could get out of business and stay out of business, and the people who are charged with the leadership of industry could be trusted not to be selfish, greedy, and shortsighted, depression would soon cease and stability and prosperity return to bless us.

Mr. BLANTON. Mr. Speaker, I yield one-half minute to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC of Oklahoma. Mr. Speaker, on July 18, 1921, I made on this floor one of the first speeches in favor of an importation tax on crude oil, realizing that if the independent producers were not given some kind of protection that sooner or later the very condition that exists at the present time throughout the Nation would be brought about. At that time the so-called war contracts were still being filled and the Shipping Board was paying from $1.25 to $1.80 per barrel for low-grade crude, and the Navy was taking oil on contracts made during the war at an average cost of $2.73 per barrel. It was about this time that a congested condition began to appear in the United States, occasioned by an overproduction of low-grade oil and, if my memory serves me correctly, it would have been possible for the Government to buy all of the oil desired from the smackover field in Arkansas at a price of 60 cents per barrel. I was of the opinion then, as now, that the independent producers were entitled to receive the same kind of protection as other legitimate industries and that the oil companies who were the beneficiaries of these Government contracts by making a profit from $1.05 a barrel to $2.13 should be made to pay a sufficient importation duty to protect producers in the United States. As a part of my remarks made on that date I respectfully wish to call the attention of the House to what was said on that occasion, as it is apparent that the same financial interests that opposed such legislation at that time are now doing everything in their power to prevent the independent producers from being protected against a flow of cheap oil from foreign countries.

The speech of July 18, 1921, is as follows:

Mr. GARNER. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Chairman, if I am correctly informed, the independent oil producers of the United States at this time are practically bankrupt. This situation has been brought about by the rapid decline in price of fuel oil and certain of its by-products. If the independent producers and refiners are forced to continue selling their products at a price below the cost of production, it will be only a matter of time until their properties will have to pass into the hands of others. Should the Standard Oil Co., or their subsidiaries, acquire possession of these properties it means the creation of a complete monopoly on petroleum, and in my judgment the citizens of this country would then be compelled to pay the highest prices ever charged for gasoline and other by-products of oil.

To-day the independent producers of oil are the only competitors of these large oil corporations. They are pioneers that open up and develop practically all of the oil fields of this country. This competition is absolutely necessary to protect the Nation and its many industries, for if the time ever comes when a group of oil companies are able to gain complete control over the oil industry, then every citizen of the Nation will be forced to directly or indirectly contribute to the monopoly.

It has been stated on this floor that the Standard Oil Co. and its subsidiaries are opposing the placing of an importation tax on oil. On the 24th day of June I introduced resolutions directed to the Secretary of the Navy and the chairman of the Shipping Board, requesting all available information relative to contracts made for the purchase of fuel oil from July 1, 1920, to May 1, 1921. I have here a reply to each of these resolutions, which contains information that shows that the Standard Oil and other large companies have made profits of many millions out of these contracts, and, because of the low price of Mexican fuel, I estimate that these companies will make an additional $30,000,000 of profit on the oil yet to be delivered on these uncompleted contracts.

I wish to bring to your attention a letter I have received from the Shipping Board, which shows that 17,550,000 barrels of fuel oil are yet to be delivered at prices ranging from $1.25 (buyer paying taxes amounting to approximately 47 cents) to $1.80 per barrel.

UNITED STATES SHIPPING BOARD,
Washington, July 8, 1921.

Hon. JAMES V. McCLINTIC,
House of Representatives, Washington, D. C.

DEAR MR. McCLINTIC: As per request contained in your letter of the 2d instant, I give you below in round figures the amount of fuel oil yet to be delivered under the contracts covered by the statement which I forwarded to you with my letter of June 30, 1921:

	Barrels
Atlantic Refining Co	2,300,000
Atlantic Lobos Oil Co	250,000
Atlantic Gulf Oil Corporation	10,000,000
Gulf Refining Co	
Standard Oil Co. of New Jersey	4,000,000
Midwest Refining Co	1,000,000

I trust that this gives you the desired information.

Very truly yours,

J. C. O'LAUGHLIN,
Assistant to the Chairman.

I also wish to direct your attention to the contracts made by the United States Navy for the purchase of fuel oil.

* * * * * * *

At this time Mexican fuel oil, including the export tax and transportation charges, costs approximately 82 cents per barrel to land the same in the United States. According to the recapitulation relating to contracts with the Navy, the average cost per barrel is $2.73. The average cost to the Shipping Board is approximately $1.65 per barrel. At this figure the Standard Oil and other large companies will take from the Government a great many millions of dollars that they have a legal right to take—yet they can not escape the brand of being profiteers. The smaller independent oil companies in the United States are not in a position to compete for this class of business; yet they are in a position to bring about a sufficient amount of competition to give some protection to small consumers of gasoline and other by-products of oil.

It is very evident to my mind that a few large companies and subsidiaries can put into effect a monopoly on Mexican fuel oil, and the contracts here given speak for themselves. It is fair to estimate that only about 50 per cent of the contracts with the Navy and Shipping Board has been completed. If this is true and an import tax of 35 cents per barrel on crude oil is levied, then the oil companies holding uncompleted contracts will be compelled to pay a tax of approximately $8,000,000 on the amount of oil yet to be delivered.

My distinguished colleague, the gentleman from Oklahoma, Mr. Chandler, called attention to the fact that the Standard Oil Co. has contracted for 50,000 barrels of Mexican crude oil daily for a period of two and one-half years, and a tax of 35 cents per barrel would bring into the Treasury a sum exceeding $13,000,000.

Inasmuch as these contracts are in effect, the tax will have to be paid by the oil companies. In other words, they will have deducted from their profits the amount of import tax which is proposed in this bill should the same become a law. I can readily understand why this opposition has appeared, and I am of the opinion that the item will be stricken from the bill.

The Democratic Party has declared itself in favor of a tariff for revenue only. The Government has already paid many millions of profit to these large oil companies and will continue to do so until these contracts are completed. I have shown how this tax will increase the revenue of the Nation and at the same time cause certain contract holders who are making enormous profits to return a small portion as a contribution toward the maintenance of the Government; therefore I intend to vote for the perfecting amendment introduced by my colleague [Mr. Carter], the gentleman from Oklahoma.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. McCLINTIC. I will be glad to yield.

Mr. BYRNES of South Carolina. The gentleman is in favor of this tax upon oil?

Mr. McCLINTIC. I am, for the reason that I have named.

Mr. BYRNES of South Carolina. Can the gentleman tell me if the Republican members of the Ways and Means Committee who framed this bill were sincerely in favor of giving this tax. Why did they not tie it with the other hundreds of provisions of the bill instead of having a separate vote on it? Can the gentleman answer me?

Mr. McCLINTIC. I realize if the Republican members of the Ways and Means Committee really wanted to help this situation in Oklahoma they would have tied it up in their caucus and it would not have been subject to discussion at the present time.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BLANTON. Mr. Speaker, I yield to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, I think the resolution now pending has some merit in it. But I do believe that a great deal of politics is in this resolution. I want to ask why, recognizing that the economic conditions of the coun-

try are so bad in so many sections, why we do not extend it further and investigate some of the industries, and especially some of the monopolies that control food and the necessities of life. I think there is no question that we are coming to a time, and are very near that time just now, when there must be some legislation in the interest of the common man or the masses of our citizens, laborers, farmers, and small business men.

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Speaker and gentlemen, this resolution which has shrunk from a bill to get tariff on oil to a resolution of investigation is like a 50-cent shirt bought from a mail-order house—it has shrunk dreadfully on the first washing. I am interested in conserving the oil industry. I do not represent the independent oil producers, neither do I represent the Big Four. All I am after is to conserve the $12,000,000,000 industry. But I hope the Ways and Means Committee will investigate some manner in which they can save us from bankruptcy while they are making this investigation of oil. [Laughter.]

Mr. BLANTON. Mr. Speaker, I yield half a minute to the gentleman from Georgia.

Mr. EDWARDS. Mr. Speaker, I am not opposed to obtaining information sought under this resolution. I am opposed to the proposed embargo on oil. I am against all embargoes. They are unsound and undemocratic. It is my information an embargo on oils, including gasoline, would result in an increase of 5 or 6 cents per gallon to the consumers of gasoline. Assuming this is correct, it is estimated this would entail an increase in cost of gasoline of from six to ten million dollars to Georgia per annum. In Georgia there is now a tax of 6 cents for State funds that help in highway construction in that State. It is too high, regardless of what purpose it goes for. I am not willing that the people of Georgia be further taxed on the gasoline they use. With the State tax of 6 cents per gallon and then a Federal tax of 6 cents, an embargo, it would mean a total tax of 12 cents per gallon.

It will affect the whole country about like it does Georgia, and the consuming public will be taxed hundreds of millions of dollars each year that will inure to the benefit of the big oil monopolies. These big monopolies control prices of the crude oil. Crude oil sells at a low price, but motor oil, fuel oil, and gasoline are high in price. That would continue to be the case if an embargo is put on oil. The monopolies will control the price of the crude oil and will get the benefit of the tariff or embargo. It will not benefit the independent small well owner. The public, as usual, will pay the bill and bear the burden, while the oil trusts will gather in hundreds of millions of dollars meant to benefit the small well owners in the oil fields if an embargo is put on oils.

Mr. BLANTON. Mr. Speaker, this proposed resolution to allow the Ways and Means Committee to waste $50,000 in junketing all over the world is a ridiculous farce, and merely an attempt on the part of this administration to again "pass the buck," and thus try to escape their duty and responsibility to the independent oil operators of the United States.

This resolution was not drawn up until to-day. It has never yet been printed. It has never yet been introduced in the House of Representatives. Not all of the members of the Ways and Means Committee know anything about it. None of the other 410 Members of this House, except the Speaker, knew that it was in existence, or that it would be called up. It is now called up under suspension of the rules, when all of the rules of the House are thrown to the winds out of the window, and it has to be passed just as the typewritten copy came out of the pocket of the gentleman from Oregon [Mr. HAWLEY], and it can not be amended in the slightest particular. We can not even dot an "i" or cross a "t."

The people of Kansas, and the people of all of the rest of the United States, are tired of "passing the buck." Wasting this $50,000 of the people's money may appease and satisfy the gentleman from Kansas [Mr. HOCH], but it is not going to satisfy the people of Kansas. They have just gotten over the shock of the President wasting $500,000 passing the buck in a foolish, useless, valueless, ridiculous Wickersham investigation.

It is yet fresh in their memory that his predecessor, President Coolidge, wasted $400,000 in passing the buck on the coal investigation. Their report has not been read by any person in the United States, and it never will be read. It was a useless waste of $400,000, pure and simple.

On January 15, 1931, there was held in this city a convention of delegates from all oil-producing States, who were appointed to such conference by the governors of those States, and that convention was ably addressed by Mr. Wirt Franklin, of Oklahoma City, who was acting for the Independent Oil Operators of the United States. By consent of this House, I printed his comprehensive address in the RECORD, and you will find it on pages 2284 to 2288, inclusive, of the daily RECORD for January 15, 1931. The United States Senate deemed it of such value and importance that it, too, printed this same address in the RECORD.

Many of those leading delegates of that conference appeared before the Ways and Means Committee and testified in detail concerning the necessity for an immediate embargo against foreign petroleum produced in South America and Mexico by peon labor and shipped into the United States by Mr. Mellon and his big oil monopolies.

Many of the members of the Ways and Means Committee appeared before that convention and promised these delegates to this governors' conference that they would grant them needed relief.

After wasting this $50,000 junketing all over the world this summer the Ways and Means Committee will not be possessed of a single important fact about this necessity for an embargo, or at least a substantial tariff, on petroleum than they know already at this time.

But not being adverse to taking these pleasurable junket trips, very naturally we find that without waiting to print their resolution, and without waiting to introduce it, and without waiting to study it and understand it, and without waiting to take it up in its regular order, the Ways and Means Committee reported the typewritten copy unanimously, and we find all of the committeemen favoring the junket and announcing that they will vote for the resolution. Hence there is no chance whatever to defeat it. But I intend to vote against it. I have heretofore voted against all junkets. I have never yet been on one during my 13 years of service here, and I intend to vote against all junkets in the future. This is a waste of $50,000. If our minority leader [Mr. GARNER] could conduct this investigation, it would be worth the money, for he would force Mr. Mellon to answer questions and he would obtain valuable information regarding foreign oil monopolies. But he will not be allowed to have his way about the matter. The gentleman from Oregon [Mr. HAWLEY], as chairman of the committee, will say what is to be done and what is not to be done, and the whole proceedings will be farcical and the $50,000 wasted. I have done my best to stop it. That is all I can do.

Mr. HAWLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts.

Mr. TREADWAY. Mr. Speaker, all of the debate in relation to the adoption of this resolution has centered around oil, with the exception of the remarks just made by the gentleman from Texas [Mr. BLANTON]. I call the attention of the House to the important provisions included in the resolution applicable to other products than oil. By reading the resolution it will be seen that the commission asks to be empowered to investigate in order to secure information as a basis for legislation relative to coal, lumber, manganese, asbestos, and agricultural products. That would include grain, butter, poultry, and every other agricultural product. The people interested in these other products have been before the Committee on Ways and Means with exactly as plausible a story as have the oil people. If we are to investigate for anyone, certainly they are entitled to the same consideration from Congress as the oil people. I urge the House to realize that in asking for a continuation of the

labors of the Ways and Means Committee during the summer we are not limiting our investigation to oil but to every industry that appeared before the Ways and Means Committee asking for relief. Members from all sections of the country, it seems to me, should unite with us in an effort to pass this resolution and secure the information, in view of expected legislation during another session.

Mr. BLANTON. Are you going to abolish the Tariff Commission?

The SPEAKER. The time of the gentleman from Massachusetts has expired. The question is on the motion of the gentleman from Oregon to suspend the rules and pass the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 226, noes 25.

Mr. BLANTON. I demand the yeas and nays, Mr. Speaker, however impossible it may be to get them.

The SPEAKER. The gentleman from Texas demands the yeas and nays. As many as favor taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Twelve gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

COST OF PRODUCTION OF CRUDE PETROLEUM, ETC.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 386, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 386

Resolved, That the United States Tariff Commission is directed, under the authority conferred by section 332 (g) of the tariff act of 1930, to investigate the differences in the cost of production of the following domestic articles and of any like or similar foreign articles: Crude petroleum, fuel oil, gasoline, and lubricating oils.

The investigation made under this resolution shall be made as if such investigation were an investigation authorized under section 336 of the tariff act of 1930, except that the cost of production of foreign articles shall be ascertained only for foreign articles exported, directly or indirectly, from countries from which there was exported, directly or indirectly, to the United States during the period from January 1, 1929, to December 31, 1930, inclusive, more than 2,000,000 barrels in the aggregate of crude petroleum, fuel oil, gasoline, and lubricating oils, and except that the Tariff Commission shall report the results of its investigation to the President and to the House of Representatives not later than the beginning of the next regular session of Congress.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, what powers are conferred by this resolution that were not conferred upon the gentleman's own committee in the investigation just authorized by the House.

Mr. SABATH. Mr. Speaker, to save time, I object.

ORDER OF BUSINESS

The SPEAKER. The Chair intends now to recognize Members to call up bills of three classes: First, Senate bills which have been recommended by the appropriate committee of the House; second, Senate bills where a similar House bill favorably and properly reported by the committee is on the calendar; third, House bills with Senate amendments, where the request is to concur in the Senate amendment.

Mr. MOORE of Virginia. May I ask the Speaker whether his enumeration includes private bills?

The SPEAKER. It does not.

THE AMERICAN MERCHANT MARINE

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating an address which I delivered at the recent merchant marine conference.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRIGGS. Mr. Speaker, in accordance with the permission granted me by the House, I am taking occasion to include in the RECORD the following address delivered by me on January 21, 1931, before the Fourth National Conference on the Merchant Marine:

Mr. Chairman and gentlemen of the conference, not only the American merchant marine, but the merchant marine of every country, is feeling severely the effect of the world-wide economic depression and resulting alarming decline in foreign trade. As a consequence, shipping interests the world over have suffered enormous losses and ocean freight rates have been abnormally low.

But American ships, notwithstanding such depression, continue to carry a substantial part of our foreign commerce.

Before the World War our American merchant marine was probably at its lowest ebb. It only carried 9.4 per cent in value of the foreign commerce of the United States. Official reports of the United States Shipping Board for the calendar year 1929 show that the vessels of the United States carried 40 per cent of all this country's foreign trade and 38 per cent of ocean-borne cargoes, an increase of approximately 400 per cent in 15 years.

During that period and throughout the year 1930 most conspicuous progress has been made in the modernization of American vessels engaged in foreign trade.

It is also interesting to note that in 1913 the total gross tonnage of American vessels employed in the foreign trade was only about 1,000,000 tons, whereas to-day over 5,602,493 tons are engaged in the transportation of foreign commerce.

Of course, that is only a part of the picture, because we have a finer fleet engaged in coastwise commerce than the Nation has ever had before, a fleet which is available, even to a very large extent, for trans-Atlantic service when its services might be needed.

There is documented under the flag of the United States nearly one-fourth of the world tonnage. Of course, it is not to be understood that all of such tonnage is equally modern; but, by and large, the development of the American merchant marine under Government aid provided by the Jones-White Act and other legislation has shown conspicuous advancement.

The United States Shipping Board, which, through the Merchant Fleet Corporation, has so extensively operated Government-owned vessels over established trade routes, has disposed of practically all of the Government lines on the Pacific coast and nearly all on the Atlantic coast, and only continues to operate upon a substantial scale in the Gulf of Mexico.

THE MID-YEAR STATUS

On June 30, 1930, official figures showed that 74 per cent of American vessels and 72 per cent of the tonnage was owned by private American interests, and of the 466 ships in the hands of the Government only 184 were in active operation, with the remainder subject to disposition by sale or otherwise.

And so while we hear a great deal about the competition on the part of the Government with the privately owned merchant marine of the United States, when we analyze it we find after all that there is very little of it; that what the Government has been trying to do and accomplishing is to put in the hands of private interests not only a substantial number of excellent ships but to encourage them to build finer and better ships, and the Government to give such aid as it might in furtherance of that program.

Since 1924 the Shipping Board has decreased appropriations necessary for its operation from $50,000,000 annually to $5,950,000, or a reduction of $44,050,000.

And in this connection I should like to say that the American people should at all times be fully advised that while this Government has entered upon a program of mail aid costing, as indicated by the Assistant Postmaster General a moment ago, $22,500,000 up to this time, yet through that process it has been saving $44,000,000 a year that used to be expended in Government operation. [Applause.]

It has done more, because through that it has enabled private industry not only engaged in shipping but in the shipyards of this Nation, as indicated also in previous speeches, to start on a program, an auxiliary program of shipbuilding, that promises—if we have the coherence of those interested in shipping and the avoidance of the strife and dissension that sometimes is engendered and developed—that promises, I say, to make America again the master of the seas.

A great deal of credit is due the United States Shipping Board and Fleet Corporation for the way it has conducted Government operation of Shipping Board vessels, managed the affairs of that mammoth institution, and promoted the policies of the American merchant marine. It is probably true that it has made mistakes and pursued policies with which many fair-minded and capable Americans differ, but it has encountered many difficulties and problems for which it was not responsible in the administration of the Shipping Board and its affairs, and I think it ought to be said that the board has discharged its duties and responsibilities with great loyalty and capacity and has rendered splendid service to the American people. [Applause.]

CITATION OF SEVERE CRITICISM

You have heard a great deal from official sources and other sources severely criticizing the Shipping Board for its disposition of American ships at rates that appear to be to many absurdly low, contrasted with the cost of those vessels, but it must be remembered that the costs of those vessels were war costs, not current costs of replacement; that those vessels were war-built vessels; we did not have the time to construct them under all lines which would have been most agreeable and satisfactory to the trade; but we were building those vessels to transport supplies and troops to win the World War, and we did an excellent job of it; and I want to say for the Shipping Board that in disposing of those vessels and disposing of them to the best advantage of which it was

capable so that those who purchased them might be able to continue to operate them it was only carrying out the policies which Congress had declared in the merchant marine act of 1920. Where it has done that fairly and to the best of its ability and judgment, it does not lie in the mouths of anyone to criticize it. It may be that some confronted with that situation think that they might have handled it to better advantage in one form or another or gotten more money here or there, but they were not confronted with the actual conditions in disposing of those ships then. The very fact that to-day you have got tied up in various parts of the Nation an enormous number of ships which the board did not wish to sacrifice, and which now to-day it has to scrap, indicates that probably if the board had been free and untrammeled and unhampered by so much criticism it could have disposed of them to the American public to much better advantage and with far greater return to the American people.

Several investigations of the board have been made under congressional direction from time to time, those authorized by the Sixty-sixth and Sixty-eighth Congresses being of the most exhaustive character.

Senator COPELAND referred to the 13 volumes of 6,000 pages. That was just one of these investigations that covered about everything conceivable.

The result of such investigations, as appeared in the reports of the committees conducting the same, was that the management of the affairs of the Shipping Board was a creditable one.

I do not think that it can be too often repeated that the American merchant marine, built by the Government, resulted in far greater returns to the American people than the entire cost of that immense fleet.

THE PUBLIC'S OPINION

I do not think that the people of the United States should be educated up to the thought—the erroneous thought—that this great fleet, that cost over $3,000,000,000, was just a lot of junk and useless material. It has paid for itself and returned, in my opinion, nearly twice the original cost. The Shipping Board records reflect that up to 1920 they earned about $500,000,000 net on their operations at the then current high costs of transportation rates. The President of the United States when he was Secretary of Commerce testified before the Merchant Marine Committee of the House of Representatives that the act of the Shipping Board in placing at the disposal of the grain-growing interests of the United States in 1926, 100 or more ships to move the grain of the United States raised the price of grain from $1 a bushel in the United States to $1.65 and netted $650,000,000 to the American people more than they would have otherwise gotten had it not been for the availability of American ships when foreign ships were not available. The decline in freight rates which has been occasioned by the presence of the American merchant marine in normal times has saved from a billion to a billion and a half dollars to the American people; and we can not estimate what these services have meant to the American people in promoting the development of their foreign trade, which until the past year has grown so enormously and by leaps and bounds.

Had the merchant marine not demonstrated its value, it not only could not have been continued but the Government aids which have been granted could never have been secured.

OUTLINE OF PRIMAL IMPORTANCE

And I want to assure you, gentlemen, that these matters of Government aid received the greatest scrutiny and the greatest consideration and the greatest amount of debate before they were ever translated into legislation. It has required years of effort to secure them; and if you gentlemen want to preserve them you had better keep a united front, eliminate your dissensions, and fight for only one thing—the upbuilding and maintenance of your merchant marine—in justice to all.

This historical summary, showing the remarkable growth and progress of our merchant marine in the last 16 years, is, of course, interesting and most absorbing. But it should not obscure the fact that the primary purpose of Congress was to develop a merchant marine sufficiently large, modern, and well balanced to carry the greater portion of our commerce and to serve as a naval and military auxiliary whenever needed.

Congress further sought in the merchant marine act of 1928, the so-called Jones-White Act, to provide for an equitable distribution of the ocean-mail contracts, so as to adequately serve not only the Atlantic and Pacific coast ports but those of the Gulf of Mexico and so recorded in the act of 1928. Although the foreign commerce of the Gulf is second in volume and value and is only outranked by that of the North Atlantic, yet the percentage of mail contracts awarded the Gulf and now in operation is only a little in excess of 7 per cent. If there is taken into consideration mail aids which do not go into effect for one or two years yet, then the percentage has been somewhat increased, but not commensurate with the provisions of law authorizing such aids.

One of the reasons, probably, for this situation is to be found in the resistance which has been experienced by the Shipping Board in carrying out its policy of preference, under the law, in the sale of established trade routes to communities, or those locally interested in such communities, with the assurance of an ocean-mail contract commensurate with the needs of the service, its development, and the law controlling the awards.

I want to say in this connection that the ocean-mail aid was not designed simply to build up great passenger services on the ocean. It was designed just as much to sustain and build up a cargo service for the United States, and all are eligible for that aid. But the primary purpose of building up those services was not to serve even ports; it was to serve the great areas of the United States through which ports serving them the commerce moved; and to assure and insure the perpetuation and preservation of the shipping services which the United States Shipping Board had built up, so that those communities at all times would have those outlets for their products and have their steamship lines and steamship communication that they could utilize and not be compelled in the competitive system of trade even throughout the United States, in the effort to obtain a fair share of foreign trade, to be hampered with additional burdens of rail transportation across the United States over long distances when ports were at their door or very near there which they could utilize if only the proper steamship service were furnished them.

"LANGUISHING" LEGISLATION

The additional legislation which has been recommended to carry into effect the policies of the Shipping Board remains languishing in the Senate of the United States with apparently little or no prospect of further consideration there, unless immediate steps be taken by those interested in the preservation of an American merchant marine to do all in their power to secure consideration and legislative action upon the pending measures.

As most of you gentlemen know who have been identified with the merchant marine, the Shipping Board some time ago construed the merchant marine act of 1920 and the Jones-White Act of 1928 to authorize a preference in the sale of the Shipping Board's services to local interests and even to local operators; and also that comprehended within the spirit of the laws, if not strictly within the letter, the award of mail contracts to such services, and such policy was pursued and carried out by the Shipping Board and the Post Office Department for quite a long time, until in the Gulf there developed a condition which challenged that construction and brought about a ruling of the Comptroller General which muddled the waters and has prevented to a very large extent the further disposition of the American trade routes operated by the Shipping Board to private interests until that situation is cleared up. In order to clear it the provision was adopted in the White bill, now pending in the Senate, that that preference should be recognized. It passed the House practically without opposition, but it has languished in the Senate all the past session and now still languishes there. If it still continues to languish and does not pass the Senate during this Congress it will have to be reintroduced in the next Congress, and no one knows what its ultimate fate will be.

If discord and antagonism, selfishness or greed, evidence themselves in the working out of the policies and application of the aids which Congress has provided, it can be confidently assured that insurmountable difficulties will arise in not only obtaining any additional aid but in preserving those which have been provided.

The interests of the Gulf and the great territory which it serves in the South, Southwest, and Mississippi Valley area of the United States require the same assurance of permanent and dependable service under the American flag which has been accorded the Pacific and the North Atlantic ports; and if such consideration is denied or so obstructed by other interests as to defeat the purpose and spirit of the merchant marine act of 1920, and that of 1928, it is altogether probable that the South, Mississippi Valley, and southwestern areas of the United States and their representatives will feel that their interests are not being recognized; and the benefit of their support will be lost in the furtherance of any program of Government aid which results in not only discrimination but the deprivation of services which it was understood would be established and continued upon a permanent basis with ultimate ownership and control in the communities and areas served by such steamship lines and trade routes.

CONSTRUCTIVE OPPORTUNITY

A real opportunity exists to build up an American merchant marine second to none, of which the United States can well be proud; but that opportunity can not be seized if strife and dissension develop among American shipping interests and those who are supposed to be friends of the American merchant marine. Can't anyone see how suicidal it is to allow such a situation to develop or grow? It disgusts those who want to help and furnishes destructive arguments and material to those who are doing all they can to prevent the United States from regaining its former prestige on the seas and becoming once more a nation dependent upon no other for the transportation of its commerce.

Of course, foreign interests will rejoice and encourage strife, dissension, and discontent among you as long as you permit it; and every time you do you lose much ground and set the American merchant marine backward another long way. Bear this in mind, too: The commerce of the United States is not going to give foreign shipping interests Government aid to any extent or under any form that it can prevent. It will not furnish foreign shipping interests or foreign flags ammunition to injure or destroy our own fleet. This Nation is trying to build up a strictly American merchant marine with an individual loyalty, and upon no other basis can you justify Federal aid.

You are confronted to-day with a most serious economic situation, in that we have lost over one-fourth of our foreign trade in one year, nearly two billion and three-quarters of a billion dollars. That can't be permitted to continue. It is partly due to world depression, but also largely to the development of the keenest foreign competition. Every effort must be made to keep and expand our foreign markets, to carry more of our exports and imports in American-flag ships. Live up to the high ideals of

America in your relations with the American public and world at large and show that you are worthy of the aid which the Government has given you, and remember always that in shipping, as in everything else, united we stand, divided we fall. I thank you. [Applause.]

FORT GRISWOLD, CONN.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4248, authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Connecticut, for the purposes of a public park and historic memorial, the tract of land owned by the United States known as the Fort Griswold tract, situated on the east shore of New London Harbor, in the State of Connecticut, and bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties; reserving to the United States, however, the right to resume possession and occupy said tract or any portion thereof whenever in the judgment of the President an emergency exists that requires the use and appropriation of the same for the public defense.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ADDITION TO WEST POINT MILITARY RESERVATION

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5732, to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, which I send to the desk and ask to have read.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, will the gentleman tell us whether or not the matter of the property along the river for aviation purposes has been straightened out?

Mr. JAMES of Michigan. Yes; and the gentleman from New York [Mr. FISH], from that district, will put a letter into the RECORD which covers the matter.

Mr. O'CONNOR of New York. So that it is satisfactory to the War Department and to everybody concerned?

Mr. JAMES of Michigan. Yes.

Mr. O'CONNOR of New York. So that there will be an opportunity for an aviation field along the river.

Mr. JAMES of Michigan. There is a satisfactory agreement between the people representing the people of Highland Falls and the War Department. Mr. FISH will put a letter into the RECORD, of which I have a copy.

Mr. O'CONNOR of New York. I want it made clear to me. Members from New York have been communicated with with reference to this proposition. The first plan was to take some fifteen or sixteen thousand acres.

Mr. JAMES of Michigan. Yes.

Mr. O'CONNOR of New York. And then the gentleman from New York [Mr. FISH] complained about taking 2,000 acres out of the city of Highland Falls.

That property was principally the assets of Mr. Morgan, Mr. Saterlee, and others, who are large taxpayers.

Mr. JAMES of Michigan. That has been settled.

Mr. O'CONNOR of New York. Is that property going into the military reserve?

Mr. JAMES of Michigan. It is going in, but the War Department is not going to take it for five years.

Mr. O'CONNOR of New York. In other words, there will not be an opportunity for an aviation field for five years?

Mr. JAMES of Michigan. Yes. They expect to get a lease from these gentlemen until such time as the 5-year option has expired.

Mr. O'CONNOR of New York. On the assurance of the gentleman from Michigan [Mr. JAMES] that this bill, as it is finally worked out, is satisfactory to the people who wanted complete facilities given at West Point, I shall not object.

Mr. LaGUARDIA. Reserving the right to object, it is all right for the gentleman and his committee to arrange with our distinguished colleague from New York [Mr. FISH] to adjust these matters, but the Government from time to time must take land. Are we establishing any precedent by this arrangement, whereby the Government will be hampered in the future from taking necessary land?

Mr. JAMES of Michigan. I do not think so.

Mr. BLANTON. Reserving the right to object, the gentleman knows there has been some little encouragement, however unwarranted, offered our good colleague the gentlewoman from California [Mrs. KAHN] in her effort to try to move West Point to the west coast. It has gone even so far that some Californians have begun to believe that cadets are going to be marching down the streets of that city on the west coast very soon.

If the gentleman is going to spend all this money for this additional land for West Point, why does he not be fair with the gentlewoman from California, and with California itself, by telling them there is no chance on God's earth for West Point ever to be moved out on the west coast?

Mrs. KAHN. We believe there is a chance.

Mr. JAMES of Michigan. If this bill goes through, there is no chance of West Point being moved.

Mr. LaGUARDIA. Will the gentleman yield further?

Mr. JAMES of Michigan. I yield.

Mr. LaGUARDIA. I want to be fair. When the War Department appropriation bill comes up if there is any excessive charge for rentals for this aviation field, I am going to oppose it. It is quite all right to satisfy these people so that the land will be subject to local taxation for five years, but if as a result of that there is going to be any excessive charge for leases, we are going to fight it out on the merits when it comes before us.

Mr. JAMES of Michigan. And if that thing occurs the chairman of the committee will be with the gentleman.

Mr. LaGUARDIA. I expect that.

Mr. SABATH. Will the gentleman yield?

Mr. JAMES of Michigan. I yield.

Mr. SABATH. Can we ascertain now what the agreement is as to the price of this property?

Mr. JAMES of Michigan. No; because the War Department is authorized to buy or to condemn.

Mr. SABATH. You want to acquire it by condemnation?

Mr. JAMES of Michigan. Either buy it or condemn it.

Mr. SABATH. If you are as successful there as they have been here, it will cost us many, many million dollars more than it is worth.

Mr. SNELL. The land is not worth as much in our State as it is here in Washington.

Mr. GREEN. Reserving the right to object, if there is such a conflict as to the value of the land, in my State we will give you any amount of land you want for either the Naval Academy or West Point.

Mr. STAFFORD. Will the gentleman include the Everglades National Park?

Mr. JAMES of Michigan. Regular order.

Mr. SABATH. Will the gentleman yield?

Mr. JAMES of Michigan. I yield.

Mr. SABATH. Knowing the chairman of the committee as well as I do, I know that it was not on his encouragement that the governor of our State acted when he was ready to take over West Point and assure the people of Illinois they were going to bring West Point to our State. Of course, we have wonderful sites for it but I do not believe the governor of our State had any assurance from the gentleman from Michigan [Mr. JAMES] that West Point would be moved.

Mr. JAMES of Michigan. I have had no communication with the governor of the gentleman's State about it.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, by purchase, condemnation, or

otherwise, approximately 17,000 acres of land in Orange County, N. Y., as an addition to the West Point Military Reservation; and there is hereby authorized to be appropriated an amount not to exceed $1,500,000 for payment for the title to such land and the necessary expenses incident to its purchase.

With the following committee amendment:

"Strike out all after the enacting clause and insert in lieu thereof the following:

"'That the Secretary of War is hereby authorized to acquire, by purchase, condemnation, or otherwise, additional land in the vicinity of, and for use by, the United States Military Academy, in connection with the present military reservation at West Point, N. Y., such land being 15,135 acres, more or less, and including land surrounding Popolopen Lake, land bordering on the River Hudson, and other interlocking plots of land, all located in Orange County, N. Y.; and the sum of $1,500,000 is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended: *Provided*, That nothing herein contained shall adversely affect the existing water supply, its sources, or pipe lines of the town of Highlands, N. Y.

"'SEC. 2. The Secretary of War shall, by due advertisements in such manner as he deems best and calculated to give the widest necessary publicity, call for offers of land for use in connection with said West Point, N. Y., and if after negotiation he is able to buy said land or any part or parcel or tract thereof, and at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose.'"

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks and to incorporate in connection therewith a letter from the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

There was no objection.

Mr. FISH. For several weeks past Mr. JAMES, chairman of the Committee on Military Affairs, and myself, in cooperation with Supervisor Carrol A. Parry, of the town of Highlands, Mr. Jacob L. Hicks, and Mr. Kopold, have been trying to work out with the military authorities a compromise bill which would permit the proper expansion of the Military Academy at West Point, but would at the same time protect the vital interests of the taxpayers and people living in the town of Highlands, school district No. 2, and the village of Highlands Falls. Thanks to the earnest efforts of Mr. JAMES and the spokesmen of the town, village, and school district a compromise has been reached which is agreeable to the consolidated boards representing the people in that community.

The people in the vicinity of the Military Academy at West Point do not desire and never have attempted to stand in the way of the acquisition of all the property that is essential for the proper development of the greatest military academy in the world. The people in my district are proud of the splendid record of the Military Academy and its graduates for efficiency and patriotic service to the Nation, both in war and peace. For more than 125 years the graduates of the Military Academy at West Point have served our Republic with valor and distinction in all our wars and given to the country the services of some of our most eminent engineers to help develop our waterways, rivers, and harbors, and even the Panama Canal. It is well to remember when critics offer puny and ill-considered bills to change the location of the Military Academy at West Point, either to the West or the South, that there are approximately $40,000,000 of Government funds invested in buildings at West Point, and back of that, and of even more significance, are the great traditions connected with that historic site from the days of the Revolutionary War. I say to those Members of Congress who have spoken of a possible removal of the Military Academy from West Point that there is just as much chance of moving the Capitol and White House from the city of Washington.

The United States Military Academy belongs to the Nation and the American people cherish its traditions and the glorious names of its graduates, which include Presidents, statesmen, distinguished engineers, and such military leaders as U. S. Grant, William Tecumseh Sherman, George H. Thomas, Philip Sheridan, Robert E. Lee, T. J. (Stonewall) Jackson, Jefferson Davis, Joseph Wheeler, and John J. Pershing.

In accordance with the permission already granted I desire to insert the letter signed by the Secretary of War and addressed to the consolidated boards in the town of Highlands, giving satisfactory assurance of the use of water without charge to the village of Highland Falls and the hamlet of Fort Montgomery, and that no land would be acquired east of the main highway between Highland Falls and Fort Montgomery until July 1, 1932, provided the bill is enacted into law.

FEBRUARY 28, 1931.

To the BOARD OF TRUSTEES,
Village of Highland Falls, N. Y.

TOWN BOARD,
Town of Highlands, N. Y.

BOARD OF EDUCATION,
Union Free School District No. 2, Town of Highlands, N. Y.

GENTLEMEN: It has been brought to the attention of the War Department that the municipal interests which you represent are apprehensive that under the provisions of a bill now pending in Congress, H. R. 14811, S. 5732, certain lands in the town of Highlands, N. Y., which now bear a considerable portion of the assessed taxes of your respective municipalities will be taken by the United States Government, thus depriving said municipalities of the taxes upon the same.

You are advised that should the measure above referred to be enacted into law, the War Department will not, under the authority therein contained, acquire title to any lands or property east of United States Highway Route 9W as it now lies in said town of Highlands and village of Highland Falls, N. Y., within a period of five years from July 1, 1932.

Immediately after July 1, 1932, the War Department will, in so far as it has legal authority, take all necessary steps to acquire the land upon which the water supply and system of the village of Highland Falls is located, including the purchase, at a price mutually agreeable, of the interest therein which said village now owns in the watershed from which this supply is obtained. When the watershed is acquired the War Department will guarantee to said village of Highland Falls the right to the use of the water up to the capacity of the said village of Highland Falls' present watershed without charge.

The War Department will also permit the settlement known as Fort Montgomery in the said town of Highlands to tap the West Point pipe line free of charge to supply the necessary water for all domestic purposes, provided that such connection with the pipe line will be made in a manner which will not impair the water supply to West Point.

This statement is made to you for the purpose of obtaining your consent to the bill now pending and will not be binding on either party if said bill fails to be passed by the present Congress.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

The above letter from the Secretary of War is sufficient guaranty that the provisions of the bill will be scrupulously carried out in every detail. I have implicit faith that the War Department will exert every means in its power to see that both the letter and the spirit of the bill are put into effect. I have the personal assurance of Mr. JAMES of Michigan, chairman of the Committee on Military Affairs, and sponsor of the bill, that he will cooperate and insist on the complete fulfillment of every provision of the bill.

It is a matter of personal gratification that a compromise bill has been agreed on that will permit the War Department to buy additional land adjoining the Military Academy at West Point in order to provide an adequate water supply that will take care of the needs of the institution for years to come. It is hoped and expected that the proposed expansion of the military reservation will provide sufficient ground to establish an artillery target range, also for 1-pounders and machine guns, and a much-needed rifle range, the present one being utterly inadequate for the present requirements of the cadets.

The people of the town of Highlands and the village of Highland Falls have made real financial sacrifices in order not to jeopardize the expansion, efficiency, and development of the United States Military Academy and are entitled to

the gratitude and thanks of the Government and of the American people. Let no one in the future ever say that the people of the town of Highlands objected to or opposed the expansion of the Military Academy, which, under the provisions of this bill, is permitted to acquire nine-tenths of all the land in the town.

ATTENDANCE OF REGULAR ARMY AT OLYMPIC GAMES

The SPEAKER. The Chair will say he proposes to recognize the chairman of the Committee on Military Affairs [Mr. JAMES] for two bills, after which he will recognize the gentleman from New York [Mr. WAINWRIGHT].

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 5715) to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] asks unanimous consent for the present consideration of the bill, S. 5715, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of War is hereby authorized to direct the training and attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games: *Provided*, That all expenses incident to training, attendance, and participation in the Tenth Olympic Games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War may be necessary, may be charged to the appropriations for the support of the Army: *Provided further*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

The SPEAKER. Is there objection?

Mr. COLLINS. Reserving the right to object, I would like to ask the gentleman a question or two. Will the Army take horses to the Olympic games to use them for polo?

Mr. JAMES of Michigan. No, sir.

Mr. COLLINS. Will the Army participate in polo games at the Olympic games?

Mr. JAMES of Michigan. No, sir.

Mr. COLLINS. What will be the cost of representation?

Mr. JAMES of Michigan. It will not increase the Army appropriation bill at all.

Mr. LAGUARDIA. Reserving the right to object, I want to ask one question which I think will help the bill. Is the gentleman sure that this bill providing these expenses will not disqualify the participants as amateurs?

Mr. JAMES of Michigan. It will not. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement to that effect.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The statement referred to follows:

WAR DEPARTMENT,
Washington, D. C., February 28, 1931.

Hon. W. FRANK JAMES,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. JAMES: Referring to Senate bill S. 5715, which if passed will authorize the expenditure of appropriations for the support of the Army, to allow personnel and animals of the Regular Army to participate in the tenth Olympiad to be held at Los Angeles, Calif., in the summer of 1932.

It is not the intention of the War Department to transport polo teams under the authority contained in the proposed bill nor is it expected that foreign armies will participate in any polo events connected with the Olympic games.

On the floor of the House yesterday Mr. LAGUARDIA asked if the passage of the proposed bill would destroy the amateur status of Army participants. It will not. Under the regulations drawn up by the International Equestrian Federation, of which the United States Cavalry is a member, an officer in active service is classed as an amateur for participation in the equestrian or modern pentathlon events of the Olympic games.

Yours very truly,

PATRICK J. HURLEY,
Secretary of War.

MEMORANDUM FOR MR. JAMES, CHAIRMAN MILITARY AFFAIRS COMMITTEE

The Olympic Games are held every four years.

The next will be held in 1932 at Los Angeles, Calif.

Athletes from most of the nations of the world participate in these games.

There are two classes of events in the games for which the participants come almost exclusively from the various armies of the world.

These are: (a) The riding events; (b) the modern pentathlon.

Teams from not less than 10 armies of the world will participate in the above events in 1932.

The United States is the host nation and the American Army, in the eyes of the world, the host for the riding events and, to a lesser extent, for the modern pentathlon. This, however, will entail no expenditure of public funds.

There are three riding events. Two of them are designed to be a thorough test of the endurance, courage, and skillfulness of both riders and horses. The third is one designed to show the skillfulness of the rider and horses from a purely training standpoint.

The first two require the same riders and horses to participate in an endurance phase, but always under careful veterinary supervision. A phase showing the ability of rider and horses to gallop across difficult country, a phase showing the ability of both to negotiate most difficult obstacles of all types, and a final phase showing the training of man and horse.

This class of event is greatly encouraged among the various armies of the world, in order to develop in their young officers courage, skillfulness, hardiness, and quickness of thought, which are such prized qualities in the military man, and, in addition, to train their horses in the endurance and skillfulness which should be possessed by officers' chargers.

This type of international contest is held annually in Europe and was made a part of the Olympic Games because of their training and military value.

The other event in which, as a rule, only military personnel compete, is the above-mentioned modern pentathlon.

This is a modern counterpart of a similar event which was in the original Olympic games, and was intended to demonstrate the endurance, resourcefulness, and ability of a military courier.

The modern event consists of long-distance cross-country running, swimming, fencing, pistol shooting, and cross-country riding, all of which must be done by the same individual.

As a rule only persons with military training are sufficiently skilled in all of these things to successfully compete in the modern pentathlon.

The War Department wishes to enter teams in each of the three riding events, and the modern pentathlon.

The bill before the House seeks to authorize the use of public funds for training and sending military personnel and horses to Los Angeles.

Any amount expended will come from current appropriations and will not require additional funds.

A total of about 15 young officers will participate as principals and alternates in the riding events and eight or ten in the modern pentathlon.

Participation in these events requires long and careful training but this can be done without detriment to the officers' military duties.

Enlisted men are entitled to participate in both classes of events and will be given an opportunity to compete.

For training prior to the events, candidates with their horses must be assembled at some central place, such as Fort Riley, Kans., and final successful candidates must be sent to Los Angeles, and then to their homes.

The total cost involved will not exceed $15,000.

The number of officers involved, 25; enlisted men, 20; and horses, 30.

Polo will not be participated in by Army personnel.

The passage of this bill will in no way effect the amateur status of any military personnel. Their status is distinctly laid down in Olympic regulations.

American teams have participated in the last four Olympic games on private funds, but under those circumstances proper preparation could not be made for participation, and American teams have not been particularly successful.

The games being held in the United States make it most desirable that the best possible preparation be made.

The passage of this bill will allow such to be done.

The participants in the games will be at Los Angeles for approximately one month.

No more than normal expense will be required from War Department appropriations for participation in the games.

GUY V. HENRY,
Major General, United States Army, Chief of Cavalry.

WASHINGTON, D. C., *February 28, 1931.*

Hon. FRANK JAMES,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

DEAR MR. JAMES: You have asked me the following questions:

(a) Will the Army take horses to the Olympic games that are usable for polo?

(b) Will the Army participate in any polo games at the Olympic games?

(c) Will the cost of representation exceed $15,000?

I can answer to each of the three above-mentioned questions "no."

Yours very truly,

GUY V. HENRY,
Major General, United States Army,
Chief of Cavalry.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

RETIREMENT OF DISABLED NURSES

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 6231, to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy."

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain his bill and show exactly what new drains it will place upon the Treasury of the United States.

Mr. McSWAIN. I do not think it will involve the expenditure of any additional money over and above what Congress intended when it passed the act last year.

Mr. BLANTON. Which is how much?

Mr. McSWAIN. Well, the expenditure under the act of last year, my recollection is, would involve an average of about $1,500 a year for the first few years.

Mr. BLANTON. What is the total expenditure?

Mr. McSWAIN. Only $1,500 by way of retirement.

Mr. BLANTON. One thousand five hundred dollars each to so many nurses?

Mr. McSWAIN. This is to retire nurses in the Army and the Navy who are disabled in line of duty.

Mr. BLANTON. And the total additional expense, over and above what is expended now, is about how much annually?

Mr. McSWAIN. It will involve for the first few years about $1,500 a year.

Mr. BLANTON. Does the gentleman mean $1,500 apiece?

Mr. McSWAIN. No; that is the total. This will involve $450 additional for the first year, under the construction of the Comptroller General.

Mr. BLANTON. Then the passage of this bill just means $450 to be taken out of the Treasury?

Mr. McSWAIN. No; that much additional over and above that which would be expended under the act passed last year.

Mr. BLANTON. I would like to know how much more money is going to be taken out by reason of the passage of this bill and which otherwise would stay in the Treasury.

Mr. McSWAIN. Four hundred and fifty dollars for the first year, and after that we can not tell how much. It will depend on the number of nurses who retire.

Mr. COLLINS. All nurses are retired at a stipulated base amount. Then the superintendents have added, when they are retired, $2,500 per annum to this base retirement allowance.

Mr. McSWAIN. There is one superintendent in each corps.

Mr. COLLINS. I understand. Then assistant superintendents have added to the base amount that they receive when retired $1,500 a year, and the chief nurses have added annually when retired $600 to their base retirement pay.

Mr. BLANTON. Then, it will cost into the thousands?

Mr. COLLINS. Yes.

Mr. McSWAIN. Let me be sure the gentleman understands. This is a letter I have just received from the Surgeon General of the Army, General Ireland, in which he says there is now no application for retirement by any superintendent or chief nurse in the Army, and only one chief nurse in the Navy.

Mr. BLANTON. About how many nurses will this bill affect?

Mr. McSWAIN. I can tell the gentleman exactly It will affect 140 all told in the next generation.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and Navy," shall be construed, from its effective date, as authorizing the pay of members of the Army Nurse Corps and the Navy Nurse Corps retired thereunder to be computed upon the basis of the entire amount of the active-service pay received by each, respectively, at the time of her transfer to the retired list, including in the cases of superintendents of Nurse Corps, assistant superintendents, directors, assistant directors, and chief nurses the money allowance prescribed as part of their compensation by section 13 of the act of June 10, 1922 (42 Stat. 631).

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

MEMORIAL TO THE SECOND DIVISION, AMERICAN EXPEDITIONARY FORCES

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 233, to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces, a similar House resolution being on the Speaker's desk, No. 467.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a Senate joint resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and is hereby, authorized and directed to grant permission to the Second Division Memorial Association, American Expeditionary Forces, through Maj. Gen. J. G. Harbord, United States Army, retired, president, or his successors in office, for the erection as a gift to the people of the United States on public grounds in the District of Columbia, a memorial to the Second Division: *Provided*, That the design and location for the memorial shall be approved by the National Commission of Fine Arts: *Provided further*, That such monument shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital and that the United States shall be put to no expense in or by the erection of said monument.

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, this resolution as originally written proposed that this monument be erected somewhere along B Street, now Constitution Avenue. Has that provision been stricken from the resolution?

Mr. WAINWRIGHT. That provision has been stricken from the resolution, so that the design and the location will be left entirely to the approval of the Fine Arts Commission.

Mr. COLLINS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

A similar House resolution was laid on the table.

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent that I may extend, as a part of my remarks upon this resolution, a statement of the services of the Second Division, appearing in the report of the Committee on the Library.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, this resolution grants to the Second Division Memorial Association, American Expeditionary Forces, through Maj. Gen. J. G. Harbord, United States Army retired, the president of the association and one of its battle commanders, permission to erect here at the Nation's Capital, as a gift to the people of the United States, a memorial to that great Regular Army division. That division contained the Marine brigade of immortal fame for the capture of Belleau Wood, and took part in every major offensive of the American Army in France. Through its ranks including replacements, went almost 70,000 men, of these 4,419 were killed in battle and 20,657 wounded. For the information of the House I in-

clude in these remarks the brief but excellent and comprehensive statement of the service, the achievements, and the battle record of the Second Division contained in the report to this House of the bill by the Committee on the Library:

No division of the expeditionary forces in the Great War has recorded more remarkable achievements than those of the Second Division. Its formal organization as a division was effected by War Department order of December, 1917. It existed semiofficially for several months before that, but its units were scattered and its unity was not yet an actuality. The Fifth Marines reached France in June, 1917; the Ninth and Twenty-third Infantry and Fifth Machine Gun Battalion in September; the Sixth Marines, Second Engineers, Division Trains, and Sixth Machine Gun Battalion in October; the Twelfth, Fifteenth, and Seventeenth Field Artillery in December, 1917, and January, 1918; the Fourth Machine Gun Battalion in January, 1918.

No division could have been organized with better units. The Ninth and Twenty-third Infantries were two of the old line regiments of our Army with fine records almost covering the period of our existence as a Nation. The War of 1812, Mexico, the War of Secession, the Philippines, Santiago, and China are written on their regimental colors, and their history is that of the early struggles of our country, the winning of the West, the war with Spain, the Boxer trouble, and many encounters with the wily Tagalo and savage Mohammedan Moro. The Marines, a selected body of men, with their proud boast of "First to fight," and a record in their country's battles "from the halls of Montezuma to the shores of Tripoli," brought a wealth of tradition and esprit and mingling their forest-green with the olive drab became as "army" as the Army itself. The artillery and auxiliary units more recently organized under the national defense act brought to the division the vigor and dash of youth, as marked in organizations and peoples as it ever is in individuals. Indeed, America's whole participation in the World War was that of a young Nation with the energy and drive that distinguishes youth from age.

To all these units the volunteers and the selective conscription had brought great numbers of eager youngsters from every phase of American life. No duty could be named—technical, mechanical, military, or civil—for which some expert could not be found. Officers who had spent their lives preparing to lead men in battle, the finest types of American regular soldiers and marines, engineers from the great enterprises of industrial life, linguists, artists, athletes, artisans, physicians, authors, lawyers, captains of finance, experts and organizers of all phases of active business life by hundreds caught the step and marched under the Indian head and star.

In January, 1918, all elements of the division were assembled near Bourmont, in the western foothills of the Vosges, and began a most intensive training for the ordeal before them. The German offensive of March, 1918, made it necessary for them to continue their training in actual service, and, on March 16–26, the Second Division took over the Toulon and Troyon sectors between Verdun and St. Mihiel. Aside from training received under fire, it had three more brief breathing spells which were devoted to instruction, near Robert Espagne, May 14 to 20; Gisors and Chaumont-en-Vexin, May 21 to 29; Columbey-les-Belles, August 18 to September 1, 1918.

From the cold official records of the American Expeditionary Forces the story of its achievements from March 26, 1918, may be paraphrased as follows:

Verdun sector, March 15–May 13, 1918: Division occupied Toulon and Troyon sectors in conjunction with French. A German raid in force was made against the Ninth Infantry on April 13, 1918. This was the largest demonstration made against American troops up to this time. The Ninth Infantry took some prisoners and inflicted heavy casualties on the Germans.

Aisne-Marne defensive (west of Chateau-Thierry), May 31–June 5, 1918: The division moved by camion to area northeast of Meaux and took up a position across the Paris-Metz highway west of Chateau-Thierry on June 1, 1918. The German advance on Paris was stopped and the enemy thrown back during this operation, which lasted until June 6, 1918.

Chateau-Thierry sector, June 6–July 9, 1918: Almost continuous fighting marked the Second Division's stay in this sector. During this time the Belleau Wood and the villages of Bouresches and Vaux were captured. Casualties were heavy, but the American Army demonstrated its ability to successfully meet in battle the best of German troops.

Aisne-Marne offensive (Soissons), July 18–19, 1918: Attached as part of the Twentieth Army Corps (French Tenth Army) near Soissons on the western side of the salient the Germans had pushed down to the Marne. Captured Beaurepaire Farm, Vaucastille, Vierzy, and advanced to Tigny.

Marbache sector, August 12–16, 1918: Quiet sector on Moselle River. No action except for numerous patrols.

St. Mihiel offensive, September 12–16, 1918: Went into the line near Limey, night of September 9–10, 1918; attacked with First American Army September 12, 1918; captured Thiaucourt, Xammes, and Jaulny and advanced to the vicinity of Rembercourt. Relieved September 16, 1918. Took many prisoners; losses slight.

Meuse-Argonne offensive (Champagne), October 1–10, 1918: Moved from Mairy-sur-Marne to Suippes Souain area. Went into front line under Twenty-first Corps (French) October 1, 1918, near Somme-Py. Cleaned up Essen trench. Jumped off October 3, 1918, and advanced to Medeah Ferme, Blanc Mont Ridge Road. Captured the strong enemy position of Blanc Mont and town of St. Etienne. Losses severe. Relieved by Thirty-sixth Division, United States, October 10, 1918, and moved to rest area near Somme Suippes.

Meuse-Argonne offensive, November 1–11, 1918: Marched to First American Army area October 22–25, 1918. Relieved Forty-second Division in line near Landres-et-St. Georges, night of October 30–31. Attacked November 1, 1918, advanced to corps objective. Captured Landres-et-St. Georges, St. George, Landreville, and Bayonville; continued the advance for several days; captured Fosse, Nouart, Letanne, and Beaumont. Crossed the Meuse the night of November 10–11, 1918, and was fighting east of river when the armistice went into effect.

Three hundred and nineteen officers and 9,972 men who were present with the division on March 15, 1918, were still present for duty on November 11, 1918.

Remained in the Beaumont-Pouilly area refitting until November 17, 1918.

March to the Rhine: Marched at 5 a. m. on November 17, 1918; crossed the American front line, advanced through Belgium and Luxemburg, and entered Germany December 1, 1918. Reached the Rhine in the vicinity of Remagen and crossed this river December 13, 1918. Occupied area No. 2 of the American sector of the Coblenz Bridgehead and established headquarters at Heddesdorf.

Accomplishments in the field: Kilometers advanced against opposition, 62. Prisoners captured: Officers, 288; men, 11,738; total, 12,026. Material captured: Heavy artillery, 74; light artillery, 269; trench mortars, 58; machine guns, 1,350 (many machine guns captured at St. Mihiel were not counted and are not figured in this total); antitank guns, 8; rifles, 1,000 (not counted except in the St. Mihiel offensive).

Decorations awarded: Medals of honor, 7; distinguished-service crosses, 675; distinguished-service medals, officers, 10; Belgian crosses, officers, 6; Legion of Honor (French), officers, 17; medaille militaire (French), men, 42; croix de guerre (French), 2,740; croce di guera (Italian), 15; Knight of Order of Crown of Italy, officer, 1; citations for distinguished gallantry, 795.

Such is the curt official record—its brief entry on the page of history. To write that entry cost the Second Division 4,419 killed, and 20,657 wounded; 35,343 replacements were sent to the Second Division—over 5,000 more than were sent to any other of the many fine American divisions. It lost 157 prisoners to the enemy. It spent 66 days in an "active sector," a period equaled only by the older First Division, which has 93 such days to its credit. Its service in "quiet sectors," 71 days, was equaled or exceeded by five other American divisions. But one other of our divisions, the Seventy-seventh, equaled the number of kilometers, 62, which it advanced against the opposition of the enemy.

CLASSIFICATION OF OFFICIAL MAIL MATTER

Mr. SANDERS of New York. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 357) classifying certain official mail matter.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

A. D. SANDERS,
CLYDE KELLY,
JAMES M. MEAD,
Managers on the part of the House.

L. C. PHIPPS,
G. H. MOSES,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

Conference was had on House Joint Resolution 357. The Senate conferees receded from their amendment and the bill is restored as it passed the House. The bill as it now stands permits Members of Congress to send to their own address official matters without limitation as to weight, exactly the same as is provided under present law for public documents.

A. D. SANDERS,
CLYDE KELLY,
JAMES M. MEAD,
Managers on the part of the House.

The conference report was agreed to.

BRIDGE ACROSS THE OHIO RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5624) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky., now on the Speaker's table, and ask unanimous consent for its immediate consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky., authorized to be built by the act of Congress entitled "An act authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.," approved May 1, 1928, heretofore extended by an act of Congress approved June 20, 1929, are hereby further extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE BOEUF RIVER, LA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6132) granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La., and ask unanimous consent for its immediate consideration, a similar House bill being on the calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana, and their successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across Boeuf River, at a point suitable to the interests of navigation, at or near Buckner, within the parish of Richland, in the State of Louisiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

PIPE-LINE BRIDGE ACROSS THE MISSOURI RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6161) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, and ask unanimous consent for its present consideration, a similar House bill being on the calendar.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River from a point in either Dakota or Dixon Counties in the State of Nebraska to a point in either Union or Clay Counties in the State of South Dakota, at a point suitable to the interests of navigation: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said pipe-line bridge such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. PATTERSON. Mr. Speaker, reserving the right to object, may I inquire what this is?

Mr. DENISON. This is a Senate bill on the Speaker's table, with a similar House bill on the calendar.

Mr. PATTERSON. I understood that; but is it a private toll bridge or railroad bridge?

Mr. STAFFORD. It provides for a pipe line across the Missouri River. Under reservation of objection, Mr. Speaker, I would like to propound an inquiry, as this is the first time in this Congress I have known of a bill providing an authorization to build a pipe line across a river. Is it necessary to obtain the consent of Congress to merely extend a pipe line under a stream that does not interfere with navigation?

Mr. DENISON. It is.

Mr. STAFFORD. Does the gentleman know in how many instances Congress has been called upon to grant special privileges of this character?

Mr. DENISON. I can not state the number of instances, but we have done this before.

Mr. BURTNESS. And, if the gentleman will yield, of course, it may also be in the form of a trestle running across the river.

Mr. DENISON. Yes; the bill does not state how it is to be done.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6165) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River, on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois, and ask unanimous consent for its present consideration, a similar bill being on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on the line of Cottage Grove Avenue extended, on the section line between sections 14 and 15, township 36 north, range 14 east, and just south of the east and west quarter lines through sections 14 and 15, Thornton township, in said county and State, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Passed the Senate February 17 (calendar day, February 26), 1931.

Attest:

Secretary.

Mr. SABATH. Mr. Speaker, reserving the right to object, where is this bridge to go?

Mr. DENISON. Across the Little Calumet River, but I do not remember just where.

Mr. SPROUL of Illinois. I will say to the gentleman that it is in my district. It is across the Little Calumet River. The roadway in Halsted Street has been closed for the past year.

Mr. SABATH. Will it not affect plans that are now in preparation as to certain improvements?

Mr. SPROUL of Illinois. No; this is a navigable stream, and it has to have the approval of the War Department.

Mr. SABATH. For whom is this bridge?

Mr. SPROUL of Illinois. It is for Cook County.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS ELEVEN POINTS RIVER, OREGON COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6181) to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the Eleven Points River at or near Thomasville, in the county of Oregon and State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE JAMES RIVER AT GALENA, STONE COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6182) to legalize a bridge across the James River at Galena, Stone County, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the James River at Galena, in the county of Stone and the State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WHITE RIVER, STONE COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6183) to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the White River, approximately 11 miles south of Reed Springs, Stone County, Mo., is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS WHITE RIVER, TANEY COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill, S. 6184, to legalize a bridge across the White River at Forsyth, Taney County, Mo.

Mr. SABATH. Reserving the right to object, are all these bridges toll bridges?

Mr. DENISON. If the gentleman will look at the title it will give him the information. This is to legalize a bridge across White River, Mo. It is to legalize a bridge that has been already built. The bridge is there, but they want to legalize it so that they can maintain and operate it.

Mr. SCHAFER of Wisconsin. Reserving the right to object, what evidence was presented before the committee indicating that there is any lack of merit in legalizing the building of the bridge? Does the gentleman tell me that a corporation has a right to build a bridge and then come to Congress and have it legalized?

Mr. DENISON. This is simply to legalize a public bridge.

Mr. SCHAFER of Wisconsin. Is it a free bridge?

Mr. DENISON. Yes.

Mr. SCHAFER of Wisconsin. I should object to legalizing any private toll bridge.

Mr. DENISON. I do not think that has ever been done.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the White River at Forsyth, in the County of Taney, State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT WELDON SPRINGS, MO.

Mr. DENISON. Mr. Speaker, I call up the bill S. 6185, granting the consent of Congress to the State Highway Commission of Missouri, to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The authority hereby granted shall cease and be null and void unless the actual construction of the bridge be commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WHITE RIVER, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6186) granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo., and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, in the County of Taney, and State of Missouri, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The authority hereby granted shall cease and be null and void unless the actual construction of the bridge be commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

AUTHORITY TO WEST VIRGINIA TO ACQUIRE CERTAIN BRIDGES

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6190) authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State, and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be made of this bill as it is out of the ordinary.

Mr. DENISON. Mr. Speaker, this is a Senate bill which has passed the Senate and is now on the Speaker's table. The House Committee has considered and favorably reported a similar bill which is on the calendar. It authorizes the

State of West Virginia in pursuance of a law which has been passed by the unanimous vote of both branches of the legislature of that State and approved by the governor to take over every toll bridge in the State and make it a free bridge.

Mr. STAFFORD. I hope other States will do likewise.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and more adequately provide for military and other purposes, and to secure to the public the use of the herein-described bridges free of tolls as promptly as possible, the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, be and it is hereby authorized to acquire, purchase, rebuild, improve, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with, and upon the approval of, the plans and location of said bridges as provided in an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the limitations herein provided, to wit:

A bridge across the Shenandoah River at or near Harpers Ferry; a bridge across the Potomac River at or near Harpers Ferry; a bridge across the Potomac River at or near Shepherdstown; a bridge across the Potomac River at or near Berkeley; a bridge across the Ohio River at or near Chester; a bridge across the Ohio River at or near Newell; a bridge across the Ohio River at or near Weirton; a bridge across the Ohio River at or near Middle Ferry; two groups of bridges across the Ohio River at or near Wheeling, each group consisting of a bridge from the city of Wheeling, W. Va., to an island in the Ohio River, constituting territory of the State of West Virginia, and a connecting bridge from said island to a point in Ohio; a bridge across the Ohio River at or near Benwood; a bridge across the Ohio River at or near St. Marys; a bridge across the Ohio River at or near Williamstown; a bridge across the Ohio River at or near Parkersburg; a bridge across the Ohio River at or near Mason City; a bridge across the Ohio River at or near Point Pleasant; a bridge across the Ohio River at or near Huntington; a bridge across the Big Sandy River at or near Kenova; a bridge across the Tug Fork River at or near Fort Gay; a bridge across the Tug Fork River at or near Kermit; a bridge across the Tug Fork River at or near Williamson; a bridge across the New River at or near Hinton; a bridge across the New River at or near Prince; a bridge across the Kanawha River at or near Kanawha Falls; a bridge across the Kanawha River at or near Chelyan.

SEC. 2. Subject to the aforesaid conditions and limitations the State of West Virginia, by and through the State bridge commission or the successors of said commission, shall be, and it is hereby, authorized to acquire by purchase or condemnation any private property, rights, or interests relating to bridges under construction or authorized to be constructed at any or all of the following locations and to construct or rebuild said bridges, to wit: A bridge across the Ohio River at or near Sistersville; a bridge across the Ohio River at or near New Martinsville; a bridge across the Ohio River at or near Wellsburg; a bridge across the Ohio River at or near Moundsville; a bridge across the Monongahela River at or near Star City; a bridge across the Kanawha River at or near Point Pleasant.

The times for commencing and completing the construction of new bridges authorized by this section shall expire two and four years, respectively, from the date of approval hereof.

SEC. 3. There is hereby conferred upon the State of West Virginia and the West Virginia Bridge Commission, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, rebuilding, and/or operation of any and/or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 4. The State of West Virginia, by and through the West Virginia Bridge Commission, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any and/or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 5. The State of West Virginia, by and through the State Bridge Commission of West Virginia, or its successors, may unite or group all or such of said intrastate bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable, and may also unite or group for financing purposes in any one issue of bonds such interstate bridges as the West Virginia Bridge Commission shall determine to be competitive, but no particular project or group shall be so united that any such project or group will include both interstate and intrastate bridges. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient, in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interests and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 25 years from the date of approval of this act. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridges embraced in the particular project shall have been amortized. In any event tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

SEC. 6. The failure of the State of West Virginia, by and through the State Bridge Commission of West Virginia, to acquire, purchase, construct, improve, maintain, and operate any one or more of the foregoing bridges, or to unite or group any one or more for financing purchases, shall in no wise affect its authority or powers hereby granted to acquire, purchase, construct, improve, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be purchased, acquired, or constructed as a single project without uniting such bridge in a joint project with other bridges authorized herein.

SEC. 7. When a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls. All tolls shall be uniform as between individuals and as between vehicles of the same class as to each bridge, but different rates of toll may be charged for the use of different bridges in any group of bridges included in a single project for financing purposes.

SEC. 8. The powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore named bridges, but all acts or parts of acts heretofore enacted authorizing the construction of the hereinbefore named bridges which are in conflict with the terms of this act be, and the same are, hereby repealed in so far as such conflict exists. Nothing in this act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of West Virginia from paying all or any part of the costs of the acquisition, purchase, construction, improvement, maintenance, and operation of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS SAVANNAH RIVER, AUGUSTA, GA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6220) granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga., and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Charleston & Western Carolina Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Savannah River, at a point suitable to the interests of navigation, at or near Augusta, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Charleston & Western Carolina Railway Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, PA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6232) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa., and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Fayette, Pa., or its board of county commissioners, their successors or assigns, and/or to the county of Washington, Pa., or its board of county commissioners, their successor or assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interest of navigation, at or near Fayette City, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches, under economical management. An accurate record of the costs of the bridge and its approaches, the expenditure for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

D. S. PRENTISS AND OTHERS

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6266) authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the town of New Boston, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements. If the bridge is not taken over by the States as provided in section 4 after the amortization of the senior securities, the net revenue in excess of 8 per cent of the cost of the structure as provided in section 6 shall form a sinking fund, which shall be applied in reducing the cost of making the structure a free bridge to the States or adjacent counties desiring to take it over, maintain, and operate it.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies, or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including a reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway departments of the States of Illinois and Iowa, a sworn itemized statement, showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon the request of the highway department of either of such States, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation, the said D. S. Prentiss, A. R. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, are hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bills 2859, 4671, 4687, 4690, 6140, 6018, and 6045 be indefinitely postponed, similar House bills having been enacted into law.





The SPEAKER. Without objection, it is so ordered.

There was no objection.

SECOND LIBERTY BOND ACT

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, with Senate amendments thereto and concur in the Senate amendments.

The SPEAKER. Is there objection.

Mr. GARNER. Mr. Speaker, I reserve the right to object simply to call attention to what these amendments are. This is the $28,000,000,000 authorization of bonds by the Treasury Department. It passed the House and an effort was made in the House to strike out the section that was stricken out in the Senate. It will be recalled that there was a roll call on the bill and that 150 gentlemen voted to strike out that section. The bill went to the Senate and that section was stricken out. The gentleman from Oregon is now trying to comply with what the minority wanted at that time.

Mr. HAWLEY. I might take some exception to the gentleman's speech, but I shall not.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the title of the bill and the Senate amendments, as follows:

Strike out lines 9 to 11, inclusive, page 1, and lines 1 to 9, inclusive, page 2.

Amend the title so as to read: "An act to amend section 1 of the second Liberty bond act, as amended."

The Senate amendments were concurred in.

COMMISSIONERS OF LINCOLN PARK

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5781) granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in consideration of the acceptance of this act by the Commissioners of Lincoln Park, a municipal corporation organized and existing under the laws of the State of Illinois, subject to all the provisions, conditions, requirements, and limitations hereof, consent, permission, and authority are hereby granted to said the Commissioners of Lincoln Park to exercise complete jurisdiction over the navigable waters of Lake Michigan which lie within the following-described boundaries:

Beginning at a point at the intersection of the existing bulkhead along Lake Shore Drive in Chicago, Ill., with the existing pier which is parallel to and north of Ohio Street extended and south of Ontario Street extended, thence easterly along said pier to a point in a line parallel to and 350 feet easterly of said bulkhead along the Lake Shore Drive, thence northwesterly along said last-described line to a point in a curve of 200 feet radius and tangent both to said last-described line and to a line 350 feet southerly from the southerly side of and parallel to the shore arm extension breakwater extending into Lake Michigan from a point near the intersection of Oak Street and Lake Shore Drive, thence along said curve to a point in said line last described, thence easterly along said line to a point in a line at right angles with said shore arm extension breakwater at the eastern extremity thereof, thence northward along said last-described line to said shore arm extension breakwater, thence westward along said shore arm extension breakwater to the shore line.

The rights herein granted shall include the right to destroy the navigability of the above-described waters altogether, and to perform any other acts which said the Commissioners of Lincoln Park would be entitled to perform if the above-described waters were nonnavigable.

SEC. 2. Said the Commissioners of Lincoln Park are also hereby granted the right to erect an additional breakwater to connect the said shore arm extension breakwater near the intersection of Oak Street and Lake Shore Drive with the shore line.

SEC. 3. From and after the taking effect of this act said the commissioners of Lincoln Park shall assume possession of the said shore arm extension breakwater near the intersection of Oak Street and Lake Shore Drive and shall thereafter be liable forever for its care and custody, and said the Commissioners of Lincoln Park shall maintain the said breakwater in good order and thorough effective condition for its purpose of the inclosure and protection of Chicago Harbor.

SEC. 4. Said the Commissioners of Lincoln Park shall signify its acceptance of this act by written notice to the Secretary of War within 60 days after the passage of this act, and this act shall become effective immediately upon its acceptance by said the Commissioners of Lincoln Park. In the event of nonacceptance within 60 days this act shall become null and void.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, I reserve the right to object. What is this about?

Mr. DEMPSEY. There is a breakwater in the inner harbor which is largely out of repair and which the Lincoln Park commissioners need for the World's Fair. It will cost about a quarter of a million dollars. They propose to take it over. It will not curtail the harbor where shipping is had. Instead of that it will add to the harbor where pleasure yachts are anchored.

Mr. SABATH. Is this to extend the lagoon there?

Mr. DEMPSEY. Yes. They also expect to build a breakwater of their own, which will involve a very large expenditure. It is one of the great improvements of Chicago, and is desired by everybody there.

Mr. SABATH. But I want to know how far you are going and what you desire to do?

Mr. DEMPSEY. There are three things that are done: First, we turn over to the commissioners of Lincoln Park for future maintenance the Oak Street Breakwater. Second, we give the commissioners of Lincoln Park the right to fill in a strip of land 350 feet in width along the lake shore and on the south side of the Oak Street Breakwater. Third, we give them the right to construct an extension of the Oak Street Breakwater to the shore.

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. STAFFORD. Fifteen years ago, perhaps, there was a bill passed by the House granting to the United States Steel Corporation the right to fill in the lake at Gary, subject to the consent of the State of Indiana. That bill was reported from the Committee on Interstate and Foreign Commerce, of which Mr. Mann was chairman. I was fortunate enough at that time to be a member of that committee. That bill was predicated upon the idea that the State of Indiana had exclusive jurisdiction, subject only to the rights of navigation.

Mr. DEMPSEY. That is true.

Mr. STAFFORD. When I read the bill that is reported by the Committee on Rivers and Harbors I found that there was no provision made that those privileges should be extended to the consent of the State of Illinois, but that the National Government assumes jurisdiction over that which is largely local, and where it only has the right to legislate because it is over navigable waters.

Mr. DEMPSEY. No. There is no necessity of reciting what the jurisdiction or what the local rights of the two parties are. We have the breakwater there. We have constructed it and maintained it. The primary purpose of it is to enable them to take over this breakwater, to extend it, and to fill in some land. It will add to the harbor. It will add in every way.

Mr. STAFFORD. Oh, I am not taking issue at all on the merits of it. I am only taking issue as to the authority of the National Government to assume jurisdiction over that which is largely State, because the title to the land under the waters of Lake Michigan at Chicago is in the State of Illinois.

Mr. DEMPSEY. Now, as to that we can not cede what we do not have. If we attempt to cede what we do not have, that part of the act will be futile and void.

Mr. STAFFORD. That is the conclusion to which I came as far as this act was concerned, and knowing the high standard the gentleman has as a lawyer I wish to get his views on that point.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. CHINDBLOM. May I say this improvement is to be done by the Lincoln Park Commissioners, which is a municipality created by the statutes of the State of Illinois, a public municipality, and that the Legislature of the State of Illinois has passed complete laws covering the matter of

riparian rights and other rights on the shore of Lake Michigan.

Mr. STAFFORD. That covers the point. Otherwise there would be no authority in the National Government.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. SCHAFER of Wisconsin. Is there anything provided in this bill which will permit the Capone or Thompson combine in Chicago to still get more water from Lake Michigan?

Mr. DEMPSEY. Not for the present.

Mr. SABATH. Oh, they are not interested in water. They are interested in something stronger than water.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ISLE ROYALE NATIONAL PARK, MICH.

Mr. CRAMTON. Mr. Speaker, because of an emergency I ask unanimous consent for the present consideration of the bill (H. R. 17005) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARNER. Reserving the right to object, is this a Senate bill?

Mr. CRAMTON. It is a House bill. The emergency is that the bill does not become fully effective unless these lands are ceded to the United States. The Legislature of Michigan is now in session. It will not be in session again for two years.

Mr. GARNER. Let me understand the situation. I want to know exactly what the situation is. I understood the Speaker was going to call up certain bills in certain classes. Does this bill come within the rule that the Speaker laid down or is this an emergency matter? I just want to know so that the membership may understand that they may appeal to the Speaker on emergency matters as well as on regular matters which he has called up.

The SPEAKER. A matter which is a real emergency, but not an imaginary emergency. For a real emergency the Chair will recognize Members.

Mr. GARNER. The Speaker has examined this bill and recognizes the gentleman from Michigan, that it is a real emergency, although it is not a Senate bill or a House bill, where a Senate bill of similar nature has been passed? The Speaker thinks it is of sufficient emergency that he should recognize the gentleman from Michigan [Mr. CRAMTON]?

The SPEAKER. The Chair was informed that the bill was of very great emergency, and that if brought up in this way would, in all probability, pass the Senate. On a mere assertion of emergency, the Chair does not always recognize.

Mr. CRAMTON. A companion bill has been favorably reported in the Senate and I am hopeful of getting action there to-night.

Mr. GARNER. In view of the statement heretofore made, the Speaker should be sure that there is an emergency when he takes up a House bill, and it should not be taken up unless there is every assurance that the bill is going to be passed by the Senate; otherwise it is useless to consider it.

Mr. CRAMTON. I have great hope that it will be passed.

Mr. GARNER. One man in the Senate can defeat any piece of legislation now until we adjourn.

Mr. CRAMTON. I know of no opposition to it.

Mr. HOLADAY. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOLADAY. Does this apply to any other park except the park in the gentleman's home State?

Mr. CRAMTON. It does not. My interest in Isle Royale as a possible national park was first aroused by the late Stephen T. Mather, first Director of the National Park Service. He was my friend and one of the greatest privileges of my long service in Congress was the opportunity given me to work with him from 1920 until his ill health forced his resignation as head of the Park Service. He was a man of the highest ideals, great enthusiasm, generously contributing many thousand dollars annually of his own money in park acquisition and development but always handling Government funds with wise economy. I came to be very close to him in his work and his friendship, and the close contact with his ideals and his enthusiasm are among the richest memories of my life here. No one knew better the scenic values of the United States than he, and no one has done as much as he to raise high the national-park standard. In the several years preceding his retirement we discussed together almost every important problem of the service, every important proposed development.

Among these was the creation of the Isle Royale National Park. It was the one outstanding new national-park project in his interest, and for it he was most enthusiastic. He visited the area in 1925 and brought back with him the most wonderful moose pictures I have ever seen, as well as pictures of the unusual scenery. He said then the name Isle Royale surely did justice to the island, for he had "never visited a more kingly bit of natural wonderland than this."

In his report upon this bill the Director of the National Park Service, Mr. Albright, says:

> The area was carefully inspected in 1925 by former Director Mather of the National Park Service, who gave it his unqualified approval. He was much impressed and very enthusiastic over the possibilities.

So impressed was I by his enthusiasm for and interest in the project that I feel creation of the Isle Royale National Park will be another monument to his zeal, foresight, and devotion in the preservation of these outstanding areas for perpetual use and enjoyment by the people of the Nation.

Dr. Gilbert Grosvenor, president of the National Geographic Society, has expressed approval of this area as a national-park project.

As the attached report of Director Albright indicates, the area is indorsed as a national-park project by noted and disinterested experts who have studied it.

The January issue of Outdoor America contains an interesting descriptive article by Dr. Frank R. Oastler, of New York, indorsing Isle Royale as fully up to national-park standards. The Izaak Walton League of America have written me of their special interest "in the preservation of the Isle Royale region."

Recently the Herald, of Duluth, Minn., carried this editorial statement:

A GREAT NATIONAL PARK

> Representative CRAMTON, of Michigan, has introduced a bill in Congress to make Isle Royale a national park when the lands to be included are acquired by the Government. He did this in cooperation with Representative JAMES, whose district includes the island.
>
> Anybody who has seen Isle Royale, which isn't an island but a noble archipelago, will agree that if this bill goes through and becomes effective the island will constitute one of the Nation's greatest park assets.
>
> There is no grander or lovelier scenery in the world than this picturesque island with its brood of lesser islands and its scenic fiords and wild wooded heights. It is also one of the greatest wild-game sanctuaries in the country, with more moose than can be found anywhere. It is a wonderful place to visit, or to choose as a vacation spot or site for a summer home, and if the Government takes it over and lets the world know about it, it will quickly become one of the Nation's favorite resorts.
>
> Congress should by all means pass this bill, thus adding at small expense what will be one of the greatest treasures in the Nation's collection of national parks.

The Detroit News, which has given much attention to this project for a number of years, recently said editorially of this bill:

> In one respect those resources are unique. Because of the low temperature of the waters of Lake Superior, Isle Royale is unlike any other spot in the United States except other islands in Lake Superior. It is in some ways typical of land to be found much farther north, in Canada. It possesses flora of the sub-Arctic region, growing alongside plants native to Michigan. It is rich

region for the scientist not only because of its situation but also because the island remains practically unspoiled by the activities of man.

If adopted by Congress, the Cramton bill would awaken a wider interest in the importance of Isle Royale as a national possession. It would give a more definite invitation to generous property owners to deed their holdings to the Government as a gift to the Nation; and while the measure specifically provides that the United States shall make no purchase of property, it might encourage the raising of private funds to buy such parts of the island as perhaps can be obtained in no other way. The island is royal not in name alone; it is regal in its unique qualities and is worthy to stand untamed and unspoiled with the Yellowstone and the Yosemite as one of our finest national possessions.

During the administration of President Coolidge, Federal homestead lands totaling over 9,000 acres on the island were withdrawn from entry or sale by Executive order, pending the outcome of a land-acquisition program on the island. At the same time a similar order was issued by Michigan withdrawing 2,100 acres of State-owned land. In addition to this the Island Copper Co., of New York, through its chairman of the board, Thomas F. Cole, stands ready to deed to the Government, without cost, its holdings of some 45,000 acres, provided the island is made a national park. This leaves approximately 76,000 acres still in private hands, of which 72,000 acres are controlled by one corporation.

The Park Service has repeatedly stated that it can not afford to establish any national parks unless the Government secures title to practically all of the lands within the contemplated boundaries of the park, for its experience in attempting to secure private holdings after the establishment of a park site have been most unfortunate and expensive.

Isle Royale needs nothing to become a national park except an angel, some one or some group who will purchase most of the remaining land in private hands and present it to the Government. The National Park Service will do the rest.

The bill involves no expense to the Federal Treasury for acquisition of the lands. The expense for development will not be large since expensive and extensive roads would never be appropriate for development.

It is near a large population and will in time to come attract and charm many visitors.

The proposed park area lies in the congressional district of my colleague [Mr. JAMES], with whom I consulted before introducing the bill and who is much interested in this proposed recognition of some outstanding scenery in his district. As a matter of fact, the visitor who travels through my colleague's district in the upper peninsula of Michigan en route to Isle Royale will find much wonderful scenery for his enjoyment.

The following report of the National Park Service gives much interesting information about this area as a park project:

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, February 19, 1931.

Reference is made to letter dated February 11, from the chairman of the Committee on the Public Lands, House of Representatives, inclosing for report a copy of H. R. 17005, Seventy-first Congress, third session, entitled "A bill to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes."

Isle Royale is the largest island in Lake Superior, located just inside the international boundary about 25 miles north and west of Keweenaw Point in Michigan. It lies in Keweenaw County of that State. It is approximately 44 miles long, with an average width of 5 miles. Its area is estimated at approximately 205 square miles. Twelve square miles of this are composed of inland lakes, 24 in number, leaving 193 square miles, or approximately 123,520 acres net, of land area. To this may be added about 2,000 acres on the immediately surrounding smaller islands which should be included in the project. It is accessible by boat from about May 1 to November 15. For the remainder of the year it is icebound. During the open season boats from Duluth, Minn., Houghton, Mich., and Port Arthur, Ontario, provide transportation. A good many people now fly over the island. It has no telegraph or telephone connections with the mainland. The last census indicated only 23 registered voters, mostly trappers, fishermen, or miners, who live scattered throughout the area. It is used on a very small scale for summer-resort purposes, a small lodge being available at Rock Harbor on the eastern end.

The topography of the island is quite broken, and can perhaps be best described as a moss and forest covered mass of gigantic rocks, the result of a volcanic upheaval. It has the appearance of being almost entirely in its primeval state, for, due to the rugged formation, lumbermen have left its tree growth alone. The island is said to have burned over in the remote past, and evidence of such fires can be seen in places. However, in such instances nature has restored conditions well. There are many marvelous beauty spots in their primitive condition, thus offering perfect examples of nature's textbooks for the study of scientist and student. Especially is this the case on the smaller islands surrounding the main Isle Royale. The exquisite, rugged beauty of the cliffs of the shore lines, indented with countless small bays and mouths of trout streams that may be enjoyed by sailing along the narrow, deep fiords or channels, constitutes a particularly fascinating contribution to the scenic offerings of the park.

Due to the peculiar combinations of inland lakes and forested terrain, these factors may be held accountable for the preservation and increase of the wild life of the island. Without this sheltering cover of balsam, spruce, beech, birch, poplar, and pine, Isle Royale to-day doubtless would not be the home of moose, woodland caribou, beaver, deer, and other wild life. It is considered no exaggeration to estimate 2,000 moose and 400 woodland caribou on the island, the latter an animal not encountered elsewhere within the confines of the mainland of the United States. Moose may now be seen with little effort by any visitor. This in itself will present an unusually fine wild-life spectacle. Botanists report a wealth of flora, equaling in season the finest flower displays of the other national parks. The flora and fauna of the island, said to be entirely foreign to the neighboring shores of the lake and to be sub-Arctic in character due to the perpetually cold waters by which Isle Royale is surrounded, have long been the object of scientific curiosity. The waters of the island and the surrounding lake abound with fish, so that the sport of fishing would be one of the outstanding attractions of the park. The island group is considered the greatest breeding grounds for the herring gull in the Great Lakes. The proposed park thus offers large opportunities for study and enjoyment to the lover of bird, animal, and fish life under most favorable conditions.

Another most interesting feature of the island is the archæological remains. In two remote sections, one on the northern shore and the other in the south Siskiwit Bay district, extensive mining operations of ancient days have been uncovered. How far back into our history these go has not yet been definitely determined. On the old Minong workings, near McCargoes Cove, great piles of stone hammers, crude large stone steps leading to the water's edge, and other stone implements have been uncovered. Whether these represent the operations of ancient white man or began with their Indian antecedents is unknown. However, there are remains of literally thousands of open-pit mines from which, in aboriginal times, the early inhabitants of these regions obtained practically all of the copper that was used in aboriginal America. From here and the adjacent mainland, where all of this copper was obtained, it found its way by the trade routes into other parts of North America, and all of the copper, so far as can be determined, which has been found in mounds in the South and elsewhere, was originally obtained from this immediate vicinity. Here, at and near the head of McCargoes Cove, therefore, may be said on good authority to be the real seat of this great ancient mining industry.

It is therefore evident that from a scenic, recreational, scientific, and educational standpoint here is presented one of the outstanding opportunities for the establishment of a great island national park unique of its kind in the system and measuring up to the high standards that have been prescribed for such establishment. Its type of scenery, utterly distinct from anything now found in our national-park system, its primitiveness, its unusual wild life and interesting flora, its evidences of possible prehistoric occupation, all combine to make Isle Royale and its neighboring islands of national-park caliber.

It is this very unusualness which will also present unusual problems for development, if and when created as a national park. Complete protection, of course, is the prime object aimed at. The island appears peculiarly adapted for the building of a simple system of horse and hiking trails from one end of the island to the other, following ridges or partly at lower elevations near the shores with other trails, crossing over and connecting the longer parallel trails. From these pathways unending and everchanging scenes of marvelous beauty would be unfolded, without disturbing the wilderness character of the area, or the wild life. Such development of the inner section of the park would be paralleled by the boat routes through the channels surrounding the island.

The matter of establishing this national park was first seriously brought to the attention of the department in 1924 through the interest of Michigan conservation associations which were actively pushing the matter and exerting themselves toward securing the private holdings on the island in order that they could be offered to the Federal Government. The area was carefully inspected in 1925 by former Director Mather of the National Park Service, who gave it his unqualified approval. He was much impressed and very enthusiastic over the possibilities. It has been visited and reported on by other outstanding men of authority, notably this past summer by Harlan P. Kelsey, of Salem, Mass., a botanist and conservationist, as collaborator for the service, and Dr. Frank R. Oastler, of New York City, outstanding in conservation circles and a member of the advisory board on educational problems in national parks, both of whom were high in their praise of the area from a scenic and scientific standpoint.

The area was also studied in 1930 by Senator Walcott, chairman of the Special Committee on the Conservation of Wild Life Resources of the United States Senate, and other members of that committee. In all discussions of the possible creation of this park, the department and the service, while being favorable to the project, have taken the stand that the only condition under which the project would be acceptable under established policies would be that all the area required should be conveyed to the Federal Government without cost, as was the policy approved by Congress for the establishment of the three proposed southern Appalachian parks.

It may be pertinent to observe at this point that, while all except 9,121 acres of the island, which are public land, are in private or State ownership, the head of one of the large copper companies owning considerable acreage on the island has indicated that some 21,000 acres of their holdings would be turned over to the park project without cost, in the event of the establishment of the park, and that this gift may be increased to 45,000 acres. The Conservation Commission of the State of Michigan stands ready to deed 2,240 acres of land under its jurisdiction toward the project. Altogether commitments have been made to turn over approximately 56,000 acres of the total required for the park, leaving the rest still to be acquired by local authorities.

Under the provisions of H. R. 17005, the actual establishment of this national park is based upon the condition that the land deemed necessary be turned over to the United States without cost of acquisition.

* * * * * * *

With these changes made I heartily recommend that this bill be given favorable consideration and enacted into law.

HORACE M. ALBRIGHT, *Director*.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That when title to all alienated lands within such area of Isle Royale in Lake Superior, Keweenaw County, Mich., as shall be designated by the Secretary of the Interior in the exercise of his judgment and discretion as necessary or desirable for national-park purposes, shall have been vested in the United States, said area shall be, and is hereby, established dedicated, and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Isle Royale National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States title to any lands located on said islands offered to the United States, without cost, as may be deemed by him necessary or desirable for national-park purposes.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 26, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park.

With the following committee amendments:

On page 1, in line 3, strike out the words "such area of," and after "Michigan" in line 5, insert the words "and immediately surrounding islands."

On page 2, in line 4, strike out the word "land" and insert the word "lands."

In line 17, strike out the figures "26" and insert the figures "25."

The SPEAKER. Is there objection?

Mr. GREEN. Mr. Speaker, reserving the right to object, it seems very strange to me that only a few days ago my State desired a bill passed very similar in nature to this. We purported to give to the Federal Government 1,300,000 acres of land in the southern portion of Florida for a national park.

Mr. CRAMTON. Will the gentleman yield?

Mr. GREEN. I am not going to object to your bill unless you force me to do so. When we offered to give that land we found on the other side of the aisle a legion coming up to protect the Federal Treasury and to prevent the Everglades National Park from being established. Now, then, we find the gentleman from Michigan coming in with all of the lions and lambs lying down together, and they are all communing together to help him to pass his park bill. I am going to see if gentlemen on the other side of the aisle [Republican], who were so zealous to stop the bill for the State of Florida, when we wanted to establish our national park—I am going to see if those gentlemen now are going to object to the passage of this bill to establish a national park in the State of Michigan. I am not going to object. I am willing for the gentleman to have his park. Why not couple with your request, that our bill be also passed. I hope the Democrats will not object but will let objectors come from over there on your own side. But it does seem strange that when we want our national park there is so much objection. When we wanted our bill passed to reimburse our fruit-fly sufferers, a legion objected on the other side of the aisle. It is all right with you, on the other side of the aisle, when the park is to be established in Republican territory, or when reimbursement claims come from your own section of the country. "Consistency, thou art a jewel." Why are you not consistent. Why not also pass our Everglades Park bill? [Applause.]

Mr. HOWARD. Mr. Speaker, reserving the right to object, may I ask the gentleman to state the emergent character of this legislation?

Mr. CRAMTON. Certainly. The bill provides that the park shall not come into being until all the lands involved are donated to the United States. The Legislature of Michigan is now in session; there is a movement in the State toward the acquisition of those lands, and the legislature will not meet again, in the ordinary course of events, for two years.

Mr. GREEN. Our legislature had already passed a bill to donate the land.

Mr. CRAMTON. I will say to the gentleman that I favored the bill for a park in the State of Florida and would have been glad to have a chance to vote for it. More than that, the lady from Florida [Mrs. OWEN] has assured me that she does not object to what the gentleman suggests as a discrimination.

Mr. HOWARD. Mr. Speaker, if she does not object I do not, either.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 1, in line 9, after the word "States," insert: "And exclusive jurisdiction over the same shall have been ceded by the State of Michigan to the United States."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5616, to amend an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930. I would like to say in explanation that the other day we passed the companion House bill. I did not then know the Senate bill had already passed the Senate, but since it had passed the Senate and is pending here, I am now asking to have the Senate bill passed.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930, is hereby amended to read as follows:

"SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act, which shall not exceed the sum of $2,000,000, to be available for all expenses incident to the examination and establishment of the said colonial national monument and for the acquisition of lands and/or lands and improvements needed for the completion of the monument, including the securing of options and other incidental expenses. The area of the Yorktown battlefield, authorized for inclusion in said monument, is hereby extended to not to exceed 4,500 acres, and all Government-owned lands within the boundaries of said monument as established by presidential proclamation, except those determined by the Secretary of the Interior as not necessary in carrying out the objects of said monument, are hereby transferred to the administrative jurisdiction and control of the National Park Service."

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when the House bill was brought before the House for consideration the other day under unanimous consent, I interrogated the mover of the motion with two explicit

questions as to the amount of additional money that would be required in case the limit of appropriation was lifted. The appropriation up to that time for this purpose was limited to $500,000. I tried my best, in my feeble way, to obtain information as to what additional burden would be placed upon the National Government by the authorization to purchase the additional acreage. No such information could be furnished me. I thought at that time it was ordinary farm property. I came to find out shortly afterwards, that very same day, that we were imposing an obligation upon the National Government of $1,500,000 to purchase additional land of 2,000 acres or thereabouts—land for this Colonial National Park.

I do not think it is dealing fairly or frankly with the membership of the House, when a million and a half dollar proposition is involved, for the sponsor of that legislation not to be acquainted with the merits of the proposition, so that in answer to a direct inquiry he can advise the House as to the added obligation. I have been criticized in this House for being economical and if I had known this project was going to entail an obligation of $1,500,000, threefold the original proposition, I would most certainly have objected. [Applause.]

Now, we have before us the proposal for the first time that the authorization of appropriation shall be increased from $500,000 to $2,000,000. We are also confronted with the situation that if we do not place this limitation on, it may go to three or four or five million dollars. I should have had, and this House should have had, the information when the original House bill was under consideration, so that we could have exerted our right to block this extravagant appropriation of $1,500,000 for public-park purposes, when the taxpayers in these piping times of peace will be obliged to pay the additional amount.

The SPEAKER. Is there objection?

Mr. SABATH. I object.

Mr. CRAMTON. Will the gentleman withhold his objection a moment?

Mr. SABATH. I withhold it.

Mr. CRAMTON. I will say to my friend from Wisconsin [Mr. STAFFORD], while he no doubt had it definitely in mind that he wanted that information, it is my recollection that he did not ask the direct question as to the amount of money. He did ask about the acreage.

Mr. STAFFORD. I asked twice about the additional amount of money caused by this additional authorization and got no reply.

Mr. CRAMTON. It is not fair to my colleague from Michigan, who made the request, to insist upon that. The situation is this: The bill passed the House a year ago with no limitation as to the amount of money or the acreage. The Senate put in a limitation of $500,000 and of 2,500 acres, and this was accepted in conference. At that time we could have secured in conference an agreement on this amount of $2,000,000, but we felt that the interest of the Treasury would be conserved by not hanging up that large stated sum, so we accepted the limitation of $500,000.

Again this year the Committee on the Public Lands reported out the bill removing any limitation as to money and providing 4,500 acres as to acreage. The Senate in their bill have insisted upon putting in this limitation of $2,000,000, which I believe is more than will ever be spent, and it is not, in my judgment, the most economical proposition to have it stated in the bill; but they passed it in this form and I am trying to pass the Senate bill here.

I will say to the gentleman that the acquisition of lands in this monument is limited to the Yorktown Battlefield almost entirely. Jamestown Island the State of Virginia is endeavoring to buy and giving to the Government. Anything acquired in Williamsburg will be presented to us. The parkway, 20 miles long, to connect these three historic shrines is not costing us over $43,000; but in the Yorktown Battlefield, one of the most momentous, historical places in America, it is necessary that the lands acquired be adequate.

Now, it so happens that in this increase of 2,000 acres, 1,400 acres, as I understand it, is the watershed of Newport News, and about 600 acres of increase is all that is involved in possible purchase, and the bulk of this was bought a few years ago by a land-development company. They started to put up a large hotel property, and they laid out a great golf course, and as you go over this sacred, historic shrine you find bunkers named for General Lafayette and General Washington, and so forth. This is one of the things we want to prevent. The people who bought this land have given an option to parties interested to sell it to the United States at the price they gave for it several years ago, and without any charge for interest or taxes.

Mr. SABATH. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. SABATH. How long ago was it that this development started?

Mr. CRAMTON. Several years ago, and within the last few months offers have been made by certain parties, and we are assured that we can acquire the option. If the option expires, I am afraid that the United States will be later charged much more for these lands which are essential.

Mr. SABATH. Are they essential or are the people who started it finding themselves embarrassed by having an extensive lot of land on their hands and are now trying to get the Government to relieve them from the dilemma in which they find themselves?

Mr. CRAMTON. We are permitted to take over the option, and if we do not take that option we will have to pay much more for the land in the future.

Mr. SABATH. Much more than the price was two years ago?

Mr. CRAMTON. We are offered the land through the exercise of that option at what it cost without interest. The gentleman from Virginia [Mr. BLAND] is cognizant of these facts, as the matter is in his district.

Mr. SABATH. The gentleman from Virginia has investigated this matter and regards this as a reasonable sum?

Mr. BLAND. This applies to the Moore House and the land immediately adjoining it——

Mr. CRAMTON. The reference is to the option which has been given on the lands involved in the hotel development scheme?

Mr. BLAND. Yes.

Mr. SABATH. It is all under option?

Mr. CRAMTON. Several hundred acres.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. The following is the report of the Director of the National Park Service upon my original House bill, which proposed to entirely remove the money limit.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, January 14, 1931.

Memorandum for the Secretary.

Reference is made to the request under date of January 13, 1931, from the chairman Committee on the Public Lands, House of Representatives, for a report on H. R. 15984, entitled "A bill to amend the act entitled, 'An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes,' approved July 3, 1930."

The bill would remove the limitation of $500,000 on appropriations to be made for the establishment of the Colonial National Monument; would increase from 2,500 to 4,500 acres the amount of land of the Yorktown battlefield which may be included in the monument, and would transfer to the Department of the Interior such tracts of Government-owned land as are necessary for completion of the monument.

At the outset let me say that no more funds will be requested during the present session of Congress, but ultimately, and perhaps next year, further increments of money will be needed and this legislation would open the way for the submission of estimates at the proper time. As a matter of fact, if this bill is enacted into law, it will give the Colonial National Monument the legal status originally approved by the Bureau of the Budget.

When the original bill for the creation of the Colonial National Monument was before the Bureau of the Budget and the Appropriation Committees of Congress, we had no data as to the value of lands that would be required for monument purposes. As a result of work done during the past summer we now have a fairly accurate line on land values, and it appears that at least $1,500,000 in addition to the original $500,000 will be required for acquisition of lands to complete the project. While we recognize the desirability of having a limitation in law placed on expenditures for a new project, we feel it important in this case not to have an amount stated in the bill because of its influence

on the value of land. We know by experience that as soon as an amount is stated, the owners have a tendency to fix the value of their land in accordance with the amount authorized. We would prefer to leave it to the Bureau of the Budget and Congress to determine the amounts which may be estimated for under this authority and abide by their decision as to whether we are proceeding in an orderly and businesslike fashion.

A study of the Yorktown battlefield, parts of which are to be included in the Colonial National Monument, indicates that it will not be possible to protect all the principal points of this historic spot under the limitation of 2,500 acres—which the Colonial Monument act authorizes to be acquired. However, if this is raised from 2,500 to 4,500 we will be able to adequately protect and preserve for all time all historic points which should be properly a part of the monument. It is not proposed to acquire by purchase all of the additional 2,000 acres. Approximately 1,000 acres within the limits of the monument as defined by the proclamation belong to the city of Newport News, being a part of the watershed protecting the municipal water supply. As the objects of the city and the National Park Service will be along the same lines, to preserve and protect the area, it is not contemplated to buy the city's lands and it is believed that the city will grant certain rights of way and a landscape easement by donation or at small cost.

Several tracts of land now under the jurisdiction of other departments should form a part of the Colonial National Monument. These are the peace monument at Yorktown, administered by the War Department; the monument on Jamestown Island, administered by the Treasury Department; and two or three small parcels in the Navy mine depot and the Navy fuel station. The transfer to the department of such areas as are essential is provided by proclamation of the President and this proposed legislation is merely confirmatory of such action.

I believe that H. R. 15984 is a most desirable bill, and it is necessary if the Colonial National Monument is to be complete. Therefore, I recommend that it be enacted into law.

HORACE M. ALBRIGHT, *Director.*

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. TILSON. Mr. Speaker, I had hoped that we might take a recess in a very few minutes, as we are to have an evening session.

Mr. CRISP. Will the gentleman permit me to say that I do not think that anybody has yet been recognized on this side.

The SPEAKER. The Chair will recognize the gentleman from Georgia.

INCREASE OF PAY OF MAIL CARRIERS

Mr. CRISP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 543) to increase the pay of mail carriers in the village delivery service.

Mr. Speaker, this bill has been favorably reported by the Committee on the Post Office and Post Roads, and they recommended that an amendment reducing the maximum to village carriers of $100. I ask unanimous consent to consider the bill and disagree to the Senate amendment so that the bill will pass.

There are 954 of these village letter carriers, and the pay they now receive is from $1,150 to $1,350 a year. The bill as it passed the Senate gives them $1,250 to $1,500. The carriers who do the same work as these letter carriers get $1,700 to $2,100.

As I say, there are now 954 of these village letter carriers throughout the United States.

Mr. SPROUL of Illinois. Mr. Speaker, I am on the Committee on the Post Office and Post Roads. They came to us and requested an increase of $150 a year.

At the time we increased the salaries in 1928 we gave the employees an increase of $300 a year, but we practically left these men out. Now we have reduced their request from $150 to $50 a year, and for that amount I think they ought to have it and that this bill ought to pass.

Mr. CRISP. I thank my friend, and I hope the House will take the same fair and equitable view.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. We have done something for all of the letter carriers both in the first and second class offices, and those in the village delivery service at this session of Congress. We have granted them a 44-hour week service, with the privilege of an allowance for service on Saturday afternoon if they are compelled to serve at that time. As I read this bill it provides in some instances for automatic promotions which will result in $200 promotion on June 1.

Mr. SPROUL of Illinois. Oh, $50 is the highest increase, if you take it all along the line. The village carriers besides are not coming in on the 44-hour a week proposition.

Mr. STAFFORD. Why not? It applies to all letter carriers.

Mr. SPROUL of Illinois. Not to the village carriers.

Mr. CRISP. My friend from Wisconsin [Mr. STAFFORD], I am sure, is fair. These village carriers do exactly the same work as the city carriers, with this additional hardship. The village carriers are in places of less than 5,000 population, and many times they have to do their work through a mud street because they are not paved. The maximum pay they receive is $1,350, while the maximum pay a city carrier receives is $2,100. The Senate bill increases the maximum to $1,550. I hope my friend will not object. There are 954 of these village carriers.

Mr. STAFFORD. I was under the impression that it increased it only to $1,450.

Mr. CRISP. As the Senate passed the bill the other day the maximum was made $1,550. The Committee on the Post Offices and Post Roads has reported it favorably, with a recommendation reducing the maximum to $1,440. In view of the lateness of the session and the possibility of its not getting through, and in view of the modesty of the salary asked, I am going to ask the House to disagree to the House amendment and agree to the Senate bill.

Mr. SCHAFER of Wisconsin. How many hours a day do these carriers work? Is it not a fact that they have only one train a day in some of these small towns, and these people work a few hours a day and have another job on the side?

Mr. CRISP. I would not think so, but I confess I can not answer the gentleman's question.

Mr. STAFFORD. I suppose that inadvertently the gentleman stated that it was proposed to increase these men's pay up to $1,550?

Mr. CRISP. That is the Senate bill.

Mr. STAFFORD. And the House bill is $1,440. As I read the bill, I gained the impression that there would be an increase of $200 on July 1.

Mr. CRISP. I do not think there is anything in that.

Mr. CLARKE of New York. These village carriers, especially in the small towns, in the wintertime have especially hard work to perform.

Mr. STAFFORD. What are their hours of employment?

Mr. CLARKE of New York. Some of them start very early in the morning.

Mr. SABATH. And sometimes they have half a dozen letters to deliver in a day.

Mr. CLARKE of New York. Oh, that is a silly remark.

Mr. LAGUARDIA. The gentlemen from the rural districts helped us to get the postal salary increase bill through and we ought at least to reciprocate.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection. Let the bill be passed with the House amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, as amended, is amended to read as follows:

"SEC. 10. That the pay of carriers in the village delivery service under such rules and regulations as the Postmaster General may prescribe, shall be from $1,250 to $1,550 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 60 cents per hour."

SEC. 2. This act shall take effect on the date of its approval.

With the following committee amendments:

Page 1, line 8, after the figures "1925," insert: "(U. S. C., title 39, sec. 106)."

Page 1, line 10, strike out section 10 and insert: "Carriers in the village delivery service shall be graded, with salaries for each grade, as follows: First grade, $1,250; second grade, $1,350; third

grade, $1,450. That in the readjustment of salaries for letter carriers in the village delivery service to conform to the grades herein provided, village letter carriers who are now receiving $1,150 per annum shall be placed in grade 1, those who are now receiving $1,250 per annum shall be placed in grade 2, and those who are now receiving $1,350 per annum shall be placed in grade 3. In determining the aggregate period of service upon which promotions are to be based, all time served as letter carrier in the village delivery service is to be included: *Provided*, That hereafter substitute letter carriers in the village delivery service when appointed regular carriers shall have credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute, and appointed to the grade to which such carrier would have progressed had his original appointment as substitute been to grade 1: *Provided further*, That letter carriers in the village delivery service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade."

The SPEAKER. The question is on agreeing to the committee amendments.

The Senate amendments were agreed to; and the bill as amended was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 23, 37, 72, 77, 81, and 100 to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes."

The message also announced that the Senate further insists on its amendments to said bill numbered 14, 25, 36, 44, 45, 46, 59, 66, 79, and 82 and agrees to a further conference requested by the House on the disagreeing votes of the two Houses thereon.

The message also announced that Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. MCKELLAR had been appointed to be the conferees on the part of the Senate.

Mr. STRONG of Kansas. Mr. Speaker——

Mr. GARNER. Mr. Speaker, reserving the right to object, I do not know for what purpose the Chair is going to recognize the gentleman from Kansas [Mr. STRONG], but it is after 6 o'clock. I want to call the attention of the gentleman from Connecticut [Mr. TILSON] to that fact and to the further fact that at 8 o'clock to-night there is to be a session of the House for the consideration of certain bills which the Speaker has announced he will recognize for consideration. I just want to know how long we are going on this afternoon.

Mr. TILSON. If the gentleman will permit the one recognition, I agree with him that after this bill is considered I shall move to take a recess.

Mr. GARNER. I do not know what measure it is which the gentleman is calling up, but I shall not object.

PAYMENT OF CERTAIN CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 303), with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas [Mr. STRONG] asks unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 303), with Senate amendments, and agree to the Senate amendments. The Clerk will report the joint resolution and the Senate amendments.

The Clerk reported the joint resolution by title and read the Senate amendments, as follows:

Page 2, strike out lines 1 to 9, inclusive.

Page 2, after line 9, insert:

"*Provided*, That the Comptroller General of the United States is authorized to waive production of the original orders for cars, but that no claim shall be allowed and paid unless claimant shall file, under oath, a declaration based on personal knowledge showing his ownership of the wheat on which he claims interest and insurance; that the wheat was not held for any person, company, or association under any agreement, written, oral, or implied; that the wheat was not being held for seed, and that every reasonable effort was made to obtain cars each week for shipment of the grain in the elevator: *And provided further*, That no claim shall be allowed which has heretofore been adjudicated by any court nor where claimant actually profited by the delay nor where claimant filed a claim for such interest and insurance in any case prior to 1922."

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, I object.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. KENNEDY, of New York, for the balance of the session on account of illness.

SILVER NEEDS STABILIZATION

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech I made on silver, with certain extracts and tables which accompanied my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. ARENTZ. Mr. Speaker, in any discussion of the reasons for the present world-wide depression the break in the price of silver must be included among the contributing causes.

Not since the time of William Jennings Bryan has the silver question received so great attention as it has during the past year. Until recently the financial leaders, the economists, and those in the United States Congress, with few exceptions, have looked on silver as a commodity and let it go at that. "There is an overproduction," they said; "let the silver producers curtail the same as the farmers who are confronted with a wheat surplus."

SILVER—THE IMPORTANCE OF SILVER IN THE PRODUCTION OF ARGENTIFEROUS ORES

By Charles White Merrill

Silver is unique among the metals in that but two-fifths of its production is derived from ores more valuable for silver than for other metals therein contained. Thus, price is of less weight in controlling silver production than is price in the production of other metals. The relations of silver revenue to total ore revenue in the production of argentiferous ores accordingly is not only of importance to the silver industry but is a factor of considerable consequence to the production of gold, copper, lead, and zinc.

The recent decline in silver price to levels never before recorded, therefore, has provoked much inquiry as to the extent to which silver is a by-product of other metal production, the extent to which its by-product nature will tend to maintain its production in spite of price, and the extent to which the production of other metals may be affected by the price of silver.

This study brought out the following salient features:

1. Over one-half of the world's production of silver is from ores that derive less than 40 per cent of their recoverable value from silver. Almost one-third is from ores carrying not more than 20 per cent of their value in the form of silver.

2. One-third of the world's silver production is from ores that derive over 70 per cent of their value from silver.

3. Over one-half of the world's silver production may be considered by-product silver.

4. Over one-quarter of the world's silver production may be considered derived from "straight-silver" ores, as that proportion is produced from ores depending on silver for over 80 per cent of their recoverable value.

5. Ores valued at less than $10 per ton, of which silver at 50 cents an ounce contributed over 50 per cent of the value, produce one-fifth of the world's silver.

6. Eighty per cent of United States silver is produced as a by-product, but in Mexico 46 per cent of the silver production is from "straight-silver" ores.

7. Revenue derived from by-product silver in low-silver ores is a more important factor in the profits of metal mines than is apparent by contrasting the values of the metals in the ore.

8. Silver-bearing ores which produce 91 per cent of the world's silver also produce 85 per cent of the world's gold, 69 per cent of the lead, 66 per cent of the copper, and 46 per cent of the zinc.

9. Ores in which silver is the principal source of revenue provide 49 per cent of the world's silver; those in which lead is the principal source of revenue, 24 per cent of the world's silver; copper, 14 per cent; zinc, 7 per cent; gold, 5 per cent; and tin, 1 per cent.

I wish to bring to your attention, fellow Members of Congress, certain facts which I hope will cause you to assume a different attitude respecting this important question. Because of the present situation of silver and its world-wide

effect on hundreds of millions of people the attention of the world is challenged. This problem has been discussed in newspapers and magazines and recently most extensively by financiers and economists in publications put out by the banks of this and foreign lands. Doubt is expressed on every hand as to the ability of the gold reserves to supply the needs of the world. Silver has its place in the monetary world and it is believed that it is most desirable, that it is in fact essential, for the general welfare of the world that more stable relations between silver and gold be established.

In a recent conference by the writer with Andrew Mellon, Secretary of the Treasury, in an effort to gain his support in the calling of an international conference on silver, Mr. Mellon stated that although in recent years silver has been looked upon as a commodity it is doubtful, he said, if it would ever cease to function as money in many countries of the world. He agreed that fully 750,000,000 people located in the countries of India, Indo-China, and China, not to mention the Latin Americas, are suffering from an economic depression caused at least to a degree by the decline to new low points in the price of silver.

There are numerous reasons advanced for the present world-wide depression and similarly for that of silver. Silver, the circulating money of more than half of the people of the world, is demoralized.

The so-called silver nations—

Said John F. Sinclair, in the Washington Star—

are fighting for their economic life—all of them—India, China, Mexico, and several countries of South America.

Silver has fought gold for supremacy for 2,000 years. It has fought a gallant but hopeless struggle. Only in the last hundred years has it finally lost out.

During the World War silver had a new lease on life—it climbed into the heights again and in 1917–18 it sold for $1.38 an ounce. For a number of years before this the price was kept at approximately 60 cents per ounce. It fluctuated very little from that point. Then something happened—a decline set in. In 1928 silver was worth 58 cents per ounce. In 1929, 53 cents per ounce, in 1930 it was worth from 45 cents in January to 32.6 in December and at present is selling at 27.5 cents. What is the result? The nations which pay their imports in silver find that the depreciated silver has enabled them to buy less goods than ever before. Foreign trade has dried up. American exports to and imports from silver-using countries decreased, during the first 11 months of 1930, as follows:

	Exports (per cent)	Imports (per cent)
South America	37	32
Mexico	13	33
India	19	30
China	27	36

No wonder Prof. Charles J. Bullock, of Harvard University, characterized the collapse of silver as "a world calamity."

This question is asked the world over, What has caused silver to drop to its lowest value in all history? It is not overproduction.

The following table is taken from information given by Handy and Harman:

Consumption of silver by India and China

	China, including coinage of Chinese Mints	India
	Fine ounces	*Fine ounces*
1924	41,700,000	108,200,000
1925	59,400,000	106,700,000
1926	73,900,000	91,600,000
1927	85,000,000	90,000,000
1928	124,000,000	89,000,000
1929	136,700,000	81,800,000
	530,700,000	567,300,000
6-year average for China		86,783,333
6-year average for India		94,550,000
6-year average for both China and India		181,333,333

The above figures, showing consumption, include resales of silver by Governments, which supplies, so far as available, are shown below.

Statement of silver derived from Government sales

	1929	1928	1927	1926	1925	1924	Total
Debasement of British coins	10,000,000	5,500,000	1,200,000	700,000	7,000,000	2,000,000	26,400,000
Demonetized coins						18,000,000	18,000,000
French	10,000,000	19,000,000	8,000,000				37,000,000
Belgian		13,000,000					13,000,000
Indo-China [1]	12,000,000						12,000,000
Sales by Indian Government	35,000,000	22,500,000	9,200,000				[2] 66,700,000
	67,000,000	60,000,000	18,400,000	700,000	7,000,000	20,000,000	173,100,000

[1] Mr. Kann estimates sales by Indo-China in 1929 at 50,000,000 ounces. (See p. 7.)
[2] The National City Bank of New York estimates the amount sold by India since 1926 at 82,500,000 fine ounces (see p. 14 of its Economic Review, etc., of January, 1931) Mr. Kann at 85,000,000 ounces (see p. 7, supra).

Estimates of world production of silver

(In fine ounces)

	By Director of U. S. Mint	By Handy & Harman	By American Bureau of Metal Statistics
1924	239,484,703	239,100,000	238,779,157
1925	245,213,993	245,100,000	241,667,187
1926	253,795,166	253,600,000	253,049,173
1927	253,961,085	251,200,000	253,121,265
1928	257,925,154	257,200,000	254,869,163
1929	[1] 261,715,021	[1] 260,900,000	[1] 261,205,718
Total 6 years	1,512,115,122	1,507,100,000	1,502,781,663
Average 6 years	252,019,187	251,183,333	250,463,611

[1] Subject to revision.

Industrial consumption of silver (as given by the report of the Director of the United States Mint, June 30, 1930, p. 251)

1928	60,757,062
1929	57,584,812

New York Handy & Harman silver price

	High	Low	Average
1924	72.125	62.750	66.781
1925	72.875	66.300	69.665
1926	68.625	51.500	62.107
1927	60.000	53.625	56.379
1928	63.625	56.500	58.176
1929	57.500	46.500	52.091
1930—January	46.875	43.250	45.000
February	44.000	40.875	43.193
March	43.125	39.625	41.654
April	42.875	41.625	42.428
May	42.500	37.250	40.736
June	36.625	33.250	34.595
July	35.375	33.500	34.346
August	36.375	34.250	35.192
September	37.000	35.500	36.315
October	36.125	35.500	35.846
November	36.500	35.125	35.904
December	34.875	30.750	32.635
1930	46.875	30.750	38.154
1931, Jan. 9			28.500

No, there has been no overproduction of silver. But there has been an oversupply of silver on the world market for the past five years.

The whole trouble, states Mr. Francis H. Brownell, was obviously caused by the enormous sales of government-owned silver, which was more than eighteen times the total increase in production for the entire three years 1927, 1928, and 1929 over that of 1926. If silver owned by governments had been held and not offered for resale the increase in production would have been a negligible factor.

Relative to sales of government silver Mr. Kann, a prominent Shanghai authority, says, in substance:

The sale by governments had a doubly harmful consequence: First, because large extra quantities of silver were thrown on the market, irrespective of whether, when, and where these were wanted; and second, the harmful psychological effect caused by the uncertainty, or rather the certainty, of more coming in the near future. This has been a huge black cloud overshadowing the silver market like the Angel of Death.

The movement was initiated by Great Britain in 1920. At that time the British pound sterling had lost in value. The wounds caused by a most frightful war were still wide open. The ministry had to hunt for means wherewith to balance the country's budget and in searching for funds, struck upon the idea of melting Great Britain's silver coinage (then 0.925 fine) and reminting the same, but with a basic fineness of only 0.500. Large quantities of extra silver thus obtained and were then disposed of in 1921 and 1922. But the sale of further supplies from the same source continued from year to year, unheralded and uncontrolled. In 1929 alone about 10,000,000 ounces were being supplied to an unwilling market.

The example of England was promptly followed by Germany and Poland.

In 1919 and 1920 France became a large seller of silver, a considerable portion of which, derived from melted 5-franc pieces, was shipped to Shanghai. During her severe monetary troubles, extending until 1928, France abstained from minting silver coins, but instead circulated in the country 1 and 2 franc pieces made from brass and aluminum.

The example of these countries was promptly followed by most of their neighbors, notably Belgium, Switzerland, and Italy, all of which have figured as sellers of silver at the most inopportune time.

During the latter part of 1929, Indo-China sold large quantities of silver, derived from demonetized piaster coins, in preparation of her adoption of the gold bullion standard in the spring of 1930. The quantity disposed of in 1929 may be estimated at as high as 50,000,000 ounces. As the sale was carried out just when the silver slide had set in, a veritable avalanche developed, causing panic on the world's silver market.

The greatest adversary to silver's stability, however, was and still is British India. At the close of 1926 it was definitely resolved to change from the then existing gold exchange standard to a gold bullion standard and to dispose of large quantities of silver, derived from demonetized rupee coin. The total amount for sale was not fixed by law and was made dependent upon the quantities of rupee coins reverting to the Treasury for circulation.

The Indian farming classes, constituting the great bulk of the population, have always kept their savings in the form of silver. Individual family savings are not of sufficient volume (it is said that the income of more than three-fourths of India's population of over 300,000,000 averages only about $36 per person per annum in United States currency, or, say, $180 per annum for a family of five) to be made in gold, although this also is hoarded wherever possible. It is this hoarding or saving by the people of India and China that through past centuries has absorbed, and still absorbs, the new mine production of silver not used for coined money or in the arts. The total amount of silver so held as hoards is variously estimated at from 5,000,000,000 to 8,000,000,000 of ounces. These people have followed this practice from time immemorial. For 4,000 years they have seen governments rise and wane and disappear. Their experience with coins has been that, in the long run, they have become worth no more than their silver content and they have come to prefer the form of fine or standard silver as having ultimately a more uniform and permanent value than coins at their par or face value. The recent political disturbance in India may have accented this traditional feeling.

Then, too, the Indian peasant values silver for itself. The greater quantity he can get for a given amount of produce or money, the better bargain he believes he has made. The silver rupee contains at the present time a quantity of fine silver about equal to one-third of the amount of fine silver that that rupee can buy in the market. It is customary in India for a bride to receive a dowry largely in silver. This is often in the form of bracelets and anklets. A father having, say, 100 rupees can, by exchanging the rupees and buying silver, make about three times the showing in actual silver that he would make if he gave the original rupees, and a correspondingly greater impression. The tendency to turn in the coined silver rupees, and in lieu thereof to obtain fine silver in an amount exceeding that contained in the coins, has been going on in India since the price of silver began to decline shortly after the war and the silver content of the rupee fell below the amount of fine silver that coin would buy. A silver rupee is brought in and exchanged (theoretically, at least) for a paper rupee, which, being tied both to gold and to the English monetary system at a fixed rate, enables the original owner of the silver rupee to buy, on a gold basis, a much greater volume of actual silver than he had when he held the original silver rupee. As the fall in the price of silver continues, this tendency becomes accented, since each fall in the price enables the owner of a silver coin to buy an increasing amount of pure, uncoined silver. Obviously, this exchange would not go to the extent of a tendering of all the silver rupees now coined in India and taking fine silver in exchange. In doing current business a certain amount of rupee or silver coins is necessary, and probably always will be under any monetary system. The exchange is only of those rupees which are not necessary for circulation as current money, but which would be kept as savings—that is, hoarded—and were so hoarded when the silver content equaled substantially the amount of fine silver the coin would buy. The total exchange, therefore, will probably be limited to that amount of coined silver rupees not necessary for current monetary purposes.

The existence of such an excess stock came about during the war, when Great Britain bought heavily of supplies from India and also employed many Indian troops and civil employees. As all of Great Britain's energies were turned to munitions, shipments from Great Britain to India were at a low ebb, and the abnormal balance of exchange in favor of India required payment in hard money—either gold or silver—since doubt existed as to the possible ultimate redemption of paper money. Silver consequently rapidly rose in value during the war and reached a high price, the peak being above the melting point of many coinages. To fill the demand, which was very much in excess of current mine supply, Great Britain obtained from the United States about 200,000,000 ounces of silver which had previously been in its vaults, which were immediately coined into the form of rupees and used to pay for Indian troops and supplies. The result is that, at the end of the war, an extremely abnormal stock of rupees had been coined and placed in circulation, and when, after the war, demand ceased, the price of silver began to fall, the excess stock of rupees which had been placed in circulation began, through the working of the tendency above described, to come back into the Indian Government's possession and fine silver to be purchased in lieu thereof. That Government also had left on hand a considerable amount of silver not yet coined.

This total stock of excess silver thus coming into the possession of the Indian Government has been estimated at from 300,000,000 to 400,000,000 ounces of fine silver, and it is this amount which the Indian Government must either keep in its vault as a reserve against a future emergency of similar nature (as does the United States, which holds in its Treasury over 400,000,000 ounces of silver coined in the form of dollars), or it may sell the silver in order to buy the gold to maintain its reserves under the present gold bullion standard. It was this latter course that was recommended by the Royal Commission in 1926 and which is now the law in India.

As above stated, one of the means of maintaining the gold reserve back of the paper rupee issue is through the sale from time to time of the surplus silver in its possession. The Indian Government built a refinery, where the alloys are taken out, and the silver contents made available for the market as fine silver. Looking back over the last three years, it seems probable that the Indian Government has raised annually somewhere between $10,000,000 and $20,000,000 (£2,000,000–£4,000,000) for this purpose through the sale of silver. This seems a small sum for a government to be concerned about, but it must be remembered that the balance of trade (excess of exports over imports) is in favor of India. (See Annual Statement of Seaborne Trade of British India with the British Empire and Foreign Countries, published by the commercial intelligence department of the Indian Government.) As India, however, is primarily an agricultural country, there may be periods of time in any year when the balance of trade is against it. Then, when the harvests move, the former deficit for that year is made up and substantially surpassed for the year as a whole. The balance of trade in India's favor, as a whole, strengthens the gold reserves.

If the Indian Government wishes to raise, say, $12,000,000 (£2,400,000) per annum to protect its reserves, and the price of silver is 50 cents per ounce, it can accomplish its end by the sale of 24,000,000 ounces; but if the price of silver is only 30 cents, it must sell 40,000,000 ounces, and the sale of this greater amount would still further reduce the price, making it necessary to sell an increasing amount to realize a given amount of money. As the fall in silver price tends still further to accent the exchange of silver rupees above described, a vicious circle is created.

A preliminary estimate was suggestive of an approximate quantity of 240,000,000 ounces of bar silver (nearly one year's world production) to be disposed of whenever the authorities thought fit. The total amount of melted silver sold up to now by the Indian Treasury is about 85,000,000 ounces. This figure in itself is large, but the chief danger is in the undefined future policy as to time and quantity of further silver stocks being disposed of. "Due to the fact that most of the other sources of surplus silver will give out in the near

future," states Mr. Kann, "there would be better prospects ahead for the white metal if it were not for the genuine threat emanating from India."

Irving Trust Co., of New York, in its Mid-Month Review of Business for December 17, 1930, says:

No banker or merchant can fail to feel the challenge offered by the irrationality of idle factories here or in Europe at a time when a considerable fraction of the human race, able and willing to work, is living at the verge of starvation. At the same time there are gluts of many commodities. What can be done about it? Is there nothing in the science of economics which can cope with a distribution problem of such large dimensions?

The problem of silver: Perhaps silver gives a clue. Half the world's population still uses silver as its money metal—India, China, Mexico * * * and other countries. In China silver has been used as the store of value for nearly 4,000 years. In India lifetime savings take the form of silver jewelry, bangles, table utensils, cult objects and statuary, bullion and coins, hidden in the rafters or buried in the ground. Myriads of people want metallic wealth, which 'neither moth nor rust doth corrupt'—not paper money that becomes sodden by the wet from thatched roofs or makes good provender for rats and insects (and fire). It is a serious matter to disturb folkways of such long standing. Yet the Government of India in 1926 imposed upon the people legislation * * * providing that India should adopt a gold bullion standard in place of the previous gold exchange standard, and gradually sell on the open market the excess stocks of silver, consisting of several hundred million ounces, then held in the Indian Treasury; the proceeds of these sales would serve to augment the treasury's gold holdings, which were to be increased gradually until the requirements necessary to the operation of a free gold standard should be accumulated. In line with this legislation, the Indian Treasury has disposed of large amounts of silver, and in March, 1930, imposed an import duty of 4 annas (between 9 and 10 cents) on the white metal.

At the time that the royal commission issued its recommendation, silver was selling at about 65 cents an ounce. A rapid fall in the price followed, and in December, 1926, the price averaged 53½ cents. Punctuated by occasional rallies, the trend has since been downward, and on the 16th of the present month quotations reached 31½ cents, the lowest level in the history of the world. Because Indians and Chinese, from time immemorial, have been accustomed to invest their savings in silver—the amount of such accumulated savings, in India alone, being conservatively estimated at 7,000,000,000 ounces—the extent of the social upheaval can hardly be imagined. Inasmuch as China is on a silver basis, her purchasing power in terms of imports has been melting away, and thus American sales to China have woefully declined. In addition, the Chinese are suffering from a world-wide decline in the gold prices of the commodities which they export. It seems safe to infer that the silver catastrophe has been a major factor in the unrest in India and the economic crisis in China. If so, the full effects of the situation have not yet been witnessed.

"Debasement of silver currencies in Europe: In addition to the events just described, Great Britain, Germany, France, Austria, Holland, Italy, Mexico, and some other countries have debased their silver coinage since the war, so that considerable supplies of the metal have been dumped from these sources upon a market that has now become demoralized. For the past five years silver production has been almost static at about 250,000,000 ounces per annum. Gold, too, has been produced in recent years in fairly constant quantities, or about an annual average of 19,350,000 ounces. * * * Bearing in mind the fact that the major portion of the silver now produced is a by-product of mining carried on chiefly for some other metal or metals, and the further fact that for the past five years the total silver output has been relatively constant, although the price has fallen some 50 per cent, it is evident that the economic law of supply and demand has been fundamentally disturbed by legislation.

"A suggested remedy: The facts clearly indicate the nature of the relief which is needed, and it is to be hoped that neither short-sighted nationalistic prejudices nor mere doctrinaire notions about bimetallism will stand in the way of the type of legislative action that is urgently necessary if the western nations are not going to push the Orient into an even deeper abyss of misery. The purchase of a few million ounces of silver annually by the treasuries of the leading commercial occidental nations for the purpose of augmenting the depleted silver content of their silver coins, or of using silver instead of paper for currency of small denominations, would exert an immediately beneficial effect. Some agreement, also, to proceed more cautiously in foisting the gold standard upon nations who are not yet ready for it would lessen the real concern that was expressed in the interim report of the gold delegation of the financial committee of the League of Nations lest gold supplies within a few years may be insufficient to support the growing volume of credit that is based on gold. These measures would help to preserve the value of the immense silver hoards in India and China and save the 700,000,000 of inhabitants from utter catastrophe. The historical defects of bimetallism in certain western currencies are well known and no one wishes to see them occur again. But we can still remain on the gold standard and use to advantage larger amounts of silver in our currencies. As far as the Orient is concerned, silver has been their standard of value from time immemorial. In the western countries for many centuries silver was of predominant importance until some 70 years ago the relative advantages of the gold standard became apparent to the United States and to other European countries. Thus here silver has become a commodity rather than primarily money, whereas in the minds of half the human race it still remains money first and commodity only secondarily. To forget this would be a serious psychological and political blunder. But mere altruism need not be the motive for trying to better the present silver situation. In helping our eastern neighbors we would be helping ourselves. Silver prices for many years have fluctuated slightly in advance of commodity prices. Thus, in preventing a debacle in the price of silver we would set in motion forces that would uphold general commodity prices and augment and stabilize international commerce. By broadening the monetary use of silver, here and in Europe, we would greatly strengthen the gold standard and insure its relative stability and permanence."

I believe with Mr. Francis H. Brownell in the statements he has made in two information pamphlets published January 14 and 16, 1930, that the crux of the question is—

Is it possible for the Indian Government, under its present laws, (1) to realize yearly the amount of money which it needs at times to preserve its reserves, and (2) over a period of years to sell its entire excess silver stock—without selling an amount of silver each year, which will seriously disturb the market and cause a decline in price?

Let us consider from the statistics of the last three years—1928, 1929, and 1930—whether there was a demand for Government silver in excess of new mine production sufficient to take care of India's needs. The following table sets forth the essential facts:

	1928	1929	1930
	Ounces	*Ounces*	*Ounces*
New mine production	257,200,000	260,900,000	243,700,000
Sales by Governments of silver formerly used as money [1]	60,000,000	67,000,000	71,500,000
Total silver sold	317,200,000	327,900,000	315,200,000
Deduct consumption of India and China	213,000,000	218,500,000	217,500,000
Balance	104,200,000	109,400,000	97,700,000
Deduct used for industrial purposes	[3] 60,750,000	[3] 57,500,000	[3] 50,000,000
Balance that must have been absorbed by Governments other than India and China	43,450,000	51,900,000	[3] 47,700,000

[1] There is every reason to believe more was sold. These figures are only what is known to have been sold.

NOTE.—All figures are from Handy & Harman's Reviews for the respective years except figures from Report of director of mint, June, 1930, marked (3), and figurefor 1930 (4) which is an estimate of the author, believed to be conservative.

The following essential facts are apparent from a consideration of the above table:

(1) That new mine production in no one of these three years was sufficient to meet the demands of India and China plus the demand for silver for industrial purposes.

(2) Hence it follows that sales of government-owned silver by India would be needed to supply the demand of those governments which are still annually buying silver for subsidiary or other coinage purposes. In no one of these three years did the amount so purchased fall below 40,000,000 ounces. In 1929 it amounted to over 51,000,000 ounces. The average can safely be set at more than 40,000,000 ounces per annum. The probability is that this amount was exceeded in the year 1930, which we have estimated at this low figure for the purpose of conservatism.

Now, this buying by governments can be controlled if the governments are sympathetic. They do not have to buy at any given time, and they obviously should prefer to buy at times when they could make the best bargains.

Suppose the governments selling silver, particularly India, had, during the three years 1928, 1929, and 1930, let it be publicly known that no silver would be sold below some announced level of price, say, 24d. in London or, roughly, 50 cents in New York, and if contemporaneously those nations buying over 40,000,000 ounces each year for subsidiary coinage had bought only when the price of silver fell below such announced level, we can reasonably deduce that three results would have been obtained:

1. The purchasing nations would have bought their silver when the price fell below the 24d. level and thus would have made a good bargain.

2. The dealers in silver would have resumed their former practice of also buying when the price fell below the 24d. level, knowing that the agriculturist and other demand for silver would in due season arise and that meanwhile governments would not be selling.

3. The effect would have been to stabilize the price, since buying would have come in at the low levels in sufficient quantity to carry over an otherwise dull period.

(4) As the production of new mined silver fell short of supplying the requirements of India, China, and the arts, it seems certain that the market requirements in excess of new-mine production would have compelled a price which would have yielded the amount of money India needed to obtain through sale of a lesser number of ounces of silver than she actually sold each year.

The sale of government-owned silver formerly used as money, being in the future largely, if not entirely, in the hands of India, can easily be held for sale at the proper levels of the market. The law appears not to compel the sale of silver the moment the gold

reserve falls below a certain level. A wise discretion is vested in the Government on this point.

Allusion has been made heretofore to the excess stock estimated at 300,000,000 to 400,000,000 ounces of silver largely in coined rupees, which the Indian Government has and which the Royal Commission's report of 1926 contemplated selling in order ultimately to acquire a sufficient gold reserve for the new gold monetary system. What the total excess stock of coined rupees will finally prove to be can not yet be determined with any degree of accuracy, but all the figures so far available seem to indicate that it does not reach a total of more than 400,000,000 ounces of silver in addition to the silver which has already been sold, and is probably much less than that amount. On the basis of the experience of the three years 1928 to 1930, inclusive, India might reasonably expect to sell about 35,000,000 ounces per year of this stock without injuriously affecting the market, and thus, in a period of, say, 10 to 12 years, would be able, without unnecessarily disturbing the market, to work off the entire excess stock gradually.

This, of course, assumes no relevant change of importance in present world monetary systems. It is interesting to note that much in the Royal Commission's report originally contemplated that the sale of this excess stock over a period of 10 or more years would not greatly disturb the market or price. While it is now evident that this can not be done without cooperation on the part of other governments, it is still entirely feasible if the necessary cooperation is furnished.

It seems probable that the volume of mine production of silver, especially from silver mines proper, is beginning to fall, with the prevailing lower price. There is nothing in the present situation leading one to assume that mine production of silver will exceed in 1931 what it was in 1930—less than 245,000,000 ounces. On the contrary, there is every present reason to believe that production of silver in 1931 will be an amount below that of 1930. As mine production falls, assuming demand in India and China to remain constant, it becomes obvious that the Indian Government would be able to sell a still greater amount of its excess stock of silver.

It thus seems that it is for the interest of India to strongly cooperate with the governments in stabilizing the market price of silver—certainly so long as the production of new mine silver does not exceed such an amount per annum as will prevent India's selling the necessary amount of silver to protect her reserves.

It is also obvious that if the price of silver could be stabilized at some given level and at the same time the Indian Government could thereby achieve a sale necessary to raise its requirement for reserve purposes, the great mass of the Indian people would be greatly benefited, in that the market value of their hoardings would not be diminished and in that any individual hoarder finding it necessary to sell a part of his savings would be enabled to realize a very much greater price.

The Indian Government has at all times, as is evidenced from the speeches of its finance minister and debates in Parliament etc., been solicitous, so far as it could, to preserve the price of silver, since the lower the price, the greater the burden placed upon it, for the reasons above outlined. In short, it is solely because of the necessity at times of raising funds with which to protect its gold reserve that the Indian Government is compelled to sell, and it apparently, on the whole, has done so only to the extent necessary for this purpose. That its Government is desirous of cooperation is best evidenced by the statement of Sir George Schuster, finance minister, who said, in his budget speech in March, 1930:

"I am prepared, on behalf of the Government of India as important producers, to say that if the other interests concerned show any desire to consider the possibility of joint action for the regulating of sales in order to meet the present situation, the Government of India would willingly cooperate." (See Handy & Harman's Review for 1930, p. 12.)

Perhaps no step of cooperation on the part of the leading nations of the world toward united action in curing the present business depression could be more easily and readily taken than the action proposed in regard to silver. Since it would improve trade with nearly one-half the human race, such cooperation must necessarily have a tremendously inspiring effect on all nations as being the forerunner of further informal or formal cooperation in solving the other problems which now confront international trade. It would not only tend to restore and help the foreign export trade with India, China, Mexico, and other silver-using countries (even though on some form of the gold standard), but would have a far-reaching beneficial effect upon the general world situation.

	Ounces
India	94,500,000
China	123,000,000
	217,500,000

(See their Review of Silver Market for 1930, pp. 14 and 20.)

(b) The United States Mint (report of Director, June 30, 1930) estimates world industrial consumption of silver as:

	Ounces
1928	60,757,062
1929	57,584,812
The average of the two years is	59,170,937

(c) For annual production, see the table on page 16. While the peak has been as high as over 261,000,000 ounces in 1929, curtailment of by-product production and the fall in price have greatly lessened this amount. Preliminary estimates are that 1931 will not exceed a production of over 245,000,000 ounces, more likely less. It is hardly probable that the production of 1929 will be again attained, even should the production of copper, lead, and zinc again rise to the same high level, for the reason that the apex of production of some of the largest silver mines in Mexico has already been reached and within another two years will begin to decline rapidly.

It is necessary that India should agree to the plan, as that is the country most likely to sell government-owned silver in the near future. Japan and China should also be consulted and tied in to the arrangement, and probably also Spain, which is perhaps the most potential seller of silver. Other governments are not so important, as they are not likely to be sellers of silver.

The arrangement between the governments need not be formal in its nature. It can be informal—a gentleman's agreement—but the governments should each publicly announce its policy in terms easy of comprehension. It should last for a sufficient time for a fair trial.

The immediate effect would be to remove from the market the present threat of sales by governments. This alone would greatly improve the price level. The fall in the price of silver was not due to current overproduction, but to the sales of silver formerly used as money by different governments. (See pp. 4 to 7.)

PRODUCTION AND CONSUMPTION

(a) Consumption[1] by India and China has averaged during the 6-year period 1924–1929, 121,333,000 ounces per annum, with a peak of 218,000,000 ounces in 1929. (See appendix, p. 15.) Handy & Harman estimate consumption for 1930—

Under the heading, Improving World Trade Conditions by Informally Stabilizing Silver, he further says:

Stabilizing the price of silver, at no fixed ratio to gold, involves three elements:

First, and most important, an informal understanding between the United States, England including India, France including Indo-China, and as many other governments as possible, that no sale will be made, for a stated period, say three years, or until further notice, of any silver now or hereafter owned by each government, at less than some fixed price, say, for example, 50 cents per ounce.

Second, an understanding that those governments will purchase the amount of silver they are now authorized by law to purchase for subsidiary coinage, whenever the price of silver in the open market is below the figure to be agreed upon as above.

Third, as compensation for agreeing as provided in "first," and to prevent too rapid a rise—an understanding that the governments, and particularly India, may sell government-owned silver whenever the price is more than, say, 5 cents above the figure agreed upon as above.

From the foregoing (a), (b), and (c) we may reasonably and conservatively predict mine production and consumption of silver per annum for the next three years, as follows:

	Ounces	Ounces
Annual production, not over, and probably less than		250,000,000
Consumption of India and China, say	180,000,000	
World industrial consumption, say	50,000,000	
		230,000,000
Leaving for subsidiary coinage and other nations' monetary uses		20,000,000

The above estimate is believed ultraconservative. The consumption of India and China will probably be more than the estimate; production will probably be less (materially so in 1931), even though the price be 50 cents per ounce.

BUYING

The United States, Japan, many of the European and most Latin American and other countries are still using silver for subsidiary coinage. Legislative authorizations for continuing purchases for this purpose are in existence. The exact limits are not known, but conservative approximations run from 20,000,000 to 50,000,000 ounces per annum.

If, then, by informal arrangement, these governments should begin buying, within present legislative authority, silver for subsidiary coinage whenever the price falls below some agreed-upon figure—say, 50 cents per ounce—there is every reason to believe that the price of silver would come back to at least such price, provided further Government sales below the agreed-upon figure are stopped for some publicly known period. By this is not meant that the governments, in purchasing for subsidiary coinage, should necessarily pay 50 cents per ounce. They would simply pay the market price prevailing, but they would begin buying for subsidiary coinage purposes whenever silver fell below, and would (unless necessary) cease buying whenever silver reached the 50-cent level.

Many of those intimately connected with the silver market are of the belief that the mere authoritative announcement by India and other principal governments, of intention to refrain from further sales of government-owned silver (below the agreed-upon figure) would, in itself, in a short time bring silver back

[1] The ultimate consumption of India and China is in the hoarding by the people as savings. This amount has no necessary relation to the amount used as coined money—in fact, is in the main distinct therefrom.

to a level of 50 cents per ounce. The basis of this belief is the fact that, notwithstanding an annual production of more than 250,000,000 ounces in the years 1926, 1927, and 1928, the price of silver did not fall below 51.5 cents per ounce until 1929, when India made its greatest sale (35,000,000 ounces) of any year. (See tables in appendix.) In 1929 also occurred the large sale by Indo-China of an unknown but probably even greater amount than sold by India. (See pages 7 and 15.)

A study of the above statistics indicates that a buying power of over 20,000,000 ounces per annum by governments for subsidiary coinage purposes is sufficient, if properly used, to stabilize the price above some fixed level, say, 50 cents per ounce, provided no further sales are made by governments below a level slightly, (say 5 cents per ounce) higher, and that there will be, at times, a demand above that higher figure which will permit governments to sell substantial amounts.

I am in full sympathy with Senator PITTMAN's proposal for the calling of an international conference. I think the suggestion an excellent one, and for weeks have put my full force behind it because I believe it is sound, practical, and to the point.

I direct it to the attention of the President, and sincerely hope he may call an international conference at the earliest practical date to work out some such plan as is outlined above, and there is no doubt in my mind that it would be an event of world-wide importance.

ORDER OF BUSINESS—PRIVATE CALENDAR

Mr. HASTINGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASTINGS. I wanted to ask if the order only provides for the consideration of Senate bills unobjected to, on the Private Calendar to-night?

The SPEAKER. The Chair asked the parliamentarian to prepare a statement with regard to just what was covered in the arrangements for to-night. The Chair thinks that the orderly and fair way of complying with the resolution agreed to on February 26, 1931, would be to begin at the star and call each Senate bill on the Private Calendar and each Senate bill on the Speaker's table, where a similar House bill is on the Private Calendar, in their numerical order, in which both classes of bills appear on the Private Calendar. When that has been completed, the Chair should then recognize Members to ask unanimous consent to take Senate bills from the Speaker's table, where similar House bills are on the Private Calendar, before the star.

The Speaker will not be in the Chair tonight, but designates the gentleman from New York [Mr. SNELL] to act in his stead.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. J. Res. 357. Joint resolution classifying certain official mail matter;

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia;

S. 4030. An act to provide books for the adult blind;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes; and

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m., the House was called to order by the Speaker pro tempore [Mr. SNELL].

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock a. m. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PARKS. Mr. Speaker, I desire to present a unanimous-consent request that on to-morrow, after the business on the Speaker's desk has been disposed of, the gentlewoman from Arkansas [Mrs. OLDFIELD], may be permitted to address the House for five minutes. I assure the present Speaker that this meets with the approval of the Speaker of the House, because I mentioned it to him.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that to-morrow, after the disposition of business on the Speaker's table, the gentlewoman from Arkansas [Mrs. OLDFIELD], may be permitted to address the House for five minutes. Is there objection?

There was no objection.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 543. An act to increase the pay of mail carriers in the village delivery service; and

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10658) entitled "An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26)."

STATEMENT OF THE INDIAN RIGHTS ASSOCIATION

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that, in connection with an extension of my remarks on Indian affairs, I may include some material from the Indian Rights Association and also from officials of the Government.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD and to include therein material from the Indian Rights Association and from officials of the Government. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under leave to extend my remarks by the inclusion of material from the Indian Rights Association of Philadelphia, I present a statement on the progress of Indian affairs prepared by M. K. Sniffen, secretary of that organization.

The Indian Rights Association was formed nearly 50 years ago, and has followed a constructive policy of cooperation as well as of criticism. I believe this report of Mr. Sniffen is valuable to students of Indian affairs. It is as follows:

PROGRESS IN INDIAN AFFAIRS

By M. K. Sniffen, secretary Indian Rights Association

Charles J. Rhoads, Commissioner of Indian Affairs, and J. Henry Scattergood, associate commissioner, have been in charge of the Bureau of Indian Affairs for 20 months. In attempting to evaluate what they have accomplished during that time it is proper to bear in mind what they inherited when they assumed charge on July 1, 1929.

The report of the Meriam survey, conducted by the Institute for Government Research, which has been accepted by practically all careful thinkers as a judicial, comprehensive, and sane study of the Indian situation as a whole, may be taken as a base.

That report confirmed what former Secretary Work said about "the poverty of the Indian Service," and recommended that for at least a limited period the Federal appropriations should be increased 100 per cent to bring the service to something approaching modern standards for welfare work. Other outstanding defects were (1) the attempt to feed the children at the boarding schools on an average per capita of 11 cents a day; (2) a service personnel largely substandard in equipment and insufficient in numbers to do the work called for—low pay, long hours, isolation, and poor living conditions, making it difficult to attract and hold high-grade employees; (3) the poverty and unadjustment of the Indians, many of whom are very poor.

When Messrs. Rhoads and Scattergood entered upon their duties they concentrated on the most urgent matters facing them, and these were the points indicated above. At the time the Meriam report was issued the total appropriation for the Indian Service was $14,991,485 for the year 1928. Following the publication of that report, in answer to appeals from friends of the Indians, there was an increase of about $3,000,000 the next year. The act for the year beginning July 1, 1931, carries $28,184,596 for the Indian Service (of which $24,914,496 is from the Federal Treasury and $3,270,100 from tribal funds), close to the amount recommended. This is a tribute to the effective presentation of the needs to the Budget and to Congress by Messrs. Rhoads and Scattergood, who had the hearty support of the President and the Secretary of the Interior. It is now possible to provide 37.6 cents a day for subsistence for each Indian pupil, assuring an ample diet, sufficient in quantity and quality, as against the former allowance of 11 cents per capita plus what was raised by those schools having gardens. The clothing allowance for each pupil is now $40 as against $22.

Additional funds made it possible to secure an increased and more competent personnel to inaugurate a reorganization program, with the following results:

EDUCATION

In August, 1930, Dr. W. Carson Ryan, jr., formerly professor of education at Swarthmore College, Pennsylvania, and one of the leading authorities on education in the United States, was appointed director of Indian education. Under his supervision that work is being brought up to a plane equal to approved State standards. Higher qualifications are demanded for all academic teachers, in accordance with present-day standards, which include a college degree for principals, along with teaching experience. The compensation now offered is more on a par with that paid in the educational world at large. Inducements are offered to old school employees who may not be up to the new standard to better prepare themselves for the present requirements by giving them educational leave with pay to attend summer schools.

The obsolete "uniform course of study" has been discarded, as the present grade of teachers are capable of forming their own course of study suitable to the needs of their pupils, or adopting any other course now in existence. Suitable textbooks are being supplied to the schools under expert guidance.

It is the aim to provide an opportunity for every Indian child to secure a practical education, with especial emphasis placed on vocational work in the higher grades, so that they will be properly prepared to earn their living after leaving school, whether on the reservation or in competition with the whites. The vocational instruction is being reorganized under Supervisor James Arentsen, who made such a success of similar work in the public schools of Tennessee.

The newly organized guidance and placement division will supplement the work of the schools by becoming familiar with the qualifications of the students before they leave school and securing employment for them where it is available. In addition, this division will keep in touch with these students after they accept jobs and encourage them to "hold on." Heretofore these young people were "dropped cold" when they went home from the schools, just at the time a continuation of interest was so essential. It is not surprising that many of them in the past became discouraged for lack of such friendly interest and returned to the reservation—"back to the blanket"—because there was little or no work to be had.

Another marked improvement is abolishing the positions of girls' matron and disciplinarian (for boys) and substituting therefor "advisers" of a high grade, with the training and ability to understand boys and girls and to sympathize with them in a real friendly manner. These advisers are constantly associated with the students in the formative period of their lives, and the importance of securing those of the proper type is obvious.

The drudgery heretofore imposed on the Indian pupils under the guise of "vocational work"—scrubbing floors and the like—has been reduced to the minimum through additional school employees provided for in the increased school appropriation.

The number of home economics teachers has been increased to better prepare the girls for what is to follow when they leave school and go to the reservation or to towns and cities.

Scout troops for boys and girls are being organized in the boarding schools in cooperation with the Boy Scouts of America, under Stanley Harris, and the Girl Scouts, by Miss Twohy, regional director in the Southwest, both organizations maintaining their representatives. This plan includes summer camps, which have won high favor among the present troops. The teaching of these two institutions stresses self-reliance, respect for the rights of others, and obedience to law; and the spread of such principles should go far toward developing a satisfactory form of student government and minimize the need for any severe discipline from the school authorities.

As fast as funds will allow the buildings are being put in a good state of repair and better quarters for employees are provided to make them more comfortable and contented, especially in the isolated points.

There are 217 schools maintained by the Government for Indians—20 nonreservation boarding schools, 52 reservation boarding schools, 13 sanatorium boarding schools, and 132 day schools. There are 28,600 children attending these schools; 5,000 are in mission and other private schools, while 38,000 attend the public schools. It is estimated that 9,000 Indian children are not in school, chiefly because of remoteness of their homes.

Closer cooperation is being developed between State and Federal Governments to encourage a greater number of Indian children to attend the district public schools wherever they can be made available, on such terms of immediate and continuing financial assistance by the Federal Government as will be just to the States and the communities where they reside.

Provision is now made by which promising students at Indian schools can be assisted to obtain a college education.

Referring to additions to the personnel that are contemplated, Doctor Ryan said:

"The following types of positions will be emphasized: (1) Vocational directors in the three fields of trade and industrial education, agricultural and home economics; (2) school principals who are qualified by training and experience for an educational program that will include practical arts and other activities in addition to the ordinary classroom work; (3) teachers of native art; (4) vocational counselors and school social workers who will help to bridge the gap between school and home and school and work; (5) boys' and girls' advisers familiar with modern methods of handling boys and girls and developing responsibility; (6) more adequate dormitory supervisors; (7) properly qualified directors of health and physical education; (8) institutional workers who will be better practical teachers of Indian boys and girls as well as more economical administrators of Government funds."

The reorganization of the educational work is not only dealing with the present situation but planning for the future, looking ahead for the next 15 years. It includes a study of the home environment of the pupils and development of a broad, practical, comprehensive program that means "education for life."

HEALTH WORK

Dr. M. C. Guthrie, of the Public Health Service, continues in charge of the medical activities for the Indians. Under his direction the personnel of this division has been greatly strengthened by the following additions since July 1, 1929: 1 assistant to the chief medical director, in charge of hospital administration; 2 assistant supervisors of nurses (for work in the field from the office of the district medical directors); 10 full-time school and agency physicians; 6 part-time school and agency physicians; 6 traveling dentists; 34 field nurses; 63 hospital nurses; and approximately 100 others employees engaged in health activities.

The appropriation for "Conservation of health among Indians" for the fiscal year is $3,138,000, an increase over that of the previous year of $480,000. For the year beginning July 1, 1931, the amount is $4,475,000, plus $75,000 for clinical survey of tuberculosis, trachoma, venereal, and other diseases.

Six new hospitals are to be constructed from the 1931 health appropriation: San Xavier Sanatorium, Arizona; Pipestone Hospital, Minnesota (to replace an old one); Walker River Hospital, Nevada; Winnebago Hospital, Nebraska (a replacement); Seger Hospital in Oklahoma, to be located at Clinton, Okla.; Toma Hospital in Wisconsin (to replace an obsolete plant).

A new hospital was constructed at Colorado River Agency, Ariz., during 1930. The hospital at Fort Totten, N. Dak., was reconstructed and enlarged, and is about ready to open. A new hospital was constructed and is in operation at Flandreau School, South Dakota. The capacity of the Kiowa Hospital in Oklahoma was increased to 100 beds by an addition and is now in operation. New hospitals are under construction at Fort Belknap and Tongue River in Montana; Turtle Mountain, N. Dak.; Pawnee, Okla.; Pine Ridge, S. Dak.; and Hayward, Wis. These latter institutions will be completed and put in operation before June 30, 1931.

Further increases in personnel, particularly field nurses, with some increase in hospital personnel, are planned for the year beginning July 1, 1931. There will then be available $375,000 for the construction of a 100-bed sanatorium at Albuquerque, N. Mex. (including equipment and employees' quarters); $375,000 for two sanatoriums at Pierre, S. Dak., of 100-bed capacity, and employees' quarters; and $75,000 for a 30-bed hospital at Ignacio, Colo.

There are now 144 full-time physicians, including 15 specialists in eye, ear, nose, and throat work. Supplementing this staff of physicians are more than 350 hospital and field nurses. The new entrance pay of physicians is $2,900, for hospital nurses $1,800, and for field nurses $2,000.

Commissioner Rhoads reports that "during the past year more than 38,000 Indians received hospital treatment in Government institutions, while a few years ago it was practically impossible to persuade many Indians to accept hospitalization even though desperately ill."

Good progress has been made in developing active cooperation with State officials in matters of health and welfare work for Indians, especially in California, Minnesota, Wisconsin, and Montana. A bill is now pending in the Montana Legislature to make Indian Service physicians deputy State health officers.

PERSONNEL

No matter how sound any reorganization plan may be, without the right kind of personnel to carry it through failure is inevitable. The serious effort that is being made by the present administration to secure a qualified personnel for important "key" positions in the Indian Service is indicated in the following recent additions:

Dr. W. Carson Ryan, jr., director of education: Formerly professor of education at Swarthmore College, Pennsylvania, an educator of national reputation, and a member of the Meriam survey staff.

Miss Mary Stewart, assistant director of education: Formerly dean of women and teacher, University of Montana, and director of junior guidance and placement in the United States Department of Labor.

J. H. Holst, supervisor of secondary education: Formerly with the State College of Montana.

Dr. Erl A. Bates, advisor in Indian extension work: Professor of anthropology, Cornell University, long-time student of Indian affairs, and author of The Bates Plan for Backward Races. (Loaned by Cornell for one year.)

Mrs. Jane Bartlett Bates, advisor in Indian extension work: Child Guidance School, Cornell University; graduate of Chicago University; student under Jane Addams; home-economics teacher; home demonstration agent; and holder of the Rockefeller fellowship at the Merrill Palmer School, Detroit, Mich.

A. C. Cooley, director of agricultural extension and industry: Formerly director of extension for the State of New Mexico and later head of the reclamation extension service, United States Department of Agriculture.

Mrs. Henrietta K. Burton, supervisor of home economics extension: Formerly head of the home economics department, State of Arkansas.

James Arentsen, supervisor of industrial education: Former director of vocational education, State of Tennessee.

Robert T. Lansdale, personnel officer: Formerly with University of Michigan; graduate of Oberlin College and New York School of Social Work; master's degree from Columbia University; secretary of the Montclair (N. J.) Council of Social Agencies.

Dr. William H. Bryan, director of hospital administration: Formerly with the United States Department of Health.

Maj. William S. Post, director of irrigation: Formerly with the United States Geological Survey; consultant and supervisor of construction in water-development projects in California and extensive irrigation and engineering work for the State of California and in private practice.

Others could be mentioned, but these names are sufficiently suggestive of the type of men and women being sought for the Indian Service.

It is noted that the Indian Service has a personnel of over 5,000, operating on 200 jurisdictions, scattered over 26 States, and in attempting to bring it up to a high state of efficiency it is no small task to study the individuals and evaluate their past work. When changes are made for the betterment of the service following such a study, the administration can avoid "putting round pegs in square holes," or doing injustice to anyone concerned.

During the past 18 months a number of superintendents and others have left the service largely through the operation of the new retirement act, and the aim has been to replace them with the best possible material obtainable, through promotion, or "new blood," under civil-service requirements. The turnover is probably upward of 25 per cent.

EXTENSION WORK

To improve the economic conditions among the Indians there has been created a division of agricultural extension and industry, the aim of which is to assist them in utilizing to the fullest extent the natural resources on the reservations, and to have it "tie in" with the various activities of the service—health, education, etc.

The director of this division is A. C. Cooley, with headquarters at Salt Lake City, Utah. To assist him there is a supervisor of home-demonstration work, with 5 home-demonstration agents and home agents; a supervisor of extension work, with 18 full-time extension agents and 5 cooperating extension agents; a well-equipped supervisor of livestock, in addition to 300 farmers and stockmen and dairymen in connection with school farms and dairies and reservation work.

The extension work includes making a special study of each of the 200 Indian reservations and the development of a specific farm and home program for the benefit of the inhabitants thereof. It also includes cooperation of the State and county agricultural extension forces and the United States Department of Agriculture.

Closely allied to this program is the—

GUIDANCE-PLACEMENT WORK

Placement centers have already been established in Minneapolis, Minn.; Kansas City, Mo.; Albuquerque, N. Mex.; Phoenix, Ariz.; Salt Lake City, Utah; Los Angeles, Calif.; Berkeley, Calif.; and others are in contemplation as funds permit. Each center is in charge of a trained worker, who makes contacts in towns and cities, and with Indians at schools and on reservations in his or her district. Part of the duty of these placement officers is vocational guidance and follow-up work to see that Indians become adjusted to their new environment. In this field of endeavor every effort is being made to secure the cooperation of local welfare groups to develop on a proper basis the social side of these Indian migrants.

While the placement and guidance work is under the division of education, it aims to help any able-bodied Indian to secure employment according to his ability.

DECENTRALIZATION

By putting more responsibility upon superintendents and others in the field, decentralization of the activities of the Indian Service is taking place, in the field and in the Indian Office.

Every year thousands of routine matters came from the field to the bureau calling for nothing but a formal approval—useless time-killing work at both ends of the line. In most of these minor matters, not involving a question of policy, superintendents are authorized to act upon their own responsibility. They are under heavy financial bond, and are more competent to deal with matters involved than are clerks in the Washington office several thousand miles away.

The voluminous correspondence of a purely routine nature is now being handled through the heads of divisions, who actually write the letters and are authorized to sign them, where they do not involve matters of policy. This relieves the commissioners of the necessity for signing, in a mechanical manner—for it is physically impossible for them to read such papers—the hundreds of letters that heretofore were brought to their desks for this formality.

Routine correspondence and reports from the field are being reduced to the lowest possible minimum. Circular 2725, sent to superintendents on December 1, 1930, reduces the number of reports on minor matters in the field, requiring them semiannually instead of monthly. Other routine reports heretofore sent to Washington can be deposited in the local agency records. This obviates much unnecessary work in the field and will tend to avoid an accumulation at the Indian Bureau of records that are of little value.

One of the most prolific sources of complaint and discontent to Indians—and "grief" to superintendents—has been the individual Indian moneys, derived from leases, land sales, etc., and placed to the credit of individuals at the respective agencies. When an Indian wished to draw any of this money he signed a formal application stating the amount and the purpose for which it was to be used. This was sent to the Washington office, with the superintendent's recommendation, for formal approval and its return to the agency was usually a matter of weeks. Meanwhile the Indian who wanted his own money went through a period of "watchful waiting" and frequent inquiry at the agency about word from Washington. He could not understand the delay, and irritation was inevitable, with consequent annoyance to his superintendent, whose hands were tied until the formal approval was received.

The method of handling these funds has been radically changed by Circular 2725. Authority is therein granted superintendents to make payments, not exceeding $500, to the Indian depositors practically "on demand," or according to the custom of modern savings banks. As a majority of the 90 agencies—and the 20 nonreservation boarding schools—carry individual Indian moneys—upward of 80,000 accounts—the effect of Circular 2725 will be far-reaching.

Superintendents are also authorized by Circular 2725 to lease Indian tribal land for farming, grazing, and business purposes, where the annual rental does not exceed $1,000, without the necessity of submitting such leases to the Indian Office for approval.

Superintendents are authorized by circular 2725 to contract for sales of timber of a stumpage value not exceeding $100, subject to the recommendation of a special forest officer.

There is now a special commissioner to Indians of the Southwest—former Governor of New Mexico, H. J. Hagerman—with headquarters at Santa Fe, N. Mex., who has general supervision over the work in the States of New Mexico, Arizona, Colorado, and Utah. Mr. Hagerman acts as a coordinator of general policies in the Southwest so that progress may be balanced and that no one jurisdiction may be favored at the expense of the whole. While plans are in the making he assembles the details and presents to the Washington office a proposal for final consideration. He is not supposed to be responsible for local details of operation, which are the duty of the individual superintendents. Governor Hagerman has been in charge of special negotiations in land exchanges and other problems involving the joint interests of several agencies.

Due to insufficient funds in the past many buildings at the schools and agencies deteriorated; and since they are being repaired and modernized in addition to new building operations, a well-qualified architect was obtained from the Supervising Architect's Office of the Treasury Department to direct the work. The construction staff has been increased to five competent persons, which should mean greater efficiency in this necessary work.

To bring about these results of far-reaching effect much intensive study of the whole field was necessary by Messrs. Rhoads and Scattergood. They have aimed that all changes shall mean real improvement in method and personnel. Perhaps more rapid progress would have been made had it been possible to create a division of planning and development, or a general staff of trained assistants. But the trend of events has been largely along the lines recommended by the Meriam group.

There is, however, much to be accomplished before the task is finished, and the commissioners are fully aware of that fact. There has been so much to do that it was a question of what should be done first, and they concentrated on health, education, and economics—things of vital importance to all. If one considers that these 340,541 Indians live in 200 reservations or communities scattered over 26 States (mostly west of the Mississippi River), speak 60 distinct languages, have little or nothing in common, are affected by numerous separate treaties and laws, it will be evident that the Indian question is extensive and complex. Hardly two reservations are alike, and must be treated as separate units. Each tribe has its own culture. In readjusting the Indians to changed conditions the time element is an important consideration. It is unreasonable to expect them in a generation to reach a point for which the white man required centuries.

Among the things needed are a reorganization of the Indian Bureau at Washington, which is "in the making," and developing an efficient supervisory service.

Good progress has been made, and it is hoped that the commissioners will not grow weary in well-doing but will continue in their reconstruction work until the entire Indian Service is brought to the standard set forth in the Meriam report and put on such a permanent basis that public opinion will never allow it to backslide.

M. K. SNIFFEN,
Secretary Indian Rights Association.

GEORGIA A. MUIRHEAD

The Clerk called the first Senate bill on the Private Calendar, S. 3831, for the relief of Georgia A. Muirhead, a similar House bill (H. R. 10614) being on the Calendar.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to credit the accounts of Georgia A. Muirhead, postmaster at Hemingford, Nebr., in the sum of $264.42, representing the amount of postal funds lost by reason of the failure of the First National Bank of Hemingford, Nebr., and shown on final audit of her accounts as postmaster to be due the United States.

SEC. 2. The surety on the bond of the said Georgia A. Muirhead as postmaster is relieved of any liability on account of such loss.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

A similar House bill (H. R. 10614) was laid on the table.

CAPT. CHRISTIAN DAMSON

The Clerk called the next Senate bill, S. 1244, for the relief of Capt. Christian Damson, a similar House bill (H. R. 12289) being on the Calendar.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as with this bill and as to others of similar purport, where the accident occurred after the enactment of the employees' compensation act of 1916, I am going to offer amendments similar in purport to the following:

In the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Capt. Christian Damson, who is alleged to have suffered injury while employed on or about August 17, 1918, in line of duty: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

The purpose of this proposed substitute is to leave it to the Employees' Compensation Commission to determine in fact whether the injury arose out of the service rather than, under the phraseology of the Senate and House bills, to indicate the determination.

Mr. COLLINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. COLLINS. Does not the gentleman think that this bill ought to be amended by striking out everything after the word "duty," on page 2, and just leave to the commission the right to adjudicate the question of liability, and so forth?

Mr. STAFFORD. That is the purpose of my amendment. I do not know whether the gentleman heard me read the amendment which I intend to propose.

Mr. COLLINS. I did not.

Mr. STAFFORD. If this is acceptable to the author of the bill and those interested, I have no objection.

Mr. SOMERS of New York. That is entirely acceptable to the author of the bill.

There being no objection, the Clerk read the bill (S. 1244), as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Capt. Christian Damson, a civilian employee of the War Department, who was injured on the steamship *Cudahy*, a vessel of the Army Transport Service, on or about August 17, 1918.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert:

"In the administration of the Employees' Compensation Act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Capt. Christian Damson, who is alleged to have suffered injury while employed on or about August 17, 1918, in line of duty: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H. R. 12289) was laid on the table.

LILLIAN G. FROST

The Clerk called the next Senate bill on the Private Calendar, S. 4345, for the relief of Lillian G. Frost.

Mr. COLLINS. Mr. Speaker, reserving the right to object——

Mr. STAFFORD. Mr. Speaker, I object. This is similar, in purport, to many bills providing for a year's salary.

CORPORATION C. P. JENSEN

The Clerk called the next Senate bill on the Private Calendar, S. 4612, for the relief of the Corporation C. P. Jensen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Corporation C. P. Jensen for services rendered to the United States on October 12, 1926, by the steamship *Anneberg*, its officers and crew, in connection with the rescue from a sea peril of two United States prohibition agents and their disabled motor boat off the coast of Florida, and to allow in full and final settlement of said claim not to exceed the sum of $500. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $500, or so much thereof as may be necessary, to pay said claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. L. TODD

The Clerk called the next Senate bill on the calendar, S. 5215, for the relief of H. L. Todd, a similar House bill, H. R. 13094, being on the calendar.

Mr. COLLINS. Mr. Speaker, reserving the right to object, this is to pay for certain services of enlisted men who acted as chauffeurs. The chauffeurs were enlisted men in the Army. Is that so?

Mr. WELCH of California. During the 1928 holiday rush in the San Francisco post office Postmaster Todd borrowed a number of trucks from the War Department, and in the interest of expedition and economy retained the services of a number of furloughed soldiers. Unconscious of department rules, he was afterwards notified, or at least his bondsmen were, that he would have to pay this money out of his own pocket, regardless of the fact that the Government was the beneficiary of the services of these expert men. The Postmaster General has recommended the payment of this claim.

Mr. COLLINS. I have been protesting in the past against the use of enlisted men in the Army as chauffeurs.

Mr. WELCH of California. If the gentleman will permit me, this has nothing to do with the retaining of chauffeurs.

Mr. COLLINS. The report says so. The report says enlisted men of the Army were used as chauffeurs on trucks loaned by the War Department to the city post office.

Mr. WELCH of California. The gentleman should make a distinction between a chauffeur and a truck driver. These were men who drove big 5 and 10 ton trucks.

Mr. COLLINS. I am telling the gentleman what the committee report recites. I want the facts. These three men were actually enlisted men in the Army who were employed to drive trucks for the post office, and the postmaster paid them, and the General Accounting Office held that he improperly paid them, and now the postmaster asks relief.

Mr. WELCH of California. Had they been discharged soldiers or civilians it would have been all right. He was unconscious of the rule of the department and he hired them by reason of the fact that he knew them to be experts.

Mr. BLANTON. Reserving the right to object, this postmaster was an old postmaster of the city of San Francisco, with a book of the rules and regulations and the law on his table. For years he could find out in 15 minutes from an inspection of that book—and he probably knew about it—because the Post Office Department says that he violated the law and that he did not have the authority to employ the soldiers.

Another thing: These soldiers were still in the Army. They got their pay check every month from the Government. Under the regulations of the Army if they received money from another Government institution to which they were not entitled, it could have been deducted from their pay each month. That is a method that they have devised.

Only the other day I had a prominent man here from my district. He served gallantly, was a fine officer, and a dozen years after the war he got a notice from the War Department that on some little trip they had overpaid him 40 cents and they wanted him to send it back to them. Why did they not take this out of the soldier's pay check?

Mr. WELCH of California. The gentleman refers to the postmaster at San Francisco as an old man in the service. May I correct the gentleman? Mr. Todd is not an old man in the service of the Government. He has only been postmaster of San Francisco for two years.

Mr. BLANTON. That is long enough to learn something about these rules and regulations. How much salary did he get; $12,000?

Mr. WELCH of California. Something like $8,000 or $9,000.

Mr. COLLINS. The gentleman knows that soldiers are being used every day as domestic servants in certain households and he knows this is improper and wrong.

Mr. BLANTON. Yes; and they are required to wash the children's clothes in the back yard.

Mr. WELCH of California. I think gentlemen are going to extremes in this particular case. I will repeat again it was in the interest of economy that he borrowed the trucks and hired the soldiers.

Mr. BLANTON. I will say this, although the gentleman did not accomplish anything for them, my friend undertook to do something for the low-paid Government employees. He started out all right, but did not accomplish anything—the big high-paid officers got all the money, but because he tried to do something for the poorly paid Government employees I am not going to object to his bill. [Applause.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of H. L. Todd, postmaster at San Francisco, Calif., in the sum of $1,935.90, and to certify such credit to the General Accounting Office. Such sum represents the amount disbursed to enlisted men of the United States Army for services as chauffeurs on trucks loaned by the War Department to the post office at San Francisco in December, 1928.

SEC. 2. The surety on the bond of the said H. L. Todd, as postmaster at San Francisco, Calif., is hereby relieved of any liability on account of such disbursement.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FARMERS' GRAIN CO., OF OMAHA, NEBR.

The Clerk read the title of the next Senate bill on the Private Calendar, S. 899, authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer.

Mr. STAFFORD. I object.

Mr. SEARS. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. Yes; I reserve the objection; but I say to the gentleman that there have been at least 10 bills on the Private Calendar arising out of discovered mistake in the amount of tax paid after the time under the statute of limitations has elapsed, and to each and every one of those 10 bills I have objected. I take this position: If the Government is going to refund taxes where there have been innocent mistakes made, then there should be some general legislation. Personally I have had two cases come to my attention from my own district where they have been denied refunds even though there is no question about there having been erroneous computations. The Committee on Ways and Means in particular ought to devise some general plan where a mistake has been made which is discovered after the statute of limitations has run, for refunding, rather than to single out for preferential treatment individual cases.

Mr. SEARS. I do not think there is anything preferential in this at all.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SEARS. Yes.

Mr. BLANTON. The Secretary of the Treasury reports that " the department looks with disfavor on the enactment of special legislation designed to give relief from the operation of the statute of limitations, and that he is therefore unable to give his approval to the bill. What I would call to the attention of the gentleman from Wisconsin is that this is one bill which in this present extravagant Congress the Bureau of the Budget says does not conflict with the President's financial policy, and it is approved by the Budget. In view of the fact that our friend from Nebraska [Mr. SEARS] is going out, I hope the gentleman will let the bill go through.

Mr. STAFFORD. I have to be consistent with the position I have taken on other bills.

Mr. SEARS. This amount was paid and the whole matter was in the hands of the department. As soon as the department said it was, then the statute would run. There is no question about the merits of the case.

Mr. STAFFORD. There should be some general legislation listing this character of claims so that the department can pay them.

Mr. SEARS. I should be very glad to help pass a special law.

Mr. STAFFORD. I am trying to bring this to the attention of the Committee on Ways and Means.



Mr. SLOAN. Mr. Speaker, will the gentleman reserve his objection further?

Mr. STAFFORD. Yes.

Mr. SLOAN. The facts are I filed for this creamery, which I have known since its organization, a bill precisely like this, and filed it in the House. It was taken before a subcommittee of the Committee on Claims, Mr. DOXEY being the member. We had a hearing of two or three hours. We took testimony, and the bill was up for consideration by the Committee on Claims when this bill came over from the Senate, and it would have been passed by the Committee of the House, but to expedite matters I withdrew, or rather did not press, my bill, thinking that as it had been recommended by the Senate and the chairman of the Senate Committee on Claims, Senator HOWELL, that there would be no question about it. They were unable to arrive at this for a number of years, because the determination of whether there had been an overpayment was delayed, as there were no other corporations discovered where they could make their complaints. If Mr. DOXEY is present he will verify this statement, because I conducted through him and with him the hearings.

Mr. STAFFORD. I do not question the merits of many of these tax-refund cases; but if we are going to lift the statute of limitations, I say we should lift it on all of them.

Mr. SLOAN. I suggest this point, that, of course, the gentleman has the keeping not only of his own conscience but of the conscience of the House, and I suggest his objection should be made, not on an arbitrary position but on the judgment a reasonable man would take of a bill of this character, where there is no question about the right of recovery. The gentleman would not set up his consistency against the judgment of the House, would he?

Mr. PARKS. Mr. Speaker, I demand the regular order.

Mr. STAFFORD. I object.

FAIRMOUNT CREAMERY CO.

The Clerk called the next bill, S. 3620, for the relief of the Fairmount Creamery Co. at Omaha, Nebr.

Mr. GREENWOOD. Mr. Speaker, I object.

LEBANON EQUITY EXCHANGE OF LEBANON, NEBR.

The Clerk called the next bill, S. 4018, for the relief of Lebanon Equity Exchange of Lebanon, Nebr.

Mr. STAFFORD. I object.

THE ATLANTIC & PACIFIC RAILROAD CO.

The Clerk called the next bill, S. 5105, for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes.

Mr. DICKSTEIN. I object.

Mr. COLTON. Will the gentleman withhold his objection?

Mr. DICKSTEIN. Yes.

Mr. COLTON. This bill was sent up by the Secretary of the Interior. Each year in the administration of the land laws there are certain peculiar cases calling for equity, which the Commissioner of the General Land Office and the Secretary of the Interior call to the attention of Congress These are called omnibus bills. This is simply an omnibus bill sent up to correct certain cases which call for equity and which can not be corrected without legislation.

Mr. DICKSTEIN. A bill of this kind should not be on the Consent Calendar. Ninety per cent of the bills on this calendar have no business here. The Members of Congress have been getting away with murder with these bills. They are appropriations and demands upon the Treasury. It is going to give some of you a dose of your own medicine.

Mr. COLTON. This could not go on the Consent Calendar. We tried to get it on the Consent Calendar but they will not permit it. The parliamentarian holds that this is a private bill, does not appropriate any money, does not appropriate any property, and there is no general legislation contained in it, and therefore it can not go on the Consent Calendar.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. SMITH of Idaho. This is legislation in which no particular Member of Congress is interested, but it covers cases which the Commissioner of the General Land Office finds he can not allow.

Mr. DICKSTEIN. Does the gentleman say there is no appropriation?

Mr. SMITH of Idaho. No appropriation.

Mr. DICKSTEIN. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAFFORD. Reserving the right to object, in one particular, I notice that in line 8, page 2, you authorize the railroad company to get lieu lands of equal quantity. It is customary for such bills to read "lands of equal value."

Mr. COLTON. I have no objection to that, but where it is necessary, as it would be in this case, to send out officials of the General Land Office to determine the value of the lands it costs more than to give them an equal area, because the valuable lands are gone anyway. What land there is left is largely of small value.

Mr. STAFFORD. This would not permit the railroad company to receive heavily forested lands in lieu of these lands which these old settlers appropriated?

Mr. COLTON. Oh, no. Absolutely not.

Mr. STAFFORD. Mr. Speaker, I shall not press the objection.

There being no objection the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Santa Fe Pacific Railroad Co., successor in interest to the Atlantic & Pacific Railroad Co., may, when requested by the Secretary of the Interior so to do, deed to the United States any part or all of sections 9, 15, and 23, township 2 north, range 4 west, New Mexico principal meridian, the title to which was derived by said railroad company through the act of Congress of July 27, 1866 (14 Stat. L. 292), in aid of the construction of said railroad, any portion of which sections is and has been occupied by any settler or claimant, by themselves or their predecessors in interest, for a period of not less than 40 years next before the passage of this act, and shall then be entitled to select in lieu thereof and to have patented other sections of vacant, unreserved, nonmineral public land of equal quantity in said State as may be agreed upon with the Secretary of the Interior: *Provided*, That the Secretary of the Interior shall as soon as may be after the passage of this act cause inquiry to be made of all lands so held by settlers or claimants, and shall cause the holdings to be surveyed, and on receiving such deed shall at once, without cost to the claimants, cause patents to issue to each such claimant for his or her holdings: *Provided further*, That not to exceed 160 acres shall be patented to any one person: *And provided further*, That any fractions of any such sections of land remaining after the issuance of patents to the settlers or claimants as aforesaid shall be subject to entry or other disposition the same as other public lands of the United States.

SEC. 2. That the Secretary be, and he is hereby, authorized to issue patent upon stock-raising homestead entry, Buffalo, Wyo., No. 025831, made by James Scott on April 7, 1926, for the south half of the southeast quarter and southeast quarter of the southwest quarter, section 13, southeast quarter of the northeast quarter, and northeast quarter of the southeast quarter, section 23, and north half of the northwest quarter, and southwest quarter of the northwest quarter, section 24, township 41 north, range 88 west, sixth principal meridian, in support of which final proof was submitted on October 15, 1929.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

AUGUSTA CORNOG

The clerk called the next bill, S. 5467, to amend an act for the relief of Augusta Cornog, approved May 29, 1928, a similar House bill (H. R. 11594) being on the House calendar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, does the gentleman know whether this lady is drawing compensation or not?

Mr. IRWIN. She is in a hospital.

Mr. COLLINS. Is she drawing compensation?

Mr. IRWIN. Yes. This merely——

Mr. COLLINS. I know; it merely gives her $2,000.

Mr. IRWIN. Oh, no. I beg the gentleman's pardon. It merely transfers her from one hospital to another, without any compensation whatever. It is merely a transfer, which is agreed to by the department.

Mr. COLLINS. The gentleman just read half of the bill. The bill provides—

The Secretary be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Augusta Cornog—

And so forth.

Mr. STAFFORD. If the gentleman will permit, I wish to say to the gentleman I did not have time to examine the original act on yesterday when I examined this bill, but I take it, upon careful reading the proposed amendment, that all that is intended by the language referred to by the gentleman from Mississippi [Mr. COLLINS] was to rewrite the original act?

Mr. IRWIN. Yes.

Mr. STAFFORD. I do not take it that the claimant would be entitled to an additional $2,000.

Mr. IRWIN. No. The amount of money involved is the same as in the original bill.

Mr. COLLINS. I will ask the gentleman again, Is this lady drawing a monthly amount as compensation for having contracted tuberculosis?

Mr. IRWIN. No, sir. In the last session Congress did pass a bill giving her $2,000, and this is merely giving them permission to transfer her from a Veterans' Bureau hospital to another hospital in the South.

Mr. COLLINS. Then is this an additional $2,000?

Mr. IRWIN. No, sir, it is not. It is simply the old bill giving her $2,000, and this is simply a transfer, giving the department the right to transfer her from one hospital to another.

Mr. SABATH. Is legislation needed for the purpose of transferring a patient from one hospital to another?

Mr. IRWIN. Yes.

Mr. COLLINS. I have an idea this bill, if enacted, will allow her an additional $2,000.

Mr. IRWIN. I will say to the gentleman if he does not feel satisfied, we will be glad to amend the bill, because I know the bill is intended to make a transfer from one hospital to the other, and that is all. That is to amend the original bill which was passed a year ago, so as to give them permission to transfer her from one hospital to another.

Mr. STAFFORD. I suppose the gentleman would have no objection to the following provision:

Provided, That in the construction of this act no additional payment shall be made to that heretofore made.

Mr. IRWIN. That is perfectly satisfactory.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act for the relief of Augusta Cornog, approved May 29, 1928, be, and the same is hereby, amended as follows: After the semicolon following the word "hospital," strike out the following words: "and that said Augusta Cornog shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment" and insert in lieu thereof the following: "and that said Augusta Cornog shall be removed from Fitzsimons General Hospital, an Army hospital at Denver, Colo., and that the Director of the Veterans' Bureau be required to admit her to the United States veterans' hospital at Oteen, N. C., for necessary care and treatment," so that the same will read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Augusta Cornog, a former employee of the United States Public Health Service, who contracted tuberculosis while employed at the Atlanta Veterans' Bureau hospital; and that said Augusta Cornog shall be removed from Fitzsimons General Hospital, an Army hospital at Denver, Colo., and that the Director of the Veterans' Bureau be required to admit her to the United States veterans' hospital at Oteen, N. C., for necessary care and treatment."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. It is the concensus of opinion that there is no need of the amendment which I suggested. The bill only provides for the reenactment of existing laws, with the privilege of transferring her to the Veterans' Bureau hospital instead of an Army hospital.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the amendment. In letting this bill pass it is understood from the chairman of the committee and from the author of the bill that when this bill is passed and is construed by the department, they are not to pay another sum other than the $2,000 originally agreed to by the first bill?

Mr. IRWIN. No; they are not to pay her any additional at all.

Mr. BLANTON. It is just a matter of transfer?

Mr. IRWIN. It is just a matter of transfer.

Mr. BLANTON. With that understanding, there is no objection.

Mr. IRWIN. That is the understanding.

Mr. COLLINS. Mr. Speaker, I would like to have the chairman of this committee write a letter to the commission to that effect, so as to make it clear that no additional payment is carried in the bill.

Mr. IRWIN. I will be glad to do that.

Mr. BRAND of Georgia. There is nobody going to make any claim.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

A similar House bill, H. R. 11594, was laid on the table.

THOMAS G. HAYES

The Clerk called the next Senate bill, S. 4509, for the relief of Thomas G. Hayes, a similar House bill, H. R. 12398, being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Thomas G. Hayes, formerly private, Company A, One hundred and forty-second Machine Gun Battalion, Camp Beauregard, Alexandria, La., as reimbursement for money he failed to receive which was contained in registered letter No. 15158, which letter was mailed to him by Miss E. Hoffman, New Orleans, La., on April 26, 1918, and to allow in full and final settlement of said claim not to exceed $40. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40, or so much thereof as may be necessary, to pay said claim.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

A similar House bill, H. R. 12398, was laid on the table.

MILDRED N. O'LONE

The Clerk called the next Senate bill, S. 5193, for the relief of Mildred N. O'Lone, a similar House bill H. R. 14507, being on the calendar.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Mildred N. O'Lone for blood furnished June 17, 1930, for transfusion to Clarence Judd, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of $25. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25, or so much thereof as may be necessary, for the payment of such claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill (H. R. 14507) was laid on the table.

GEORGE C. MANSFIELD CO.

The Clerk called the next Senate bill, S. 5475, for the relief of George C. Mansfield Co. and George D. Mansfield, a similar House bill (H. R. 1887) being on the calendar.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill involves a claim of $126,000, and I do not believe it ought to pass at this time and in this atmosphere.

Mr. SCHAFER of Wisconsin. This bill provides that the Court of Claims shall have jurisdiction of this claim and shall determine its merits.

Mr. BLANTON. But at present this claimant has no legal claim at all against the United States that could be enforced, unless we would grant a special gratuity to permit it to go back to the Court of Claims, and it does involve $126,000 to come out of the Treasury.

Mr. SCHAFER of Wisconsin. They have a moral claim. The bill passed the Senate unanimously; the House subcommittee held extensive hearings on the bill and reported it out. The testimony produced indicates that this company suffered an actual loss by reason of the unfair and arbitrary action of a Government agency. The Senate amendment to the House bill covers the amendment which I suggested to the Subcommittee of the Committee on Claims providing that it shall only carry the actual loss suffered without interest.

Mr. BLANTON. The gentleman from Wisconsin is usually such a careful and dependable watchdog of the Public Treasury that he does not generally allow these $126,000 bills to be passed under unanimous consent.

The SPEAKER pro tempore. The gentleman from Texas will suspend to receive a message from the Senate?

Mr. BLANTON. Mr. Speaker, are we to be slammed off our feet in this way? Are we going to be forced to split up our argument just because a message, through our friend, comes from the Senate?

The SPEAKER pro tempore. The Chair asked the gentleman if he would suspend.

Mr. BLANTON. I do not want my paragraph split up in that way.

The SPEAKER pro tempore. If the gentleman refuses to suspend, that is all right.

Mr. BLANTON. I do refuse to suspend until I get through this sentence.

Mr. PARKS. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. BLANTON. I object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to the bill just under consideration.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to the bill just under consideration. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This bill involves $126,000.

Mr. PARKS. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the consideration of the bill?

Mr. BLANTON. I object; but I wanted to give the gentleman from Wisconsin a chance to speak on the bill. But as it involves $126,000 I can not allow it to pass without due consideration. I object.

MRS. THOMAS DOYLE

The Clerk called the next Senate bill, S. 4716, for the relief of Mrs. Thomas Doyle, a similar House bill, H. R. 12960, being on the calendar.

Mr. SABATH. Mr. Speaker, reserving the right to object, I notice this bill is for the relief of Mrs. Thomas Doyle and then there is another bill for the relief of John T. Doyle.

Mr. LEAVITT. John T. Doyle is the son of Mrs. Thomas Doyle.

Mr. SABATH. What is this about? Are they husband and wife?

Mr. LEAVITT. No. Mrs. Thomas Doyle is the mother of John Doyle. She is a half Indian and John T. Doyle is a quarter Indian. They are not living on the Crow Reservation; they are living in Wyoming, and they are constituents of Senator Kendrick. He has told me personally that he knows them and that both of them are entirely competent to carry on their own business. This bill allows them to sell the lands they have and use the money just as any other competent person would be allowed to do.

Mr. SABATH. They are half Indians?

Mr. LEAVITT. One is half Indian and the other is quarter Indian.

Mr. SABATH. And they are now restricted under the law?

Mr. LEAVITT. They have sold all of their surplus land and now they have certain restricted homesteads. It requires an act of Congress to allow them to dispose of them.

There being no objection, the bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Mrs. Thomas Doyle, Crow allottee No. 1657, for land allotted to her under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

A similar House bill, H. R. 12960, was laid on the table.

JOHN T. DOYLE

The Clerk called the next Senate bill on the Private Calendar, S. 4715, for the relief of John T. Doyle, a similar House bill (H. R. 12959) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to John T. Doyle, Crow allottee No. 1660, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CHARLES PARSHALL

The Clerk called the next Senate bill on the Private Calendar, S. 612, for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont.

Mr. COLLINS. Mr. Speaker, I object.

REBECCA GREEN

The Clerk called the next Senate bill on the Private Calendar, S. 3206, for the relief of Rebecca Green.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Rebecca Green, postmaster at Barbourville, Knox County, Ky., in the sum of $597.56 due to the United States on account of postal funds embezzled by Frederick Custer Miller, former assistant postmaster at Barbourville, Ky., in the year 1927.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN BABA

The Clerk called the next Senate bill on the Private Calendar, S. 2106, for the relief of John Baba, a similar House bill (H. R. 8993) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to settle and adjust the claim of John Baba for additional compensation for work performed under contract of June 20, 1928, for the making of certain repairs to floors, doors, etc., in several buildings at Schuylkill Arsenal, Philadelphia, Pa., and to allow said claim in the sum of not to exceed $335. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $335, or so much thereof as may be necessary, for the payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ALEXANDER H. BRIGHT

The Clerk called the next Senate bill on the Private Calendar, S. 4726, for the relief of Alexander H. Bright, a similar House bill (H. R. 13086) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle, adjust, and certify to Congress the claim of Alexander H. Bright in the sum of $573.50 in full settlement for damages to his Moth airplane by an Army airplane at Boston, Mass., on November 16, 1929.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ROSE FEFFERMAN, ADMINISTRATRIX

The Clerk called the next Senate bill on the Private Calendar, S. 1382, for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership, a similar House bill (H. R. 9003) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to examine and settle the claim of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership, for $1,900.80, arising out of an auction sale held November 23, 1922, of certain mittens, and for $412.99 arising out of an auction sale held on December 12, 1922, of certain knives and spoons, and to deduct therefrom $1,440.90, due the United States by the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., as damages for breach of an auction sale on May 10, 1923, of certain blankets, and there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated not to exceed $872.89 for payment of such sum as may be allowed by the Comptroller General of the United States in full settlement of all claims of Rose Fefferman, administratrix, and the United Mercantile Distributing Co. against the United States on account of said auction sales.

Passed the Senate January 26 (calendar day, February 10), 1931.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

PIONEER STEAMSHIP CO.

The Clerk called the next Senate bill on the Private Calendar, S. 896, to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pioneer Steamship Co., of Cleveland, Ohio, the sum of $3,100.50 for money paid as duty upon certain repairs in foreign ports.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. H. PRICE

The Clerk read the next title to the Senate bill on the Private Calendar, S. 6072, for the relief of C. H. Price.

Mr. COLLINS. Reserving the right to object, this bill should be amended, but that would probably result in its defeat, so the gentleman should furnish a statement to the commission making no claim for compensation prior to the date of the award. I suggest that he agree to do this.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. STAFFORD. This is similar to the bill considered the first of the evening, when I stated that I would offer a substitute providing that in the administration of the employees compensation act we waive the statute of limitations and further provide that no benefit thereunder shall accrue prior to the enactment of this act.

I may say that I observe from the procedure in the Senate on Saturday that whenever a Senate bill with a House amendment comes up it invariably goes through without reference to committee. If the gentleman will accept the amendment I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of C. H. Price, who suffered injuries to his eyes while he was serving as foreman in the drainage work for the Public Health Service in Lauderdale County, Ala., in 1918 and 1919, and is now practically blind.

Mr. STAFFORD. Mr. Speaker, I offer the following substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of C. H. Price, who was alleged to have suffered injury to his eyes while in the performance of duty as foreman in the drainage work of the Public Health Service in Lauderdale County, Ala., in 1918 and 1919: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

Mr. COCHRAN of Missouri. Mr. Speaker, I arise in opposition to the amendment. As I understand the bill it is to place under the Compensation Commission a person injured prior to the passage of the act.

Mr. STAFFORD. No; subsequently.

Mr. ALMON. The compensation act was passed in 1916.

Mr. COCHRAN of Missouri. I rose to call the attention of the House to a matter—not to object to this bill—but in the first session of this Congress a bill introduced by me passed the House without any objection, to grant a man who had a wife and six children recognition under the employers' compensation act. He lost his right hand in an accident at the Naval Academy six months prior to the time the compensation act went into effect.

That bill has been pending before the Senate Committee, and I was told to-day that the reason the bill was not reported by the Senate Committee was that the Senate Committee reports no bill to place a man or woman under the compensation act.

Now, I know myself that one bill which I introduced in the Seventieth Congress passed the House and the Senate, and was signed by the President, thereby placing that person under the compensation act. I know of a dozen other bills of the same character. I am not going to take it out on this person because the Senate has not acted favorably on my bill, but I want to say that this is not the first time in this session where bills have passed similar to bills I have introduced and there has been objection made to the bills I have introduced. I serve notice now. I propose to defend my constituents' interests in the next Congress, and my bills will be passed or others of a similar nature will not.

Mr. VESTAL. If the gentleman will yield I might say that just a week ago the House objected to a bill of mine, where a man was injured where he was only three months behind in filing his claim with the Compensation Commission, and the compensation act had been on the statute books for two or three years.

Mr. COCHRAN of Missouri. I say to the gentleman that his bill should have been passed.

Mr. VESTAL. I think so myself.

Mr. COCHRAN of Missouri. I withdraw the reservation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

DAISY O. DAVIS

The Clerk called the next bill, S. 182, for the relief of Daisy O. Davis.

Mr. STAFFORD. Mr. Speaker, this is a similar one to the bill just passed, where the accident occurred after the enactment of the employees' compensation act. I have prepared a similar amendment to the one just offered, and if that is acceptable to the author of the bill, I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Daisy O. Davis, a former employee in the Treasury Department.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert:

"That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Daisy O. Davis, who was alleged to have suffered injuries while employed on or about September 12, 1923, in the Treasury Department: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DR. COOPER NICHOLSON

The Clerk called the next bill, S. 4274, for the relief of Dr. Cooper Nicholson.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a similar bill, where the accident occurred subsequent to the enactment of the compensation act of 1916. I have prepared a similar amendment, and with the understanding that it be agreed to I have no objection to the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Dr. Cooper Nicholson, who suffered an injury to his left eye while in charge of Main Hospital No. 1, at Muscle Shoals, Ala., during the World War.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert: "That in the administration of the employees compensation act of September 7, 1916, as amended, the Employees Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Dr. Cooper Nicholson, who is alleged to have suffered an injury to his left eye while in charge of Main Hospital No. 1, at Muscle Shoals, Ala., during the World War: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

Mr. COCHRAN of Missouri. Mr. Speaker, I reserve the right to object merely to call attention to the fact that here is another bill sent over from the Senate in a matter of compensation under the employees compensation act.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THOMAS BIRD

The clerk called the next bill, S. 4676, for the relief of the estate of Thomas Bird, deceased.

Mr. DICKSTEIN. Mr. Speaker, I object.

LESLIE W. MORSE

The Clerk called the next bill, S. 5199, for the relief of Leslie W. Morse.

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to have some information about this bill.

Mr. BLANTON. It appropriates $20.

Mr. SABATH. I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Leslie W. Morse, formerly private, Company A, One hundred and fortieth Regiment United States Infantry, as reimbursement for money contained in registered letter No. 337, which letter was mailed to him by his father, Fred Morse, De Sota, Kans., on April 20, 1918, receipted for by the proper Army agency and never delivered to the addressee, and to allow in full and final settlement of said claim not to exceed $20. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20, or so much as may be necessary, to pay this claim.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

SEWARD CITY MILLS (INC.)

The Clerk called the next bill, S. 4675, for the relief of the Seward City Mills (Inc.).

Mr. SOMERS of New York. Mr. Speaker, I reserve the right to object. Is there any one here who can give me any information about this?

Mr. IRWIN. Mr. Speaker, this is a bill sent down by the Comptroller General admitting that there was a mistake and misunderstanding in the contract. The Comptroller General recommends that the bill be paid.

Mr. SOMERS of New York. And the gentleman is personally acquainted with some of the facts in the case?

Mr. IRWIN. Yes. It is a just bill.

Mr. SOMERS of New York. That satisfies me.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Seward City Mills (Inc.), for a balance alleged to be due under the contract 1–I–Ind–1660, dated September 7, 1928, for the delivery of flour to the Indian Service, and to allow in full and final settlement for said claim the sum of not to exceed $830.82. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $830.82, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WHITE B. MILLER

The Clerk called the next Senate bill on the calendar, S. 4105, for the relief of the estate of White B. Miller, a similar House bill, H. R. 15535, being on the House Calendar.

Mr. BLANTON. Mr. Speaker, I object. This bill appropriates $25,000.

Mr. McREYNOLDS. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. Certainly.

Mr. McREYNOLDS. I am sure the gentleman would not object if he understood the conditions.

Mr. BLANTON. There are two bad reports against this bill.

Mr. McREYNOLDS. I would like to give the gentleman the facts. The facts are that Mr. Miller was not a regularly employed United States Assistant Attorney General. He was employed in special cases. The first employment was made in a lot of tax cases in 1925. He was employed in the Big Four Savannah cases, and also included the trial of tax cases which are listed in a letter which I have here. The gentleman can see the list of cases.

Mr. COLLINS. How much was involved?

Mr. McREYNOLDS. In those cases various sums were involved. He prosecuted one of those cases to the Supreme Court of the United States and recovered $500,000.

Mr. COLLINS. And the fee is only $25,000?

Mr. McREYNOLDS. He was paid in those cases. A year afterwards, in 1926, he was employed at that time to look into these tax cases in which there was over $2,000,000 involved. On April 24, 1926, the Attorney General sent a contract to Mr. Miller to sign, in which it was provided—

Your compensation will be decided by the Attorney General upon the conclusion of your services.

Mr. Miller refused to accept that; and on April 24, 1926, Attorney General Sargent changed that wording to read—

You will be allowed reasonable compensation at the close of your services.

There was over $2,000,000 involved in those cases.

Mr. COLLINS. And he is asking for a fee of only $25,000?

Mr. McREYNOLDS. He is only asking a fee of $25,000, and it has been approved by the Attorney General.

Mr. COLLINS. That seems to me to be a reasonable fee.

Mr. McREYNOLDS. The fact of it was he expected a $50,000 fee, and that had been approved by the department under Mr. Sargent, Attorney General; but in the change of administration they agreed to give him a fee of $25,000 and asked the Bureau of the Budget to put it in the appropriation bill. They thought it could not be handled in that way and asked for special legislation. On the other side of these tax cases was Chief Justice Hughes's firm. Mr. Miller saved the Government $1,080,000.

Mr. BLANTON. I call attention to one fact that the gentleman has not mentioned. This is from the report of Attorney General Mitchell. He says:

At the time of Mr. Miller's appointment in the Cannon cases he was already receiving the maximum of $10,000 a year as a special assistant to the Attorney General for conducting the Hare cases at Savannah, Ga.

Now, if he were already drawing $10,000, which is the same salary that the gentleman draws, and which I draw, and which I drew during the first 12 years I was here, during which time I gave every moment of my time to the Government, vacations and otherwise, he does not deserve an extra $25,000 for looking after these cases.

Mr. COLLINS. Will the gentleman yield?

Mr. BLANTON. Yes. I am sorry, but I must object. If this special attorney were going to try a case involving $25,000 down in Tennessee, he would ask for a week to try the case. He would ask the court to give him four hours to argue the case before the jury. He would not call it up here toward midnight after a hard day's work, with a few Congressmen here, all tired out, and ask it to be passed in a moment. That is not the way to try a case involving $25,000 attorney's fee. I want to know the Government's side of this case. I am a friend of the gentleman and his colleague. We belong to the same party. I would like to grant him a favor if I could, but I have never yet objected to a bill because, forsooth, it happened to be a Republican bill or a Democrat bill. I have objected to bad bills. I object, Mr. Speaker.

Mr. COLLINS. Will the gentleman withhold his objection?

Mr. O'CONNOR of New York. Regular order, Mr. Speaker.

Mr. BLANTON. I will withhold the objection, but I intend ultimately to object.

The SPEAKER pro tempore. Regular order has been demanded. Is there objection?

Mr. BLANTON. I object.

ASHEVILLE, N. C.

The Clerk called the next Senate bill, S. 5039, authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes, a similar bill (H. R. 14946) being on the House Calendar.

Mr. STAFFORD. Reserving the right to object, as I understand this bill, the gentleman is seeking to give to the city of Asheville a former post-office site and building that was erected thereon, on the basis that the city originally donated the tract; and in further justification for the contribution back to the city, the city also donated the land for the new site?

Mr. PRITCHARD. The citizens did by public subscription. They raised the money to give it to the Government.

Mr. STAFFORD. As I understand, the new site is worth almost twice the value of the old site?

Mr. PRITCHARD. The building and land combined; yes.

Mr. STAFFORD. It is because of the fact that the citizens donated the new site, as well as donated the old site, which I think is a liberal set-off, that I do not press the objection.

Mr. SABATH. Your people seem to be very liberal, and I think the bill should be passed.

Mr. PRITCHARD. We just want this for the purpose of entertaining our friends when they come to our city.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to convey by quitclaim deed to the city of Asheville, N. C., the land in said city known as the old post-office site, together with the building thereon, to be used exclusively for public park and street purposes. If the city of Asheville fails to use such land for the purposes herein provided, or attempts to alienate such land, title thereto shall revert to the United States.

SEC. 2. It shall be expressly stipulated in such deed that notwithstanding the transfer of title, the United States shall be permitted to occupy, without payment of rent to said city, the building now located on such post-office site until such time as the new post-office building now under construction in said city shall be completed and made available for use.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CONSTRUCTION OF PIPE LINES, GULF REFINING CO.

The Clerk called the next Senate bill, S. 5297, to permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products, a similar House bill (H. R. 15010) being on the House Calendar.

Mr. BLANTON. Mr. Speaker, I object.

Mr. DICKSTEIN. I object.

Mr. KELLY. Will the gentleman withhold his objection?

Mr. BLANTON. Certainly, but this bill would permit Mr. Mellon's big monopoly to put a pipe line under the Capitol. I object to that.

Mr. KELLY. If the gentleman will let me say a word, this bill will result in the expenditure of a considerable amount of private funds, instead of contributions from the Treasury. It is a fair provision, which can injure no one.

Mr. O'CONNOR of New York. If the gentleman is not going to object, I shall.

Mr. PARKS. Mr. Speaker, regular order.

Mr. BLANTON. I object.

R. B. MILLER

The Clerk called the next Senate bill on the calendar, S. 3088, for the relief of R. B. Miller.

Mr. STAFFORD. I object.

Mr. SHAFFER of Virginia. Will the gentleman withhold his objection?

Mr. STAFFORD. I will withhold the objection.

Mr. SHAFFER of Virginia. In this case this man shipped a certain amount of manganese from Bland County, Va., to Reading, Pa. The Director General of Railroads, who was Solicitor General, states in his report that Mr. Miller has an equitable claim, and that if he had filed this equitable claim in time in all probability it would have been allowed. You have been suspending the statute of limitations all night, and I see no reason why the statute of limitations should be imposed in this case.

Mr. STAFFORD. As I read the report, this man Miller filed a claim with the Interstate Commerce Commission, and the Interstate Commerce Commission held that the rate was reasonable on the commodity rate. Now he wants to have a new adjudication of the manganese that was shipped during the war. The damages are only conjectural, and if we allow this bill to pass there will be any number of bills of similar import.

Mr. SHAFFER of Virginia. The Solicitor General says this is an unreasonable charge, and he said in this report that if the charge to Harrisburg, Pa., was reasonable, then this charge was unreasonable and that he is entitled to a refund of $2,400.

Mr. STAFFORD. Let me read this:

The legally published rates on the balance of Mr. Miller's shipments during Federal control to Harrisburg, Pa., and Graham, Va., were not class rates and it does not appear that they were unreasonable rates.

That is what I base my opinion on. I object.

UPSON-WALTON CO.

The Clerk called the next Senate bill, S. 13, for the relief of the Upson-Walton Co., a similar House bill, H. R. 15327, being on the calendar.

Mr. COLLINS. Mr. Speaker, I object.

Mr. MOONEY. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. MOONEY. As a matter of fact, this bill is to protect a company that did some work for the Shipping Board, on which they lost money. The Shipping Board at one time entered into an agreement to pay and then refused because the company with which they had a subcontract failed. It gives them the right to sue in the Court of Claims and appropriates no money for them at all. It is to make up money that was actually lost by this company.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

CICERO A. HILLIARD

The Clerk called the next Senate bill, S. 2481, for the relief of Cicero A. Hilliard.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a bill similar to those heretofore considered, where the accident occurred subsequent to the passage of the employees' compensation act. I have prepared an amendment waiving the statute of limitations, and, if that is acceptable to the author of the bill, I have no objection to the bill.

Mr. VESTAL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. VESTAL. Is this another one of those bills that goes back?

Mr. STAFFORD. It is not retroactive. No bills are being considered in the House where the accident occurred prior to the enactment of the employees' compensation act, in 1916. This injury occurred in 1925, but he failed to file a claim within the one year prescribed by that act.

Mr. VESTAL. I can not quite understand why the House is permitting this sort of bill to pass when other bills were objected to, where the injury occurred only three years ago.

Mr. SCHAFER of Wisconsin. I shall object in order to make the policy uniform. I will reserve the objection and state that it is manifestly unfair for the conscientious objectors to object to the consideration of bills introduced by Members of the House on certain grounds, because they come within a class, and the very next day allow Senate bills in the same class to pass.

Mr. STAFFORD. The gentleman will certainly not level that charge against me, because I have not in one instance objected to any bill that came within the purview of the employees' compensation act, where the accident occurred after the enactment of that act. We have passed five bills to-night of similar purport, and if the gentleman objects to this bill then he is doing a manifest wrong to this claim and giving preferential consideration to those other bills. I did not object to the bill of the gentleman from Indiana.

Mr. BACHMANN. The gentleman from Indiana is right. I objected to his bill the other night, the same kind of a bill. I objected because the report did not show how long afterwards he brought it to the attention of the commission.

Mr. DICKSTEIN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mrs. OWEN. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. A gentleman on the gentlewoman's side called for the regular order, and I can not yield.

Mr. COLLINS. Mr. Speaker, the gentleman who demanded the regular order did not rise.

The SPEAKER pro tempore. Yes; the gentleman from New York [Mr. DICKSTEIN] rose and demanded the regular order.

Mr. DICKSTEIN. Mr. Speaker, I withdraw the demand for the regular order.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I withdraw my objection and reserve the right to object.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Indiana [Mr. VESTAL] what he has to say with respect to the bill.

Mr. VESTAL. What I desire to say is that it seems to me—and I do not want to object to the bill, because I have never objected to a bill on the floor of this House in my life; but I do not understand how it comes about that bills of this character are not objected to when the sort of bill I brought in here the other night was objected to, where the party was seeking this same remedy. He was injured only three years ago and he just missed by a month or so of filing his claim before the statute of limitations applied.

Mr. BACHMANN. I want to say that the gentleman from Indiana is absolutely right. The only trouble was that the report in his case did not show how long it was before he asked for the benefits of the employees' compensation law, and if any of the Senate bills are going through to-night I think it is right that the gentleman should have his bill go through. It is the only bill of the kind I know of that was objected to, and unless we can turn back to it I am going to object to all Employees' Compensation Commission bills that come from the Senate that are in the same category. We ought to treat every Member fairly.

Mr. McDUFFIE. But two wrongs do not make a right.

Mr. BACHMANN. But his bill is in the same category.

Mr. STAFFORD. We have passed five of these bills to-night. Is the gentleman going to start now to level this character of objection to the bills?

Mr. BACHMANN. There was only one such bill, and I objected to it with the understanding we had between the committee on this side and the committee on the other side, and it is not fair to take advantage of some Member of the House.

Mr. ROMJUE. Will not the gentleman permit the gentlewoman from Florida [Mrs. OWEN] to explain the bill?

Mr. MONTAGUE. She is the patron of the bill.

Mr. COCHRAN of Missouri. Will the gentleman yield? Tell us something about this understanding the gentleman is talking about.

Mr. BACHMANN. The gentleman heard it the other night.

Mrs. OWEN. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mrs. OWEN. Does the gentleman realize the purpose of this bill?

Mr. BACHMANN. I do.

Mrs. OWEN. The purpose is to extend the benefits of the employees' compensation act to this claimant, although he failed to file the claim within the year as provided by law.

Mr. BACHMANN. Why did he not file his claim within the year?

Mrs. OWEN. This is a man over 80 years old, employed by the Government at a paltry wage. The man did not realize it was necessary to make more than a verbal complaint. This is exactly the same type of bill, five of which have been passed this evening. Would there be any equity in barring out the claim of this old man?

Mr. BACHMANN. I will say to the gentlewoman from Florida that I am glad to let the bill go by and not object to it, but I am calling the attention of the Members of this House to the fact that this is a Senate bill, and the gentleman from Indiana had a bill of the same kind where the gentleman involved is 78 or 79 years old and the bill is on all fours with this bill. He had his injury in 1927 and he was an employee of this House. There is no difference between that bill and the pending bill. I objected to the other bill the other night.

Mrs. OWEN. Will the gentleman point out what possible service it would be to this old gentleman to bar out this other man who has a claim against the Government?

Mr. BACHMANN. I will say to the gentlewoman from Florida that the only thing I am seeking to do is to give every Member the same right with respect to these matters and not prefer a Senate bill over a similar House bill.

Mr. PARKS. Because an injustice was done to another man, does the gentleman want to do an injustice to this claimant?

Mr. BACHMANN. No; but I want unanimous consent a little later to return to that bill.

Mr. PARKS. All right; the gentleman will get it.

Mrs. OWEN. I shall certainly not object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I will not object provided the House, before we pass the objection stage on this bill, will permit the gentleman from Indiana to go back and have his bill considered. It is on all fours with this bill, and I do not think it is proper to refuse to pass a House bill if we are going to pass a similar Senate bill in another case.

Mr. O'CONNOR of New York. Mr. Speaker, I demand the regular order.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 12659).

The regular order was demanded.

The SPEAKER pro tempore. The regular order has been demanded. The Chair had recognized the gentleman from Nevada to ask unanimous consent to return to a bill, and the Chair will ask the gentleman whether the bill he refers to is back of the star.

Mr. ARENTZ. It is back of the star.

The SPEAKER pro tempore. If it is back of the star, the Chair is not in position to recognize the gentleman to make the request, in view of the statement made by the Speaker and the arrangement under which we are operating to-night.

Mr. CLARKE of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MICHENER). The gentleman will state it.

Mr. CLARKE of New York. Will the Chair explain again what is the rule that we are working under, and whether or not we have a right to go back of the star?

The SPEAKER pro tempore. Let the Chair read for the information of the House the statement of the Speaker in regard to procedure:

> The Chair will make this statement in order to clarify the procedure to-night. The Chair thinks that the orderly and fair way of complying with the resolution agreed to on February 26 would be to begin at the star and call each bill on the Private Calendar, and each Senate bill on the Speaker's table, where a similar House bill is on the Private Calendar, in their numerical order, in which both classes of bills appear on the Private Calendar. When that has been completed the Chair will then recognize Members to ask unanimous consent to take Senate bills from the Speaker's table where similar House bills are on the Private Calendar before the star.

Therefore the present occupant of the chair feels that he should not recognize the request to return to bills on the calendar before the star.

The Clerk will report the next bill.

FRED N. DUNHAM

The Clerk read the title of the next Senate bill on the Private Calendar, S. 3839, for the relief of Fred N. Dunham.

Mr. STAFFORD. I object. I will reserve the objection.

Mr. PARKS. I call for the regular order. Why should we have 30 minutes' debate when these bills are brought up when a Member knows that he is going to object, and block everybody who have bills ahead. That is the only reason I ask for the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. PARKS. I ask for the regular order from now on.

Mr. STAFFORD. I object.

TO AMEND SECTION 2 OF THE ACT OF FEBRUARY 25, 1927

The Clerk read the title of the next Senate bill on the Private Calendar, S. J. Res. 56, to amend section 2 of the act of February 25, 1927 (44 Stat. L., pt. 2, p. 336).

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

ROSCOE M'KINLEY MEADOWS

The Clerk read the title of the next Senate bill on the Private Calendar, for the relief of Roscoe McKinley Meadows.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

Mr. MONTAGUE. Will the gentleman withhold his objection?

Mr. COLLINS. I will.

Mr. MONTAGUE. If my good friend will examine the bill, I think he will find it eminently just. Here is a man, a chaplain in the Navy, who sustained a 45 per cent injury. He was held to be a regular officer by the Comptroller General, and later the Navy held him to be a provisional officer, so he was caught both ways. He was a regular officer in the Navy or an emergency officer, or vice versa.

Mr. HILL of Alabama. In other words, under the ruling he was not eligible either as a regular or an emergency officer, and, of course, having served for over two years during the war as an officer of the Navy, subjecting himself to all of the risks, dangers, travails, and hardships of the service, he should be entitled to the benefits either as a regular officer or as an emergency officer.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

DANIEL S. SCHAFFER CO. (INC.)

The Clerk called the next bill, S. 1249, for the relief of Daniel S. Schaffer Co. (Inc.).

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This was a claim originally for over $33,000. The Senate passed it for $17,765, showing that there was that much inequity in it to start with. I object.

Mr. GAMBRILL. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Certainly.

Mr. GAMBRILL. This account was presented, it is true, for about $33,000, but in the auditing made by the Navy they disallowed certain items and reduced the amount to $17,765. Everything has been done in the orderly, customary way. The accounts have been audited by the Navy Department, the bill has been passed by the Senate, and has been favorably reported by the Committee on Claims. Everything has been done that could be done in order to put this bill in proper shape for consideration by this House. The only items allowed by the Navy Department were the excess labor costs which they were compelled to pay by reason of the act of the Government.

Mr. BLANTON. Mr. Speaker, this is based on a claim that runs back to 1917. If it could be taken up in an orderly way and discussed and argued in a proper way, we could likely reach some proper agreement, but to be brought here and disposed of in an instant is not proper on a $33,000 bill that has been already reduced to $17,765. I therefore object.

CAPT. JACOB M. PEARCE

The Clerk called the next bill, S. 5779, for the relief of Capt. Jacob M. Pearce, United States Marine Corps.

Mr. SCHAFER of Wisconsin. I object.

Mr. COLLINS. I object.

Mr. BRIGGS. On what grounds do the gentlemen state that they object?

Mr. COLLINS. Because it rearranges the entire personnel of the Navy. I object.

COUNTY OF SOLANO, CALIF.

The Clerk called the next bill, S. 3184, to permit the county of Solano in the State of California to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to permit the county of Solano in

the State of California to lay, construct, install, and maintain such sewer outlet or outlets as circumstances demand without detriment to naval interests, over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, upon conditions and plans to be previously approved by the Secretary of the Navy: *Provided*, That the permission given pursuant to this act shall not pass any right or title in said dike or the accretions thereto and shall be revocable by the Secretary of the Navy when, in his judgment, the maintenance of said sewer outlets is inimical to or endangers the interests of the naval service.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

JAMES H. ROACHE

The Clerk called the next bill, S. 181, for the relief of James H. Roache.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object, because there is an unfavorable report upon this bill. I would inquire whether these improvements were made by this claimant when he knew that he did not have any right to the land.

Mr. DRANE. No; he did not know. He spent all of the money he had on the property. He went on it in good faith. The Government put him on it in good faith, and he spent his money there doing everything that was necessary. After his money was spent the Government found that it had put him on in error and asked him to leave, and he had to leave, and he lost his money.

Mr. STAFFORD. I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James H. Roache, out of any moneys in the Treasury not otherwise appropriated, the sum of $944.50 as reimbursement in full for expenses and losses incurred in connection with improvements made by him on the land embraced in his homestead entry 021325 for the southeast quarter northeast quarter section 4, township 35 south, range 26 east, Tallahassee meridian, Florida, after said entry had been allowed on May 10, 1927, and prior to receipt of notice on or about June 27, 1927, that said allowed entry had been held for cancellation owing to fact the identical land was patented to the State of Florida August 31, 1903.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CLAUDE J. CHURCH

The Clerk called the next bill, S. 401, for the relief of Claude J. Church.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Claude J. Church, a citizen and resident of Monroe, La., the sum of $300 as compensation for injuries received by him when struck by a mass of ice and snow falling on him from the roof of the Federal building at Monroe, La., when in the act of entering the said building.

Mr. COCHRAN of Missouri. Mr. Speaker, I move to strike out the last word. I rise simply for the purpose of asking some Member from Louisiana to tell the Members of this House how often they have ice and snow in Louisiana so thick that it falls off a Federal building and strikes the head of a pedestrian. As long as there is no Member from Louisiana present who can enlighten the House I withdraw the pro forma amendment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BENJAMIN BRAZNELL

The Clerk called the next Senate bill, S. 457, for the relief of Benjamin Braznell.

Mr. STAFFORD. This is a tax bill, and I have been objecting to this class of bills.

Mr. COCHRAN of Missouri. I would not object to it for that reason alone.

Mr. STAFFORD. Yes. I am different from the gentleman from Missouri. I try to be consistent.

I would like to have some explanation of this bill.

Mr. KELLY. I will say that this measure has been before Congress for a number of years and favorable committee reports have repeatedly been made. The Treasury Department has admitted that there is a just claim, but that by a technicality as to the filing of the claim for refund it is impossible to pay this amount which is properly due the estate involved.

Mr. STAFFORD. This is similar to the other bills, Mr. Speaker, and I object.

AMOS D. CARVER ET AL.

The Clerk called the next Senate bill on the calendar, S. 1367, for the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard.

Mr. BLANTON. Mr. Speaker, this bill appropriates $35,000, and I object.

Mr. BLACK. Will the gentleman reserve his objection?

Mr. BLANTON. Certainly.

Mr. BLACK. This bill sets forth a claim that has already been passed upon by the Court of Claims, in which claimants were awarded $175,000. The United States Supreme Court handed down a decision to the effect that the Court of Claims had no jurisdiction. The Senate committee has passed this claim; the Senate has passed the bill; the House committee has reported it. The claimants are willing to accept $35,000. They already had a judgment on the merits by the Court of Claims for $175,000. The Government will save money by the passage of this bill. I think the gentleman, in view of the fact that the claimants are willing to accept this reduction, should withdraw his objection.

Mr. BLANTON. The Chief Justice has made such an eloquent oration in behalf of his bill that I turn it over to the Republican administration and call attention to the fact that it appropriates $35,000.

Mr. COLLINS. Mr. Speaker, I am going to object to it.

The SPEAKER pro tempore. Objection is heard.

Mr. BLACK. Mr. Speaker, I make a point of order that there is no quorum present.

Mr. O'CONNOR of New York. A parliamentary inquiry, Mr. Speaker. I would like to ask whether the Speaker thinks there is a quorum present.

Mr. BLACK. Mr. Speaker, I only make the point of order because there is no use having this session to-night. What is the use of having the Senate pass bills when one man can object to them over here?

The SPEAKER pro tempore. Does the gentleman insist on his point of order?

Mr. BLACK. Does the Speaker desire me to withdraw the point of order?

The SPEAKER pro tempore. Yes.

Mr. O'CONNOR of New York. I would like to make a parliamentary inquiry as to whether or not the Chair thinks there is a quorum present.

The SPEAKER pro tempore. The Chair thinks there is a quorum.

STILLWELL BROS. (INC.)

The Clerk called the next Senate bill on the calendar, S. 1671, for the relief of Stillwell Bros. (Inc.).

Mr. STAFFORD. Reserving the right to object, a bill on all fours with this was objected to a minute ago by the gentleman from Texas, a bill introduced by the gentleman from Maryland [Mr. GAMBRILL]. This is to pay a subcontractor.

Mr. MILLER. Is that any reason for objecting to this claim?

Mr. STAFFORD. Well, we like to be consistent.

Mr. BLANTON. I do not fool with them when they are that small.

Mr. STAFFORD. As I understand the facts in this case, some years back we passed as an item in the naval appropriation bill authorization to the Navy Department to settle claims with principal contractors where there was loss occasioned by higher costs during the war.

Mr. MILLER. Yes; but it did not apply to subcontractors.

Mr. STAFFORD. It did not apply to subcontractors. This is a case where a subcontractor, under a principal contractor of the Navy Department, suffered a loss?

Mr. MILLER. Yes, sir.

Mr. STAFFORD. The gentleman has served a long time on the Committee on Naval Affairs. Can the gentleman inform the committee as to how many similar cases there are of claims of subcontractors who would be entitled to relief if this bill were passed?

Mr. MILLER. At the time the act was passed granting relief to principal contractors there were many claims of subcontractors. I was a member of the Naval Affairs Committee at that time, and we thought the best thing to do would be to pass a bill giving relief to the principal contractors, but let the subcontractors either submit to an audit of their claims or come to Congress with a private bill. That is the principle we followed. This claim has been audited and has been reduced from $27,000 to $5,900.

Mr. STAFFORD. Can the gentleman inform the House as to how many such claims exist, similar in their nature to this claim?

Mr. MILLER. No; I can not. I do not have that information.

Mr. STAFFORD. Has Congress heretofore passed any bills of this character?

Mr. MILLER. Oh, yes. They have given relief to subcontractors.

Mr. SABATH. When we were not looking; yes. This would set up a dangerous precedent, and I object, Mr. Speaker.

THOMAS F. MYERS

The Clerk called the next Senate bill on the calendar, S. 5321, for the relief of Thomas F. Myers.

Mr. COLLINS. Reserving the right to object, merely for the purpose of asking a question. This gentleman was on a sidewalk and a private automobile which had been commandeered by a policeman struck him.

Is it the idea of the chairman of the committee that the District is liable?

Mr. MOORE of Virginia. I will say that I know something about the case. The bill was introduced by the chairman of the District Committee in the Senate. The automobile which struck the pedestrian on the sidewalk was in charge of an employee of the District of Columbia. The injury occurred in 1926 and the man lost his leg.

Mr. BLANTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BLANTON. This bill merely permits the commissioners to adjudicate this claim. If the gentleman were to give his idea about the merits of it, it might induce the commissioners to do something that they otherwise might not decide to do. I would suggest that we merely pass the bill and leave it to the commissioners in their own discretion.

Mr. MOORE of Virginia. That is what the commissioners ask may be done rather than to permit the man to have another day in court.

Mr. BLANTON. The gentleman from Mississippi asked the gentleman from Virginia to express his views as to the merits of the case.

Mr. COLLINS. I heartily thank the gentleman from Texas for his voluntary suggestions to me; however, I know what I am after.

Mr. SABATH. The gentleman from Texas is desirous of helping out a little bit this time.

Mr. BLANTON. The commissioners are so used to following WALTON MOORE, and this House usually does the same thing, and I suggest that we do not object to the bill but allow it to go through.

Mr. SABATH. They can not follow a better man than the gentleman from Virginia.

Mr. COLLINS. The thought I have is this: Here was a citizen on the sidewalk and the automobile which struck him was a private automobile.

Mr. MOORE of Virginia. But in charge of the Government's officer and, to all intents and purposes, a Government vehicle for the time being. That is the situation, and the statute says that in such a case as that the District is liable to a suit, that statute having been passed in 1930.

Mr. STAFFORD. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. STAFFORD. I assume the gentleman would have no objection to a clause providing that no interest shall be allowed on the amount of the award.

Mr. MOORE of Virginia. The only thing is that might prejudice it. I will give the gentleman my word of honor that I will communicate with the Commissioners of the District of Columbia and say that was the intent at the time this bill was passed.

Mr. STAFFORD. With that assurance I shall not press the amendment.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of New York. Is it proper for the gentleman from Florida [Mr. GREEN] to sit beside the gentleman from Wisconsin [Mr. SCHAFER]?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. SCHAFER of Wisconsin. Does not the gentleman believe the bill is on all fours with the bill that was objected to by the Democratic objector the other night, the bill introduced by the gentleman from Indiana [Mr. VESTAL].

Mr. COLLINS. The gentleman from Wisconsin is mistaken. I did not object to that bill.

Mr. SCHAFER of Wisconsin. I thought the gentleman, Mr. COLLINS, and the gentleman, Mr. BACHMANN, both took the floor and indicated that they had an agreement to object to those compensation bills.

Mr. MOORE of Virginia. This is not a bill of that sort.

Mr. SCHAFER of Wisconsin. It is on the same principle.

Mr. MOORE of Virginia. It is to waive the statute of limitations. The claim has not been filed and prosecuted under the law which was in effect providing for giving an injured person an opportunity to have his day in court. If the man were in court to-day—and he was in court once—the District Commissioners would have the right to waive the statute of limitations.

Mr. SCHAFER of Wisconsin. I shall not press my objection, but I hope that before this Congress adjourns the gentleman from Indiana [Mr. VESTAL] may bring his meritorious bill up, and I may say at this time that I shall not object this evening if the gentlewoman from Florida will ask unanimous consent to return to the bill to which I objected.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized, notwithstanding any statute of limitations, to hear, determine, and settle, under the act approved February 11, 1929, as amended by the act of June 5, 1930, entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," the claim of Thomas F. Myers against the District of Columbia on account of injury sustained by him on September 8, 1926.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CICERO A. HILLIARD

Mr. STAFFORD. Mr. Speaker, in view of the statement just made by my colleague, that he withdraws his objection to Private Calendar bill No. 1126, Senate bill 2481, I ask unanimous consent that we return to that bill.

Mr. BACHMANN. Mr. Speaker, I object.

HAZEL L. FAUBER, ADMINISTRATRIX

The Clerk called the next Senate bill, S. 3230, conferring jurisdiction upon the Court of Claims of the United States

to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased, a similar House bill, H. R. 9364, being on the calendar.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitations to hear, examine, adjudicate, and render judgment under the act of June 25, 1910 (36 Stat. L., ch. 423, p. 851), as amended July 1, 1918 (40 Stat. L., ch. 114, pp. 704, 705; U. S. C., title 35, sec. 68), on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, or her successor, as the legal representative of the estate of said decedent, for the use of or the manufacture by or for the United States without license of the owner thereof or the lawful right to use or manufacture the same, of certain inventions of said William Harrison Fauber, deceased, described in or covered by Letters Patent Nos. 971029, 1024682, and 1121006, issued by the Patent Office of the United States on September 27, 1910, April 30, 1912, and December 15, 1914, respectively.

SEC. 2. That from any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill (H. R. 9364) was laid on the table.

J. D. STEWART

The Clerk called the next Senate bill, S. 3144, for the relief of J. D. Stewart.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, this is a bill that is similar to the one objected to by the gentleman from West Virginia and it is also similar to the bill which was presented by Mr. VESTAL, of Indiana, some time previously. It would be my suggestion to the House that we consider all three of these bills at this time, because they are all alike, and settle them at this time, and stop the wrangling which has been going on, and which I think, has crowded out three meritorious bills, because the parties did not file within one year under the compensation law.

Mr. BACHMANN. Mr. Speaker, I hope that this unanimous-consent request will be granted.

Mr. GREENWOOD. I think the gentlewoman from Florida [Mrs. OWEN] ought to be allowed to call up her bill and the gentleman from Indiana [Mr. VESTAL] ought to be allowed to call up his bill and that they all should be considered.

Mr. COCHRAN of Missouri. Is it not possible for the House of Representatives by unanimous consent to do anything to-night that it desires to do?

The SPEAKER pro tempore (Mr. SNELL). Under the ruling of the Speaker before the House adjourned this afternoon it was understood we would not go back of the star until after all the Senate bills had been considered.

Mr. GREENWOOD. Then, Mr. Speaker, I submit this unanimous-consent request at this time, that this bill, being similar to the one that the gentlewoman from Florida [Mrs. OWEN] introduced, that we return to her bill and pass that bill, and then pass the pending bill, with the understanding that after the calendar has been finished, the gentleman from Indiana [Mr. VESTAL] will be allowed to call up his bill.

Mr. O'CONNOR of New York. Mr. Speaker, that would be a violation of the understanding, I submit, that we had when we went into this session and to preserve the rules of the House the present occupant of the chair should not entertain the request.

Mr. GREENWOOD. It would not be a violation of the rules, because we have frequently returned to bills ahead of the star after the calendar had been finished at the evening session.

The SPEAKER pro tempore. After we have finished the other bills, the Chair would be willing to entertain such a request.

Mr. GREENWOOD. I submitted my request in a spirit of harmony, because all three of the bills are similar and all of them are meritorious.

Mr. BACHMANN. I think that is what should be done and when we reach the end of the calendar, I will agree to that request.

Mr. GREENWOOD. I am not asking now to go back of the star, but to consider the bill of the gentlewoman from Florida [Mrs. OWEN], with the understanding that after the calendar has been finished, the gentleman from Indiana [Mr. VESTAL] can submit his request to go back at that time.

Mr. BACHMANN. Reserving the right to object, I have no objection if the gentleman will make his request at the conclusion of the calendar so that all three bills can be taken up at that time.

The SPEAKER pro tempore. The Chair thinks that would be all right.

Mr. BACHMANN. With that understanding, I shall renew my request after the calendar is called.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

HOWARD DIMICK

The Clerk called the next Senate bill on the Private Calendar, S. 5195, for the relief of Howard Dimick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Howard Dimick for refund of the amount paid by him for the purchase of a motor vessel *V–13604* sold by the Prohibition Service but not delivered to him, and to allow said claim in an amount not exceeding $910. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $910, or so much thereof as may be necessary, for the payment of this claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

T. MORRIS WHITE

The Clerk called the next Senate bill on the Private Calendar, S. 5198, for the relief of T. Morris White.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of T. Morris White as reimbursement for balance of money not previously refunded of the amount of $152.49 erroneously paid to the Office of Public Buildings and Public Parks of the National Capital for 586½ cubic yards of ashes and cinders retained for the use of the contracting officer as provided by contract PBP–13, dated June 23, 1926, and covered into the Treasury of the United States, along with other money received from said contractor as "Miscellaneous receipts, proceeds of Government property," and to allow in full and final settlement of said claim not to exceed $69.81. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $69.81, or so much thereof as may be necessary, to pay this claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL DRY DOCK & REPAIR CO. (INC.)

The Clerk called the next Senate bill on the Private Calendar, S. 5200, for the relief of the National Dry Dock & Repair Co. (Inc.).

Mr. SABATH. Reserving the right to object, what is this bill about?

Mr. BLANTON. Two hundred and four dollars.

Mr. SABATH. What is it for?

Mr. BLANTON. The Comptroller General recommends that this bill be enacted, and whenever he recommends a bill, that is all I want to know.

Mr. SABATH. And the gentleman approves it?

Mr. BLANTON. Yes.

Mr. SABATH. If the gentleman from Texas approves it, I have no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the National Dry Dock & Repair Co. (Inc.) for damages resulting from the action of the Government in can-

ceiling a proposal accepted March 11, 1930, for certain repair work to the steamer *Pickering*, and to allow in full and final settlement of said claim the sum of not to exceed $204. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $204, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. CROWTHER. Mr. Speaker, I move to strike out the last word. Mr. Speaker and Members of the House, these are relief bills that we are considering, and I want to say that the business revival has brought relief to many of my constituents. In Amsterdam, N. Y., the Bigelow-Sanford Carpet Mills, which have been operating only two days a week, started a week ago Monday to run five days a week. The Chalmers Knitting Mills Co., one of the largest users of cotton in my territory, started last Monday and notified the employees that they would run from midnight Sunday nights to midnight Saturday nights on a 24-hour schedule for at least eight months. [Applause.]

Mr. Speaker, I mention these facts to show that there is at least a ray of the sunshine of prosperity gleaming through the clouds of depression. [Laughter.]

Mr. Speaker and gentlemen of the House, in the discussions as to the causes of this period of depression which has seriously affected agricultural and industrial prosperity the critics have all laid great stress upon the evil effects of the present tariff law known as the Hawley-Smoot bill. Democratic orators have made the welkin ring with their vociferous denunciations of this tariff law, and without offering the slightest evidence point to it as the primary cause of the business depression.

The fact that our exports have decreased very considerably is not conclusive evidence that retaliatory tariffs by foreign countries have shut out our merchandise. The whole world is involved in this depression, and the purchasing power of foreign nations has shrunk in the same ratio as it has in this country.

We have had five periods of depression and unemployment during the last 50 years, and this is the first really severe one that has occurred during a Republican administration. During our past periods of depression, however, the rest of the world was in fairly good shape and our recovery was not long delayed.

Agriculture was hard hit by the drought last year and farmers who depended upon cotton and grain for their income were in many sections of the country left almost destitute. A fairly normal crop of both wheat and corn was harvested in spite of abnormal weather conditions, but unfortunately the world supply increased tremendously and the price obtained by our farm folks was in many instances below the cost of production. Russia alone increased her wheat production 475,000,000 bushels in 1930. Evidence given by witnesses before the Ways and Means Committee during the Russian embargo hearings clearly demonstrates that the United States has lost her foreign market for export wheat. Russia can produce her wheat for 17 cents per bushel. This certainly demonstrates that we must produce only for our own consumption, and if necessary raise our tariff on wheat to a point where forced labor production in Russia shall not drive our farmers to the wall.

The statement that the present tariff is unconscionably high is without foundation of fact. The public is fed up on declarations of this character, which are issued purely as political propaganda. Two-thirds of our imports from foreign countries are admitted free of duty. One-third are on the dutiable list. In the writing of the Hawley-Smoot bill only one-third of the rates on dutiable commodities were changed, and they were not all raises by any means.

WHAT IS REAL PROTECTION?

In the national Republican platform of 1908 you will find the following:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries.

This last sentence in this statement is the meat in the coconut, and just so long as we base the allocation of rates, or their change by the Tariff Commission, on a basis of the difference in production costs here and abroad, with no consideration of the "reasonable profit to American industries," then we are departing from our fundamental policy of a protective tariff and subscribing to the doctrine of a competitive tariff.

FOREIGN COSTS VERSUS INVOICE AVERAGES

Where cost of production in foreign countries is not ascertainable as described in section 336 (h) (4) the Tariff Commission is now availing itself of section 336 (e) (2), which permits the use of the weighted average of invoice prices as evidence of such costs. This method has been used in the majority of the cases recently decided, and their report shows that the duties on five commodities—wood flour, pigskin leather, hats, bonnets, and hoods of straw, and so forth, and maple sugar and maple sirup—were all reduced and that one—woven-wire fencing—was raised. The importation of these products in 1929 amounted to $3,400,000, and the reduced duties will mean a saving to the importers and a loss to the Treasury of $500,000 on that basis.

It may be interesting to those of you who are vitally interested in a protective tariff to read what the American Tariff League suggested at an interview with the Tariff Commission. An extract from their statement follows:

USE OF FOREIGN INVOICE PRICES IN LIEU OF COSTS

In a majority of the commission's flexible tariff reports thus far submitted the recommended changes in duty are made not on the basis of the difference between foreign and domestic costs but on the basis of the difference between the invoice prices of imports and domestic costs of production. This, we told the commission, was not in our opinion a fulfillment of the protective principle in the tariff law, nor in many cases would it be fair to the American producer to base a duty on the difference between his cost and the foreigner's invoice price in view of the fact that the latter would ordinarily include the foreigner's cost plus a share of his selling expenses and profits, and in some cases might also include foreign income or profits taxes.

On this basis we urged upon the commission that flexible tariff rate adjustments be made on the basis of the difference between foreign and domestic costs as the law contemplated, and that in case where the expense and difficulty of securing actual foreign costs were prohibitive, that the commission arrive at a constructive foreign cost on the basis of the difference between foreign and domestic wages, costs of raw materials, and investment charges (all of which are available or readily ascertainable in the foreign country), instead of using foreign invoice prices as the equivalent of foreign costs. In this latter connection we referred particularly to the commission's recent findings in the wood-flour investigation. In these the commission considered the average invoice value of imported wood flour of $13.79 a ton, as the equivalent of the foreign cost of production, and on this basis recommended a decrease in the wood-flour duty from 33⅓ to 25 per cent. For purposes of illustrating our viewpoint we pointed out that if the average foreign selling price of $13.79 included, say, only a 10 per cent margin for foreign selling expenses, profits, and similar items, that the 33⅓ per cent duty would have been within 1 per cent of equalizing the foreign and domestic costs, thereby indicating no reason for a decrease in the duty.

In order to make clear to the commission our viewpoint on the equalization of foreign and domestic costs we referred to the declared intention of the tariff law to protect American industry and labor—an intention also clearly indicated in the provisions under which the commission operates. In view of this and also of the provision in the law giving the commission the legal power to demand cost data from the American producer under oath (which authority does not extend to the foreigner), we proposed that in the administration of the flexible tariff provision the commission should place the burden of the proceedings on the foreign producer or importer; that in cases where the commission could not readily ascertain foreign costs that the foreign producer or importer should be required to furnish accurate foreign costs. His failure to do so should be construed as an unwillingness on his part to cooperate with the commission and should operate to deny to him the right to object to the foreign cost as determined or construed by the commission.

After permitting us to present our views, the commissioners discussed our suggestions, but with no indication that they would be considered, at least for the present. Chairman Fletcher advised us that the commission had resolved upon its present rules of procedure after due consideration and that no change in these would be made for the time being. Further in this connection, the chairman advised us that a resolution adopted by the National Council of American Importers and Traders requesting the commission to return to the former policy of making available a preliminary statement of information had been denied by the commission.

In view, therefore, of this very definite indication of the commission's intention to pursue its present policy, we earnestly renew our suggestion to our members concerned with flexible tariff investigations that they be prepared to furnish the commission with the most complete evidence of foreign costs available to them. Chairman FLETCHER advised us that the commission has in contemplation a considerable enlargement in its foreign staff, with headquarters in Brussels, but until the commission itself shall undertake by some such means the collection of adequate foreign cost data it is our opinion that the present procedure places the burden in flexible-tariff investigations largely on the domestic producer. Believing this, we emphasize it to our members, and for their assistance in meeting this problem we have prepared a suggested schedule of information which we believe should, if possible, be submitted to the commission in order to avoid flexible-tariff adjustments made on the basis of incomplete or inaccurate data. A copy of this schedule is inclosed, and we invite your suggestions and criticisms of it.

TARIFF FOR ALL

If the policy of protective tariff can not be applied with equal advantage to all commodities—where foreign competition destroys market values, regardless of its percentage of domestic production—then there is something basically wrong with the policy. In my opinion, it can and should be applied all along the line, and no American producer, whether he supplies industrial products, agricultural products, or products of the mine and the oil well, should be denied its advantage. I regret that the oil producers did not come to Congress during the consideration of the tariff by the Ways and Means Committee. Later on they presented their case and no fairer, no stronger case for tariff protection has been before the Congress in years.

While the importations are only 11 per cent of domestic production, the advantage of cheap production and cheap transportation are all in favor of the importing companies. The cry was raised that the price of gasoline would be raised to the consumer, but the evidence submitted at the hearings demonstrated that there was no relation between the price of gasoline and the price of crude oil even at the eastern seaboard, where transportation rates were lowest.

PROPHECY UNFULFILLED

When the tariff bill was under consideration we heard the Democratic spellbinders shout from the housetops the declaration that the duty on sugar would cost the people of this country $100,000,000 a year; that the duty on cement would cost the farmer and the builder millions more; that boots and shoes would cost more; blankets would advance in price and clothing prices would go up. But none of these dismal predictions have come to pass. All these commodities are cheaper to-day than when the tariff bill was passed. The Democratic prophets are without honor save in their own bailiwicks.

The house of Raskob, Shouse & Co. scattered their propaganda concerning the cost of the tariff bill to the American people to the four corners of this Nation. One billion dollars, they declared, would be the burden placed on our consumers. In 1922 a Democratic spokesman, the Hon. Norman W. Davis, made the statement that the "burden on the tax-burdened masses would be $6,000,000,000 due to the Fordney-McCumber bill," and now my Democratic friends are quoting an economist who, they say, is an authority on the tariff as contending that—

If only one-half of the legalized tariff allowances are added to the merchandise sold in our general stores, the cost to consumers is $10,000,000,000 annually, as computed by experienced Federal statisticians.

The logical deduction is that if it was all added, the cost to consumers would be twice that amount, or $20,000,000,000, but either statement falls far short of being the truth.

ADDED-COSTS THEORY IS A DUD

If you will examine the hearings on the Hawley-Smoot bill held in 1929, I feel certain that you will not find any evidence that any commodity which had a protective rate in the Fordney-McCumber bill in 1922 had increased in price to the consumers during that period of seven years. On the other hand, many commodities had fallen in price, due to rapidly increasing imports, and the American producers appeared in behalf of a higher rate of protection. All the Democratic attacks upon the tariff costs to consumers are based upon the theory that the rate of duty is added to the retail price of the merchandise. As a matter of fact, this condition has never prevailed and they know it, and they also know that such a premise is incorrect and can not be substantiated by facts. But it is so easy to say that a 20 per cent ad valorem duty on imported shoes makes a $5 shoe made in America cost $6 to the consumer that they can not refrain from this illogical, unsound method of computation. The ease with which the result may be arrived at especially appeals to my Democratic friends from the "hookworm" territory.

WHERE ARE THE DEMOCRATS ON THE TARIFF QUESTION?

Traditionally against the policy for many years, fighting it tooth and nail at every opportunity, they were converted to the policy almost overnight by Mr. John J. Raskob, who succeeded in having 90 per cent of the Democratic candidates for Congress in 1928 declare for the protective tariff plank in the Houston platform.

During the revision of the tariff following this election, no Democrat lost or was denied an opportunity to present his case in behalf of his constituents where an adjustment of rates seemed necessary. Outstanding Democrats declared that the protective tariff was here to stay, and they were desirous that its benefits be extended to their constituents where foreign competition was gradually encroaching upon the home market.

But once the tariff bill became a law, then the barrage of calumny and vituperation broke loose. On the platform, in the press, and over the radio we read and listened to such nonsensical phrases as "unconscionably high rates," "subservience to big business," "the Grundy tariff," "a robber tariff," "vicious legislation to repay campaign contributors," and a host of other vindictive and false accusations that are not supported by facts, but what does a free trader care for facts? He is the same gentleman who, in his platform of 1892, said, "We denounce the McKinley tariff law as the culminating atrocity of class legislation." He is the same glib-tongued gentleman who in the 1904 platform said:

We denounce protection as a robbery of the many to enrich the few.

It is the same gentleman who, in his 1924 platform, said that "the Fordney-McCumber Tariff Act is the most unjust, unscientific, and dishonest tariff-tax measure ever enacted in our history."

At least one outstanding Democrat must have changed his mind for my good friend and committee colleague, the gentleman from Georgia [Mr. CRISP] introduced at this session the old Fordney-McCumber bill with some minor changes, including the substitution of the Hawley-Smoot agricultural rates for those in the old law. His action is another example of the fairness and consistency which are marked characteristics in the legislative activities of the distinguished gentleman from Georgia.

BACKSLIDING RASKOBITES

It is quite evident that a considerable percentage of the 90 per cent that might well be termed Raskobites are backsliders and have made an earnest endeavor to rally the sadly depleted forces of the Jeffersonian Democracy, and to this effort the 10 per cent of Simon-pures who turned a deaf ear to the siren call of John J. and Al are extending a helping hand.

My Democratic friends, why do you not get together on this vital economic policy? Many of your most brilliant members have subscribed to its merits. Your constituents are and have been benefited by the tariff over a long period of years. When the Republicans write a tariff bill we listen to your supplications—and sometimes they are in the nature of demands—and in a spirit of fairness we accede to those demands, even though we know you will vote against the bill on final passage.

Your chief argument during a campaign is that it is an economic and not a political problem, and yet in and out of Congress you play politics with this important policy at every opportunity.

How are you Democrats going to be able to look the world squarely in the eye when you are explaining your attitude on this question? You have been against it; you have declared for it; some of you have supported it half-heartedly; and some of you have passed by on the other side, and a woefully small contingent of willful men announce very faintly that they are still free traders. What a predicament you are in!

Come on out in the open; do not let your prejudice override your judgment, but be fair enough to support legislation that your constituents have benefited by and that has materially improved our living conditions.

WHY BLAME THE TARIFF?

That we have passed through a period of serious depression no sensible person will deny, but to hold the tariff responsible for such conditions is manifestly unfair. We are looking forward to a gradual recovery with a renewal of industrial and agricultural activities, and the tariff law will aid rather than prevent such recovery. It is the first time in more than 50 years that the Democrats have had an opportunity to spread propaganda relating to unemployment under a Republican administration, and they have certainly worked overtime.

1930 NOT A TOTAL LOSS

In the Magazine of Wall Street, Theodore Knappen reviews things, and finds that while conditions are bad enough, 1930 has not by any means been a total loss; for example, he points out that the brunt of the business depression fell on the steel, construction, and automobile industries. But even so, these industries were better off than in 1920.

Similarly, the total volume of manufactures in America in 1930 was far above the total for 1920. There was only a slight drop in electric power output from 1929. The gasoline consumption for 1930 was the largest in American history. Department store sales in 1930 equaled those of 1929 in volume and were only slightly below them in value. Chain-store sales increased in volume and fell off in value only fractionally.

Nor is that all. Savings banks deposits gained during 1930. The aggregate of interest and dividend payments on securities was considerably ahead of that of 1929. Capital issues of domestic securities were larger than in any previous years except 1928 and 1929.

The country is in better health than we supposed. This is not to say that there has not been much suffering. But it does mean that the country is on a sound basis for a healthy revival.

LABOR INDORSES TARIFF

During the hearings held previous to the tariff revision the American Federation of Labor expressed itself in no uncertain terms as favoring the policy of protective tariff. Mr. Matthew Woll appeared as a representative of the International Allied Printing Trades Association, and stated that—

He would be glad to join with any other group to get full and adequate protection, which has been the principle of American labor.

Later on in the hearings he stated:

I favor protecting every industry, whether it be agriculture or otherwise, against foreign competition.

Never before has organized labor been represented by as many witnesses at tariff hearings, and their attitude has been one of exact fairness in the application of the protective-tariff policy. The title of the bill is as follows: "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," and with these worthy objectives no real American will disagree.

THREE TARIFF POLICIES

There are three definable tariff positions: A tariff for revenue only, allocating duties so low as to give the foreign manufacturer an appreciable advantage in our markets and increase importations to displace American-made goods. Second, a competitive tariff, which lays duties that will exactly equalize the cost of production here and abroad and give the foreign producer an equal chance to supply the needs of our people. Third, a protective tariff that will allocate such duties as will keep the American market for the American producer, permit the payment of decent wages, and maintain the American standard of living.

This is the policy that has been instrumental in making us the greatest of all nations, and if the Hawley-Smoot bill had not been enacted into law we should have seen our markets flooded with foreign merchandise and the existing depression would have been far more disastrous in its results.

Our people are very soon going to awaken to the fact that the policy of real protection to American industry has been sidetracked for a makeshift policy of competitive tariff. When they come to a full realization of the evils that may result we shall hear from them in no uncertain terms, and their message will be a demand to return to the protective policy.

C. O. SMITH

The Clerk read the title of the next Senate bill on the Private Calendar, S. 5201, for the relief of C. O. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of C. O. Smith for loss or damages sustained on account of the Government's destruction of 2,800 pounds of seed cotton owned by him and which remained unharvested from a 7-acre tract of land leased to the Bureau of Entomology, Department of Agriculture, for experimental plots for cultural control investigations in re pink bollworm of cotton, under lease No. Ae-992, dated November 12, 1929, and to allow in full and final settlement of said claim not to exceed the sum of $168. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $168, or so much thereof as may be necessary, to pay said claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COOS HEAD RIVER MILITARY RESERVATION

The Clerk read the title of the next Senate bill on the Private Calendar, S. 3360, authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the University of Oregon, State of Oregon, subject to the conditions hereinafter specified, the following described part of the Coos Head River and Harbor Reservation situated on the south shore of the entrance to Coos Bay in Coos County, Ore.:

All of lot 2, the westerly 750 feet of lot 3, all of lot 1 except the west 300 feet thereof, and all of the southwest quarter northwest quarter, except the west 300 feet thereof, all in section 2, township 26 south, range 14 west, Willamette meridian, in the county of Coos, Ore.; excepting therefrom the parcels of land released to the Treasury Department by letter from the Assistant Secretary of War, dated April 24, 1913, and more particularly described as follows: Site for station buildings beginning at a point north 41° 30' west 1,307 feet from the southeast corner northwest quarter of section 2, township 26 south, range 14 west, Willamette meridian, thence north 33° 15' west 400 feet; thence west 33° 15' south 400 feet; thence south 33° 15' east 400 feet; thence east 33° 15' minutes north 400 feet to the point of beginning, and containing 3.673 acres; also a site for lifeboat house commencing at a point 775 feet north 33° 15 minutes west from the starting point of site and the station grounds; thence running west 33° 15' south 150 feet; thence south 33° 15' east 225 feet; thence east 33° 15' north 150 feet; thence north 33° 15 minutes west 225 feet to the point of beginning, and containing 0.774 of an acre.

SEC. 2. The lands herein authorized to be conveyed shall be used by the University of Oregon solely for scientific and educational purposes, subject, however, to the right of the United States, in case of war or other emergency, to assume control of, hold, use, and occupy said lands or any part thereof for any and all military, naval, or other governmental purposes, and subject at all times to the rights of the United States, stated in section 4 hereof. The deed executed by the Secretary of War under the provisions of section 1 of this act shall contain the express condition that if the University of Oregon shall at any time attempt to alienate said lands that same shall revert to the United States.

SEC. 3. The provisions of the act entitled "An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for

park purposes," approved August 21, 1916, and of any permit granted by the Secretary of War under such act, shall not apply to the lands herein authorized to be conveyed, after the date of such conveyance, nor shall such act or permit apply to the unconveyed part of lot 3 after the date of this act.

SEC. 4. The lands herein authorized to be conveyed to the University of Oregon shall at all times be subject to the right of the United States to occupy and use such part thereof as are now or may hereafter be needed for jetty site or sites, for rights of way for tramways from the unconveyed part of lot 3 to such jetty site or sites, and for ingress and egress by persons engaged in river and harbor work; and the United States shall at all times have prior right to three-fourths of the natural flow of streams draining lots 2 and 3.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES WILLIAMSON

The Clerk read the title of the next Senate bill on the Private Calendar, S. 4435, for the relief of James Williamson and those claiming under or through him.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, I have been waiting all through the third session of the Seventy-third Congress for the gentleman from New York [Mr. CROWTHER] to take the floor and picture the bread lines and the soup kitchens under Democratic administration. I have been wanting to take him to New York and show him the bread line; not in single file but in phalanxes, in legions, to show him the bread line and the soup lines—not under Democratic administration but under high protection Republican administration. [Laughter and applause.]

Mr. BLANTON. Reserving the right to object, we are not paying any attention to the distinguished gentleman from New York [Mr. CROWTHER] because he has just been to a banquet.

There being no objection, the Clerk read the bill, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to James Williamson, in trust for those claiming under or through him, the patent of the United States for lots 5, 6, and 7, section 14; lots 7, 8, and 9, section 23; and lots 1, 2, and 3, section 24, all in township 30 south, range 38 east, Tallahassee meridian, Florida, without mineral reservation, the same to be in lieu of the patent which issued to James Williamson in trust for those claiming under or through him, on April 3, 1930, under the act of December 22, 1928, containing a reservation of coal and all other minerals.

The bill was ordered to be read a third time, was read the third time and passed and a motion to reconsider laid on the table.

JAMES W. NUGENT

The Clerk called the next bill, S. 35, for the relief of James W. Nugent.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers James W. Nugent, late of Troop F, First Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said troop and regiment on July 29, 1903: *Provided*, That no pension, back pay, or allowances shall accrue prior to the passage of this act.

With the following committee amendment:

In line 9 after the word "pension" insert the word "bounty," and in line 10, strike out the word "accrue" and insert "to be held to have accrued."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

JESSE J. BRITTON

The Clerk called the next bill, S. 155, for the relief of Jesse J. Britton.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives Jesse J. Britton, who served in Troop H, Second Regiment United States Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on September 22, 1900: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

IRENE STRAUSS

The Clerk called the next bill, S. 1918, for the relief of Irene Strauss.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Irene Strauss, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government, for the death of her husband, Arthur B. Strauss, resulting from injuries sustained when he was struck by a United States mail truck in San Francisco, Calif., on September 26, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JAMES M. BOOTH

The Clerk called the next bill, S. 3050, for the relief of James M. Booth.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to James M. Booth, dependent father of Stancil Hume Booth, the sum of $1,500 on account of the death of his son, Stancil Hume Booth, who was killed while on duty at Fort Screven, Chatham County, Ga., on April 9, 1929, by coming in contact with an electric wire on a pole in the Government reservation at Fort Screven, Tybee Island, Chatham County, Ga., which pole and electric-lighting system was the property of the United States Government and under its control.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WALTER J. BRYSON PAVING CO.

The Clerk called the next bill, S. 4434, for the relief of Walter J. Bryson Paving Co.

Mr. STAFFORD. I object.

G. ELIAS & BRO.

The Clerk called the next bill, S. 4334, for the relief of G. Elias & Bro. (Inc.).

Mr. BLANTON. I reserve the right to object. This bill appropriates $20,000 and the Postmaster General reports that it is not just; that these airplanes were refused acceptance. The bill is disapproved by the department. Therefore I object.

Mr. DEMPSEY. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Yes.

Mr. DEMPSEY. I want to say what the facts are with regard to this bill. By examining the papers it will be seen that Paul Henderson, son-in-law of the late Martin B. Madden, was the Second Assistant Postmaster General of the United States. He gave an order for five airplanes and those five airplanes were tested by a committee. A favorable report was made by the test committee upon all of these airplanes. Four of them were paid for. This particular airplane only was not paid for. Then the matter was investigated by the expert of the department. We have his report here. It says that this airplane had all the tests and was fully up to the standard and should have been accepted.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BLANTON. Here is what the Postmaster General said.

Mr. DEMPSEY. Yes; but the Postmaster General——

Mr. BLANTON. Oh, the gentleman ought to know it.

Mr. DEMPSEY. I know exactly what he said.

Mr. BLANTON. He is your Postmaster General.

Mr. DEMPSEY. Wait a minute.

Mr. SABATH. The gentleman from New York has no confidence in him.

Mr. BLANTON. Is not Walter M. Brown your Postmaster General? Let me call attention to what he says. If you are not going to let the House know what the Postmaster General says there is no use of going any further.

Mr. DEMPSEY. But that is not what he says to-day.

Mr. BLANTON. I am not surprised. He may change his mind a dozen times a day.

Mr. DEMPSEY. He has changed his mind. He sent a representative before the Senate committee, and the representative before the Senate committee testified that this claim was a just claim.

Mr. BLANTON. Does the gentleman want us to consider his remarks? Let me tell the Members what the Postmaster General said.

Mr. DEMPSEY. But that is past history. That is not what he is saying to-day.

Mr. BLANTON. He says this airplane was the fifth on the list.

Mr. DEMPSEY. He says also that it was a good airplane and that it met all of the tests.

Mr. BLANTON. But it was turned down.

Mr. DEMPSEY. No; he sent his representative before the Senate committee, and they say——

Mr. BLANTON. I will say this to the gentleman: The gentleman has rendered such signal service to the United States Government and his people on waterways, and I have such a high regard for his splendid work in that particular, that if his Republican administration will let $20,000 be paid to a Democrat when the Postmaster General, a Republican, says that it is not just, why, take it out of the Treasury and pay it. I am willing that he should have it.

Mr. DEMPSEY. Let me say this: I have had 16 years of service here, and this is the first private claim I have ever had.

Mr. COLLINS. Mr. Speaker, I object.

ELIZABETH B. DAYTON

The Clerk called the next Senate bill on the calendar, S. 5839, for the relief of Elizabeth B. Dayton, a similar House bill (H. R. 13735) being on the House Calendar.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object, Mr. Speaker.

W. W. PAYNE

The Clerk called the next bill on the calendar, S. 43, for the relief of W. W. Payne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Snyder or his assigns, upon his executing and filing a satisfaction of the judgment hereinafter referred to, out of any moneys in the Treasury not otherwise appropriated, the amount of the judgment recovered by him in the United States District Court for the District of Montana against W. W. Payne for acts committed by the said Payne as and while acting as superintendent of the Glacier National Park and by direction of the Director of National Parks, not to exceed the sum of $1,800; and should the amount necessary to satisfy such judgment be less than $1,800, then to pay the difference to the said W. W. Payne.

With the following committee amendment:

Page 2, line 2, after the figure "$1,800," strike out the balance of line 2, all of line 3, and line 4.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

Mr. GIFFORD. Mr. Speaker, owing to so much confusion, I did not hear Calendar 1219 called. I would like to ask if it was called.

The SPEAKER pro tempore. It was called and objected to.

Mr. GIFFORD. I ask unanimous consent, Mr. Speaker, to return to Calendar 1219.

Mr. WOOD. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will call the next bill.

MRS. HERMAN M. WARR

The Clerk called the next Senate bill on the calendar, S. 5353, for the relief of Mrs. Herman M. Warr, a similar House bill, H. R. 15229, being on the House Calendar.

Mr. BACHMANN. I object.

Mr. RUTHERFORD. Will the gentleman withhold his objection?

Mr. BACHMANN. I will withhold the objection.

Mr. RUTHERFORD. This is a very meritorious case. This man had been in the employ of the Prohibition Unit. He was a disabled World War veteran and he could not qualify regularly for civil service on account of his disability. This man was killed in a prohibition raid and he left seven little children, the oldest 9 years of age. This bill has the recommendation of the department if the gentleman will read it. All departments have recommended it.

Mr. BACHMANN. Why did he not file a claim with the Compensation Commission?

Mr. RUTHERFORD. The man is dead. This bill only gives his widow the benefit of the Employees' Compensation Commission with the amount fixed in the bill as the maximum.

Mr. BACHMANN. Why did she not file a claim within the time limit of one year?

Mr. RUTHERFORD. She did not know anything about it. The man was just killed last August—August, 1930.

Mr. BACHMANN. She still has time then. Why did she not take it up with the Employees' Compensation Commission? What is the need of the legislation?

Mr. IRWIN. The need of the legislation is that in order to compute compensation you have to state the salary. This man was on a per diem basis.

Mr. BACHMANN. This case is not on all fours with the other cases then?

Mr. IRWIN. No; it is not.

Mr. BACHMANN. This action must be taken?

Mr. IRWIN. Yes. This action must be taken.

Mr. BACHMANN. I withdraw the objection, Mr. Speaker.

Mr. SABATH. I reserve the right to object, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded.

Mr. RUTHERFORD. I will tell the gentleman the reason. At the time this man was killed he had just got out of the service, and, strictly speaking, they could not recognize him as a civilian employee at that time.

Mr. SABATH. So, he was not in the employ, but you provide, nevertheless, $150 a month?

Mr. RUTHERFORD. No. They only get two-thirds of that. He had only been out a few days.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. SCHAFER of Wisconsin. Is this not the case where a man was temporarily employed and taken in a raid by a Federal prohibition agent, and therefore he did not come under the United States Employees' Commission, although he was performing his duty as a Government agent?

Mr. RUTHERFORD. That is the case exactly.

Mr. SCHAFER of Wisconsin. I hope my colleague will withdraw his objection. The Claims Committee carefully considered the bill.

The SPEAKER pro tempore. Is there objection?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Mrs. Herman M. Warr, widow of Herman M. Warr, a former employee of the Bureau of Prohibition, the provisions of an act entitled "An act to provide compensation for





employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and the pay of the said Herman M. Warr, at the time of his death, shall be deemed to have been at the rate of $150 per month.

Mr. STAFFORD. Mr. Speaker, I offer an amendment which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 12, strike out the period, insert a colon, and the following: "*Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ARTHUR J. ROBINSON

The Clerk called the next Senate bill on the calendar, S. 2615, for the relief of Arthur J. Robinson, a similar House bill, H. R. 7695, being on the House Calendar.

Mr. BLACK. Reserving the right to object, what is this bill about?

Mr. SOMERS of New York. It is simply to correct a military record.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Arthur J. Robinson shall be held and considered to have been honorably discharged as an unassigned recruit, United States Army, on January 18, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

JOHN DONAHUE

The Clerk called the next Senate bill, S. 351, for the relief of John Donahue.

There being no objection, the bill was read as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy John Donahue shall be held and considered to have been honorably discharged from the United States Navy on March 19, 1903: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

G. ELIAS & BRO. (INC.)

Mr. DEMPSEY. Mr. Speaker, I understand that the gentleman from Mississippi has satisfied himself that he was under a misapprehension in objecting to No. 1206 on the calendar and that he withdraws his objection.

Mr. COLLINS. I have no objection to returning to the bill, but the gentleman is misquoting me.

The SPEAKER. Is there objection to returning to this bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object. Let us proceed with the calendar.

JOHN E. ROSS

The clerk called the next Senate bill, S. 1640, for the relief of John E. Ross.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. BLAND. Will the gentleman withhold his objection?

Mr. STAFFORD. Yes.

Mr. BLAND. This is a case in which this man received no notice that his property was taken. The statute of limitations passed, and the Navy Department permitted others to go on and take his oysters. He was damaged to a greater extent than that allowed by the committee. A similar claim, wherein a party had the right to go before the Court of Claims, with a less acreage, resulted in a judgment of $14,000 in that case. That man had only 98 acres while this man had 235 acres. There was no opportunity given, and through the action of the Navy Department he was deprived of his property and no relief at all was given him.

Mr. STAFFORD. When did this claim arise?

Mr. BLAND. The Government took the property in 1918 or 1919, and notified parties to come before a special board, but in this particular case they gave no notice to this man and he had no knowledge that his property was taken until after the statute of limitations had expired. If that had not been so he would have gone into the Court of Claims.

Mr. SCHAFER of Wisconsin. I may say that when this claim was considered by the full Claims Committee a question arose with reference to it, particularly with reference to one or two members, and Judge Box, the chairman of the subcommittee, who had given it very careful consideration, got further evidence, and then after a second hearing, which lasted an hour and a half, the committee favorably reported the bill.

Mr. BLAND. There was a question about the acreage, and in order to satisfy the committee we got an abstract of title from the Commonwealth down to the time the property passed into the hands of this man.

Mr. SCHAFER of Wisconsin. The gentleman is correct. We considered that at the second hearing before the Claims Committee.

Mr. STAFFORD. Is there any attorney interested in this case?

Mr. BLAND. I think so, but I do not know.

Mr. STAFFORD. The gentleman will have no objection to the usual attorney's fee clause?

Mr. BLAND. I shall be compelled to accept it.

Mr. STAFFORD. The gentleman has such wonderful persuasive powers with the Senators from his State that there will be no question about getting the bill through the Senate.

There being no objection the bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John E. Ross, of Williamsburg, Va., the sum of $15,350 as compensation for his oyster grounds, for oysters on said grounds, and for his dwelling house, and damage to his oyster business as a result of the Federal Government taking over said property and area for a Navy mine depot.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: In line 9, after the word "depot," strike out the period, insert a colon and add the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

PUBLIC SERVICE COORDINATED TRANSPORT OF NEWARK, N. J.

The Clerk called the next Senate bill, S. 2035, for the relief of the Public Service Coordinated Transport of Newark, N. J.

Mr. BLANTON. Mr. Speaker, I object. This bill appropriates $122,442.

Mr. ACKERMAN. Will the gentleman withhold his objection?

Mr. BLANTON. Yes.

Mr. ACKERMAN. This is a claim that has been approved by the Comptroller General of the United States, if the gentleman pleases.

Mr. BLANTON. That is right, but it ought not to pass here.

Mr. ACKERMAN. It is a war claims bill.

Mr. BLANTON. Yes; but it ought not to pass in that sum without any consideration at all.

Mr. ACKERMAN. There has been a large amount of consideration.

Mr. BLANTON. It is too large a sum to pass here at this hour and without consideration.

Mr. ACKERMAN. If the gentleman pleases, there has been a large amount of consideration, and a large amount has been deducted from the original claim.

Mr. BLANTON. I know; $15,000.

Mr. ACKERMAN. Thirty thousand dollars, if the gentleman pleases.

Mr. BLANTON. I am sorry. I am a good friend of the gentleman and a good friend of the gentleman from New Jersey [Mr. LEHLBACH], who is interested in it. I hate to object, but it ought not to pass. There ought to be a policy that bills of this character ought not to pass under unanimous consent. We are getting careless. We are getting to be a tremendous Congress, $4,000,000,000, $5,000,000,000, and $6,000,000,000. I object.

WALTER HARRELL ALLEN

The Clerk called the next Senate bill, S. 3951, for the relief of Walter Harrell Allen.

Mr. STAFFORD. Mr. Speaker, I object.

PERMISSION TO CERTAIN OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS TO ACCEPT DECORATIONS, ORDERS, AND MEDALS

The Clerk called the next Senate bill, S. 4800, to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

Mr. SABATH. Mr. Speaker, I object.

PRINCETON CLUB OF PHILADELPHIA

The Clerk called the next Senate bill on the Private Calendar, S. 4907, authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton*.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, let me say that in view of the invasions of the private clubs of Philadelphia just a few nights ago, I can not imagine what club in Philadelphia, whether it is the Princeton Club or not, has any use for a bowl with a ladle. Without the ladle, the bowl might be useful for ornamental purposes in which to plant flowers, but after the drastic action by the authorities in that city of brotherly love, in the private clubs there, I can not see the purpose of this bill. If the gentleman from New Jersey, who years ago was interested in ladles and little glasses that used to tinkle, would withdraw the ladle part and let the bowl go through, it would be all right.

Mr. FORT. The gentleman has not noticed that it is for preservation and exhibition as a souvenir of the past.

Mr. O'CONNOR of New York. As an antique?

Mr. FORT. Yes.

Mr. O'CONNOR of New York. I withdraw the objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia, for preservation and exhibition, the bowl and ladle formerly in use on the U. S. S. *Princeton: Provided*, That no expense shall be incurred by the United States for the delivery of such bowl and ladle.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JEFF DAVIS CAPERTON AND LUCY VIRGINIA CAPERTON

The Clerk called the next Senate bill on the Private Calendar, S. 1793, for the relief of Jeff Davis Caperton and Lucy Virginia Caperton.

Mr. BACHMANN. Mr. Speaker, I object.

Mr. HALL of Mississippi. Will the gentleman reserve his objection?

Mr. BACHMANN. I reserve it.

Mr. HALL of Mississippi. The gentleman understands that this only extends the statute of limitations in this case.

Mr. BACHMANN. I do; and I will say to the gentleman that this is the same kind of bill that the gentlewoman from Florida [Mrs. OWEN] tried to get through, and if the gentleman will include this bill in the motion at the end of the calendar, I shall have no objection to all of them going through at that time.

Mr. HALL of Mississippi. The gentleman means bill of a similar character?

Mr. BACHMANN. Yes.

Mr. HALL of Mississippi. I thank the gentleman.

The SPEAKER pro tempore. Objection is heard.

LESTER L. WILSON

The Clerk called the next Senate bill on the Private Calendar, S. 2068, for the relief of Lester L. Wilson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester L. Wilson, of Tigard, Oreg., the sum of $144 for loss of personal effects in the sinking of the United States concrete ship *Captain French*, the said Lester L. Wilson having been a seaman on the *Captain French*, and reimbursement for his loss of personal effects as aforesaid having been refused by the War Department because of his alleged failure to sign shipping articles prior to the voyage.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

E. G. MASON

The Clerk called the next Senate bill on the Private Calendar, S. 5516, for the relief of E. G. Mason.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $200 to E. G. Mason, of Mercedes, Tex., which sum was paid by him April 6, 1928, to the United States by reason of the forfeiture of the bail bond of Valentin Trevino, who was later taken into custody by said Mason, at his own expense, and surrendered to the United States marshal, entered a plea of guilty, and sentenced to serve a term in jail.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STANISLAUS SIEMEK

The Clerk read the title of the next Senate bill on the Private Calendar, S. 1412, for the relief of Stanislaus Siemek.

Mr. STAFFORD. Reserving the right to object, I have difficulty in bringing my mind to a conviction that this man has any claim against the Government. I know he made a claim of $15,000 many years after the accident. When the officers of the Government called upon him he was still plying his trade at a butcher's block and seemed able to do the work he had done before.

Mr. PALMISANO. The bill was filed by my predecessor in 1924. It is true the officers did make an investigation and found him working, but it was also true that he had been under the doctor's care since 1922. There is a doctor's bill of $800 for services rendered not only by the present doctor but by his father for injuries received.

Mr. STAFFORD. Is the gentleman acquainted with this claimant?

Mr. PALMISANO. I have met him since I have been here. He is crippled and can not stand up for any length of time.

Mr. STAFFORD. When a person files such a preposterous claim as this for $15,000 it raises a suspicion as to the bona fides of the claim. Then he makes a concession for this small amount, and it inclines one to believe that there is not much merit in the claim, especially in view of the fact that he accepted compensation for the injury to his automobile at the time of the accident.

Mr. PALMISANO. The bill of 1924 was introduced at $15,000, and naturally I followed the same procedure—whether it was done at the claimant's suggestion or by the Member of Congress who preceded me I can not say. Since this bill has been reported this claimant is willing to accept this amount because of his present condition.

Mr. STAFFORD. I withdraw the reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $3,500 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to Stanislaus Siemek, of Baltimore, Md., in full compensation for injuries, permanent and otherwise, resulting from a driver of a United States Army truck negligently running into and upon Stanislaus Siemek while his automobile was parked on the north side of Foster Avenue, between Lakewood and Glover, on the 18th day of May, 1922, at which time the said Stanislaus Siemek was inspecting the engine of his parked automobile, and said injuries resulting from no fault of the said Stanislaus Siemek: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FEDERAL REAL ESTATE & STORAGE CO.

The Clerk read the title of the next Senate bill on the Private Calendar, S. 4727, for the relief of the Federal Real Estate & Storage Co.

Mr. COLLINS. Reserving the right to object, this bill comes to my attention so recently that I have not had an opportunity to read it. It was put on the calendar very recently. I desire more information than I have been given in the report.

Mr. THATCHER. This bill only gives the claimant company the right to go into court to determine its rights, waiving the statute of limitations, because of the fact that for a number of years negotiations were had between the company and the War Department on the points at issue. Major Somervell, the resident United States engineer, entered into an agreement to settle the matter, but long delay was occasioned through the action of War Department officials, and the agreement was not finally approved by the Secretary of War.

When Colonel Grant, Director of Public Buildings and Grounds, got into the matter further delay was occasioned. The claimant asks only for the right to go into the Court of Claims to have the claims determined and reported to Congress. This company ought not to suffer because of its efforts to reach an agreement without the necessity of litigation. Agreement was reached between the company and the United States resident engineer and reduced to writing and signed by the company, but it was not approved formally by the Secretary of War.

Mr. STAFFORD. Is this claim a modern claim?

Mr. COLLINS. Yes; it arises out of the closing of a road.

Mr. McKEOWN. I think I can tell the gentleman what happened.

Mr. STAFFORD. When did it happen?

Mr. McKEOWN. When they built this water conduit on the Conduit Road. This man's property was out there. I have no interest in it except this: The man seemed to be outraged by the conduct of an officer of the engineer's bureau, and I went out there. They had shut off his road into his residence. They went out there and arbitrarily built some buildings and shut him off and shoved him to the other side.

Mr. STAFFORD. Does the gentleman mean that he did not have any rights under existing law to recover damages under those conditions?

Mr. McKEOWN. He could recover damages in any court, if he did not have the Government to deal with, but he could not sue the Government without the permission of the Government, and that is all he is asking.

Mr. COLLINS. Why should the Government be expected to pay? The District of Columbia closed this road or street.

Mr. THATCHER. That is only one phase of it. There is the running of all this silt through his property. If the gentleman will read the agreement made by Major Somervell he will see that there was an agreement touching these matters, and Major Somervell recognized the justice of these claims.

Mr. COLLINS. Is the chairman of the Committee on Appropriations in favor of the bill?

Mr. WOOD. Yes.

Mr. COLLINS. Then I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims of the United States is hereby authorized and empowered to hear and determine and report to Congress the claims of the Federal Real Estate & Storage Co., as owners of lands lying partly in Montgomery County, Md., and partly in the District of Columbia, arising out of the taking and closing of the Little Falls Road, leading from the Conduit Road to the aforesaid lands of the Federal Real Estate & Storage Co., by the building of the Delecarli filtration plant and other buildings in connection therewith, and for the closing of a road substituted therefor by the agreement of the United States district engineer and the Federal Real Estate & Storage Co., any statute of limitations to the contrary notwithstanding.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

PUBLIC SERVICE COORDINATED TRANSPORT, OF NEWARK, N. J.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 1248, S. 2035, for the relief of the Public Service Coordinated Transport, of Newark, N. J.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to return to Calendar No. 1248. Is there objection?

Mr. SABATH. This is the claim for several thousand dollars?

Mr. LEHLBACH. Twenty-two thousand dollars.

Mr. SABATH. It is a rather large claim to take up at this stage.

Mr. LEHLBACH. This has the recommendation of the Comptroller General, who found himself unable to approve the payment sought to be made by the War Department, which everybody acknowledged was due, because it was not executed with the formality required by law. The Comptroller General drew this bill.

Mr. SABATH. I know; but it is rather strange that the committee is obliged to reduce the claim that the Comptroller General recommends by $30,000. It it does that, the chances are that it should be reduced by $100,000 more.

Mr. LEHLBACH. They have a perfect right to do that.

Mr. SABATH. It just shows how reckless he is in his recommendations.

Mr. LEHLBACH. I hope the gentleman will not object to this.

Mr. SABATH. If I thought it was a just and valid claim I would not object. I do not think it is a valid claim. I object.

GEORGE B. M'LEOD

The Clerk called the next bill, S. 6254, for the relief of United States Marshal George B. McLeod.

Mr. SABATH. Mr. Speaker, I reserve the right to object.

Mr. RAMSPECK. Mr. Speaker, this is a claim to pay a court reporter for some stenographic work done on the order of the Department of Justice in reporting evidence in a case which the district attorney was investigating in the southern district of Georgia. The Comptroller General disallowed the payment because of some provision in an appropriation bill that provides that no man can be paid two salaries they amount to over $2,000 a year. This man was drawing $1,800 a year as a court reporter.

Mr. SABATH. He was United States marshal?

Mr. RAMSPECK. No. The money was paid to a court reporter by the marshal and disallowed in the marshal's account. The gentleman understands that all of the secretaries to the Federal judges act as court reporters and get fees for it, but they held this as compensation, and therefore they disallowed the United States marshal's account. If the gentleman will notice, the Attorney General says that under the circumstances in the case he has no objection to the passage of the bill. They could not approve it because of that law, but it is all right for Congress to pay it, because the services are rendered and that they were worth what they cost. They were let on competitive bids by order of the Department of Justice.

Mr. SABATH. The gentleman thinks it is all right?

Mr. RAMSPECK. Absolutely.

Mr. STAFFORD. This is a case where there is no question that the services were rendered.

Mr. RAMSPECK. The Attorney General himself says that it appears the service is authorized, and so far as known they were of the value stated.

Mr. STAFFORD. I have no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of George B. McLeod, United States marshal for the southern district of Georgia, in the amount of $577.50, being the amount paid by him to J. W. Talbert for stenographic service in reporting the testimony of James J. McGrath in the matter of the United States against Sonia Goldberg and others in February, 1929.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MACON, DUBLIN & SAVANNAH RAILROAD CO.

The Clerk called the next Senate bill on the calendar, S. 2614, for the relief of the Macon, Dublin & Savannah Railroad Co., a similar House bill, H. R. 9397, being on the House Calendar.

Mr. STAFFORD. Reserving the right to object, I ask the author of this bill to make some explanation of it.

Mr. RUTHERFORD. Mr. Speaker and gentlemen of the House, on the Macon, Dublin & Savannah Railroad Co., in 1917, during the war, the tariff rate was based on Macon, Ga., because at that time Camp Wheeler, a point 6 miles beyond Macon, at Swift Creek, was not in the tariff schedule. When freight was shipped from all points to this camp, the freight rate being based on Macon, Ga., this little railroad never got one cent for its hauling and its switching. At that time the Auditor for the War Department was supreme. This is an absolutely bona fide claim. As you will notice, the comptroller says it is just and should be paid. This is simply to have it referred to the accounting office for certification and then for a report to be made to Congress.

Mr. STAFFORD. I was rather impressed by the statement made by the Comptroller General that the claim was rejected by the Auditor for the War Department, in accord with the well-known rule as to reopening such matters, and there was no fraud, error of computation, or newly discovered evidence.

Mr. RUTHERFORD. That is right.

Mr. STAFFORD. Why should we reopen it if it was once adjudicated?

Mr. RUTHERFORD. The Auditor for the War Department at that time was final, and therefore these people could not proceed. The comptroller held to the contrary, and while they were awaiting the decision of the Comptroller General the statute of limitations intervened.

Mr. STAFFORD. Would the gentleman be willing to have this claim allowed without interest?

Mr. RUTHERFORD. Surely.

Mr. STAFFORD. I do not press the objection.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the claim of the Macon, Dublin & Savannah Railroad Co. against the United States in relation to the transportation of Government property by way of Macon to Camp Wheeler, both in the State of Georgia, in the year 1917, be, and the same hereby is, referred to the General Accounting Office for settlement, and for certification of any amount due to the Congress, pursuant to section 2 of the act of July 7, 1884 (23 Stat. 254).

Mr. STAFFORD. Mr. Speaker, I offer an amendment, which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 1, line 9, after the word "Congress," insert the words "without interest."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BUTTE ANGLERS' CLUB

The Clerk read the next Senate bill on the calendar, S. 4696, granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That there is hereby granted, subject to vested existing rights, to the Butte Anglers' Club, of Butte, Mont., lot 1 of section 5, township 2 south, range 9 west, and to the Northern Pacific Railway Co. lot 2 in said section, upon its filing with the Secretary of the Interior a duly certified copy of a conveyance of the said land to the said Butte Anglers' Club. In each case the patent, in evidence of the grant herein made, shall provide that the land conveyed shall revert to the United States if and when after two years from the date thereof the premises cease to be used for the propagation of game fish and that any and all mineral of any kind or character within the granted lands reserved to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. STAFFORD. Mr. Speaker, I make the point of order there is no quorum present.

Mr. HILL of Alabama. Will the gentleman withhold that for a moment?

The SPEAKER pro tempore. Will the gentleman withhold his point of order for a moment? There are one or two matters which gentlemen say are emergencies, and there are one or two bills to which objections have been withdrawn, and the Chair would like to recognize them if the gentleman will withhold his point of order.

Mr. STAFFORD. I will withhold it. I would like to say that we have now got down on the Private Calendar to the consideration of Senate bills reported as late as February 19. There are hundreds of House bills reported prior to February 19 which have not been considered at all. We have done very heavy work to-night. I have no objection to withholding the point of no quorum for the purpose stated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia [Mr. WOLVERTON] for one matter which the gentleman claims is an emergency.

S. A. LONG

Mr. WOLVERTON of West Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 112), which is an emergency.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., in his last will and testament, dated August 27, 1927, and recorded in book 14,

page 308, of the records of the county court of Harrison County, W. Va., be declined by the Government of the United States and that the estate of the said S. A. Long be forever discharged from any obligation to the United States growing out of said last will and testament.

Mr. BRIGGS. Reserving the right to object, what is the emergency?

Mr. BACHMANN. If the gentleman will yield?

Mr. WOLVERTON of West Virginia. I yield.

Mr. BACHMANN. This is not my bill, but I can give the gentleman the facts. An old gentleman out there died, and he had had some trouble with his family, and he made a will in which he made a bequest of $5,000 to the United States Government. There is one heir, a daughter, in destitute circumstances. This is an emergency matter because if it is not passed at this Congress the money will go to the United States.

Mr. BRIGGS. I do not press the objection, Mr. Speaker.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

G. ELIAS & BRO. (INC.)

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to return to No. 1206 on the calendar, S. 4334, for the relief of G. Elias & Bro. (Inc.). I understand the objection has been withdrawn.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, what is the explanation of the bill?

Mr. DEMPSEY. The bill is one for the purchase price of an airplane. Five airplanes were constructed under a contract with Paul Henderson, Second Assistant Postmaster General, the son-in-law of Martin Madden. All of the airplanes were tested and all of them were found to conform to the specifications.

Mr. STAFFORD. Except one, for which a claim is now being made.

Mr. DEMPSEY. No. This airplane itself was found by the testing committee to conform to the specifications.

Mr. STAFFORD. Then why did they not accept the plane?

Mr. DEMPSEY. There is no explanation of why they did not accept it, because the testing committee approved it, the expert of the department at the present time has approved it, and the representative of the Post Office Department before the Senate committee has testified that there was a contract, that the plane was tested and there was no fault found with it.

Mr. STAFFORD. As to the other four planes, the Government had the use of them and accepted them?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. In the instant case the Government refused to accept the plane. The Government had it in its possession against its protest for six months, but the Government did not accept it, and returned it to the claimant and he accepted it in return.

Mr. DEMPSEY. No; the claimant did not accept its return.

Mr. STAFFORD. What was done with the plane, as the Government did not use it?

Mr. DEMPSEY. The claimant was obliged to remove it, because the Government insisted that he remove it.

Mr. STAFFORD. And you are now asking the Government to pay for something it did not receive?

Mr. DEMPSEY. We have the report of the testing committee; we have the report of the Senate committee.

Mr. STAFFORD. Who has the plane?

Mr. DEMPSEY. The plane has been held ready for the Government.

Mr. STAFFORD. The plane is no longer of any use to the Government?

Mr. DEMPSEY. But it is the Government's fault that it has not used it; it is not the fault of the claimant at all. This claimant will receive not to exceed one-half of what this plane actually cost him under a contract that, if he would manufacture a certain kind of plane, it would be accepted. The chairman of the committee will tell the gentleman that his committee has unanimously approved of this bill, after a most patient and careful investigation, and the Senate committee has likewise unanimously approved it, after a most patient and careful examination. The House committee says that a very grave injustice has been done this man. He is ill and he is liable to become a bankrupt, all because the Government has failed to live up to a proper, honest, and legitimate contract.

Mr. IRWIN. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Illinois. The trouble I have had with this bill is that the Government has not the property.

Mr. DEMPSEY. The claimant is ready to deliver it. It is the fault of the Government that it has not the possession of the property, and it is not our fault.

Mr. IRWIN. This man furnished the Government with this plane. They were to put one of their own engines in it, and because it did not work properly they did not take this plane, but that was not the fault of the man who built this plane, but it was because of the engine placed in this plane.

Mr. STAFFORD. What is the amount in the Senate bill?

Mr. DEMPSEY. Twenty thousand dollars, and it cost him $50,000.

Mr. STAFFORD. Will the plane go to the Government if this bill is passed?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. Where is there any wording in the bill to that effect?

Mr. DEMPSEY. If the bill does not contain such language, I am perfectly willing to have it placed in the bill.

Mr. STAFFORD. Then amend the bill to that effect, and with that understanding I shall not object.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. Elias & Bro. (Inc.), of Buffalo, N. Y., the sum of $35,000, in full compensation for one air mail plane type M–1, delivered to the Post Office Department by said company on June 9, 1925, said air mail plane having been constructed by the aforesaid company in compliance with written and verbal instructions issued by the official in charge of the air mail service of said department during the month of October, 1924.

Mr. STAFFORD. It was the understanding the amount was to be $20,000.

Mr. DEMPSEY. That is right; and that was the House bill.

Mr. STAFFORD. I offer an amendment, Mr. Speaker, reducing the amount to $20,000.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 6, strike out "$35,000" and insert in lieu thereof "$20,000."

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Insert at the end of the bill the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. M. WILLIAMSON ET AL.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to return to Calendar No. 831, a bill which was considered a few evenings ago and objected to by the gentleman from Texas, who has withdrawn his objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

Mr. COLLINS. I object, Mr. Speaker. The bill is back of the star.

ROSCOE M'KINLEY MEADOWS

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to return to No. 1134 on the Private Calendar.

Mr. STAFFORD. I object, Mr. Speaker.

ESTATE OF WHITE B. MILLER

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to return to No. 1113 on the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. CLARKE of New York. Mr. Speaker, I object.

R. P. BIDDLE

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2047) for the relief of R. P. Biddle, with a Senate amendment, and concur in the Senate amendment.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that that request is not in order.

Mr. BACHMANN. Yes; it is. This is a House bill that has passed the Senate with an amendment.

The SPEAKER pro tempore. Is it a Private Calendar bill?

Mr. BACHMANN. Yes.

The Clerk reported the bill by title, and read the Senate amendment, as follows:

Page 1, line 8, strike out "$1,320" and insert "$423.56."

Mr. O'CONNOR of New York. Mr. Speaker, what is the number on the Private Calendar? If it is behind the star, it is not in order.

Mr. BACHMANN. The star has nothing to do with this bill. It has passed the House.

Mr. O'CONNOR of New York. That does not make any difference. The order of business to-night is to call the Private Calendar and to consider bills on the Private Calendar after the star.

The SPEAKER pro tempore. Does the gentleman object?

Mr. O'CONNOR of New York. I make a point of order against consideration of the bill.

The SPEAKER pro tempore. If the gentleman objects, that is all that is necessary.

Mr. O'CONNOR of New York. I make the point of order it is not in order to consider the request to-night.

The SPEAKER pro tempore. The point of order is sustained.

Mr. BACHMANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BACHMANN. This bill has already passed the House.

The SPEAKER pro tempore. But it is not on the Private Calendar.

Mr. BACHMANN. It is a private bill.

GROVER CLEVELAND BALLARD

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take up the bill (S. 6233) for the relief of Grover Cleveland Ballard. The bill has passed the Senate and is now on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $246.75 to reimburse Grover Cleveland Ballard, an ex-service man of the World War, for money expended for medical and surgical services in reamputating his leg, which was shot off below the knee in battle during the World War.

Mr. STAFFORD. As I recollect this bill, this man had the privilege of the services of the Government surgeon, but declined them and then went to a special private service and now asks to be reimbursed for the expenses of this private service when he had refused the public service.

Mr. RANKIN. Let me say that this young man's leg was shot off in the Argonne fight during the World War. At the same time he was badly burned with mustard gas and laid there for nearly 24 hours. When his leg was amputated he came home. Later he had to have the leg amputated again. He went to the Government bureau hospital and while he was coming out from under the ether they went off and left him and he fell out of bed.

Later it was necessary to have the leg amputated the third time. He consulted the bureau hospital physicians and they did not recommend it, but it was found that he had to have it done and so he went to a private physician, the best he could find, and had it amputated the third time.

Mr. STAFFORD. Mr. Speaker, I will not object.

Mr. HALE. Mr. Speaker, reserving the right to object, I have been sitting here three hours, waiting for my bill to come up. The House stopped just before it reached my bill. I can not see any reason why we should jump ahead into the end of the calendar that we have not reached, and unless there is some good reason I shall object.

Mr. RANKIN. I was not trying to get ahead of anybody.

Mr. STAFFORD. We want to make some progress. We do not want to take up bills out of order.

The SPEAKER pro tempore. Is there objection to this bill?

Mr. CLARKE of New York. I shall object. There was an agreement that we should stop at 11 o'clock. We have been here since 11 o'clock this morning, and I make the point of order that there is no quorum present.

EXTENSION OF REMARKS

HOSPITALIZATION OF CERTAIN FORCES

Mr. WELCH of California. Mr. Speaker, the President, in the exercise of his veto power, has returned to the House with his disapproval my bill, H. R. 6997, conferring the benefits of hospitalization and the privileges of the soldiers' homes to those persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war and who were discharged for disability incurred in this service.

In the veto message it was stated that the Secretary of the Interior had furnished figures indicating that this act would confer these benefits upon approximately 7,000 former employees of the Transport Service who are now living. As a matter of fact there are very few such former employees who would be compelled to avail themselves of the benefits of this act were it made law. The act itself specifically limits those affected by it to former Transport Service employees who served on board vessels owned by the Federal Government and who were discharged honorably for disabilities incurred in line of duty. The number who received these discharges is not large and there are but a negligible indigent few who would take advantage of this legislation.

These men, though technically civilian employees of the Government, were under stringent military discipline and served in uniform. They made up the gun crews of the transports upon which they served. When troops were landed from their ships these seamen manned the ships' boats carrying the landing forces and were under hostile gunfire from both the Spanish and the Philippine insurrectionists. They were exposed to the same hazards as were the troops they were carrying and they suffered casualties

under fire. I am appending to these remarks a copy of a disability discharge issued to one of the men who would be affected by this act and I am also appending a copy of a pass issued to a transport seaman in the Philippines in 1900 permitting him to be absent from his ship during evening hours.

Railroads and other private industries make provision for their employees who serve them faithfully and those who are disabled in the performance of their duties. The Federal Government has enacted laws safeguarding the employees of the railroads and practically every State in the Union has enacted workmen's compensation laws compelling private employers to care for disabled employees. Progress demands humanitarian legislation. Should the Federal Government, on one hand, force private employers to care for their employees and on the other overlook the services rendered by a patriotic group of men who were disabled in the service of their country? Such an attitude is not consistent.

The cost of this legislation would be comparatively little. The indigent few who will take advantage of such an act as this should be assured of medical treatment or a home, and these few unfortunate men, disabled in the service of their Government, would not displace former soldiers needing hospital care. Our Government is generous and it is only fair and just that these old men, friendless and alone, disabled by hostile gunfire or by accident while serving their country in time of emergency and discharged because of these disabilities, should be given the aid of a grateful nation, even though this aid may come too late for most of them.

The veto of a measure such as this upon erroneous information furnished him by his departmental advisers has subjected the President to the criticism that he has done a very petty act. The cost in dollars and cents to the Government, if this legislation were approved and not vetoed, would be practically nothing, but the harshness of the veto, its departure from recognized governmental policy and humanity's dictates entails a cost in heartburning and a sense of injustice toward men who served their country well. This cost can not be estimated. There remain only a few, not 7,000 as stated in the message, who wore the uniform of their country at its behest; who served exactly as soldiers served in war; who were under fire; who did their duty well; who received honorable discharges from the military authorities of the United States; and who, injured and discharged for disabilities actually received in line of duty, are denied the poor privilege of hospitalization made necessary by their injuries received in the service of their country. It is a sad travesty upon the present-day attitude of a great and wealthy nation.

U. S. ARMY TRANSPORT "HANCOCK,"
ENGINEER'S DEPARTMENT,
January 4, 1900.

Permission to be absent from the ship from 6 p. m. to 12 p. m. is hereby granted N. McCall.

I. I. MURPHY,
Chief Engineer.

Approved.

J. J. BRADLEY,
Captain and Assistant Quartermaster,
Transport Quartermaster.

DISCHARGE

WAR DEPARTMENT,
ARMY TRANSPORT SERVICE,
U. S. ARMY TRANSPORT "SHERMAN,"
February 16, 1900.

Name: F. Kuhl; rating, seaman.
Proficiency: Very good.
Conduct: Very good.
Reasons for discharge: Hurt in the service.
Time of service: From May 22, 1899, to August 25, 1899.
Port of entry: San Francisco, Calif.
Port of discharge: San Francisco, Calif.

C. H. GRANT, *Master.*

Approved.

JAMES C. READ,
Captain and Assistant Quartermaster,
United States Volunteers,
Transport Quartermaster.

EXTRACTS FROM SHIPPING ARTICLES

It is also agreed that the crew shall mutually assist each other in the working of the ship, shall handle cargo and trim coal if required by the master, and shall purchase and wear the prescribed uniform.

It is also mutually agreed and understood that any return of this ship to a port in the United States within the time which the contract covers shall not operate as a discharge.

It is also mutually agreed and understood that those of the crew who shall serve the full term of shipment shall be furnished with transportation and board money from the port in the United States where discharged to the port where shipped, but all those who are discharged for cause, or at their own request, are not entitled to transportation or board money.

It is also mutually agreed that in case of emergency or of necessity the crew, or such members of the crew as may be needed, shall serve such period of time beyond the term of shipment as the emergency or necessity shall demand, at the same rate of pay as expressed in shipping articles, and a failure to so serve shall carry with it a forfeiture of transportation and board money.

PROPOSED CONSOLIDATIONS OF RAILROADS

Mr. GOSS. Mr. Speaker, I am opposed to a plan of consolidation of railroads into a limited number of systems, to be compelled or unduly influenced by Federal statute or agencies of the United States Government. The grounds for opposition are stated in part 5 below. However, I might not object to individual plans of consolidation having merit.

2. THE STATUTORY PROVISIONS ARE IMPOTENT

Section 5 (4), (5) of the interstate commerce act (U. S. C., title 49, ch. 1), among other things, requires the Interstate Commerce Commission to prepare and adopt a plan for the consolidation of the railway properties of the United States into a limited number of systems. Additional provisions of that section are to the effect that the commission shall agree upon a tentative plan of consolidation, publish that plan, hold public hearings on it, and then adopt and publish a plan of consolidation. All of that has been accomplished. A tentative plan was agreed upon and published on August 3, 1921, proposing 19 consolidated railroad systems. (63 I. C. C. 455.) Later, on December 9, 1929, the commission adopted and published a plan proposing 21 consolidated railroad systems (159 I. C. C. 522).

Attention is directed to the following provisions of paragraph 4 of section 5:

> The several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

The quoted provisions are impracticable in that such uniform results evidently can not be attained through any sound plan of consolidation. The stockholders of the companies paying regular dividends above 5 per cent obviously will not voluntarily accept consolidations which will reduce the value of their securities, and it is doubtful that the stockholders of the weaker railroad companies, in times of speculation based on proposed consolidations or mergers, would sell their securities at a reasonable price. Inflation would be inevitable if the statutory provisions could be enforced. The results sought, in the quoted provisions of the statute, can not be attained through suggested consolidations, which is the full force of this innocuous legislation. Such results, if attainable, could be attained only by means of compulsory consolidation of railroad systems which probably can not be imposed under our present Constitution.

The railroad consolidation theory has been advocated continuously since the passage of the transportation act, reflecting the instigation theory, which was approved on February 29, 1920. However, very little of substance has developed from the expression of that theory in the statute.

The Interstate Commerce Commission, in its letter of February 4, 1925, to the chairman of the Senate Committee on Interstate Commerce recommended repeal of that part of section 5 of the interstate commerce act, which required the commission to adopt a plan for the consolidation of all the railroad properties into a limited number of systems.

The commission's report of December 9, 1929, in which it adopted and published the plan of consolidation, seems to reflect the action of a tribunal compelled by statute to perform an unpleasant duty. The concurring opinions of individual members of the commission, which in substance were

expressions of dissent, provide a good foundation for that impression. The commission, at page 79 of its latest annual report to Congress on December 1, 1930, informed Congress that the commission had requested that it be relieved of the duty of formulating a plan of consolidation, and that upon failing to obtain that relief it adopted and published the plan of December 9, 1929.

The plan of consolidation was adopted and published about 15 months ago. It can not be enforced through compulsion. Absence of effort to consolidate railroad systems in accordance with the plan is noticeable. The proposal of the four trunk line systems in northeastern territory is not in harmony with the commission's plan.

3. THE PRESENT STATUS OF THE CONSOLIDATION PROBLEM

No application for consolidation is pending before the Interstate Commerce Commission. The so-called four trunk line system plan has not been submitted to that tribunal.

An important question at hand now is: Is the consolidation problem definitely before the Congress or the Interstate Commerce Commission now?

The subject is before the Senate Committee on Interstate Commerce for consideration in S. 668, and before the House Committee on Interstate Commerce in H. R. 3208. The main purpose of S 668 is "to authorize voluntary railroad unifications, but only to the extent that they promote the public interest." H. R. 3208 is of similar purport.

More than 10 bills on the subject have been introduced in the Senate and House since the first session of the Sixty-eighth Congress, 1923–24. The problem at present is centered in the two bills—S. 668 and H. R. 3208. This history of futile attempts at statutory railroad consolidation is not encouraging for advocates of the statutory theory.

It appears that the Interstate Commerce Commission has passed the problem to Congress. The commission, at pages 79–80 in its annual report to the Congress on December 1, 1930, referred to its request that it be relieved from the statutory requirement that it formulate and publish a plan for railroad consolidations; also, that failing to obtain such relief it had adopted and published a plan on December 19, 1929. The commission also said:

> Nothing has been undertaken before us by any of the carriers under section 5 (6) looking to carrying out the plan. Whatever has been accomplished has been as heretofore under paragraph (2), as is more fully explained elsewhere in this report.

Paragraph (6) of section 5 of the interstate commerce act contemplates the filing of applications by carriers with the commission for authority to consolidate in conformity with the plan of consolidation adopted and published by the commission.

Paragraph (2) of section 5 of the interstate commerce act authorizes the commission to approve the acquisition of control of one carrier by another carrier by means of leasing, purchase of capital stock, or by means other than consolidation.

The annual report of the commission of December 1, 1930, carries the consolidation provisions of section 5 (4), (5), (6) before both Houses of the Congress with a strong suggestion that those provisions are unsound and impracticable legislation.

4. GROUNDS URGED IN SUPPORT OF THE THEORY OF CONSOLIDATION

Support of weak lines: The principal reason urged by advocates of consolidation is that consolidation of railroad systems that are strong in financial resources and earning power with railroad systems that are weak in financial resources and earning power will sustain or shelter the weak system and provide better service to the public served by the weak system. That end can not be attained unless the stockholders of the strong companies voluntarily accept an arbitrary reduction of the value of their securities. Will they permit their earnings to be absorbed by the weak system without obtaining any offset? I can not put myself in the place of stockholders of either the strong system or the weak system and develop the charitable bequest needed by the weak system.

The boards of directors of strong railroad corporations occupy positions of trust in which the directors can not dissipate the property or income of such corporations by assuming the burdens of weak railroad corporations without obtaining offsetting benefits. And if the weak system had such benefits it would not be weak. The established business policy of the strong railroad systems is to divest themselves of unprofitable branch lines which is the antithesis of this panacea advocated by consolidationists. Action of the Pennsylvania system and the Boston & Maine to divest themselves of unprofitable branch lines is well known.

The Railroad Commission of Louisiana, by its order, attempted to compel a corporation to continue operation of a railroad when that operation resulted in a loss of more than $1,500 per month. The corporation resisted on the grounds that the order, if enforced, would deprive it of its property without due process of law, in violation of the fourteenth amendment to the Constitution of the United States. The Supreme Court of the United States, in Brooks-Scanlon Co. *v.* R. R. Commission (251 U. S. 396), sustained that contention of the corporation and said:

> A carrier can not be compelled to carry on even a branch of business at a loss.

Railroad Comm. *v.* Eastern Tex. R. R. (264 U. S. 79), and Colorado *v.* United States (271 U. S. 153), are to the same effect.

The Government can not compel any railroad system to assume and conduct the unprofitable operation of another railroad system nor in the absence of exceptional circumstances can it require any large system to continue operation of an unprofitable component. The fourteenth amendment and sound business practice stand against the weak system doctrine of the advocates of consolidation.

Other reasons, urged in support of the consolidation theory, are (1) fair return can be obtained at uniform rates; (2) better adjustment of rates; (3) adequate and efficient transportation facilities and service for all communities; (4) limited number of more strong and stable railroad systems; (5) rehabilitation or improvement of railroad credit; (6) more economical and convenient financing; (7) sustained earning capacity, better assurance of regular returns to investors, and improved railroad credit; (8) solution of terminal problems; (9) economy in construction, maintenance, and operation; (10) shorter hauls and choice of routes and better grades by railroad management; (11) discontinuance of duplicate service; (12) improved car service; (13) solid trains and heavier car loading; and (14) discontinuance of back hauls and interchange at certain junction points.

It is noticeable that no strong or cogent reasons are urged in support of this great departure from past practice. In fact, those 14 reasons are mere remarks which do not invite lengthy discussion.

It has been conceded by the most active advocates of consolidation that consolidation will effect little, if any, reduction of railroad operating expenses. Mr. Alfred P. Thom, of the Committee of Railroad Executives, at the hearing on S. 2224 (1925), page 67, said:

> I would not be frank with the committee if I did not state that a good deal of expert opinion among railroad people is to the effect that the idea of economy can be overestimated as a cause for consolidation. There is a difference of opinion among men on that subject.

5. GROUNDS FOR OPPOSITION TO RAILROAD CONSOLIDATIONS

Various grounds for opposition to railroad consolidations may be summarized as follows: (1) No substantial benefits will accrue to the shipping public from consolidation; (2) the advocates of consolidation have failed to present persuasive reasons for that drastic change; (3) the consolidation theory is war-time doctrine, which is not supported by present conditions; (4) strong grounds for belief that best results to shipping public in operating efficiency, service, and rates are obtained from smaller railroad systems, whose executives can maintain personal contact with shippers and keep informed of their competitive problems, needs, and prospects; (5) great consolidated systems, if financially successful, will be powerful, arrogant, and indifferent to needs of shippers; (6) wholesale consolidation of railroads would

result in uneconomical and unwieldy operation; (7) consolidations will result in inflation of securities, prodigality of expenditures, and huge profits of promoters, and the resulting greater burden will be placed on the neck or back of the shipper; (8) the shipping public has not advocated consolidation, and the consolidation sentiment is artificial and emanates from a small group in financial circles that seek profits from sales or exchanges of securities; (9) no car shortage has been experienced in five years and the war-time conditions that prompted suggestions of consolidation have disappeared; and (10) no feasible or practicable plan of consolidating railroads into a limited number of systems can be developed or imposed by the Government. The whole scheme is illusory.

6. WHAT IS THE SOUND POSITION TO TAKE IN DEALING WITH THE PROBLEM OF RAILROAD CONSOLIDATION?

It should be borne in mind that two plans of statutory treatment of the railroad consolidation problem are before Congress at the present time.

First, the consolidation of all railroad property in the United States into a limited number of systems under a general plan promulgated by the Interstate Commerce Commission. That is the present statutory plan, as reflected in section 5 of the interstate commerce act, and the implied means of enforcement is denial, by the Interstate Commerce Commission, of any application for consolidation that is not in harmony with that plan. Of course, consolidations effected without obtaining the approval of the commission may incur prosecution for violation of the Sherman Antitrust Act. This, in substance and effect, is a statutory strait-jacket in so far as small meritorious consolidations, not in conformity with the general impracticable plan, may be involved.

Second, voluntary consolidations, as initiated by parties or railroad companies, to be approved by the commission if and when the merits of the case and the public interest command such approval. This sound and elastic plan of voluntary consolidations can not be developed and applied unless and until the provisions of section 5, which compelled the commission to promulgate the 21-system plan, are repealed. The commission, in its letter of February 4, 1925, to the chairman of the Senate Committee on Interstate Commerce, advocated repeal of those provisions of section 5 and amendment of that section so that the statute would admit of these smaller meritorious consolidations.

In the commission's letter of February 4, 1925, we have the mature judgment of the tribunal that dealt with this complex problem during a period of several years, and it seems that when that problem is solved the satisfactory solution will be in harmony with the recommendations of the commission in that letter.

There are several important reasons for withholding support of a statutory plan of railroad consolidation which contemplates creation of a limited number or certain number of railroad systems by any agency of the Government. Several of those reasons are stated in the following paragraphs.

Impracticability: Adverting to the provisions of section 5 of the interstate commerce act, which are reproduced on page 1 above. Our railroads were constructed for the purpose of serving, and being supported, by our agriculture, manufacturing, mining, and forests, and by our selling and distributing activities. The railroads, like other business enterprises, have distinctive characteristics. It is impossible to assemble groups of railroads that, when consolidated, will conform with the provisions of section 5, which I refer to. It is impossible to incorporate into a Federal statute satisfactory specifications for all bridges or tunnels to be constructed in this country. Neither consolidation of railroads nor building of bridges are proper subjects for statutory strait-jackets.

Lack of foundation: Consolidation of railroads should be prompted by circumstances and conditions arising from operation of individual railroad enterprises. When the Government undertakes to impose consolidations, by force of statute, it will waste the time of its agencies in attempting to consolidate certain business enterprises which will not and can not be consolidated. I venture the suggestion that there is no reasonable expectation that as much as 20 per cent of the railroad values, reflected in the commission's 21-system plan, can be consolidated in conformity with that plan.

Weak railway lines: The fourteenth amendment to the Constitution of the United States and numerous decisions of the Supreme Court of the United States stand in the path of gaining support for financially weak railroad lines through consolidations.

Larger systems not advantageous: The representatives of the traffic departments of large shipping enterprises prefer to deal with the smaller railroad systems having executives who are informed of, and in contact with, local conditions. Those representatives fear indifference of executives of the proposed large railroad systems and that their rate and service problems will be delegated to subordinates in those large systems who will not make decisions and who will not have authority to act. It should be borne in mind that the shipping public did not propose any of these consolidated systems.

Elusive features: It should be borne in mind, in considering any statutory plan of consolidation, that the Government may be unable to compel complete performance of any plan of consolidation which one of its agencies approves. It may require from 1 to 20 years to work out a given plan of railroad consolidation. The United States Government has very little power or authority in connection with the consolidation of railroads. Its officials or commissions can approve a proposed plan, and the only effect that approval has is to protect those who participate in the consolidation from prosecution for violation of the Sherman Antitrust Act. The consolidators may bring forward a plan of consolidation in writing which, if carried out, would merge or consolidate many strong and financially weak lines. At the time the consolidators present their plan to the commission they may not have discussed the matter with the management of many of the corporations named in the plan. Undoubtedly they have not then bought all of the capital stock of many of the corporations involved. The plan is merely an expression of hope. If and when the plan is approved by the Interstate Commerce Commission the consolidators start to buy or acquire the capital stocks of the corporations to be consolidated and that effort may continue for several years. The corporations that they acquire control of can be consolidated. Those that they can not buy control of, either by reason of the owner's price being too high or the consolidators' offer being too low, can not be included in the consolidation. The substance is that the Government may authorize a certain consolidation, involving the merging of certain weak lines with strong lines, and at the end of two years or five years find that the consolidators had consolidated only the choice properties and left out the weak lines because they could not buy them at a satisfactory price. And in such case the Government can not unscramble that part of the consolidation which is accomplished nor compel the consolidators to buy and take in the weak lines at a price which they do not elect to pay.

Commission's recommendations sound: I referred to the fact that the commission, in its letter of February 4, 1925, recommended amendment of section 5 of the interstate commerce act, which, if made, would have relieved it of the duty of promulgating the 21-system plan of consolidation which it published on December 9, 1929.

Subparagraph (a) of section 5 (6) of the interstate commerce act provides that when any voluntary consolidations are proposed, by application to the commission, the plan must be in harmony with and in furtherance of the complete plan of consolidation. The complete plan of consolidation is the 21-system plan published by the commission on December 9, 1929. Whenever a relatively small plan of consolidation is laid before the commission now it must conform with the 21-system strait-jacket or the commission must amend or change the strait-jacket.

If the recommendations in the commission's letter of February 4, 1925, were adopted and passed by the Congress, then the strait-jacket of the 21 large systems would be removed,

and appropriate consolidations, more especially smaller consolidations dictated by sound business principles, could be proposed and approved. In fact, the reasons suggested by the advocates of consolidation lend stronger support to the smaller and more elastic voluntary consolidations than to the commission's prescribed 21-system plan.

7. THE FOUR TRUNK LINE SYSTEM PLAN

Referring to the proposed four trunk line system described in the speech of Representative PARKER in the House of Representatives on January 8, 1931.

That plan has not been submitted to the Interstate Commerce Commission by means of formal petition or application, the only means of obtaining action on that plan by that tribunal. I do not understand that the Congress, or any of its committees, contemplate taking definite action on the 4-system plan. I can discuss that plan here as an interesting phase of the railroad-consolidation problem, but I can not deal with it as a matter presented formally under conditions calling for definite action by any agency of the Government.

Certain statistics present the four proposed systems in the following light:

	Total operated mileage	Per cent	Total investment in road and equipment	Per cent	Net railway operating income	Per cent
Pennsylvania R. R.	16,548.64	100.0	$3,333,223,624	100.0	$205,687,215	100.0
New York Central	12,920.96	78.1	2,487,589,546	74.6	128,915,290	62.7
Chesapeake & Ohio	12,554.07	75.9	1,990,300,739	59.7	113,219,377	55.0
Baltimore & Ohio	11,156.16	67.4	1,970,976,938	59.1	89,948,511	43.8

The proposed systems show substantial variation in mileage to be operated, in investment and in net railway operating income. However, I doubt that such variation should condemn, or that uniformity of those items should commend any given plan of consolidation. For example, the Delaware, Lackawanna & Western Railroad Co. is well able to compete with the Pennsylvania Railroad system, and to give efficient service to its patrons although a comparison would develop a material difference of mileage, investment, and income of those two railroad systems. In fact the Lackawanna undoubtedly can furnish better service and more effective competition when being operated in its present independent position than when merged with any one of its large competitors.

The four trunk line plan reflects important departures from the 21-system plan promulgated by the Interstate Commerce Commission (159 I. C. C. 522) on December 9, 1929. For example, the following important carriers are assigned to different railroad systems in those two plans:

Carrier	Commission plan	Four Trunk Line plan
Lehigh & Hudson River	System No. 2, New Haven	Baltimore & Ohio.
Delaware, Lackawanna & Western R. R.	System No. 6, Chesapeake & Ohio.	New York Central.
Lehigh Valley R. R.	System No. 7, Wabash-Seaboard.	Chesapeake & Ohio.
Wheeling & Lake Erie R. R.	do	Do.
Wabash System	do	Pennsylvania R.R.
Norfolk & Western	do	Do.
Detroit, Toledo & Ironton Ry	do	Do.

It seems to me that the shipping public served by the Delaware, Lackawanna & Western Railroad and the Lehigh Valley Railroad should and will resist the incorporation of those two strong lines, which are efficiently operated and which furnish valuable competitive service, into huge railroad systems in which "absentee landlord methods" will seriously impair present efficient service and valuable competition.

The Reading Co. lines should not be merged in the Baltimore & Ohio system, as is proposed in the 4-trunk-line plan, but should be kept free of domination by any large railroad system, in order that those lines will provide a competitive route into Philadelphia for any competitor of the large railway systems developed during the next 50 years.

The Central Railroad Co. of New Jersey owns acres of valuable lands on the western shore of upper New York Bay. This land is suited to use for railroad and steamship terminal facilities at one of the most congested harbors in the world. The Central Railroad of New Jersey should be kept an independent terminal line, available for the use of large railroad systems which in the future may seek entrance to New York Harbor. Further, the Central Railroad of New Jersey, as such independent terminal carrier, should be the operator of one or more belt-line railroads which necessarily must be constructed on the New Jersey shore in the near future to afford terminal and switching service for all of the railroad systems operating in that district.

A BILL TO PROVIDE FOR A NATIONAL PROGRAM OF EROSION STREAM FLOW INVESTIGATIONS ON FOREST AND RANGE LANDS

Mr. LEAVITT. Mr. Speaker, I have to-day introduced a bill intended to provide for a national program of erosion stream flow investigations on forest and range lands. It is to add a new section to the McNary-McSweeney Act, reading as follows:

SEC. 11. That for such experiments, tests, and investigations, at the forest experiment stations or elsewhere, as may be necessary to determine the rôle or function of forest, chaparral, grass, or other natural vegetative cover characteristic of forests or ranges or wild land, under varying conditions of growth, soil, topography, precipitation, utilization, and other factors, and the form in which such cover will be most effective in the regulation of stream flow and the delivery of the maximum amounts of usable water, the prevention of destructive floods, the control of erosion, and the maintenance of soil productivity on the watersheds of the Mississippi and Colorado Rivers and other streams subject to destructive floods or important for navigation or for supplies of water in irrigation, municipal use, power, or other use; to determine the functions and most effective use of such cover in preventing the formation and movement of dunes or other wind erosion, and the effects of forest upon climate and rainfall; and for such other investigations as may be necessary for the control of erosion and the regulation of stream flow on forest and range lands, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $500,000.

The necessity of enacting this measure has become apparent to the various forestry, farm, and civic organizations which have turned the attention of careful study upon a national problem of the first importance. These organizations include such nationally known bodies as the American Farm Bureau Federation, the Society of American Foresters, the American Forestry Association, and the National Grange. Other groups have come to this same conclusion. It is my purpose in introducing this measure at this time to present it for study and consideration by the Members of Congress and all those interested during the months before Congress convenes in December, and to again introduce it in the next session to be pressed for enactment.

Water is becoming the most important and the most valuable crop of forest and also of range lands in many parts of the country, even exceeding timber and forage. This is true in a number of portions of the arid West, where the availability of water is the most important factor in the foundation of the existing economic structure and prosperity. It is particularly true, for example, in southern California and the great interior valleys of California, where the entire present and future agricultural and urban development is dependent upon water from forest and range lands. The severe droughts of the past year have also shown the importance of the water crop from forest lands for municipal purposes, power, and so forth, in many parts of the humid East. It is becoming increasingly urgent, therefore, to obtain the knowledge which will permit the management of forest and range lands with full recognition of their function of water production.

A second reason for such a program is to ascertain the extent to which we can and should depend upon forest and range lands for the amelioration of destructive floods. An outstanding example of flood damage is that of the Mississippi in 1927, which caused a loss of $300,000,000 and took 214 lives. Flood damages in California total many millions of dollars annually and affect agricultural lands, urban development, roads, reservoirs, and so forth. Destructive floods, however, in streams of all sizes where some or large

parts of the drainage area is or should be in forest or range lands, are common to practically every part of the United States. We should have the knowledge which will make possible the management of such forest and range lands in full recognition of their possible function in the prevention of destructive floods.

A third consideration is the number and magnitude of public and private programs throughout the United States for flood control, irrigation, the improvement of navigation, municipal water supplies, and for power, which are being planned largely or wholly without regard for the possible relation of forest or range cover to stream flow and erosion. Outstanding again is the Mississippi, where flood control and navigation programs total approximately $350,000,000. The silt carried by the Colorado River totals 137,000 acre-feet annually and its control is being disregarded in the developmental plans for the Boulder Dam. Stream flow and erosion problems of first magnitude are involved in the Roosevelt, Coolidge, and Elephant Butte Reservoirs in Arizona and New Mexico, and numerous other projects which have already been completed.

The need for research is to determine the place or function of the vegetative cover in stream flow regulation and erosion control. It is first of all to determine the value of such cover, and, second, to determine the extent to which the forest may be cut and removed and forage plants used by grazing without interfering seriously with the influence on stream flow and erosion. It is to determine under what conditions the maximum amount of usable water is delivered. It is conceivable and, in fact, probable that under widely different conditions of soil, topography, precipitation, and the character and density of forest and range cover that their influences may vary within rather wide limits. This necessitates the consideration of requirements for the United States as a whole, and is one of the reasons for a national program.

Obviously facts of the character indicated are of concern to very diversified groups, both public and private, including agriculture and the domestic livestock industry, the forest industries, navigation and power interests, municipalities, States, and the Federal Government.

AGREEMENTS AND COMPACTS BETWEEN STATES (CONSTITUTION, ART. I, SEC. 10)

Mr. CLARK of Maryland. Mr. Speaker, under leave to extend my remarks on the subject of congressional consent to agreements and compacts between States, I am including Acts of Congress Authorizing or Ratifying Agreements Between States, prepared at my request by Mr. McClenon and Mr. Gilbert, members of the legislative service staff, showing 55 such agreements or compacts up to date.

The matter referred to above is as follows:

ACTS OF CONGRESS AUTHORIZING OR RATIFYING AGREEMENTS BETWEEN STATES

Joint resolution of May 13, 1820 (3 Stat. 609, V). Kentucky and Tennessee, February 2, 1820. Boundary line; agreement ratified.

Act of June 28, 1834 (4 Stat. 708–711). New York and New Jersey, September 16, 1833. Boundary line, execution of process, etc.; agreement ratified.

Act of February 15, 1848 (9 Stat. 211, ch. 10). Missouri and Arkansas. Boundary line confirmed.

Act of January 3, 1855 (10 Stat. 602, ch. 20). Massachusetts and New York, May 14 and July 21, 1853. Cession of district of Boston Corner by Massachusetts to New York ratified.

Act of February 9, 1859 (11 Stat. 382, ch. 28). Massachusetts and Rhode Island. Attorney General directed to assent to agreement between States in adjustment of boundary dispute before Supreme Court.

Joint resolution of February 21, 1861 (12 Stat. 250, No. 9). Arkansas, Louisiana, and Texas. Joint action for removal of "raft" from Red River; assent to acts of State legislatures relating to, past or future.

Joint resolution of March 10, 1866 (14 Stat. 350, No. 12). Virginia and West Virginia. Cession of Berkeley and Jefferson Counties to West Virginia recognized and approved.

Act of March 3, 1879 (20 Stat. 481–483). Virginia and Maryland. Boundary line; agreement approving award of arbitrators January 16, 1877, ratified.

Act of April 7, 1880 (21 Stat. 72, ch. 49). New York and Vermont, November 27, 1876, and March 20, 1879. Boundary line; agreement ratified.

Act of February 26, 1881 (21 Stat. 351–352). New York and Connecticut, December 8, 1879. Boundary line; agreement ratified.

Act of October 12, 1888 (25 Stat. 553, ch. 1094). Connecticut and Rhode Island, May 4 and 5, 1887. Boundary line; establishment ratified.

Act of August 19, 1890 (26 Stat. 329–333). New York and Pennsylvania, March 26, 1886. Boundary line; establishment ratified.

Act of July 24, 1897 (30 Stat. 214, ch. 12). South Dakota and Nebraska, June 3 and 7, 1897. Boundary line; compact ratified.

Joint resolution of March 3, 1901 (31 Stat. 1465, No. 19). Tennessee and Virginia, January 28 and February 9, 1901. Boundary line; agreement ratified.

Act of March 1, 1905 (33 Stat. 820, ch. 1295). South Dakota and Nebraska. Boundary line; compact approved.

Act of January 24, 1907 (34 Stat. 858–861). New Jersey and Delaware, March 21, 1905. Jurisdiction over Delaware River, process, etc.; agreement ratified.

Joint resolution of January 26, 1909 (35 Stat. 1160, No. 4). Mississippi and Louisiana. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of January 26, 1909 (35 Stat. 1161, No. 5). Mississippi and Arkansas. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of February 4, 1909 (35 Stat. 1163, No. 7). Tennessee and Arkansas. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of June 7, 1910 (36 Stat. 881, No. 31). Missouri and Kansas. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of June 10, 1910 (36 Stat. 881, No. 32). Oregon and Washington. Boundary line; agreement authorized.

Joint resolution of June 22, 1910 (36 Stat. 882, No. 34). Wisconsin, Illinois, Indiana, and Michigan. Criminal jurisdiction on Lake Michigan; agreement authorized.

Act of March 1, 1911 (36 Stat. 961, ch. 186, sec. 1). General consent to agreements between States for conservation of forests.

Act of October 3, 1914 (38 Stat. 727, ch. 315). Massachusetts and Connecticut, March 19, 1908, and June 6, 1913. Boundary line; establishment ratified.

Act of August 8, 1917 (40 Stat. 266, sec. 5). Minnesota and North and South Dakota authorized to make agreements for improvement of navigation and control of floods on boundary waters and tributaries.

Act of April 8, 1918 (40 Stat. 515, ch. 47). Oregon and Washington, 1915. Protection of fish in Columbia River, etc.; agreement ratified. (Oregon, Laws 1915, ch. 188, sec. 20.)

Act of September 13, 1918 (40 Stat. 959). Wisconsin and Minnesota. March 26 and April 9, 1917. Mutual cessions of territory ratified.

Act of July 11, 1919 (41 Stat. 158, ch. 11). New York and New Jersey. Construction of tunnel under Hudson River; agreements authorized. (See New Jersey Laws, 1918, chs. 49, 50; New York Laws, 1919, ch. 70, and General Laws 1919, ch. 178.)

Joint resolution of March 4, 1921 (41 Stat. 1447, ch. 176). North and South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska. Jurisdiction over boundary waters; agreements authorized.

Joint resolution of June 30, 1921 (42 Stat. 104, ch. 38). Pennsylvania and Delaware. Boundary line; reestablishment ratified.

Act of August 19, 1921 (42 Stat. 171, ch. 72). Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Apportionment of waters of Colorado River and its tributaries. Agreement to be made by January 1, 1923, subject to approval by legislature of each State concerned and by Congress.

Joint resolution of August 23, 1921 (42 Stat. 174–180). New York and New Jersey, April 30, 1921. Creation of "Port of New York Authority," for comprehensive development of port of New York (supplement to agreement of 1834, noted above). Agreement ratified.

Joint resolution of July 1, 1922 (42 Stat. 822–826). New York and New Jersey, 1922. Supplemental agreement, embodying comprehensive plan for development of port of New York, ratified.

Joint resolution of September 22, 1922 (42 Stat. 1058). Kansas and Missouri, March 18 and April 15, 1921. Development of waterworks plants at Kansas City; agreement ratified.

Act of January 10, 1925 (43 Stat. 731–736). New York and Connecticut, January 3, 1911, and March 15, 1912. Boundary line; agreement ratified.

Act of January 29, 1925 (43 Stat. 796–798). Colorado and New Mexico, November 27, 1922. Distribution of waters of La Plata River; compact ratified.

Act of March 4, 1925 (43 Stat. 1268, ch. 534). Washington, Idaho, Oregon, and Montana. Apportionment of water supply of Columbia River and its tributaries. Agreement to be made by January 1, 1927, subject to approval by legislature of each State and by Congress.

Act of March 8, 1926 (44 Stat. 195–201). Colorado and Nebraska, April 27, 1923. Apportionment of waters of South Platte River; agreement ratified.

Act of April 13, 1926 (44 Stat. 247, ch. 129). Extension of time for agreement under act of March 4, 1925, above, to December 1, 1927.

Act of July 3, 1926 (44 Stat. 831, ch. 754). Idaho, Wyoming, Washington, and Oregon. Apportionment of waters of Snake River; agreement authorized, subject to ratification by Congress.

Act of February 26, 1927 (44 Stat. 1247, ch. 216). South Dakota and Wyoming. Apportionment of waters of Belle Fourche and Cheyenne Rivers; agreements authorized, subject to ratification by Congress.

Joint resolution of March 3, 1927 (44 Stat. 1403, ch. 382). Provisions of act of March 4, 1925, above, extended to December 31, 1930.

Joint resolution of February 16, 1928 (45 Stat. 120–128). New York and Vermont, May 11, 1927. Bridge across Lake Champlain; agreement ratified.

Joint resolution of March 10, 1928 (45 Stat. 300–303). Wisconsin and Michigan, December 1, 1927. Bridge across Menominee River; already executed agreement authorized.

Act of December 21, 1928 (45 Stat. 1058–1066). Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Various agreements as to Colorado River authorized; compact of November 24, 1922, under act of August 19, 1921, above, ratified.

Joint resolution of March 1, 1929 (45 Stat. 1444, c. 448). Oklahoma and Texas. Titles to land transferred between States; negotiations by governors authorized.

Act of March 2, 1929 (45 Stat. 1502, c. 520). Colorado and New Mexico. Water supply of Rio Grande, San Juan, and Las Animas Rivers and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1502, c. 521). New Mexico, Oklahoma, and Texas. Water supply of Rio Grande, Pecos, and Canadian Rivers and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1503, c. 522). New Mexico and Oklahoma. Water supply of Cimarron River and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1517, c. 537). New Mexico and Arizona. Water supply of Gila and San Francisco Rivers and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1517, c. 538). Colorado, Oklahoma, and Kansas. Water supply of Arkansas River and tributaries; negotiations authorized.

Act of April 10, 1930 (46 Stat. 154, c. 130). Oklahoma and Texas. Bridges over Red River. Past and future agreements approved.

[The act of April 19, 1930 (46 Stat. 224, c. 194) authorizes "the State Highway Board of Georgia, in cooperation with the State Highway Department of South Carolina," and a city and county in Georgia, to construct a bridge over the Savannah River; this would presumably not involve a formal agreement between the States as such.]

Act of June 17, 1930 (46 Stat. 767–773). Colorado, New Mexico, and Texas, March 9, April 19, and May 22, 1929. Use of waters of Rio Grande above Fort Quitman, Tex.; compact ratified.

Act of January 19, 1931 (Pub., No. 568, 71st Cong.). Idaho and Wyoming. Boundary line; compacts authorized.

NOTE.—S. 2890, authorizing compacts between Idaho, Montana, Oregon, Washington, and Wyoming for division of the waters of the Columbia River, passed the Senate April 1, 1930, and was reported in the House May 14. Various bills authorizing other compacts have been introduced and are now pending, but none of them have apparently been reported out of committee yet.

I am informed of only two Federal cases involving the construction of the constitutional provision—Article I, section 10—relating to agreements between States since the case of Sterns *v.* Minnesota (179 U. S. 223).

In Virginia *v.* West Virginia (220 U. S. 1, 26) the Supreme Court upheld an agreement between West Virginia and what was recognized by Congress as the State of Virginia; this agreement had been ratified by Congress and upheld by the Supreme Court in Virginia *v.* West Virginia (11 Wall. 39).

In North Carolina *v.* Tennessee (235 U. S. 1, 15) the Supreme Court held that an agreement between the two States to survey and mark the boundary line, which had been left uncertain by the original cession from North Carolina to the United States, was not such an agreement as required the consent of Congress.

In view of the fact that in the future Congress will almost certainly be called upon to assent to or ratify an increasing number of compacts or agreements between States, I have thought the above references would be helpful to Members of the House.

REPUBLICAN ADMINISTRATIONS' HOSTILITY TO VETERANS' LEGISLATION

Mr. CONNERY. Mr. Speaker, many of us, especially the veterans themselves, find it impossible to understand the hostility of Republican administrations to legislation liberalizing the Government's treatment of World War veterans. Almost every proposal for the benefit of former service men is met with steely, stony-faced opposition at the White House.

There have been three Republican Presidents since the World War and all of them have vetoed legislation passed in the interest of the veterans.

In 1922 President Harding vetoed the so-called bonus bill. The House of Representatives repassed the bill over his veto, but it was killed in the Senate for lack of the necessary two-thirds vote.

In 1924 President Coolidge vetoed the present adjusted compensation act, accompanying his veto with a message in which he severely criticized the veterans; but Congress overrode the veto and it became a law.

Last year President Hoover vetoed the bill adjusting the compensation of disabled veterans, although a substitute measure was finally passed.

Now, President Hoover vetoes the veterans' loan bill, a bill under which veterans who need it will be able to borrow not money which really belongs to the Government but borrow against their own claims, against a debt the Government has confessed it owes them, up to 50 per cent of the value of the certificates the Government has already issued to them acknowledging its debt to them. Personally I have favored paying these claims in cash, but under the circumstances, due to the influence of the administration and of big financial interests with a majority in this Congress, we were unable to even get a vote on that proposal. So we had to agree to this bill or nothing. It is better than nothing, because it lowers the interest rate the veterans' must pay and increases the amount they may borrow. But the President opposed doing even that, although in his letter to Senator SMOOT, chairman of the Senate Finance Committee, expressing his opposition to the loan bill, he admitted that the Government owes to the service men "a special obligation beyond that to any other groups of citizens."

On one occasion in President Coolidge's administration, when General Hines and the legislative representatives of the American Legion, the Veterans of Foreign Wars, and the Disabled Veterans agreed on a bill for the relief of disabled veterans estimated to cost about $39,000,000, the administration forced a reduction in the fund for this purpose to $9,000,000, although General Hines and the representatives of the veterans' organizations were in entire agreement that $39,000,000 was the minimum amount with which the necessary care could be given the disabled men.

Every time a proposal is brought forward to deal liberally and fairly with the former service men in the matter of their claims growing out of this "special obligation" we are told from the other end of the Avenue that the Treasury can not afford it, that the country can not stand it. Once when a veterans' bill was pending Secretary Mellon estimated there would be a Treasury deficit of $300,000,000. Instead, there was a surplus of $600,000,000. He was wrong $900,000,000. Notwithstanding such predictions, when Congress, responding to the demands of justice and the needs of the veterans, has passed legislation in the interest of the service men, it has failed to bring the dire results predicted by Mr. Mellon, either to the Treasury, to the bond market, or to business.

Always, when Congress proposes to do justice by the men who rallied to the colors during the World War, the word comes from the White House that the country can not afford it. Yet somewhere in the recesses of the Treasury, Mr. Mellon is always able to find enough money to meet other demands. It has been possible to return $3,000,000,000 in tax refunds and credits to huge corporation and other income-tax payers, although this money was collected more than a decade ago in war-profits taxes. It has been possible to find money with which to guarantee a return to the railroads, to subsidize great shipping interests, and even to cancel billions of dollars of debts owed to us by foreign governments. It was even possible to reduce income-tax rates when the stock-market panic broke, and that helped save the hides of a lot of stock gamblers. It seems that it is only when bills are pending seeking to do justice to the service men that the Treasury Department becomes panicky, and grows alarmed about Treasury deficits and about what may happen to the security market.

It is a matter of record that every act that has been passed for the purpose of discharging the obligation we owe to the men who offered themselves on their country's altar has been passed over the bitter opposition of the last three Republican Presidents and the Secretary of the Treasury who has served under them.

POEM ENTITLED "WILL ROGERS"

Mr. SPARKS. Mr. Speaker and Members of the House, under permission to extend my remarks in the RECORD, I include the following poem composed by Ignatius I. Murphy, of Hays, Kans., as a tribute to the noted humorist, lecturer, and humanitarian, Will Rogers.

WILL ROGERS

Kindly wit, philosopher, friend,
He won a Nation's heart,
And when grim mis'ry clutched the land,
Nobly he bore his part.

The pioneer blood in his veins,
Descendant of the braves,
From humble walks he rose to fame,
Winning his country's praise.

No tarnish dims his honest name,
No envy seeks his crown,
Alone, unsought, he gained the heights
Of merited renown.

Far more than jester's cap and bells
Are his by one accord,
A man 'mongst men, we hail him all,
He touched the common chord.

A SHIPPER'S VIEWS ON INLAND WATERWAYS

Mr. NIEDRINGHAUS. Mr. Speaker, there is no section of this country more vitally concerned with the problem of transportation than the upper Mississippi Valley, and those who have given careful study to this problem are convinced that relief can come only through cheaper forms of transportation. Missouri is especially impressed with the importance of a solution for this problem—just now when she realizes that she is to lose three seats in the next Congress. Representation in Congress is based on population. Population depends upon the success of industry and agriculture. Along with Missouri each State in the valley west of the Mississippi River will see its representation reduced in the next Congress. March 4, this group of six States will lose 17 seats in this House, while States which have enjoyed the benefits of cheap water transportation will greatly increase their representation in the next House; and it is certainly a matter of concern to the whole country that this great agricultural interior should be given an opportunity to develop.

Our loss of representation in Congress is clearly the result of the failure of industry to develop in the Mississippi and Missouri Valleys, and industry can not develop where the freight rates do not permit it to compete with industry in other sections of the country.

Hostility has developed toward river improvement in certain railway sections. I am sympathetic with the railways, and I am convinced that the development of industry in the upper Mississippi Valley will be a great benefit to the railways of that section.

The Monsanto Chemical Works is a most important industry in my district. Among the raw materials which they use are large quantities of sulphur which come from Texas. I find that the rail rate on sulphur from the Texas mines to their St. Louis plant is substantially twice as great as the water rate on sulphur from the Texas mines to Boston while the distance from Texas to Boston is twice as great as the distance from Texas to St. Louis. When the Mississippi River and the Texas-Louisiana Intracoastal Canal are completed so that barges can be loaded with sulphur at the mines and unloaded in this chemical plant in St. Louis, these rail rates will be tremendously reduced. The result will be a great stimulus to this chemical industry in St. Louis, and what applies to the chemical industry applies to practically all the other industries of St. Louis. The growth and development of these industries will increase the population of St. Louis, will give more jobs to men, will bring more business and prosperity, and in all of this the railways will share.

Mr. John F. Queeny, chairman of the board, Monsanto Chemical Works, one of the most prominent citizens of St. Louis and one of our most successful business men, has dictated a statement entitled "A Shipper's Views on the Development of Inland Waterways." This statement contains so much sound, forceful argument, that I feel it will be useful to the House and the country, and I am, therefore, presenting it to you. His statement is as follows:

As a shipper of substantial tonnage, and since it is the shipper who pays the freight bills, I have been very much interested in the recent discussions and criticisms coming from railroad officials regarding the development of our inland waterways.

Much is said about subsidizing the efforts to restore transportation on our inland rivers. I look upon this subsidizing as a proper function of our Government, particularly during this experimental period, or what might be considered the reestablishment of navigation on our inland rivers. So far as the Federal Barge Line is concerned, it must not be forgotten that this is purely a demonstration on a small scale, and under the law must be disposed of by the Government just as soon as the experiment is completed.

Transportation and commerce have been protected and subsidized since the dawn of civilization. Ancient Rome subsidized highways and ancient Venice subsidized its commerce on the high seas in the protection from pirates, and the greatness of both these cities was due to the growth of their commerce because of these subsidies.

Up to the present day the highways of commerce are subsidized with the taxes of the people, including the taxpayers in the Mississippi Valley, paying for battleships to protect coastal and foreign commerce; for the Panama Canal; for lighthouses on the coasts; with Consular Service in foreign countries. These forms of subsidies are common to all civilized nations and all civilized nations subsidize and develop their inland rivers.

With all of these subsidies for protection and development of water transportation on the high seas and coastwise, why should the farmer, the workman, the manufacturer, and all of the taxpayers in the interior, who pay their share of taxes for lighthouses and other deep-water transportation subsidies, be denied like protection and support for navigation on our inland water highways?

That the rivers are natural highways of commerce is recognized the world over, and that our Nation should allow these badly needed natural resources to go to waste, is unthinkable.

Commerce and transportation (and without either one you can not have the other) are subsidized in all directions; the lighting of our air routes, the State and Federal aid to hard roads, and the subsidies to navigation on the Great Lakes, the coastal routes, and the high seas, the cost on the people of the Interstate Commerce Commission with its large expenditures supported by taxation and charged under the law to see to it that the railroads operate profitably. I am informed that some thirty odd millions of dollars of the taxpayers' money has been spent to date to valuate the railroad property and the job is not yet completed.

As shippers we shall always be dependent upon the railroads, and we realize that the railroads must prosper and that we will as shippers in the long run make up any losses the railroads suffer in increases in our freight bills. But as interested students of transportation we shippers in the interior realize that the development of railroads will not be injured but will profit ultimately in the interchange of commerce with the rivers, just as the railroads have had their intensive development wherever commerce enjoyed the use of water transportation, for example, in places like the Rhine Valley, the Pittsburgh district, the Great Lakes territory, and coast-wise territory. Intensive development of railroads does not take place in desert territory.

Because ditches can be dug more economically with machinery than with pick and shovel, would you destroy the machinery? Because raw material can be transported by river more economically than by rail, would you destroy the river? No. We must, here in the interior, have both with the interchange of traffic between the rail carriers and the river carriers on joint through rates and through bills of lading; in other words, coordinated river and rail transportation.

In my opinion, the solution of the railroads' difficulties is not the antagonism of economical competition but rather constructive thought and action along the lines of corrections in the transportation act, particularly any injustices in the transportation act such as, perhaps, the recapture clause affecting the credit of the railroads, a correction in the act permitting the natural consolidations of railroads, or in any other reasonable manner aiding the railroads. To such constructive offers the railroads will have our hearty support.

I agree with Mr. Queeny that there is nothing revolutionary about the improvement of our rivers at public expense. As a matter of fact, a river is a highway just as much as a hard road is a highway; and when the river is improved any citizen who has a towboat, a packet boat, or a pleasure boat can go upon this public highway with as much freedom as any man who owns a pleasure car or any other kind of a motor vehicle can go upon our highways. We have long since abolished toll roads. There is even opposition in this House to toll bridges, and I do not believe that the American people are at all disposed to go back to toll highways or that they want to impose tolls upon the traffic which is to navigate our great, free, water highways.

In times of war and peace our water highways have been free and open for commerce and for the national defense.

It has never been the policy of our Government to permit any individual, firm, or corporation to have a monopoly on these greater water highways. They are capable of rendering the public a great service. They can only be developed at public expense and their improvement should not be delayed. I fully agree with Mr. Queeny that there is nothing unusual or extraordinary about the public improvement of these great free highways.

BY THEIR FRUITS

Mr. CANNON. Mr. Speaker, Associated Press dispatches to the country carry the headlines that the Seventy-first Congress is dying, and from the country comes back the reply, "Let it die."

Never within the memory of any man now living has a Congress approached its end so little lamented and so universally execrated.

During the term of this Congress more men have been bankrupted, more men have been deprived of employment, more men have been dispossessed of their homes, more men have gone to prison, more men have been consigned to suicide graves, more women have wept, and more children have gone hungry than under the administration of any previous peace-time Congress in the Nation's history.

We have had more bank failures during the life of this Congress and at the same time a greater concentration of wealth in the hands of a few than in any like period in the annals of this or of any other country. Over a thousand banks—practically all of them in the agricultural districts—have failed in the last year alone, while the number of millionaires reported by the Treasury Department has doubled and the number of corporations receiving incomes in excess of $5,000,000 per annum has increased from 187 to 229 since this Congress convened.

This Congress found wheels of industry turning and leaves them silent. It found men employed and leaves them selling apples on the street. It found standard stocks and bonds above par and leaves the invested reserves of every country bank depleted with defaulted coupons. It found a prosperous commerce and leaves export and import channels clogged by insuperable tariffs. It found every table supplied and leaves bread lines, soup houses, and food riots.

For the first time in the history of the Republic a peace-time Congress has spent $10,000,000,000. For the first time since the war the United States Treasury reports a deficit. For the first time State legislatures are appealing to the Federal Government for relief. For the first time the governors of the States are calling a conference to consider the problem of domestic distress. For the first time wheat is being burned as fuel. For the first time American women are working in the fields. For the first time American progress falters.

Wheat is cheap and bread is dear. Livestock is low and meat is high. Shoes are taxed and diamonds are free. In the cities, car loadings are down; construction is at a standstill; factory employment is dropping and sales volumes shrink steadily. In the country, reserves are exhausted, production is declining, taxes are delinquent, interest on farm mortgages is defaulting. And everywhere the clock of material progress has been set back.

This Congress has failed in every major purpose. It has failed to solve the farm problem. It has failed to relieve unemployment. It has failed to redeem bonus certificates. It has failed to liberalize its own rules. It has failed to abolish lame-duck sessions. It has failed to provide for veterans and their widows and orphans. It has failed to settle the World Court controversy. It has failed to give the Nation the benefit of Muscle Shoals. It has failed to reform the tariff. It has failed to redeem promises made by both political parties in the last campaign. And it has failed utterly to achieve adequately any objective for which it was convened.

But, Mr. Speaker, this Congress has failed still more signally. It has failed to rise to an opportunity for service the equal of which was never presented to any legislative body of ancient or modern times—the adjustment of production and consumption, the equitable distribution of the economic output of the Nation.

The Secretary of Agriculture reports that the granaries of the Nation are bursting with surplus food products, while the President of the United States announces that 6,000,000 children are undernourished. In every community there is acute need of manufactured commodities. And the industrial plants which produce those commodities are idle for lack of patronage.

On every hand are untilled fields, while men clamor for bread. In every city are idle manufactories, while families are denied necessities which they produce. And everywhere are armies of unemployed eager to toil in field and factory, ready to produce every luxury which would contribute to the happiness of mankind. Only one thing is lacking—a legislative and economic adjustment which would provide for every man both labor and remuneration and for every family the requirements and luxuries of life without stint.

America is a land of fertile farms, with husbandmen ready to bring to every table their choicest products. America is a land of high-powered factories and skilled artisans ready to manufacture every commodity a household could consume. Why should any man lack employment? Why should any family want for the products of modern civilization? It is only necessary to adjust this vast mechanism; to correlate our plants, our labor, our production, our markets, our consumption, our finance, our management, to supply employment and luxury for all. We have the farms and the farmers to feed every citizen. We have the textiles and the mills to clothe every family. We have the machinery and the mechanics to manufacture radios and automobiles for every household. All that we need is the statesmanship which will give men opportunity to work, provide their families with purchasing power, offer industry a market, and the market a clientele.

This Congress has failed to provide that statesmanship. This Congress has not only failed to remedy pressing economic conditions but it has contributed to the fundamental causes which produced them. Legislation has been enacted giving industries, classes, and sections undue advantages at the expense of other industries, classes, and sections. Laws granting special privileges, laws subsidizing favored beneficiaries, laws monopolizing natural resources, laws legalizing predatory tariffs, laws levying discriminatory taxes, and laws exploiting the people for the benefit of the few have served to perpetuate these inequalities, to further reduce incomes, to further limit buying power, and to correspondingly decrease the markets of other industries and congest national commerce.

For the difficulty is not overproduction, as some would have us believe. If legitimate needs were supplied, there would be no surplus. The trouble is not overproduction but underconsumption. There is no commodity on the shelves of our merchants or in the warehouses of our jobbers; there is no service dispensed by our artisans or supplied by our professional men, that the country would not consume in record time if purchasing power was raised to normal by supplying an outlet for its own labor, an investment for its own capital, and a market for its own products. The problem reduced to its simplest terms is: How can we by legislation insure for our producers equality of opportunity for production and marketing which will give them purchasing power in proportion to their services to society.

This problem is especially applicable to agriculture. Congress has enacted laws affecting the wage scales of labor entering into commodities which the farmer must buy. Congress has enacted laws guaranteeing fixed incomes on capital invested in public-service corporations which the farmer must patronize. Congress has enacted laws permitting manufacturers to increase prices which the farmer must pay. And Congress has enacted laws which shift the burden of taxation from capital and industry to the farmer, until farm costs have increased and farm incomes have declined to a point where farm legislation is imperative.

This Congress was under peculiar obligation to provide such legislation. Twice the McNary-Haugen bill had been

passed by both House and Senate and twice the President had vetoed it. Twice the united farm organizations of the Nation had been refused legislation, previously accorded industry, transportation, labor, and finance. Both political parties had pledged themselves in the last campaign to return agriculture to a place of economic equality with other industries, and the President called an extra session for that specific purpose. The Nation confidently expected the farm problem to be solved by this Congress.

How inadequately the Seventy-first Congress discharged that solemn obligation is now apparent to the most partisan. It has failed by every test. It has not controlled the surplus. It has not prevented overproduction. It has not effectuated the tariff. It has not stabilized the market. It has not given agriculture equality with other industries. And it has not brought the farmer a fair price for his products, a fair wage for his labor, or a fair return on his investment. Since the bill became a law the price of farm products has fallen $3,000,000,000. When this Congress was elected wheat was selling for $1.44 a bushel and bread was 10 cents a loaf. To-day wheat is 35 cents a bushel on the farm and bread is still 10 cents a loaf in the city. And wheat is selling in Germany and France to-day for $1.50 a bushel. Since this Congress convened eggs have fallen from 38 cents a dozen to 8 cents a dozen at the farm; prime steers, which were then quoted at $15.50, are now selling at $7 or lower; and hogs which brought $11.40 at that time are now being marketed at $6.50, while farm machinery and other necessities of production which the farmer must buy are still selling at war-time prices. Under the administration of the agricultural marketing act the standard of living on the American farm has declined to the irreducible minimum, and agriculture's lack of purchasing power has precipitated one of the greatest panics in the economic history of the Nation.

How hopelessly the act has failed is further indicated by the futile campaign to secure reduction of acreage. The attempt to restrict production is not only a confession of failure but it is wholly impracticable. The farmer has certain fixed charges which must be met. Taxes, interest, and maintenance must be paid and can not be postponed for even one crop season. To expect individual farmers of the Nation to voluntarily effect a reduction approaches absurdity. In fact, reports from the crop estimates of my own State, instead of showing a reduction, reflect a substantial increase—not because the farmers of Missouri are out of sympathy or unwilling to cooperate but because they have no choice in the matter. They have bills to meet, mouths to be fed, families to be cared for, and they can not care for them by permitting their fields to lie fallow.

The farm bill has failed. The Congress which enacted it has failed. Agriculture is prostrate; commerce is stagnate, and 7,000,000 unemployed men are walking the streets—many of them dependent on charity—

Begging for bread—in a plentiful land!
Begging for bread—with a trade in his hand!
Sound as a dollar, in heart and in head,
Ready for work, and yet—begging for bread?

Begging for bread—but not begging alone;
Now are they swollen to numbers unknown,
Who weary the highways with heart-breaking tread,
And swarm through our city streets—begging for bread.

Begging for bread—with such stores on our hands
We could feed the unfed of all habited lands;
Food rotted to order—starvation widespread—
Organized waste—millions—begging for bread!

"The Congress is dying."

Let it die.

IT IS THE VETERANS IN NEED WHO ARE BORROWING ON THEIR ADJUSTED-SERVICE CERTIFICATES

Mr. COCHRAN of Missouri. Mr. Speaker, in order to defeat the legislation providing for a 50 per cent loan to holders of adjusted-compensation certificates, many statements were made by prominent Government officials that the veterans as a whole who would borrow from the Government were not actually in need. Other statements issued solely for the purpose of preventing the passage of the bill related to how it would affect the Treasury, others predicting an assault upon business that would retard a return to normal.

Two years ago I introduced a bill providing that the money then in the Treasury to the credit of the adjusted-compensation fund be loaned to the veterans at a low rate of interest. Mr. Mellon in a lengthy letter to the chairman of the Ways and Means Committee vigorously opposed my bill, as he did all legislation that would permit the veterans to borrow on their certificates.

Let us see what has happened. Veterans all over the country are making applications for loans, the number in my own city, St. Louis, I understand, exceeding those in other cities of a like size. Our unemployment situation finds 10 per cent of our citizens out of work.

What do the veterans say they need the money for? Representatives of prominent newspapers in St. Louis went among the veterans and asked for information along this line. On the first day they found one man who said he was employed. On the second day they found two employed seeking loans. The balance, thousands, were out of a job, married, their dependents without the necessities of life, some sick and in need of medical care, others about to be evicted from their living apartments for nonpayment of rent. The money received by these veterans immediately, as I predicted, goes into circulation.

I personally requested the representatives of the Veterans of Foreign Wars in Washington to go among the veterans making applications for loans at the Washington office and interview the men to see how many were receiving loans who did not need the money. This morning I received the report from Maj. Edwin S. Bettelheim, jr., chairman of the national legislative committee. And what did he report? He told me he understood there has been some discussion as to just whether or not the recent bonus bill is really acting as a relief measure for needy veterans or whether it is being used by all veterans as an opportunity to get some money.

He took occasion on Saturday morning and again on Monday morning to interview approximately 150 men in the line, telling them that he was not connected with the Government in any way and not attempting to pry into their personal affairs but was interested in knowing just why they were applying for the loan on their bonus. He told them that he did not desire their names but just their reasons.

He found less than one-half of 1 per cent had never borrowed before. He found the men in line, many without overcoats and many in shabby clothes. One or two had their wives or children with them. A goodly percentage were from out of town and had been living on charity here in Washington awaiting the final passage of the bill. Quite a number had been disappointed in their appeal for compensation and their disability allowances. Quite a number of them admitted that they were dependent for food on the Veterans of Foreign Wars soup kitchen conducted at Sixth Street and Pennsylvania Avenue.

Some of the reasons given him by these men for their place in line were taken down and listed as follows:

The first man needed the loan very badly for his wife and child in New Jersey.

Next man, out of work.

Been waiting on the list for entry to Walter Reed Hospital for three months; finally had to go into Emergency Hospital.

The next four men gave the reply—

Out of work.
To pay back installments on his home in Virginia.
Refused to give any reason.
Wife and child destitute.

The next one was a woman in line submitting the application of her husband who was home desperately ill and no funds coming into the family.

Child's face injured and in hospital. Is only borrowing part of the loan.
Mother in Gallinger Hospital.
Out of work.

Four more men out of work.

Man threatened with dispossession of himself and family of four out of two rooms unless back rent was paid or assured by the end of the month.

Two men from New Jersey had come here expecting work on Government construction and were going home again with the hope of using this money to tide them over until they got a job.

Secondhand Ford on which back payments were due liable to be taken from him.

And so the list of reasons go on. A number of them wanted to pay mortgages on their homes down here in near-by Virginia; others used it to pay miscellaneous bills.

He only found one man who admitted that he was not really in need, but he said he could use the money. He failed to see any automobile salesmen that were spoken of, and every man that he saw but one or two looked and dressed as though this loan would be a real relief to them.

In his office here he has made out blanks for a large number of men, most all of whom he knew were in need of money because they have previously extended loans and relief to them.

Mr. Speaker, we have not made a mistake. We have helped the veterans who needed help—the men who helped their country when the country needed their assistance.

The people of my city are not complaining about the adoption of this legislation.

Every dollar of this money will be used in such a way that business, little and big, will benefit thereby. Placing money in circulation helps business. Increase the buying power of the people of the United States as we have done in this instance and business conditions will surely improve.

The city boys will spend their money to help themselves and their families, live as Americans should live, while the boys from the country will be able to borrow money that will enable them to care for their needs and purchase seed to make a crop.

So far as the country as a whole is concerned, this legislation, which I started two years ago, as the RECORD will show, long before others ever thought of suggesting such a proposition, will be far more beneficial than any legislation passed by Congress during the past two years.

COMMUNISM

Mr. BACHMANN. Mr. Speaker and Members of the House of Representatives, several days ago an organization known as "American Civil Liberties Union" sent a communication to the Members of the House of Representatives urging the defeat of the program advocated by a committee of the House which investigated communist activities in this country. This is the same organization that has been assisting in the communist movement for several years. Roger N. Baldwin, a director and who appears to be its managing head, appeared before our committee, of which my good friend and colleague, the Hon. HAMILTON FISH, Jr., of New York, was chairman, declined to take an oath, saying he did not believe in God, and denied he was a communist, but finally admitted that he was a former member of the I. W. W. Mr. Baldwin also testified that Mr. W. Z. Foster, one of the leaders of the communist movement, and candidate for President on the communist ticket in 1924 and 1928, is affiliated with the American Civil Liberties Union.

This same organization has been active in furnishing bonds and providing for the defense of certain known communists who have been charged with inciting riots and other criminal offenses. It rallied to the defense of the communists who were indicted as a result of the strike and riots at Gastonia, N. C., and the defendants when released on bond left the country and are now in Russia. Through the activity of the American Civil Liberties Union these men were released and went unpunished and the ends of justice defeated.

Mr. Baldwin also testified that he is a member of the board that has charge of the "Garland fund"; that he has helped to finance the Daily Worker, the official communist newspaper in the United States; that he has assisted in financing the International Labor Defense, another communist organization; that he helped finance the communist strike at Passaic, N. J., to the extent of $15,000; that in the 1926 communist strike of the Lady Garment Workers Union $100,000 was loaned; and that he has also assisted in the financing of a number of foreign-language papers controlled by the communists.

In fact, there can be no question but that the American Civil Liberties Union under the guise of "free speech" and "civil liberty" is assisting the Communist Party, an organization whose membership is almost wholly composed of aliens and controlled by an alien government, in the spreading of its propaganda and the carrying out of its program for the overthrow of the Government of the United States and the establishment of a soviet form of government in its place.

This attack against the committee of the House of Representatives appointed to investigate communist activities has been very ably answered by an editorial which appeared in the Wheeling Daily News, of Wheeling, W. Va., in its issue of Friday, February 20, 1931, which follows:

THE COMMUNISTIC PROPAGANDA

The American Civil Liberties Union has vigorously opposed the activities of the House of Representatives committee which has been investigating communism in the United States. The union charges that the committee, headed by Representative FISH, has promoted a spirit of intolerance and repression in this country, caused an increasing number of attacks on peaceful assemblage and scores of unjustified arrests and prosecutions, and has revealed a lack of any conception of America's traditional civil liberty.

The union adds that revolutions are not produced by propaganda but by unbearable conditions; that the way to fight communism is to mend capitalism.

There is a distinct difference between depriving American citizens of their civil liberties and investigating the activities of foreign propagandists in the country whose avowed purpose is to destroy the Government. The latter is what the Fish committee has been doing. Able Members of the House of Representatives have been appointed to this committee, and they have taken their duties seriously and intelligently. They have brought to light many facts about communists in the United States which are startling to the American public.

There have been no hysterical attacks upon the reds. Having made their investigation, members of the committee have introduced measures in Congress to deal with this menace to American institutions.

Nor has communism sprung up in the United States as a revolt against capitalism as the American Civil Liberties Union contends. It is a movement led from without the country. It is directed by the officials in Moscow. It is essentially an attack by foreign peoples on our institutions and Government. Certainly Congress should investigate these communistic activities and pass the measures necessary to prevent them.

SOUTH DAKOTA STATE CEMENT PLANT

Mr. WILLIAMSON. Mr. Speaker, on February 18 the gentleman from Pennsylvania [Mr. COYLE], among other things, discussed the State cement plant, owned and operated by the State of South Dakota, at Rapid City, and endeavored to show that it has been operated by the State at a loss. To make his point, he indulged in considerable juggling of figures.

I opposed the construction of the plant at the time it was voted upon by the people of our State, but, once established, I felt that it was entitled all the support we could give it, and in the main it has had this in a surprising degree.

No better cement is manufactured anywhere than comes from this mill. It has freed the State from the strangle hold of the cement trust and has without question given to our people a cheaper and better product than they would otherwise have had. Its management has been singularly free from politics, both under Republican and Democratic administrations. It has been operated strictly as a business institution and as such has been a success. There is every reason to believe that the capital cost and interest will within a reasonable time be returned to the State, leaving the plant as net profit, to say nothing of the saving to our people in the lower price of cement not only from the State mill but from outside competing mills which have been obliged to meet State competition in competitive territory.

That I might have authoritative information, I wrote Hon. George Philip, of Rapid City, S. Dak., chairman of the State cement commission and asked him to reply to the speech of my distinguished colleague from Pennsylvania. This has been effectively and authoritatively done and I take the


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liberty of quoting therefrom at some length. I commend the facts contained in the excerpt to the perusal of my friend from the Keystone State.

This is with reference to the speech of Congressman COYLE, appearing at page 5326 of the CONGRESSIONAL RECORD, under date of February 18, 1931. Mr. COYLE seems to oppose the "State in business" idea. With his view, I, in principle, agree. That, however, does not alter the fact that South Dakota is in the cement business, and it is the duty of the people of this State to make its business a success in so far as it can fairly and legitimately be made so. Neither does it alter the fact that public men, whether they be Congressmen from the cement producing section of Pennsylvania, or just humble, nonsalaried cement commissioners from South Dakota, should try to give correct information in regard to the business.

I am neither an auditor nor a bookkeeper, and, as a consequence, I am not able to juggle the figures to the confusion of anyone. I just have the viewpoint of the everyday Scotchman that if I have earned money which I have not spent, and for which I am not indebted, the money is mine. The same should be true of a cement plant, even though State owned.

The constitutional amendment for the cement business, adopted in 1918 (against which I voted, by the way), allowed the State to engage in the production and sale of cement. A commission of high-grade men was appointed by Governor MCMASTER, and they built a very good 2,000-barrel plant, and production commenced in the closing days of 1924. A bond issue for $2,000,000 was floated on a difficult market, and consequently the terms were not as favorable as they would be to-day. It cost the entire sum of $2,000,000 to build the plant, and the legislature of 1925 appropriated $275,000 to put the plant in operation. This was soon paid back from the earnings of the plant. Since that time there has been paid back from the earnings of the plant to the State treasurer for the credit of the cement plant interest and sinking fund, the sum of $800,000, the last payment of $50,000 having been made in December, 1930. Up to June 30, 1930, the end of the fiscal year, the amount so paid back was $750,000. All this was from earnings of the plant not needed in its operation, and it must be remembered that the plant, by reason of improvements, additions, and replacements is more valuable and up-to-the-minute to-day than when it commenced operations; and in that time, except for the above-mentioned sum of $275,000, which was promptly paid back, the State has not been called upon to put up a dime to finance the operation of the plant. It at all times keeps on hand, and has now, an adequate cash balance from its own earnings to carry on production and improvements.

Mr. COYLE said that there are other employees of the State who work for the cement plant, but who are not carried on the pay roll. In this he is entirely in error. With the exception of the State treasurer, in whose office certain cement-plant funds are carried—and they require no addition to the required force in that office—there is no other State officer who works for the cement plant in any way who is not on the pay roll of the plant. Even the State auditor, whose duty it is to audit the plant twice a year, presents his bill for that service to, and has it paid by the plant.

Mr. COYLE mentions "curious bookkeeping." To me all bookkeeping is more or less "curious," but the system employed at the State plant seems as simple as any, because it has nothing to conceal, not even the amount of a taxable income. The State auditor calculated, and proved to my satisfaction, that, after depreciation and before interest, the profit of the plant from January 1, 1930, to June 30, 1930, inclusive, was $90,560.70.

The books of the plant show that the plant is being depreciated on exactly the same basis as privately owned cement plants, and as approved by the Government. This charge is regularly made.

Our biennial report for June, 1930, correctly shows in the trial balance an item of $750,000 returned to the cement-plant interest and sinking fund. It also shows cash and current assets of $491,872.41, a total of $1,241,872.41. The total interest for this period is $513,500. It seems to me that no one but a very expert bookkeeper can show a loss.

Mr. COYLE mentions loss from taxes. South Dakota had no cement plant, and to this day would have had none unless it erected one of its own. Consequently, that loss is pure fiction. We might as well calculate the loss of taxes on our ocean shipping when we have neither shipping nor ocean.

Mr. COYLE's figures are wrong, and those who agree with him, and with me, that the State should not be in business can take very small comfort from the record of the South Dakota Cement Plant.

Waiving all discussion as to the possible reduction of price of cement to the ultimate consumer, the South Dakota plant is paying for itself.

VOCATIONAL EDUCATION AND REHABILITATION FOR PORTO RICO

Mr. REED of New York. Mr. Speaker, this bill (S. 5139) to extend the benefits of the Smith-Hughes Act and the civilian rehabilitation act to Porto Rico is of the highest importance to the welfare of our fellow citizens of Porto Rico. When this bill was before the Committee on Education, of which I have the honor to be chairman, there appeared before us Col. Theodore Roosevelt, Governor of Porto Rico; Resident Commissioner, FELIX CORDOVA DAVILA; Senator Santiago Iglesias, of Porto Rico; and other distinguished persons interested in the educational affairs of Porto Rico.

The people of the United States of America have a profound admiration and a genuine affection for their fellow citizens of Porto Rico, and the fact that this bill was passed by the House of Representatives by a unanimous vote is evidence of the fine feeling that exists between the people of continental United States and the people of our beautiful island possession of the south.

The evidence before our committee demonstrates clearly and convincingly that Governor Roosevelt has approached the problems of Porto Rico in a very sympathetic and practical manner. I think it is well within the facts to say that Governor Roosevelt of Porto Rico has taken the time to visit the farms of the island, both large and small, to ascertain the real needs of the children of school age and the parents of these children. It seems there are over 500,000 children of school age with facilities to take care of little more than half of this number. Under the leadership of the governor and other prominent citizens of Porto Rico, modern schoolhouses have been built and are being built by the children interested in vocational work. Also the necessary furniture to put into these buildings has been made by the children as a part of their vocational school work. There is a farm in connection with every school, the products of which are used to feed the children. There is a garden in connection with every little home, which helps to sustain the family life. All this work is being done under trained supervision so that the children of Porto Rico, at least so far as facilities are available, will receive practical training in vocational work. If this work is continued over a period of time it will be sure to raise the standards of living throughout the island and soon produce a generation of highly trained and skilled workmen for the island.

We must not lose sight of the fact that Porto Rico has over 600 industries, employing nearly 20,000 persons, of whom 16,000 are wage earners, having a total capital of more than $84,000,000. It is highly important that the school children of the island should have a thorough course in vocational education in order that present industries may be made more efficient; also that new industries may be developed to give employment to our citizens.

The people of Porto Rico are to be commended for the courage and energy with which they have met and overcome the calamities which nature has inflicted. The cyclone that swept the island in 1928 left ruin and devastation in its wake. The people have shown a spirit of determination worthy of the best traditions of any race on earth. Homes have been rebuilt, new schools have been established, and every effort is now being made to put the island on a sound economic basis.

It is needless to enlarge upon the value of civilian rehabilitation because the result obtained in this country has convinced those familiar with the facts that the legislation is practical and wise. There are many people in Porto Rico who are prevented from carrying on a gainful occupation because of physical defects, congenital or acquired by accident, injury, or disease. It is safe to assume that a very large percentage of these people will, under this act, be retrained and prepared to become self-supporting, self-respecting citizens.

I feel certain that at the end of two years the work carried on under this act will be so resultful and highly beneficial in every particular that the work will be continued by Porto Rico with the assistance of Federal aid from the United States Government.

WHAT IS THE MATTER WITH THE ECONOMIC CONDITION IN THE UNITED STATES? IS THERE A REMEDY THAT WILL CURE IT?

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, every thinking man and woman in the United States has frequently, no doubt, asked himself or herself this ques-

tion: What is the matter with the economic condition in this country, and is there a remedy that will cure it?

It is my opinion that there are several causes for the present disturbed conditions in the United States, and I shall mention a few of them that have contributed to the present condition.

Of course everyone knows that the drought situation in nearly 20 States has been a very great disturbing cause in those sections, but the drought alone was not the only thing that had to be contended with even in those States. I doubt if anyone has ever seen in the history of this great Republic the economic distress that prevails in the United States now.

It is estimated that we have at least 5,000,000 men who are out of employment. If that be true, and each laborer represents a family of 5, and that would be about the average, then we have at least 25,000,000 people who are suffering on account of the present conditions.

As long as the stock and bond market and dealing in futures is carried on as it is now, we may expect a calamity, distress, and unrest in business at any time. Just a few months ago we retired at night thinking everything was in a normal and healthy condition financially, and the next morning read in the paper that the bottom had fallen out of the stock market at New York, and multiplied thousands of people had lost all they had invested in stocks and bonds. In other words, they had gotten to the point that they were not financially able to stay in the market and protect the stock they had bought before, and consequently lost everything they possessed. Of course everyone knows it was "shaking out the shorts," or a case of the big fish eating the little ones. This should not be allowed to prevail in a government of the people, for the people, and by the people.

Ninety-five per cent of the business of the world is done on confidence, and happenings like the one just above referred to destroys the confidence of the people, and instead of investing their money they hide it away in some lock box or private place and thus take it out of circulation. What we need now is a restoration of confidence.

No one can foretell now what might happen at any moment with reference to the financial condition of the country when it is handled as it is now by these stock exchanges, and dealing in futures as is now permitted.

Another thing that has contributed very much to the destruction of confidence is the banking laws that are now in force. We have seen more banks fail in the United States in the last year than possibly ever failed in that period of time before in the history of our Government. In my opinion that was largely caused by reason of the looseness of our laws with reference to banking.

These are some of the causes that have produced a lack of confidence, but they are not the greatest cause. It is my opinion that the Smoot-Hawley Tariff Act passed by this Congress has had more to do with the destroying of confidence and disturbance of business conditions in this country than either or all of the causes above mentioned.

The tariff schedules fixed in this bill are very much higher than ever proposed in any other tariff law in the United States. The schedule of tariff that was prevailing in 1922 was the highest we had ever had up to that time, but its high rates were nothing to compare with the Smoot-Hawley tariff bill.

This act has some good provisions in it. The schedules with reference to agriculture will be helpful where they are effective. The trouble is that not more than 25 per cent of the rates fixed on agriculture will be effective and beneficial.

The call of a special session of Congress was for the purpose only of aiding agriculture and to amend the tariff act as it affected agriculture. But the truth was, when the floodgate was open for tariff legislation the whole tariff bill was rewritten with rates kited on everything so high that the consuming public could not buy.

When the last presidential campaign was on the people were told by the party then in power, and now in power, that everything was prosperous and that we should not disturb the prevailing conditions, but just as soon as they were reinstated in power then this legislation followed that has brought on this disturbed condition that we now have to face.

A careful study of that legislation will convince, I think, any reasonable mind that the legislation was intended to be beneficial to the manufacturer more than to any other class; and the rates of tariff fixed in this bill have, instead of helping the manufacturer, kicked back on him and hurt him and brought about the distressed times we are having now.

Here is the condition that now prevails. Here is the factory that is running day and night producing one of the necessities of life. The price on that commodity produced is raised, we will say, 25 per cent to 50 per cent, and will cost the consumer that much more. The purchaser has just so much money to spend, and if the purchasing power of his dollar is decreased he must necessarily decrease the amount of his purchasing or, in other words, when he has spent that which he has then he must quit.

The manufacturing establishments in the United States that thought they would be benefited by this tariff act have gone on and manufactured a heavy stock of the production that they manufacture and have their total capital invested in manufactured products much of which is on hand and no market for, either in the United States or elsewhere. What is the result that follows? The factory must either close down entirely or cut its time to one or two days in the week, and that puts laborers out of employment and puts them to seeking employment elsewhere, and when he goes there for employment it is the same in other places. The same condition prevails throughout the entire United States.

When this high wall of tariff was built around the United States for the purpose of putting out competition from other nations, they passed legislation to retaliate against it, and in many instances have made it so high that it has destroyed the export trade the United States has always enjoyed heretofore. We have had reciprocal trade relations with other nations and our export trade has now been practically cut off.

There is one provision in the Smoot-Hawley bill that is enough in itself to cause the destroying of confidence as now prevails in the United States, and that is the flexible provision in this tariff act. This flexible provision provides that the President of the United States may raise or lower tariff rates 50 per cent. This is a dangerous power to rest in the hands of a single individual however honest he may be. It is not people rule, and is not in accordance with the principle of a free government. The tariff is a tax. It has been well said that the power to tax is the power to destroy. The business world can see from this one provision the danger that might arise at any moment. It places an arbitrary power in the hands of one individual where he could make or break any corporation in the United States. He could raise or lower the tariff to a point that would be the destruction of business. The business world knowing the provision is in the tariff act and fearing its consequences are afraid to invest and afraid of the conditions that might follow from it.

A study of the uses of this power in the past will show that it is dangerous. Just a few days ago it was announced in the press that under this provision of the Smoot-Hawley Tariff Act an announcement had been made of a small reduction in the tariff on straw hats and an increased tariff placed on wire fences that the farmers of the country have to use.

Now, let us discuss for a few moments how this condition that we have spoken of above could be remedied. Legislation can play an important part in the restoration of business conditions.

First of all, our banking laws should be remedied as suggested above. The Smoot-Hawley tariff bill should be repealed and will have to be either repealed or modified before we have normal conditions in the United States.

The present distressed condition has taught us at least one great lesson, and that is that if any nation is to be

prosperous and to have normal conditions prevail whereby all the people can be taken care of and provided with a living that we must take care of agriculture.

It is a known fact to everyone who has studied the agricultural marketing act that it does not go far enough to provide the relief that was intended to be provided, and it will never be effective as it should be unless it is amended and unless a different policy of administration is adopted in enforcing this agricultural marketing act.

We all know that so far as cotton is concerned the act has proven ineffectual. The bill could be amended so as to fix and maintain a stabilized market for the price of this great commodity which is one of the greatest money crops raised here. The price to-day is so low that it does not equal the cost of production let alone giving a reasonable profit to the farmer for his labor and a reasonable interest on his investment.

I have an amendment pending before the Agricultural Committee of this Congress which if passed would make it effective on this great commodity. Everyone knows that if we are going to control and stabilize the price of cotton that we must control the bulk of it. The taking of a million bales of cotton off the market where we have 14,000,000 bales would have about as much effect as taking one bucket of water out of a well.

I hope when the next Congress meets we will be able to amend this agricultural marketing act and make it effective.

If you will take the number of acres of land in the United States and divide it equally between every person in the United States you will find that there would be a fraction over 15 acres of land for every person in the Union. Any person who has enough strength and energy to work can take 15 acres of land and by proper cultivation and care make enough to provide a living for that one individual. This would give to a family of five 75 acres of land.

The Lord never intended that anyone should starve, nor will they if they have a mind to work. Of course, it is not expected that everyone will engage in farming, for it is just as necessary that we have industries and people following various vocations and avocations of life because they furnish a market for the surplus of production of agriculture, and each should go hand in hand and be fairly treated.

One of the things most needed in the United States and in each of our States is economical government. If the Government of the United States were run economically, as it should be, it could be run on half the expense it is now costing. That is also true in each State. We should not only preach the Monroe doctrine but practice it. To have no entangling alliances with other nations. As far as lies within us, we should be at peace with all the nations of the earth and have reciprocal trade relations so we would have a foreign market for all our surplus products in the United States.

One of the causes for the low price of cotton is the discrimination against us by other nations which have heretofore been able to sell their manufactured products in the United States who have been shut out by a high-tariff wall, and they are going to other countries that produce cotton and selling them their products and, in turn, buying their cotton and establishing trade relations with them that have heretofore been enjoyed by the United States, and thus deprives us of selling our surplus products abroad.

It is time the people were thinking along this line before we wreck every hope that we have of continued prosperity.

RESTRICTION OF CANADIAN IMMIGRATION A NEW POLICY

Mr. CONDON. Mr. Speaker, this resolution (H. J. Res. 500) by virtue of the provisions of section 2 thereof proposes an entirely new policy of restricting immigration to this country from our great friendly neighbor to the north of us, the Dominion of Canada. In the guise of unemployment relief it seeks to shut the door to the Canadian immigrant who under our present laws can freely enter, by providing that only 10 per cent of last year's total of Canadian immigrants may be admitted. In my opinion this is neither wise nor just. It is not wise because it is a complete reversal of a policy of over a hundred years of unbroken international friendship and mutual cooperation and friendliness between two great nations that has won the admiration of the world. Canada and the United States touch each other along 3,000 miles of unprotected border where for generations the peoples of both countries have traveled back and forth with scarcely a thought that they were traversing the boundary of nations foreign to each other. During that long period of time no untoward incident has happened to mar that record of free and happy intercourse, and no harm has come to the economic, political, or social interests on either side of the border.

Now we propose to begin the building of a wall, not, indeed, a wall of bricks and mortar but nevertheless a wall. I venture to say, Mr. Speaker, that if this resolution is unhappily enacted into law it will breed distrust and suspicion where none exists now; it will make for friction between the two nations and inevitably result in incidents that will endanger if they do not interrupt the long years of friendly intercourse of the past. What have we to fear from a continuance of the present unrestricted Canadian immigration? Some say it is necessary to relieve unemployment. That is not so and the advocates of this resolution know it. The fact of the matter is there is no ground for fear of any kind.

What is the matter with the type of immigrant coming from Canada that the advocates of this legislation are so impatient to put them under the ban? For my part I know of no complaint against the Canadian in the part of New England from which I come, and I dare say other Members of Congress from that section will gladly testify to the same effect. The distinguished gentleman from Vermont [Mr. GIBSON], a member of the committee, says in his minority report opposing this resolution that in his own State are many splendid citizens who came from Canada. I, too, can say that in my State of Rhode Island there are many thousands of such citizens who came there from the Province of Quebec and are numbered among the leaders of our political, social, and business life. Their coming has enriched Rhode Island in an immeasurable degree. The State would be, indeed, the loser in every way had they not been permitted to come in the generous numbers which they did in the last half century. In the mass they are sober, industrious, thrifty, and hard-working members of the communities in which they live, and in addition they are loyal and devoted citizens of this great country which gave them their opportunity. In the last war their sons were early at the front fighting gloriously for the flag, and in no instance was there any doubt of their loyalty and allegiance. As individuals they have forged to the front in the professions, business, and public life. They have furnished political leaders to both of the great parties, and, in the past, Rhode Island has had two representatives of the race of French Canadians, governor of the State, and one now represents our State in the other Chamber of this great Congress, Hon. FELIX HEBERT, the junior Senator from Rhode Island. In the face of these facts I can not bring myself to believe that this country will suffer in any way by continuing to permit these people to freely come among us and participate in the privileges and responsibilities of American citizenship.

I shall vote against this resolution because of this unjust, unwise, and unfair discrimination against our friends from Canada, and I shall vote against it also because it makes impossible the reuniting of families, which, in my opinion, is unsocial and inhuman to the last degree. This same section 2 of the resolution absolutely shuts the door of hope to thousands of separated members of families, wives, aged mothers and fathers, and little children. This very phase of the legislation has evoked the solemn protest of scores of religious, charitable, and social-welfare societies who have an intimate knowledge of the cruelty and inhumanity that results from this separation of husbands from wives and parents from little children. There is no sound reason for excluding these people, as practically all of them are either too young or too old to become competitors in the labor market for the jobs of American workmen. For years and years they have been hopefully waiting for the day when once again they would be reunited to the sepa-

rated members of their families. What a disappointment the passage of this bill will be for them! If there were something real and tangible to be gained for American labor by the passage of this legislation, this might excuse, though it could not justify, such inhumanity; but no such benefit will be derived. On the contrary, because these dependents must be supported by the breadwinner of the family living here, millions of dollars are sent over annually to these foreign countries and will continue to be sent for an indefinite time in the future, thus taking large sums of money permanently out of the country which if these dependents were permitted to enter would flow into the domestic channels of trade.

The sponsors of this resolution offer it as a partial remedy at least for unemployment, but, Mr. Speaker, unemployment was not caused by immigration nor will it be removed or mitigated by the passage of such legislation as here proposed. Unemployment is a by-product of the maladjustment of our economic system and the sooner we stop fooling ourselves in the belief that we can eradicate it by such makeshift legislation as this the sooner shall we approach a real solution of the problem. Let us stop running after false gods in our anxiety to find a job for every man and above all let us not be guilty of heartless and cruel inhumanity in our haste to cure the ills from which we suffer. I do not believe this legislation is really intended to help American labor in this emergency, but is part and parcel of a carefully planned and concerted movement having for its ulterior object the exclusion of all immigration from this country. Of course, such a policy can not be openly advocated now with any hope of success and consequently the promoters of it seek to mask their purpose behind a pretext and, of course, the pretext most readily at hand and most likely at the moment to win support from every quarter, is the relief of unemployment. By this pretext organized labor, it would appear, has been enlisted in the fight on the side of the exclusionists. I am indeed sorry to find labor asking for this legislation because I do not find that the laboring people generally in my district, which is highly industrialized, approves of this type of legislation. On the contrary I have no hesitancy in saying that it is the overwhelming opinion of the people of Rhode Island, and particularly the people of the district which I have the honor to represent, that immigration legislation such as that now before us to-day is unworthy of the approval of the Congress of the United States and ought not to be enacted into law.

IMMIGRATION BILL SHOULD BE AMENDED

Mr. LUDLOW. Mr. Speaker, I regard the measure now before the House of Representatives with mixed and contradictory emotions.

I believe it is necessary to put further temporary restrictions upon immigration as a matter of justice to American workingmen who are altogether too numerous for the jobs that are available in these parlous times and who should not have their chances of securing employment jeopardized by an influx of laborers from foreign lands. I believe also that it is not fair to the foreigners that this high tide of immigration should continue because when they come they do not find the paradise of prosperity their imaginations had pictured but a dead sea of disappointment.

I find, therefore, that I am in perfect accord with the main purposes of this bill but I do protest that it is not as considerate as it should be of the ties of family. I believe that our immigration laws should recognize the sanctity of the home and the sacredness of family ties and should make most liberal provision for the reuniting of families.

Every argument of kindliness and humaneness protests against families being kept asunder. While the life of the pending bill is limited to two years and while it recognizes the preferences that heretofore have existed in favor of relatives, it so reduces the quotas that in my judgment it will operate to shut out some immigrants who might well be allowed to join their relatives in this country. To keep these relatives separated for two years is to my mind a gross injustice.

I had expected to offer some amendments to take care of this situation. Preliminary canvasses had convinced me the amendments would be adopted, but the promoters of the bill were taking no chances on amendments. They suddenly decided to railroad the bill through under whip and spur, and when it was brought to the floor the privilege of offering amendments was denied. I think one of the most disgraceful scenes I have ever witnessed in Congress is the speed with which this bill is being rushed through to passage, with all privileges of amendments cut off. The bill must be voted up or down. Members of the House can "take it or leave it." They can not improve it with amendments.

The bill has yet to run the gauntlet of the Senate. It may fail there or it may be amended in that body so that it will be unobjectionable from the standpoint of uniting families, but if it passes the Senate and is signed by the President, I will make it my business to introduce on the opening day of the next Congress an amendment which I shall hope to see adopted. That amendment will add at the close of section 4 of the bill the following:

> In addition to authority to issue visas otherwise provided in this act and in the immigration laws now in force the Secretary of State in his discretion may cause visas to be issued, not to exceed 200 in any one calendar month, to provide for the reuniting of relatives in exceptional cases where great hardship would result if this authority were not exercised.

This amendment, or at least its substance, has the approval of such men as Reid Lewis, director of foreign language information service, ex-Congressman Nathan D. Perlman, representing the American Jewish Congress, and other authorities on immigration who appeared before the congressional committees. It would vest in the Secretary of State a wise discretion which could be relied upon to correct glaring instances of inhumanity in the administration of our immigration laws.

THE ADJUSTED COMPENSATION LOAN BILL

Mr. WILLIAM E. HULL. Mr. Speaker, I am the son of a soldier of the war of 1861 to 1865, and I have always pledged myself to be favorable to legislation to aid and assist any soldier, whether the War of the Rebellion, the Spanish-American War, or the World War.

Since I have been in Congress I have supported every measure that has ever come up to aid soldiers, and my record to-day is 100 per cent for the soldier.

I believe that if this country requires the youth of this Nation to join the Army and go to the front for the protection of the Union, it is the country's duty to support this man after the war is over.

I recall to-day my action in Congress during the eight years that I have been a Member of Congress.

I had only been here a few months when I was called upon to consider the most important measure that has ever been offered in behalf of the soldier of the World War and that was the war risk insurance act which was passed. This was the adjusted compensation act for the veterans and their dependents and I supported this bill with my vote.

It passed the House of Representatives and the President of the United States saw fit to veto it and I was one of those who believed it a just bill and voted to pass the law over the President's veto.

Again, in 1924, 1925, and 1926, acts to clarify and liberalize the compensation insurance pertaining to the veterans of the World War were passed and I also voted for them because I believed it was necessary to clarify the act in order to give the soldiers the necessary relief.

Bills to build hospitals and make other minor adjustments to the compensation law were brought forward at different times. These, I always supported.

In the Seventy-first Congress we passed the American Legion hospital bill. At this time, I made a speech upon the floor of the House in favor of it. This speech is in the CONGRESSIONAL RECORD of December 16, 1929, and I quote one paragraph of that speech:

It has been my purpose at all times to vote for all bills that would be beneficial to the sick and those unable to make a living for themselves. I believe that the Government should provide adequate hospital housing facilities for the care of the disabled veterans, and I favor this measure known as H. R. 234, authorizing an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act of 1928, as amended, and for other purposes.

Learning through my congressional experience in dealing with the soldiers in my district, I found that there were many cases of actual hardship and distress that could not be covered by the war risk compensation act through technical reasons and consequently last summer I sponsored and supported the legislation to give to the soldiers of the World War a pension for disabilities not of service origin.

A few days ago I supported the measure to authorize loans to the soldiers holding adjusted compensation, believing that as the Government had assumed this obligation with the soldier that it was no more than just to make a part payment on that loan at this time when there is so much distress abroad in our land.

My friends, those of us who are in Congress and who are favorable to helping the soldier can do no better than to pass legislation to aid the sick and needy, and I believe that this country should be generous in its gifts to the soldier and should act in a way that will impress upon the younger generation that the Government is willing and ready to stand by the boy who follows the flag. I am sure if this is done and a future war should come, we would have no difficulty in raising an army for the protection of the Nation.

FURTHER FOOD RELIEF EXPEDITIONS—MICHIGAN TO ARKANSAS

Mr. KETCHAM. Mr. Speaker, supplementing my remarks of some days ago commenting upon the wonderful work done by the people of Benton Harbor and Covert in sending food to drought-stricken Arkansas, I just want to mention some other communities of my district which have likewise answered the call of want and were not willing to be outdone by their neighbors in spreading good cheer and sharing their bountiful stores of provisions with others less fortunate.

From the communities of Eau Claire and Baroda, of Berrien County, Mich., four truck loads of provisions consisting of 250 loaves of bread, beans, flour, rice, sugar, bacon, potatoes, cabbage, turnips, carrots, canned goods, clothing, and so forth, were taken to Earle, Ark. In addition to the provisions supplied, the students of the Eau Claire school raised about $25 to be added to the milk fund for hungry Arkansas kiddies.

On Sunday, February 22, three truck loads of food started for Paragould, Ark., from Hartford, Van Buren County, Mich. Contributions were also made to this caravan from the townships of Bangor, Lawrence, Keeler, and Watervliet. Hartford did not label its venture as "charity" or "relief," but the Caravan bore the banner, "Hartford, Mich., the garden spot of the world, direct to Arkansas." Editorial comment upon the movement is so fitting that I can not refrain from quoting it:

"Peace on earth, good will to men" has held full and undisputed sway in Hartford this week. What a noble, inspiring spectacle was afforded by the hundreds who trekked in and out of the town hall, bringing their offerings of food for a people made hungry by the caprice of nature. * * * Paragould is welcome. The pleasure is all Hartford's.

The fourth food relief expedition to Arkansas from Berrien and Van Buren Counties left from Watervliet and was joined by trucks from New Troy, Keeler, and Sawyer, with Piggott, Ark., as their destination. With this expedition these two counties have now put approximately 60 tons of goods into Arkansas, approximately a thousand dollars in cash, and the communities of South Haven in Van Buren County, Lake Township in Berrien County, and other places are planning like expeditions.

The spirit of giving has been so contagious and these good people have derived so much pleasure out of their generosity and the helping of the less fortunate, that, in addition to all the provisions and money sent direct to Arkansas, these two counties have also oversubscribed their Red Cross quotas to the extent of several hundred dollars each.

Again I say there is a "right way" and a "wrong way," and the gratitude of those who received can not possibly exceed the happiness of those who gave.

THE CHARGES AGAINST POSTMASTER CHARLES J. MOOS

Mr. MAAS. Mr. Speaker, the astounding farce goes on. It would be a comedy if it were not so tragic. I doubt if anywhere in the annals of our Government there will be found a more sordid trail than the story of the post-office leases. There seems to be no length to which they will not go to keep it covered up and to prevent the facts from reaching the public. There must be good reasons. And there are.

I do not wish to keep this matter agitated before this House, but there are facts that the Congress and the public are entitled to have. The best way to end this appalling situation is to expose it in all its hidden baseness. Why are the facts denied the Congress? Why does a high official, when he does condescend to report to Congress, deliberately misrepresent the facts?

The leasing situation is thoroughly bad and represents a most ugly chapter of governmental failure. It is indeed an unlovely picture to see men high in the Government and in party councils not only shield and protect but participate in a huge fraud upon the Government.

Enough facts have finally been dug out and in spite of most sinister obstacles have been made public so as to convince all that there is a thoroughly inexcusable and deplorable situation existing.

Yet a Cabinet officer undertakes to tell Congress and the country that all is well, that there is nothing wrong with a condition that has been and is robbing the people of millions of dollars a year in fraudulent post-office rentals based on fictitious values. The Post Office Department has been so conducted that professional leasing rings got a monopoly on the business of building and renting parcel-post substations and post-office garages. They are enabled and permitted to rob the public of untold millions, certainly well over a hundred million dollars, at least, in inflated bonds on these stations.

This iniquitous scheme seemed to have had its start with a lease at St. Paul, where the Post Office Department leased a building put up for it by promoters without bid or competition of any sort. There is good reason to believe that the building never cost $200,000 and the land was appraised at $50,000. Yet the Post Office Department agreed to pay $120,000 a year for 20 years and the promoters unloaded on the public, under the misrepresentation that they were Government bonds, or guaranteed by the Government, over a million dollars in bonds, and were preparing to unload another $800,000 issue in addition when the investigation got started.

A Federal grand jury at St. Paul reported evidence of fraud, graft, and corruption, in the whole transaction and requested an investigation by the Department of Justice. A Federal court later awarded a total damage on the St. Paul station in condemnation as compensation for the land, building, and value of the lease of $334,000.

Right in the midst of the condemnation case, mind you, gentlemen, while the case was being tried in St. Paul, Postmaster General Brown sent a prepared statement to be read to Congress stating that the St. Paul property was worth $677,000, although his own department files at the very time showed that post office appraisers had established a value of $405,000.

Later he said it was worth $800,000. During the final determination of the case in Federal Court at St. Paul, while the Government was doing its best to acquire the property at a reasonable price, the Assistant Postmaster General, Mr. Arch Coleman, suddenly appears at St. Paul without warning or notice to the Federal district attorney and lo and behold! appears in court as the first and star witness against the Government. He goes to St. Paul, mind you, gentlemen of the House, at Government expense, to be the chief wit-

ness on behalf of one of the most notorious of these professional post-office leaseholders and bond promoters against the Government. The Post Office Department was supposed to be the client, the district attorney the client's lawyer. What would any of you lawyers think if your client in a lawsuit were, without consulting you, to appear as the chief witness voluntarily on the other side of the case?

How long would you believe in his sincerity and his fitness to be head of a great superbusiness dealing in hundreds of millions of dollars such as the Post Office Department.

My main reason for voting against the Government operation of Muscle Shoals was my complete disgust and distrust of Government operation and management of its business enterprises as demonstrated by the Post Office Department. This year we will have the largest postal deficit we ever had. It will run to the astounding sum of $150,000,000. I have become so thoroughly imbued with a lack of confidence of politically controlled governmental management of business enterprises that I feel that the worst thing we can do is to extend that policy. I believe, however, that for the protection of the public interests, that the people should retain public ownership of our natural resources, such as water power, but under proper and adequate supervision and regulation have them efficiently operated by private interests.

For instance, do you suppose a board of directors would long retain as one of its corporation an executive officer who told the board that official information he had gathered for them and in his files about the corporation's affairs was no concern of the board of directors and that he refused to make the information available to the board because it was not "compatible to the corporation's interest" for the board of directors to know about the corporation's affairs.

Yet that is just what Postmaster General Brown has done. He refused a committee of Congress access to his official files about matters which Congress was then legislating. He also refused to make public the result of an investigation of the postmaster at St. Paul on charges which I preferred as to participation in the notorious lease there and improper use of his official position to advance his own private insurance business. One of our cardinal principles is to keep the Government from unfairly competing with private business. It should also extend to Government officials.

This postmaster, Charles J. Moos, uses his public office to force people dealing on a large scale with the post office to give his insurance firm their business. He does the same thing with the postal employees. This is the crudest, rottenest kind of unfair competition with private business. Yet Postmaster General Brown exonerates and protects Mr. Moos in this abuse of a public office.

My charges are dismissed by Postmaster General Brown and Mr. Coleman as being "trivial." Let us see whether you would consider them trivial. I recite them:

1. That Postmaster Moos spent but a small part of the day at the post office or in postal work and the vast majority of his time at his office at the William B. Joyce & Co. and in the soliciting of his private insurance business. The postmaster has rarely ever been in the post office regularly during the business hours of the day.

2. That he had a private telephone installed from his office in the William B. Joyce & Co. to the post office, which could be connected to the switch board of the post office. When calls were made for the postmaster over the phone the fact was not given out that he was not in the post office, but the call was simply switched through to William B. Joyce & Co., and those calling thought they were talking to him at the post office, thus concealing the fact that he was in reality engaging in his private business during the working hours of the day.

3. That he circularized the postal employees by letter for their insurance business. Copy of the letter was made part of the file.

4. That he had full knowledge of the making of the noncancelable lease on the St. Paul commercial post office station which since has become the object of a nation-wide scandal. Although Mr. Moos was not postmaster when the original negotiations were made by the Post Office Department to lease the quarters for the St. Paul commercial postal station, as this was done under a previous administration, Mr. Moos did become postmaster before the building was completed, and it was under his administration that the post office department moved into the new building and that the lease was signed. This was done in spite of the fact that there was a protest from substantial business men of St. Paul before the post office department moved into the new building against the terms of the lease which was being negotiated. The assistant postmaster at St. Paul, Mr. O. H. Negaard, protested repeatedly in detail and in writing to Postmaster Moos against making the original lease which was for 20 years and cancelable, noncancelable in 1925. Under the original lease the Government could vacate the property at any time on 90 days' notice, and the postmaster at St. Paul refused to pay any attention to the advice of his assistant postmaster and the lease was quietly rewritten with the cancellation clause dropped out. To comply with the law which prohibited the remaking of leases unless there was a substantial benefit to the Government, $775 per year was dropped from the rental. This, however, was fictitious consideration for the Government, inasmuch as the lease originally called for $120,775 per year. This small amount of $775 can only be considered as colorful and an attempt to evade the law. During the negotiations it was agreed that if the lease was rewritten without the cancellation clause that there would be a very much more substantial reduction in the rent, but this provision was left out when the lease was negotiated finally.

5. That Postmaster Moos directly profited from the making of the lease noncancelable. After the lease was negotiated Mr. Moos went to Chicago, presumably on official business, as he went at Government expense, visited the office of the owner of the station, Mr. Jacob Kulp, where he solicited the insurance on the leased building. At this conference it was agreed that he was to get the insurance and later this was confirmed by letter with a list of expirations, which his firm, the Wm. B. Joyce & Co., wrote in an amount exceeding $1,000,000 coverage, as follows: $500,000, fire; $330,000, tornado; $250,000, explosion; $120,000, rental, plate glass, elevator, and public-liability insurance.

This is all the more significant in view of the fact that there is a question whether the building ever cost $200,000, and in any event a Federal court in condemnation action last year gave an award of, as total compensation for the value of the land, building, and the value of the lease itself, as $334,000. Mr. Moos interposed no objections during the negotiations to the making of the lease noncancelable and apparently was rewarded by having the insurance transferred to his firm.

6. That a similar transaction took place in regard to a leased post-office garage at St. Paul. A garage for the Post Office Department under lease by people who had their own insurance connections contained a cancelation clause; Mr. Moos was instrumental in having the lease canceled and negotiations for a new garage undertaken. The new garage was built and when the owners got a noncancelable lease their insurance was switched to Mr. Moos's insurance firm.

7. That Mr. Moos had the Post Office Department trucks pick up the parcel-post packages of a number of business concerns and take the same to the post office. This was done for a few favorite firms who were good customers of Moos's insurance agency, but is not done generally.

8. That post-office employees were permitted and encouraged to solicit their fellow workers for insurance for the Wm. B. Joyce & Co. agency, the Moos insurance firm. That those employees who did not switch their insurance business, or boost the insurance firm of the postmaster, were denied promotions and were given the more undesirable assignments, and those employees who were most active in writing and soliciting business for the postmaster were given the best assignments and were promoted.

9. That Mr. Moos forced the owners of subpostal stations in St. Paul to place their insurance in his firm before they could get leases with the Post Office Department.

10. Mr. Moos was not in the insurance business when he became postmaster, but some time afterward used his position as postmaster to get into the insurance business.

11. That Mr. Moos demoted a number of department heads at the St. Paul post office because they refused to circulate petitions demanding his reappointment. They refused to boost his private insurance business and some of them were opposed to the making of the lease noncancelable and told investigators about the lease and the postmaster's connection with it.

12. That Mr. Moos organized and used the post-office band to promote his insurance business.

13. That he used official post-office bulletins to promote his insurance business.

14. That Postmaster Moos is also the president of a building and loan association and that he permitted and encouraged postal employees to solicit their fellow employees to purchase stock in his building and loan association.

15. That an agent of the Foshay Co., which is now bankrupt and in the hands of the receivers, was allowed to solicit post-office employees during working hours. A number of post-office employees lost heavily in the collapse of the Foshay Co.

Since the expiration of Moos's term, a year ago in January, no examination has been called for the selection of a postmaster and Mr. Moos has not been designated as acting postmaster nor has he been appointed postmaster. I have repeatedly requested a civil-service examination for the selection of an eligible list for the appointment of a new postmaster or have insisted that if the administration is going to retain Mr. Moos, that he be regularly appointed and his name sent to the Senate, where an opportunity would be given to protest against his appointment and all of the facts officially presented on both sides.

I have charged the administration with knowing full well that Mr. Moos will never be confirmed and that they have therefore withheld submitting his name to the Senate for that reason, for as soon as he were rejected he would have to leave the office and his successor would have to be appointed.

Gentlemen of the House, do you consider these charges as trivial? How much reliance can you place in officials who report to you that they are? Yet Assistant Postmaster General Coleman told a committee of this House that Mr. Moos was being retained because my charges were trivial. But you will note that Mr. Moos's name has not been sent to the Senate where the charges would have a fair and impartial hearing, although his term expired over 13 months ago. Mr. Coleman told the committee recently that Mr. Brown intended to reappoint Mr. Moos as postmaster at St. Paul. But time has gone on and nothing is done. If the department intends to reappoint Mr. Moos, why do they not do so?

Mr. Moos is standing on his Post Office Department whitewash and the statement that a grand jury exonerated him. I should think that the less he said about the grand jury the better. As a matter of fact, he really protests too much and too soon, for he is defending himself against charges which have not yet been made. Why? Something on his mind? He had not been charged with any criminal act that would warrant grand jury action. My charges were as to gross impropriety in office. He jumps up and seeks to vindicate himself by hiding behind a grand jury report. Up until the time that he made his suspiciously too vigorous defense, at least in advance of accusations, no one realized that he had even been called by the grand jury.

But talking about the grand jury it might be well to point out that the first grand jury indicted no one, but made a general charge of graft, fraud, and corruption in the St. Paul lease. Incidently that grand jury did not know that Mr. Moos had obtained over $1,000,000 worth of insurance coverage on the St. Paul commercial post office, nor did they know how and under what circumstances he obtained it. There are other things not known then that are known now, however. The grand jury at St. Paul, behind which he seeks to hide, recommended a complete investigation and second grand jury action, as it had insufficient evidence or time to indict anyone.

The second grand jury, which was to receive the report of a Department of Justice investigation, was suddenly halted and the case never presented. Had it been we would have had some most enlightening exposures. I charge that the second grand jury was called off as a result of a conspiracy and collusion in the Post Office and Justice Departments.

Here is a partial trail of sickening corruption. Post-office inspectors exchanged files with the Department of Justice investigators at the outset of the investigation, and much of the evidence disappeared. An agent of the Department of Justice, who is investigating the case and who gets too hot on the trail, leaves the service about that time. The assistant Federal district attorney at St. Paul is dismissed suddenly and without warning on the eve of presenting the case to the grand jury. The new Federal district attorney, as fine and square a Government prosecutor as ever lived, shortly after his taking office is high pressured into signing a whitewashing report by a high official from Washington of the Department of Justice upon misrepresentation to him about the report. Later when he fearlessly and courageously fought the Government's case against most insidious opposition of high governmental officials, he is harassed, shadowed, investigated, and an attempt made by Government agents to discredit him.

By orders of high officials the criminal case is deliberately withheld from the grand jury until the statute of limitations has barred presentation and then the file closed with the report that it is now too late to further pursue the matter.

When by sheer persistence the matter is finally forced out in the open, it is found that the incriminating books of one of these professional lease holders have been destroyed. Two hundred thousand dollars in bonds issued against this leased property have never been accounted for. The records that would indicate to whom they were sold or given and to whom the interest payments were made have disappeared. No one has appeared to redeem these bonds. Why? Had a proper investigation been made honestly in the first place the whereabouts and why abouts of these bonds would have been known.

Yet we are told that there is nothing wrong about the lease situation, and that my charges against Postmaster Moos are trivial. Well, I shall not let the matter rest there. The facts, and all of the facts, are going to be made known to Congress and the public.

So far everyone connected with trying to expose these leasing deals has been gotten out of the way. Vicious campaigns have been made against my reelection to Congress ever since I started this exposure. These campaigns have been well financed, highly organized, and though other issues have been raised as camouflage, the real cause was my activity in pursuing the post-office lease matters. I have known what was behind the opposition, but I am determined to leave no stone unturned until the whole miserable business is cleaned up. Sometime I may tell the House some of the personal indignities to which I have been subjected since I started this demand for a clean-up. But until it is wiped out I shall confine myself to the official records in the matter. You shall have the whole truth regardless of who or how many it hits, or how high up they are.

RETIREMENT OF REPUBLICAN CONGRESSMEN FROM THE STATE OF ILLINOIS

Mr. WILLIAM E. HULL. Mr. Speaker, the great State of Illinois that has furnished illustrious men to the Nation, beginning with Abraham Lincoln, the Great Emancipator, and since his time the majority of the Illinois delegation have been faithful to the Republican cause.

During the last campaign we were confronted with a condition that caused four of our best Members to be retired from Congress. These men have been faithful servants to the Government of the United States and, as they retire from their seats in Congress, it is fitting that they should be properly mentioned.

EVERETT DENISON, one of our leading Members, was elected to the Sixty-fourth Congress and reelected to each succeeding Congress until the Seventy-second Congress. While he has been defeated at the polls, he still has the respect of the majority of the citizens of his district and no doubt, in time, if it is his desire, he will be returned. Mr. DENISON has, during his term of Congress, been recognized upon the floor of the House as a man of great ability. He is a good constitutional lawyer, has passed many bills on the floor of this House for the benefit of the Nation, and as he retires to-day it is the Congress that is the loser.

The next in time of service is our venerable Congressman from Chicago. We, of the Illinois delegation, have always respected him on account of his kindness to each of us. He has always taken a great interest in every Member of the Illinois delegation and during the latter years of our most respected citizen of high standing in Congress, he was his most personal friend, the late Martin B. Madden. Mr. SPROUL retires from Congress at a good ripe age; but upon his retirement, he takes the highest respect from every Member of this House to his home, and we wish him many pleasant and happy days in the future.

ALBERT MICHAELSON, who was defeated in the primary, has been a Member of this House for 10 years. He has been a member of the Rivers and Harbors Committee, has taken great interest in the promotion of inland waterways, and his influence upon the floor and in the committee has been of such a nature that his loss will be felt not only by his committee but by the Members of Congress.

EDWARD M. IRWIN, who has been in Congress but a short while—six years—has had a remarkable success and advancement in the House of Representatives. His influence, his hard work, and his friendliness with his colleagues have brought him to the chairmanship of one of the important committees of the House and his loss as chairman of the Claims Committee will be felt by every Member in the House who has had the opportunity to go before his committee; and at this juncture, I would like to read an editorial from the Alton Telegraph, the principal paper in his district, which appeared on February 18:

Congressman EDWARD M. IRWIN, near the close of his present term of office, and with a certainty that he will be superseded for at least two years, has put through Congress a bill providing post-

office buildings for both Wood River and East Alton. Defeated in his aspirations for reelection the Congressman has not lost his enthusiasm to maintain a reputation as a worker for his district. In his career in Congress he has been one of the most useful of Congressmen.

While he has refrained from making any exhibition of his speechmaking powers, and frankly he would tell anyone he was no speechmaker, he was proud of the fact that he knew how to work and wanted to do it. In his career as Congressman he has been of great assistance to a large number of his constituents. It is undoubtedly true that he has done more correspondence with and for his constituents than any other Congressman the district has known. He has performed countless personal services for people back home who needed special services from him at the National Capital. His time will expire March 4, and no matter how good his successor is, it is more than could be expected that the people could have from any other person such devoted self-sacrificing service as Doctor IRWIN has given the twenty-second district. That would be too much luck for anyone to expect. He has set a high mark in service for those who may follow him to emulate. Wood River and East Alton will have special reason for uniting in the opinions here expressed.

Mr. Speaker, it is my thought that the retirement of these four Republicans is much regretted not only by the Republican side of this House but by the Democratic side, because they are four men who have been instrumental in bringing about satisfactory legislation to the entire House.

WHAT PROHIBITION HAS DONE TO THE AMERICAN HOME

Mr. COCHRAN of Missouri. Mr. Speaker, in his campaign speech at Elizabethton, Tenn., October 7, 1928, President Hoover said:

The purpose of the eighteenth amendment is to protect the American home. I wish it to succeed.

One of the leading prohibition advocates in the United States is Canon William Sheafe Chase, head of the International Reform Association, a professional prohibition organization. Canon Chase was one of the contestants for the $25,000 prize offered by William C. Durant, automobile manufacturer, for the best plan to enforce prohibition. In his paper submitted in that contest, as reprinted on pages 121 and 122 of Mr. Durant's book entitled "Law Observance," Canon Chase said:

Liquors may be manufactured in the dwelling or obtained in any other way, and the same rule applies as to disposing of them.

The only limitation to the home saloon is that liquors are not sold within its walls in the presence of Federal officers unless they are bribed or are trespassers. That limitation is easily evaded by the ordinary bootlegger.

Here we have the compromise that drove the saloon from the public places, where children were protected by being barred from their doors, into the private homes, where the children must live.

The children could not go to the saloon but the Volstead Act takes the saloon to the children.

Here in the home the adult members of the family and "bona fide" guests sit with children at the family table, sip these constitutionally protected liquors, damn the Constitution, curse the law, and villify the enforcement officers. Children here are led into lives of crime.

SERIOUS THREAT TO LAW AND ORDER

The National Commission on Law Enforcement and Observance, comprised of 11 outstanding American citizens to study and report on the prohibition question, devoted many pages of its recent report to the effect of home manufacture of intoxicants on the lives of children and its general effect on law and order. On page 22 of the House reprint of its report the commission said:

To the serious effects of this attitude of disregard of the declared policy of the national prohibition act must be added the bad effect on children and employees of what they see constantly in the conduct of otherwise law-abiding persons.

Such things as the effect on youth of the making of liquor in homes, in disregard of the policy, if not the express provisions of the law; the effect on the families of workers of selling in homes, which obtains in many localities; and the effect on working people of the conspicuously newly acquired wealth of their neighbors who have engaged in bootlegging are disquieting. The widespread and scarcely or not at all concealed contempt for the policy of the national prohibition act and the effects of that contempt must be weighed against the advantage of the diminution (apparently lessening) of the amount in circulation.

On pages 32 and 33 of the commission's report are its findings and conclusions with respect to the manufacture of beer, wine, and distilled liquors in the homes. After presenting facts to show the frequency of such manufacture the commission says:

But there is more to be considered than the difficulties of detection without invasions of homes and violation of constitutional guaranties. The bad effects of such operations, on the verge of or in violation of law, carried on in the home are self-evident. Adults living in such an atmosphere of evasion of law and law-breaking and children brought up in it are an obstruction to the present enforcement of the law and a serious threat to law and order in the future.

The difficulties presented by home production differ from those arising in other phases of the general situation in that they involve the arousing of resentment through invasion of the home and interference with home life. Necessity seems to compel the abandonment of efforts for effective enforcement at this point, but it must be recognized that this is done at the price of nullification to that extent. Law here bows to actualities * * *.

WHAT CONSTITUTES A SALOON

In a campaign speech delivered October 26, 1928, Charles Evans Hughes, now Chief Justice of the United States, but then a private citizen, said:

What is meant by a saloon? I suppose we should have a scientific definition of a saloon. You don't alter the fact by changing the name. To-day we have the speakeasy, and that is a part of the conditions of which complaint is well made.

* * * * * * *

HUNDREDS OF THOUSANDS OF HOMES A POTENTIAL WINERY, BREWERY, OR DISTILLERY

Hon. Amos W. W. Woodcock, Director of the Prohibition Bureau of the United States Department of Justice, appeared before the Appropriations Committee of the House of Representatives December 8, 1930, in connection with the appropriations for the enforcement of prohibition. He was interrogated as follows by Representative GEORGE HOLDEN TINKHAM:

Mr. TINKHAM. What is your interpretation of that part of section 29 of the Volstead Act? [Reading:]

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home."

Mr. WOODCOCK. The courts have interpreted that, and I, of course, accept the interpretation of the courts.

Mr. TINKHAM. Their interpretation is what?

Mr. WOODCOCK. Well, I tried the Hill case, and the court in the Hill case said that "nonintoxicating" meant nonintoxicating in fact. If a person made—in that case it was both wine and cider, or fruit juices and cider—for exclusive use in his home, why the burden was upon the Government to prove that they were intoxicating in fact. Then the same conclusion was reached by the Circuit Court of Appeals in the Isner case.

Mr. TINKHAM. How can the consumption of alcoholic liquor be regulated by your department with this provision in the Volstead Act, as interpreted by the court?

Mr. WOODCOCK. How can it be regulated?

Mr. TINKHAM. How can the consumption of alcoholic liquor be regulated?

Mr. WOODCOCK. I say, all we are attempting to do is to stop the commerce in intoxicating liquor. I do not think that section has very much bearing upon it one way or the other.

Mr. TINKHAM. Well, that section permits the making of wine and home-brew for home consumption, does it not?

Mr. WOODCOCK. No, sir; not wine; nonintoxicating fruit juices is the language.

Mr. TINKHAM. Yes; nonintoxicating. Grape juice is nonintoxicating at first, is it not?

Mr. WOODCOCK. I think so.

Mr. TINKHAM. It would permit the making of nonintoxicating grape juice in the home and home-brew, which subsequently, of course, becomes intoxicating?

Mr. WOODCOCK. Not home-brew, Mr. TINKHAM. The saving exception is in favor of nonintoxicating fruit juices and cider.

Mr. TINKHAM. If you permit those to be made in the home, nonintoxicating fruit juices and cider, and if you can not get a search warrant without a sale being made, why is not the production of alcoholic liquor possible as a practical matter in every home in this country?

Mr. WOODCOCK. I think it is of that particularly limited class of alcoholic liquors.

Mr. TINKHAM. So, really, we might say, in a large way—not perhaps what we might call a fanciful way—every home, under the law, can become a winery, or a brewery, or a distillery?

Mr. WOODCOCK. No; I do not admit anything like that, because the exception is not in the phrase containing breweries.

Mr. TINKHAM. But you can not raid a home where home-brew is made unless there is a sale. Certainly every home, to a practical degree, can become a brewery.

Mr. WOODCOCK. That is the law that Congress has passed.

Mr. TINKHAM. That is true. I am not asking you to criticize the law. I am asking you about the results of the law.

Mr. WOODCOCK. I think the prosecution of a person for making home brew, with no commercial aspect, is not impossible, of course, but it is very difficult.

Mr. TINKHAM. Well, the fact is, that with the right under the Volstead Act to make fruit juices and cider plus the fact that a

house can not be searched unless there is a sale, every home in this country may produce as much alcoholic liquor for home consumption as is desired, and there is no other result that can possibly be reached under the law.

GOVERNMENT AID IN HOME WINE MAKING

The Federal Farm Board has lent to the California grape growers, according to a letter by Edgar Markham, assistant to the President, written to me under date of January 21, 1931, a total of $19,187,622.07, of which $2,555,330 was a direct loan to Fruit Industries (Ltd.), whose principal business is manufacturing concentrates for the production of champagne and wine in the homes. More than 80,000 cars of California grapes are shipped annually, largely for home wine-making purposes, and the Government is subsidizing this industry with huge loans.

QUANTITY OF LIQUOR MANUFACTURED IN THE HOME AS COMPARED WITH PREPROHIBITION PRODUCTION

It is impossible to determine with accuracy the amount of whisky, gin, wine, beer, and cider manufactured in the homes of the people under prohibition conditions. It is known that great quantities of household commodities are converted into alcohol in the homes.

We have an official estimate of the amount of illegal liquor produced in the United States for the fiscal year ending June 30, 1930, by Amos W. W. Woodcock, director of the United States Prohibition Bureau of the Department of Justice. It is to be expected that Mr. Woodcock would be extremely conservative in estimating the quantity of unlawful liquor made in the United States since it is his duty as chief prohibition enforcement officer to suppress entirely the production of all unlawful alcoholic beverage. Mr. Woodcock's estimates of the quantity made are much below the estimates of unofficial investigators and research men. Since, however, Mr. Woodcock's estimates are official, and were published under the authority of the Bureau of Prohibition of the Department of Justice, they will be used here to show the probable extent of home manufacture of various kinds of alcoholic drinks.

WINE

Under section 29 of the national prohibition law, as interpreted by the courts and the Prohibition Bureau, it is entirely lawful to manufacture 12 to 20 per cent wine in the home for home use. The following tables from Mr. Woodcock's survey show the amount of wine consumed in the United States for five years before prohibition and the amount he finds made in the United States during the last five prohibition years:

Before prohibition

	Gallons
1915	32,911,909
1916	47,587,145
1917	42,723,376
1918	51,593,024
1919	54,272,656
Total	229,293,090

After prohibition

1925	137,225,550
1926	126,165,400
1927	143,573,400
1928	153,614,400
1929	118,320,300
Total	678,320,050

It is stated by Mr. Woodcock in his survey that the wines made since prohibition contain an average of 12 per cent of alcohol. It will be seen from the foregoing tables that almost exactly three times as much wine of 12 per cent alcoholic content has been made during the last five years of prohibition as were consumed during the five years preceding the adoption of the national prohibition law. It is admitted that most of this wine is made in the homes, and it is also admitted that under the anomalous provision of section 29 of the national prohibition act this manufacture is not unlawful.

BEER

There is also a very large quantity of home brew made in the homes of the people. Mr. Woodcock estimates that there were 683,032,000 gallons of home brew of 3.4 per cent of alcohol made in the United States in 1930. Although the home brew contains but 3.4 per cent of alcohol, as against 12 per cent of alcohol in home made wines, its manufacture is unlawful under the national prohibition act. Mr. Woodcock estimated the amount of absolute alcohol in the 1930 production of home brew at 23,223,088 gallons.

In 1919 there were 669 breweries operating in the United States manufacturing 2.75 per cent beer. These 669 breweries produced 852,977,018 gallons of beer. The beer manufactured in all the operating breweries of the United States contained very little more absolute alcohol than the home-brew Mr. Woodcock found made in the homes in 1930, after 10 full years of Federal and State prohibition enforcement.

WHISKY, GIN, DISTILLED LIQUORS

Mr. Woodcock's survey shows the following quantities of 100-proof whisky, gin, or other distilled spirits made unlawfully in the United States in 1930:

	Gallons
From corn sugar	45,900,000
From cane and beet sugar	10,000,000
From molasses and grain	4,000,000
From diverted alcohol	9,929,218
Smuggled liquor	3,557,500
Total	72,486,718
Spirits legally withdrawn, 1919	82,118,111

It will be seen from these tables that in 1930, after 10 years of National and State prohibition, Mr. Woodcock found that the unlawful production and smuggling in of distilled liquors was only 9,631,393 gallons short of the legal withdrawals of 1919, the last wet year.

TAXES, CRIME, ETC.

Accepting Mr. Woodcock's survey at its face value it shows that three times as much wine is being manufactured under prohibition as before prohibition; that the beer manufactured in 1930 contained almost precisely the amount of alcohol as the beer manufactured in 669 operating breweries in 1919, and that the production and smuggling of unlawful whisky, gin, and other distilled spirits in 1930 was only 9,631,393 gallons short of the legal withdrawals of 1919.

In 1919 the Federal Government collected $365,211,252.26 in revenues on distilled liquors and $117,839,602.21 on fermented liquors, or $483,050,854.47 on both distilled and fermented liquors.

These figures prove that all that prohibition has done is to divert the manufacture of liquor from a lawful, regulated, controlled industry into an unlawful, unregulated, and uncontrolled industry, and to transfer the manufacture from Government-supervised wineries, distilleries, and breweries into the homes of the American people.

They further prove that the Federal Government has lost, on the basis of 1919 production and withdrawals, $483,030,854.47 in revenues each of the 10 prohibition years, or $4,830,308,744.70 in all.

In other words, the revenues the Government might have collected on the lawful alcoholic beverage industry have gone as profits into the pockets of violators of the national prohibition law, and these profits have financed the greatest criminal ring in the history of the Republic.

As the distinguished champion of prohibition, Canon Chase, well said, "Prohibition has taken the saloon to the children in the homes, and the children are here led into crime."

The folly of an institution that has driven the manufacture of liquor into the homes of the people and criminalized the children of the country is the answer that prohibition echoes back to Mr. Hoover who said that "The eighteenth amendment was intended for the protection of the American home."

APPALLING EXTENT OF UNLAWFUL DISTILLING

Another index to the extent of unlawful distilling in the United States under the operation of the national prohibition law is found in the number of unlawful distilleries, stills, and parts of stills captured by the Federal prohibition officers during the 10 years of the law. A compilation of this unlawful apparatus is made by the prohibition bureau every year. These reports, taken from the official records,

show the following number of stills, parts of stills, and illicit distillers reported captured by the Federal prohibition agents alone:

1920	32,862
1921	95,993
1922	110,150
1923	158,132
1924	158,976
1925	172,537
1926	161,979
1927	208,673
1928	261,661
1929	247,242
1930	285,891
Total	1,893,496

The foregoing figures show a steady and enormous growth of unlawful distilling in the United States during the entire prohibition era. They also show that no matter how many stills and parts of stills the Federal Government captures in any one year that there is always a greater number awaiting capture the succeeding year.

In 1926 former Federal Prohibition Administrator Gen. Lincoln C. Andrews testified before a subcommittee of the United States Senate Judiciary Committee that in his opinion the Federal officers did not capture more than 1 out of each 10 stills in operation.

If General Andrews's estimate was correct—and no official of the Government was in better position to make an estimate—then it is apparent that not less than 18,934,960 unlawful distilleries, stills, and parts of stills have been in use during the 10 years of the prohibition law.

General Andrews testified that a great number of stills were in operation in the homes of the people. It is very difficult for the officers to capture stills in the homes, for the reason that no warrant may be issued for the search of any dwelling house except upon proof of unlawful sale of liquor. To get such proof is often very difficult, for the prohibition agent must gain entrance to the dwelling and make a purchase of liquor before he can swear out a search warrant.

In the course of the hearings former United States Senator James A. Reed, of Missouri, undertook to elicit from some of the professional prohibitionists who appeared as witnesses what the effect of this widespread manufacture of liquor must have upon the women and the little children in the home. One of the witnesses thus interrogated was Mrs. Ella A. Boole, president of the National Woman's Christian Temperance Union.

On page 1086 of the record of the hearings of the subcommittee appears the examination of Mrs. Boole by Senator Reed:

Senator REED. * * * Do you know that the prohibition department seized last year (1925) 172,600 stills?

Mrs. BOOLE. I have heard it.

Senator REED. Well, that is the official record.

Mrs. BOOLE. Yes.

Senator REED. Now, I am not arguing with you in regard to what we may desire, because I understand that you desire that everybody should stop the use of liquor altogether, and there may not be a very great difference of opinion as to the desirability of that if it can be accomplished, but I am dealing with the condition as it is. Do you know of any condition prior to prohibition where there was any such number of stills as I have named, running in private homes, the most of them? You will agree with me that that was not true then, will you not?

Mrs. BOOLE. Yes; that was not true.

Senator REED. * * * Do you think it makes for the moral advancement of the family to have liquor manufactured in the home?

Mrs. BOOLE. Why, of course it does not, Senator Reed.

Senator REED. Do not you think it is a very detrimental thing to the little children to see liquor manufactured in the home?

Mrs. BOOLE. Yes; but Senator——

Senator REED. * * * If it is true that in 172,600 homes the prohibition officers have found stills, and nearly all of them in the homes, of a great majority of them, and that they have probably not gotten more than 1 out of 10 that exists, which would mean 1,720,600 stills, nearly all of them in the home, do you not think that is absolutely a terrible condition?

Mrs. BOOLE. Yes; but I think——

Senator REED. Well, if that is true, it is a terrible condition, is it not?

Mrs. BOOLE. It is a terrible condition. * * *

Mrs. Boole, in explanatory testimony, denied that all the stills were making liquor in the presence of little children. She said that it was her experience that in most of the homes where stills were operating there are no children, and that as much of the liquor was manufactured at night the children would not be present.

Senator Reed pressed her for an answer to his interrogatory as to whether it was better to have the liquor manufactured in the homes, in the presence of the women and the children, or outside of the homes, but she declined to answer.

The National Commission on Law Observance and Enforcement in its recent report to the President and Congress states that there has been more sustained effort to enforce the prohibition law than any other law on the statute books. But in spite of this fact the violations of the law, as shown by the records, have increased year by year. The commission, on page 140 of its original report, says:

The statute [prohibition] has been in force for a decade with large majorities in Congress pledged to give effect to it and militant organizations pushing to that end. There has been more sustained pressure to enforce this law than on the whole has been true of any other Federal statute, although this pressure in the last four or five years has met with increasing resistance as the sentiment against prohibition has developed. No other Federal law has had such elaborate State and Federal enforcing machinery behind it. That a main source of difficulty is in the attitude of at least a very large number of respectable citizens in all communities and a majority of the citizens in most of our large cities and in several States is made more clear when the enforcement of the national prohibition act is compared with the enforcement of the laws as to narcotics.

* * * * * * *

The sustained pressure of the Federal Government to enforce the national prohibition law resulted, for the fiscal year ending June 30, 1930, in the following results, as shown by the annual report of the Federal Prohibition Commissioner:

Number of persons arrested for violation of law	83,222
Number of persons convicted	54,085

The report shows that the penalties assessed against 54,085 persons convicted of violation of the national prohibition laws amounted to 14,172 years of imprisonment and fines of $6,678,732, and that in addition thereto property valued at $29,238,077.48 was seized, of which $20,202,278.69 was destroyed.

But the tragic thing about it is that the Federal Government alone, so say nothing of what the State governments are doing, is imprisoning more than 1,000 persons every week in an attempt to enforce the prohibition law. Speaking on this phase of prohibition in the National House of Representatives on February 7, 1930, the Hon. JAMES M. BECK, former Solicitor General of the United States and now one of the most brilliant Members of Congress, said:

It was Edmund Burke who said that he did not know how to frame an indictment against all the people, but he might have gone further and said that you can not indict a substantial portion of the people. The fact that after 10 years of enforcement, with the expenditure of hundreds of millions of dollars and a ghastly sacrifice of many lives, the prohibition law is still largely unenforced damns it beyond any defense.

MATERIALS USED IN MAKING MOONSHINE WHISKY

For six months of 1930 the Federal Prohibition Bureau at Washington kept a record of the materials captured with stills. These materials are used by the moonshiners for making whisky and alcohol. The following is the record as shown by the report of the Prohibition Commissioner:

	Quantity	Equivalent in alcohol
Molasses	223,708 gallons	156,790 gallons.
Cane, beet sugar	714,013 pounds	89,251.62 gallons.
Corn sugar	162,431 pounds	116,243.10 gallons.
Grain	536,256 pounds	38,304 gallons.
Molasses mash	98,000 gallons	15,680 gallons.
Sugar mash	14,946,307.68 gallons	2,391,409.20 gallons.

In addition to these materials for distilling, the Federal agents seized 201,414.13 gallons of denatured alcohol and

alcoholic preparations from which it was intended to make moonshine whisky.

The yield in proof gallons of alcohol—which means 100-proof whisky or gin—from the materials captured with the stills would have been 3,179,199.32 for the 6-month period of 1930.

If the same proportions of materials was captured during the succeeding six months they would have yielded 6,358,398.64 gallons of moonshine whisky of 100 proof, for the year.

On the basis of 1 still in 10 captured, the yield of alcohol from illicit distilling would have been 63,583,986 gallons. This is quite close to the amount of moonshine Mr. Woodcock estimated was produced from the same materials in 1930.

DEMORALIZING EFFECT OF PROHIBITION ON HOME LIFE IN THE COAL-MINING DISTRICTS

Mr. James J. Forrester, research expert for the National Commission on Law Observance and Enforcement, in an article in Current History, for March, 1931, presents a graphic picture of the deadly demoralizing effect of prohibition upon the home life of the people in the coal-mining regions. Here is his portraiture of the conditions, based upon his personal investigations for the Wickersham Commission:

All evidence tends to show a highly demoralizing effect of prohibition upon certain large elements of our foreign population. This is nowhere more apparent than in the large coal-mining areas, where the overwhelming and undisputed testimony is that continuous, open, and flagrant violations of the law exists among the workers. They make and drink the vilest liquors in their homes, almost without exception, and there is free indulgence on the part of women as well as men, and by boys and girls.

Places where liquor can be had are more numerous than before prohibition, and there is practically no effort to conceal them. This condition in the anthracite regions shows not only a lack of observance of the prohibition law, but has developed a general contempt for all law among all classes of the foreign born except the Lithuanians. The testimony of physicians who come in contact with the conditions, is, with few exceptions, that not only is intemperence increasing, but loathsome diseases, and that there is wholesale disregard of sexual morality.

DESCRIPTION OF THE DESPERATE CONDITIONS IN COAL-MINING REGIONS BY REV. FATHER FRANCIS KASACSUN, A CATHOLIC CLERGYMAN OF LUCERNE COUNTY, PA.

Compare the picture of the pathetic and distressing conditions found by Mr. Forrester in the coal-mining regions in 1930 with the conditions described by the Rev. Father Francis Kasacsun, of Lucerne County, Pa., before the subcommittee of the Judiciary Committee of the United States Senate April 10, 1926. He testified under oath:

You can find stills in practically every other home. They make it, they drink it, they sell it. Anywhere from $1.50 to $2.50 a quart. The private families that make it sell it. In some cases they sell it to the saloonkeeper.

The stills are copper kettles with a whole lot of coils, and the women folks take care of that. The men are at work, and the women folks take care of it. Drink it themselves, and in many cases the children drink.

Never (before prohibition) in my occupation as a Catholic clergyman have I found children drinking hard liquors. I have never found that the youth, anywhere from 14 to 18 or 19, that drank hard liquors. And now you see children drink. You can see them drunk. I have seen them drunk myself. There were a few children last year found drunk in the schools of the towns, and had bottles of it in their pockets. Last year there was a girl around 14 in the town arrested drunk. About two weeks ago there was a boy in another small suburban town that was caught drunk on the street. The school-teachers have been complaining about children coming to school under the influence of liquor. Before, the men, as I said, drank. Now the women are drinking and the children are drinking.

I go into the homes at least twice a year. I visit the homes. Many times I find mothers around 45 and 50 years of age drunk, so drunk that they can not stand on their feet; and the youngsters anywhere from 6 to 7 years of age have to do their own cooking because the mothers are drunk.

I have also found some grass widows making moonshine and selling it, and also inviting people into their homes, selling the whisky, treating them, and selling themselves at the same time.

So that there is an increase in immorality in the private homes.

You will find that the flask habit is on the increase and that very much immorality is going on amongst the youngsters, due to prohibition.

WOMEN AND YOUNG PEOPLE DRINK MORE THAN EVER

On the subject of drinking among women and young people of both sexes Mr. Forrester says:

The estimated number of speak-easies is three times the number of saloons before prohibition, and in some large centers of population the proportion is even greater. No reliable estimate is obtainable from the investigations as to the number of people who are drinking, as compared with those who drank before prohibition, but there is abundant evidence showing the increase in the classes of those who are drinking, and in the character of drinking. Many women who did not drink intoxicating liquors before prohibition are now indulging in them and young persons of both sexes are drinking far more than formerly. From the wide disregard of the law, and the ease with which liquor is obtainable, it would appear that in general only those are not drinking who do not wish to drink.

* * * * * * *

HOME MANUFACTURE OF LIQUOR FOR SALE

On the manufacture of liquor in homes for commercial purposes Mr. Forrester says:

A fourth and prolific source of supply is the home manufacturer, who may also be said to include the individual and independent moonshiner type of former days, whose tribe has increased manyfold during the decade of prohibition. The basement of his house, a garage, a barn, sometimes an abandoned or temporarily untenated dwelling, is the scene of his operations, both in the cities and in the country.

The distilling apparatus is easy to obtain, the materials abundant, and the process simple. He uses redistilled commercial alcohol, corn sugar, corn meal, fruit, fruit and vegetable parings, raisins, and various kinds of cereals. The most commonly used ingredient is corn sugar, the production of which has increased far beyond the apparent demand of legitimate commerce during the past five or six years. He sells direct to the local trade, to speak-easies, "beer flats," "blind pigs," and other places handling small quantities with quick turnovers.

Investigation shows that the country adjacent to most cities and large towns is honeycombed with illicit stills, many of them of large capacity. * * * It is these that supply the great army of bootleggers and speak-easies. * * * The liquors are not so good as those imported, and the cost to the consumer is less, but there are "millions in it" for the makers, the bootleggers, and the retailers. The demand is heavy; the danger of arrest is comparatively small and of successful prosecution still smaller.

TESTIMONY OF MRS. VIOLA M. ANGLIN

Mrs. Viola M. Anglin, chief deputy probation officer of the magistrates courts of New York City, testified before the subcommittee of the Judiciary Committee of the United States Senate April 10, 1926:

The probation officers under my supervision, and there are 16 of them, tell me that in each of their districts—I mean in each one of their probation districts—you can find from 100 to 150, and in some of them 200, stills. * * * The children can not help but know that stills are running in the houses, and they can not help but know that their own parents, the people to whom they must look for guidance and everything, are disregarding the law and laughing at it.

THE EFFECT OF PROHIBITION ON TEMPERANCE

The most generally accepted indices of the effect of prohibition on temperance are arrests for drunkenness and deaths from alcoholism and a comparison of these statistics with those of other countries that do not have prohibition or have liquor-control systems restricting the sale of intoxicants.

Another index are the polls of the greater colleges and universities of the country conducted by the students themselves through their publications. The students ask themselves whether they drink, get drunk, and whether they are in favor of the enforcement of the prohibition law, its repeal, or its amendment to legalize light alcoholic beverages. These results of these polls are interesting and important. Early in the year 1930 polls were taken at 18 of the largest colleges and universities of the United States, including all of the highest rank.

CITY OF WASHINGTON

Arrests for drunkenness in the city of Washington, the National Capital, ought to be a fair index of the effect of prohibition on temperance. The police department of Washington has been keeping a record of arrests for drunkenness since 1913, when the Sheppard law was adopted making drunkenness an offense punishable by fine. Captain Edwards, in charge of police statistics, says that there has been no change in the policy of the police department in making arrests since the adoption of that law. Anybody found drunk and disorderly on the streets has been arrested since the date of its adoption.

If there is any American city where prohibition ought to be effective it is Washington. The city is under control of the Federal Government. Every police officer is a Federal

officer. In addition to the police force there is a large staff of Federal prohibition agents operating in Washington.

The effect of prohibition on temperance in Washington is fairly reflected in the arrests for drunkenness for six years preceding the adoption of the national prohibition law and for the last six years under the operation of the law. The population of Washington in 1920 was 437,571 and in 1930 it was 486,869, an increase of only 49,396—an average increase of less than 5,000 a year.

Arrests for drunkenness

Before prohibition:		After prohibition:	
1914	8,837	1925	10,571
1915	9,751	1926	12,907
1916	9,394	1927	13,375
1917	9,648	1928	13,796
1918	6,896	1929	13,942
1919	6,793	1930	14,409
Total	51,321	Total	79,000
Yearly average	8,553	Yearly average	13,166

With an increase in population of only 49,398 in 10 years from 1920 to 1930 the arrests for drunkenness in the model city of Washington were 1,832 more than twice as many as in 1919, the last year before prohibition.

WASHINGTON AND LONDON

It is interesting to compare arrests for drunkenness in Washington, the American National Capital, under all the prohibition enforcement the Federal Government can give it, with London, the English Capital. The approximate population of London is 10,000,000 as compared with 486,869 for Washington.

	Arrests for drunkenness, Washington	Convictions for drunkenness, London
1914	8,837	85,448
1928	13,796	43,641

This startling record shows that while Washington, under the national prohibition act, was growing steadily more drunken the city of greater London, under a wise liquor regulatory system, was reducing its convictions for drunkenness by approximately 66 per cent.

On the basis of population there are about 10 arrests for drunkenness in the model city of Washington, under the operation of the "noble experiment" to one in London.

Increase in arrests for drunkenness in Washington, from 1914 to 1928	4,959
Decrease in convictions for drunkenness in London, from 1914 to 1928	41,807

ARRESTS FOR DRUNKENNESS IN PHILADELPHIA, AS COMPARED WITH CONVICTIONS FOR DRUNKENNESS IN ENGLAND AND WALES, 1928

1928

Philadelphia, 1,950,561 population	60,395
England and Wales, 40,000,000 population	55,642
Excess of Philadelphia over England-Wales	4,753

Here we have the almost unbelievable record that the arrests for drunkenness in the city of Philadelphia, with only 2,000,000 population, exceed the convictions for drunkenness in England and Wales, with a combined population of 40,000,000, by 4,753. But if that appears to be startling, we find that the arrests in the city of Chicago for drunkenness in 1928 exceeded the convictions for drunkenness in England and Wales in the same year by 19,260. There were 74,802 arrests for drunkenness in the city of Chicago, and only 55,642 in all of England and Wales.

NEW YORK

The city of New York is universally condemned by prohibitionists as being the most wide-open city in America with respect to the sale of liquor. It is estimated that its speak-easies pay millions of dollars a year in graft for the privilege of unmolested operation. But when the prohibitionists want to prove that America is very sober under national prohibition they quote the statistics of arrests for drunkenness in New York City only, and use these statistics to prove that European cities are sodden with drunkenness.

On the basis of arrests for drunkenness, New York is the most sober of all the large American cities. The arrests for drunkenness in New York in 1928, with its nearly 7,000,000 of population, were only 13,353. This was several hundred fewer arrests for drunkenness than in the city of Washington, with only one-fourteenth the population of New York. But New York City is the only major American city the prohibitionist can compare favorably with London, Paris, or other European capitals in the matter of arrests for drunkenness.

DEATHS FROM ALCOHOL COMPARED WITH DEATHS FROM OTHER DISEASES

The professional prohibitionists—that is, the prohibitionists who make their living out of prohibition politics and propaganda—have created the impression that alcohol is the great destroyer of human life. Before the adoption of the prohibition law they made the claim that alcohol was killing more than 100,000 people every year. The truth is that deaths from alcoholism have always been very small. In 1919, which was the last year before national prohibition, there were only 1,367 deaths from alcoholism in the entire registration area of the United States.

There is an average of 1,250,000 deaths in the United States every year. But alcohol has always been a negligible factor in death-rate statistics. In fact, the death rates from alcohol are so insignificant that they have never been carried in the Statistical Abstract of the United States.

Deaths from alcohol (United States census reports)

1910	2,909
1911	2,875
1912	3,183
1913	3,744
1914	3,257
1915	2,945
1916	4,161
1917	3,907
1918	2,193
1919	1,367
1920	900
1921	1,611
1922	2,467
1923	3,148
1924	3,155
1925	3,694
1926	4,109
1927	4,372
1928	4,627
1929	4,339

Deaths from other causes

	1927	1928
Heart disease	211,796	237,349
Cerebral diseases	91,001	99,624
Cancer	103,578	109,770
Tuberculosis	87,567	90,659
Pneumonia	87,230	112,195
Nephritis	100,163	108,813
Total	681,335	758,413
Total deaths	1,236,949	1,378,075

The foregoing statistical record from the reports of the United States Census Bureau show that heart disease, cancer, cerebral diseases, tuberculosis, pneumonia, and nephritis cause more than one-half of all the deaths in the United States. The staggering total of deaths from these causes was 681,335 in 1927 and 758,413 in 1928, or 1,439,748 in two years.

Compare these 1,439,748 deaths in two years with the insignificant total of 1,367 deaths from alcohol in 1919—the year before the National Government embarked upon the "noble experiment."

COMPARISON OF MONEY SPENT TO SAVE LIVES FROM ALCOHOL AND FROM OTHER DISEASES

Notwithstanding the fact that the deaths from alcohol in the entire registration area of the United States amounted to only 1,367 in 1919, the Federal Government embarked upon the costly experiment of prohibition to save that number of lives.

From year to year it has increased appropriations for Federal enforcement until the aggregate appropriations for the prohibition and industrial alcohol bureaus, the Coast Guard, customs, and expenses of administration of the law through the Federal courts amounts in round numbers to $50,000,000 a year.

Now, as shown by the records of the Internal Revenue Department, the Federal Government is losing $483,040,854.47 a year in revenue taxes. Adding the direct cost of enforcement to the loss in taxes we have $533,040,854.47 as the cost to the Federal Government alone of the attempt to enforce prohibition.

We find from the records of the Census Bureau that notwithstanding this enormous cost the deaths from alcohol in 1929 were more than three times the number of deaths from the same cause in 1919, before the Federal Government began the "experiment."

So the Federal Government, while spending and losing $533,040,854.47 to save a mere handful of lives, has played the game so badly that the deaths from alcohol trebled during the years that prohibition has been in effect.

While the Government has spent and lost this enormous sum, aggregating nearly $5,000,000,000 in 10 years, what is it spending to save the lives of the 1,250,000 who die from other causes every year—many of them preventable.

The records show that it is spending for all public-health activities only about $10,000,000.

How many of the 1,439,748 deaths from heart disease, cancer, and the other four diseases that are really destructive of human life might the Federal Government have saved if it had used the $1,066,081,708.84 that it frittered away on a worse than useless effort to enforce the prohibition law, which, if fully successful, would have saved only a few lives, if it had expended this money in scientific research and aid to save the victims of heart disease, cancer, tuberculosis, diseases of the brain, kidneys, and respiratory organs?

ENGLAND'S MARVELOUS STRIDES TOWARD TEMPERANCE

The reduction in convictions for drunkenness in England from 188,887 in 1913 to 55,642 in 1928—a reduction of 70.5 per cent—has been brought about by strict regulation of the liquor trade in the matter of hours of sale and in the reduction of the number of places of sale. Added to these is a high rate of taxation.

These restrictions have resulted in a reduction in the sale of spirits from 31,790,000 gallons in 1913 to 12,881,000 in 1928, or a per capita reduction from 0.7 of a gallon in 1913 to 0.29 of a gallon in 1928.

There was a reduction in the consumption of beer from 35,250,000 barrels in 1913 to 20,819,000 barrels in 1928, or a per capita reduction from 27.76 gallons in 1913 to 16.96 gallons in 1928. There was a very slight increase in the consumption of wine from 0.25 of a gallon in 1913 to 0.375 of a gallon in 1928.

During the last two years this downward trend has continued, but the exact statistics are not available.

EFFECT ON PRISON POPULATION

In 1913 there were 18,989 persons in all the prisons in England. That was at the rate of 50.3 prisoners per 100,000 of population. In 1926, the last year for which statistics are available, there were only 9,508 convicts in all the prisons in England, or only 24.3 prisoners per 100,000 of population. During the period of this liquor-control system which brought about wonderful results in the reduction of the number of convictions for drunkenness there was also such a remarkable decline in the number of prisoners in the penal institution that England has been able to sell 27 jails.

PRISON POPULATION IN THE UNITED STATES

The principal claims made for prohibition, in advance of its adoption as a national policy, was that it would empty the jails, eradicate crime, and convert the United States into a real millennium. These claims were perhaps never better stated than by the Rev. William A. Sunday, who preached the funeral sermon of John Barleycorn when the eighteenth amendment was ratified. He said:

> The reign of tears is over. The slums will soon be only a memory. We will turn our prisons into factories and our jails into storehouses and corncribs. Men will walk upright now; women will smile and the children will laugh. Hell will be forever for rent.

How completely this forecast of prisons and jails turned into factories, storehouses, and corncribs failed, is shown by the records of the Census Bureau on prison population.

On January 1, 1910, there were 68,735 prisoners in all the State and Federal prisons and reformatories. On January 1, 1927, this number had increased to 96,126. The prison population per 100,000 of population had increased from 74.7 to 85.

There are at present more than 9,000 prisoners in the State penitentiaries of Illinois alone, almost as many as in England.

United States prisoners per 100,000 of population, 1927	85
England, prisoners per 100,000 of population, 1927	24.3

ILLINOIS PRISON POPULATION INCREASED MORE DURING PROHIBITION DECADE THAN IN THE PREVIOUS 60 YEARS

Rodney H. Brandon, director of the Department of Public Safety of the State of Illinois, under date of August 29, 1930, issued a press release containing the gist of a report that he had made to the governor on that date.

He said:

> During the 1920–1930 decade the increase in the State's penal population was 131.25 per cent, and was greater than the total increase for the 60 years previous to 1920. The increase in 1930, as compared with 1929, was 11.74 per cent. Should this rate continue the prison population will be more than trebled by 1940.

He said further:

> During the decade which ended June 30, 1930, the population of Illinois charitable and penal institutions increased 50.85 per cent. In the same period the population of the State increased 17.65 per cent. The increase in the institutional population was three times the increase of the State's population.

Forty new buildings were on that date under construction for housing the victims that were being poured into the prisons and charitable institutions of that State.

SOME CONDITIONS IN MISSOURI

The Governor of Missouri, Hon. Henry S. Caulfield, was quoted in a newspaper interview February 10, 1931, as saying that there had been an increase of 500 in the prison population of Missouri's already overcrowded penitentiary during the first two years of his term. He added:

> I can't explain the increase in crime which puts prisoners in such numbers into the prison.

The Federal prohibition enforcement department made for the National Commission on Law Observance and Enforcement a report on the conditions of enforcement in all the States. In response to a Senate resolution the reports of 32 of these States were submitted to the Senate. One of these States was Missouri. The investigator for the Federal prohibition bureau reported:

> That in St. Louis, the chief city of Missouri, there were stills in 20 to 25 per cent of the homes in certain largely populated sections of the city.

The report drew a picture of drinking among young people with the effect that morals had been reduced below par.

CHICAGO

Col. Robert Isham Randolph, president of the Chicago Association of Commerce, as spokesman for the Chicago Business Men's Committee for the Prevention and Punishment of Crime, reported last week that more than $2,000,000 a week in profits on the beer racket in Chicago are available for bribery and corruption.

He stated that there were 20,000 beer joints in Chicago, selling 100,000 barrels of beer each week, and that the standard price to the retailers was $55 a barrel, of which $52 a barrel was profit. Deliveries are made in trucks protected by armed guards. It was estimated by Colonel Randolph that 2,000 gunmen, armed guards, collectors, fixers, and custodians of brothels, gambling houses, and handbooks were engaged in the manufacture and wholesale distribution.

He concluded his report as follows:

Hoodlum gangs to-day in Chicago have corrupted the law-enforcement agencies to a degree that is tragic; they murder, rob, and bribe with apparent immunity. And the cornerstone of the power is the sale of beer—not whisky.

DRINKING IN COLLEGES AND UNIVERSITIES

A great deal of opinion has been voiced as to whether there is drinking in colleges and universities and whether the drinking is more or less than it was before the adoption of the national prohibition law. This discussion last year led the students of 18 of the large colleges and universities to poll themselves, through their university publications, as to whether they drink or get drunk or whether they favor the enforcement, modification, or repeal of the national prohibition law.

The result of the poll was printed in the record of the hearings of the Judiciary Committee of the National House of Representatives on the prohibition bills, page 1229. The result was as follows:

	Yes	No
Do you ever drink	19,593	10,210
Do you ever get drunk	4,781	9,417
Percentage who drink	66	
Percentage who get drunk	34	
For enforcement of prohibition		4,699
For modification of dry law		12,299
For repeal of prohibition law		7,722
Percentage for repeal or modification		81

Included in this poll were Amherst, Assumption, Brown, Colgate, Cornell, Dartmouth, Harvard, Lafayette, Michigan, Pennsylvania, Purdue, Pittsburgh, Princeton, Massachusetts Institute of Technology, Williams, New York University, Yale, and Rutgers.

CONCLUSION

I have endeavored, in all fairness, to picture the prohibition situation as it really exists. The statistics and quotations can not be questioned. In my opinion, so long as the raw material is available it is apparent real prohibition will never exist in this or any other country.

How long will it be before the people responsible for existing conditions will admit their mistake and lend their efforts toward the enactment of legislation—National and State—that will bring a return of real temperance in this great country of ours?

THE DANGERS OF COMMUNISM IN THE UNITED STATES

Mr. HOPKINS. Mr. Speaker, communism, like some malignant growth, has fastened itself upon the United States, and unless some action is taken to eradicate it, may become a cancer that will destroy the very heart of our beloved Government. The surest cure for communism, I believe, is the complete understanding on the part of the public of its objectives and practices. The communistic doctrine when stripped of its verbiage is innately abhorrent to any red-blooded American. The danger lies in apathy, lack of understanding, and a failure to realize the fatality of allowing such a cancerous growth to go on without careful treatment.

Ladies and gentlemen of the House of Representatives, let me take your time to-day to review the subject of communism, to trace its history from the beginning, to show its spread through Russia, thence to the United States, and to reveal through the testimony of the communists themselves the real objectives of this movement.

COMMUNISM DEFINED

Communists openly pledge allegiance to the red flag of Soviet Russia and the forcible overthrow by bloody revolution of all other governments. The following definition of communism is given in the report of the congressional committee for the investigation of communistic propaganda:

A world-wide political organization advocating: (1) Hatred of God and all forms of religion; (2) destruction of private property, and inheritance; (3) absolute social and racial equality; promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, of assembly, and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world union of soviet socialist republics with the capital at Moscow.

The patent and cardinal point for Americans to remember is that the main object of the communists in the United States is to forcibly overthrow our Government, destroy our system of private property, and put in its place a soviet or communistic government. Sovietism and communism are essentially synonymous terms.

HISTORY OF COMMUNISM

Communism and its half-brother, socialism, was first introduced in its embryo form in 1848 by Karl Marx and Friedrich Engels. They published the Manifesto of the Communist Party, which presented the following as its basic thought:

The history of all human society, past and present, has been the history of class struggles; incessant warfare between the exploited and the exploiter, between oppressed classes and ruling classes at various stages in the evolution of society; the struggle has now reached a stage of development when the exploited and oppressed class (the proletariat) can not free itself from the dominion of the exploiting and ruling class (the bourgeoisie) without at one and the same time and forever ridding society of exploitation, oppression, and class struggles.

Communists scorn to hide their views and aims. They openly declare that their purpose can only be achieved by the forcible overthrow of the whole extant social order. Let the ruling classes tremble at the prospect of a communist revolution. Proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all lands, unite.

THE FIRST INTERNATIONAL

To properly understand the development of this movement we must go back to the First International Association of Workers, which was formed at London in September, 1864, largely as a result of the manifesto to which I have just referred. While Karl Marx was largely responsible for this First International, after six years he withdrew his support from it because the anarchists were becoming too powerful within the organization, and he was bitterly opposed to them. As a result this First International Association survived only nine years. It must be said to Marx's credit that he preferred to tear down his own handiwork rather than see the anarchist element get control.

THE SECOND INTERNATIONAL

The so-called Second International, which was organized in Paris in 1889, followed very closely after the teachings of Marx, and to this day remains the guiding hand of world socialism. Before Marx's death in 1883 he found in Nicolai Lenin a very fervent and radical worker. Lenin later repudiated the Second International and became the leader of the radical wing of the socialists.

FIRST RUSSIAN REVOLUTION

Probably no other event or series of events is so much misunderstood by the general public as the events beginning with the abdication of the Czar of Russia and the ultimate control of Russia by the communists, bolshevists, or soviets. Many are of the opinion that the communists were responsible for the overthrow of the Czar. On the contrary, the Communist Party, as we now know it, or its leaders, had very little, if anything, to do with the overthrow of the Government. Czar Nicholas II abdicated and the reigns of government were taken over by the liberal wing of the Duma, the representative body of Russia, whose members were elected by the people. Prince Lvov was the leader of this liberal group, and it is to be remembered that the United States was the first nation to recognize the provisional government of Russia, which was organized on the same democratic principles as our own. This all occurred in March, 1917.

While all this was going on in Russia it should also be borne in mind that the World War was in progress. At this same time Lenin was in exile in Switzerland and Trotsky was living in the Bronx, New York. Kerensky was at the head of the Russian provisional government, which functioned as a representative democracy for eight months,

at the end of which period it was overthrown by the communists.

No matter how justifiable a revolution against the czar's régime, no credit can be claimed by the communists in order to secure sympathy from liberals throughout the world.

Communism made very little growth in Russia until the revolutions took place and the czar's government was overthrown. With the formation of the provisional government political amnesty was declared and all exiles were allowed to return to Russia. Lenin, who was then in exile in Switzerland; Stalin, who was an exile in Siberia; and Trotsky, who was an exile in the Bronx, New York, immediately took steps to return to Russia. Trotsky, who had been delivering orations throughout New York and in Philadelphia made his farewell speech just before sailing for Russia in which he is reported to have said:

I want you people to organize and keep on organizing in America in order that you may be able to overthrow this dirty, rotten Government of the United States. I am going back to Russia to overthrow the government there and stop this war with Germany.

The German Army's general staff knew that it would be greatly to the advantage of the central powers if revolution could be stirred up among the Russian troops. It was with the aid of the German general staff officers that Lenin and 30 other revolutionists were sent through hostile German territory in a sealed car into Russia.

On November 7, 1917, just a little more than a year before the armistice was signed, just a few months before very many American troops were beginning to arrive in France, and at probably the most critical period during the World War, Lenin and about 30,000 communists, taking advantage of the simplicity of the peasants of Russia, promising to give them land and wealth and promising the almost exhausted army a separate peace with Germany at once, staged a revolution that placed 150,000,000 Russian people under communistic, or soviet rule. Kerensky was driven into exile and most of the members of the former government were executed. Lenin and his followers had made an unsuccessful uprising in St. Petersburg in July, 1917, and as a result had to flee to Finland for protection. As the Germans became more successful against the Russian Army, however, the difficulties of the new provisional, or socialistic government, increased and dissatisfaction grew among the troops until finally revolution took place and Lenin took control. It should be kept in mind that the provisional government under Kerensky was a typical socialistic government.

Probably the most interesting and instructive point to the average citizen of the United States who believes in representative government is the fact that at the regular elections in Russia in 1917, there was a communistic party and members of this party ran for offices in the national legislature against the representatives of the Kerensky party. However, in view of the fact that the communists failed to elect a majority of the members of the national assembly it was dissolved by Lenin, the dictator. The first act, therefore, of the official communist or Soviet Government in Russia was to do away with representative form of government. To Americans, this should be a very enlightening point.

THE THIRD INTERNATIONAL

The Third International or what might more properly be called the Communist International was organized by Lenin at Moscow in March, 1919. This International was an outgrowth of the radical wing of the Second International, of which Lenin was the leader. Conferences were held in Switzerland in 1915 and 1916 by the radical group of the Second International. The Third International pretends to be the headquarter association representing the advanced workers in every nation of the world and it no doubt has a great influence among workers in many nations.

The communists or Third International, known in Russia as the "Comintern," had its first international meeting in Moscow in March, 1919. Radicals from all over the world came to the meeting and since that time this Communist International has been the central medium of instigating class warfare and social revolution in all countries, in order to establish a World Soviet Union with the capital of the world at Moscow.

The government of Russia which is known as the Union of Socialist Soviet Republics (U. S. S. R.), is an autocratic, self-constituted dictatorship by a small group of self-perpetuated revolutionists. Lenin was the founder and the first dictator. Joseph Stalin, the secretary general of the communists' party, is now the actual dictator. While the Communist Party as such has less than 2,000,000 members in Russia out of a total population of 150,000,000, yet it entirely controls the Soviet Government which has charge of Russia, and the Communist International, which is the fountainhead of communism throughout the entire world.

To any person who believes in representative government it is enlightening to learn that the Russian Communist Party is the only legal party in Russia. All other parties are outlawed.

We find in Russia three great distinct yet interrelated organizations. First, the Russian communistic party; second, the Soviet Government, and third, the Communist International. While each of these pretends to be a separate organization there is an interlocking directorate that really places all of the control in the hands of the dictator and his advisers. The central committee of the Russian Communist Party, of course, dominates the Soviet Government through its subcommittee of 10 members known as the "Politbureau," whose members as a rule hold all the important offices in the Soviet Government as well as in the Communist or Third International. It should be kept in mind that these officers are self-perpetuating in nature.

The principal function of the various organizations, in addition to governing Russia, is to carry out a propaganda campaign for communism throughout the entire world and to stir up revolution and class hatred in every country that can possibly be reached.

The legislative power of the Soviet Government is vested in the Congress of Soviets, which meets every two years and selects a Central Executive Committee to represent it during the intermission. The Central Executive Committee in turn selects a smaller group known as the presidium. This latter group is the real legislative authority and appoints the local commissars and judges of the government. The presidium is closely affiliated with the politbureau and usually many of its members are the same. Stalin and Mollotoff hold offices in both of these organizations.

I do not intend to take any more time to-day in discussing the development of the Communist Party in Russia. I should like to have time to discuss the economic policy of the communist Government or its so-called 5-year program. To-day, however, I want to take what time is left to discuss the growth of communism in America and to show the cooperation and assistance, leadership and direction that is coming from Soviet Russia to aid and develop the communists of the United States.

THE GROWTH OF COMMUNISM IN THE UNITED STATES

At a meeting of the American commission of the Third International, which was held in Moscow in the month of May, 1929, the following speech was delivered by Stalin, the dictator. This speech was suppressed from general publication, as are many of the speeches, orders, and publications of the soviet or communistic Government of Russia.

Stalin stated:

I consider that the Communist Party of the United States is one of the few Communist Parties to which history has given decisive tasks from the point of view of the world revolutionary movement. The revolutionary crisis has not yet reached the United States, but we already have knowledge of numerous facts which suggest that it is approaching.

It is necessary that the American Communist Party should be capable of meeting the moment of crisis fully equipped to take the direction of future class wars in the United States. You must prepare for that, comrades, with all your strength and by every means; you must constantly improve and bolshevize the American Communist Party. You must forge real revolutionary cadres and leaders of the proletariat who will be capable of leading the millions of American workers toward the revolutionary class wars.

Molotoz, at present a member of the presidium and president of the Council of Commissars, in a report that he made

on the growth of communism and the "revolutionary thrust," made the following statement:

The Comintern has given particular attention to the situation in the Communist Party of the United States.

A special delegation of the executive committee of the Comintern was sent to the last congress of this party (Communist Party of the United States. Afterwards, for several weeks, there sat at Moscow a commission of the presidium of the executive committee of the Communist International which specially studied the situation in the Communist Party of the United States. The presidium of the executive committee of the Communist Party radically renewed the direction of the American Communist Party and created within it the conditions of a real Bolshevist development of the party and of a reinforcement of its authority among the working masses.

The Communist Party of the United States was first organized in Chicago in September, 1919.

Shortly after the party was organized the Government, acting at that time under the provision of war-time legislation, was able to drive this obnoxious growth underground. In 1921 the "Workers Party of America" was formed as a camouflage for the real Communist Party and continued to work under this name until 1924, when, as a result of the repeal of war measures and consequent discontinuance of Government activities on the part of the Department of Justice, the original Communist Party was again permitted to reappear in its old form. Each year these communists have become more bold, until at present they flaunt their revolutionary activities throughout the country, openly encourage class warfare, class hatred, and instill in the minds of the youths of foreign-born and of foreign people a disgust and hatred for the American Government, its institutions and traditions.

Unfortunately, at the present time the Department of Justice has no power, no authority, no funds from Congress to investigate communistic propaganda or activities or suppress the same. I sincerely hope that the Members of this Congress will give serious consideration to the evidence that has been submitted to us by the investigation committee and that at the next session of Congress we will be able to put into effect some healthy remedies for the situation that now exists.

It is extremely interesting to know that when the Communist Party was organized in America a Japanese (Sen Katayana) was chosen as president of the American section of the Third International, and from 1919 until just recently he has represented America at Moscow. This Japanese has had a very interesting and checkered career. He was born in Japan in 1859, and was driven out of his own country in 1916. He found refuge in the United States, where he immediately became a leader in the radical wing of the Socialist Party, which later became affiliated with the Communist or Third International. Recently Katayana was taken to Moscow and employed as an advisor on all Oriental matters. William W. Weinstein is the present head of the American section of the Communist International, although Mr. William Z. Foster has been the active candidate for the President of the United States at the last two elections on the communist ticket.

Surprising as it may seem, many States—Missouri among them—allowed the Communist Party to have its name printed on our regular election ballots.

At the present time the Communist Party of the United States is thoroughly and highly organized nationally and locally and is extremely active. Great encouragement and direction of all local activities is constantly received from Moscow. The effort to communize the foreign-born element in our population has met with greater success than any other effort of the communists. A great effort has been made to get members from the colored race in America, but fortunately, with the exception of those in large population centers, very little progress along this line has been made. The majority of the communists can neither read nor write the English language, and they are reached through the communistic foreign-language press of this country. It is astonishing to learn of the circulation these papers have in the industrial centers of the United States.

Some of the basic principles of the Communist Party in America can best be gathered from the testimony of various communistic leaders. Following is some testimony given before the congressional committee by Mr. Foster, who was twice candidate for President of the United States of the Communist Party:

Mr. FOSTER. Our party considers religion to be the opium of the people, as Karl Marx has stated, and we carry on propaganda for the liquidation of these prejudices amongst the workers.

The CHAIRMAN. To be a member of the Communist Party, do you have to be an atheist?

Mr. FOSTER. In order to be—there is no formal requirement to this effect. Many workers join the Communist Party who still have some religious scruples or religious ideas; but a worker who will join the Communist Party, who understands the elementary principles of the Communist Party, must necessarily be in the process of liquidating his religious beliefs, and, if he still has any lingerings when he joins the party, he will soon get rid of them. But religion—that is, atheism—is not laid down as a formal requirement for membership in the Communist Party.

The CHAIRMAN. Have you been to Russia?

Mr. FOSTER. Yes. Eight or nine times.

The CHAIRMAN. You are familiar, then, with the workings of the Communist Party in Russia?

Mr. FOSTER. Reasonably.

The CHAIRMAN. Well, can members of the Communist Party in Russia be married in the church and maintain religious beliefs of that nature, and practice them?

Mr. FOSTER. My opinion is that a member of the Communist Party of the Soviet Union who would be married in a church would not be of any value to the Communist Party.

The CHAIRMAN. Could he maintain his membership in the party?

Mr. FOSTER. He would not.

The CHAIRMAN. He would be put out of the party?

Mr. FOSTER. Eventually, if not for that specific act.

The CHAIRMAN. Would it not be the same in this country?

Mr. FOSTER. As I stated before, workers who would be so imbued with religious superstitions that they would be married in a church would be of no value to the Communist Party.

The CHAIRMAN. And the same thing would happen to them in this country that happens to them in Russia?

Mr. FOSTER Of course.

The CHAIRMAN. What you advocate is a change of our republican form of government and the substituting of the soviet form of government?

Mr. FOSTER. I have stated that a number of times.

The CHAIRMAN. Now, if I understand you, the workers in this country look upon the Soviet Union as their country; is that right?

Mr. FOSTER. The more advanced workers do.

The CHAIRMAN. Look upon the Soviet Union as their country?

Mr. FOSTER. Yes.

The CHAIRMAN. They look upon the soviet flag as their flag?

Mr. FOSTER. The workers of this country and the workers of every country have only one flag and that is the red flag.

The CHAIRMAN. Do you owe allegiance to the American flag; does the Communist Party owe allegiance to the American flag?

Mr. FOSTER. The workers, the revolutionary workers, in all the capitalist countries are an oppressed class who are held in subjection by their respective capitalist governments and their attitude toward these governments is the abolition of these governments and the establishment of soviet governments.

The CHAIRMAN. Well, they do not claim any allegiance, then, to the American flag in this country?

Mr. FOSTER. That is, you mean the support of capitalism in America—no.

The CHAIRMAN. I mean if they had to choose between the red flag and the American flag, I take it from you that you would choose the red flag; is that correct?

Mr. FOSTER. I have stated my answer.

The CHAIRMAN. Could not you answer a little more definitely and specifically whether they owe any allegiance to the American flag?

Mr. FOSTER. I have stated my answer.

The CHAIRMAN. I do not want to force you to answer if it embarrasses you, Mr. Foster.

Mr. FOSTER. It does not embarrass me at all. I stated very clearly the red flag is the flag of the revolutionary class, and we are part of the revolutionary class.

The CHAIRMAN. I understood that.

Mr. FOSTER. And all capitalist flags are flags of the capitalist class, and we owe no allegiance to them.

The CHAIRMAN. Well, that answers the question.

Now listen to the acceptance speech of W. Z. Foster when he accepted the candidacy to run for President of the United States on the communist ticket. This speech was made on May 25, 1928. He spoke as follows:

Our party, different from the Socialist Party, creates no illusions amongst the workers that they can vote their way to emancipation, that they can capture the ready-made machinery of the State and utilize it for the emancipation of the working class. On the contrary, we must utilize this campaign to carry on wide-





spread and energetic propaganda to teach the workers that the capitalist class would never allow the working class peacefully to take control of the State. That is their strong right arm and they will fight violently to the end to retain it. The working class must shatter the capitalist state. It must build a new state, a new government, a workers and farmers' government, the soviet government of the United States. No communist, no matter how many votes he should secure in a national election, could, even if he would, become President of the present Government. When a communist heads a government in the United States, and that day will come just as surely as the sun rises, that government will not be a capitalistic government, but a soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat.

The Communist Press has a paid circulation of approximately 350,000 in the United States; exclusive of hundreds of shop papers and local publications.

The Daily Worker is published in New York and is a national official organ of the communistic party, and is the only paper that is printed in English. It has a daily circulation of 35,000 and goes into 1,118 American cities and towns.

The following testimony of Mr. Louis Bebrits, editor and chief of the Uj Elore, a revolutionary communist daily printed in Hungarian in New York City given before the congressional committee is both interesting and alarming to an American reading it.

Mr. BEBRITS. I am always fighting against capitalism and seeking to overthrow capitalism and to get a soviet government.

Mr. BACHMANN. Yes; and you would go to the extent of using force and violence the same as they did in Russia when the Russian provisional government was overthrown and the communist took control?

Mr. BEBRITS. I can not imagine a revolution without the same methods as the Russian workers and farmers used.

To a nation whose fundamental philosophy is based on a belief in God, the following testimony of Mr. M. J. Olgin, editor of the Morning Freiheit, is indeed shocking:

Mr. OLGIN. I agree perfectly with what Marx said about religion; that religion is the opium for the people.

The CHAIRMAN. Do you believe in abolition of all religion?

Mr. OLGIN. I believe in enlightening all the people so they may stop believing what don't exist. * * *

Mr. BACHMANN. Since 1922 you owe no allegiance to the American flag?

Mr. OLGIN. Since 1922 I am a communist, and that is a revolutionist.

Mr. BACHMANN. You are fighting to displace the American flag; is that not true?

Mr. OLGIN. I am fighting under the red flag to displace American capitalism by a government of workers and farmers.

Later Mr. Olgin said:

I know of no changes in history that have ever been accomplished without violence and struggles.

To the citizens of America who have long believed in private property, the freedom of opportunity for all, and the sacredness of the American home, the following testimony of Mr. Bebrits, editor of the Uj Elore, is indeed interesting:

Mr. ESLICK. If your idea of the new state would come into being at once, a change from our form of government to the soviet form of government, would you pay the landowner and the merchant and the other property owner anything for his holdings?

Mr. BEBRITS. The landowner, the property owner, will not get anything. I hold it that property owning, in my opinion, is the result of robbing generations of the people.

Mr. ESLICK. You would take away lands, merchandise, banking?

Mr. BEBRITS. Yes.

Mr. ESLICK. All of these forms of industry?

Mr. BEBRITS. Yes.

Mr. ESLICK. You would make no compensation whatever to the owners?

Mr. BEBRITS. No.

Mr. ESLICK. But suppose the capitalist class and individual corporations refused to give it up, then how would you take it away from them except by force?

Mr. BEBRITS. All revolutions are working with force.

Mr. ESLICK. And you would go to the extent of killing him in order to take his property, would you not, if it became necessary?

Mr. BEBRITS. I guess he will be wiser than to say he will stand and get killed.

To organized labor in the United States there should indeed go a great deal of credit for the tremendous forward drive that America has made in the last 50 years. American labor has truly formed the advance guard of our rapid drive in advancing civilization. The improvements in the standards of living in America has come about largely because of the cooperation which has existed between American labor and American industries.

Organized labor should be given tremendous credit for having withstood the onslaughts of communism and socialism that has been directed against it from Moscow. The people of America can never adequately express their appreciation to organized labor for the very brave and decided stand these organizations have always taken against communism.

In 1919 Mr. William Z. Foster, the present head of the Communist Party in America, was an active worker in the American Federation of Labor. No doubt, he was largely responsible for the great Youngstown steel strike which took place at that time. Mr. Foster was also an officer in the Industrial Workers of the World organization in America. As soon as his activities were understood by the labor officials he was immediately put out of the organization. This is the whole idea of the communist Government in dealing with labor. Their idea is to bore from within. Throughout the entire United States the soviet or communist Government has tried to organize unions within unions and has tried to stir up strikes and hatred within our labor organizations.

The farsighted and wise leadership of Samuel Gompers, and now the wise leadership of Mr. Green, have gradually made it possible to eliminate from the American Federation of Labor such cancerous growths in their organization. Probably no other organization in America, including the Department of Justice, has done more to hold the front-line trenches against communism in behalf of Americanism than has the loyal American labor leaders and the rank and file of the American Federation of Labor and of the other great labor organizations of this country. So effective has been the work of these labor leaders that the Communist Party has now had to change its types of propaganda to a certain extent. However, it is to be regretted that in certain important unions of the federation such as the garment, needle, textile, and mining trades, the communists have succeeded in almost breaking up the organizations.

The action of organized labor in dealing with the communists should be a grand and noble example for the industrial leaders of this country to follow. As one of the members on the investigation committee, Mr. HAMILTON FISH, said:

Our economic organization is on trial, and our industrial leaders must link their arms in the arms of our labor leaders if we are to successfully combat this growing evil of communism.

THE WORK OF THE COMMUNISTS AMONG THE YOUTH OF AMERICA

To me the most dangerous and insidious propaganda that is now being practiced by the communists is that among the youth of America. As Hon. JOHN NELSON, my good friend and colleague, a member of the investigation committee, said:

America can have no more vicious or dangerous enemy than he who seeks to implant in the minds of impressionable youth the seeds of class hatred, anti-Americanism, and revolution. In the world of practical affairs, to American-born men and women, with minds toughened by contact with an imperfect world, the philosophies of the communist make but little appeal; but youth, with its energy and idealism, lacking the experience and judgment to weigh and discriminate, is often distressingly warped and deluded in its formative years by the trickery of this propaganda.

Communist'c propaganda activities among the youth of America are carried on through two organizations, the Pioneers of America and the Young Communistic League. Membership in the Young Pioneers of America is made up of children from 8 to 15 years of age. At the latter age they graduate into the Young Communistic League, with which organization they are affiliated until they reach the age of 23, when they become eligible for membership in the Communist Party proper.

Modeling after the noble organization of Boy Scouts of America, and yet despising that organization, the communists have their own organization, Young Pioneers. In this organization the children, largely foreign born, are taught contempt for law, government, and religion. In-

structions containing detailed information are issued to the leaders having this work in charge. Schools are held in our cities where teachers or leaders of these Young Pioneers are trained. You parents who have boys who are members of the Boy Scouts of America and who are acquainted with the loyalty of these young members and the pledge that they take listen to the oath that all pioneers must take upon joining that organization:

I pledge allegiance to the workers' red flag and the cause for which it stands. One aim throughout our lives—freedom for the working classes.

The Young Pioneers are taught that the workers and their children all over the world have but one fatherland, the soviet fatherland, but one flag, and that the red flag, symbolizing the red blood of the workers of the world.

To this organization of young boys and girls, and the organization, the Young Communist League, is often given the job of passing out treasonable literature. The communists realize that if the grown-ups gave out the literature they would be either arrested or subject to mob violence, but they know by having the youngsters give out this literature they will not be molested.

One of the most important features of work done by the communists among the young people is the conducting of schools for foreign-born children. The primary purpose of such schools is to teach the principles of communism and prevent the Americanization of the children of these foreign-born people. Summer camps are also maintained for the children. In 1925 there were just two of such camps in the United States, but in 1930 they were increased to more than 20.

During attendance at these camps the children are educated in the principles of communism, they are taught antireligious ideas, and are also taught to hate and hold in contempt all American institutions and all religion. They are taught further to render no allegiance to the American flag, the Stars and Stripes, and it is never displayed at any of their camps to-day. On the contrary, they are taught to reverence the red flag of communism and world revolution and to properly pledge allegiance to it. Communist schools and communist camps serve no other purpose than to prejudice the children of America and to try in every way that they know how to overthrow our present Government.

Again, I say the work of the communists among the young people of America is the most pernicious and dangerous of all the propaganda that they are now carrying on. If America is to stand by and give the Communist Government, a foreign government operating from Moscow, free access to the plastic minds of the children of America in its attempt to sow the seeds of anarchy, revolution, and class hatred, we are unconsciously aiding the most pernicious enemy of civilization in its conquest to overthrow organized government in the world.

There is an irrepressible conflict between Russian communism and a belief in God. The Communist International and the Soviet Government have declared war on religion. They have done everything to mock, descry, and outlaw religion. They have torn down shrines, desecrated temples and burial grounds, turned churches into clubs, and have murdered priests and clergy by the thousands. Communists openly claim that no one but an atheist can be a true communist.

The recommendations made to this Congress by the congressional committee appointed to investigate communistic propaganda are:

First. Instruction of our consular officers abroad to be very strict in the selection of immigrants and the issuing of visas.

Second. Authorization and appropriations to enable the Department of Justice to resume the work which was carried on previous to 1924, that of following up radical activities in the United States and cooperating with the various States in the same kind of work and reporting the same to the Congress.

Third. Additional appropriations to enable the Department of Labor immediately and continuously to deport all undesirable and illegally entered aliens whose deportation is indicated under our existing statutes.

Fourth. Amending of our present immigration laws so as to make it possible for us to more fully rid ourselves of criminal aliens, including all of those convicted under the anarchy and criminal syndicalism laws of the Federal States.

Fifth. Amendments to our postal regulations giving authority to the post-office officials to more strictly supervise the publication and transmission through the United States mails of radical publications which have as their object the overthrow of our Government.

Sixth. The encouragement and support of organized labor.

It has, indeed, been truthfully stated that America's best defense against the "red shirt" of the communist and the "black shirt" of the fascists is the "blue shirt" of the American workingman. In our fight against communism we can have no more effective ally than the 5,000,000 patriotic citizens comprising the American Federation of Labor and our other labor organizations.

AMTORG CORPORATION

I am going to take a minute or two to tell you something about Amtorg. I do not want to take up the economic situation at this time because of lack of time.

Russian trade in this country is conducted through an agency called the Amtorg Trading Corporation. It is incorporated under the laws of the State of New York. All of the stock of the corporation stands of record in the name of Peter A. Bogdanov, chairman of the board of directors, as trustee for the Bank of Foreign Trade of the Soviet Union. This bank is owned by the State Bank of Russia, and the State Bank of Russia is owned by the Soviet Government. Not a share of stock of this corporation is owned by an American. Every official of Amtorg with but one exception is a citizen of Soviet Russia.

The business of Amtorg Trading Corporation is conducted largely on a credit basis, with only $2,000,000 invested capital, and the commerce to America from Russia is equal to about one-third of the amount of its purchases in the United States. From 60 to 65 per cent of its business must of necessity be on a credit basis. The Soviet Government claims that in 1929 Russia sold us over $30,000,000 in commerce and we exported to Russia over $107,000,000 in commerce.

When called before our committee a number of the officials of Amtorg denied they were communists, but nearly all of them were communists in Russia. Before coming here some of them held very high positions with the Communist Party or the Soviet Government. They severed their communist relationships to come to the United States.

The biography of Peter A. Bogdanov, chairman of the board of directors of Amtorg, shows he began his career as a revolutionist when only 18 years of age and while yet a student. He was arrested in 1902 and served a prison sentence. In 1905 he was elected a member of the Bolshvik executive committee of the Russian Socialist-Democratic Labor Party and a member of the underground organization in the army. Later he went to Moscow and became active in the underground subversive organization as a member of the Communist Party.

In the beginning of the communist revolution he was president of the revolutionary committee of Gomel City. In 1919 he was appointed president of the council for the military industry and in 1921 president of the supreme economic council. During the year 1923 he was appointed chief of the supreme administration of the military industry and president of the committee for war minister orders.

He is now the highest official of Amtorg. Admitted to this country as a temporary visitor for the purpose of overseeing the affairs of this trading corporation, it will be interesting to note how long the Government of the United States will permit him to remain here.

The investigation of the committee discloses that Mr. Delgassa, vice president of the Amtorg, resigned and gave as his reason that he would not sign a statement of perjury, as would be the case if he made a statement to the effect that he was not a communist. He further stated that Amtorg was filled with communists, and after his resigna-

tion he was afraid to go on the streets because under the Russian courts and the order of the secret police this man had been sentenced to be shot and forfeit all of his property for having testified against communism.

We hear a great deal about the so-called 5-year economic program of Soviet Russia. To understand this we must analyze the action of the government toward the landowners of Russia, particularly the Kulaks, or more successful peasant farmers. Any farmer who owned more than two cows and two horses was considered wealthy and his property was largely confiscated by the Red Army.

The Soviet Government has gradually taken over most of the land in Russia, and is operating at the present time farms ranging in size from 185,000 to 500,000 acres. The labor on these farms as well as in the lumber camps is composed largely of forced, convict, and conscript labor.

G. T. Grinko, vice chairman of the Union of Socialist Soviet Republics State planning commission, who is credited in a large part with being the author of this plan, in his recent book entitled "The Five Year Plan of the Soviet Union," in the first chapter, under Planned Economy and Perspectives, defines the 5-year plan, its purposes, and objects:

"The 5-year plan is a program for the further extension and consolidation of the great October revolution. Nor should the great international significance of the plan be underestimated. For the first time in history a vast country, with inexhaustible natural resources and a population of 150,000,000 free people, faces the world with an elaborate plan for upbuilding a socialist economy and culture—a socialist society. We fully share the view expressed in the editorial of the Pravda of August 29, 1929: "The 5-year plan is an important part of the offensive of the proletariat of the world against capitalism; it is a plan tending to undermine capitalist stabilization; it is a great plan of world revolution."

Its hope of accomplishment is thus defined:

"The great task set by the 5-year plan for the development of the productive forces of the Soviet Union through rapid industrialization and steady strengthening of the socialist elements in national economy is that of attaining and surpassing the technical and economic level of the advanced capitalist countries, thus assuring the triumph of the socialist system in its historic contest with capitalism."

The following statement is taken from the book written by the author of the 5-year plan (Prospects of Industrial Development):

These, to sum up, are the major statistical barometers of industrial development in the Soviet Union: 22,000,000,000 kilowatt-hours of electric current, 140,000,000 tons of coal, 40,000,000 tons of crude oil, 17,000,000 tons of cast iron, 8,000,000 tons of chemical fertilizers, nearly 150,000 tractors, and nearly 250,000 automobiles, 2,000,000,000 rubles' worth of industrial machinery, and more than a billion rubles' worth of agricultural implements will be produced in the last year of this 5-year period.

The unfortunate situation in regard to the Russian 5-year plan is that the actual execution of this plan is being carried on under the direction of foreign engineers and experts, many of whom are Americans. The testimony presented to the committee indicates that the largest line of credit extended the Soviet Government in the purchase and installation of machinery comes from American industry. It is almost impossible to believe that certain American industries are willing to go to the extent of financing a Government that is carrying out a plan to destroy not only American industry but industry throughout the world.

The 5-year program will have a particularly striking effect on agriculture. From 1924 until 1929 Russia exported very little wheat. By the end of the first year of the 5-year program Russia exported 100,000,000 bushels of wheat, largely from the Government owned and operated farms. Mr. Gutchikoff, president of the Russian Grain Trust, states that in 1931 acreage will be increased 150 per cent and that the trust will export more than 200,000,000 bushels of wheat. This means the ultimate destruction of the world market for American wheat.

If I had time, I could give similar figures for cotton, fruit, cattle, tobacco, beet sugar, oil, manganese, and particularly lumber and pulpwood.

I wish to quote here a conclusion arrived at by the congressional investigating committee in regard to the 5-year program:

Conclusions as to the 5-year plan: Boiled down to a reasonable conclusion, if the 5-year plan succeeds, the Soviet Union is to become a great money making machine that it may finance communism and world revolution. To undersell the rest of the world in agricultural and industrial products is a part of the scheme to create unrest, ripening into revolution.

This activity would affect us ultimately in the destruction of our grain and cotton markets; especially is this true of wheat and cotton produced by peasant labor on Government-owned and controlled land, practically without cost, and with which American labor can not compete. The same would be true in the industrial world. Russian products have already practically destroyed the manganese industry with us. It seemingly threatens our lumber and wood-pulp industries, as well as the anthracite coal and oil markets, and the proof strongly indicates that convict and impressed labor are used especially in producing lumber and pulpwood.

Taken in connection with the acts and avowed purposes of the Soviet Union, the 5-year plan is not intended alone to benefit the home union and government and to improve the condition of the Russian people. It goes much further. Its purpose is not to build up but to tear down and destroy.

Pravda, the communist organ, of August 29, 1929, fully defines its purpose:

"It is a plan tending to undermine capitalist stabilization. It is a great plan of world revolution."

In closing, let me repeat that the most effective and remedial measures that can be taken against this obnoxious growth in our body politic is the understanding by the general public of their principles and practices. These principles and practices are innately abhorrent to the liberty loving and orderly minded American. It is self-evident that the communists have only one object in view, not to obtain control of the Government through peaceful and legal political methods of a political party, but to establish by force and violence a dictatorship to function under the supervision of the Communist International at Moscow. Let us take effective measures against this "enemy within our lines."

THE TRAGIC YEAR—COUNTRY SUSTAINED ECONOMIC LOSS IN 1930 APPROXIMATING ONE-THIRD THE TOTAL NATIONAL WEALTH—SLUMP IN FARM PRICES AND INDUSTRIAL PRODUCTION UNPRECEDENTED IN NATION'S HISTORY—ENORMOUS INCREASE IN BANK AND BUSINESS FAILURES

Mr. BYRNS. Mr. Speaker, for a year and a half, ever since the autumn of 1929, this country has been in the depths of the most serious economic depression in its history. It is generally admitted that the year 1930 brought to American industry, including agriculture, and to the American people as a whole the most serious distress ever experienced during any period of peace in the history of the Republic. Economic values shrunk to such a degree that the losses involved probably equaled or exceeded one-third the total national wealth, estimated at something like $350,000,000,000, a shrinkage greater than the total wealth of any of several European nations.

ADMINISTRATION RESPONSIBILITY

As to the degree of responsibility for this economic disaster resting upon the political party now in power, the people may be left to determine for themselves. This disaster has reduced many among our agricultural population to such extremes of want that the cry for bread has swollen to a chorus, has filled our industrial cities with bread lines and soup houses, has paralyzed industry, and reduced our national income so seriously that we are confronted with a deficit in the Federal Treasury it now appears will amount to several hundred million dollars.

Whatever the degree of responsibility of the Hoover administration for the crisis which came upon the country following the stock-market panic of 1929, that administration can not point with truth or certainty to a constructive effort on its own part which in any degree lessened the seriousness of the situation, or in any substantial degree alleviated the misery from which a people have been suffering. This notwithstanding the fact that this great depression settled upon the country during the administration of a President who was advertised in the campaign preceding his election as the best-equipped man ever offered for the Presidency by any political party, as being indeed a veritable worker of economic miracles who would lead the country along the high road of prosperity and happiness until we reached that Utopian state in which the poorhouse would become only a memory.

In years gone by the Republican Party has always posed as the party of prosperity, as the only party fit to or with the capacity to govern; we were told that Republican policies were a guarantee of good times and that it was only under Democratic administrations that panics could occur. President Hoover lent himself to this fiction. Indeed, no candidate of his party ever went quite as far as did he during the presidential campaign of 1928, when he attributed all of good the people had enjoyed for nearly a decade to the policies and leadership of the Republican Party and, in effect, gave his guarantee that if the people would but elevate him to the Presidency and continue his party in power they would ere long reach that goal when poverty would be banished from the land. He talked glibly of the increased use of telephones, automobiles, of bathtubs, and so forth, and advertisements printed in the newspapers of the country by the campaign committee of his party promised to put a chicken in every pot and a car in every garage.

Implying that Republican policies under his immediate predecessors, Presidents Harding and Coolidge, had wrought an economic miracle, Candidate Hoover said in a speech delivered at Newark, N. J., September 17, 1928, of 5,000,000 men alleged to have been out of work when President Harding was inaugurated and Mr. Hoover became Secretary of Commerce that not only had these men been restored to employment but that—

> We had produced a fundamental program which made this restored employment secure on foundations of prosperity.

He said this result was not an "accident" and was not "achieved by luck" but was due to the "sound governmental policies and wise leadership" of the Republican Party, and added:

> Continuous employment and prosperity depend upon the continuance of these policies.

A little earlier, in his speech of acceptance at Palo Alto, Calif., on August 11 of the same year, Mr. Hoover held out the hope of the eradication of poverty and the elimination of the poorhouse as the goal to which these policies were eventually to lead. He said:

> The poorhouse is vanishing from among us. We have not yet reached the goal, but, given a chance to go forward with the policies of the last eight years, we shall soon, with the help of God, be in sight of the day when poverty will be banished from the land.

PROMISES VERSUS PERFORMANCE

Before calling into review the distressing and calamitous occurrences of the last year and a half it should be said that the claim that the prosperity which the people of this country enjoyed between 1921 and 1928, for which Mr. Hoover claimed all of the credit for his party, was due to those policies was a false claim, as may be easily shown. The country and the world had but recently returned to the ordinary pursuits of peace time. For more than four years the greatest nations of the earth had been engaged at the business of mutual destruction. With the return of peace, restoration was begun. This country had loaned to European countries something like $15,000,000,000. This gave great impetus to our trade. These loans financed foreign purchases of the products of our farms and factories.

For our own part, for four years our energies had been devoted to the production of food and other essentials for waging war. Road, railroad, and building construction were practically suspended. With the coming of peace, these things took on an impetus unparalleled in the industrial history of any country. Automobile production reached an unprecedented figure. Instalment buying was encouraged, and workers mortgaged their earnings for months ahead. These things brought about the prosperity of which Candidate Hoover talked, and not any "unparalleled service" by the Republican Party, as he claimed. But the balloon had gone too high; it ran out of gas; the crash had to come. It did come and it brought with it such a train not merely of agricultural and industrial disaster but of human hunger and woe that for long, long years to come the year 1930 will be referred to as the tragic year—the year during which a proud and prosperous people reached the bottom of the abyss of distress.

SHRINKAGE IN VALUES

I have said that economic losses sustained during the 1930 panic year equaled about one-third the total national wealth of the country. In 1928 the national wealth of the United States was estimated at slightly in excess of $350,000,000,000.

From the peak of the inflation, in September, 1929, to December, 1930, the shrinkage in security values was not less than $80,000,000,000. The Wall Street Journal fixed the total value of all securities listed on the New York Stock Exchange at $136,409,443,062 in September, 1929, and in December, 1930, at $96,404,684,348, a shrinkage of slightly in excess of $40,000,000,000. It is estimated that the value of all securities listed on the New York Stock Exchange is about half the value of all securities outstanding. Possibly it is a little less than one-half the total. If the securities shrinkage on the New York Stock Exchange alone was in excess of $40,000,000,000, then the total shrinkage for all securities, listed and unlisted, was not less than $80,000,000,000.

It may be said that some of this was a "paper loss." Unquestionably some of it was. But much of it was actual. Certainly it was real to those who bought securities at peak prices and were sold out by their brokers because they could not produce the money with which to protect their markets. When those stocks changed hands at peak prices, somebody was obligated to pay for them. Probably some are still held by their purchasers, but it will be a long time before they will be able to sell those securities at the high prices which they paid for them. Even admitting that much of this tremendous shrinkage was a "paper loss," $80,000,000,000 is a very huge sum, and such allowance can be made and still leave a very staggering real loss which security holders must absorb.

INDUSTRIAL CURTAILMENT

The Census Bureau reported the value of the output of manufacturing plants in the United States during 1929 at somewhat more than $69,000,000,000, or in round figures, $70,000,000,000. The industrial curtailment during 1930 was very marked. Probably it is too conservative to say that the curtailment was 20 per cent. But employing that low figure, the reduction in industrial output under 1929 was $14,000,000,000, and the tremendous unemployment throughout the year would indicate that the reduction was probably considerably more than that. This decreased industrial production was a very heavy loss, felt not only by the industrial enterprises themselves but by every stockholder, every employee who was laid off or had his working time reduced, by every producer of raw materials, every jobber, every commission merchant or retailer who handled the products of these plants and shared in the profits ordinarily derived from handling these products from the farm, field, or mine from which the raw material came to the ultimate consumer who purchased the finished product.

UNEMPLOYMENT

It is easily demonstrable that the loss due to unemployment among wage earners was well in excess of $10,000,000,000. In its issue of October 15, 1930, Standard Trade and Securities said that the reduction is potential purchasing power "caused not only by actual unemployment but the further loss due to subnormal number of working hours and wage cuts," exclusive of agricultural and Government workers, was $8,853,000,000. This figure was based on an unemployment estimate of only 3,742,000. Since that time it has been shown that the number of unemployed is probably double that figure. On January 7 of this year, Col. Arthur Woods, chairman of the President's Emergency Committee for Employment, fixed the number of wage earners without any job at from four to five millions, while on January 27 of this year President William Green, of the American Federation of Labor, placed the number of wage earners totally unemployed at 5,700,000, with also a large increase in the number of part-time workers. This number of unemployed in January was estimated by President Green as being 2,300,000 greater than the number completely without work one year before. The January survey of the American Federa-

tion of Labor showed 27 per cent of the skilled workers affiliated with that organization to be "totally unemployed."

In a statement issued synonymous with the unemployment report, President Green condemned the Federal administration for its failure to comprehend the seriousness of the situation and its "inexcusable delay" in starting a national work project. Only the kindly hand of charity was preventing thousands upon thousands actually dying of starvation.

The average wage of wage earners in the United States is $1,200 per year. Applying this figure to only 5,000,000 totally unemployed, as admitted by Colonel Woods, the wage loss for one year from unemployment is $6,000,000,000. If we take the larger figure of President Green, even with no allowance whatever for unemployment among office workers and farm hands, the loss in pay rolls is easily $10,000,000,000. More probably it is fifteen billions.

VALUE OF FARM PRODUCTS

Serious and long-continued as the distress of agriculture has been, it will doubtless be surprising to some to know that farm crops in the United States is 1930 had a value of $2,400,000,000 less than the value of the same crops produced in 1929. The figures are reported by R. G. Dun & Co. and are therefore reliable, particularly as they are backed up by figures obtained from the Department of Agriculture only a few days ago.

This terrific shrinkage in farm-crop value—amounting to about $400 per farm family—was not due to decreased acreage or to decreased production but almost solely was occasioned by lower prices for the farm products.

In 1929 the total wheat production of the United States was 806,508,000 bushels, with a value fixed by the Department of Agriculture at $840,921,000. In 1930, according to the same authority, wheat production totaled 850,965,000 bushels, with a value of only $517,407,000. Thus, although production was increased by nearly 45,000,000 bushels, the value of the crop fell by $227,000,000.

In 1929 the cotton crop amounted to 14,919,000 bales, valued by the Department of Agriculture at $1,225,000,000. In 1930 the cotton crop amounted to 14,243,000 bales, with a value of only $674,044,000. While production decreased nearly 700,000 bales, or about 5 per cent, the value of the crop decreased more than $550,000,000, or more than 40 per cent.

In 1929 the corn crop was 2,622,000,000 bushels, valued at $2,042,000,000, or close to 80 cents per bushel. In 1930 the production fell to 2,081,000,000 bushels, while the value of the crop dropped to $1,378,874,000, or to but slightly more than 65 cents per bushel.

In 1930 the production of oats, rye, and white potatoes exceeded the production of the preceding year, yet, despite this fact, the value of all farm crops in 1930 was nearly two and one-half billion dollars less in 1930 than in 1929, or an average of $400 per farm family. This is almost half the total average annual net income per farm family. This happened in the face of the promises of the Hoover administration to solve the farm problem and place agriculture on a parity with other industries.

What were some of the Hoover administration promises? In its national platform of 1928 the Republican Party said:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

If the Hoover administration has placed agriculture on an economic equality with other industries, it is the equality of distress, and has been brought about by bringing other industries down to a level with agriculture rather than elevating agriculture to a level with industry in the prosperity it enjoyed prior to the tragic year 1930.

In his speech of acceptance at Palo Alto, Mr. Hoover said that the problem of agriculture was the "most urgent economic problem" confronting the country and that "we have pledged ourselves to find a solution." He dedicated his abilities to "secure prosperity and contentment in that industry where I and my forefathers were born."

What did the Hoover administration do? It passed the Hawley-Smoot tariff bill, and it passed the act under which the Federal Farm Board was created with what the President, when he appointed the members of the board, characterized as "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry." This board was appointed in July, 1929, and since that time Congress has given it $500,000,000 without hint or hindrance as to what it should do with it or how it should be expended, saying only that it use the money to solve the problem of the farmer and end his distress.

What have been the results? Despite this huge sum of money placed at the disposal of a board endowed with unprecedented authority, the farm crops of 1930 were worth less by nearly two and a half billion dollars than those of 1929. From January, 1930, to January, 1931, the index of the general level of farm prices as reported by the Federal Bureau of Agricultural Economics dropped 40 points, to the lowest level since 1912, the last year of the Taft administration. Wagon prices for wheat in the Middle West dropped perilously close to a half dollar per bushel, and during the last winter the Associated Press carried the news that in Iowa wheat was actually used for fuel because it was cheaper than coal, while in Chicago oats brought less than the price of sawdust. Despite its unlimited authority and the expenditure of this huge sum of money the Farm Board which President Hoover appointed to diagnose and cure the ills of agriculture has been able to recommend nothing to the farmers except that they curtail the acreage devoted to production. On one occasion one of the members of the board suggested that farmers transfer 5 per cent of their acreage to reforestation, probably on the assumption that if they would wait 30 years for the trees to mature they could be converted into sawdust and sold at a better price than oats would command.

SLUMP IN FOREIGN TRADE

Another heavy loss sustained by the country during the tragic year 1930 was in its foreign trade. The total volume of this trade fell off, as compared with 1929, by $2,737,780,000, or approximately two and three-quarters billion dollars. Exports declined during the year by $1,399,788,000 and imports by $1,337,992,000. The decrease was more than 25 per cent. In January of this year there was a further slump of $287,000,000 in our foreign trade.

Mr. Hoover himself furnished a yardstick with which to measure the value of foreign trade to our people, and its effect not only on business but upon the American home. In his speech at Newark, N. J., on September 17, 1928, he said:

> More than 2,000,000 families in the United States earn their living to-day producing goods for export and another million families earn their living in the manufacture of raw materials which we import in exchange for our goods.

He pointed with pride to the circumstances during the years between 1921 and 1928, years in which he presided over the Department of Commerce and was hailed as a great trade expert, that American exports had increased by a billion dollars. He said that this increase had "brought a living to a half million families," and, generally speaking, meant higher standards of living and higher wages to American workers.

In one year of his presidency the total volume of foreign trade declined by two and three-quarter billion dollars. If 3,000,000 families earned their living in our foreign trade in 1928, as he pointed out, then when that trade fell off more than 25 per cent in 1930, more than 25 per cent of those 3,000,000 families were deprived of that means of earning their livelihood.

The greatest single factor contributing to this disastrous loss of trade must be conceded to be the Hawley-Smoot tariff bill, which President Hoover signed, in great haste, with what amounted to an apology, that it was better to end the existing uncertainty by signing a bad bill than to keep the country in suspense as to the sort of a tariff bill that would finally be enacted.

As a result of that act scores of countries which have been friendly customers passed retaliatory tariffs. Trade began to dwindle months before the tariff act was finally approved, because the world had long known that the act itself would not be very different from that which the House had passed, a bill carrying the highest tariff rates in our history, many of them practically embargoes. It is interesting to note, however, that of the two and three-quarter billion dollar falling off in foreign trade in 1930, one and three-quarter billions of the loss occurred during the second half of the year, after the Hawley-Smoot Act had gone into effect.

While this act, which has had this blighting effect on international commerce and has thrown millions of American workers out of jobs, was approved apologetically by the President, other spokesmen of his party hailed it as a benefaction to mankind and proclaimed it a worker of economic miracles. In the Senate, on the eve of the vote by which the bill was passed by that body, Senator WATSON, of Indiana, Republican leader in the Senate, voiced this optimistic prophecy:

> It is my prediction, deliberately made on the floor of the United States Senate, that after the passage of this bill this afternoon the skies will clear, and within a comparatively brief time the sun again will shine and bring prosperous conditions and happy days back to the people of the United States.

That prediction was made last June. The answer is written in the faces of those who stand in the bread lines and haunt the soup kitchens in every industrial center in America; it is found in the unemployment figures of the president of the American Federation of Labor and of the chairman of the President's own commission on employment. It is reflected in lowered security values, decreased industrial output, in the number of corporations and individuals showing, not merely reduced earnings but actual losses. In fact, one wag has suggested that the only man who has been able to make any profits of late is the fellow who manufactures red ink. Unless conditions improve soon, he may be under the necessity of consuming a large part of his own product.

BANK AND BUSINESS FAILURES

For banking institutions and business houses generally, 1930 was indeed a tragic year.

R. G. Dun & Co. reports that for 1930 the number of bank failures in the United States was 934, and their liabilities amounted to $908,157,788, as compared with 437 failures during 1929, with liabilities amounting to $218,796,582. The number of failures more than doubled, while the liabilities involved almost quadrupled. The Federal Reserve Board gives the number of failures during 1930 as in excess of 1,300. The discrepancy is accounted for by the fact that in one case the number of mere suspensions is not included but only actual failures. I have used the smaller figures as reported by R. G. Dun & Co.

The same agency reports that during 1930 the number of commercial or business house failures was 26,355, with liabilities aggregating $668,283,000, as compared with 22,909 failures with liabilities totaling $483,250,000 during 1929.

The Republican Party wrote these words into its platform back in 1904:

> A Democratic tariff has always been followed by business adversity; a Republican tariff by business prosperity.

It is interesting to note here for the benefit of those, if any, who still cling to this Republican fiction that the number of bank failures during one year of the Hoover administration, 1930, exceeded by 188 the number of all the banks failing during all of the eight years of the two administrations of Woodrow Wilson, and that the liabilities of the defunct banks were almost four times as great. From 1913 to 1920, inclusive, eight years of the two last Democratic administrations, the total number of banks failing was 746 and the amount of liabilities involved $226,484,447.

OTHER FIGURES

There are other figures, but they merely serve to increase the evidence of the enormity of the shock which our economic structure has sustained. For instance, R. G. Dun & Co. reports that during 1930 the total amount of bank clearings fell below the 1929 figures by $174,000,000,000. Gross railroad earnings during the year fell below those of 1929 by $964,000,000, while net earnings of first-class railroads fell off by $389,594,000. Building permits in only 37 States fell below those for the same States in 1929 by $1,250,000,000. During 1930—and all figures I am giving are from R. G. Dun & Co.—pig-iron output decreased under 1929 by 10,800,000 tons; steel output fell off 14,660,000 tons; cotton consumption at home decreased 1,726,000 bales and exports of cotton by 1,922,000 bales; while the value of wheat exports decreased $23,000,000.

The foregoing is the record of what has occurred; a record of cold figures and indisputable facts. But, in the minds of many, the severest indictment yet brought against the Hoover administration is its callousness; its failure to even try to do anything; its ostrichlike attitude of refusing to see or hear; its failure to recognize conditions as they did exist. In fact, the charge is warranted that the administration either willfully misrepresented the real condition or was woefully ignorant of the facts. Neither can we forget that during most of the crisis, if the administration has felt any concern at all, it has been for the great, selfish money interests rather than for the masses of the people.

We recall that in November, 1929, when the great stock-market panic broke on Wall Street, Mr. Hoover and Mr. Mellon, the Secretary of the Treasury, rushed forward with a proposal for a decrease in the income-tax rate, for the obvious purpose of "pegging" the stock market and stopping the break in prices. This suggestion came, not when it would do the small investors, or even the small speculators, any good, but after the savings of thousands had been wiped out. The market was then "pegged" and the big gamblers were able to buy in the dumped stocks at prices which were but a fraction of their former quotations. We know that every time a proposition has been made to meet the adjusted-compensation claims of the World War veterans, or to liberalize treatment of them, their widows, and orphaned children, we are told that the Treasury can not afford it, and that it would be disastrous to the bond market. Yet somewhere in the recesses of the Treasury Mr. Mellon has been able to find enough money to pay out $3,000,000,000 in tax refunds and credits, although 83 per cent of the money so refunded was collected by the Woodrow Wilson administration more than a decade ago, and was collected in excess profits, much of it from war profiteers, for the sole purpose of paying the expenses of winning the war. And the end of these refund payments is not even yet in sight.

FALSE OPTIMISM

We recall, apropos the disposition in high places to deny that conditions were anything like as bad as they have since been proven to be, how in January and February of last year frequent statements were issued from the White House to the effect that the worst was over, that the pendulum was swinging in the right direction, that the upturn had occurred, and that prosperity was only 60 days around the corner. On January 21, 1930, a White House statement said that—

> The tide of employment all over the country has changed in the right direction.

The same day Secretary of Labor Davis said that employment was definitely on the upward trend. He insisted that the number of unemployed was not more than half as great as back in 1921, and never did he admit the number out of work to be in excess of 3,000,000. He predicted a great deal of business in 1930, and that the year should see us well on the way to complete recovery from the depression of the last few months of 1929. Secretary of Commerce Lamont joined the Pollyanna chorus and predicted a record year for 1930 in construction and maintenance work. Yet six months later the chairman of the President's own committee on employment admitted the number then out of work to be almost double the highest figure Secretary Davis ever conceded, while instead of the record year in construction which Secretary Lamont foresaw, Dun & Co. report a falling off of a billion and a quarter dollars in the amount

of building permits in only 37 States. If the other 11 were added the decrease would likely be more than a billion and a half.

The attitude of the administration toward the whole situation is well illustrated by the remarks of the President himself, made to a committee of visitors calling at the White House on June 4, 1930, to urge a speeding up of public works as an aid to the unemployed and an example to private industry, that the idle might be put to work, and a little coal be stored in the bin and flour in the pantry against the hard days of the winter to follow. This committee consisted of a distinguished number of bishops, manufacturers, bankers, and so forth. One of its number was Hon. Amos Pinchot, brother of Pennsylvania's Governor. Writing months afterwards, in the issue of the Nation of January 14, 1930, of how the committee's suggestions were received by President Hoover, Mr. Pinchot said:

THREE WEEKS TOO LATE

We were listened to with the scant patience and restrained exasperation of a man who knew every angle of the situation far better than we who had presumed to advise him. Whereupon he launched into a clear, forcible, and convincing speech, in which he proved to us that we were wrong in every point. Unemployment, he said, was being shamefully exaggerated. Its peak had been reached and passed. The tide had turned. The Census and Labor Departments reports and other information to which, as he reminded us, he had better access than we, would presently show that things were quite different from what we feared. Yes; we were now to drift peacefully, if slowly, back to good times. With calm confidence he spoke of the results that were being gained through the conference he had called of great business leaders and of their fine response to his appeal not to curtail the volume of their activities. He showed us, in authoritative style, that every agency of both the Federal and State governments was working at top capacity to relieve the situation. "Gentlemen," he said, "you have come three weeks too late."

Yet, six months later, Colonel Woods, the President's own representative, found the number of unemployed to be almost double the number admitted by the administration at the time the President was saying unemployment was being "shamefully exaggerated." If he had said it had been "grossly underestimated," he would have been nearer the truth.

Undoubtedly the President believed what he said, for it is a matter of record that instead of the Government taking the lead at that time in speeding up public works it lagged behind. Congress was then in session. It adjourned on July 3, 1930, after making appropriations for the fiscal year beginning July 1. It is a matter of record that not only did neither the President nor his Budget Bureau recommend any increased expenditures for public works to take up the slack in employment but that appropriations which were made by the Republican Congress on the recommendation of the Republican President for public construction were actually almost $26,000,000 less than made for similar purposes during the last preceding year. It was not until winter came, not until the bread lines had lengthened to distressing proportions, not until the wolf of hunger was at the door of millions of homes that the President or anybody identified with his administration came forward with a suggestion that a single extra dollar be expended on a Federal construction program.

The administration's failure to realize the seriousness of the unemployment situation during 1930 was as complete as its failure to appreciate the seriousness of the suffering of men, women, and children in the drought area, covering 21 States, in January of this year, when John Barton Payne told a Senate committee the four million and odd dollars then available for relief work was ample and that to make an appeal for additional funds would make the Red Cross a laughing stock. Yet within a week Mr. Payne joined President Hoover, who is also president of the Red Cross, in appealing to the country for $10,000,000 additional relief funds.

ECONOMIC LOSSES IN 1930

I append hereto figures on the shrinkage in security values, losses in bank and commercial failures, decreased railroad earnings, and so forth, which give an idea of the economic shock sustained by the country during 1930:

Shrinkage in security values from peak in September, 1929, to December, 1930	$80,000,000,000
Loss in wages of unemployed during 1930 not less than	$10,000,000,000
20 per cent decrease in value of manufactures (under 1929)	$14,000,000,000
Decrease in foreign trade under 1929	$2,737,780,000
Failure of 934 banks in 1930, with total liabilities of	$908,157,783
Failure of 26,355 commercial houses, with total liabilities of	$668,283,842
Decrease in bank clearings under 1929	$174,000,000,000
Decrease in gross railroad earnings under 1929	$964,000,000
Decrease in value of farm crops under 1929	$2,400,000,000
Decrease in building permits (37 States)	$1,250,000,000
Decrease in freight-car loadings, cars	7,000,000
Decrease in pig-iron output (tons)	10,800,000
Decrease in steel output (tons)	14,660,000
Decrease in cotton consumption (bales)	1,726,000
Decrease in cotton exports (bales)	1,922,000
Decrease in value of wheat exports	$23,408,000

THE POSTAL SERVICE AND THE SURVEY

Mr. MEAD. Mr. Speaker, the Postal Service is not only a great business but in its multiplied operations and scope of service rendered it is without doubt the biggest distinctive business in the world. It is owned and operated by the people, and no service, either public or private, comes in more regular or intimate contact with them. Every phase and feature of our common endeavors depends largely on the certainty of its processes, and the business man at his desk awaits the arrival of the letter carrier to begin his daily tasks.

The service rendered by the post office during the passing years has been deserving of high commendation, due to its plan of operation and the ability and loyalty of the great army of postal workers, totaling well above the 300,000 mark. There is no other institution, either public or private, where the patron receives greater returns for his dollar, and postage rates in the United States are the cheapest in the world. Dating back more than 20 years, postal operations have undergone a constant process of refinement in a steady and persistent effort to cut out lost motion, take up the slack, and eliminate every operation that could be eliminated, and dispense with every possible postal employee whose services could otherwise be absorbed, until at the close of the administration of former Postmaster General New it was conceded by all competent observers that in this regard postal progress had reached the saturation point. The volume of production performed per unit of postal workers had practically doubled during this period, and this fact was further evidenced with a greatly increased amount of service rendered by a lesser number of employees in various branches of the service. Less men were doing more work than ever before.

In fact, the limit had been reached in attempting to further refine and torture the Postal Service to a lower operating cost basis without doing injury to the service and denying postal patrons the character of service to which they were entitled. Nevertheless, with the advent of the present Postmaster General, Walter F. Brown, on March 6, 1929, it soon became apparent that the profit policy was to be the moving purpose in postal operations and that no effort would be spared and no opening discarded to force the postal budget to balance. Postmaster General Brown on repeated occasions declared that the Post Office Department should be operated on a self-sustaining basis and indicated that its whole plan and purpose of postal administration was to achieve its objective with little regard to the effect of this policy on service efficiency. Addressing the Bronx Board of Trade at a gathering held in New York City April 3, 1930, Postmaster General Brown said:

As I stated at the outset, the business of the Post Office Department is essentially that of a public utility. Like any other properly managed public utility, it should conduct its operations without financial loss; that is to say, its rates of charge to the public should be adjusted so as to provide an income sufficient in the aggregate to pay the cost of all of its services. There is no more logic and justification in asking the Government to transport your private mail for less than cost than there would be in asking an electric-light company to light your house or a telephone company to furnish you with long-distance service for less than cost.

There is no warrant in postal history or in the legislative action of Congress to justify this statement by Postmaster General Brown that the post office must be run on a profit or self-sustaining basis. On the contrary, the supreme aim of the post office is to render service, whether this service results in a bookkeeping postal deficit or not, and postage rates have time and again been fixed on the general concept of rendering the greatest service to the American people, and at a level far below the cost of handling such mail matter. Postmaster General Brown, in a frantic purpose to prove a postal profit, has stopped at nothing to attain this end, as subsequent developments have shown. In this same address he gives further evidence of a retrenchment policy, declaring:

As far as we can, we are endeavoring to cut down operating costs. We are surveying the organization and administration of all the larger post offices with a view to introducing labor-saving machinery and eliminating unnecessary operations and personnel.

During the past year or more Postmaster General Brown has been busy in carrying out this plan, which he refers to as "eliminating unnecessary operations and personnel." The service has been searched and ransacked in an effort to find places where consolidations could be effected, service reduced to lower limits or wiped out entirely, and added duties assigned to already overworked employees. A survey conducted by post-office inspectors in response to the orders of the department was made in some 19 of the larger offices and a revised system of rendering service to patrons, based primarily on a reduction in service both in regularity and frequency, with less men and less collections and dispatch of mail, was established. The result of these surveys in the larger offices was made the basis of a general plan to be more widely observed and postmasters were instructed accordingly.

With this object in mind, a communication addressed to postmasters and embracing a long series of instructions was, on June 5, 1930, issued from the office of the First Assistant Postmaster General. The opening statement of this communication reads:

With a view to securing uniform service in all large offices, the following instructions have been issued for your guidance, and you are directed to proceed immediately in making a survey of your office.

The plan outlined in these instructions is, in the main, the one which has been followed by postmasters and inspectors cooperating with them at offices where surveys have been made or are now under way.

In the long list of instructions to postmasters that this communication from the department contained the prime object is a reduction of service in regularity and frequency for the purpose of reducing the postal working force and in the end operate the Postal Service at a lower money cost. Just this is what has happened, and this is the chief achievement to be credited to the survey. Time was, and that not so long ago, when as many as 6 and 8 deliveries of mail were accorded patrons in busy and active commercial centers. This has been stopped. Quoting further from this department communication of June 5, we find under the caption "City Delivery Service" the following:

Under ordinary conditions not more than four delivery trips are justified in the business sections. Additional deliveries are not to be scheduled unless the volume of mail to be handled is so great that it can not be disposed of under a 4-delivery-trip schedule. The point is that four trips provide ample service to the patrons; additional trips are to be made only where necessary to facilitate the work in the post office. Make special report for the consideration and approval of this office in all cases where it appears to be necessary to provide more than four delivery trips.

The establishment of 3-trip routes is to be confined to strictly business territory where train schedules do not justify four trips and to mixed business and residential routes where the nature of the business justifies two morning deliveries. In the matter of setting up 3-trip delivery routes it should be understood that small neighborhood business houses, such as grocery stores, drug stores, etc., are not the character of business houses which appear to be entitled to more than two deliveries a day. No residence or apartment house, irrespective of size, requires more than two deliveries a day to meet the needs of the patrons. It is far more economical to provide for auxiliary service to assist the carriers on heavy residential routes on days when a large mail is to be handled than it is to make a useless trip on 4 or 5 days of the week.

The schedules of all carriers, particularly those assigned to 2-trip routes, should be arranged so they will return to the station from their morning trips by 11.30 a. m., in order that collections can be dispatched to meet the interstation schedule in the middle of the day. In some cities, to provide sufficient time for this exchange of mail between stations throughout the city, making it possible for all local mail collected in the morning to be delivered in the afternoon, it will be necessary to swing the carriers for 1 hour and 45 minutes to 2 hours between the morning and the afternoon trips. Quite a large area can be covered with interstation service if the delivery carriers return with collections at 11.30 a. m. and do not report for the afternoon trip until 1.15 or 1.30 p. m. It is essential that this interstation exchange of mail in the middle of the day be maintained if good local service is rendered the patrons. It is therefore necessary to insist that station superintendents and others who are in charge of the carriers see that the work is properly arranged to insure their return to the station on schedule time.

This revised system of rendering service to postal patrons predicated upon the surveys ordered by Postmaster General Brown and based in part on the above-quoted instructions has now been in operation long enough for us to pass judgment on its general practicability and wisdom. What effect has it had on service efficiency? What effect has it had on the maintenance of good service? What has it, then, done toward aggravating the present serious unemployment problem? What has been its effects on service enthusiasm and morale? Let us hear what the Postmaster General thinks about it.

In referring to this subject under the caption "Reorganization of Post Offices," Postmaster General Brown, in his annual report recently made public, refers to this matter in the following terms:

Surveys are being made by post-office inspectors at the largest post offices. They are now in progress at New York and Chicago and will be extended to other large cities.

Post offices have been organized on a business basis, the responsibilities of supervisors have been more clearly defined, simplified methods of distribution and new and approved methods of accounting have been adopted, the collection and delivery and other services have been made uniform, the distribution of mails has been centralized, night work has been reduced to a minimum consistent with public needs, and merit has been rewarded and inefficiency appropriately dealt with.

The reports of the results obtained at 17 offices where the survey work has been practically completed indicate that an estimated annual saving of $1,500,000 will be effected when the surplus man power developed can be absorbed through the filling of vacancies occurring in the service. No regular employees have lost their positions as a result of these surveys.

The evidence at hand and from many sources does not at all bear out this approving interpretation of either plan or purpose of the survey or the results that have attended its operation. Its chief result has been a reduction of service to postal patrons in an attempt to further tighten up a system that had already been refined to the saturation point. Service has been reduced in the delivery, collection, and dispatch of mail, and complaints as to the injury this reduction has caused have been intense and widespread. This is evidenced by highly critical editorial comment appearing in the press nation-wide and by sharp complaint emanating from postal patrons who have been compelled to suffer a reduction in the character of service to which they have been accustomed. True enough, Postmaster General Brown declares that "no regular employees have lost their positions as a result of these surveys." This statement is misleading and conceals the actual facts in the case. As a result of this widespread reduction in service a great army of substitute clerks and letter carriers have had their prospect of promotion set back so far as to make the outlook in this regard appear hopeless, while their wages have declined almost to the vanishing point because the work that hitherto fell to their lot is now being performed by the regular employees whose former positions have been absorbed in this survey and are now postal employees without definite assignments. A conservative estimate would fix the total of postal employees who in practical effect have lost their jobs at more than 5,000.

Let us examine this whole proposition, which has so little to commend it from a standpoint of sound public policy. To-day and during the past year the subject of unemployment has been our most menacing problem. The evils and

woe that attend the workers thrown into involuntary idleness confront us everywhere, awaiting our keenest concern and sympathy and challenging our resourcefulness as a people. What, may I inquire, does it profit a big department of the Government to institute and observe a policy which, aside from many other fatal defects, results chiefly in adding to the army of the unemployed?

ANTHROPOLOGY AND PREVENTIVE MEDICINE—MEMBERS OF CONGRESS CAN LEND A HAND

Mr. GRIFFIN. Mr. Speaker, Dr. Arthur MacDonald, a distinguished anthropologist and author of a number of scientific works of great value, is endeavoring to collect certain data respecting Members of Congress which he believes may prove to be of some historic as well as scientific importance.

His work is purely voluntary and disinterested. To accomplish any degree of success he must have the cooperation of the individual Members of the House and Senate. He urges them to get in touch with him and submit to certain anthropological measurements. These are few and simple, being height; weight; chest girth; arm reach; hand grasp; length, width, and height of head, of face, and nose, and a few physiological measurements.

Doctor MacDonald informs me that he will be glad to make appointments at the convenience of the Member if communicated with at his address, No. 314 East Capitol Street.

Twenty-four specialists of Johns Hopkins University have consented to examine gratis every Member of Congress who takes the physical anthropological measurements of Doctor MacDonald.

The medical examinations are supplementary to Doctor MacDonald's measurements, and may prove of value in discovering latent physical weaknesses or defects.

Incipient tendencies, not yet noticed, if discovered early by the specialist usually can be remedied, but if undetected they may become serious, if not fatal. Each specialist makes a full report to Doctor MacDonald, and the Member examined can have a copy. The one fundamental idea is to keep well, and every hour spent in these examinations may add many years to the Member's life and also spare him from much pain, suffering, and sickness. This will enable him to be still more efficient in his public service. The examination by different specialists is fundamental. The problem is to have the normal decadence of life extended equally to all the vital organs, for the chain is never stronger than its weakest link. Synchronicity is the secret of long life.

HON. ELBERT S. BRIGHAM

Mr. GIBSON. Mr. Speaker, my colleague Hon. ELBERT S. BRIGHAM, who for the past six years has represented the people of the first congressional district of Vermont, goes out of office to-day. He retires voluntarily to accept a responsible position with one of the great life insurance companies of the country. It is a privilege and a pleasure to pay him a deserved tribute.

Mr. BRIGHAM was educated in the high school of the town where he now resides, in Middlebury College, and holds an honorary degree from the University of Vermont. He has filled many positions of trust by election and appointment attesting the confidence of his fellow citizens.

Farming early engaged his attention, and he made such a success of it that he was appointed commissioner of agriculture of Vermont. He served 11 years in this position. His cooperation and help brought agriculture to a comparatively profitable condition in his State.

He was elected to the Sixty-ninth Congress by a splendid majority; reelected to the Seventieth and to the Seventy-first Congresses by majorities that gave indication of the appreciation of his constituents of his faithful and efficient service in their behalf.

It has been a privilege to work with Mr. BRIGHAM in behalf of the people of Vermont. Our relations have been characterized by the utmost cordiality, and in him I have had the utmost confidence and respect for his ability. He has approached problems of legislation with an open mind, has given them careful study, and has arrived at independent conclusions with the best interests of his constituents always in mind. We have not been in agreement at all times, but I have entertained the utmost respect for his opinions. We have never allowed differences of views to mar the harmony of our relations or to interfere in the least degree with attainment of our objectives.

In Congress Mr. BRIGHAM has won and held the respect and confidence of his colleagues. His friends have increased in an ever-widening circle. They join with me in expressing regret at the termination of his service and in extending to him our best wishes for success in the future.

Mr. BRIGHAM wound up his work in Washington by securing the passage of a law that bears his name providing for a tax on oleomargarine. This act means much for the dairying interests not only of his own State but of all the country. It will help to stabilize and bring a greater measure of prosperity to a great industry. The successful passage of this measure required the ability of a statesman, and ELBERT S. BRIGHAM measured up to the needs of the hour.

I feel a sense of personal loss in the severance of the happy official and personal relations of the past six years.

TABLE OF WOOD FROM HISTORICAL SERVICE

Mr. TILSON. Mr. Speaker, during an earlier session of the Congress just closing two comrades, veterans of the Spanish War, brought to Washington and presented to me as the floor leader of the House a table of unusual construction. For a long time it stood in my office just off the floor of the House, where it was examined by many Members, and photographs taken of it by some of the news services. It stands now in my private office. The two Spanish War veterans who were responsible for this unique gift were Mr. Royal B. Lovelace and Mr. Harry Livingston Relf. Comrade Relf did most of the work of collecting the material, while Comrade Lovelace did the actual work of construction.

The top of the table, about 3 feet square, is a map of the United States with outlying Territories and possessions. It is made of wood of different colors gathered from every State in the Union, Hawaii, Alaska, the Philippines, and Panama Canal Zone. Each piece of wood, cut to scale, represents the State, Territory, or possession in which the wood grew.

In addition to all the States, Territories, and possessions being represented a considerable number of pieces of wood from historical sources are also inlaid in the top of the table. These historical pieces are from trees, houses, and other structures, such as the house where Lincoln was born, home of John Sevier, oldest schoolhouse in Oklahoma, courthouse where Jackson held court, the tree where "D. Boone cill'd a bar," the original White House, the oldest house in South Carolina, where George Washington was a guest, a Spanish ship sunk by Dewey, house of Admiral Farragut, the Charter Oak at Hartford, a fence post on "Teddy Roosevelt's ranch" in the Dakotas, the Lincoln home at Springfield, Ill., and a number of other historical sources. Documentary evidence from the governor of the State or other official in each case is presented in an affidavit, or otherwise, to prove the authenticity of the origin of each piece of wood. On the whole, it is a most unique and interesting piece of furniture.

The table is largely the handiwork of Mr. Lovelace, requiring the leisure time of a number of years while he was a patient in the Mountain Branch of the National Soldiers' Home, at Johnson City, Tenn. The reasons assigned for presenting the table to me were not only that I am floor leader of the House but because the table was made at a soldiers' home located in the very county in which I was born. I appreciate the gift, and sincerely thank my two good comrades, the donors, for thus honoring me.

HON. RICHARD N. ELLIOTT

Mr. LANHAM. Mr. Speaker, the trials and tribulations which often come to a Member of Congress can be appreciated only by a fellow Member. We are frequently misunderstood as we work together for what we conceive to be the public good. But in our arduous service, aside from the

self-satisfaction which devotion to duty affords, there is one compensation which always cheers and comforts us and it is, perhaps, the most pleasing compensation we can possibly derive from our legislative careers. I refer to the friendship and companionship of those with whom we labor.

For the last 10 years it has been my privilege to serve on a committee, and in more recent years on three commissions, with the Hon. RICHARD N. ELLIOTT, of Indiana. The association with him has been both helpful and delightful and I am happy to number him among my cherished friends. We have not always agreed on public questions—what two of us have? But his record has been consistently one of honest purpose, fair dealing, industrious effort, courageous advocacy, and conscientious conviction. These sterling traits of statesmanship have characterized his service and they have been delightfully seasoned with that affable personality which has endeared him to us all, not in cold formality as the gentleman from Indiana, but as DICK ELLIOTT, our friend.

His has been the leading spirit in much and important legislation, legislation happily devoted to the pursuits of peace, and he has won for himself thereby an enduring place in the annals of congressional accomplishment.

As he goes to new labors for which his talent and training peculiarly fit him, let me indulge the hope that he may find both the work and the workers as pleasing and congenial as he has made himself in his dealings with men and measures here. I feel sure that I speak the sentiment of us all in saying that our very best wishes and affectionate regard will always attend him.

BILL FOR THE RELIEF OF IRA L. REEVES

Mr. GIBSON. Mr. Speaker, the purpose of this bill is to permit Ira L. Reeves, formerly a major in the Regular Army and a colonel in the emergency forces, to appear before a retiring board for reexamination and, if found entitled thereto, to authorize his appointment and retirement as a major of infantry. This bill was reached on the Consent Calendar February 25, 1931, and was objected to by the gentleman from Wisconsin [Mr. STAFFORD].

It is only fair to a distinguished officer and a patriotic citizen to place in the RECORD a few observations as to the merits of this bill. Colonel Reeves holds the unique distinction of having been retired as a captain for wounds received in the Philippine campaign; of being restored to active duty in the World War; of being promoted to grade of colonel in recognition of his services; of having been gassed in France, and then being refused retirement although still suffering from the original wounds, and in addition the disability of permanent ill effects from gas poisoning.

Colonel Reeves has served in every military emergency with which the United States has been confronted during his lifetime; has made important contributions to the military education of the colleges of the country; has served in several administrative capacities in the War Department, and has been decorated by his own country and by France.

He began his military service as a private in the Missouri National Guard, then enlisted in the Regular Army, and rose to the rank of first lieutenant during the Spanish-American War; was recommended for his promotion for "untiring energy and bravery that could not be excelled during five days of marching and fighting." He then went to the Philippines with his command, participated in many engagements, and was wounded in action. He then performed light duties until 1902, when he was retired for disabilities caused by his wounds, with the rank of captain.

During the intervening years to the World War he served as professor of military science and tactics at Purdue University; organized the "Indian Territory Volunteer Militia" which became the National Guard of Oklahoma when that State was admitted to the Union; served as military instructor at Miami Military Institute in Ohio and at the University of Vermont; and as president of Norwich University. During the Mexican border service he served as colonel of the First Vermont Infantry and took that regiment to the border; was at the head of the Vermont State Committee of Public Safety during the period immediately preceding the outbreak of the World War and at the commencement of the war was ordered to Washington, where he, with other specially selected officers under his direction, made a survey of the personnel and office methods of all War Department bureaus in Washington. This comprehensive survey resulted in many fundamental reorganization recommendations which were put into effect by the Secretary of War.

Desiring active service he was restored to the active list and given choice of a commission of brigadier general or as a colonel overseas. He chose the latter and arrived in France to participate in the drive in the Metz sector. He was gassed and sent to a hospital. After a partial recovery he was assigned to the command of a regiment, but was soon assigned to organize the American Expeditionary Forces University at Beaune Cote d'Or. This institution, serving the men of the American Expeditionary Forces, offered over 300 courses with over 500 instructors and had a student attendance of nearly 18,000, and was then the largest residential educational institution in the world.

Upon returning to the United States in July, 1919, Colonel Reeves at once engaged in important bureau duties at Washington. He was made a member of the War Credits Board and of the War Department Claims Board. The work in hand involved the liquidation of approximately $4,000,000,000 worth of contract liabilities of the War Department.

Following the armistice he was awarded the distinguished service medal of the United States and made a chevalier of the Legion of Honor of France. He has been awarded practically all the medals of his country for faithful service in her cause.

In November, 1919, Colonel Reeves applied for retirement. The medical officers of the board are said to have been unanimous in recommending it, but the line officers of the board were reluctant to retire him on the ground that his services were too valuable to be dispensed with. He then resigned, feeling that civil life offered opportunities not offered in the service. He soon found that his health would not stand the strain of civil activities, owing to his wounds and the effects of gas. It would seem only fair and reasonable that he should be given an opportunity to show that at the time he resigned he was incapacitated for active service. That is all this bill proposes. He asks no back pay allowances; he asks no increase in rank; he asks nothing that the Congress of the United States may not, in perfect justice to itself and to the Nation, thankfully grant.

Yet under the present rules governing the consideration of the Private Calendar one man is able to block such meritorious legislation. This situation is deplorable. Members of the committees give careful consideration to the bills, spend days in close consideration, only to find their work and efforts wasted because a single Member, after what must be only a superficial examination, can block enactment by an objection. Here we see bureauracy operating in all its nakedness. A department opposed to the passage of a measure only has to enlist the sympathetic support of one Member, and its purpose is accomplished. I am in favor of an amendment of the rules that will end such a situation.

My personal experience in dealing with a problem in which the people of my State are vitally interested leads me to the conclusion that we should further amend the rules so that the members of a committee may control its deliberations and direct its action. These two amendments will be helpful in securing consideration of meritorious proposals.

THE JOHN J. PERSHING NATIONAL MILITARY PARK

Mr. LOZIER. Mr. Speaker, I have introduced H. R. 17207, a bill providing for the creation of the John J. Pershing National Military Park, near Laclede, Linn County, Mo., the birthplace of General Pershing. It directs the Secretary of War to acquire by purchase, condemnation, or otherwise such lands near Laclede as may be suitable for the memorial objects of the act. It authorizes an appropriation of $250,000 for the purchase, landscaping, and beautification of

the park, and the Secretary of War is charged with the maintenance and administration of the park. I shall earnestly advocate the enactment of this bill.

The second congressional district of Missouri, which I have the honor to represent, has given to the world several men who exerted a potential and enduring influence on the world's history, among whom was Gen. John J. Pershing, who was born in Linn County and who won deathless fame as commander in chief of our military forces in the World War, the most sanguinary conflict that has ever scourged the earth since the first page of human history was written.

Gen. Enoch H. Crowder, provost marshal general of the United States Army during the World War, and who probably did more than any other individual to create, organize, train, and equip our armies, was born in Grundy County, in my district, and within about 50 miles of the birthplace of General Pershing. It is significant that these two men who had so much to do with our military operations during the World War were both Missourians and both born in the second congressional district of that State.

Samuel L. Clemens, otherwise known as Mark Twain, was born in the little village of Florida, in Monroe County, in the second Missouri district. He was not only America's greatest humorist but he was a profund philosopher who established a new school of literature, scaling the mountain heights of human nature and sounding all the depths and shoals of human emotions.

Sol Smith Russell, the great comedian of the last generation, who moved millions to laughter and to tears, first saw the light of day in Brunswick, Chariton County, Mo., in my district.

This great district has produced numerous other men who attained enviable distinction in State and national affairs, and who made worth-while contributions to the forces that promote the public weal.

But in appraising the eminent men given to the world by the second Missouri congressional district, by all recognized standards by which true greatness is measured, Gen. John J. Pershing stands preeminent. Providence decreed that he should play a conspicuous part in the never-ending and all-embracing drama of human events.

General Pershing has lived in an heroic age. He has a large part in some of the most important events of all time. He led to battle millions of brave men in the most colossal and destructive war that has ever ravished nations and decimated humanity since the beginning of time.

Under his skillful direction the American Army tipped the scales of destiny, turned the tide of battle, and applied a force without which victory would have inevitably perched on the banners of the Central Powers.

General Pershing was no accident. He won his rank by a mastery and wise application of military tactics, by a comprehensive knowledge of the principles of successful warfare that have come down to us from the long line of war lords that in the sweep of history have led great armies with banners to victory. He not only thoroughly understood the science and art of war, but his inherent military aptitude enabled him not only to visualize conditions but to initiate and carry to a successful conclusion vast military movements.

No student of military science will ever rate him as having only mediocre ability. He was not an opportunist. In directing the movements of his mighty army his farseeing vision swept from sector to sector, extended far behind the lines of the enemy, and, by sound judgment and sober reasoning, aided by an unexplainable military intuition, he formed comprehensive plans that required weeks or months to effectuate; and having once determined his objective, he industriously and, may I say, relentlessly exerted every possible force and influence to accomplish his well-considered aims.

Indubitably General Pershing was gifted with a high order of military genius—not the brilliant dash and seemingly reckless strategy of Napoleon nor the initiative of Marlborough at Schellenberg, Blenheim, Ramillies, and in the immortal Flanders campaign, which in skill and resolution has no equal in the annals of war, and which to the end of the world will be the subject of study and admiration of military men.

General Pershing lacked the intrepidity of Phil Sheridan, the sturdy strategy of Robert E. Lee, the reckless daring of Prince Rupert at Naseby, Turenne's marvelous mastery of army maneuvers, and Von Moltke's sagacity and consummate preeminence in the science of war. But it can be truthfully said that General Pershing combined many of the qualities of many of these war lords and, considering changed conditions, is entitled to rank high among those military leaders whose genius have often changed the history of the world and the course of human events.

General Pershing led a great army at a time when warfare had been modernized and when the age-old strategy that had won victory and undying fame for generals in the past had become inefficient and obsolete. In modern warfare the personal equation and the spectacular elements are largely eliminated and there is but little, if any, opportunity or necessity for individual initiative and pageantry, which formed a large part of the military activities in the past.

Obviously, man power will always be the most important single factor in military conflicts because of the intelligence, initiative, and resourcefulness of the individual soldiers, but in modern wars chemicals, machinery, and other man-made instrumentalities are becoming increasingly important, and ordinarily the best organized, best equipped, and best operated military machine wins.

General Pershing, engaged in modern warfare, wisely adopted modern methods, modern agencies, and modern instrumentalities, all of which had a tendency to obscure real military genius as understood by the average man, but which in fact require a very high order of military genius to operate efficiently.

If General Pershing had been at the head of a great army in any of the historic wars in the past, I am convinced that he would have displayed to an eminent degree many of the types of military genius appropriate in those periods. In other words, General Pershing as ably exemplified the particular type of military genius suitable for the period in which he lived as did the war lords in the past utilize the strategic or military formulas and systems best suited for the time in which they lived.

Though hedged about by entirely different conditions which necessarily limited his initiative, he nevertheless demonstrated a high order of military genius. Confronted by the superb armies of the Central Powers, the best organized, best equipped, and most efficient fighting machine that the world has ever known, General Pershing displayed the same dogged determination, resourcefulness, and initiative that General Grant exhibited while he was hammering his way to Richmond; the same sound judgment and inflexible will manifested by Wellington in his peninsular campaign and when his English squares stood the shock of the charge by the imperial guard at Waterloo.

It is fitting, therefore, that our beloved Republic, even in the lifetime of General Pershing, create a national military park in his honor and commemorative of his outstanding military genius and in recognition of the service he has rendered to the land that gave him birth. And it will be especially appropriate to locate this memorial park near his birthplace in Linn County, Mo. I believe I may well indulge the hope that this proposal will be adopted and this memorial park established near Laclede, Mo. I am sure the American people will approve such action.

AGRICULTURAL LOSSES

Mr. AYRES. Mr. Speaker, losses sustained by agriculture in this country during 1930 amounted to several billion dollars. In the value of crops alone it amounted to nearly two and a half billion dollars. In addition the value of livestock sold from the farms and ranches was approximately $225,000,000 less in 1930 than in 1929, making the total shrinkage in crop and livestock values in one year more than $2,600,000,000.

Some say that these losses were due in large part to the devastating drought of last summer, which affected 21 States. The record does not justify such a conclusion, not-

withstanding the ruin which the drought occasioned. The fact is that, excepting corn and cotton, there was larger production in the other staple crops in 1930 than in 1929, yet they brought smaller returns to those who produced them.

In 1930 wheat production amounted to 850,965,000 bushels, valued, according to figures from the Department of Agriculture, at $517,407,000. In 1929 the wheat crop totaled 806,508,000 bushels, valued at $840,921,000. Thus while the 1930 wheat crop was nearly 45,000,000 bushels larger than that produced in 1929, its value was $323,000,000 less.

In 1929 the corn crop amounted to 2,622,000,000 bushels, valued at $2,042,000,000. In 1930 the corn crop was 2,081,000,000 bushels, valued at $1,373,874,000. Thus while production fell off about 540,000,000 bushels, the value of the crop dropped $670,000,000.

The size of the corn crop decreased about 20 per cent, but the value of the crop was approximately one-third less. One would think such a substantial reduction in production would make for a higher price for the product, yet whereas the average value of the 1929 crop was about 77 cents per bushel, the substantially smaller crop of 1930 was worth only about 67 cents per bushel. There is something fundamentally wrong with a situation in which the law of supply and demand is so completely set at variance.

Cotton production in 1929 amounted to 14,919,000 bales, valued at $1,225,000,000. The 1930 cotton crop was 14,243,000 bales, valued at only $674,000,000. Thus, while production dropped only 676,000 bales, the value of the crop decreased $551,000,000. While production fell about 5 per cent under 1929, the value of the crop dropped about 40 per cent.

In 1930 the oat crop exceeded the production of 1929 by 160,000,000 bushels, but the value of the crop fell from $538,445,000 in 1929 to $453,976,000 in 1930, a decrease of $84,469,000.

Production of rye in 1930 exceeded that of 1929 by 15,000,000 bushels, but the value of the crop fell from $35,371,000 in 1929 to $20,895,000 in 1930, a decrease of $14,476,000.

White potato production in 1930 was a little more than 6,000,000 bushels greater than in the preceding year, but the value of the crop fell from $469,701,000 in 1929 to $326,457,000 in 1930, a drop of $143,244,000.

For 1929 the Department of Agriculture reported the total of the 75 principal crops grown in the United States at $8,675,270,000. For 1930 it reported the value of the same crops at $6,274,427,000. This is a decrease of $2,400,743,000, or more than 25 per cent. How long can American agriculture survive such a terrific loss?

The Department of Agriculture's index figure, computed on the price of all farm products, dropped 40 points from January, 1929, to January, 1930, and February reports show it still dropping. Based on a pre-war average of prices of farm products, the index figure stood at 134 points in January, 1929. In January of this year it was at 94, the lowest level of farm prices since 1912, the last year of the Taft administration.

These facts reflect the complete failure of the Hoover administration to redeem its pledge to solve the problem of agriculture. In 1929 the President prevented the enactment of a farm bill favored by the farmers' organizations, and in lieu of that caused the enactment of the law under which the Federal Farm Board was created. He appointed the members of the Farm Board in July, 1929. The board had what he said was "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry." In urging Congress to enact the Farm Board bill, President Hoover said it was a "proposal for the steady upbuilding of agriculture onto firm foundation of equality with other industry and would remove the agricultural problem from politics and place it in the realm of business."

Congress gave the Farm Board $500,000,000 to do for agriculture what President Hoover said the proposal was intended to do, but in the first crop year after the President's plan was put into effect, the value of the farm products dropped more than $2,600,000,000.

If this is the steady upbuilding of agriculture onto a firm foundation, then it is time for the agriculturist to pray that the "upbuilding" cease at once.

STABILIZING THE BUYING POWER OF MONEY

Mr. BURTNESS. Mr. Speaker, permit me to call your attention to a bill reintroduced at the opening of the extra session in 1929. I refer to my H. R. 112, the only bill now before Congress having for its object the stabilization of the commodity price level and so of the buying power of money.

This subject has been so fully discussed during the past decade that further argument for dollar stability should be unnecessary. The public is finally, and again painfully, becoming aware that our so-called standard of value—fixed in its weight and varying, therefore, in its essential quality, buying power—is a standard in name only. A true standard would prevent change in the average buying power of money, just as our standards of weight and length prevent change in the weight of the pound weight and in the length of the yardstick.

My bill would not stabilize the prices of individual commodities nor in any way conflict with the law of supply and demand. Indeed, it would broaden the scope of that law by bringing within its reach the price of gold, which has heretofore been price fixed. I say the price of gold has been fixed, not its valure. Though the gold unit purports to be a standard of valure, its own valure constantly fluctuates, its price alone remaining stable. And this is simply because it is measured in terms of itself. It is always worth a hundred cents—a hundred-hundredths of itself. What a standard with which to measure valures!

The valure of the gold dollar is its average buying power, and tested by buying power it is seen to be less reliable in its essential quality than a rubber tapeline. Certainly no tapeline in actual use ever shrank in its length as our dollar shrank in its buying power 1915 to May, 1920, nor stretched in length as our gold dollar stretched in buying power during the deflation period. The gold unit of 25.8 grains was nominally the standard of valure 1915 to May, 1920, when the price level rose to two and one-half times its pre-war stage. As compared with the gold dollar of 1915, the gold dollar of May, 1920, was a 40 per cent dollar; and as compared with the gold dollar of May, 1920, the gold dollar of July, 1921, was a 170 per cent dollar.

In 1922 the Federal reserve authorities virtually abandoned the gold standard by making the commodity price level the ultimate criterion of valure. From that time up to the middle of 1929 they prevented any marked inflation or depression of the dollar's buying power, employing as their guide the index of commodity prices. When the price level tried to rise they halted it by contraction of credit and other means. When the price level tried to decline they increased the supply of money in circulation. The price level itself, therefore, virtually served as the valure standard by which the buying power of the yardstick of price, the gold dollar, was partially stabilized; as nearly stabilized, perhaps, as it could have been without the weight regulation of the unit, which must be a main feature of real stabilization of the dollar.

That the heads of the Federal reserve felt that they were doing, after 1922, all they reasonably could do through the means at their command to prevent rise or fall of the price level, appears in the testimony of Benjamin Strong, governor of the Federal Reserve Bank of New York at the hearings on H. R. 7895 before our Committee on Banking and Currency April 6, 1926. Congressman WILLIAMSON asked whether—

The Federal Reserve Board could stabilize the price level to a greater extent than they have in the past by giving greater expansion to market operations and restriction or extension of credit facilities.

Governor Strong replied:

I personally think that the administration of the Federal reserve system, since the reaction of 1921, has been just as nearly directed as human wisdom could direct it toward that very object.

Later, in reply to a question by Mr. GOLDSBOROUGH, Governor Strong agreed that after four years of a fairly stable index number there would remain no evidence of inflation

of commodity prices. This was equivalent to saying that there would exist no evidence of depreciation of the valure of the dollar and consequently no justification for further so-called deflation. Mr. Strong was not only governor of the great Federal Reserve Bank of New York, but also chairman of the market committee, which handled the open market transactions of the New York banks. He was probably the most influential man in the whole system. Had he lived it seems likely that the present disastrous depression would have been checked as soon as it started. He died late in 1928, and the slump of the price level began in July, 1929. By December, 1930, the price level had gone down nearly 20 per cent, raising the buying power of money, and with it the burden of debts and taxes about 25 per cent.

Had our bill been in effect even during the past two years the world-wide scramble for gold, which was one of the causes of the sharp rise in its valure, which in turn was the direct cause of the price slump, would not have affected our domestic markets. For we would have been cut loose from the fixed-weight gold unit. As gold rose in the world market less and less of it would have been needed to hold our price level at its initial stage. Meanwhile the weight of the uncoined bullion dollar in which our currency would have been redeemable would have grown gradually smaller and the stock of gold in the United States Treasury would have divided into more and more dollars as gold advanced in value.

As to the producers of goods the prices of which depend largely on the foreign markets, they would have at least this consolation. The burden of their debts would not be going up while their incomes were going down. Had our dollar been stabilized, it would have taken no more goods and labor to pay their debts and taxes than the same payments would have taken before the European depression began. The small price in foreign money they now realize from the sale of their exports would divide into more American dollars, for our dollars would not as now be unjustly inflated.

The plan embodied in this bill is the oldest of the proposals to stabilize the buying power of money. It is older by 15 years than that of Irving Fisher and by more than 25 years than that of Keynes. It was first published in 1896 by Dana J. Tinnes, now of Grand Forks, N. Dak., whose work along monetary lines is known to well-informed economists in this country and to a considerable extent abroad. It is my belief that the Tinnes plan is not open to any of the valid objections against the two proposals to which I have referred, the Fisher plan embodied in the Goldsborough bill, H. R. 402, of 1925, and the "managed currency" scheme of J. Maynard Keynes, of England. Since these two have received very wide publicity, I will in a few sentences summarize them for comparison with the scheme I sponsor.

While my bill is expected to produce real stability by blocking tendencies toward change in the price level as soon as detected, neither Keynes nor Fisher aims at anything more than approximate stability. They would both stop redeeming currency in fixed weights of gold, but would have a variable buying price and selling price for gold, the two prices about 1 per cent apart. Raising this "pair of prices" is equivalent to reducing the weight of gold represented by the money unit; and lowering them is equivalent to increasing the weight of the gold unit. This double price for gold would, of itself, make actual stabilization impossible. For in order for the currency and the gold unit to remain of the same valure they must be freely interchangeable on equal terms both ways.

Keynes would have the gold prices revised every Thursday morning, with occasional stabilizing changes in the bank discount rate. But he would leave the control of the commodity price level where it now is, in the hands of private interests. For his "managed currency" would be managed by the Bank of England. Fisher would have his plan administered by the United States Treasury and would have the fixing of the pair of prices properly automatic. But, unfortunately, his adjustments are plainly inadequate, being made but six times a year and each limited to 1 per cent. Also his brassage charge would affect foreign exchange rates, hindering the import of gold.

The main feature of the plan contained in my bill is the daily adjustment of the weight of the uncoined bullion dollar in which all currency would be redeemable. Whenever gold tends to cheapen, as shown by a rising tendency of the price level, a trifle more gold is added to the bullion dollar to check the rise. And whenever gold tends to grow dearer, as it is now doing, the bullion dollar is reduced in weight, thus blocking the depression of the price level. Anyone who knows that more gold would buy more goods, thus lowering prices, and that less gold would buy less goods, thus raising the price level, must see that tendencies toward change in the price level can be counteracted by proper corrective change in the gold weight of the measure of price, the dollar. Such change in the gold weight of the dollar does not involve any reminting of coins, for the gold would not be in coins, but in bars marked with their weight. Therefore weight adjustments would be no more than slight alterations of the mint rate—the rate at which currency would be redeemed in gold at the Treasury. Assisting the main stabilization process would be the purchase and sale of United States bonds. Bonds would be sold when price inflation is threatened, thus withdrawing currency from the market. Bonds would be bought on the open market when price depression threatens, thus increasing the supply of money in circulation.

To illustrate the plan, take the present monetary situation. Suppose that when our price level began to decline, a lowering of the mint rate had immediately begun, the dollar gradually growing smaller and smaller. If it be true that less gold will buy less goods, the buying power of the dollar could not have continued increasing while its weight was decreasing. Suppose that at the same time the United States Treasury had begun buying bonds on the market, paying for them in currency, and thus increasing the supply of money in circulation, would not this have aided the stabilization process by making the weight adjustments less necessary? Could the slump of the price level have continued a year and a half while the dollar in which price is measured was growing lighter and while the supply of money in circulation was being prevented from shrinking? This would not be change but prevention of change. The bullion dollar would be continuously changing in its gold weight to prevent change in its only essential quality—buying power. And blocking change in the gold unit, from which all our currency derives its value, would at the same time stabilize that currency, and with it all credit extended and all contracts written in terms of that currency.

Passage of this bill will not invite but should greatly lessen speculation in gold, or, what is the same thing, in gold valure. One can now gamble in gold when monetary conditions are unsettled by investing in safe, secured notes, mortgages, bonds, bank certificates of deposit, bank or Government currency, and so forth. For the valure of all of these rise and fall with the valure of the fixed-weight gold dollar. This may not be generally recognized as speculating in gold, but it is by far the most common method.

With this bill in force, this most attractive and seemingly innocent method would be barred. The valure of all such obligations would be stabilized by being payable in dollars having always the same average buying power.

One can also now speculate in gold either by storing the actual metal or by depositing it in the United States Treasury in exchange for gold certificates, which can be put into immediate use earning interest. With our bill in force such deposits would be paid for in Treasury notes redeemable not in a fixed weight of gold but in the weight shown by the mint rate current when the gold is withdrawn.

It has been argued that with this bill in effect one could profit by depositing gold when the bullion dollar was light and withdrawing it when the dollar became heavier. But the dollar would be light only if gold were dear and would be heavier only if gold were cheap. Just how one could profit by depositing a given number of dollars' worth of gold and later withdrawing the same number of dollars' worth of gold remains to be explained.

A reversal of this process would be somewhat more promising. But this would involve actual storage of the metal, with loss of interest during the time stored, plus cost of

storage and fire and theft insurance. Considering that the daily adjustments would be very small and the carrying costly, this prospect does not look enticing. It could be profitable only in case of a great rise in the market valure of gold, and even then any profit made would not be at the expense of the Treasury. Also the provisions in the bill suspending the right to deposit when the valure of gold is declining and restricting large withdrawals when its valure is rising would make such speculation more difficult.

The fact that slumps in foreign exchange rates—deviations from par—affect the foreign trade of a country has led some to fear that stabilization by America alone would hurt our trade. If the imports of a country exceed her exports, visible and invisible, or if the credit of her traders is in question, her exchange will sell at a lower rate, putting both her importers and exporters at a disadvantage. Readjustments of mint pars can have no such effect. Dollar stabilization would make the changes in the valure of gold, now camouflaged by the fixed weights of the money units, visible in all comparisons between prices stated in stabilized and those stated in unstabilized units. And that is all.

Any man intelligent enough to see that at home he was not being wronged by corrections in the unit intended to prevent change in its value could also see that price changes quoted in the money of a foreign country—in so far as they were due to the steadiness of our dollar—could not harm him, for they would be changes in seeming only—in foreign price only and not in valure as measured in other goods or in the dollars in which he would receive payment.

Take the exporter of wheat as an example and see whether the shifts in sterling exchange due to stabilization by America alone would affect his foreign market.

If the valure of gold as measured in other commodities and the price of wheat in Liverpool both remain stationary, the price of wheat in dollars would also remain steady save for alterations due to other causes.

Were gold to depreciate on the British market—other market influences remaining unchanged—the Liverpool price of wheat as measured in British money would advance, while the price in dollars would remain stationary.

Were gold to appreciate there as compared with other commodities—other influences unchanged—the Liverpool price of wheat in British money would decline, while the price in dollars would hold stationary.

In other words, if not disturbed by influences acting directly on the supply-demand of wheat, its price would remain constant regardless of that part of the change in the relation of United States to British money due to dollar stabilization.

Price constancy, if it means stability in relation to gold only and not to commodities in general in the markets in which he buys and sells other things, can neither hurt nor help him unless it is the gold itself he wants.

Fixed valure relations between the money units of the various nations are not even desirable. Countries adopting sound economic and financial policies should not have the continuous prosperity they have so earned disturbed by unwise or reckless neighbors.

SKETCH OF THE BILL H. R. 112

It makes the gold unit variable in its weight in order that it may be made invariable in its essential quality, buying power. The weight regulation is vested in a monetary standard division of the Treasury Department. The division collects trade and price data, constructs the daily price index number, the market gage, and by its guidance adjusts the weight of the bullion dollar. It also assists the stabilization process by purchase of bonds when the price level tends to decline and sale of bonds when the price level tends to advance.

Price-level tendencies are measured at 2 a. m. daily and changes announced at once, before the markets and the mint open for the day, thus barring all chance of speculation on advance information of weight change. Metric weights are used. A bulletin showing all adjustments during the week with the data on which they were based is issued weekly to protect against error or fraud.

Gold coins and silver dollars are retired, the metal being minted into bars, each marked with its weight. Free coinage of gold is continued, gold bars being issued instead of coins. All paper currency except Federal reserve and national bank notes are replaced by a new issue of Treasury notes, for which a redemption fund is provided by consolidating all existing gold and silver funds. Redemption is in gold or, at the option of the applicant, in silver, not at a fixed ratio to gold but at its current market price.

Further details of the measurement of price-level tendencies and adjustment of the daily mint rate are given in the accompanying copy of the weekly bulletin.

MONETARY STANDARD BULLETIN

Week of.....193

Market gage schedule Commodities and markets	First adjustment, Monday						
	W	Q	QW	P	PQW	P	PQW
Cotton, middling, Galveston, lb	.0178	5.8823	.1047	.17	.0179	.19	.0199
Hogs, light butchers, Chi., cwt	.0274	7.6922	.21077	.13	.0274	.12	.0253
Milk, fluid, New York, cwt	.0184	.2793	.00514	.358	.0184	.360	.0185
Wheat, 2 dark spring, Mpls., bu	.0050	.641	.00321	.156	.0050	.158	.0051
Wheat, 2 hard win., Kas. City, bu	.0056	.6667	.00373	1.50	.0056	1.53	.0057
All other commodities	.9258				.9258		.9258
Market gage at close of day					1.		1.0003
Mint rate for following day					1.672*		1.673

Column W, relative trade importance of the various entries, shown in decimals. Q, physical quantity of each sold for $1 at the start. QW (W times Q) the weighted quantities which together make up the goods-dollar. P, current market prices. PQW, the goods-dollar components, priced. Their sum is the market gage for the day. All goods on the wholesale market to be listed; only a few farm products are here shown, all other goods—.9258 of the whole—being lumped together below. The initial mint rate, *1.672 grams (25.8 grains) is the present weight of the gold dollar. At 2 A. M. daily the current mint rate is multiplied by the newly-computed market gage to get the new mint rate, which is announced at once. Cols. P and PQW are revised daily, cols. W and QW quarterly, and the entire schedule yearly.

Market gage schedule—Continued. Daily adjustments Tuesday to Saturday, inclusive

Close of.....	Tuesday		Wednesday		Thursday		Friday		Saturday	
QW	P	PQW	P	PQW	P	PQW	P	PQW	P	PQW
.1047	.19	.0199	.19	.0199	.19	.0199	.17	.0178	.17	.0178
.21077	.12	.0253	.12	.0253	.12	.0253	.13	.0274	.13	.0274
.00514	3.58	.0184	3.58	.0184	3.58	.0184	3.58	.0184	3.58	.0184
.00321	1.54	.0049	1.55	.0050	1.52	.0049	1.51	.0048	1.49	.0048
.00373	1.48	.0055	1.49	.0056	1.45	.0054	1.45	.0054	1.43	.0053
All other goods		.9258		.9258		.9258		.9258		.9258
New market gage		.9998		1.		.9997		.9996		.9995
New mint rate		1.673		1.673		1.672		1.671		1.670

Note.—VALURE is rate of exchangeability for goods, as distinguished from the many other meanings of the ambiguous word, value.

HON. SCHUYLER MERRITT

Mr. SNELL. Mr. Speaker, the retirement of the Hon. SCHUYLER MERRITT, of Connecticut, at the end of this session will be deeply regretted by all. He has been a warm personal friend since he first came to Congress, and I shall miss his genial companionship. No man is better equipped to help solve present-day problems than Mr. MERRITT, and we can ill afford to lose at this time men of his experience, judgment, and ability. To-day public life specially needs men of courage, and such a man is Mr. MERRITT. He also represents the highest type of a cultured gentleman. He is the kind and character of a man I am proud to call my friend. His retirement is not only a loss to his State but to the American Congress.

THIRD-CLASS POSTMASTERS' EQUIPMENT ALLOWANCE

Mr. MEAD. Mr. Speaker, the bill H. R. 229 proposes to give to third-class postmasters who are required to own or rent post offices, fixtures, and equipment a yearly allowance equal to 8 per cent of their salaries. The allowance asked is modest, as the box rents received by the department from personally owned and rented equipment amount to 11.25 per cent of the salaries of the postmasters.

There are 10,956 postmasters of the third class. Of these 1,642 are in quarters leased by the department, where fixtures are furnished by the lessor. This leaves 9,314 offices at which the postmasters are required to purchase or rent the fixtures. The salaries of the third class range from $1,100 to $2,300, graded according to postal receipts.

This group of 9,314 postmasters are the only officers, agents, or employees of the Government compelled to provide the equipment necessary to conduct the Government's business. Fourth-class postmasters are granted an allowance for rent, fuel, light, and equipment. Postmasters of the first and second class are provided with necessary equipment, and some of the higher-salaried grades of third class are in leased quarters. Rural letter carriers get an equipment allowance. This group of third-class postmasters should be relieved of this discrimination and placed on an equality with other postmasters and postal employees.

Postmasters required to provide equipment are in most—if not all—States compelled to pay personal taxes on it. The Post Office Department fixes the amount of rental charged for boxes, the postmaster furnishes the boxes and collects the rentals, keeps the records, turns the box rentals in as postal revenues, pays taxes and insurance on his equipment, and receives no revenue from his investment.

These postmasters on account of the requirement to provide fixtures and equipment are taken advantage of by firms manufacturing post-office equipment. If they buy they are compelled to pay a very high price. If they rent they are compelled to pay exorbitant rentals. The lease contract postmasters renting equipment must sign stipulates that it shall be in effect so long as the lessee continues as postmaster. It provides that the lessee will pay for all freight, hauling, and erection charges in connection with installation. It also provides that at the expiration of his incumbency as postmaster he shall immediately, at his own expense, take down and crate and ship to the owner, freight charges prepaid.

If the postmaster buys he runs the risk of losing his position after a 4-year term, and then he has no market for his equipment unless his successor will purchase it from him. It may be readily seen that this provides a setting for complications unsatisfactory to both.

The following statement submitted by a postmaster in Utah is typical:

> Since taking charge of this post office July 1, 1922, which pays an annual salary of $1,800, I have provided necessary equipment at a cost of about $1,700. During the seven and one-half years I have collected in box rents $3,012.52, all of which has been remitted to the department. I have been obliged to pay for all repairs, insurance, taxes, investment on equipment, etc.
>
> H. R. 229 provides an equipment allowance equal to 8 per cent of the salaries of postmasters. In my case this would amount to $144 per annum, while the box-rent collections average $401.64 per annum. The department would still receive from this office $257.64 in box-rent collections in excess of the allowance on personally owned equipment.

The Post Office Department has no definite policy in leasing quarters at third-class post offices. There are 394 offices with salaries of $2,300, 664 with salaries of $2,200, and 835 with salaries of $2,100, a total of 1,893 offices. As there are only 1,642 offices in leased quarters, it is evident that a discrimination exists in granting leases.

Through a questionnaire sent to postmasters in offices not under lease by the National League of Third and Fourth Class Postmasters, a statement has been compiled which I ask to have printed as part of my remarks. The following is the summary:

Summary

Offices reporting	2,127
Average salary	$1,622.00
Total value of equipment owned and rented	1,346,569.00
Value of equipment average postmaster	633.00
Total box rents collected	383,159.15
Box rents, average per year	182.50

Box rents average 11.25 per cent of salaries.

Extending this to cover the 9,314 post offices in quarters not under lease we find that the value of the equipment owned and rented by the postmasters is $5,895,772, from which the box rents turned in to the department as postal revenues are $1,699,805. The Post Office Department estimates that this bill would cost about $1,200,000. The box rents more than cover this estimate.

In very many offices of the third class the fixtures are entirely inadequate. For this the postmaster can not be blamed. He is appointed for a 4-year term only, and, even if financially able, would not feel disposed to invest his own money for which he would receive no return. The majority of these postmasters are unable to buy suitable fixtures, so they must rent them. It is desirable—yes, necessary—to have adequately equipped post offices, but these can not be had under the present inequitable system. The enactment of this bill would enable more than 9,000 communities to have post offices of which they would not feel ashamed.

Equipment owned and rented by third-class postmasters in offices not under lease

State	Number of offices	Salaries	Value equipment owned	Rent paid per annum for equipment	Box rents collected
Alabama	32	$50,900.00	$13,446.00	$71.50	$4,339.58
Alaska	1	1,100.00	500.00		90.30
Arizona	8	12,400.00	4,850.00	10.80	1,572.20
Arkansas	22	34,300.00	9,215.00	432.80	3,621.84
California	42	72,400.00	19,000.00	954.52	11,411.01
Colorado	44	70,700.00	21,785.00	599.80	8,001.69
Connecticut	12	20,000.00	3,365.00	100.00	2,294.31
Delaware	5	7,200.00	1,250.00		691.71
Florida	32	48,000.00	18,495.00	486.30	6,076.58
Georgia	21	31,700.00	9,290.00	433.80	2,749.98
Hawaii	5	8,400.00	3,350.00	168.00	1,320.60
Idaho	17	29,100.00	9,670.00	177.00	3,314.72
Illinois	97	152,900.00	41,540.00	2,933.90	18,253.65
Indiana	125	202,900.00	44,240.00	2,358.60	18,890.67
Iowa	194	331,700.00	92,040.00	2,513.40	42,609.79
Kansas	94	154,400.00	48,424.00	970.40	16,885.13
Kentucky	31	49,300.00	11,200.00	391.10	3,975.63
Louisiana	25	30,800.00	11,757.00	647.20	4,741.53
Maine	36	59,600.00	17,545.00	370.40	6,678.27
Maryland	14	20,400.00	3,500.00	55.00	1,157.57
Massachusetts	28	44,700.00	14,385.00	108.00	5,686.75
Michigan	68	109,800.00	32,730.00	198.80	11,735.63
Minnesota	118	193,300.00	71,865.00	453.40	21,006.99
Mississippi	22	33,600.00	9,500.00	603.40	2,757.90
Missouri	66	105,500.00	28,258.00	1,556.20	9,945.60
Montana	23	37,100.00	16,913.00	257.25	5,867.21
Nebraska	89	144,000.00	48,105.00	1,284.40	16,966.01
Nevada	6	10,600.00	3,840.00		1,228.62
New Hampshire	10	14,400.00	5,425.00	453.36	1,079.02
New Jersey	38	66,000.00	14,260.00	518.50	8,930.57
New Mexico	8	13,000.00	5,000.00		1,306.60
New York	90	148,000.00	41,370.00	677.00	15,809.34
North Carolina	22	36,200.00	11,445.00	490.80	3,333.22
North Dakota	70	117,700.00	38,950.00	1,809.40	14,565.77
Ohio	57	88,800.00	27,091.00	155.38	9,896.19
Oklahoma	49	76,400.00	23,415.00	1,057.45	8,709.52
Oregon	28	45,900.00	17,470.00		6,064.48
Pennsylvania	93	147,100.00	40,390.00	1,563.20	16,633.78
Rhode Island	3	5,000.00	920.00		735.55
South Carolina	9	13,900.00	3,450.00	60.00	1,532.33
South Dakota	49	80,700.00	25,948.00	1,389.43	9,276.24
Tennessee	17	26,800.00	7,185.00	366.00	2,283.95
Texas	102	160,500.00	49,890.00	2,864.90	20,124.95
Utah	19	31,500.00	10,750.00	397.20	4,598.37
Vermont	16	26,300.00	7,830.00		2,072.05
Virginia	39	60,700.00	14,525.00	541.00	4,282.74

Equipment owned and rented by third-class postmasters in offices not under lease—Continued

State	Number of offices	Salaries	Value equipment owned	Rent paid per annum for equipment	Box rents collected
Washington	34	$50,200.00	$23,725.00	$275.20	$3,258.99
West Virginia	7	11,600.00	3,510.00		1,418.50
Wisconsin	82	136,600.00	40,075.00	1,224.30	11,523.53
Wyoming	8	12,900.00	4,310.00		1,782.90
Total	2,127	3,451,800.00	1,026,902.00	31,967.60	388,159.15

Summary

Offices reporting	2,127
Average salary	+$1,622.00
Total value of equipment owned and rented	1,346,569.00
Value of equipment average postmaster	+633.00
Box rents, average per year	182.50

Box rents average 11.25 per cent of salaries.
Proposed bill provides for 8 per cent of salaries.

PRIVATE CALENDAR

Mr. IRWIN. Mr. Speaker and Members of the House of Representatives, as retiring chairman of the Committee on Claims, having served in that capacity during the Seventy-first Congress, I am taking the liberty of enlightening the membership of the House in some degree as to the necessity of adopting some method whereby the work assigned to this committee may secure the consideration to which it is entitled.

In the Seventy-first Congress 1,700 bills were referred to this committee. By diligent attention to those claims our committee was able to consider about 50 per cent of them—and in this connection I will state that I am sure no committee in the House has worked harder than has the Committee on Claims during the past session in order to give serious consideration to the work before it. However, with the vast number of bills referred to this committee it is impossible to keep up with this work, and at the end of the session we find 750 bills remaining without any consideration, a majority of which will no doubt be reintroduced in the Seventy-second Congress.

Recognizing the situation, I introduced and had reported favorably in the last session a bill (H. R. 17168) which would give to the Comptroller General authority to settle claims against the Government for private-property damage up to $1,000, provided the claimant agreed to such settlement; if not, then such claims to be referred to the Court of Claims. But owing to the legislative jam in the short session just closed I was unable to have the bill considered. The bill also provided for personal-injury and death claims. The committee was ably assisted by the members of the Court of Claims and by the Attorney General, and feels certain that this bill would, if enacted into law, take care of from 50 to 60 per cent of the total claims referred to the Claims Committee. The committee would then be able to consider the 40 per cent remaining and at the same time do justice to the hundreds of claimants who have claims against the Government, some of them pending for years, who are certainly entitled to consideration, and which can never be considered if we continue in the future as we have in the past.

Now, just a word in reference to the rules governing the consideration of the Private Calendar. I think you will all agree with me when I say our present rule of unanimous consent, where one man who has given but a few moments' consideration to the merits of a bill can object to the passage of any bill, thereby defeating it after the committee has given it due consideration, should be changed. Many times bad humor and prejudice on the part of some Member will defeat a worthy and just claim, and I will "with charity for all and malice toward none" call your attention to some of the unparliamentary—yes, disgraceful—scenes enacted on the floor of this House the past few weeks when the Private Calendar was up for consideration. The rules should be changed, by all means.

I am merely giving my views as one who is deeply interested because of the experience I have had in such matters in giving claims against the Government a just and equitable consideration so that the hundreds of claimants to-day waiting patiently may have their claims brought to a determination. I am in hopes that in the next Congress my views and recommendations as set out in this statement may be given consideration, to the end that justice in full measure may be given to those who are entitled to receive justice.

INEQUALITY OF OPPORTUNITY FOR COMMISSIONED OFFCERS OF THE NAVY

Mr. JOHNSON of Washington. Mr. Speaker, this bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy is worthy of the most serious consideration of the House, and I am unqualifiedly in favor of its passage. For two years we have delayed this legislation, which meets with the approval of the major portion of the officer personnel in the Navy, with the approval of the Navy Department, and has the unqualified indorsement of the House Naval Affairs Committee. The bill is one which will result in a substantial saving to the Government.

This is not a radical measure. It is an attempt to smooth out inequalities of opportunity. It is a substitution of a policy known as "age in grade" for one of "service in grade." Whereas a youngster may enter the Naval Academy under the present personnel legislation and find, because he entered near the maximum age limit, that he will not have an opportunity for selection to the higher ranks in the Navy because the present law says he must retire at a certain age if he is not selected for the next higher rank; under the proposed law he is given a certain term of service in the grade in which to prove his worth for the next higher rank, without regard to his age. Surely we can not sacrifice trained officers because they happen to be one or two years older than others of their rank. Those one or two extra years may mean added judgment, more ability in making quick, clean-cut decisions.

The bill makes provision for those who were commissioned during the World War from the enlisted ranks or from civilian life. These officers have an opportunity to progress through professional examinations or to honorably retire from the Navy with all the monetary benefits of such retirement. In the case of those who held warrant officer rank to revert, if they so choose, to such rank.

I regret that during this Congress no progress has been made with this pay bill. It is not possible for the younger officers to hold their own with the pay accorded them. There has been no adjustment in many years, and I sincerely hope that the Naval Affairs Committee in the next Congress will give serious consideration to proposals to adjust their pay.

FLOOD CONTROL AND INLAND WATERWAYS NAVIGATION

Mr. SINCLAIR. Mr. Speaker and Members of the House, under permission to extend my remarks in the RECORD, I include an address delivered by me at the annual meeting of the Mississippi Valley Association held in St. Louis on November 24 and 25, 1930.

The address is as follows:

Mr. Chairman and members of the Mississippi Valley Association, it is an honor to be invited to address this distinguished body. This association is the only organization in America that I know of which is advocating a policy sufficiently broad in vision to provide for the best interests of the agricultural, industrial, and commercial groups composing the vast central portion of our country.

Prior to the great World War it was considered hardly respectable to be an advocate of inland-waterway improvements. There had been so much waste of public funds in that endeavor and so much loss in the construction of ill-considered projects that the people were skeptical of every new proposal for river development. The term "pork barrel" was a familiar epithet hurled at devoted advocates in Congress of waterway projects, and it was repeated by every crossroad weekly newspaper throughout the land. Proposals for a comprehensive national policy of control and utilization of the run-off waters of the country, and the use of its streams could not get a sympathetic hearing, although thoughtful men everywhere realized we were wasting one of our most valuable assets. The World War demonstrated the need for water transportation as a supplement to the railways, which alone were inadequate to meet the emergency. Some progress was made at that time and the Government barge line on the Mississippi was established, but after the crisis had passed the same indiffer-



ent and neglectful policy as to our waterways was resumed. No definite plan of national scope for improvement of our waterways as a whole has been adopted.

Then came the great flood of 1927, with its heavy loss of life and property. The calamity was of such proportions as to challenge the attention of the entire Nation. Much thought was given to the question of the control of our flood waters, but even then, when it came to the type of legislation to be enacted, the people most affected and who had suffered most from the ravages of uncontrolled stream flow preferred to accept a piecemeal and emergency plan of relief rather than to hold out firmly for the kind of legislation that would be an effective and comprehensive remedy. The final solution of the problem must be one which will serve the best interests of each section of the entire river basin.

A new session of Congress is now approaching and a demand comes from these same localities to save them from the dangers of the Jadwin plan of legislation passed at their behest. The approved project of flood control is one that nobody now wants in its entirety.

The first problem that confronts the Nation with respect to our waterways and their economic uses is that of a comprehensive public policy. We really have not any broad national plan that will fit the future development of our country. The man in Louisiana has one thought upon the matter; the man in Kansas and Nebraska another. What we need is a plan broad enough to take in all the affected areas—the 31 States within the great Mississippi Basin as well as all the other States indirectly interested, and with sufficient elasticity to include the future expansion of this great and growing country. That duty, I say, rests with Congress. Congress should say what the policy shall be, and place the responsibility for carrying it out upon the engineering profession. I for one am willing to go on record now and state that it is the duty of the National Government to control the entire flow of all interstate streams, from their source to the mouth, and to utilize the waters therein to the utmost for the benefit of agriculture, industry, navigation, and flood control. Such uses will constitute the highest economic good to the entire Nation. With this definite and comprehensive policy adopted by Congress, then the detailed plans of the various projects can be more intelligently and economically worked out by engineers. Individual projects should be considered with reference to how each will fit into the whole system.

It is true that Congress has placed some restrictions upon the engineers of the War Department in passing upon the advisability of adopting new projects. Now, the engineers are asked to report upon the commercial possibilities, the economic justification, the feasibility from an engineering standpoint, and the estimated cost of each new waterway project, as well as the extent of both the Federal and local interests therein. This is all very valuable information as far as it goes; it enables Congress to more easily come to a wise decision in passing new legislation. Projects wholly lacking in merit are no longer authorized. Ill-advised legislation is no longer considered. However, the engineers can not be expected to do justice to the individual project when we have no national policy, nor can they state how any single project, under present conditions, will affect all others.

This association has advocated the standardization of channels of the great central waterway system. Congress has attempted to do this, but only on the main traffic lines. There is still a great lack of uniformity in the various waterway projects. The main river channel depth for navigation has been placed, for the most part, at 9 feet with all the other river channels tributary varying in depth from 4 to 8 feet. It should be the aim of this association and of Congress to insist upon a uniform legal standard depth for the entire waterways system of the country at 9 feet, and work for that accomplishment as quickly as possible.

Originally river transportation was the chief means of commerce. It failed not because of railroad competition, as some may think, but because of the instability and uncertainty of its waterway channels. In the handling of slow moving, bulk commodities river transportation supplements, rather than competes with railroads. There is a distinct field in the country's traffic for each to fill. The uncertainty of our waterways is what has driven much of the commerce from the Mississippi River and its tributaries. Only this last season, after years of labor and much expense, most of the traffic on the river north of Memphis had to be abandoned or was tied up for want of water in the channel. We can not maintain a 9-foot channel unless we have the water to flow in it. The fundamental thought, advanced by Senator Newlands nearly two decades ago, in favor of source-stream control, is as sound to-day as it was then. The principles of waterway development, as he enunciated them, should yet be enacted into law by Congress. If we are to have permanent regulation and the full use of our waterways his idea must be adopted as the controlling and guiding influence.

In dealing with this question of waterways we should consider, I believe, each entire river system as a whole. The great waterway of the central portion of our country is the Mississippi-Missouri River system. Improvements on the main stream and each of its tributaries should be contemplated and made from the Gulf to the head of navigation on each—I mean the natural navigation. The Ohio River has already been partially taken care of, with its system of locks and dams, the completion of which was dedicated last year by the President. But additional works should be put in looking to the control of stream flow in flood time. The upper Mississippi and the Chicago-Illinois diversions are practically all provided for now. The biggest unit still to be developed and completed is the upper Missouri River, as far at least as Fort Benton, Mont. No less a depth than a 9-foot channel should be considered throughout all the stretches of this main river. Let us standardize completely our waterway improvements. When we have adopted a plan of uniform depth throughout the length of our main waterways, we must next maintain this depth of channel throughout the entire year, both in low water and in flood times. This of necessity will require source stream control in the upper reaches of the river. The importance of controlling the flow of our streams at or near the source has not been fully appreciated heretofore by those living in the lower valley; in addition to its effect upon floods it is absolutely essential in the improvement and development of navigation. Without exception all of our rivers flow more swiftly at their source. The gradient per mile is much steeper, and in consequence the siltage and erosion of soil into the stream is very heavy. Slow up this run-off water at or near its source and it will lessen or completely eliminate all erosion and siltage. This in itself will be a wonderful saving in the maintenance of a navigable channel in the lower Mississippi River. There is now being spent each year for dredging the channel between Cairo and New Orleans, for the purpose of maintaining a sufficient depth for navigation, the sum of approximately one and one-half million dollars. This large sum can be greatly reduced by source stream control. In addition, the river banks will become fixed and stabilized on the lower reaches of the river. When we remember that erosion each year removes twenty times as much plant food from the soil as is used in the growing of crops in the United States we can begin to realize how important this one item alone is in the national economy. We have lost from wastings and erosions in our country more than 17,000,000 acres of land which we can not reclaim.

The abandoned farms of the Appalachian region are mute evidences of this wastage of a great national resource. The McCook Conference of Governors held last January said: "Soil erosion is recognized as the greatest waste of the heritage of the Nation." Unless water is stored during the floods on the upper Missouri and its tributaries as an aid to summer or low water flow, the general improvements now being made up to Kansas City and Sioux City will be of little value. The result, so far as navigation is concerned, will prove to be even less adequate than is the Ohio River navigation project. It has been demonstrated that the Pittsburgh dams and reservoirs, or some such supplemental storage system which will hold back flood peaks—the water to be released during dry weather to maintain navigation as water is needed—should be an essential part of a proper navigable channel on the Ohio. In a much greater degree are reservoirs and dams necessary on the upper Missouri.

Investigations into the drainage, precipitation, and run-off waters in this upper region have been made in my State of North Dakota. There is one reservoir site on the Missouri River above the city of Bismarck which is capable of storing 15,000,000 acre-feet of water. This will take care of about 40 per cent of the run-off waters of the Missouri River drainage basin. Detailed surveys have been made of this proposed reservoir site by Mr. R. E. Kennedy, State engineer. His plans and estimates are for the construction of a reservoir by means of a large earthen dam with a steel-concrete core. The dam proposed would be over 2 miles long, with a maximum height of 175 feet above the river bottom, and a spillway of 1,500 feet. The full capacity of the reservoir would be 30,000,000 acre-feet. The cost is estimated at $47,500,000, or $3.30 per acre-foot. Siltage of the river would be deposited in the lake thus formed at the upper end over a 60-mile area and would take 230 years to fill. The dimensions of this reservoir-lake would be approximately 140 by 1½ miles. It is believed that this improvement will affect the discharge of the Missouri River by reducing the flood flow at least 60 per cent at Bismarck and will increase the low-water flow at least 70 per cent at the same point. In other words, it will have the effect upon the river of giving it a stabilized flow throughout the year and will insure a constant uniform depth of channel below, which is absolutely necessary in the promotion of water navigation. It is very important to note the provision made for siltage, for the upper Missouri River carries 80 per cent of the total siltage of the Mississippi River system.

Engineers generally are agreed that the flood problem of the lower Mississippi River is the question of getting rid of approximately 20,000,000 acre-feet of excess water at the mouth of the Arkansas River. The 1927 flood contained only 16,000,000 acre-feet of water in excess of what the present adopted levee system, when completed, will be able to carry safely in the main river below the mouth of the Arkansas. The reasonable margin of safety above the 1927 flood should be provided for, which is 25 per cent over the 1927 basis. The main problem of the lower river, therefore, is how to take care of this 20,000,000 acre-feet of water more than the Mississippi River can safely handle below that point. Rather than turn the waters loose through fuze-plug channels or diversions, which will destroy vast areas of land and property in the Boeuf and Atchafalaya Basins, we ought to study first every other feasible plan which gives promise of taking care of this flood water in some better way. I am convinced this surplus water will all disappear if we develop the available reservoir sites on the upper tributaries. Such a program of reservoir control should be made a part of the adopted Jadwin plan by amending it. It will be less expensive in the long run to the Federal Government, and will at the same time repay in added benefits to the sections of country affected more than the original cost.

The Great Plains region is suffering severely from extremely high freight rates. The agricultural and industrial development of this section is held back by reason of prohibitory freight rates. As an illustration of the influence of transportation rates upon an industry I will cite the case of flax of which I am a large producer. North Dakota raises about one-half the total flax crop of the United States. We import some 20,000,000 bushels additional annually to supply the normal needs of the Nation. All of this could be easily supplied by the flax-growing States. Yet we find that for the last 20 years the Argentine farmer has been able to deliver his flax on either of our coasts cheaper than can the North Dakota farmer. In fact, the Argentinian has enjoyed an exclusive monopoly of that business by reason of cheap water transportation.

The American farmer, largely because of the freight differential, has been unable to reach the market of his country east of Buffalo, N. Y. With a developed inland waterways system the flax of Montana and North Dakota could reach the New York markets by an all-water route, and meet foreign competition on a favorable footing. This area produces 80 per cent of the basic raw materials of the country, such as wheat, corn, potatoes, butter, cotton, and livestock. It also contains vast mineral resources awaiting developments. These raw materials are bulk commodities and lend themselves readily to water transportation. With a properly developed waterway system the impetus to other industrial developments in the region would be so great that it would add materially to the railroad traffic. Thus, the revenues of the railroads would be increased rather than diminished thereby. It is a shortsighted policy which prompts railway executives to oppose development of river transportation, and I am happy to know that a changed attitude is now being shown by many of those interested in our railways.

I have tried to stress, as the central thought of my discourse, that there can be no safe, certain, and permanent river transportation until we have a controlled river channel. We must control the run-off waters of our rivers from the source to the mouth. Dangerous and destructive floods must be prevented if we are to have a prosperous and developed river commerce. The two activities must go hand in hand. Let the flood-control advocates recognize the fact that their interest lies with the navigation advocates. Do the job at once.

A great economic depression hangs over our land and the world to-day. Large numbers of men are unemployed. I believe it will be wise economy and the part of statesmanship to set these men at gainful work on public improvements. And, of these there is none which will yield a richer return nor more permanent benefits than the proper development of our inland waterways. Now, when industry is lagging, is the time to push this great public work. The program already adopted can be augmented and speeded up. Let us bend every effort toward its successful completion, not in 20 years, but in 5, so that we may profit from its establishment in our lifetime. I, for one, pledge myself to do my utmost to that end.

THE UNITED STATES COAST GUARD

Mr. ABERNETHY. Mr. Speaker, it is my purpose to take this opportunity to pay tribute to one of the greatest organizations of our Government, the United States Coast Guard. This is one of the earliest organizations of the Government, and until recently had practically no criticism against it whatsoever. In recent years, however, this organization has had imposed upon it the duty of undertaking to enforce the liquor laws in addition to other violations, and has been subject to attacks from some sources, which I do not think have been justified in any particular.

This organization is headed by one of the best men in public life, Rear Admiral F. C. Billard. I have come in close contact with this organization, and from the highest to the lowest it will compare favorably with any other governmental activity.

The life-saving branch of the service has stood out conspicuously in the past.

I feel that in the rescue of the fishermen adrift on the ice fields of Lake Erie February 7, 8, and 9 that the United States Coast Guard performed a service that reflects great credit upon that organization. This rescue is traditional of the Coast Guard and characteristic of the work which that valiant service performs. Editorials from various newspapers representing the larger cities throughout the United States have voiced the opinion that the service should receive national recognition for the very efficient rescue of 41 fishermen.

The work of effecting this particular rescue extended over a period of 48 hours. Receiving word that the men were adrift in very exposed and dangerous positions at 10 a. m. of February 7, the rescue was not completely effected until 9.45 a. m. of the following Monday morning, a period of 47 hours.

During this entire period the Coast Guard personnel in and about Buffalo were actively engaged in rescuing these men from their position of peril—this in the face of a blinding northeast blizzard, with the temperature at 18° and a strong northeast gale.

In effecting the rescue it became necessary for the Coast Guard to employ the services of airplanes. The service was also assisted by the local Buffalo interests in placing additional planes at the disposal of the service for use in locating the drifting men. Due to the intensity of the storm it was impossible for planes to take off until approximately 26 hours after the fishermen had first been reported adrift. This delayed the rescue of the fishermen for 24 hours. The matter of planes is mentioned to point out the humanitarian duties which they may be called upon to perform.

Due to the fact that the marooned fishermen had drifted several miles into the open lake, the exact whereabouts could not be determined by Coast Guard forces. The planes having finally located the missing men, the Coast Guard activities were immediately directed to the rescue. Approximately four hours after the men had been located Coast Guard personnel and craft had effected the rescue of the first boatload of fishermen. Great difficulty was experienced in accomplishing this rescue, due to the fact that it was necessary to haul small boats a distance of 7 miles over the broken ice fields and then cross open fissures which were full of heavy slush, which was almost impossible to penetrate. The marooned men were escorted ashore and the work of accomplishing the rescue of the remaining men continued through Sunday afternoon. As darkness set in Sunday night all but 3 of the last 20 survivors had been rescued. In order to accomplish this rescue it was necessary that Coast Guard personnel who were operating the rescue boats remain on the floating ice fields in order that their places in the boats might be taken by the fishermen. This self-sacrifice on the part of seven coast guardsmen who willingly sacrificed their own safety for that of the marooned fishermen is particularly commendable and truly representative of the traditions of this noble service. By strange irony of fate one of the coast guardsmen who surrendered his place in the rescue boat was the same man who two years ago was so severely criticized while in the performance of his sworn duty. I refer to Motor Machinist's Mate Glenn S. Jennings. Two years ago this young man, while in the performance of his duty in the suppression of smuggling along the Niagara frontier, in attempting to stop an automobile which was supposed to have been smuggling contraband, fired a shot at the tire of this automobile which ricocheted and hit the occupant of the car, Mr. Jacob Hanson. Now Jennings appears in another rôle. I call this to your attention to show the diversity of duties which the coast guardsman is called upon to perform.

With the approach of darkness Sunday night the weather conditions changed and the wind shifted to the northeast, which caused the ice floe to again separate and drift farther into the lake. The separation of the ice floe and the fact that it drifted farther up the lake caused a temporary suspension in the rescue operations. The three fishermen and the seven Coast Guard Men were therefore required to spend the night on the ice, although continual effort was made during the night to effect their rescue. With the coming of morning, planes were again chartered by the Coast Guard to locate these missing men. Personnel from adjoining Coast Guard stations—Cleveland, Erie, and Niagara Falls—were called in to reinforce the personnel which had been engaged for the preceding 36 hours, and who were fast becoming exhausted from their arduous labor. Upon the missing men being again located Monday morning, the rescue was speedily accomplished and the remaining fishermen and Coast Guard personnel rescued.

I call this accomplishment to your attention not that it is different in any way than a thousand other similar accomplishments which have been effected by the Coast Guard during the past few years but for the reason that at this particular time, when the Coast Guard is being criticized and censured while in the performance of its sworn duty, I

feel that the true and paramount duties of this excellent service should be called to your attention.

OLEOMARGARINE

Mr. WILLIAMSON. Mr. Speaker, in a recent decision the Commissioner of Internal Revenue held that palm oil, when used as a substantial ingredient of oleomargarine, can not be considered as artificial coloring matter within the act imposing 10 cents a pound tax on oleomargarine when artificially colored. This ruling has had a most serious effect in lowering the price of butter, and unless promptly remedied by making all yellow oleomargarines subject to the tax as proposed by the bill (H. R. 16836) now before us will prove disastrous to the dairy industry of this country.

Oleomargarine has practically no food value. The discussion here shows that it contains no vitamin A, which is essential to life and an important ingredient of butter. It has also been stated by the gentleman from New York [Mr. SIROVICH], who is an eminent physician, that it takes 25 pounds of oleomargarine "to give you as much nutritive value as does 1 pound of wholesome butter made from cow's milk." If this is correct, the manufacture and sale of oleomargarine is a fraud upon the public and should be entirely prohibited. Canada has already done this, not only in the interest of the dairyman and farmer but in the interest of public health.

For a long time a tax on oleomargarine was opposed by the South, as large quantities of cottonseed oil and peanut oil were used in its manufacture. However, the use of peanut oil has fallen from 21,593,000 pounds in 1917 to 5,000,000 pounds in 1927, and the use of cottonseed oil is rapidly reaching the vanishing point. In place of using these comparatively wholesome oils, the manufacturers have resorted to the use of coconut and palm oils. Both of these are foreign oils and are produced under conditions which make them both cheap and unfit for human consumption.

The tariff protects butter against competition from foreign butter and animal products but does not effectively reach the substituted vegetable oils now used in oleomargarine. Imposing the tax of 10 cents a pound on colored oleomargarine will help, but I would go further and prohibit its manufacture altogether. This is demanded both in the interest of childhood, to whom vitamin A is essential to health and growth, and the American farmer.

THE HOOVER ADMINISTRATION

Mr. GARNER. Mr. Speaker, it is my judgment that the record of the Seventy-first Congress and of the first half of the Hoover administration is keenly disappointing to the people, who have been promised so much and for whom so little has been performed.

This administration and this Congress came into power two years ago with a number of definite commitments, but outstanding above all else was the pledge to do two things: To solve the problem of agriculture and to accomplish a "limited" revision of the tariff. Neither promise has been kept in good faith, whether for lack of vision and capacity or whether from unwillingness to keep faith with the people each of you may determine for yourself, just as each voter will determine that question when he or she comes to return a verdict on the Hoover administration in the election next year.

I do not believe it an exaggeration to say that as a candidate before the country a little more than two years ago Mr. Hoover was probably more profuse in his promises than any other candidate had ever been. There was little that was good that the country had enjoyed that Mr. Hoover did not attribute to the policies and the leadership of the political party with which he had at last decided to affiliate himself, and there was nothing he was not willing to promise, even an eventual Utopian state in which poverty and the poorhouse would be unknown.

Among other things, Mr. Hoover was induced to pledge, in the event of his election, to convene Congress in special session to do two things, namely, revise the tariff and produce a cure for the ailments from which agriculture had so long been suffering. At least President Hoover kept the promise to convene Congress in special session, and it was so convened in April, 1929, only a little more than a month after Mr. Hoover was inaugurated. He sent a message to Congress in which he made two specific recommendations, dealing with the farm problem and the tariff.

On the subject of agriculture, after picturing the plight into which that industry had fallen, he said:

> There being no disagreement as to the need of farm relief, the problem before us becomes one of method by which relief may be most successfully brought about.

He added that his administration was—

> Pledged to create an instrumentality that will investigate the causes, find sound remedies, and have the authority and resources to apply these remedies.

On the subject of the tariff, in the same message, President Hoover pointed out what he said was "the necessity for some limited changes in the schedules" of the existing tariff law. He wanted, mind you, only a "limited" revision, and the test of the necessity for revising a rate or a schedule was—

> Whether there has been a substantial slackening of activity in an industry during the past few years, and a consequent decrease of employment due to insurmountable competition in the products of that industry.

These were the pledges. It is appropriate to inquire how they have been kept. As for myself, it is my deliberate judgment that they have not been kept either in good faith with the people or in harmony with sound principles of good common sense. It is my opinion, too, that this verdict will be concurred in by an overwhelming majority of the people of the country.

AGRICULTURE

First, I shall discuss the pledge and the performance with respect to agriculture. You know, all of you, what happened. Congress was disposed to pass a farm bill containing the principle of the export debenture, which was a very simple proposition, in that it was nothing more nor less than an attempt to give agriculture at least some of the benefits of the tariff, benefits which have for so long been bestowed in a discriminatory way to other industries, such as the steel, the aluminum, the textile, and many other industries. Mr. Hoover rejected that plan, even though the Senate actually voted it into the bill. It became manifest that we must accept either the Hoover plan or get no plan at all. So we had to accept the Hoover plan, even though the export-debenture plan was approved by every important organization of farmers in the country and was, I have not the slightest doubt, the choice of a majority of the Members of this House as well as of the Senate. However, there is no use talking about that. We could not get the export-debenture plan, or any other plan except that of Mr. Hoover himself, and so his plan was adopted. Under it the Federal Farm Board was created, made up of members selected by the President himself. In announcing the appointment of this board, President Hoover himself said there had been lodged in the board—

> Responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry.

Moreover, it was given the huge appropriation of $500,000,000 with which to do its job. Congress dealt generously with the board; it attached no string to a single dollar of the money. It asked only that the board do something to revive the farming industry. Well, what has happened?

I do not believe there is a man within the sound of my voice, or even in the whole length and breadth of the country, who will say that the board, by what it has done or what it has attempted to do, has justified the confidence which the President reposed in it. There is not a farmer, not an economist, not an individual who has taken the pains to inquire into the state of the farming industry who is not bitterly disappointed at what must be confessed to be the absolute failure of the Hoover board, the complete breakdown of the administration's plan for farm relief.

The Farm Board was created 20 months ago. To-day, notwithstanding the very extraordinary power conferred upon the Farm Board and the very huge sum of money placed at its disposal, the agricultural industry is in very

much worse condition than it was when the board was created. Let me quote you just a few lines from a statement appearing in the newspapers only the other day under the name of R. W. Dunlap, who is Assistant Secretary of Agriculture: He said:

> The year 1930 was one of considerable disappointment not only to farmers but also to those engaged in many other industries. Agriculture suffered because the prices for agricultural products dropped to a much greater degree than the prices of products for which farmers must pay.

I would say that Mr. Dunlap, who is Secretary Hyde's right-hand man, was stating the case somewhat mildly when he said the year 1930 was one of "considerable disappointment" to the farmers. He might have said that it was a year of considerable anguish, even of downright disaster to a great many of them, without laying himself open to the accusation of having overstated the case.

Let me give you just two or three figures by way of illustrating just how "considerable" was the disappointment from which the farmers suffered last year.

In 1929, according to the Department of Agriculture's own figures, the total value of the principal farm crops produced in the United States was $8,675,000,000. At the end of the crop season of 1930, after the Farm Board had been operating with almost unlimited capital for nearly a year and a half, it was found by the same official authority that the value of the same crops was $6,274,000,000, or almost precisely $2,400,000,000 less than the value of the same crops in the preceding year. Also, from 1929 to 1930 the value of livestock sold off the farms and ranches of the country dropped a little more than $225,000,000. Add this to the $2,400,000,000 loss in the value of crops and we have a shrinkage of $2,625,000,000, which the farmers and stockmen, those engaged in the basic industry of the country, had to absorb in a single year, notwithstanding the profuse promises of the President to cure the farmer's ills and notwithstanding the grain exchange and other manipulations of the President's Farm Board. I am not so sure, either, but that we will have to add to this stupendous loss the $500,000,000 which was appropriated for the use of the Farm Board, for I am beginning to think that we might as well have tossed that money to the birds, so far as any beneficial effect on the agricultural industry is concerned.

This appalling, this ruinous loss in farm crop values can not be attributed to the score of either underproduction or overproduction, for there was not a material difference in the crop production of 1929 and 1930.

Wheat and cotton are two of our principal crops, and what we know as "money crops." In 1929 wheat production in the United States was 806,500,000 bushels, and it had a value of $840,921,000. In 1930 the crop amounted to 850,900,000 bushels, an increase of about 44,000,000 bushels; but it had a value of only $517,407,000, a decrease of $227,000,000.

In 1929 the cotton crop amounted to 14,919,000 bales, with a value of $1,225,000,000. In 1930 the crop was 14,243,000 bales, with a value of only $674,000,000, a decrease of more than $550,000,000.

How many years do you imagine that agriculture, our basic industry, can go on absorbing such losses and still exist? Is it any wonder that the columns of the newspapers of every county in the land are cluttered up with advertisements of farm sales under foreclosure?

From January, 1929, to January, 1930, the average price of farm products, as shown by the index figure of the Department of Agriculture, dropped 40 points to the lowest level since January, 1912. And it is still dropping.

In the face of these facts, these indisputable Government figures, can anyone maintain longer that the Hoover policy of farm relief and the Hoover Farm Board are not a flat failure?

THE TARIFF

I shall deal but briefly with the subject of the tariff.

As I have shown, President Hoover committed himself to a policy of "limited revision" of the tariff. That pledge was not kept, as nobody knows better than you gentlemen of the House. All of you know how, when the hearings were opened by the Ways and Means Committee, great swarms of greedy lobbyists thronged the corridors of the House Office Building and later the Senate Office Building, pot-bellied with greed and endowed with capacity to get what they were after. They got it. The Ways and Means Committee of the House and the Finance Committee of the Senate were surrounded by "men who knew what they wanted and how to go about getting it." They had made their contributions to the campaign chest of the Republican Party, and they were here to collect their dividends, and they collected.

Instead of a "limited revision" all of the schedules were opened up, and when the Hawley-Smoot tariff bill was finally passed it contained the highest level of rates ever written into an American tariff. It is true he signed it rather apologetically, but the President signed it nevertheless, and he never committed a greater error or helped to commit the country to a more ruinous policy.

The rates of the Hawley-Smoot tariff bill add enormously to the burden of living costs of the American people. One economist who is an authority on the tariff contends—

> If only one-half of the legalized tariff allowances are added to the merchandise sold in our general stores, the cost to consumers is $10,000,000,000 annually, as computed by experienced Federal statisticians. And one-half of this—

He adds—

> is over and above the requirements of honest protection.

To realize that the tariff policy of the Hoover administration and of the Republican majority in this Congress is ruinous it is necessary to go no further than to the foreign-trade figures of the Department of Commerce.

During the calendar year 1930 our foreign trade fell below the trade for 1929 by $2,737,780,000. During the first seven months following the signing of the tariff bill by President Hoover our foreign trade fell off more than $2,000,000,000.

A well-known economist has said that "customs tariffs determine the extent and flow of international trade." Without a decent, fair, honest tariff policy we can not expect the friendship of the rest of the world, and without that friendship we can not hope to find a sufficient market for our export surpluses of grain and cotton, as well as of manufactured products.

It is no answer, as some of the opposition would have us believe, to say that the remainder of the world is also in the depths of a depression. If it is, the fault is more upon us than any other country. Not only have we done nothing by our tariff policy to help keep the rest of the industrial world out of chaos but we have actually contributed to it. Scores of countries have enacted retaliatory tariffs on the principle that if they may not sell to us they will not buy from us. Apply this principle locally. Let a merchant set himself up in business in the community of any of you. Let him buy nothing in that community; let him import carpenters, bricklayers, electricians to erect his store building; let him spend not a dollar among you except what he must pay in taxes, and how long do you suppose he would stay in business? If he does not buy in the community, he will not long sell in that community. And so it is with nations; if we will not buy anything, we can not sell anything.

Of the importance of this foreign trade, not only to our manufacturing industries, to our cotton and wheat growers, but to all of the people, I cite no less an authority than President Hoover himself. In 1928, when he was a candidate, he made the statement that our foreign trade meant a living for no fewer than 3,000,000 American—not individuals, mind you—but families. Well, our foreign trade fell off about 27 per cent in 1930, and it is still dropping. If 3,000,000 families were earning a living as a result of our foreign trade in 1928, when Mr. Hoover was a candidate and spoke so proudly of our foreign trade, then 27 per cent of those families were deprived of that means of earning their livelihood in 1930. That is part of the answer to your problem of unemployment. Our short-sighted, silly, selfish tariff policy, by its ruinous effect on foreign trade, accounts for the unemployment of the workers in more than 800,000 families, according to President Hoover's own yardstick.

I am not talking to you now about the policy of protection or of free trade or of a tariff for revenue. I am talking to you about the ruinous, dishonest policy of inflicting outrageous and unjustifiable tariff duties on commodities that are essential to the life and comfort of our people, and doing it in the name of protection.

For this policy Mr. Hoover and the Republican majority in Congress must assume the responsibility. For it they must answer to the people, as more than 50 of you discovered to your sorrow in the election of last November. They must answer, too, for the failure of the administration not merely to deal sympathetically with the problem of agriculture but to deal with it in any effective way.

On this record, on the record of the complete breakdown, the utter failure of the Hoover administration and this Congress to keep its pledges with reference to agriculture and the tariff, I say that the last two years have brought the most bitter disappointment to the people of this country of any short-sighted, stupid, silly, selfish policy ever followed by any party or President in any administration.

Upon your record you will be judged. Viewing that record, I and my colleagues look forward with confidence to the approach of another presidential election year, when the people will have opportunity to return their verdict, to render their judgment, and to once again wrest back power from the selfish interests which have seized and abused it.

TURPENTINE GUM AND ROSIN

Mr. HARE. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following statements made before the Committee on Agriculture February 17, 1931, the committee having under consideration Senate bill 2354:

Mr. HARE. Mr. Chairman and gentlemen of the committee, I appear in support of this bill in a dual capacity, both as a representative of a number of constituents who produce turpentine gum and rosin and then as a witness to explain what turpentine gum is and its relation to agriculture.

I might say at the outset that in my earlier life all of my time was spent on the farm, where I was engaged in many types of farming. We grew cotton, corn, wheat, oats, potatoes, livestock, and ran what we called a "turpentine farm." We used the same labor in each and every operation. That is, I or other members of the family, for we did practically all of our own work, would be found plowing corn one day, chopping cotton the next, and "chipping" pines the third. Or we may plow cotton one day and dip rosin the next, depending somewhat on weather conditions, for quite often we would be able to work the turpentine farm when you could not work the cotton or corn farm, particularly after heavy rains when the land would be too wet to work cotton or corn, but you could chip pines or dip rosin. We used the same mules in plowing cotton and corn in hauling turpentine gum and rosin. We used the same labor in each operation. The work was all under the same management. It is just simply a different type of farm, but a farming operation nevertheless.

The difficulty, as I understand it, in this matter has been on the part of the Farm Board to determine whether turpentine gum is a farm crop or farm product, the contention being that if it is a farm product it should be placed in the same classification as any other farm product and the producers be entitled to share in the benefits of the agricultural marketing act. In my section it is the exception to find anyone who works a "turpentine farm" who does not also do other farm work; that is, a "turpentine farm" is simply a type of farming, or one of many agricultural operations carried on by a number of farmers in my district, as well as other parts of the country.

Mr. Chairman, I have a letter here from one of the best and largest farmers in my district. I will read what he says: "There are many of us who have for years planted our pine seed"—that is, they plant pine seed like they plant cotton, corn, wheat, or other farm crop. Reading further, he says: "We set our pine plants," just like you set sweetpotatoes, tomatoes, pecan trees, fruit trees, or any other plant on the farm. There is no doubt but what an apple or peach orchard is a type of farming; there can be no doubt but what a pecan grove is a type of farming; then where can there be any doubt about planting and cultivating pine trees as being a type of farming? If so, then turpentine gum and rosin should certainly be classed as products of the farm, just as apples, peaches, pecans, or maple sugar. Listen to what this farmer goes on to say in his letter: "We have plowed the trees, hoed, protected them, and cared for these trees each year to the same extent and in the same manner that we would our other farm program."

So it is only a question of whether or not this turpentine gum and rosin should be included in the marketing act on the basis of other farm crops. Knowing the situation as I do, I can not see where there can be any doubt whatsoever.

Mr. FULMER. That is, the farming turpentine business is largely like the farming pecan business, and the pecan growers have organized and have come under operations of the board.

Mr. HARE. Yes; that is a good illustration. It is just like the tobacco business also. In my State a man may have 4 acres of tobacco and 50 acres of cotton in order that he might be able to organize his labor to the best advantage. And for that same reason he takes in or includes turpentine farming. He has so many acres or trees he will cut one year; so many he will work next year; and let these rest [illustrating], just like we let our land rest from time to time. In other words, there is diversification in it, and it is purely a farming operation. You can not get anything else out of it, and this type of farming should have been included in the original agricultural marketing act.

Mr. Chairman, in view of the fact that I have been limited to five minutes, I will ask to insert in the record some letters and telegrams I have received in behalf of this amendment.

ESTILL, S. C., *February 12, 1931.*

Hon. BUTLER B. HARE,
Member of Congress, Washington, D. C.:

The George amendment, classification gum turpentine and rosin farmers under Capper-Volstead, now in House Agricultural Committee, sponsored by LARSEN, of Georgia. Necessary you rush this out of committee for passage. This will be a great help to the people of your district. Thanking you for past favors,

W. L. RHODES.

ESTILL, S. C., *February 13, 1931.*

Hon. BUTLER B. HARE,
Member of Congress, Washington, D. C.:

Will greatly appreciate your help in getting George amendment, classifying gum turpentine and rosin from under Capper-Volstead Act, out of committee for passage this session. This is among the largest industries in our district. Employs thousands of people and is badly in need of help. Kindest regards.

M. H. O'NEAL.

YEMASSEE, S. C., *February 13, 1931.*

Hon. BUTLER B. HARE,
Member of Congress, Washington, D. C.:

Amendment by Senator GEORGE, gum turpentine and rosin farmers, Capper-Volstead Act, being sponsored by Congressman LARSEN. Amendment in Agricultural Committee. Please use best efforts to get this out at earliest possible moment.

C. E. BULLARD.

VARNVILLE, S. C., *February 15, 1931.*

Hon. B. B. HARE,
Washington, D. C.

DEAR MR. HARE: Mr. Irvin Post and others of the executive committee of the Gum Turpentine-Rosin Marketing Association, of Jacksonville, Fla., and Savannah, Ga., have been very insistent that I accompany them to Washington for a hearing before the House Agricultural Committee in re Senator GEORGE's amendment classifying the gum turpentine-rosin farmers as being eligible under Capper-Volstead Act. I know you are familiar with the subject, and that it will be a pleasure to assist in every way possible to obtain the desired results for our cause.

There are many of us who for years have planted our pine seed; also set out our pine plants, and plowed, hoed, protected, and cared for these young trees each year the same as any other part of our farm program. Therefore there should be no question as to the product we get from our trees being eligible under Capper-Volstead or any other agricultural act. And the growers and producers thereof should be, and are in my opinion, entitled to the privileges enjoyed by other agricultural products. Why should we as tree growers and producers be denied the right to organize ourselves into a cooperative marketing association to handle and market the product we grow and produce on our farms? And why should not our Government under our agricultural and marketing acts extend to us the financial assistance needed to carry forward and accomplish this end the same as it does for other kindred agricultural products that are grown from the soil on our farms and produced on, in, or by the trees? I've got to stop—the subject is so interesting and the present situation so intensely vital to the industry until I will be writing you a long letter before I know it.

Thanking you in advance for all assistance in the matter and all courtesies shown our gum-spirits committee, I am,

Very truly yours,

T. H. TUTEN.

THE POWER TRUST

Mr. LAGUARDIA. Mr. Speaker, under permission granted to extend my remarks I want to insert a letter received today from a gentleman of the State of Massachusetts indicative of some of the splendid, high-type, calm, conservative, dignified gentlemen who support the Power Trust. The letter speaks for itself:

ATTLEBORO, MASS., *March 3, 1931.*

Congressman LAGUARDIA,
Washington, D. C.:

After listening to your effort at oratory last evening, which, by the way, sounded more like a squawky "red" soap-box spouter on the east side, from which you come and where the worse bunch of low-downs elect you.

I have lived 60 years and have yet to hear a complaint on the high cost of electricity or gas. We do the most of our cooking

with gas, and the bill last month was $1.19. Also, we have an electric refrigerator, sweeper, radio, toaster, etc., and the bill last month was $3.45. Can one ask more?

You spoke of cheap gas supplied by the Canadian Government and you say nothing of the big taxes that they do not pay that the United States companies do.

If you and that bunch of "red" western Senators would use your addled brains toward something that would aid business instead of trying to tear it down, you would have as many friends here as you now have in Russia and we would have had plenty of employment long ago. And by the way, I should like to know how much Russia pays you.

Your name shows what you are, a dirty foreigner, in a class with Capone, and those that can't be deported should be shot.

Hoping you will soon be in hades.

J. R. WALCOTT.

P. S.—It would be a fine business run by such politicians as we have now in Washington.

OLEOMARGARINE AND TURPENTINE

Mr. LANKFORD of Georgia. Mr. Speaker, the House has just passed the oleomargarine bill carrying a provision declaring that certain naval-stores products shall be classed as farm products and as such entitled to all the benefits of the Federal Farm Board marketing act. This is a recognition that has long been sought by the turpentine producers and which many of us hope will be very beneficial to them.

On at least three former occasions I have expressed rather fully my reasons for actively supporting this legislation and I shall not now make an extended argument in support of the proposition, except to repeat the statement, that in my opinion the Farm Board has a better chance to make a real try out of its marketing plan with this product than with any other. I say this for the reasons heretofore urged in support of this recognition, and I now wish to urge the Federal Farm Board to grant to the turpentine producers all possible assistance authorized by law. The turpentine producers and their friends have made a hard fight to secure that which many thought them entitled to under the original act.

I was one of those who feared the original act was too doubtful in its terms and susceptible of a construction excluding gum-turpentine products. My fears were well founded, as was established by later developments. One of my criticisms of the original Farm Board marketing act was aimed at the indefinite terms of the bill. I felt and stated that too much was left open to several different constructions. I urged that the bill be couched in definite and unequivocal terms, so there could be no doubt about the legislative intent.

In fact, when the original bill was passed I had pending a bill with definite, certain language specifically including naval-stores products. I could not secure the approval of my bill or any of its provisions. Congress was determined to pass the original bill as reported and without amendment, and did so. I am glad this provision of my bill has been written into the law and hope still more of my plan will be enacted in the near future. I have heretofore said so much about my contract control of production and price marketing plan until I shall not now further discuss this proposal.

I do, though, want to say a few words concerning the splendid fight that has been waged to secure enactment of the proposal including gum turpentine as entitled to all the relief of the Federal Farm Board. Those of us in the House who favored the enactment of this proposal believed that our colleague, Mr. LARSEN, should introduce the measure for the relief of the turpentine producers. We came to this decision deliberately because of Mr. LARSEN's position on the House Committee on Agriculture, and because of his ability as a legislator, coupled with his untiring determination to succeed when serving his people.

We were not at all mistaken in our decision. Having kept in close touch with the matter before the Farm Board, before the House Committee on Agriculture, on the floor of the House, and at all times, whether in private conference or in public legislative combat, I am in position to know and state of my own knowledge that no one ever rendered more faithful and efficient service in behalf of a measure than did Mr. LARSEN in behalf of this one.

It is my candid judgment that the measure would have met much greater difficulties and probably been defeated except for his splendid help.

Time and again I found the proposal getting past what appeared to be unsurmountable hurdles; all because of Mr. LARSEN's splendid activity and the good work not only of Mr. LARSEN but also of his many friends here who were helping, even though some of them knew nothing about turpentine but simply wanted to help their friend Mr. LARSEN and had faith in the bill because he was its author.

Senator GEORGE introduced and passed the proposal in the Senate. It was well that he take the lead there, since he had argued the matter repeatedly before the Farm Board and was from the turpentine section of the greatest turpentine-producing State in the Nation.

After the bill passed the Senate, came to the House, and a favorable report was made by the House Committee on Agriculture certain manufacturing interest who had always been unfriendly to the bill became very active against the measure, and for a time it seemed that we were doomed to certain defeat. Congress was nearing adjournment, we had tried every parliamentary move to get the bill up for consideration, but were blocked. It seemed we could not move. We believed we could pass the bill if we could only get it up, and yet we were uneasy about the outcome even if a vote was taken. We knew that certain interest was waging an awful fight against the bill, and knew that only a small percentage of the Members represented turpentine sections.

We were seeing all our friends that we could possibly reach and yet the situation was most serious.

While the oleomargarine bill was being considered and debated in the House my colleague, Mr. EDWARDS, of Georgia, and I were discussing the seriousness of the turpentine situation and each expressed the wish that there was some way to tie the turpentine proposition to the oleomargarine bill so as to secure for the turpentine proposal the votes of the oleomargarine supporters. We knew, though, under the rules of the House the turpentine item could not be tacked onto the oleomargarine bill by amendment.

To make a long story short, the oleomargarine bill passed the House, went to the Senate, where the rules of procedure are more liberal. Senator GEORGE made the strategic move necessary to force the passage of the bill, and without which the bill would have failed of passage. He not only made the proper move at the right time and in the proper way, but also brought to bear his legal and legislative acumen in effectively forming and safeguarding a situation which would force the passage of the provisions of his bill.

After the amendment was secured by Senator GEORGE the fight ceased to be hard. The friends of the proposal were jubilant and many of the enemies of the turpentine bill were mad but found themselves bound to vote for it rather than defeat their pet oleomargarine bill. It was an amusing situation. Many of those who did not like turpentine were forced to swallow it when the dose was given with oleomargarine.

We were glad to secure the passage of the bill by any legitimate means. We were almost desperate. Our folks were suffering, wanted the bill passed, and believed it would help them.

Among the many who wired me to support the bill are the following:

W. V. Musgrove, Homerville, Ga.; H. Langdale, Valdosta, Ga.; Lakeland Turpentine Co., Lakeland, Ga.; A. J. Baldwin, Naylor, Ga.; Moody Bros., Surrency, Ga.; D. E. Coleman, Valdosta, Ga.; Alex K. Sessoms, Waycross, Ga.; A. H. Croom, Baxley, Ga.; L. M. Autrey, Valdosta, Ga.; B. A. Bennett, Millwood, Ga.; Pearson Turpentine Co., Pearson, Ga.; Paul M. Lang, Pearson, Ga.; F. A. Shaw, Willacoochee, Ga.; J. T. Paulk, Willacoochee, Ga.; B. G. Oberry, sr., Willacoochee, Ga.; Miles & Dunn, Baxley, Ga.; J. B. Lewis, Waycross, Ga.; E. D. Rivers, Lakeland, Ga.; G. W. Varn, Valdosta, Ga.; the Downing Co. (Inc.), Brunswick, Ga.; D. J. Henderson, Ocilla, Ga.; J. G. Henderson, Lakeland, Ga.; W. L. Miller, Lakeland, Ga.; R. L. Patten, Lakeland, Ga.; Reason Henderson, Lakeland, Ga.; R. Simpson, Lakeland, Ga.; W. W. Tur-

ner, Valdosta, Ga.; J. A. Bennett, Valdosta, Ga.; W. M. Prescott, Valdosta, Ga.; J. T. Holt, president Baxley Kiwanis Club, Baxley, Ga.; L. L. O'Quinn & Bros., Odum, Ga.; Georgia Forestry Association, T. G. Woolford, president, Atlanta, Ga.; Gum Turpentine Rosin Marketing Association, Jacksonville, Fla.; D. A. Sapp, Brunswick, Ga.; J. D. Odom & Co., Waverly, Ga.; J. H. Harvey & Co., Gardi, Ga.; Sasser & Co., Lake City, S. C.; Sapp & Reynolds, Bainbridge, Ga.; Appling Turpentine Co., Baxley, Ga.; Alcorn Naval Stores Co., Dexter, Ga.; Cadwell Naval Stores Co., Dexter, Ga.; Laurens Turpentine Co., Glenwood, Ga.; Carr & Howard, Kite, Ga.; Screven Turpentine Co., Sylvania, Ga.; Carolina Naval Stores Co., Dorchester, S. C.; McClellansville Turpentine Co., McClellansville, S. C.; Wiergate Naval Stores Co., Wiergate, Tex.; Pine Harbor Naval Stores Co., Eulonia, Ga.; Union Turpentine Co., Lake Park, Ga.; Odum Turpentine Co., Odum, Ga.; Coastal Turpentine Co., Uvalda, Ga.; Rosa Turpentine Co., Poplarville, Miss.; Eastman Gardiner Naval Stores Co., Laurel, Miss.; Altamaha Turpentine Co., Graham, Ga.; White Springs Naval Stores Co., White Springs, Fla.; Gem Naval Stores Co., Kirkland, Ga.; Sansavilla Turpentine Co., Mount Pleasant, Ga.; Better Rosin Corporation, Cogdell, Ga.; and Waynesville Naval Stores Co., Waynesville, Ga.

Among those who came to Washington and rendered most splendid and efficient service in behalf of the bill are the following:

T. J. Aycock, Jacksonville, Fla.; Julian Langner, Jacksonville, Fla.; James Fowler, Soperton, Ga.; Robert Newton, Hattiesburg, Miss.; Raymond L. Sullivan, Savannah, Ga.; M. O. Dunning, Savannah, Ga.; and A. K. Sessoms, Cogdell, Ga.

In conclusion let me say I sincerely trust the Federal Farm Board, by reason of this law, renders a real service to the turpentine producers. These producers are worthy of assistance, really need it, and will cooperate in every way possible in helping the board make here and now a real success.

FIVE CIVILIZED TRIBES

Mr. HASTINGS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I wish to insert the following with reference to the Five Civilized Tribes bill.

In order to explain the bill under discussion, which is much misunderstood, I am inserting the bill, as follows:

Be it enacted, etc., That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall after April 26, 1931, remain restricted and tax exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land, held by anyone, acquired as herein provided, shall not exceed 160 acres: *And provided further*, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928 (45 Stat. 495).

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest, and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

As above stated, this bill contains two sections. The first part of the first section only deals with funds and other securities belonging to restricted Indians and makes sure that the restrictions on these funds and securities are continued on and after April 26, 1931, under the supervision of the Secretary of the Interior, as at present. It does not give any preferential right to an heir born after March 4, 1906. The bill in no place does that.

The first proviso of section 1 permits an entire interest to be acquired in restricted and tax-exempt land by inheritance, devise, gift, or purchase with restricted funds, and places the restricted Indian exactly in the same position as a restricted allottee. He can not acquire more than 160 acres, and this is subject to the mineral tax as provided in section 3 of the act of May 10, 1928.

It will be observed that this section does not enlarge the restrictions, nor does it enlarge tax-exempt lands. It only continues restricted funds and securities as restricted, so that large sums may not be turned over to non-English speaking Indians who may improvidently expend them.

I am sure that no one who reads the bill will think for a moment that large sums of money should be turned over to these inexperienced Indians without any supervision.

The second section relates to probate procedure and permits the probate attorneys as a matter of right to go into the probate courts and represent restricted Indians, and this is done in accordance with the rules and procedure in probate matters adopted by the Supreme Court of Oklahoma. Surely no one can object to this provision. The section further gives the right of appeal to the district court.

I know of no county judge in my district who is not earnestly protecting the restricted Indians. Everybody knows there has been some criticism against some of the county judges, and, while I do not share in this criticism, this section of the bill gives the right of appeal in the event it is believed the Indians are overreached in the sale of their inherited lands.

We have provided for appealing most every other case for white people as well as the Indians, and surely no one can have any objection to an appeal in the sale of inherited lands.

Much of the discussion on the floor of the House when this bill was up for consideration was far afield and it clearly shows that there was a misconception of the provisions of the bill.

Let me repeat that the restrictions were extended by the act of May 10, 1928, and this bill does not further extend the restrictions nor does it enlarge the acreage of tax-exempt lands.

CONGRESSMAN JOHN C. BELL, 1893 TO 1903

Mr. TAYLOR of Colorado. Mr. Speaker, during the past few days we have all listened with genuine appreciation to many eloquent and richly deserved eulogies upon the life, character, and public services of our departed colleagues in this Chamber. In honoring them we honor ourselves and render a splendid service in patriotism and loyalty and encouragement to the youth of our country.

These forrial memorial occasions are confined to those brothers who pass to the Great Beyond while in the active service here in Congress. Those many hundreds of ex-Members of Congress who reach the end of life's journey after retiring to private life have no congressional mention made of their departure or of their loyal and eminent services to our country. There are probably many more really great men to whom our States and our Nation actually owe a profound debt of sincere gratitude who die in private life than while in Congress.

Very few people have time to ever read more than occasionally a few headlines or matters in which they are especially interested in the hundred and fifty thousand words in the average daily issue of the CONGRESSIONAL RECORD. Nevertheless it is absolutely the only place or document anywhere in our country where any mention of the life record of any Member can ever be preserved in any form readily accessible to the general public.

The bound volumes of the CONGRESSIONAL RECORD in the public library of every city in the United States and all the large libraries of the world will be a permanent record as long as this planet is inhabited by human beings.

It has always seemed to me that it would be eminently fitting if the Members of Congress from each State would occasionally insert in the RECORD a very brief and conservative statement of the services to our Nation of a few of the most eminent Members of Congress their States have produced and who passed to their reward as private citizens. It would cost comparatively nothing and would, I think, be encouraging and conducive to a more vigorous Americanism, as well as immensely gratifying to all their descendants and friends.

With that sentiment in mind I have taken the liberty of occasionally paying a deferential mark of admiration and respect to the memory of several of the greatest names and minds in our State's history, men who were really builders of Colorado and the entire West. My humble tributes appear in the RECORD of the dates as follows:

Senator Charles J. Hughes, February 12, 1911.
Senator Thomas M. Patterson, September 15, 1917.
Senator Henry M. Teller, February 13, 1923.
Senator John F. Shafroth, February 28, 1923.
Congressman William N. Vaile, February 20, 1929.
Territorial Delegate Hiram P. Bennet, February 16, 1931.

What memories those names conjure to the minds of all old-time Coloradans!

Senator Hughes and Congressman Vaile died while in Congress. The others passed to their reward in private life at their homes in Denver.

Colorado has been most exceedingly fortunate in the selection of all of her 5 Territorial Delegates, 18 United States Senators, and 24 Congressmen. Patterson was a Delegate, a Representative, and a Senator; Chilcott and Chaffee were each a Delegate and a Senator; and Shafroth was a Representative and a Senator. Our State has never been humiliated or compelled to bow her head in shame for any of their actions, as some other States have at some time or other been compelled to do. Of the few of those 42 Coloradans who are left with us to-day, there are 2 octogenarians in vigorous health of whom both the Territory of Colorado and the Centennial State have been proud from their boyhood days—Senator Charles S. Thomas and Congressman John C. Bell.

Feeling that a few kindly greetings as we journey down the western slope of life are far better than waiting until they can not be appreciated, I was genuinely glad of an opportunity to express a few words of admiration of Senator Thomas in the RECORD of June 16, 1930, and under leave to revise and extend my remarks in the RECORD I am pleased indeed to make a brief friendly reference to Judge Bell. He is the only former Member of either the Senate or House now living in my congressional district. He represented the western half of our State, that is now my district, for 10 years, from March 4, 1893, to March 4, 1903. I was delighted to join in a humble way in some of his nominations, which were practically always unanimous, and a part of that time I was supremely proud to be the chairman of his campaign committee, and I have never wavered a moment in my profound admiration of him for almost a half a century.

No man ever represented Colorado in Congress with more earnest and unselfish devotion. Through all our desperately trying frontier times and gyrations in politics and business he has always been the soul of honor. In his private life, in his practice of law, and on the bench and in Congress—in every office or position he has ever occupied—he has been a valiant champion of human rights. His heart has always beat for common humanity, for honesty, for fair dealing, and his entire life has been a noble example and inspiration to the youth of western Colorado.

He never sought publicity or played to the gallery. His record in Congress was not spectacular, but he was always a hard and indefatigable worker. In addition to diligently attending to the very large amount of detail office work, correspondence, and requests of all kinds that every Congressman has, he found time to prepare and forcibly deliver a great many wonderfully learned and exhaustive speeches on a great variety of subjects. His speeches appearing in the RECORD during that 10-year period are a veritable storehouse of information on those subjects.

It must be a very great gratification and satisfaction to Judge Bell, as it is to his thousands of friends, to realize that nearly all the measures that he fought for so long and so valiantly 35 years ago were either enacted during his service here or have been placed on the statute books since then.

The West will always owe him a sincere debt of gratitude for his very important aid in bringing about the enactment of the national irrigation and reclamation policy. While he, together with all the West, failed in their long and heroic fight to prevent the demonetization of silver, yet he was partially successful in his fight against the banking practice in vogue at that time and against the trusts and some of the tariff outrages. He was successful in his efforts regarding the national income tax and for an 8-hour day and a voluntary bankruptcy law.

His activities covered a wide range and all of them were honest and for the betterment of common humanity. In the light of over a third of a century he has nothing in his official career to regret. He has been a great public official in all his offices and lived a grand life. Colorado will always be proud of him. Our State in particular, and the West in general, are better for his long, vigorous, earnest, honest, and efficient career.

When the future historians of our State shall write the records of the men who made Colorado truly great, the name of John Calhoun Bell, scholar, able lawyer, profound judge, statesman, orator, faithful public servant, loyal son of Colorado, kind, unselfish, big-hearted, generous, genial gentleman, will be given a very prominent and most creditable page among our State's great builders.

In the recently published new edition of The Biographical Directory of the American Congress, 1774 to 1927, the brief sketch pertaining to Judge Bell is as follows:

Bell, John Calhoun, a Representative from Colorado; born near Sewanee, Franklin County, Tenn., December 11, 1851; attended public and private schools in Franklin County, Tenn.; studied law in Winchester, Tenn., and was admitted to the bar in 1874; moved to Colorado in 1874 and commenced practice in Saguache, Colo.; county attorney of Saguache County, Colo., from 1874 to 1876; resigned in May of the latter year; moved to Lake City, Colo., in 1876; clerk of Hinsdale County in 1876; mayor of Lake City in 1885; moved to Montrose, Montrose County, Colo., in 1886, and continued the practice of law; judge of the seventh judicial district of Colorado in 1888; elected as a Democrat to the Fifty-third and to the four succeeding Congresses (March 4, 1893–March 3, 1903); unsuccessful candidate for reelection in 1902 to the Fifty-eighth Congress; member of the United States Industrial Commission in 1900 and 1901; resumed the practice of law in Montrose, Colo., judge of the Court of Appeals of Colorado 1913–1915; again resumed the practice of law, and is a resident of Montrose.

At my request, one of Judge Bell's daughters, Mrs. John L. Stivers, has prepared a short family biographical sketch, which I insert herewith, as follows:

CONGRESSMAN JOHN C. BELL, SECOND DISTRICT, COLORADO, 1893–1903

Just as the towering peaks of Colorado's western slope form a majestic background for much of her early years of struggle and accomplishment, just so has the rugged strength and ability of former Congressman John C. Bell left itself as an imperishable page in this section's early history of progress.

Being one of eight children, John Calhoun Bell was born of Rachel (Laxsom) and Harrison Bell on a Tennessee farm in the Sewanee section of the Cumberland Mountains, in the month of December, year 1851.

The parents of the lad were fine, honest, highly respected citizens. The father, aside from farm duties, found time to engage in the exchange of lands and horse trading, was an extensive planter, served as sheriff of Grundy County, and was long one of the leading men of his district.

From educational and cultural standpoints the youth came into the world at an inopportune time. The horrible war was but recently ended. Universities, for lack of funds, were closed, and the little log-cabin school, to which the boy had been sent early in life, shut its doors for the same reason. It was a sad time for parents, ambitious for the education of their children.

Finally, through the untiring efforts of the community and of two professors from Knoxville University, a little school was established at Boiling Forks, and we find later enrolled among its students the subject of this sketch.

Here the youth studied until his teens, distinguishing himself in numbers, literature, and civil government, and early showing the great nobility and loftiness of character which has always distinguished him.

With grade and high-school years now disposed of, the time for choosing a vocation was at hand. At first there was a wavering between law and medicine, but law finally won out, and the tall, lank, future Congressman made his way to Winchester, where he entered as student the law offices of Brennan, Hunt & Davis.

After serving here his allotted time, in April of 1874, the young man was issued a diploma in law from the Supreme Court of the State of Tennessee, and thus the hour had arrived for the choosing of a suitable location for the practice of his profession.

The South was as yet staggering under the blow of the war's defeat; the North had adjustments to make, which were slow in the making; to the East stretched the illimitable sea, thus leaving only the glorious and little explored West as the land of promise for ambitious youths during this period of reconstruction.

A few months as master of a school placed within the needy palm of the young attorney sufficient money to give him courage to leave the stamping ground of his youth and forever turn his face toward those regions of the West, whose history of hidden treasure read like the tale of gold-paved streets in some new Jerusalem.

The first step of the young man was at St. Louis, where, at the famous Planter's Hotel, he listened breathlessly to the tales of the unearthing of beds of gold near Denver, or Del Norte, or in any one of the many rich mineral districts in the heart of the Colorado Rockies.

As the train whistled into Denver the young attorney was all eyes and ears, listening to the hoof thud of the heavy teams bearing to smelters their new-found ores, watching excited miners in native garb, or outlaws with long, bristling mustaches taking in the possibilities of the future as all plied up and down the streets of the city, then a thriving, overgrown town, with a population of some eight thousand inhabitants.

A few days at the Shipiro Hotel convinced Bell that he must again move. Everyone was talking of Del Norte and its possibilities. There he would cast his lot. Once there he took up his abode at the Messler Hotel, entering into partnership with one Newton Love, who already had won some judicial distinctions in the Columbine State.

Here a few months and it was deemed wise to establish a branch law office at Saguache, to which place Mr. Bell went, immediately receiving the appointment of county attorney.

The year 1876 was the year destined to bring another change of location for the struggling attorney. This time he made his way to Lake City where, from the moment of his arrival, his success was phenomenal; and it was here that the friendship between the young attorney Bell and the heroic Otto Mears sprang up—a friendship which has grown stronger with the passing of the years.

Immediately his success was not only in his own locality but spread to neighboring sections. Honors and offices were heaped upon him in great numbers, he having been made county clerk, county attorney, and mayor in quick succession.

In 1885 he formed a law partnership with the Hon. Frank C. Gondy, and the head office was trasferred to Montrose, Colo. Again the attorney made rapid strides—his popularity, honesty, and marked ability fast making him one of the most prominent lawyers and figures of his State.

In the year 1888 he was elected to the office of judge of the seventh judicial district of the State of Colorado, an office which he held with great distinction until 1892.

During these years the judge became intensely interested in the agricultural possibilities of the Uncompahgre Valley and, like his father before him, took great pride in his holdings of land, which, under his careful supervision, were changed from seeming arid deserts to fields and orchards of unsurpassed beauty and promise.

During the years, too, the future Congressman had journeyed more than once back to the home of his childhood, bringing back on one of his return trips as wife Susan Abernethy, the sweetheart of his early years. To them were born two daughters, Susan and Ethel by name.

The year 1892 had arrived, and it proved to be the outstanding year of achievement in the life of Judge Bell, for it was at this time that the constituents of the second congressional district called him to represent their needs in the halls of the United States Congress at Washington.

Here, always a leader, always a friend of the great and the oppressed, always an advocate of everything splendid and progressive, he served not only his State but his Nation with distinction until the year 1902. It was a Republican year, and the Congressman and his little family again took up their residence in Montrose, he, forming at different intervals, varying partnerships, the last one being with John L. Stivers, a native of Iowa, an honor graduate of the law school of Yale University, who in later years was to become through marriage a member of the Bell family.

Upon his return, for many years Judge Bell was most active in the Democratic politics of his State, serving more than once as committeeman to the Democratic National Presidential Convention, and at one time serving for some years in the court of appeals in Denver, Colo.

As time went on he gradually became less and less active in the practice of law, increasing with the years his interest in the cattle industry of his section, and giving much time to the development of the hundreds of acres of land which he had so helped to reclaim while fighting for the great Uncompahgre relief project while in the Halls of Congress.

The achievements which Judge Bell has so helped to bring to the State of his choice, like the towering peaks about, shall ever be an imperishable part of Colorado's western slope history, but in the hearts of those who have known this noble man something finer, better, deeper, even more lasting than the annals of history shall linger with his memory.

In closing I quote from a short biography given by one of his admirers of a few years back—a tribute which is as true to-day of the Grand Old Man, as he is known in his own community, as it was when life was still new and fresh and challenging:

"Judge Bell as a man bears an enviable reputation for sincerity, hospitality, sociability, and integrity; a lover and practicer of the truth, with a soul of honor, incorruptible, and noble."

I also insert herewith a roll call of the longevity service record of Colorado's membership in Congress for 70 years, including the 15 years and 5 months that Colorado was a Territory, from February 28, 1861, when President Buchanan signed the bill creating the Territory of Colorado, to August 1, 1876, when President Grant signed the bill admitting our State into the Union, and from that date to March 4, 1931.

COLORADO'S MEMBERSHIP IN CONGRESS FOR 70 YEARS

Five Territorial Delegates in Congress: Hiram P. Bennet, 4 years; Allen A. Bradford, 4 years; George M. Chilcott, 2 years; Jerome B. Chaffee, 4 years; Thomas M. Patterson, 1 year.

Colorado's 18 United States Senators: Henry M. Teller, 29½ years; Edward O. Wolcott, 12 years; Lawrence C. Phipps, 12 years; Charles S. Thomas, 7 years; Nathaniel P. Hill, Thomas M. Bowen, Thomas M. Patterson, Simon Guggenheim, and John F. Shafroth each served 6 years.

Sixteen of our United States Senators have been elected and two appointed. Our present United States Senator, CHARLES W. WATERMAN, has now served four years of his present term. Jerome B. Chaffee, Charles J. Hughes, jr., Samuel D. Nicholson, and Rice W. Means each served about 1 year and 9 months. Horace A. W. Taber served 35 days. George M. Chilcott served by appointment 9 months, and Alva B. Adams served by appointment 18 months. On November 4, 1930, Hon. Edward P. Costigan was elected for a full term, to succeed Senator PHIPPS on March 4, 1931.

The terms of service of Colorado's 24 Representatives in Congress from August 1, 1876, to March 4, 1931, have been as follows:

EDWARD T. TAYLOR, 22 years; CHARLES B. TIMBERLAKE, 16 years; GUY U. HARDY, 12 years; John C. Bell, 10 years; John F. Shafroth, 9 years; William N. Vaile, 8½ years; James B. Belford, 7 years; Edward Keating, 6 years; Robert W. Bonynge, 5 years; George G. Symes, Hosea Townsend, Franklin E. Brooks, Herschel M. Hogg, John A. Martin, Atterson W. Rucker, and Benjamin C. Hilliard, each 4 years; Lafayette Pence, George W. Cook, Warren A. Haggott, George J. Kindel, Harry H. Seldomridge, and WILLIAM R. EATON, each 2 years; Thomas M. Patterson and S. Harrison White, each 1 year.

In addition to the above service all of the State's present delegation in the House—TAYLOR, TIMBERLAKE, HARDY, and EATON—are reelected to March 4, 1933.

HON. J. A. GARBER AND HON. JOSEPH C. SHAFFER

Mr. LANKFORD of Virginia. Mr. Speaker, I want to take this opportunity to say au revoir to my colleagues in the Virginia delegation, Hon. J. A. GARBER and Hon. JOSEPH C. SHAFFER.

Congressman GARBER of Virginia has left a deep impression upon the Congress which has just ended, and his friends are legion among the Members on both sides of the House. By reason of his energy, his activity, his ability, and his knowledge of the needs of the agricultural interests of Virginia, he has contributed a great deal to the welfare of the State of Virginia and the country as a whole in his service as a member of the important Committee on Agriculture in the Seventy-first Congress. His ability to make friends among the members of this important committee and in the House made him an unusually valuable member of the Virginia delegation, and that State has lost a valuable Representative peculiarly in a position to help her in her important agricultural problems in the loss of Congressman GARBER of Virginia. True to his constituents to the last, he continued to serve them earnestly, energetically, and ably until the Speaker's gavel fell on the morning of the 4th of March.

Of Congressman SHAFFER of Virginia I can say that it is not only my feeling but that of the Members of the House generally that he is a man in every sense of the term, and has served his State, his district, and his country loyally, efficiently, and intelligently in the Seventy-first Congress as a member of the Committees on Roads and Mines. These committees are peculiarly important to the citizens of Virginia and the district which he represented, and rarely have I seen a man more earnestly imbued with the desire to serve conscientiously and faithfully his constituents and his country than Congressman SHAFFER of Virginia. Being a man of deep convictions and sincerity of purpose, he approached problems of State and National importance with the utmost care and consideration. He is a strong mountain character of clean, high ideals, and it was in this attitude that he approached the solution of all problems affecting the people of Virginia and the country as a whole. Conscientious and careful to the extreme, when his mind was once made up it was impossible to swerve him from his convictions.

These two Congressmen have been a great asset to the State of Virginia, and their valuable services will be missed in the next Congress.

THE HILL *v.* PALMISANO CONTESTED-ELECTION CASE

Mr. PALMISANO. Mr. Speaker, ladies and gentlemen of the House, I wish to take this opportunity to thank you for ignoring the contested-election case filed by John Philip Hill against me. I never had any doubt as to the outcome of the contest from the day I read the charges placed against me by Mr. Hill. The contestant in his petition made so many ridiculous assertions that he actually charged conspiracy between the Republican and Democratic election officials. The charges were so ridiculous that I immediately forwarded a copy of them to the State's attorney of Baltimore City and demanded that the contestant be cited before the grand jury so that the repeaters and conspirators would be sentenced to the penitentiary. Mr. Hill was before the grand jury, according to the Baltimore papers. The Department of Justice also investigated the alleged fraud, as was testified to by Morris D. Traub, an investigator from the Department of Justice. (See Record, p. 113.)

Notwithstanding the fact that the contestant appeared before the grand jury and the investigation made by the Department of Justice, no one was arrested or indicted; the conclusion was that the charges were not based on substantial evidence.

I wish to call the attention of the Members of the House to the fourth precinct of the third ward. In this precinct I have resided for about 45 years. The testimony of one of the star witnesses of the contestant, one Max Steiner, would have the committee believe that I imported a considerable number of repeaters from Pennsylvania. Two of the repeaters Steiner stated he knew and one in particular being of the underworld character. Steiner refused to give the address of this man, thereby protecting him from prosecution. The committee discarded the testimony of Steiner.

I wish to further call your attention to the registered vote in this precinct in the 1928 and 1930 elections; also the number of votes cast in said elections, together with the votes received by the principal candidates, viz:

Registered, 1928		*Registered, 1930*	
Democrats	535	Democrats	[1] 460
Republicans	32	Republicans	[2] 49
Declined	13	Declined	15
	580		524
President Hoover	32	Mayor Broening	36
Senator Goldsborough	29	Mr. Hill	56
Mr. Hill	61	Governor Ritchie	433
Governor Smith	459	Palmisano	411
Senator Bruce	431		
Palmisano	416		

You will note that in the 1928 election only 87 per cent voted and in the 1930 election 96 per cent voted.

Notwithstanding the fact that in the fourth precinct of the third ward there was an increase of 17 Republicans registered in 1930, Mr. Hill received 5 votes less than in 1928 election. I received only 5 votes less than in 1928, although there was a decrease of 75 Democrats in the registration. My majority over Mr. Hill was 355 in both elections.

[1] Decreased 75. [2] Increased 17.

WAR DEPARTMENT APPROPRIATION BILL

Mr. YON. Mr. Speaker and Members of the House, I am opposed to any amendment that would cause the suspension of or lessening the effort in the training given the youth of our land either in the Reserve Officers' Training Corps or the citizens' military training camps. I am not one that would have the Government causing any oppression to the length of any extra expenditure of funds in the maintaining of our national defense, but when you observe that this Nation, with its 125,000,000 population and with its possessions or dependencies stretching one-half around the world, I feel that with our great wealth and possibilities that an army that consists of 12,000 officers—that is, an average of 12,000 officers—and something like 900 warrant officers and an enlisted men's strength of 118,750, with an additional 6,500 Philippine Scouts, making a total of 138,216 officers and men for our standing Army.

I say that we are the least military of all the nations of the earth, and especially as compared to wealth, breadth, and population. Of course, we have, in addition to our regular establishment, a well-organized National Guard, with a total strength of 185,000. This force is, of course, under the dual administration and direction of the State and National Governments and has been created from those that had service in the World War, an organized reserve force of 101,000, and the main source therefore of our possible defensive strength will come from that great body of our young men and boys that are being trained in reserve officers' and citizens' military training camps. I have observed the operation of these encampments. I have been to the camp open to the boys in the citizens' military training camp and to the Reserve Officers' Training Corps. There happens to be a most delightfully located military post at Fort Barrancas, Pensacola, in my district, where this unusual opportunity is given the young men and boys of the country, and from my observation there I feel that the money that is appropriated for this splendid work is expended for the good of the national defense as well as to build up a splendid manhood for the future. What we propose to take care of in the future in this bill is the training of 127,000 reserve officers' trainees in the training corps and 37,500 for the citizens' military training camps.

AN INHUMAN BILL

Mr. CELLER. Mr. Speaker, under general leave granted Members to extend their remarks in the RECORD, I submit the following relative to the Jenkins resolution (H. J. Res. 473, now H. J. Res. 500).

The Brooklyn section of the National Council of Jewish Women have sent to me a copy of a resolution adopted by that organization expressing their disapproval of the Jenkins proposal, which I herewith set forth:

Whereas the present existing immigration laws have the effect already of separating residents from their wives and children living abroad, and said laws have been declared in many respects to be inhuman and have been so declared by the President of the United States; and

Whereas the Secretary of State of the United States has declared on December 18, 1930, before the Senate Committee on Immigration that even under the present laws he has succeeded in curtailing immigration to this country during the month of October, 1930, to 22 per cent of the quotas of immigration law classes and during the month of November, 1930, to 15 per cent of the quotas of immigration law classes, and such restriction was effected by his department upon the ground that the incoming aliens were likely to become public charges owing to the present economic conditions; and

Whereas the present existing laws, by virtue of the power conferred upon the Secretary of State as aforesaid, are more than sufficient to protect the residents of this country from invasion by foreign labor; and

Whereas there is pending before the Congress of the United States a measure which has for its object the further curtailment of immigration to 10 per cent of the present quotas, which will result in greater inhumanity by curtailing the opportunities of residents, whose wives and minor children reside abroad, to have those wives and children join their husbands and fathers in this country, and such further curtailment of immigration would

establish a dangerous precedent for this country to adopt: Now, therefore, be it

Resolved, That the Brooklyn section, Council of Jewish Women, do hereby express their disapproval of the House Joint Resolution 473 (now H. J. Res. 500) now pending in Congress, which has for its object the further curtailment of immigration to this country upon the ground that the same is unnecessary, oppressive, barbarous, and inhuman; and be it further

Resolved, That a copy of this resolution be forwarded to each of the Senators representing the State of New York and to the Congressmen representing this borough in Washington, and also to the Committee on Immigration and Naturalization in Congress.

Dated Brooklyn, N. Y., February 24, 1931.

A true copy.

HILDA L. WEINSTEIN,
Chairman on Legislation.

This measure provides for the suspension for two years of general immigration into the United States by cutting down quotas by 90 per cent. That is, immigration shall be reduced for the next two fiscal years, to wit, July 1, 1931, to June 30, 1933, from 150,000 per year to 15,000 per year.

I am strenuously opposed to this legislation because I have never yet in my experience as a Representative found an immigration measure of a temporary character that did not become permanent. In other words, I fear that when the two years have expired a bill will be offered and passed making the restriction permanent.

This legislation will be cruel and inhuman in its application, because it will involve the separation of families. Under the present statute aged fathers and mothers of citizens here and aged fathers and mothers and minor children of aliens legally here are given preference within the quotas. There are so many of them, however, awaiting visas at our American consulates in foreign countries that these preferential aliens practically exhaust the quotas. This is particularly true in countries like Italy, Poland, Russia, Rumania, and Lithuania. Now it is proposed to cut down the quotas to 10 per cent. This means cutting near relatives down to 10 per cent. In other words, this bill prevents the reunion of families.

The bill also disregards party pledges. The Republican national platform adopted June 14, 1928, reads as follows:

> Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

Likewise, the Democratic national platform contains the following provision:

> Laws which limit immigration must be preserved in full force and effect, but the provisions contained in these laws that separate husbands from wives and parents from infant children are inhuman and not essential to the purposes or the efficacy of such laws.

The separation of families is inhuman and barbarous and should not be countenanced, even under the guise of aiding unemployment. But this bill will not help in the economic depression. Aged parents and minor children, because of age or youth, can not take the places of American workmen, but, on the contrary, they would help in the unemployment situation; they would increase the army of consumers; 27,735 wives, children, and parents of residents born in southern and eastern Europe are registered as seeking admission. Under the present statutes it will take many years, because of repressive restrictions, for the wives, children, and parents of aliens legally here to come to this country. Under the instant bill, with the cutting down of quotas to 10 per cent, it might take hundreds of years.

The Department of Commerce conservatively estimates that aliens resident in the United States send to their near relatives abroad $247,000,000 a year, exclusive of currency sent by mail. Keeping the families apart only continues the need for the constant sending of this money abroad. This money could well be used in the United States, particularly under the prevailing economic conditions. There are, however, "none so blind as they who will not see." The proponents of this legislation are enthusiastically misguided. They can not see beyond the ends of their noses.

The law-abiding aliens in our midst ask for bread, and they are given a stone. A cruel ocean separates them from their loved ones, and this heartless measure will keep them asunder further. What a far cry it all is from the days when we, with open arms, received these very aliens who came to this country when we were making our greatest strides in railroading, shipping, manufacturing, electricity, telegraphy, and so forth. We forget our immeasurable debt to our aliens. We forget that our music is almost wholly German or Italian; that our paintings are borrowed from the French; that our literature comes from England and Russia; that our architecture is Roman, Gallic, Byzantine. Our kindergartens and universities are patterned upon German models; Paris dictates our style of dress. Even our cooking is most likely to be French; and if not French, then Italian or German.

I should like to take many of our alien-baiters to our Statue of Liberty on Bedloes Island, in New York Harbor, where they might see upon the wall of the statue the tablet on which is engraved these glowing words from a sonnet by Emma Lazarus:

> Keep ancient lands your storied pomp!" cries she
> With silent lips. "Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore.
> Send these, the homeless, tempest-tossed, to me;
> I lift up my lamp beside the glowing door!

LIEUT. GEN. EDGAR JADWIN

Mr. THATCHER. Mr. Speaker and colleagues, in the closing days of the session there has come to us the news of the death, in the Canal Zone, on the 2d of this month, of one of our Nation's ablest soldier-engineer officers, Lieut. Gen. Edgar Jadwin, retired, and former Chief of Engineers of the United States Army.

General Jadwin's career has been a distinguished one. He was born at Honesdale, Pa., August 7, 1865, and was, therefore, something more than 65 years of age at the time of his death. He graduated in 1890 at the United States Military Academy at West Point and stood at the head of his class. Upon his graduation he was appointed as second lieutenant in the Engineer Corps of the Army, and served with that organization in varying capacities of ever-increasing authority and usefulness until finally, on August 7, 1929, he retired from active duty with the rank of major general, after having served a term as Chief of Engineers.

In 1907 he was sent to the Isthmus of Panama with the Army Corps contingent, and there, until the year 1911, he performed invaluable service in connection with the construction of the Panama Canal. He first served in the central, or Culebra, division of the Canal work, and afterwards as resident engineer of the Atlantic, or Gatun, division. In the last-named capacity he had immediate supervision, among other things, of the dredging operations of the approach channel extending from the open sea to Gatun Locks.

While he was engaged in the Panama Canal service it was my privilege to become acquainted with General (then Major) Jadwin during my own official connection with the great isthmian enterprise, and we became, and thenceforward remained, close friends. His reputation there, as always elsewhere, was that of a highly skilled and capable engineer and a man of unblemished integrity.

He had many other important assignments of duty during his long and useful career. He was widely famed because of his river and harbor work in the United States. He performed notable engineering and military service in Europe during the World War. He served as a member of the American mission to Poland in 1919. He was awarded the distinguished-service medal by the United States, was made a companion of the Order of the Bath by Great Britain, and commander of the Legion of Honor by France.

As Chief of Engineers he supervised the plan, which was adopted by Congress, for the control of floods in the Mississippi Valley. In 1929 he was appointed by President Hoover as chairman of the Interoceanic Canal Board, charged with the duty of making a survey of the proposed Nicaraguan canal, together with the survey touching the matter of increased facilities of the Panama Canal. While engaged in this work on the Isthmus death came to him.

His has been, indeed, a most active and successful life. The world is greatly advantaged because of his having

lived in it. His service added distinction to a branch of our Army organization long known for its worth and efficiency—the Engineer Corps. But rarely is one ready for the final summons, and death is usually tragically commonplace. However, in the sense that in a large and highly important way he had done his "bit" in the world, General Jadwin was prepared to go; and he fell into the last great sleep amid the lovely tropical scenes of his effective isthmian labors, and upon the very brink of the mighty waterway which his skilled hands had helped to fashion. Thus the work of his life was beautifully dramatized by the time, place, and manner of his departure. If this was decreed as the hour for his going, his family and friends must feel that he could not have left them in any way more fitting. The Nation mourns his loss, and our deepest sympathies go forth to his wife and children.

Most worthily has he wrought; his memory shall endure.

THE RECORD OF THE SEVENTY-FIRST CONGRESS, COVERING THE FIRST HALF OF THE ADMINISTRATION OF PRESIDENT HOOVER

Mr. CANFIELD. Mr. Speaker and ladies and gentlemen of the House, I am of the opinion that the record of the Seventy-first Congress, covering the first half of the administration of President Hoover, is greatly disappointing to a large majority of the American people.

When the Hoover administration came into power it found the country prosperous, our people happy and, for the most part, contented. At the half-way mark of that administration we find the country in the depths of the most serious depression of our economic existence—a depression that, had it occurred during a Democratic administration, would have been referred to as a plain panic. Agriculture has not been revived, as promised. On the other hand, its condition is far more critical than it was two years ago. Industry has been retarded; our foreign trade has been seriously diminished; millions of workers walk the highways and the streets searching for employment in order that they may earn an honest living, but are unable to find jobs at any wages. In fact the condition has been so grave during the last several months that millions of honest, faithful, and energetic workers who have never before known the meaning of the word "want" have been compelled to take their places in breadlines sustained by charity to avoid starvation.

Under whose administration have these distressing things occurred? They have occurred under the administration of a President who, when he was a candidate for the high office which he holds, was advertised to the country as a superman, one who was better qualified for the office to which he aspired than any other candidate for the Presidency ever offered by any political party. They have occurred under the administration of a President who as a candidate even promised that if we would elevate him to the office which he sought and make possible a continuation of the policies which had been followed by his immediate predecessors, and which he pledged himself to continue, we would finally reach that state where poorhouses would be eliminated and poverty be unknown.

It is my solemn judgment that no administration ever promised more than did that of the present or perform less. Although Mr. Hoover was hailed as a man capable of working miracles in economics and in statecraft because of his intimate knowledge of business affairs and his lifetime of travel in other countries, he has, I do not hesitate to say, failed more completely than any other President in the life of our Nation. He has not disclosed a capacity for leadership; too frequently he has not demonstrated that he possesses that courage which has characterized our really great Presidents; and more disappointing than all else, because it was therein we expected most, he has not displayed that far vision so necessary in a President if he is to deal successfully with the great problems which arise from time to time in our national life.

Certainly it can not be offered in extenuation of the failure of the Hoover administration that a hostile party was in control of the Congress, for in this House the administration majority was more than 100 and in the Senate the Republican majority was 17. If it be said that in the body at the other end of the Capitol a number of Senators in his own party, whom we denominate as progressives, did not give him cooperation and show him loyalty, I reply that that very fact is proof of one of the failures on the part of the President to which I have alluded—that is, his failure to demonstrate capacity for or exercise leadership. Had he been the great leader he was certified to be during the campaign preceding his election he would have been able to work in harmony with this element in the Senate, for with a single exception they gave him loyal and effective support during his campaign. In fact, it should be said that the most conspicuous among the progressive members of his party in the Senate who have broken with the President is the able Senator from Idaho, who, more than any other individual, helped to bring to Candidate Hoover that support so necessary for him to carry in the election the great agricultural States of the Middle West and the Northwest.

During his campaign in 1928, Mr. Hoover was induced by this same Senator to commit himself to a pledge to convene Congress, in the event of his election, in special session to deal with the farm problem, and to find a remedy for the ills of agriculture.

That promise, at least, Mr. Hoover kept, in so far as it related to the calling of the special session. He did call Congress in session in April, 1929, and it has been in session about three-fourths of the time since. He made two major pledges, one to solve the farm problem, and the other to give the country a "limited revision" of the tariff.

A farm bill was passed, but it was not the bill the farmers themselves, through their organizations, urged be passed, and a tariff bill was passed, but it was a bill revising the tariff by wholesale, and adding literally hundreds of millions of dollars annually to the cost of living of the American people.

The farm bodies, many leading economists, and undoubtedly a majority of the Members of Congress favored the passage of a farm bill containing the export-debenture principle. This was nothing more nor less than a device to make the tariff at least partially effective on farm products, and was projected because everybody had agreed that the farmer had been suffering from very serious and very unjust tariff discriminations under the existing law. The Senate even went so far as to write the export-debenture principle into the farm bill, but the President, using the great power of his office, forced it out. It became a question of adopting the President's plan of farm relief, or having no plan at all. So the President's plan was adopted. He selected the members of the Federal Farm Board to place his plan in operation, and Congress unstintingly voted it enormous sums of money, aggregating finally a half billion dollars, with which to endeavor to make its plan effective. It can not thus be pleaded that the Farm Board, of the President's own creation, lacked either the authority or the funds with which to do what he had pledged it would do. In fact, when he announced the appointment of the Farm Board he referred to it as a board having "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry."

What has been the result? What has this board accomplished? A few figures I shall give you answer the question far more eloquently than any words I can employ.

During 1930 the value of the principal farm crops produced in the United States was $2,400,000,000 less than the value of the same crops in 1929. To put it another way, the value of the same crops, of substantially equal production in both years, speaking as a whole in 1929 before the Hoover plan went into operation, was almost $2,500,000,000 greater than the value of the same crops raised under the first year of the Hoover plan.

In addition, the value of the livestock sold off the farms and ranches of the country in 1930, the first year under the Hoover plan, was approximately $225,000,000 less than the sum realized from the sale of the same kind of stock in 1929.

Add these together and we find that in 1930, under the Hoover plan, the crop growers and stock raisers took a loss

of more than $2,600,000,000, due entirely to a decrease in prices under the level of 1929.

In January of this year the Department of Agriculture reported that the index figure representing the average of all farm crop prices had dropped 40 points under the level of January, 1929, and had reached the lowest point since 1912, the last year of the Taft administration. And when this report was made the level of prices was still sinking, and is now substantially below the pre-war level.

These are terrific losses. There should and will be added to them when available figures showing losses the farmer sustained last year by reason of the continued shrinkage in the value of his land and buildings. What this will be I do not know, but I am sure it will be tragically high, and added to the current losses in crop and livestock values by reason of price decreases aggregates a sum that foredooms the ruin of the agricultural industry in America unless early and effective means of checking this downward trend are found. The average net income per farm family in the United States has recently approximated $800. Last year the decline in crop values under 1929 averaged $400 per farm family. Even a blind man may see that at this rate farm incomes will soon reach the vanishing point.

In the light of these facts can it be truthfully said that President Hoover has kept faith with the farmers and redeemed the pledge he made in his speech of acceptance at Palo Alto, Calif., August 11, 1928, when he said:

> The most urgent economic problem in our Nation to-day is in agriculture. It must be solved if we are to bring prosperity and contentment to one-third of our people directly and to all of our people indirectly. We have pledged ourselves to find a solution.

If agriculture is now on a "parity" with industry, then it is the parity of despair accomplished by bringing industry down to the level of despair which agriculture has occupied for so many years.

THE TARIFF

I believe that if anyone should have the hardihood to now arise and say that the Hoover administration has kept its promise to the farmers of America, that answer has been effectively disposed of. So I now turn to the tariff.

As I have said, when the President called Congress into special session in April, 1929, he pledged a "limited revision" and made the test of necessity for revision of a rate or schedule whether the industry affected was suffering from excessive imports and whether there was substantial unemployment among the workers in those industries. In short, tariff revision was to be so limited that it was only to be a step in eliminating that discrimination from the tariff under which agriculture was suffering and to assist those industries where import duties were so low that they were being injured by heavy imports.

Instead of this promised "limited" revision the Hawley-Smoot tariff bill was passed, containing the highest level of rates ever written into an American tariff bill. It does not help the farmer but injures him. His last condition is worse than his first. As for the consumer he must pay increased prices, due to the tariff, for practically all of the necessities of life. One well-known economist, an expert on the tariff, estimates that by reason of the rates in the Hawley-Smoot bill the consuming public is paying annually a tariff toll of $10,000,000,000, or virtually double the amount of protection that can be justified for the industries that are profiting from these high duties.

What has been the effect of the tariff? No man can say with exactness what industrial conditions would have been or what the volume of our foreign trade would have been had the Hawley-Smoot tariff bill not been passed. But we do know that forever the lie has been given to one of the false claims of the opposition. In one of its platforms—I believe it was that of 1904—the Republican Party said that prosperity always followed the enactment of a Republican tariff and hard times always came after the enactment of a Democratic tariff law.

Under the operations of the policy of which the opposition has heretofore been so boastful, the country has sustained the most severe economic shock in its history, a shock that would have been fatal to any other country not endowed with the wonderful resources which our country possesses, and not populated by a people with the resiliency, resourcefulness, and determination of the American people.

How much of the responsibility for the economic disaster of the last year and a half is due to the policies of the Hoover administration each may determine for himself. We may say in all fairness, however, that in the past the opposition has claimed a mortgage on prosperity and has attempted to make the American people believe that only under its policies could the country be prosperous. Nobody has been more emphatic in this claim than was President Hoover in 1928, when he talked of the increased use of the telephone, the automobile, the radio, and the bathtub as a Republican achievement. We know that he voiced especial pride in the fact that while he was Secretary of Commerce our exports of goods to foreign countries increased $1,000,000,000.

It can not be questioned that our present ruinous tariff policy has been responsible for much of the recent terrific slump in our foreign trade. For 1930 our foreign trade was $2,737,780,000 less than during 1929. During the first seven months of the operation of the Hawley-Smoot tariff our foreign trade decreased more than $2,000,000,000.

The effect of this loss of trade has been felt not only by the farmer who raises wheat and by the producer of manufactured goods which have been finding their way into the markets of the world but it has been felt in every home and at every fireside in the land. For proof of the truth of this statement I cite the high authority of the President himself. During the 1928 campaign, when he was speaking of our great foreign trade, Mr. Hoover made the statement that 3,000,000 American families made their living out of the production of goods we exported and out of the manufacture into finished products of the raw materials we exported in exchange for our imports. Our foreign trade fell off in 1930 under 1929 by 27 per cent. If 3,000,000 families gained their livelihood in 1928 as a direct result of this foreign trade, then when our foreign trade fell off 27 per cent last year 27 per cent of those families were thrown out of that means of employment. They went to join the bread lines and to occupy the soup houses that fill every industrial center in the land. And the ruinous effect of that decreased foreign trade was reflected in the lowered price on every bushel of wheat and of corn grown on the farms of America and every pound of cotton produced in our sunny but now well-nigh impoverished Southland.

That a country that will not buy can not long sell is an economic verity as true as the gospel itself. Since the Hoover administration's tariff policy became known scores of nations have passed retaliatory tariffs. South American countries that bought hundreds of millions of dollars' worth of goods from us annually, in the aggregate, are turning to the countries of Europe for many of the things that we formerly produced in our factories and on our farms. I am not now criticizing or even discussing the principle of protection. Under the system that has been built up in this country a protective tariff has become essential to our welfare. But it ought to be a fair tariff policy—one that will permit the even flow and friendly exchange of commodities; one that is as fair to the farmer who tills the field as it is to the magnate who harvests dividends from the toil of the workers in the steel and aluminum mills. It must not be the sort of a tariff policy that robs Peter to pay Paul, because under the American theory of government all men are equal before the law. A tariff law should not be permitted that violates that theory, that takes $10 from one pocket of the farmer's pants while it puts only $1 in the other.

I am not so biased a partisan as to say that this Congress does not have any accomplishments to its credit. I would give credit where it is deserved. It is true that the process was slow, but finally a building program was adopted which will place needed public buildings in many cities and help to stimulate industry and somewhat reduce the unemployment. This legislation came late, but it is at last a fact accomplished. There has been other legislation passed that ought

to have been passed. But many, far too many, things were neglected.

A bill was finally passed which will be helpful to that great army of men who served the country so well during the trying days of the World War. Congress passed the World War veterans' loan bill. It was not the sort of a bill many wanted. Many favored legislation providing for early cash settlement of the veterans' claims. Some opposed any sort of legislation, and conspicuous among these were the Secretary of the Treasury, certain large selfish financial interests, and even the President himself. Despite this opposition, notwithstanding the veto of the President, the loan bill was passed. Under it veterans may now borrow up to 50 per cent of the value of their certificates, and at 4½ per cent interest annually instead of 6 per cent.

I believe this legislation, which I voted for both as a member of the Ways and Means Committee and as a Member of the House, to be justified from any viewpoint from which we may look at it. Certainly no one can fail to justify it as a step in the direction of the discharge of that patriotic obligation we owe to the service men who offered their all on the altar of their country's liberty. Economically, I have no hesitancy in saying I believe it is sound legislation, the Treasury Department to the contrary notwithstanding. These loans place no additional financial obligation on the Government, for it is lending the veterans money it has already admitted it owes them. It is doing it at a rate of interest higher than the rate it is paying for such money as it may have to borrow.

If it continues to do this, actually the Government will make money out of the process. Just now there is a good deal of what we call "timid money" in the country. It is in hiding, because under the present state of things its possessors hesitate to make investments. This money is, therefore, idle and those who own it will be glad to lend it to the Government, for they know that to be a safe investment. So if the Government borrows this money at a low rate of interest, then turns around and lends it to the veterans, the money is brought out of hiding and is placed in circulation. This will stimulate all business. The veterans will use the money in many ways. Some will help pay off mortgages on their homes, some will use it to pay rent, to pay their grocery bills, to pay the tailor, the butcher, the baker, and the candlestick maker. The money thus is released to the many channels of trade and all business will be stimulated. Sometimes the business balance is very delicate and a comparatively small thing will turn the balance either in the right or in the wrong direction. It can easily happen that the few hundred million dollars placed in circulation through these loans to veterans will be the turning point in the trend of business that will turn us out of depression in the direction of the high road of prosperity.

I might go on and refer to other things, such as the failure to settle the long-pending Muscle Shoals problem solely because of the President's veto, and many other things. But I shall not attempt to go further into detail, because I believe I have already directed attention to enough of the problems which were promised to be solved, but which have not been solved, to prove the truth of the indictment which I have brought against the Hoover administration. That indictment is that, promising more than, possibly, any other administration in our national history, it has kept fewer of those promises than any other administration we have ever had.

TIME LIMITS OF LEGISLATIVE SESSION

Mr. RAMSEYER. Mr. Speaker, section 4, clause 2, of the Constitution provides:

> The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

The two years' term of Members of Congress ends on March 4 of every odd-numbered year. The session of Congress which assembles on the first Monday of December of the even-numbered years automatically comes to an end on the 4th day of March following. This so-called short session of Congress has a definite time limit. Many of the States limit the time that their legislatures can remain in session.

Three States have a limitation of 40 days.
One State has a limitation of 45 days.
Two States have a limitation of 50 days.
Eighteen States have a limitation of 60 days.
One State has a limitation of 61 days.
One State has a limitation of 70 days.
Two States have a limitation of 75 days.
Two States have a limitation of 90 days.
One State has a limitation of 100 days.
One State has a limitation of 157 days.

Sixteen States have no limitation on their legislative session.

The following table contains more specific information on the time limitation of legislative sessions of each of the States:

Limitation of legislative sessions of the various States

State	Governor's term begins	Legislature begins	Legislature meets	Limit
Alabama	January, 1931	January, 1931	Quadrennially	50 days.
Arizona	do	do	Biennially	60 days.
Arkansas	do	do	do	75 days.
California	do	do	do	None.
Colorado	do	do	do	Do.
Connecticut	do	do	do	157 days.
Delaware	January, 1933	do	do	60 days.
Florida	do	April, 1931	do	Do.
Georgia	July, 1931	June, 1931	do	Do.
Idaho	January, 1931	January, 1931	do	Do.
Illinois	January, 1933	do	do	None.
Indiana	do	do	do	61 days.
Iowa	January, 1931	do	do	100 days.
Kansas	do	do	do	50 days.
Kentucky	January, 1932	January, 1932	do	60 days.
Louisiana	May, 1932	May, 1932	do	Do.
Maine	January, 1931	January, 1931	do	None.
Maryland	do	do	do	90 days.
Massachusetts	January, 1930	do	Annually	None.
Michigan	January, 1931	do	Biennially	Do.
Minnesota	do	do	do	90 days.
Mississippi	January, 1932	January, 1932	do	None.
Missouri	do	do	do	70 days.
Montana	January, 1933	January, 1931	do	60 days.
Nebraska	January, 1931	do	do	None.
Nevada	do	do	do	60 days.
New Hampshire	do	do	do	None.
New Jersey	January, 1932	do	Annually	Do.
New Mexico	January, 1931	do	Biennially	60 days.
New York	do	do	Annually	None.
North Carolina	January, 1933	do	Biennially	Do.
North Dakota	January, 1931	do	do	60 days.
Ohio	do	do	do	None.
Oklahoma	do	do	do	60 days.
Oregon	do	do	do	40 days.
Pennsylvania	do	do	do	None.
Rhode Island	do	do	Annually	60 days.
South Carolina	do	do	do	40 days.
South Dakota	do	do	Biennially	60 days.
Tennessee	do	do	do	75 days.
Texas	do	do	do	60 days.
Utah	January, 1933	do	do	Do.
Vermont	January, 1931	do	do	None.
Virginia	January, 1934	January, 1932	do	60 days.
Washington	January, 1933	January, 1931	do	Do.
West Virginia	do	do	do	45 days.
Wisconsin	January, 1931	do	do	None.
Wyoming	do	do	do	40 days.

THE WORK OF THE WAKEFIELD NATIONAL MEMORIAL ASSOCIATION

Mr. BLAND. Mr. Speaker, pursuant to leave granted me, I extend my remarks on the work of the Wakefield National Memorial Association.

The Wakefield National Memorial Association deserves the gratitude of the American people for its work in restoring the birthplace of General Washington, in caring for the graves of his ancestors, and in making those properties a national shrine.

The association commenced this work under the most trying circumstances. The Government owned a few acres of land on which had been erected a monument to mark the birthplace of Washington. Little else had been done. The bodies of Washington's ancestors lay in a neglected graveyard located in a field with no road or path leading to that sacred spot. The road which led to the monument area was a winding forest road so narrow in many places that two machines or even two horse-drawn vehicles could not pass, and it was so impassable in bad weather that cars traveling to and from Wakefield were sometimes unable to proceed.

In order to afford access to Wakefield the United States had built a wharf, which served no practical purpose, as the wharf was located about a mile from the monument. There was no improved walkway or road from the wharf to the site of the monument, and there was no way of covering the distance except on foot. The use of the wharf was circumscribed with official red tape, and this wharf was so little used that when it was carried away by ice about 1918 no effort was made to restore it.

Wakefield was so inaccessible to the general public that it was seldom visited. The graves of the Washingtons were overgrown with weeds and burrowed by ground hogs. These graves were located in a field and entirely surrounded by private property, so that such of the public as might desire to visit this cemetery could do so only by license of the owner or by committing a trespass.

This was the condition when Mrs. Harry Lee Rust, of Washington, D. C., organized the Wakefield National Memorial Association. Mrs. Rust and the noble band of patriotic women associated with her aroused the interest of the American people in the great need of making Wakefield a national shrine. They prosecuted their work under the most adverse circumstances. The difficulties which met them in their work at times seemed insuperable, but they never permitted themselves to become discouraged. Even though the health of Mrs. Rust, their leader, became imperiled by her tireless efforts, she and all of her noble workers continued their efforts until they overcame all obstacles and secured success, though there is still much to be done.

WHAT HAS BEEN DONE

The association has secured 367 acres of land which had been owned by General Washington's father, grandfather, and great-grandfather, including the site of the wooden house near Bridges Creek bought by John Washington in 1664, eight years after he came to Virginia, and occupied by John Washington and his descendants.

This acreage also includes the site of the house in which General Washington was born, and the association is building a house as nearly as possible like that which was then on this property. This house will be built of brick made by hand from clay taken from the Washington lands and burned on the place. There will be rebuilt also the ancient kitchen, and it will be similar to the original kitchen. The old garden, sloping from the house to the river, will be restored. This garden will be a replica of a Virginia colonial garden of that period, according to plans prepared by a landscape architect of both gardens and grounds, and necessary funds for the garden and grounds have been donated.

The acreage secured also includes the graveyard which contains the remains of General Washington's ancestors and near relatives. The original vault has been uncovered and reconstructed, and the remains which were found in the vault and were impossible to identify have been placed in a large casket within the rebuilt vault and arched over with brick. A monument will be erected in the graveyard in memory of John Washington; tablestones of colonial design will be inscribed to the descendants of John Washington, known to have been buried there; a brick wall of colonial design will inclose the graveyard; cedars will surround the inclosure, and a pathway bordered with cedars will connect the inclosure with the road.

The monument erected by the Government has been relocated at a more appropriate site, and the Government has contributed $30,000 for the relocation and improvement of this monument.

An improved highway has been built connecting Wakefield with the Kings Highway, which extends from Fredericksburg down the Northern Neck, and is close to the birthplace of James Madison, the birthplace of James Monroe, the birthplace of Washington, and Stratford, the birthplace of Richard Henry Lee, and Gen. Robert E. Lee.

The purchase of these 367 acres of land was made possible through the generous contribution of Mr. John D. Rockefeller, jr., who purchased 267 acres of land for the association at the price of $115,000 upon conditions which have been met.

The work of the association has been done in large part by volunteers and without any salaried officers until October, 1930, when a secretary was employed to expedite the work and prepare for the transfer of the properties to the United States in February, 1932.

The United States also appropriated $50,000 for the use of the association in restoring the birthplace. This was in addition to the $30,000 appropriated in connection with the monument.

There also stood on this property originally a log house, and it is hoped that if sufficient funds can be secured a similar structure will be erected to typify the earliest period of American life.

It is contemplated to build on the premises a lodge for the reception, hospitality and convenience of visitors. This is essential, as Wakefield is 35 miles from Fredericksburg, the nearest center of population, and 95 miles from Washington. The architect's plans for this structure have been completed, but that work can not proceed because of lack of funds.

It would be a splendid recognition of the worthy work which this association has done and a splendid act of patriotism for Americans to rally to the assistance of this association in such numbers and with such contributions as to enable the association to complete all of its plans before 1932 and to transfer the completed project to the United States in February, 1932, as a devoted recognition of the services of Washington, without whom the Nation would not exist.

It will be necessary to raise about $200,000 to finish this great work, and when finished it will be a lasting tribute to the Father of his Country and conclusive proof that one republic at least has shown itself grateful.

THE SATURDAY HALF-HOLIDAY BILL

Mr. GIBSON. Mr. Speaker, it is a matter of congratulation that the Saturday half-holiday bill has become law through the signature of President Hoover. The history of this legislation is of peculiar interest. There is one step in its progress that should not be lost sight of. This is plainly set forth in the two following letters:

MARCH 6, 1931.

Hon. ERNEST W. GIBSON,
United States Capitol, Washington, D. C.

DEAR SIR: Now that the tumult and the shouting is subsiding over the Saturday half-holiday bill for Government employees, I find in looking over the list of names of the great and near great who are credited with the responsibility of this legislation, no mention is made of the important part that you played in your capacity as chairman of the subcommittee which drew up the amended bill as it passed.

We are referring to the meeting held in the early part of April, 1930, by the subcommittee of the Civil Service Committee, consisting of yourself and Representatives ADDISON T. SMITH, of Idaho, and J. W. MCCORMACK, of Massachusetts, who were directed to make a study of S. 471 (Jones bill) as it passed the Senate and other pending measures on this subject, together with the correspondence submitted by the various departments of the Government.

Before your honorable committee there was permitted to appear N. P. Alifas, of the machinists, who looked after the interest of the 8-hour group, and the undersigned, who sponsored the interest of the 7-hour group.

As a result of the discussions and deliberations the Jones bill was amended in the most liberal manner possible in the interest of all of the employees concerned, and I want to take this opportunity, and I feel confident that I am expressing the sentiment of Mr. Alifas when I state that not only do I appreciate the courtesies extended but also I am grateful for the final results that have been achieved.

In our opinion, this meeting was the crucial point in the parliamentary progress of this legislation. Your office and your committee should therefore receive proper recognition for the part they played, and I want to take this opportunity to assure you that it will be and has been my privilege to bring these salient facts to the attention of our members.

With kindest personal regards and best wishes, I am,

Sincerely yours,

C. L. ROSEMUND, *President.*

MARCH 7, 1931.

C. L. ROSEMUND,
President Technical Engineers, Architects, and Draftsmen's Unions, Metal Trades Department, American Federation of Labor, Washington, D. C.

MY DEAR MR. ROSEMUND: This will acknowledge and thank you for your kind letter of the 6th instant relative to the Saturday half-holiday bill for the benefit of Government employees.

I appreciate more than words can express the spirit that prompted your letter. It had not occurred to me to lay claim to any credit for the passage of this act, since I am always content with securing the enactment of meritorious legislation without thought of credit to anyone.

It may be well, however, to have the record show the facts. Senator JONES introduced the bill in the Senate (S. 471). I introduced a similar bill in the House (H. R. 712). The Senate bill received early favorable action and was duly referred to the Civil Service Committee of the House. After some consideration a subcommittee, of which I was chairman, was appointed to consider the half-holiday bills and bring them into harmony. A meeting of this subcommittee was held in my office, at which meeting you appeared as the representative of the 7-hour group, while Mr. N. P. Alifas looked after the interests of the 8-hour group. The Jones bill in amended form was reported to the House committee, amended and reported out, and Representative DALLINGER, of Massachusetts, was placed in charge of its passage.

It is only fair and just to say that the able way that you and Mr. Alifas presented your cases to the subcommittee made it possible to reach and agreement satisfactory to all interests concerned. Had it not been for the splendid spirit of cooperation on your part and that of Mr. Alifas and the loyal work of your respective groups, I doubt if the measure could have been enacted during the life of the Seventy-first Congress.

Permit me to congratulate you and your organization members on the outcome.

Again thanking you, and with personal regards, I am,

Sincerely yours,

E. W. GIBSON.

AT LAST WE HAVE CONGRESSIONAL REAPPORTIONMENT

Mr. CLANCY. Mr. Speaker, a tremendous victory for orderly government in the Republic was won when this Congress recently frustrated all efforts to delay or block congressional reapportionment.

The Detroit News published on March 2, 1931, the following timely editorial, entitled:

AT LAST WE HAVE CONGRESSIONAL REAPPORTIONMENT

Recent action of the Census Committee of the House of Representatives removing all obstacles to reapportionment of congressional seats is conclusive proof of the power of informed public opinion to have its way in this country. The truth plainly has been brought home to the politicians that the people of every section desire observance of the provisions of the Constitution, even though in specific local instances it results in loss of representation.

For persistent effort in bringing this movement for fair congressional representation to successful conclusion, great credit is due to Representatives ROBERT H. CLANCY and CLARENCE J. MCLEOD, of Detroit. In session after session they have been acknowledged leaders in every reapportionment fight in Congress, and on all other fitting occasions have helped in the creation of sentiment.

The measure finally prevails, not because of predominance of influence of those localities benefited by increased representation but by constraint of growing public sentiment that the mandates of the Constitution must be obeyed.

The overwhelming victory on February 27 of the friends of constitutional reapportionment in the House Census Committee must be a source of the greatest satisfaction not only to real friends of the Constitution but to those millions of Americans in the large cities and in the more rapidly growing States who have been unjustly disfranchised of representative government for the past 11 years.

The full membership of the committee was present the first time during this Congress, and by a decisive vote of 13 to 8 all bills to block or retard reapportionment were killed. This means that the automatic reapportionment as fixed by the law of 1929, passed in the first session of the present Congress, will go into effect March 4.

This vote means that probably never again will a movement to increase the size of the House beyond 435 Members ever gain considerable headway. It means that instead of reapportionment being made the football of Congress, as it has been on so many occasions during the country's growth, and especially during the past 11 years, the question will practically be taken out of politics.

For the aforesaid law of 1929 provides that when the census is taken every 10 years the figures shall be merely reported to the Secretary of Commerce and he shall automatically divide the population of the country by the 435 Members and allot the Congressmen to the various States by the principle of major factors.

This settlement means that the dangerous hostility between the rural and the city elements of the population, the hostility which has been rapidly growing since the advent of the eighteenth amendment and prohibition, will be considerably minimized because the automatic reapportionment will tend to prevent the mobilizing of these two great American armies of political and economic thought.

The victory means that a mandate has been issued by Congress to the many recalcitrant legislatures who have been hostile to reapportionment that they need not look for comfort to Congress now for any new laws setting aside the reapportionment of March, 1929.

When Congress reconvenes in December, 1931, many legislatures will have been redistricted. The foes of reapportionment can not hope to control both the House and the Senate for a determined Senate filibuster can kill an unjust bill, and it might safely be presumed that a presidential veto would meet an unjust reapportionment bill.

The most comforting aspect of the vote to-day to the friends of reapportionment was the clear indication that even the States which lose Congressmen under the reapportionment act of 1929 voted against delay or blocking the reapportionment. Men like Representatives NEWHALL, of Kentucky; SWICK, of Pennsylvania; and GREENWOOD, of Indiana, deserve the very highest praise for their patriotic votes in favor of reapportionment because strong elements in their States tried to influence these Members to vote against reapportionment because their States lost Congressmen and electoral votes through the reapportionment act of 1929.

As a member of the Census Committee and as a man who has fought throughout the years for reapportionment, I am particularly gratified that my city of Detroit will now get the 4 additional Congressmen, 4 additional electoral votes, and 8 additional delegates to the presidential conventions to which it has been entitled for so long a period.

Detroit is still disfranchised by the Michigan State Legislature out of 7 State senators and 19 State representatives. I sincerely hope that the State legislature will profit by the unselfishness and patriotism of many Congressmen and Senators who are willing to let the Constitution rule on reapportionment and that the Michigan State Legislature will now grant to Wayne County its rightful constitutional number of State senators and State representatives.

Moreover, the action of the House Census Committee to-day is a mandate to the Michigan State Legislature to immediately reapportion the congressional districts upon a fair and just basis.

CONGRESS AND THE RELIEF PROGRAM

Mr. TILSON. Mr. Speaker, with the exception of the time necessary for the proper consideration of the annual appropriation bills, most of the time of the present session has been devoted to relief measures made necessary by unemployment and a widespread drought. The total of Government expenditures authorized or actually made for these purposes is staggering in its magnitude, but justifiable in so far as substantial progress has been made in properly relieving distress. There have been differences on this floor, and sometimes the views of the House have differed from those of the Senate as to the best method of dealing with the existing conditions, but in fairness to all let it be said that, regardless of party, each individual has sincerely directed every effort toward securing the wisest and best means of relief within the proper scope of the Federal powers.

The amount authorized for relief measures of various types totals approximately $400,000,000, omitting advancements to the Farm Loan Board, and such sums as may turn out to be necessary to increase the loans under the service certificate act, to which reference will be made later.

The principal items making up the appropriations for relief are as follows:

Emergency construction act, including $80,000,000 for Federal-aid highways, $25,500,000 for rivers and harbors and flood control, and $10,500,000 for roads in national forests, national parks, etc.	$116,000,000
Emergency construction items in first deficiency act for various departments	15,000,000
Federal-aid highways, additional amount appropriated at the present session, exclusive of the $80,000,000 special item, over the amount appropriated at the last session	42,000,000

Advances to the reclamation fund on account of decline in receipts to the fund resulting from the depression	$5,000,000
Drought relief, including loans for seed, feed, fertilizer, and other agricultural rehabilitation, including rural sanitation and medical supplies in drought areas	60,000,000
Increase in public-building appropriations at present session over like appropriations at last session for construction and sites, $16,000,000 and additional authorization for construction of new buildings, $100,000,000	116,000,000
Advances to the Shipping Board construction loan fund for making loans for the construction of merchant vessels in the American merchant marine	35,000,000
Total	396,000,000

There are a great many other smaller items scattered through the appropriation bills which bring the total well over the figure of $400,000,000 which I have indicated, and if we add to it the $250,000,000 appropriated for the Farm Board, the total amounts to over $650,000,000.

THE VETERANS' LOAN ACT

As is well known, I opposed the bonus loan bill in the form it was enacted because I believed, and still believe, that it was not necessary to go so far in order to relieve needy veterans, and that it was not best for other veterans or the rest of the country to induce veterans to borrow on their certificates under existing economic conditions. I was in favor of restricting the loans to those veterans who are in need, not because I begrudge a single dollar to the veterans but because I think that except in cases of actual present need it is best for them as a matter of insurance protection that they retain their bonus certificates unimpaired. I took the same position as I would if Congress had the power to increase the loaning value of insurance policies with private insurance companies. I would dissuade veterans from borrowing on their bonus certificates just as I would dissuade policyholders in private insurance companies from borrowing on their insurance policies, except when in actual need. Those who advocated this bill contended that only the veterans who are in dire need will borrow on their certificates in any event. If this contention is correct, then my proposal to limit it to those in need would have better served the purpose. However, a sufficient vote was given in both Houses to pass the bill over a presidential veto and it is now a law. We all hope that it will turn out to be a boon to veterans, rather than an inducement to them to sacrifice what amounts to the protection of a paid-up insurance policy of twice the amount that can now be borrowed upon it.

RELIEF OF UNEMPLOYMENT

A bill of great importance in its relation to the relief of unemployment passed by Congress was one for the planning in advance of public works to meet unemployment cycles.

A bill abolishing in effect the present Federal employment service and substituting in each State an agency for this purpose was sent to the President by Congress, but did not receive his approval. The bill as passed provided for an employment service which would function through State employment bureaus. The President's refusal to sign the bill was apparently based upon the belief that more would be lost than gained by attempting to change systems in the midst of unemployment and industrial depression.

Another correlated bill, providing for the collection of more accurate statistics concerning employment conditions, was passed at the last session of Congress and has been in operation for some time. These bills were sponsored originally by Senator ROBERT F. WAGNER, Democrat, of New York, and it is a pleasure to give him the credit he deserves for urging them upon Congress. It is only fair to point out, however, that they could not have been passed in the House except by the aid of Republican votes, which were freely given.

MAINTAINING THE WAGE SCALE

The Congress has shown a lively interest in the welfare of Government employees and of labor in general by the passage of laws giving half holidays every week to postal employees, Saturday half holidays throughout the year to other Government employees, and requiring that prevailing wage rates in the vicinity where the work is done be paid by all contractors on Government-building projects. The latter law meets a situation which was rightfully criticized by labor leaders throughout the country. Under the old law it was possible for contractors on public buildings to import labor from other parts of the country and often pay them much less than the locally prevailing scale of wages.

PROHIBITION LAW AMENDMENT

One noteworthy event in prohibition legislation occurred during the session, and this was the uniting of both "wets" and "drys" on an amendment to the prohibition laws. The amendment was to the so-called Jones law and limited the penalties that may be imposed for slight infractions of the prohibition law. It has become a law by the President's approval.

NEW OLEOMARGARINE LAW

A bill of great interest to farmers which was passed at the recent session and has become a law by the President's signature is one that provides further regulation for the sale of oleomargarine in order to protect the public against deception by the sale of oleomargarine by unscrupulous dealers for butter.

WOMEN WIN NEW RIGHTS

Another important act of this Congress which was passed with the support of all the great women's organizations of the country is an amendment to the Cable Act, which was sponsored by Mr. CABLE himself. This amendment provides that no American woman can lose her American citizenship through marriage to an alien or residence abroad unless she herself renounces her allegiance to the United States.

PRESIDENT VETOES SHOALS BILL

A bill for the disposition of Muscle Shoals was passed by both the House and Senate, but a veto by the President was sustained in the Senate, and would doubtless have been sustained by a more decisive vote in the House. As pointed out quite clearly and forcibly in the President's veto message, this measure, if enacted into law, would have committed the country to a policy of Government operation of power plants and would have served as a precedent for similar operation of other public utilities.

As usual in a short session, a large part of the available time was necessarily given to consideration of the regular annual appropriation bills. Despite the press of relief work the usual care and scrutiny have been given them. They faithfully carry out a policy of economy in so far as it has been possible to do so without conflicting with the relief program. They are larger than ever before in many instances, but the increase may be justified so far as the additional sums are wisely and properly expended for necessary improvements and expansions and at the same time provide much-needed employment.

The present depression has been an unusual one, because for probably the first time in our history an industrial slump has been coincident with a great drought, which of itself would have been a national calamity. Nevertheless, the conditions have not approached in distress those which have existed contemporaneously in all the other countries of the world, or those which have existed in previous economic depressions in our own country. It should be remembered that periods of depression have recurred in this country somewhat regularly about every 10 years. Cycles of prosperity and depression have visited this country just as they have every other great commercial nation of the world and at practically the same intervals.

TARIFF PROTECTS WAGE STANDARDS

It is well to note in passing—and I think the credit for this may to a large extent be given to our sound protective-tariff policy—that this depression has to only a very limited degree been accompanied by a reduction of wages. The fact is that while many people may now be out of employment, those who are regularly employed are perhaps better off than ever. This state of affairs is well presented by the

following article in the Labor Banner of December 12, 1930, which I shall take the liberty of including as part of my remarks:

Industrial workers who have not been thrown out of employment by depression now command the highest "real wages" ever known in the United States.

REAL WAGES COUNT

"Real wages," not money wages, determine the financial condition of workers, it is claimed. When the number of dollars in the pay envelope is increased, there is no gain to the worker if prices of necessities also soar. The pay envelope contains money wages. But if the cost of living declines when money wages rise, then "real wages" also advance. Since 1921 money wages have increased and the trend of living costs have been downward. Real wages thus have been gaining for nine years. The trend of money wages and of living costs is shown in the following table:

Year	Gain in money wages or workers' earnings since 1921	Decrease from 1921 level of cost of living
	Per cent	*Per cent*
1930	12	8
1929	12	6
1928	11	6
1927	10	4
1926	9	3
1925	8	4
1924	7	6
1923	6	6
1922	3	8
1921	0	0

The gain in real wages in the last 12 months accounts in part for the fact that bank savings deposits this summer rose to the highest total in history. Workers still employed are in a position to buy more and save more than a year ago without reducing their living standards, if they choose. This partly offsets the lack of buying power on the part of 3,500,000 persons who are without employment. It also tends to modify the depression for the country as a whole.

COPYRIGHT BILL FAILS

Owing to the legislative jam in the Senate during the closing days of the session, a number of important measures which passed this House failed to be enacted into law. The most important of these was the so-called Vestal bill, which provided for a complete revision of the copyright laws and which if passed would have paved the way for the admission of the United States into what is sometimes called the International Copyright Union. This bill was of vast importance to the writers, playwrights, and composers of the entire country, and it is most unfortunate that it failed to pass owing to the peculiar rules of the Senate, which render 95 Senators entirely impotent to pass legislation if one individual Senator chooses to make them so.

RESTRICTION OF IMMIGRATION

Another important bill which was lost in the Senate 1-man filibuster was that reducing all immigration quotas temporarily by 90 per cent to aid in relieving unemployment. The failure to pass this bill, however, is not so serious, because the State and Labor Departments are already limiting immigration almost to the zero point.

The failure to secure action in the Senate on the bill extending the life of the maternity law brings to a conclusion a long-drawn-out fight on this law by those who believe that the work done under it is entirely outside the scope of the Federal Government's powers and is an invasion of State rights.

The proposed constitutional amendment to eliminate the so-called "lame duck" session of Congress, the session which starts in December after a general election and continues until March 4, when the new Members take office, died in conference. This proposal was defeated in a previous Congress. In this Congress the House passed the so-called Norris resolution, which had already passed the Senate, as it had many times before; but the House inserted by a very decisive majority the so-called Longworth amendment fixing a limit to the length of the second session, which would have prevented Congress from staying in continuous session throughout the two years of its existence unless called in special session by the President. The failure of the Senate conferees to agree to the House amendment resulted in the defeat of the resolution. It is obvious that so long as the rules of the Senate make it possible for 1 Senator to prevent 95 Senators from passing any legislation without his consent, it will be necessary for the House to insist upon a fixed date for ending the last session of a Congress. Otherwise it would be necessary for Congress to remain in session until every bill favored by a Senator is enacted into law. The Treasury would probably be unable to stand indefinitely the strain that would be put upon it by such a program.

By the "lame duck" proposal, instigated and kept alive by an inane but catchy phrase, it is seriously proposed to amend the fundamental law of the land in order to remedy a situation brought about by the archaic rules of the Senate. It remains to be seen whether the rules of the Senate are regarded by the people of the country as more sacred than the Constitution upon which our Government and our liberties rest.

PRESENT NATIONAL AND INTERNATIONAL BANKING SITUATION

Mr. McFADDEN. Mr. Speaker, under general leave granted to Members to extend their remarks in the RECORD, I herewith insert the following:

Banking deals with money and the money value of things, and it is therefore in communities where there is much money and many valuable things that banking reaches its greatest magnitude. Needless to say that here in the United States, and in the era in which we are living, more banking is being done with real money and real things than was ever done anywhere in the world before.

Financial transactions, including those which overlap frontiers, are now carried on upon so great a scale that it is no easy task, even for bankers engaged in extensive transactions, to perceive the larger tendencies and estimate their probable results. Formerly we were accustomed to estimate conditions about us and consider these as determining whether business was likely to be good or bad. There is too much tendency to do that now and to ascribe to local or domestic conditions reasons for the state of trade or of credit at a particular moment.

Before the Federal reserve system was established in 1913 thousands of banks maintained their own gold reserves. After its establishment the member banks gave their gold reserves into the control of the Federal reserve banks and a vast central pool of credit was created under control of the Federal Reserve Board.

"Credit once brought into existence," some one has said, "is a natural fluid which can not be kept from flowing into the nearest channel available under the gravitational force of demand in the form of interest rates." The streams of credit which have flowed out of this central reservoir since its creation have brought changes and raised problems which were undreamed of in 1913. We have centralized the creation of credit and its uses.

The revolutionary character of the Federal reserve system was greatly magnified by the coming of the war in Europe in 1914. Historically, the central bank came into existence as a war instrumentality. The Bank of England was created in 1694 to establish a central pool of the nation's wealth upon which the government of William III could draw to defray the expenses of its wars upon the Continent, and since that date its resources have been primarily at the disposal of the British Government in its imperial and foreign enterprises. The central bank enables the Government to utilize, if it so desires, the entire credit power of the nation in enterprises abroad.

No doubt this was not in the mind of the Congress when it established the Federal reserve system. A status of peace seemed to be our normal condition, and it was the stabilization and equalizing of credit conditions in our domestic economy that was uppermost in the minds of the legislators.

From 1914 to 1917 our stimulated foreign trade gave us a large favorable trade balance which was offset by loans by private bankers to the Allies. After we entered the war the belligerent governments suspended shipments of gold. The allied governments asked and received credits from the United States Government sufficient to cover all debts, and

these credits were raised here by the floating of the Liberty and Victory loans.

I would invite your attention to the way the "stream of credit," which we are likening to a natural fluid, has flowed during the past 14 years, viewed, as it were, from some stationary point of observation which ignores minor eddies or whirlpools, the rate of the current here or there, or the depths or shallows at a particular point.

Beginning with 1917 we see it sweeping eastward across our political boundaries "under the gravitational force of demand in the form of interest rates" and under the impulsion of a foreign war. For four years and more the vast current flowed unchecked. These four years of war did their devastating work in Europe. Year by year on an ever-greater scale the warring states expended their stored-up wealth outside of Europe.

When the armistice came, and with it the reaction from war, all Europe was stunned and inert, but there existed an insistent demand for foodstuffs, goods, and commodities which had to be met. Europe presented a limitless consuming market, and the producing market was in the United States alone.

You will recall the enormous industrial energy with which America met this demand. And in order that the manufacturers, merchants, and workers might be paid without depending upon remittances from the foreign purchaser, the Government extended further loans to the allied states and, through the War Finance Corporation, advanced hundreds of millions of Government money to the banks so that the banks could continue to finance the producers.

Month after month this went on, with the credit inflation mounting far beyond that which would have been justified by the gold base, and during this period nobody inquired what the consequences would be if Europe could not settle its trade balance. Finally, in 1920, the Government became alarmed; it ceased making loans to the banks for the financing of exporters, called on the governments of Europe to settle their trade balance in gold, and induced the Federal Reserve Board to raise its rates.

Never was industrial activity on such an intensive and so vast a scale so suddenly and so completely reversed. From one end of the country to the other bank credits were frozen, factories closed, and not only foreign but domestic trade brought almost to a standstill. This condition lasted through 1921.

Returning to our metaphor of credit as a natural fluid, the scene from our stationary point of observation is now changed. The rushing stream that had been pouring across our territorial borders has dried up as quickly as it had sprung forth. Where before had been a broad and swift-flowing current there appeared sandy wastes through which could be discerned a few trickling streams flowing from one stagnant pool to another. Credit for domestic purposes was as unavailable as for foreign.

This sudden industrial stagnation in the United States was as unpleasant as it was unexpected, but it was felt far more acutely in Europe, which for a year had been living upon the importations from the United States.

There was only one way to have these importations begin again, and that was by paying for what had already been sent so that the banks in the United States could again have sufficient reserves to allow them to make new loans to exporters. The allied governments, therefore, had to remove the embargoes which they had maintained on the exportation of gold so that the European trade balance with America could be settled.

The recovery in the United States in 1922 coincided with the receipt of continued importations of gold on an immense scale. Gold continued to flow into the United States until, as you will recall, our gold stock in 1924 amounted to $4,000,000,000. It is on the basis of this gold cover that the great industrial activity of the past decade has been able to be carried on.

The influx of the gold refilled the great credit container of the Federal reserve system. Out of this container in 1922 innumerable small streams of credit began to flow throughout the United States. The sandy stretches and the stagnant pools disappeared and there was movement again everywhere.

If a governmental policy had been entered upon in 1922 of confining the use of Federal reserve credit to the needs of the domestic market and of foreign trade, business and financial conditions in the United States would have been stabilized upon a sound basis and the function of the Federal reserve system would have become more clearly defined.

If it were considered that the political and social structures in Europe might disintegrate without the aid of great loans from the United States, this would have been regarded as a political question which would have been given due consideration and regulated by legislation at Washington.

The belligerent states of Europe were entirely impoverished as a result of the war. Their industrial and financial potentialities were greatly and permanently lowered. Europe to-day is no better able to carry a foreign debt of $20,000,000,000 than the states of South America would be. But this view has not prevailed at Washington.

The great international banking interests of the East have persisted in the view that the war in Europe was only an incident, although a grievous one, in the history of that continent, that the thread of European life and activity could be taken up after the war and followed under substantially the same conditions that had prevailed before 1914.

Under this appraisal, the ultimate financial resources of the states of Europe remain as great as they ever were and assurances are given the American people that investments in Europe are a good risk. Yet the German Government has been able to pay reparation annuities only out of the receipts of loans from America, the allied states groan under the payment of installments on their debts to America, and are protesting that they can not pay these installments unless they first receive the money from Germany. Most of the states of Europe are nearly denuded of gold, which is the only measure of monetary wealth, and their resources and those of private citizens are necessarily limited by the amount of the gold. It is probably no exaggeration to say that substantially the only monetary wealth in Europe to-day is the credits which are continuously flowing there from New York.

Since 1922 the air has been filled with schemes and plans for utilizing Federal reserve credit in Europe. In 1924 the international bankers devised the Dawes plan, which created negotiable German reparation bonds in the sum of $4,000,000,000, the bulk of which were intended to be sold in the United States. The State and Treasury Departments of the United States Government actively participated in these negotiations, but they did not meet with the approval of President Coolidge and the bonds could not be offered on the American market.

Nevertheless an active propaganda here proclaimed the Dawes plan as a final settlement of the contentions in Europe, and with this propaganda as a basis the international bankers entered upon a policy of pouring the money of American investors into Europe through the purchase of governmental, municipal, and industrial bonds.

Notwithstanding the fact that political, financial, and economic disintegration has steadily increased in Europe with the passage of the years, the propaganda of prosperity in Europe has been kept alive in this country in order that the international bankers might continue in their lucrative trade of selling European bonds here. The Dawes plan has been revived in the Young plan of 1929, under which negotiable German reparation bonds in the sum total of $3,250,000,000 are available for sale upon the American market.

In a speech which I made here recently I included a table showing the loans which the international bankers have made abroad since 1919 and the banking houses which made them. The total of these loans is nearly $8,000,000,000. Add to this $9,000,000,000 in loans made prior to 1919, making a total of $17,000,000,000, which, together with the public debts of $12,000,000,000 that the European states owe the United States Government, makes a total debt of $29,000,000,000 owed by the foreigners to the people of the United States, and if the $3,000,000,000 in Young plan reparation

bonds were disposed of in this country the total would be raised to $32,000,000,000.

This practice of the bankers of extending loans by billions of dollars to Europe began during the war and has continued under the Dawes and Young plans. They have been doing substantially what the Dawes plan would have accomplished if it could have been put into operation in the United States.

These vast loans gave Europe a renewed purchasing power here, and the greatly stimulated trans-Atlantic trade was the basis of the feverish financial optimism which centered itself in the operations of the stock market which culminated in the crash of 1929.

During those five years we saw once more the great stream of credit flowing eastward across our borders. And again we saw it suddenly terminate in 1929 and the sandy wastes and stagnant pools reappear. This time there was no gold stock in Europe to be shipped westward to settle the foreign debt. The billions advanced by the international bankers have not been repaid.

Under the Young plan it was the intention to post the first tranche of the reparation bonds on the American market in 1929. If the bonds had been acceptable and the way opened for the floating of successive tranches, the improvement in Europe's purchasing power would have been immediate, trans-Atlantic trade would have immediately revived, and industrial depression in the United States would have been checked. There would have been no collapse of stocks in 1929. It would, however, merely have been postponed. Stagnation here would have supervened at a later date, when European purchases here had exhausted the credit, just as it supervened here in 1920 and again in 1929.

If the international bankers now resume the practice of selling European securities here at the rate of a billion dollars a year, we will have several years of exaggerated industrial activity like those which followed the Dawes plan, followed likewise by a sudden stagnation like that after 1929, supervening when the European credit has been expended here. The great stream of credit flowing eastward across our borders will be checked again and the sandy wastes and stagnant pools will reappear.

The longer this policy of the international bankers is followed the greater becomes the number of people throughout the country who hold foreign securities which the mounting debts of foreign governments make it less and less possible for them to repay, and the greater grows the proportion of the liquid wealth of the country which remains in the hands of the international bankers.

As an adjunct of this policy the eager support which the international bankers of New York have given to the Bank for International Settlements set up under the Young plan is entirely logical. It is in the nature of a central bank for Europe, through which the European States collectively may deal with financial centers outside of Europe. The receipts from the sale of more than $3,000,000,000 worth of Young plan reparation bonds outside of Europe were intended to fill its coffers with gold at an early date.

But there is no way in which gold from America can be made to flow into Europe through payment of balances because the balance of payments is so greatly in favor of the United States. The Stresemann policy, which I have discussed in the Congress, and which has guided every foreign office in Europe for years, is a plain notification to us that loans from the United States in billions is the sole basis upon which the European statesmen propose to reconstruct European affairs. Under the Stresemann policy many more billions were to have been received from America in the space of a few years than Europe had to pay to America on balance. This would have caused a flow of gold from America to Europe.

The gravity of this for us lies in the fact that the Stresemann policy had the wholehearted support of the international bankers of New York. That it is their desire that gold in large amounts shall flow from the United States to Europe is evidenced by their support of this policy, and now that the Stresemann policy has failed it is being urged in New York by the leading international bankers that we should release a portion of our gold for the reserves of depleted central banks in Europe.

The relations of the Federal Reserve Bank of New York with the banks of Europe have become as intimate in the matter of extensions of credit as if these European banks were members of the Federal reserve system. One can but wonder upon what theory of banking this practice is based.

No bank ever existed except under the protection of some sovereign authority and for the furtherance of the purposes of that sovereign power. Without such sovereign protection its treasures would be at the mercy of any band of marauders. The practices which the Federal reserve bank and the international bankers of New York are following would indicate an assumption that a political alliance or a superstate has been created under whose sovereign will the safety and security of these international banking transactions is guaranteed. If there were, in fact, a single sovereign power dominating the United States and the states of Europe, and a bank of international settlements were set up by this power, then the gold reserves of the central banks could be kept in the Bank for International Settlements where they would remain permanently; credits and debits of gold would be entered upon its books in the manner in which this is done for domestic banks by the Federal reserve system.

Inasmuch as the creators of the Bank for International Settlements assume that some sort of political status quo exists in the world sufficiently powerful to guarantee the safety of gold deposits in the Bank for International Settlements, and are inviting our Federal reserve system to intrust a part of its gold stock to the custody of that bank, prudence would move us to inquire what is the political authority or sovereign power under whose protection the bank will operate.

It is located within the territorial limits of the small neutral state of Switzerland and it is not pretended that it derives its security from Swiss protection. It rests upon the security of the treaties at The Hague which put the Young plan into operation about a year ago. The Hague conference was not characterized by harmony and good will. It was one of the stormiest and bitterest international conferences ever held. It can hardly be denied that the sole motive for agreement was the mutual financial benefit which might accrue if the bulk of the $3,000,000,000 worth of Young plan reparation bonds, there being created, could be disposed of in the United States. If the bonds can not be so disposed of in the United States, the motive which made the signing of The Hague treaties possible fails, and there is nothing to hold the parties to their agreements.

The centrifugal influences in Europe are dominant, as may be seen by studying the political relationships of any one state to the others. All are armed to the teeth, except those held in subjection by the treaty of Versailles.

Is there any interest which they may be said to have in common? There is one, and we may find it by examining the important international conferences there since the war.

The first important international conference after the treaty of Versailles was the London ultimatum of 1921. At this conference Germany assumed liability for the payment of $33,000,000,000 in negotiable reparation bonds—and, incidentally, pressure by the State Department here upon Germany had much to do with her signing of the treaty. Twelve billions of these bonds were to be commercialized immediately on the international market. It was the purpose to sell them outside of Europe, and the proceeds were to be divided between the allied governments.

The next important conference was that of Genoa in 1922, at which the presence of the United States was urged most insistently. The motive here was to facilitate the marketing of the reparation bonds outside of Europe, but the absence of the United States caused the main purpose of the conference to fail.

The next great international conference was the Dawes plan conference in London in 1924. This was for the fixing of the annuities which Germany should pay, but without reducing the total amount of her liabilities. The chief in-

terest was in finding out how large a sum could be obtained by issuing negotiable reparation bonds to be sold on the investment markets of the world. That treaty provided for the issuance of $4,000,000,000 worth of these bonds, the proceeds to be divided among the allied governments. Secretaries Hughes and Mellon were present in London at the negotiating of these agreements.

The Dawes plan bonds, however, could not be sold in the United States, partly because of the bad relations on either side of the Rhine and partly because the Coolidge administration would not permit it here. The Dawes plan, therefore, failed in its main purpose, as the London ultimatum had done.

It was after the Dawes plan was signed that the international bankers of New York began selling German municipal and industrial securities here upon an enormous scale, the loans mounting, as you will recall, to more than a billion and a half dollars. Germany out of her own resources had no means whatever of paying the Dawes plan annuities. She paid them, and it was intended that she should pay them, out of these receipts from America.

Notwithstanding the failure of these various treaty adjustments in Europe to accomplish their purpose, there was so much encouragement from the international bankers of New York, and at times from administrations in power in Washington, that this one motive of common action among the states of Europe remained alive. In France it got into domestic politics and in 1927 aided in keeping Poincaré in power.

The chief interest at the time of the meeting of the Council of the League of Nations at Geneva in 1928 was a plan "for the final settlement of German reparations." This plan was to fix not only the amount of the annuities Germany was to pay but the total number of years over which they were to be paid. By treaty settlements provision was made for the appointment of a committee of experts to draw up a plan, and it was desired that an American should be the chairman. This was the origin of the Young committee, which met in Paris in February, 1929, and substantially rewrote the Dawes plan, reducing the amount of the commercializable reparation bonds to $3,250,000,000.

This plan was made effective by The Hague treaty the next year. Under the London ultimatum and the Dawes plan Germany had held back when it came to issuing the commercialized bonds because the burden was too great for her to assume. At The Hague conference, however, she was assured of one-third of the receipts from their sale, and this assurance induced her to become a party to the treaty.

The Young plan bonds were offered here last July as "the German international 5½'s," but the venture was not successful. If the bonds can not be sold here on the scale intended, the entire Stresemann policy, as it is called—that is to say, the one policy which might unite the states of Europe in a common cause sufficiently strong to keep them at peace—fails and falls to the ground.

That, apparently, is what has happened in Europe. The defection of Italy leaves Britain and France in a close alliance to maintain the treaty of Versailles, with its reparation demands upon Germany, while in Germany there is a strong and growing purpose of radically revising the Young plan, and the Breuning Government holds on to power only by yielding more and more to this demand.

Tranquillity in Europe, therefore, seems more than dubious. These major conferences of which I have spoken have not been League of Nations conferences. The League of Nations is not a superauthority exercising sovereign power. It could not afford physical security to the Bank for International Settlements.

What, then, might be the fate of the gold stocks held in trust in the vaults of the Bank for International Settlements if this one motive of common action in Europe failed? If, as a result of a common policy in Europe, a continuous flow of gold and credits from America can not be secured, what is there to hold these states together in peace? There is nothing, unless they can bring themselves to a radical revision of the treaty of Versailles, which will eliminate the idea of German reparations to be commercialized outside of Europe, and which will undo the other injustices of that treaty.

It can not be said, then, that there is a stable status quo in Europe emanating either from comprehensive treaty agreements or from the creation of a supersovereign power; and there is no territory in Europe where the gold reserves of a world bank would not be exposed to the vicissitudes of international strife. The site of the present bank has been chosen in the general locality of the territory which for centuries has been known as the cockpit of Europe.

I stated above that political, financial, and economic disintegration since the war have been increasing in Europe. I know of no disinterested observer who denies this. The following conclusions were expressed in an article by the well-known observer, Frank Simonds, just the other day:

> In sum, the impression I gather from Geneva and from the public men of all European countries here assembled is this: With the exception of France, the condition in all continental countries has become such that the familiar issues and problems of the postwar era, problems political and military, have become actually side issues.
>
> Disintegration within the countries has become so general and gone so far that one of the most familiar judgments one meets is that capitalistic and -democratic civilization is endangered, if not doomed, and that Europe is drifting toward a general catastrophe, still continuing to murmur the old words of nationalism.
>
> Or, to put it differently, there is a growing recognition that recovery from the World War has not yet even begun and that no one can now guess what the new Europe will be like, although more and more are convinced that it will be incredibly unlike the old.
>
> In any event, what seems in America to have remained an economic crisis has in Europe broadened into a political, social, and intellectual crisis. Informed people are no longer discussing the question of return of prosperity, but whether old Europe can survive this final catastrophe.

To continue indefinitely to make loans to a debtor who can not pay is not good business and is not good banking. These vast loans which I have listed have been made practically without security, for the scarcity of gold in Europe makes their settlement in the customary way impossible.

It would seem that our experience in 1920, when a vast credit inflation was carried to a most perilous degree because of the delay abroad in settling an immense trade balance, would be a sufficient warning against jeopardizing a great part of the Nation's wealth in advances to an insolvent debtor.

In 1920 payment in gold, though dangerously delayed, could be and was made in time. But if inflation here were again carried to a similar excess in expectation of settlement from abroad, the consequences would not result so happily if the foreign debtor failed or were unable to ship gold.

There is a strong tendency here to exaggerate the total amount of our foreign trade in proportion to our domestic trade and its relative importance. It ought not to be forgotten that our entire foreign trade is normally less than 10 per cent of our domestic trade. The vast free-trade markets, producing and consuming, within our continental limits constitute the greatest business empire the world ever saw.

It can hardly be controverted that to preserve the health, energy, and activity of this great domestic market and to protect it from stagnation by the proper management of its currency is of the first importance to the American people. To divert or tamper with the flow of credit needed in this market in order to create and strengthen producing markets abroad is a policy not in the interests of the American people.

It would seem to be a sound principle that loans abroad should be in proportion to the value of our normal foreign trade, and limited by that measure. This is all that the outside world has a right to ask and is all that was ever undertaken by any other nation.

If the world were filled with communities possessing great monetary wealth, the organization of giant industrial enterprises in the United States for the purpose of exporting their products on a vast scale might be a logical development.

But the world to-day is not filled with such communities, and it is precisely those communities which constitute the largest consuming markets for American export products that are without the means to pay for them. The extent to which foreign nations since the war have been consuming American-created products without the means to pay for them is measured by that enormous sum of $8,000,000,000 extended in foreign loans by private bankers to which I have referred.

There is a tendency, I may say here, to seek to discredit critics of the international banking policy which has prevailed here since the war, and to denounce their views as radical or unsafe. This criticism is wide of the mark when directed against efforts to guard and preserve the national wealth of the United States and to render the capital of its citizens secure under the protection of the laws of their own country. They are not to be confounded with any form of radicalism. In my own case I fear no comparison of motives with the motives of those who have dominated our foreign financial policy since the war and who have brought upon us successively the conditions of 1920 and 1930.

If it is admitted that what we have been doing is not good banking policy and is not based on business principles, it may be urged that the policy is justified on sentimental grounds. Here a subject of discussion is opened up which is outside the bounds of a discussion of banking and sound banking principles. We enter the realm of politics and international relations, of allied debts and reparations, and must discuss the question of whether, how far, and to what nations the financial assistance of our Government ought to be given.

This is in fact the field to which our inquiries ought to be turned not as bankers but as patriotic citizens. The unrestrained selling here of billions of dollars' worth of European securities by private bankers ought to come to a stop while the ideas of the Government and of the people are clarified on great fundamental questions which are essentially political in their nature. International rights and obligations ought to be fearlessly considered and definitely settled. Until this is done there are none who have the right to divert the credit of the Federal reserve system from domestic to foreign uses unchecked and on a scale which has twice imperiled the safety of the country, and which may imperil it in the future.

The Federal Reserve Board is not intended to be an autonomous body serving foreign banks, if it so chooses, precisely as it serves member banks in the United States. Nor should it expand credit without limit in order to facilitate the sale in this country of billions of dollars' worth of foreign securities. To relieve it of responsibility in this connection I recently introduced a resolution for the creation of a capital issues board to pass upon the issue of such securities.

The shifting foundations upon which our financial relations with the States of Europe now stand should be replaced by a stable base erected by political authority.

Efforts at treaty settlements between the states of Europe and the international bankers of New York like the Young plan, setting up a Bank for International Settlements at Basel intended to facilitate the transfer of credits and the shipment of gold from New York to Europe and to make possible the sale in the United States of German war reparation bonds to the amount of over $3,000,000,000, of which our State Department professes to remain entirely ignorant, ought to become a thing of the past.

This titanic flow and ebb of credit since the war has not been a matter of ordinary trade and commerce governed by the principles of political economy and of banking. It has been primarily political in its nature and has evidenced the desperate efforts of governments in Europe to regain the economic power they possessed before the war.

It has been the repercussion of these efforts upon our unregulated Federal reserve system that has disturbed our domestic conditions. The stream of credit was not properly regulated at the source; the great sluice gates of the dam were not properly guarded.

In conclusion, we have in the Federal reserve system an engine of stupendous power, whose destructive potentialities, perhaps, are as great as its constructive power. It is a governmental agency, and its action should be guided by definite governmental policy.

DRAINAGE DISTRICTS AND THE GLENN-SMITH BILL

Mr. MILLIGAN. Mr. Speaker, I regret exceedingly that the administration refused to permit the House to consider and take some action on the Glenn-Smith bill, an act to provide for the aid of farmers in any State by the making of loans to drainage districts, levee districts, and levee and drainage districts.

This bill on June 13, 1930, passed the United States Senate by a unanimous vote. It was then referred to the Committee on Irrigation and Reclamation of the House of Representatives for consideration. This committee on December 20 made a unanimous report to the House favoring the passage of this bill. Later the Rules Committee of the House was asked for a rule for the consideration of the measure. This they failed to grant. Neither could the chairman of the committee secure recognition to suspend the rules of the House and pass the bill. I am of the opinion that had the House of Representatives been given an opportunity to vote upon this measure it would have passed it by a substantial majority, and its enactment would have brought direct relief to thousands of overtaxed farmers throughout the Nation.

The bill provided for the creation of a revolving fund out of which the outstanding obligations of drainage and levee districts might be purchased and refinanced. The loans were to be made only to the legally constituted authority which had issued the bonds or to its successors. This was not to be done until the Secretary of the Interior had made an examination of the engineering work of the successful operations thereof and found the lands designated as being benefited actually receiving a benefit to a reasonable degree.

The Secretary of the Interior was to have an appraisal made of the value of the taxable properties in each district that made application for a loan, and was empowered to make such compromises and reductions in the amount of the existing indebtedness as he deemed fair and reasonable. The loans were to be made for a period not exceeding 40 years, to be determined by the Secretary in each case, and were to bear interest at the rate of 3 per cent per annum, payable annually, with a proviso that during the first five years of the loan the interest may, in the discretion of the Secretary, accrue and be payable during the successive years of the loan in equal annual installments.

The loans were to be secured by the issuance and delivery to the Secretary of the Treasury by the legally constituted authority refunding bonds payable to the United States in the amount of the loan, the bonds being a lien on all the taxable property within the said districts.

This legislation was not in any form a gift to agriculture or to the farmers. It was merely a matter of extending credit so that these people might have a fair opportunity to work out their financial obligations and save their homes from being sold under a tax bill. There would have been no loss to the Federal Government if this legislation had been enacted.

By reason of falling prices of farm commodities, drought, and flood, the farmers in these districts are placed in financial straits because of the additional burdens in drainage taxes. If this bill had been enacted, it would have given them a breathing spell, and in time they could work out their problem, as the land in the confines of these districts is the most productive land to be found.

I am personally familiar with the conditions that now exist in my district and in northwest Missouri, where vast areas of lands are included in drainage districts and vast sums of money invested in such enterprises. The latest available information, which is not complete for all the counties in the northwest section of the State, shows as follows:

County	Land in drainage enterprises in 1929 (acres)	Drainage conditions in 1929			Land in occupied farms		Capital invested in enterprises
		Land unfit for crop for lack of drainage (acres)	Land drained fit for normal crop (acres)	Land partly drained, fit for partial crop (acres)	Total land (acres)	Land planted in 1929 (acres)	
Andrew	34,311	5,286	18,183	842	23,256	17,928	$309,800
Atchison	101,284	14,200	86,928	103	90,409	86,145	858,741
Daviess	38,066	3,611	7,000	27,455	35,900	24,500	815,000
Gentry	28,282	1,992	22,699	3,591	27,782	18,620	866,998
Harrison	22,423	5,200	8,700	8,523	22,100	10,790	445,750
Holt	47,306	9,944	35,169	2,193	47,159	41,079	676,910
Mercer	14,631	4,000	8,785	1,846	14,631	6,400	171,310
Nodaway	40,830	3,746	34,429	2,655	40,772	36,234	630,253
Ray	14,162	2,000	9,212	2,350	13,602	12,982	238,500
State	3,450,866	308,971	2,753,009	388,796	2,659,721	2,246,350	46,292,782

In the entire State of Missouri there are 3,450,866 acres of land in drainage districts, with a total investment of $46,292,782. This gives an idea of the amount paid each year by these overburdened taxpayers of the State in payments of principal, interest, and maintenance charges.

These enterprises have been organized not alone for selfish benefits but for improvement and protection of public health, flood control, and to reclaim valuable and productive lands.

If the administration had seen fit to enact this bill into law, it would have produced more direct benefits to the farmers than any law on our statute books. It would have allowed many families to retain their homes which will, unless some relief is provided, be sold under a tax lien.

"PRICE FIXING DANGEROUS TO RETAILER AND TO PUBLIC"

Mr. CROSSER. Mr. Speaker, the Supreme Court of the United States has held that—

* * * Contracts between manufacturers and wholesale and retail merchants to control * * * the price for all sales by all dealers * * * eliminating all competition and fixing the amount the consumer must pay, amounts to a restraint of trade * * * invalid both at common law and under the * * * antitrust act.

The interests which demand the power to fix prices ask for a law to nullify this decision of the Supreme Court and to destroy the provisions of the antitrust law to which the decision refers. They claim that some retail dealers sell goods at a price which is too low and therefore they ask for a law which would enable producers of goods to prevent retailers from selling goods for less than the price dictated by producers.

To enact a law making it possible for producers of goods to fix a price below which retailers could not lawfully sell such goods would be unwise and wrong for many reasons, some of which will be stated.

The purpose of the antitrust laws and of the Supreme Court decision was to assure the people of the United States the benefit of competition. The bill being pushed by the interests desiring to fix prices would to a great extent prevent competition.

The right of competition means that anyone may offer to sell his goods at prices and on terms which he believes will cause them to be bought by those desiring to purchase such goods.

This principle, freedom of competition, has, in the past, generally saved the public from being forced to pay a price higher than necessary to provide a reasonable profit for the seller.

If we were to enact a law such as demanded by the interests desiring to have price fixing made lawful, almost everything required for the home would be sold at a price fixed by the producer. It would then be useless, and, in fact, foolish for a person, wishing to buy a common brand of goods, to go for them even a hundred yards beyond the store nearest his home. The buyer would know very well that he could not buy such goods at any store for a cent less than he would pay to the store nearest his residence.

The storekeeper, then, could not hope to attract customers residing outside his own little neighborhood, for he could not offer them a better price. In going even a few hundred yards beyond the store nearest his residence the buyer would merely be causing himself loss by wearing out shoe leather. Under such conditions the storekeeper would become a mere order taker for the producer. He must sell at the price ordered by the producer, and he must pay whatever the producer demands. In fact, the storekeeper would have little more freedom or discretion in selling his goods than if he were a mere agent for the producer, but the producer would not be responsible, either to the storekeeper or to the public, as he would be responsible for a person legally appointed by him as an agent to sell his goods.

When a producer sells his goods through his agents, who lose money in trying to sell, it is the producer's money that is lost and not the agent's money.

Under the proposed price fixing law, however, the price at which a producer's goods must be sold by the retailer could be controlled by the producer as surely and exactly as if the producer were selling through his own agents, for whom he would be responsible.

The producer of goods could say what price the retailer must charge, and yet such producer would not be risking the loss of any money in operating the store.

If a law were passed to allow producers to fix prices below which goods could not be sold by retailers, it would then be useless for a storekeeper to advertise for the purpose of increasing his business, for he could not offer any better price than other stores in the community. The producer having fixed or dictated the same price for all stores in the same community, one store could not advertise a price better than the other stores could offer to buyers. With price fixing fully in effect, about all that a store could say in an advertisement would be, "Come to our store; we have nicer show cases and more attractive clerks."

The general fixing of retail prices below which goods could not be sold would be harmful to retailers in another way, illustrated as follows: Suppose that a storekeeper had accustomed the public to buying a certain kind of soap, the retail price of which had been fixed by the maker at 10 cents a bar. The retailer when he began to sell the soap paid the maker 6½ cents a bar. After the storekeeper had, however, accustomed the public to buying that particular kind of soap, he would be compelled to carry the soap in stock to satisfy his customers. Then the soap maker, knowing that the storekeeper must have that particular kind of soap for his customers, would naturally say to himself, "I can now raise the price which the dealer must pay me for my soap," and raises the price the retailer must pay the maker to 9 cents a bar. In this way the soap maker would increase his profit while the storekeeper's profit would become smaller.

The producer would be the more tempted to increase the price charged to the storekeeper because of the fact also that practically the only advertising that would be done would be in magazines of nation-wide circulation. We must remember that there would be no reason for local advertising, for advertising of individual dealers, because the price fixed for all retailers would be the same.

If the producer of goods could fix a price to suit himself and the retailer could not lawfully sell such goods for less than the price fixed, the retailer would be injured in another way. He might be hard pressed for money and might desire to sell some of his goods at a sacrifice to get money to save himself from being forced out of business. We all know of storekeepers who during the present hard times have saved themselves from ruin by selling part of their goods for even less than cost. If, however, the law had allowed producers to fix prices which storekeepers could not reduce, the merchant in need of cash to pay his creditors could not have sold part of his stock at lower prices to get money to do so. Many merchants have large stocks of goods but no money. If they can get money by selling some goods at a sacrifice they can often save themselves from ruin, but they could not do so if the law were to permit price fixing.

"But," shout the advocates of price fixing, "what about chain stores; price fixing would stop their growth." The answer to that is that the proposed price fixing law would not prevent development of the chain system at all, but, on the contrary, would give the chain stores an advantage. It is one of the tricks of propagandists to yell loudly against something which they believe unpopular and then to ask the public to accept what they propose, although it could have no bearing at all upon the alleged evil against which the propagandists roar but, in fact, would probably make the trouble worse.

Whether you approve or disapprove of chain stores, let me assure you that the proposed law to authorize price fixing would not interfere with them in the least. The interests which demand a law to permit price fixing admit that under such law the buyers of large quantities of goods could lawfully and properly be given a price lower than that paid by buyers of smaller quantities. Any large chain system could buy from a producer quantities of goods many times larger and therefore at a lower price than could the man with one store. Because it would thus pay less, the chain store's percentage of profit would be greater.

Remember, too, we have been emphatically assured by those clamoring for the right to fix prices that there will always be some goods the retail prices of which will not be fixed by producers. If necessary, therefore, to attract more customers, the chain store would offer to sell for less than the usual price some of these goods the retail price of which would not be fixed. Then the customer being in the store to buy goods thus reduced in price, he would naturally buy whatever he might need of goods on which the prices had been fixed. Thus the chain store would do most of the business, and because of its large purchases would buy cheaper than could the small dealer goods upon which the same retail price would be fixed, and so the chain store would, of course, make a larger profit.

Let me point out another objection from the standpoint of both the storekeeper and the public. Suppose that Mr. Smith, a storekeeper, were to buy a large stock of goods upon which the producer would have fixed a retail price below which the goods could not be sold to the public. If later the cost of producing that class of goods were to become less, then Mr. Smith, the storekeeper, would not be able to sell his price-fixed goods. Other goods of the same class and of as good quality but produced later at a lower cost would be for sale at retail for less money, and because just as good and cheaper they, instead of the price-fixed goods, would be bought by the public. The dealer, then, who would have bought a large stock of certain price-fixed goods, when the cost of production would have been high, would suffer loss, because he could not reduce the fixed retail price of such goods in order to sell in competition with other goods of the same class.

The proposed price fixing law would injure the public by preventing competition. Without competition the producers of goods could fix prices that would be altogether unfair to the buyer.

At present, with competition, if a producer of goods tries to keep in force too high a price, some one offers to the public the same kind of goods at a lower price, and he gets the business.

If you do away with competition, the public can be charged whatever pleases the producer, who then practically becomes a monopolist. The consumer then could not help himself for the reason that the producer of goods could compel the retailer to keep up the high prices.

To make it lawful for producers to dictate retail prices which storekeepers could not reduce would greatly increase the cost of living and would put the retailers in the iron grasp of great producers.

Some retail dealers have been led to believe that, if given the power to fix unchangeable retail prices, the producers would be nice and kind to them and would not raise the prices which the retailers would be forced to pay producers. Let me warn such people to beware. Burns stated the case well when he said:

> But och, mankind is unco weak
> An little to be trusted;
> If self the wavering balance shake
> It's rarely right adjusted.

THE JONES-M'CORMACK SATURDAY HALF-HOLIDAY BILL

Mr. McCORMACK of Massachusetts. Mr. Speaker, the passage of the bill known as the Jones-McCormack bill, Senator JONES having introduced it in the Senate and I in the House, granting a Saturday half holiday to Government employees, will, in my opinion, be most beneficial to the Government. It will enable the faithful employees to return to work on Monday morning better physically and mentally as a result of the rest they secure over the week-end.

In these days when leading business men, as well as those in charge of the great labor organizations, are advocating a 5-day week, it is but fair that we grant to the Federal employees a 5½-day week, especially when the great majority of those employed throughout the Nation are enjoying the Saturday half holidays granted by their employers.

In some of the large cities of the country, during certain periods of the year, the large department stores, as well as industries, provide a 5-day week during the summer months.

The Federal Employee, the official magazine of the National Federation of Federal Employees, has the following to say in its issue of March 1 relative to the law recently enacted:

SATURDAY HALF-DAY BILL BECOMES LAW

The Jones-McCormack Saturday half-holiday bill was passed by the House on March 2 and signed by President Hoover on March 3. The text of the congressional debate on the bill will be carried in full in next month's magazine.

In the brief debate which followed consideration of the bill in the House, where it was called up by Representative LEHLBACH, who moved suspension of the rules, no opposition was expressed other than by Representative WOOD, of Indiana, but on a viva voce vote the bill was passed without opposition. Senator JONES, of Washington, secured unanimous consent for acceptance of the House amendments to avoid delay by sending the bill to conference.

The national officers already have discussed with the Interior Department and congressional leaders the securing of an Executive order conferring the benefits of the short Saturday on field employees of permanent tenure in the Interior Department. That group was eliminated at the request of the Secretary of the Interior because of the many temporary and seasonal employees on its rolls.

Federal employees owe a very substantial debt of gratitude to Chairman LEHLBACH, of the Civil Service Committee, whose skillful generalship adds the Saturday half holiday law to an already long list of legislative accomplishments during his chairmanship of that committee, which position he leaves with the closing of this Congress. The national office presented Mr. LEHLBACH with the pen and holder used by the President in signing the act.

Great credit is also due Senator JONES and Representative MCCORMACK for their sponsorship of the measure. Representatives LAGUARDIA and DALLINGER also were indefatigable in their efforts to secure its passage.

The National Federation has addressed a communication to President Hoover expressing the heartfelt appreciation of organized Federal employees who are benefited by the Saturday half holiday law.

THE PLIGHT OF A GREAT INDUSTRY

Mr. GUYER. Mr. Speaker and Members of the House, I wish at this time to discuss the plight of a gigantic industry, which in normal times and under ordinary conditions employs directly and indirectly almost a million men—an industry comparable in dignity and importance with the power industry in the United States. Its very magnitude and former prosperity has in its time of crisis prevented and impeded the correct understanding of its dilemma.

There was a time when an individual who had an oil well of a few thousands of barrels daily was considered a rich man. To-day one who has several such wells may be on the verge of bankruptcy, if he has large sums invested in them, from the fact that there is little or no market for his product; and when sold it is marketed below cost of production.

Those engaged in the petroleum industry have heroically attempted by proration and curtailment to overcome the difficulties which confronted their business, but because of vast importations of petroleum and its products from foreign

countries their efforts have been in vain and all their plans have been abortive in the face of this flood of foreign imports of oil and oil products.

Now they appeal to the only power which can give them aid, the Congress of the United States, and ask that a tariff be imposed on imports of petroleum and its products in order to protect their industry from the inroads of oil from countries where labor is cheap and where petroleum can be obtained for almost nothing. This, linked with cheap water transportation, produces the most ruinous competition. Here is a just demand, and the Republican Party by reason of its age-old advocacy of the protective principle as a means of stabilization of industry should come at once to the rescue of a great industry in this emergency.

There is no discounting the difficulty of amending the tariff schedules now, but the dire necessity justifies even this heroic remedy. When New England's textile industry was in distress the West came to its rescue with an adequate tariff, and now we demand this very proper Republican remedy for the ills of the petroleum industry, particularly in the mid-continent field.

In lieu of a tariff we have asked a limited embargo, based on the degree of proration which we ourselves have imposed on the domestic industry. This would be of immense and speedy relief and should be yielded as an emergency measure.

When the tariff bill was before Congress I favored some degree of protection, as I believe all the Kansas delegation did; but there was no backing for it by the oil producers when it was before the House. A fine showing was made before the Finance Committee of the Senate, but not before the Ways and Means Committee of the House. If some degree of protection had been placed in the tariff bill then the President, who is sympathetic toward the oil industry, in conjunction with the Tariff Commission, could, under the flexible provision of the tariff act, raise the tariff so it would be an effective relief. This not having been done, the fight for the industry must be carried on until it is stabilized for the home market to meet the time when Russia will take our export market from us by dumping her oil, which belongs to the state and costs her nothing, for the destruction of the oil industry unless we retain by protection or embargo the market of our own country.

IMMIGRATION

Mr. YATES. Mr. Speaker, under leave this day granted to extend my remarks in the RECORD upon the bill pending—in other words, the House joint resolution restricting immigration—I rise to say that I am in favor of this bill and hope that it will pass the Senate as it has passed the House. I was compelled to be absent from the floor of the House when the roll call on this legislation occurred. Had I been present, I would have voted with the 298 other Members of the House who voted "aye." See page 6744 of CONGRESSIONAL RECORD for March 2. As it is, I am paired for the bill with the distinguished gentleman from Louisiana [Mr. KEMP], and this sufficiently shows both his position and mine. I have already stated that if present I would have voted for the bill.

Hon. ALBERT JOHNSON, distinguished chairman of the Immigration Committee, recently said:

> This bill is absolutely necessary. The Dominion of Canada has already suspended all immigration for two years, with the single exception of orphan boys who are sent by the churches from the cities of the British Isles to be put on farms and raised, just as 30 and more years ago New York sent its orphan boys out to the West to be adopted and raised and where later some of them became governors of States. Canada has suspended immigration for two years in this world emergency. Mexico has done nearly the same thing. In the last three or four days Canada has placed an embargo on soviet-made goods. Canada is for Canada. It is time for the United States to do something for the United States.

Mr. Speaker, I believe there is need for this bill. I believe that the country would like absolute suspension. I do not pretend to know that the whole country would like absolute suspension, but I am familiar with the State whose Congressman at large I have the honor to be. I think I know Illinois as well as any man who lives in it and I believe that this bill would be enacted into law if it were possible to have a state-wide vote upon the subject.

The best authorities prove that this bill will keep out 188,000 persons each year for two years, or, in round numbers, 376,000 immigrants from foreign lands. It will prevent this vast army from entering this country to take jobs needed by the millions of unemployed citizens here. In spite of this act of restriction, every alien legally in the country has his rights under the Constitution and is entitled to protection in that right. It should also be remembered that this bill is a suspension for two years only. Furthermore, it is exactly fair as between all the countries of the world.

I agree with the distinguished chairman of the Committee on Immigration [Mr. JOHNSON], the able Representative from the State of Washington, that the need of restriction is vital and the danger of nonrestriction is colossal. I agree with him in his idea that in addition to the million who are always out of work through failure to contact the jobs—the misfits—there will be next winter at least 3,000,000 and perhaps 4,000,000 who will seek jobs which they can not find. I agree that we may care for 2,000,000 out of 5,000,000 by creating Government work, but in spite of everything we would have 2,000,000 on our hands.

These may be pessimistic statements, but, as Mr. JOHNSON points out, we must not fool ourselves, for, in fact, the soviet system points to worse conditions. Here in the United States the continued use of labor-saving machinery, the consolidation of business for the sake of economy, the farm situation, the export figures all are danger signs; so are the conditions of most of our State treasuries.

PAYMENT OF PREVAILING RATES OF WAGES ON FEDERAL BUILDING CONSTRUCTION

Mr. BACON. Mr. Speaker, under general leave to print, I desire to submit the following statement I made before the Labor Committee of the House on January 31, 1931, on H. R. 16619, introduced by me:

STATEMENT OF HON. ROBERT L. BACON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

The CHAIRMAN. I believe that Mr. BACON, the author of the bill, desires to say a few words at this time. Mr. BACON.

Mr. BACON. I have no intention of delaying these proceedings, but because of the fact that I have been working on this whole problem since 1926 I should like to have permission to submit a brief statement at this point.

There is no need, I believe, for me to add any explanation of the terms of the bill as given by the Secretary of Labor.

This committee has, in three different Congresses, carefully considered the whole subject, during each of which it held public hearings. During the present Congress the last hearings were on two bills, one by Representative SPROUL and the other by myself, H. R. 9232 and H. R. 7995, respectively. In the Sixty-ninth Congress the Committee on Labor had before it my bill, H. R. 17069, which was reported unanimously on March 4, 1927. In the Seventieth Congress a unanimous report was made on H. R. 11141 after full hearings. This measure, which I also had the privilege of sponsoring, was bottomed on the plan of effecting the same desired results by limiting the employment on Federal projects to local citizen labor, with definite preferences. The aim of this bill was the same as the one introduced and considered in the Sixty-ninth Congress, but its amended form was due solely to the common desire to avoid constitutional objections which it was feared might be lodged against the previous measure.

The executive department also carefully considered the subject. On August 6, 1930, the matter was presented by me to the President in the form of a more or less full memorandum setting out the need and desirability of such a policy and making the suggestion that it might, perhaps, be made effective through administrative action. While this memorandum to the President suggested a variation in the details of the proposal, in substance it was essentially the same.

I think it is granted that there is no further need of extended hearings on the subject.

The translation of the present proposal into law would, in substance, assert that our Government is not willing to continue a partnership with contract practices that force it, unwillingly, to give aid and encouragement to the demoralization of standard local labor conditions. That simply is the gist of the whole proposal.

In line with our tremendously enlarged public building program the Government's position in this problem has been greatly accentuated. We have the condition to-day on many Federal construction projects where the terms "local labor" and "prevailing rates of wages" mean absolutely nothing; where local workmen are merely envious onlookers, off the reservation, simply because the Federal contractor concerned has been able to bring into the community a cheap, bootleg labor supply, with profit to himself

and, perhaps, also, I am ashamed to say, with profit to the Federal Government. We are witnessing Federal construction work going on, in the erection of post offices, customhouses, courthouses, hospitals, etc., where local labor is absolutely disregarded or where the prevailing rate of wages means nothing to the contractor; and we see certain Federal contractors dumping this cheap labor into an already demoralized labor market at the expense wholly of the local workman, his family, and his community. To permit the Federal Government to aid in the disruption of stable labor conditions is not fair or decent.

To the contractors this proposal will guarantee equality of opportunity in bidding. The competition between them will not be lessened, but it will be limited to the economy and efficiency of their managerial organizations. By removing the temptation to import cheap, bootleg, itinerant labor or to cut the prevailing wage rates, the advantage that unscrupulous contractors wield to-day of clubbing their way to the top of the list as low bidders, will be effectively eliminated.

I merely want to add one thing, namely, that, for the first time, we have got all these departments together on a bill. That, of itself, I would think, is a notable accomplishment. If the bill is amended in any way, their responsibility may cease immediately.

I believe that if we can go to the Speaker of the House and tell him that the administration and all the executive departments are behind this bill that we can bring this bill up on the floor under a suspension of the rules and pass it quickly. The session is rapidly drawing to a close, and I see no way of getting this bill through except by the procedure just suggested.

I hope the committee may see fit to report the bill favorably immediately, so that we may take it upon the floor next week. Its enactment into law would do much to quiet the discontent which increases to serious proportions especially during times of economic depression, times such as we are having to-day.

This bill may not be perfect in every respect, but I think the Secretary of Labor, when he says that 90 per cent of all cases will adjust themselves without controversy, is right; and I believe that Mr. Wetmore is correct when he says that he can enforce this provision 100 per cent without real controversy. Moreover, if, in any later Congress, defects appear, they can always be corrected by amendment of the law.

Mr. TAYLOR. Is a similar bill pending in the Senate?

Mr. BACON. A similar bill is pending in the Senate.

(The above bill, known as the Davis-Bacon bill, became a law with its signature by the President on March 3, 1931, being Public Law 798.)

AN ADDRESS DELIVERED BEFORE THE GEORGE WASHINGTON MASONIC NATIONAL MEMORIAL ASSOCIATION

Mr. BLOOM. Mr. Speaker, under leave to extend my remarks, I include the following address delivered by me before the Twenty-first Annual Convention of the George Washington Masonic National Memorial Association:

I deem it a great honor, both as a Mason and as associate director of the George Washington Bicentennial Commission, to have the privilege of addressing the Twenty-first Annual Convention of the George Washington Masonic National Memorial Association.

You are so familiar with the Masonic life and history of George Washington that nothing I could say upon that subject would be either new or, perhaps, interesting. However, I can not refrain from reflecting at this time upon a coincidence—one of many in the remarkable life of George Washington—which found the star of our mystic order rising in America almost at the very time that the future first President was born at Wakefield, in your own historic State.

It seems to me natural and inevitable that a man of Washington's character should have joined our great fraternity, for the ideals of Masonry, its conception of divine order and guidance, were, of course, his own.

That he was not yet 21 years old when he applied for admission at Fredericksburg, is a subject of considerable comment.

Yet George Washington matured early. He was a youth of great self-reliance and steadfast purpose. No doubt the brethren of the Fredericksburg Lodge knew him intimately and knew well his qualifications.

From the time that he was raised to the sublime degree of Master Mason, August 4, 1753, until his death, George Washington was the ideal Freemason.

During all those long and burdened years when this great man served humanity and established our Republic, he never deviated from the great lessons which he learned within the halls of our brethren.

When we consider George Washington's life in its fullness, can we think of any weakness, any deficiency, anything lacking in his manhood? Could anyone suggest a trait of character, a circumstance of life, which would have made him more perfect?

When we think of the young surveyor treading the pathless wilderness, we know that every thought and act was of noble purpose. When we think of him as a youthful soldier beyond the Alleghenies, we think of him as a man and a Mason. When we think of him as a farmer, as a member of the Virginia Assembly, as a member of the Continental Congress, as head of the Revolutionary forces, as President of the Constitutional Convention, yes, and as President of the United States, we think of him as a Mason, always bringing credit and honor upon our order.

I would like to mention one particular instance of Washington's love and veneration for Masonry, which was manifested during the Revolutionary War and which has always strongly impressed me.

In a regiment of the British Army there was a traveling lodge with a warrant from the Grand Lodge of Ireland.

After an engagement, in which the British were defeated, the private chest of the lodge, containing its jewels, furniture, and implements, fell into the hands of Washington's troops.

When Washington learned of this fact he ordered the chest to be returned to the lodge and the regiment under a guard of honor. The surprise and delight of the officers and men may be imagined when this noble tribute was paid them.

Accompanied by a guard of honor, with music playing a sacred march, the chest containing the constitution and implements of the craft, borne aloft like another Ark of the Covenant, equally by the Englishmen and Americans, through the lines of the regiment, who presented arms and colors, and hailed the glorious act by grateful cheering.

There is a well-founded tradition that George Washington and his Masonic brethren held military lodges during the old French War, and I am told there is a cave near Charles Town, W. Va., a short distance from Winchester, which to this day is called Washington's Masonic Cave.

All through the Revolution the influence of Freemasonry was strongly felt, both in the Halls of Congress and upon the battlefields.

If I were to recite the names of the soldiers and statesmen who figured high in the events leading up to and during the Revolutionary War, it would include a majority of the greatest men of that period. Such men, for instance, as Paul Revere, James Otis, Benjamin Franklin, John Hancock, Peyton Randolph, John Jay, Roger Sherman, Robert Livingston, and Robert Morris.

Also such warriors as Nathanael Greene, Ethan Allen, Anthony Wayne, William Moultrie, "Lighthorse" Harry Lee, Israel Putnam, John Stark, Francis Marion, John Sullivan, Lafayette, Baron von Steuben, and many others.

As men and Masons, we have much to learn concerning our own craft and our own exalted order from the life of George Washington. We can read into every act of his the influence of those lessons of Freemasonry which many of us sometimes are tempted to neglect. Should all of us achieve the same standards of manhood which George Washington achieved, we would then be as he was, ideal Masons.

This great memorial rising here upon this historic spot is a glorious tribute to a glorious brother. It is a fitting testimonial to the honor which George Washington has brought to Masonry. In all the world there is no such monument. True, there are mighty shafts and temples in honor of great men, but where is there such a testimonial to the character of any one man? This monument rising from this spot does not glorify Washington the soldier or Washington the President or Washington as a statesman; all these things are molded into the character of Washington the Mason. And it is inspiring to think that this magnificent Masonic memorial is a tribute from our brother Masons everywhere under the flag.

The George Washington Bicentennial Commission, established by act of Congress and which I have the honor to-day to represent as its associate director, is organizing throughout the world a mighty celebration in honor of the two hundredth anniversary of George Washington's birth.

This event will take place next year. In the preparation for this celebration we have had the finest historians and research experts in the United States at work. They have delved into every conceivable phase of George Washington's life. They have followed through every tradition and every legend, they have reread every history and every comment. Is it not worthy of note that in all this study, in all this delving into the most obscure places, not one thing has developed to dull the luster of George Washington's name?

I deem it one of the proudest moments of my life that I can meet here with you, my brethren, and add my humble devotion to yours in honor of that man who stands for all that is beautiful and noble in the order of Freemasonry.

REPORT TO MY CONSTITUENTS

Mr. COCHRAN of Missouri. Mr. Speaker, at the close of each session of Congress since I have been a Member I have placed in the RECORD an account of my activities in order that my constituents might have an opportunity to judge my service. The people who honor a citizen by sending him to Washington as their Representative in Congress have a right to know his views on public questions. In campaigns I have voiced my sentiments frankly and in language that needed no further explanation to clarify.

I have served now in the Sixty-ninth, Seventieth, and Seventy-first Congresses. I have never missed a session of the House nor failed to be recorded on every roll call since I took my seat in the Sixty-ninth Congress. My record, therefore, is an open book.

The session just closed, known as the lame-duck session, affords an outstanding argument in support of the Norris resolution which seeks to place in office immediately follow-

ing the election the Representatives elect, as well as prevents those repudiated by their constituents from participating in the consideration of legislation thereafter. Lame ducks contributed toward the defeat of the Norris resolution, but it will be revived in the next session and I predict is passage.

Another important piece of legislation that failed to pass over the President's veto, due in no small degree to the vote of lame-duck Members, was the Muscle Shoals bill. This, an outstanding farm relief measure, because it would have resulted in cheap fertilizer, so much needed by the farmers, will also be revived in the next session and I likewise predict its passage.

The pocket veto by the President of the Wagner bill was a blow to the millions out of employment. It was sound legislation and should have become a law. In the next session this bill will be passed again and in time to give the Senate and House an opportunity to vote on the President's veto.

I read with interest the statement of the Republican leader, that genial gentleman from Connecticut, JOHN Q. TILSON, entitled "The tariff in the Election of 1930."

The tariff bill opposed by 1,000 of the leading economists of the country, a bill that placed an additional burden of over $1,000,000,000 on the people of this country, extending special benefits to the privileged class, which I opposed, was an issue in the last election. Mr. TILSON defends the tariff. In the final analysis the result of the election of 1930 should certainly be the deciding factor as to whether or not the people of this country approved of this nefarious bill.

In the Seventy-first Congress the Republicans had a majority over the Democrats of 100 Members. After the election in November, 1930, this majority dwindled to 2. That is the answer to the question, "The tariff in the Election of 1930."

The law creating the Federal Farm Board, which carried with it an appropriation of $500,000,000 of the people's money, has utterly failed so far to bring relief to the agriculture interests. I voted against this bill, feeling at the time it was not sound legislation.

In my opinion, the less said about the Seventy-first Congress the better. Taking everything into consideration, the country might have been better off if the House and Senate within the first week of each session had passed resolutions continuing the appropriations and gone home.

My record will disclose that I supported all legislation that might be termed legislation seeking to benefit the masses of the people and opposed legislation which I felt conferred special privileges on special interests.

The Seventy-second Congress which convenes in December will see a Republican majority of two in the House and a Republican majority of one in the Senate. The question of organization has not as yet been definitely determined.

The Democrats will have a responsibility equally as great as the Republicans, and the Seventy-second Congress will afford an opportunity for statesmanship. Unless politics are set aside and statesmanship prevails chaos will result, and the country will suffer.

There is an opportunity to liberalize the rules and this will be done. I am also in favor of the Democratic organization adopting a policy that will enable all the members to have a voice in the program. I favor the creation in the Democratic organization of a committee on committees, a steering committee, and a conference of all members at least once a month, where the Democratic membership will tell the leaders what they desire, rather than the leader decide the Democratic policy.

The Democrats in the Seventy-second Congress will be in a position to force a roll call on all important legislation.

I contend that when a public official goes before his constituents seeking reelection he should base his claims upon past performances rather than future promises. For this reason I am in favor of forcing a roll call on all legislation relating to questions that will be an issue in the election of 1932. Only in this way will the people be able to judge the service of their representatives.

I hope to see a record vote on the resubmission of the eighteenth amendment, modification of the Volstead law, on Muscle Shoals, the "lame-duck" resolution, the Wagner unemployment bill, the anti-injunction bill, the tariff, revenue laws, inheritance taxes, the debenture farm-relief proposal, as well as all other controversial questions. Some of these measures I will support, others I will oppose; but I am willing to place my views on record on any question of vital interest to the people of the country.

I am pleased to say that after six years of hard labor the appropriations are in the Treasury Department for the construction of a new Federal office building in St. Louis, as well as for the construction of a new post office in St. Louis. The two projects involve an expenditure of nearly $10,000,000. No one has worked harder to secure the legislation necessary for these projects than I have.

I have cooperated with the civic organizations of my city and assisted in securing a direct air-mail route from St. Louis to New York, as well as other recognition from the Government to which the leading city of the Mississippi Valley was entitled.

I have continued to serve all who have called upon me for help, where the request was a legitimate one.

As soon as conditions will permit, I will return to St. Louis, where I will be available to my constituents during the summer months in the event they need my assistance.

COMMUNISM AND THE RECOMMENDATIONS OF THE HOUSE COMMITTEE

Mr. FISH. Mr. Speaker, under the general leave extended to Members to extend their remarks in the RECORD I submit the following radio address on Communism and the Recommendations of the House Committee delivered by me over the National Broadcasting Co. system, WRC, Washington, at 7.45 p. m., Monday, March 16, 1931:

This is the first opportunity I have had to speak on a coast-to-coast network on communism since the House Committee to Investigate Communist Activities in the United States, of which I had the honor to be chairman, made its report and recommendations. I am grateful to the National Broadcasting Co. and in the limited time allotted me will endeavor to present the facts to the listening and invisible public so that they may make up their own minds and form their own conclusions on this most vital of world problems.

Time will not permit me to present all the recommendations, so I venture to suggest that individuals who are interested in securing a more complete statement of facts should write to their Representative or Senators, or even to me, for a copy of House Report 2290, which is available free of charge, and you can help by expressing your approval of these recommendations direct to your Senators and Representative in Congress.

I can assure any right-thinking American of interesting and worth-while reading. That is an easy promise to fulfill, for communism is to-day the most important and far-reaching issue affecting the civilization of the world and the happiness and safety of our people. The much-discussed question of prohibition sinks into insignificance when compared to communism, which enters into practically every human activity and threatens our standards of living, civil rights, and all the ideals, traditions, and even our form of government, which we cherish and are a part of.

Communism may be divided into three parts: (1) The revolutionary or political, which is the least dangerous in the United States; (2) the religious or moral; and (3) trade competition with Soviet Russia, which is the most menacing, as it constitutes an immediate threat to our economic well-being.

I am not an alarmist and do not anticipate any serious danger to our republican form of government from the revolutionary communists in the United States until communism has made greater progress in China, India, and Germany. The communists in Germany number 15,000,000 and have an armed and drilled organization larger than the German Army and can create a serious disturbance in that country any time it suits the purpose and policy of Moscow.

Our committee reached the conclusion, after extensive study, that there were between five and six hundred thousand communists in the United States, of which two-thirds were aliens. The communists admit openly that they take their orders from Moscow, and are apparently proud of it. In other words, the Communist Party is not in reality an American political party but a section of the Communist International at Moscow, aimed at the heart of our Government and at the life, liberty, and happiness of our people. It openly advocates replacing the American flag by the red flag and the overthrow of our republican form of government by force and violence.

The Communist Party or movement in the United States is largely an alien conspiracy in our midst, having certain definite aims and purposes, which can be defined as destruction of all

religious beliefs, of private property and inheritance, promoting class hatred, and spreading revolutionary propaganda through the Communist International to incite strikes, riots, sabotage, and industrial unrest, and, lastly, to bring about a class or civil war, aimed to overthrow our republican form of government by force and violence and establish the dictatorship of the proletariat or soviet form of government with the world capital at Moscow.

If the alien communists in the United States, who have come here of their own free will and accord to enjoy the equal opportunities and protection of our laws, do not like our country and its free institutions, let them go back to their native lands, where they can enjoy the low standard of wages and oppressive laws which they are accustomed to, and where there is no freedom of speech, of the press and assembly, or trial by jury. If they will not depart or cease their revolutionary propaganda, then it is the duty of Congress to enact laws to deport all alien communists. They do not fear our police, our courts, or our jails, but they do fear deportation, and that is the most effective weapon against the kind of warfare the communists are waging against the Government of the United States and against its firmest foundations—the home, the family, and religion.

The Federal Government, through the Department of Justice, should be given power to investigate and keep in contact with the revolutionary activities of the communists as a precautionary measure to guard against this alien conspiracy of hate and destruction that permeates all section of our country and is well organized and supported by iron discipline.

The most serious and immediate issue is the protection of free American labor against competition from the convict and forced labor in Soviet Russia, which has seized and confiscated all lands and natural resources. The 5-year plan in Russia is making marked progress, and in oil, lumber, wheat, and cotton has been highly successful, due to the credit extended by American bankers, capitalists, and industrialists, and the use of American engineering brains and technical skill, the shipment of tractors, combines, sawmill machinery, and oil equipment. Lenin, who was a great man, was right when he said that capitalists will commit suicide for temporary profit. That is just what American capitalists have been doing by aiding a communist government, dedicated to the destruction of capitalism and all noncommunist governments.

We in this country have done more to build up communism in Russia in the last three years than any other country. The net result is that we will lose a billion dollars' worth of American exports in four commodities—oil, lumber, wheat, and cotton—within the next four years. We have already this year lost the world market in wheat, and we will lose it in oil, lumber, and cotton in exactly the same way.

Free American labor can not compete with the products of soviet labor harnessed and shackled to their jobs and paid 20 cents gold a day. The greed of American capitalists is helping to build up Soviet Russia, with greater natural resources than ourselves and which have cost the Soviet Government nothing. The products of forced and convict labor in Soviet Russia will undersell us in the world markets and bring economic loss and ruin to many of our most important industries.

Mr. Molotov, the president of the Council of Peoples Commissars, in a recent speech in Russia paid his compliments to me and referred bitterly to the embargo placed on soviet lumber and pulpwood by the Treasury Deparement, holding me responsible for it. If there were no other reason, and there are many, to justify the investigation of communist activities conducted by the House committee, I would say, "Thank God that we have been able to help in establishing an embargo on the murderous harvest of lumber and pulpwood, soaked and reeking with human blood, imported into the United States, in competition with free American labor and in the midst of a serious depression in our lumber and pulpwood industry."

No words can adequately depict the sufferings, outrages, inhumanities, and horrors endured by a million or more political prisoners in the timber camps around Solovetski and Archangel and northern Siberia. With nothing to eat but a small amount of black bread and cabbage or fish soup, no clothes but what they carried on their backs when arrested, the political prisoners work until they are exhausted or go insane and die off like flies, which is the process of liquidating the political enemies of communism, as there are still many available to replace them.

The prisoners in our American jails or the cannibals in the South Sea Islands would turn away in dread at the living horror of the lives of soviet political prisoners in process of liquidation. The ancient slave master at least fed and tried to maintain the physical health of his slaves to enable them to do more work, but in Soviet Russia lives have no value, as there are plenty of replacements to fill the places of the enemies of communism who have been liquidated in the forests and mines of Soviet Russia.

Human sympathy is not limited by convention or by international law, and knows no boundaries set by nations or limitations of race, color, or creed. Mr. Molotov may rave and denounce capitalists governments and the activities of our investigating committee for bringing about an embargo on convict-made lumber and pulpwood, but public opinion the world over will approve such an embargo and denounce the horrors of the soviet prison camps under the merciless administration of the O. G. P. U., supported by a government of terror by terror through force and violence.

Just so long as our capitalists bought lumber and pulpwood produced by convict labor to be used by the American people, we had a moral complicity in the basest and blackest human outrage in our day and generation. Mere remonstrance is mockery and indignation nothing, except as it leads to action. The only proper and constructive answer was the laying of embargoes, and Canada and the United States have shown the way to those nations of the world that trade with Soviet Russia.

For the past few years the American capitalists have been the biggest standing joke in Russia. The soviet leaders, while outwardly extending the utmost courtesies, have been laughing up their sleeves at the frantic efforts of the greedy and money-mad bankers and industrialists to build up revolutionary communism for the sake of temporary profit. These short-sighted and dollar-chasing American capitalists do not count the cost of promoting world revolution; their motto is apparently "After me, the deluge." Let me remind them of the words of Calvin Coolidge: "We do not intend to barter fundamental American principles for commercial advantage."

I want to take this opportunity to refer to the activities of the American Civil Liberties Union, an organization that upholds all revolutionary elements in the country that are trying to destroy civil liberties and overthrow our republican form of government by force and violence. It uses the names of some well-known citizens, including bishops and professors, as a smoke screen for its activities, most of its executive committee being socialists, or near socialists, and in some instances out-and-out communists. Its motto should be: "My country, right or wrong, I am against it."

The use of the word "American" in its title is mere camouflage. Mr. Roger N. Baldwin, the director of the American Civil Liberties Union, was formerly an Industrial Worker of the World, and is to-day one of the most consistent and violent denouncers of our republican form of government. The following is an extract from our committee report: "The American Civil Liberties Union is closely affiliated with the communist movement in the United States, and fully 90 per cent of its efforts are on behalf of communists who have come into conflict with the law. It claims to stand for free speech, free press, and free assembly, but it is quite apparent that the main function of the American Civil Liberties Union is to attempt to protect the communists in their advocacy of force and violence to overthrow the Government, replacing the American flag by a red flag and erecting a soviet government in the place of a republican form of government, guaranteed to each State by the Federal Constitution. Roger N. Baldwin, its guiding spirit, makes no attempt to hide his friendship for the communists and their principles. He was formerly a member of the Industrial Workers of the World, and served a term in prison as a draft dodger during the war. This is the same Roger N. Baldwin that has recently issued a statement: 'In the next session of Congress our job is to organize the opposition to the recommendations of the committee investigating communism.'"

This is the same organization that gave bail and protected the six communists who shot down the chief of police at Gastonia, and who, after being sentenced, jumped bail, and are now living in Soviet Russia. Our committee is perhaps fortunate in having such opposition. Lined up solidly behind most of our recommendations to Congress are such powerful groups as the American Legion and all veterans' organizations, the Catholic Church and practically all Protestant denominations, the American Federation of Labor and most of the fraternal and patriotic associations, particularly the Daughters of the American Revolution, and other organizations of women.

The opposition is composed of the communists, socialists, radicals, atheists, and all those with alleged grievances against the Government, and have the backing of the communist and socialist press and such radical papers as the Scripps-Howard chain, which, on any issue affecting Soviet Russia, might just as well have been written in Moscow by Stalin or the polit bureau. There is not much left of the Socialist Party, as the rank and file have deserted and have gone over to the communists, leaving only a few Protestant ministers and a number of pink intellectuals and a lot of vociferous, sobbing sister socialists, many of them wearing pearl necklaces and owning liberty bonds safely tucked away in well-protected safe-deposit boxes.

If you are in favor of the two main recommendations of our committee: (1) Enlarging the authority of the Department of Justice for the purpose of investigating and keeping in constant touch with revolutionary propaganda and activities of the communists in the United States, and (2) strengthening immigration laws to prevent the admission of communists into the United States, and providing for immediate deportation of all alien communists, then do not fail to get a copy of House Report 2290 and express your views direct to your Representative in Congress.

SOLDIERS' BONUS LEGISLATION

Mr. BRAND of Georgia. Mr. Speaker, under general leave granted to all Members of the House to extend remarks on the soldiers' bonus legislation, I wish to include excerpts from my statement made before the Ways and Means Committee of the House when the committee was holding hearings upon this legislation, as follows:

I want to call your attention to this fact, that my bill, H. R. 6620, was first introduced by me in March, 1926. I have introduced it at every succeeding Congress. In other words, I was the first Member of Congress to introduce a bill granting the veterans the right to receive the cash value of their adjusted-service certificates. The thought came to me that a bill like this would be very helpful, particularly to the veterans, and at the same time of substantial assistance to the people generally because of the disastrous effect of the extreme drought that prevailed in Georgia in 1925, when creeks disappeared, rivers became lower than they had

been for 60 years, trees died, and the corn and cotton crops were burned up.

I contend that this bill, if it should become a law, will cost the Government less than any bill that has been introduced.

According to General Hines, it would cost $1,693,750,000. If you take from this sum the $700,000,000 or $800,000,000 now in the Treasury, evidenced by Treasury certificates and equivalent to cash, plus the amount of the loans which have been made to the veterans, it will be seen that the outlay on the part of the Government will be decreased to an amount less, by far, than under the provisions of other bills.

I introduced the first bill of this character and Mr. GARNER introduced the last. If this committee can not report favorably Mr. GARNER's bill, which I prefer to all the bills that have been introduced, then I think it would be the duty of the committee and Congress to pass my bill.

According to my information, this bill can be made effective without seriously disturbing the economic condition of the Treasury or the financial condition of the country generally.

Mr. CRISP. Judge, when you say pay the face of the policy, you mean pay the adjusted-service credit of a dollar a day or $1.25 a day, plus the interest. That is what you mean?

Mr. BRAND. Yes, sir.

Mr. CRISP. You do not mean the face of the policy, the cost of paying which would total something like $3,400,000,000?

Mr. BRAND. No. I mean the cash value of the certificate plus 4 per cent interest, compounded annually, from the date it was issued down to the date of cashing the same.

Mr. DOUGHTON. Under your bill, from what date do you compute the interest?

Mr. BRAND. From the date of the issuance of the certificate.

Mr. DOUGHTON. The certificate that the soldier is now holding?

Mr. BRAND. Yes; with interest at 4 per cent compounded annually.

As I understand, actuaries in the Treasury Department assert that every dollar that is put in circulation has a purchasing power of $5, and likewise a debt-paying power of $5. If the veterans are given the permission to surrender their certificates and receive the cash value, I think it will help the present depressed situation more than anything else this Congress can do.

Mr. COLLIER. Do you believe that the apprehensions of these great financiers that increasing our bonded indebtedness in the amount of $1,000,000,000 would cause such a serious rupture of the country's economic status are justified?

Mr. BRAND. I do not. It would have a temporary depressing effect among the immensely wealthy people and the big banks all over the country who are large owners of bonds and securities, but it would soon pass by. It would likewise have an unfavorable effect upon the general economic situation of the country but, in my judgment, it would be only temporary in its nature. The war had a hundred times more serious effect on us than the evil effects predicted by many of the witnesses opposing this legislation who testified before the Ways and Means Committee, and yet we got over it.

Mr. COLLIER. I am asking you as one of the leading students of finances in the House and one who is on the Banking Committee. I wanted to get an expression of opinion from you.

Mr. BRAND. That is my mature opinion about it. But I think we would soon recover from any evil effects of it because it will put millions of money in circulation which is greatly needed by practically all classes of people throughout this Nation.

Mr. CANFIELD. Judge, did I understand you to say that in your opinion, if this legislation were passed, and the men were given cash, and the money put into circulation, it would cause more bank failures?

Mr. BRAND. No; not if the certificates are cashed; but if bonds are issued I think it will have that effect. A bond issue will take money out of the banks. With the present nervous condition of depositors who have money in the savings and checking departments of banks, they will take their money out of the bank and buy bonds and to that extent it would cause some of the weak banks to fail.

Mr. CANFIELD. If you have listened to the testimony that has been given to us, you have no doubt come to the same conclusion that I have, that most of those who are appearing here opposed to this legislation are more interested in the bondholders than in the soldiers. In your opinion, what effect would it have if we issued bonds of smaller denominations to the soldiers themselves? The bond is then their property. They can take it and sell it to whom they please.

Mr. BRAND. If the soldiers can easily convert the bond into cash, the bond is as good as cash. But to the ordinary soldier cash is more attractive than a bond. He would rather have the cash than anything else. He needs the cash. Besides, the cash would put the veteran beyond the power of the bond sharks.

Mr. DOUGHTON. Judge BRAND, you have expressed the fear that if this legislation should be enacted into law, owing to the nervous condition that now prevails throughout the country, some people who now have their money in banks will withdraw the money and purchase these bonds, which will in turn adversely affect the banks.

Mr. BRAND. I think so.

Mr. DOUGHTON. If that is done, will not that money in turn, after the soldiers get it, be put into circulation, to buy goods and pay debts, and thereby find its way right back into the banks?

Mr. BRAND. It will go right back into the banks; that is true. But in the meantime some small banks might fail. I am not talking about the great banks of the country, like those in Chicago and New York. You can not break them as long as the Federal reserve system is operating. But I am talking of the little country banks.

Since my appearance before the Ways and Means Committee, while this legislation was under consideration by the committee, Congress has passed a bill in behalf of veterans authorizing the United States Veterans' Bureau, under the World War adjusted compensation act, to make loans to the veterans instead of providing for payment in cash the amount due the veterans on their certificates at the time of the payment. The amount that can be loaned on an adjusted-service certificate is half the face value, thus a certificate for $1,500 would have a loan value of not less than $750. The rate of interest charged upon these loans is 4½ per cent per annum, compounded annually.

The vice in this loan proposition is in charging the veterans any interest at all. As I see it, the money proposed to be loaned to the veterans is their money and they should not be required to pay interest on their own money. While it is true that the adjusted-service certificates do not call for payment until 1945, nevertheless it is a debt which the Government owes the veterans. Under this scheme the veterans are required to pay interest on a contract or debt which the Government owes the veterans, though it does not mature until 1945.

Whether my conviction is sound or not, I do not think it fair to the veterans to charge any interest at all. If, however—and this is now the law—they are to pay interest it should not be at a rate greater than what it costs the Government to borrow the money to make the loans, even if the Government has to do this. It is fairly well settled and a historic fact, at present at least, that the Government can borrow money at a rate from 2½ to 3 per cent. This being true, according to my conception of justice, the veterans ought not to pay any greater rate of interest than the Government has to pay on the money which it borrows to loan to the veterans. This opinion of mine may appear to be radical and, therefore, subject to criticism, but I do not think so.

SPEECH BEFORE THE HOUSE OF REPRESENTATIVES OF THE STATE OF DELAWARE

Mr. FISH. Mr. Speaker, under the general leave extended to Members of Congress to extend their remarks in the RECORD I include the following speech delivered by me before the House of Representatives of the State of Delaware, at Dover, Del.:

Mr. Speaker and members of the House of Representatives of the State of Delaware, it is a great honor to be invited here this afternoon to address you on communism and communist activities in the United States. By direction of the House of Representatives at Washington a special committee of five Members of the House was appointed by the Speaker last May to investigate communism and report back with recommendations. This special committee, of which I was chairman, made a most extensive and exhaustive investigation. Hearings were held in all sections of the country—Washington, New York, Boston, Detroit, Chicago, Seattle, Portland (Oreg.), San Francisco, Los Angeles, Chattanooga, Birmingham, Atlanta, New Orleans, and Memphis. Approximately 275 witnesses testified under oath or affirmation before the committee, including representatives of labor, business, church, veterans, municipal, police, and executive departments of the Federal Government. All groups, regardless of race, color, or creed, were permitted an opportunity to appear before the committee.

A number of the leading communists testified, including William Z. Foster, twice communist candidate for President; J. Louis Engdahl, well-known communist agitator and head of the international labor defense; Israel Amter, district organizer of the Communist Party in the New York City district; Williams Simons, district organizer for the Communist Party in California; Joseph Fields, head of the communist youth movement at Seattle; Louis Bebritz, editor of the Hungarian communist daily newspaper, Uj Elore; Moissaye J. Olgin, editor of the Jewish communist Freiheit, published in New York; Harry Gannes, acting editor of the Daily Worker, official daily organ of the Communist Party of America. I have enumerated the names of the leading communists so that no one may claim later that they were overlooked by the committee in securing the facts in regard to communist activities in the United States.

The issue of communism is the most important, most vital, and far-reaching as affecting the civilization of the world and even the happiness and safety of our people. The merits or demerits of prohibition fade into insignificance compared to communism and all its ramifications, which enter into every form of human activity throughout the world.

It was the purpose of the committee to present a carefully prepared report, based upon the facts developed at the various hearings, to give a comprehensive picture of the history and aims of communism, and how the activities of the communists affect the interest and welfare of the American people and the security and stability of our republican form of government.

Time will not permit a detailed account in my present remarks of all communist activities in the United States, including the propaganda carried on in the public schools and among the youth of America, or in our industrial plants, or among the negroes, and even in the National Guard and civilian military training camps. Suffice it is to say that the committee is convinced that the surest and most effective way of combating communism in the United States is to give the fullest possible publicity to the fundamental principles and aims of the communists, which are the same throughout the world, as they are not likely to prove acceptable to any considerable number of American citizens, unless camouflaged by other extraneous issues such as unemployment insurance or disarmament.

The principles and aims of communists in Moscow and communists in Berlin, Paris, London, New York, Los Angeles, Tokyo, and Pekin are the same. They stand on the same platform and advocate the same principles, and all take their orders from the Communist International, with headquarters in Moscow, and obey them implicitly.

It is not difficult to find out exactly what these principles are and to define communism so that he who runs may read, as communists do not attempt to hide their fundamental purposes and admit and are apparently proud of taking their orders from Moscow and giving allegiance to the red flag and the Soviet Union.

The following is a definition of communism, a world-wide political organization advocating: (1) Hatred of God and all forms of religion; (2) destruction of private property and inheritance; (3) absolute social and racial equality, promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, and of assembly and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world Union of Soviet Socialist Republics with the capital at Moscow.

The following are the recommendations made by the committee:

"(1) Enlarging the authority of the Bureau of Investigation of the Department of Justice for the purpose of investigating and keeping in constant touch with the revolutionary propaganda and activities of the communists in the United States, and to provide for additional appropriations for skilled agents to devote their entire time to investigating and preparing reports on the personnel of all entities, groups, individuals, who teach or advocate the overthrow of the Government of the United States by force and violence.

"(2) Strengthening immigration laws to prevent the admission of communists into the United States and providing for immediate deportation of all alien communists.

"(3) Provide for additional appropriations to the Bureau of Immigration for vigorous handling of deportation cases.

"(4) Amend the naturalization laws so as to forbid the naturalization of a communist.

"(5) Amend the naturalization laws so as to cancel the naturalization certificate of a communist.

"(6) Deny reentry to the United States to an alien who has visited Russia to secure training in communistic doctrines.

"(7) Amend post office laws to declare nonmailable all newspapers, magazines, pamphlets, circulars, etc., published, written, or produced advocating revolutionary communism.

"(8) Amend interstate commerce laws to prohibit transportation of newspapers, magazines, pamphlets, circulars, etc., advocating revolutionary communism.

"(9) Enactment of Federal law to prosecute communists or other persons, organizations, newspapers, etc., in the spreading of false rumors for the purpose of causing runs on banks.

"(10) Restriction of, or elimination of, the use of secret codes or ciphers with any Government with which the United States has no diplomatic relations, and its trade agencies.

"(11) In view of the fact that the Soviet Government is under the control and direction of the communists, that the Treasury Department request, through the State Department, permission to send inspectors or agents to investigate the prison camps and the pulpwood and timber-cutting districts of Soviet Russia, and report back regarding the alleged production of lumber and pulpwood by convict labor, in order to intelligently and properly enforce the provision of the tariff act of 1930, section 307, which reads as follows:

"'All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.'

"The difficulty in administering the law has been to prove that certain shiploads of pulpwood or lumber are specifically produced by convict labor. Up to now the Treasury Department has been unable to prove the use of convict labor in connection with any specific cargoes, and the recent regulations requiring a certificate of origin and good character on each shipment to the effect that convict labor is not used is not sufficient for the protection of free American labor and industry.

"If the Soviet Government should refuse such a reasonable request as sending American inspectors to investigate the use of convict labor in the production of lumber and pulpwood when approximately a thousand Russian engineers and Soviet subjects are roaming about at will in the United States gathering all kinds of information in our factories, mills, and mines, then the committee recommends that the Treasury Department prohibit the entry of soviet pulpwood and lumber until such time as the agents of the Treasury Department are permitted by the Soviet Government to make a thorough investigation and report.

"(12) That the Treasury Department should request through the State Department permission to send inspectors or agents to investigate the use of forced or indentured labor in Soviet Russia in order to intelligently and properly enforce the provision of the tariff act of 1930, section 307, which reads as follows:

"'The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"'"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. (See Trade and Commerce Section.)'

"(13) That immediate consideration be given by the Congress to the placing of an embargo on the importation of manganese from Soviet Russia.

"(14) That the Communist Party of the United States of America, section of the Communist International, be declared illegal, or any other counterpart of the Communist Party advocating the overthrow of our republican form of government by force and violence, or affiliated with the Communist International at Moscow, be declared illegal; and that the executive authority of each State and the legislature thereof be informed of the revolutionary principles and objectives of the Communist Party of the United States of America, section of the Communist International, and be requested to take appropriate action to have said party excluded from, or denied recognition as, a political entity.

"Hon. Charles Evans Hughes, now Chief Justice of the Supreme Court of the United States, in a 500-page memorandum submitted to the Senate January 21, 1924, in his capacity as Secretary of State, devoted many pages to the Workers (Communist) Party programs regarding 'force and violence,' and is quoted in part as follows:

"'* * * It will be seen that the question of whether communist programs contemplate the use of force and violence has been passed upon by every class of tribunal which could pass upon it, namely, Federal and State courts, administrative tribunals and legislative committees of both Federal and State Governments, and in every class the result has been in support of the position that force and violence are inseparable from communist programs.'

"Mr. Hughes stated further, in the same report, that—

"'It is believed that the evidence presented by the Department of State establishes the unity of the Bolshevik organization known as the Communist Party, so-called Soviet Government, and the Communist International, all of which are controlled by a small group of individuals, technically known as the political bureau of the Russian Communist Party. Second, the spiritual and organic connection between this Moscow group and its agents in this country—the American Communist Party and its legal counterpart, the Workers' Party. Not only are these organizations the creation of Moscow but the latter has also elaborated their program and controlled and supervised their activities. While there may have existed in the United States individuals, and even groups, imbued with the Marxist doctrines prior to the advent of the Communist International, the existence of a disciplined party equipped with a program aiming at the overthrow of the institutions of this country by force and violence is due to the intervention of the Bolshevik organizations into the domestic political life of the United States. The essential fact is the existence of an organization in the United States created by and completely subservient to a foreign organization striving to overthrow the existing social and political order of this country. Third, the subversive and pernicious activities of the American Communist Party and the Workers' Party and their subordinate and allied organs in the United States are activities resulting from and flowing out of the program elaborated for them by the Moscow group.'

"To further carry out the statement of Mr. Hughes given above, the Workers' Party referred to in his report has now changed its name to the 'Communist Party of the United States of America, section of the Communist International.'

"There is a sharp distinction between the right to advocate in an academic way any doctrine we like, and the right, which is not a right under any reasonable interpretation of our Constitution, to preach and plan the overthrow of our republican form of government by force and violence.

"One of these programs is to appeal to public opinion; the other, in the case of communists in the United States, is a military plan of revolution, directed from abroad by a foreign government.

"While the communists call themselves a party, they are not in the American sense a party at all, and this word is a misnomer, for the reason that communists openly disavow the purpose of accomplishing their ends by parliamentary or constitutional methods. Nor are they seeking or expecting to win the approval of a majority of the people, any more than in Russia, where 150,000,000 people are governed by 1,500,000. The socialist government of Kerensky in Russia was overthrown by a mere handful of communists, insignificant in number as compared with those to-day affiliated with the Communist Party in the United States. All the communists in the United States expect to do is to collect into their organizations enough fanatical, desperate men and women to strike at

strategic points—such points as they mention in their pronunciamentos as key industries, and to inaugurate a reign of terrorism and bring about an armed uprising.

"It is self-evident that the communists and their sympathizers have only one real object in view, not to obtain control of the Government of the United States through peaceful and legal political methods as a political party but to establish by force and violence in the United States and in all other nations of a 'soviet socialist republic,' to which they often refer in their literature as a 'dictatorship of the proletariat.'"

This is abundantly made clear by the fact that no communist could take the oath of office to uphold the Constitution and the laws of the United States. The ballot is only used as a means to carry on revolutionary propaganda to overthrow our republican form of government. The Communist Party is not and never has been an American party, but is a section of the Communist International, taking its orders from Moscow, and obeying them implicitly and immediately. Such an alien and anti-American party has no place on the ballot in the United States.

It constitutes an alien conspiracy in our midst, aimed at the heart of our Government and the happiness and safety of our people. Of the five or six hundred thousand communists in the United States, two-thirds are aliens. They came here of their own free will and accord to enjoy the equal opportunities and protection of our laws, and if they do not like our ways or free institutions and form of government, let them go back to their native lands, where there is no freedom of speech, of the press, of assembly or trial by jury, where they can enjoy the pitiful wage scale and oppressive laws that they have been accustomed to in the past.

If these alien communists will not cease their seditious and revolutionary propaganda, hatred of our institutions, and stop urging the overthrow of our republican form of government by force and violence, then the Congress of the United States should enact effective laws to deport all alien communists and keep them from entering the United States.

Our republican form of government represents and continues to be the hope and aspiration of the struggling masses the world over, where all people have equal rights and equal opportunities under the law. Ours is a government by the consent of the governed, wherein every citizen is a sovereign and enabled to take part in the shaping of the destinies of the Nation and whose civil rights are protected by the guarantees of the Federal Constitution. There is no need or room for fascism or communism or any other form of dictatorship in the United States.

Let us rededicate ourselves to the proposition that a government of the people, by the people, and for the people shall not perish from this earth. Let us reaffirm our belief in our republican form of government, as it is the fairest, soundest, most honorable form of government ever devised by the mind of man.

JAMES J. PHELAN, OF BOSTON, MASS., AWARDED THE LAETARE MEDAL BY THE NOTRE DAME UNIVERSITY

Mr. McCORMACK of Massachusetts. Mr. Speaker, the Notre Dame University annually, upon Laetare Sunday, which comes during the season of Lent, confers upon an outstanding citizen of the Catholic laity of the United States the Laetare medal.

The announcement has just been made that this year Mr. James J. Phelan, of Boston, Mass., one of our leading citizens, has been recognized.

Reverend Father Sorin inaugurated the policy at Notre Dame in 1883, and since then some of the leading citizens of the United States have been recognized. The medal takes its name from the Sunday on which it is awarded. On one side it bears the name of the person recognized and on the other side the motto in Latin, "Truth is mighty and shall prevail."

The first recipient was the historian, John Gilmary Shea, of Philadelphia. Among the other recipients were: 1886, Gen. John Newton, military engineer; 1894, Augustin Daly, theatrical manager; 1896, Gen. William S. Rosecrans, leader of the Army of the Cumberland in the Civil War; 1901, William Bourke Cochran, lawyer; 1902, Dr. John B. Murphy, famous surgeon; 1903, Charles J. Bonaparte, Attorney General under President Roosevelt; 1910, Maurice Francis Egan, teacher, author, former minister to Denmark; 1916, Dr. James J. Walsh, physician and author; 1917, William Shepherd Benson, Chief of Naval Operations during the World War; 1925, Albert F. Zahm, director Aerodynamic Laboratory, United States Navy; 1927, Margaret Anglin, actress; 1929, Gov. Al Smith, of New York; 1930, Frederick P. Kenkel, journalist, of St. Louis.

Mr. Speaker, the recognition of Mr. James J. Phelan is well deserved. He started his career as a page boy on the Boston Stock Exchange and is now one of the leading bankers of my city. Within nine years he rose from a page boy on the stock exchange to become one of the members, and three years later joined the firm of Hornblower & Weeks. No civic undertaking in Boston is complete without the name of James J. Phelan on the committee. He has been most active in connection with the raising of money for various worthy charities, not only in our city but when the people of the country were called upon to assist those who had suffered disaster in other parts of the Nation, as well as the world. He was one of the leading members of the committee that handled the Liberty loan drive during the World War.

This is not the first time Mr. Phelan has been honored. His Holiness the Pope honored him by making him the first Knight of Malta in the United States, also Knight Commander of the Order of Pope Pius the Ninth, and in the spring of 1928 he was again honored with a grand cross of the Sovereign Military Order of Malta.

Mr. Phelan was born in Toronto, Canada, in 1871, and has been a resident of Boston, Mass., since 1880. He has never ceased his activities in behalf of those who need assistance, and at the present time he is chairman of the Massachusetts emergency committee on unemployment.

I join with the people of my city in congratulating Mr. Phelan upon the recognition he so well deserved.

HON. THOMAS M. BELL

Mr. LANKFORD of Georgia. Mr. Speaker, long before I came to Congress 12 years ago I had learned how much Hon. THOMAS M. BELL was admired, respected, and truly loved by all who knew him. Upon entering here and becoming fully acquainted with Mr. BELL, I soon became one of his true friends, and understood why he has always been loved so devotedly. His people and friends were only returning his devotion for them.

No man ever served here who understood more fully the wishes of the common people or labored more for their best interest. Mr. BELL understands and sympathizes with every noble impulse of his people. I have never seen a Member of this House who could more quickly or more correctly determine whether or not a proposal was for the best interest of those he represented. His knowledge of his people and their needs and his innate honesty of purpose enable him to know at all times just what is best for his people and what they want as fully as though they were all gathered about him and discussing the proposition with him.

He is honest, able, fearless, truly loyal, and has been truly the Representative of his people. His district and the entire Nation will suffer a great loss by his retirement at the end of the present session.

CONGRESS AND APPROPRIATIONS

Mr. GIBSON. Mr. Speaker, this session of Congress is the object of adverse criticism by reason of the appropriations made by it. This criticism is unjust and unwarranted.

Appropriations are made only after careful and exhaustive study on the part of the Committees on Appropriations of the House and the Senate, composed of members of both parties who have become experts in the problems of Government expenditures. The Republican and the Democratic members work in harmony and rarely disagree.

The President transmits to Congress his recommendations in the Budget, which itemizes to the last cent the expenditures he believes necessary to run the Government during the fiscal year. This Budget is worked out by experts after exhaustive and prolonged study. The committees take the Budget estimates, subject them to further careful study, hear the testimony of those intimately familiar with the needs of each department and bureau, arrive at conclusions, and put them into bills for each department and independent establishment. These recommendations are in turn carefully considered by the House and the Senate. The bills are passed and sent to the President for his approval.

The appropriations for this session were $27,785,701.07 less than the amount recommended by the Executive in the Budget and the supplemental estimates. It is true that the total appropriations were $518,032,225 greater than the appropriations for the last session. But an extraordinary situation confronted the country and Congress. The economic

depression, the drought, and the necessity of granting relief to hundreds of thousands of suffering citizens made these appropriations absolutely necessary. In granting relief the Congress gave expression to what was in the hearts and minds of the American people. Every one of these increased appropriations had the approval of the Bureau of the Budget.

It is an outstanding fact that commencing with the Sixty-seventh Congress down to and including the Seventy-first Congress, covering a period of 10 years, Congress has cut below the estimates of the Executive Budget in its grants the enormous sum of $413,132,181. This total may be itemized for the sessions during this period as follows:

Fiscal year 1923 and prior years (67th Cong., 1st and 2d sess.)	$312,361,792.27
Fiscal year 1924 and prior years (67th Cong., 3d and 4th sess.)	10,741,504.15
Fiscal year 1925 and prior years (68th Cong., 1st sess.)	9,024,637.08
Fiscal year 1926 and prior years (68th Cong., 2d sess.)	12,596,495.90
Fiscal year 1927 and prior years (69th Cong., 1st sess.)	6,716,064.34
Fiscal year 1928 and prior years (69th Cong., 2d sess.)	7,752,939.03
Fiscal year 1929 and prior years (70th Cong., 1st sess.)	9,139,989.51
Fiscal year 1930 and prior years (70th Cong., 2d sess.), increase	8,142,294.71
Fiscal year 1931 and prior years (71st Cong., 1st sess.)	25,155,353.30
Fiscal year 1932 and prior years (71st Cong., 3d sess.)	27,785,701.07
Total reduction effected by Congress in estimates of appropriations since the establishment of the budget system	413,132,181.94

It is worthy of note that the Congress during the 1919–1921—before the establishment of the budget system—cut the appropriations $3,890,000,000 under the proposals of the administration.

The newspapers, magazines, broadcasters, and public speakers have created a widespread misapprehension that Congress is extravagant in dealing with the money of the people and unmindful of the taxpayers. Statements to that effect do not square with the facts. The statements as to the work of Congress in dealing with appropriations herein set forth can not be successfully disputed.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House, under its previous agreement, adjourned until to-morrow, Tuesday, March 3, 1931, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

871. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mud River, Ky., with a view to the control of its floods (H. Doc. No. 793); to the Committee on Flood Control, and ordered to be printed, with illustrations.

872. A letter from the Executive Secretary of the Near East Relief, transmitting report for the year ending December 31, 1930; to the Committee on the Judiciary.

873. A letter from the Chief Scout Executive of the Boy Scouts of America, transmitting copy of the twenty-first annual report of the Boy Scouts of America (H. Doc. No. 794); to the Committee on Education and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. S. J. Res. 119. A joint resolution authorizing the Comptroller General of the United States to consider, adjust, and settle the claim of the Indiana State Militia for military service on the Mexican border; without amendment (Rept. No. 2923). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. R. 10821. A bill to provide for the further development of vocational education in the several States and Territories, and for other purposes; without amendment (Rept. No. 2926). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania: Committee on the Post Office and Post Roads. H. R. 229. A bill granting equipment allowance to third-class postmasters; with amendment (Rept. No. 2927). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania. Committee on the Post Office and Post Roads. H. R. 14908. A bill to amend the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; with amendment (Rept. No. 2928). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. S. 6203. An act to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany; without amendment (Rept. No. 2930). Referred to the Committee of the Whole House on the state of the Union.

Mr. SEGER: Committee on Rivers and Harbors. H. R. 11512. A bill amending the river and harbor act, approved March 3, 1899, for the protection and preservation of the navigable waters of the United States; with amendment (Rept. No. 2931). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DRIVER: A bill (H. R. 17337) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. COLTON: A bill (H. R. 17338) to amend the Criminal Code of the United States; to the Committee on the Judiciary.

By Mr. HOCH: A bill (H. R. 17339) to amend paragraph (3) of section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. ESTERLY: A bill (H. R. 17340) to provide for the construction of a post-office building at Kutztown, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17341) to provide for the construction of a post-office building at Catasauqua, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17342) to provide for the construction and site of a post-office building at Boyertown, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17343) to provide for the construction of an addition to the present post-office building, or a new modern building, and the acquisition of land adjacent to the present post-office building at Reading, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17344) to provide for a survey of the Delaware River, Pa.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17345) to provide for a survey of the Schuylkill River in Berks County, Pa.; to the Committee on Rivers and Harbors.

By Mr. LEAVITT: A bill (H. R. 17346) to amend the act entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest eco-





nomics, and related subjects, and for other purposes," by adding thereto a new section, to be numbered section 11; to the Committee on Agriculture.

By Mr. GOSS: A bill (H. R. 17347) to provide benefits for women who served with the American expeditionary forces during the World War; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 17348) appropriating $50,000 for the control of the beet-leaf hopper; to the Committee on Appropriations.

Also, a bill (H. R. 17349) to authorize the free transmission, outside of the mail, of reports of the sale and delivery of milk and other farm products to a creamery or other local market; to the Committee on the Post Office and Post Roads.

By Mr. STOBBS: A bill (H. R. 17360) proposing an amendment to the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 524) to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin; to the Committee on Appropriations.

By Mr. HAWLEY: Joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes; to the Committee on Ways and Means.

By Mr. BUCKBEE: Joint resolution (H. J. Res. 526) providing for the appointment of a special subcommittee of the Post Office and Post Roads Committee to investigate and report upon a revision of the postal rates; to the Committee on Rules.

By Mr. McFADDEN: Joint resolution (H. J. Res. 527) to provide for an investigation with respect to certain matters related to banking; to the Committee on Rules.

By Mr. GIBSON: Resolution (H. Res. 389) directing an investigation by the Tariff Commission of rates on maple sirup and sugar; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, memorializing Congress to create an amendment to the existing tariff law that will enable sugar in liquid form to be subject to the same tariff as other sugars; to the Committee on Ways and Means.

By Mr. KORELL: Memorial of the Oregon Legislature, petitioning Congress to extend air-mail service to several points between Portland, Oreg., and San Francisco, Calif.; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 17350) granting a pension to Louis Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17351) granting an increase of pension to Margaret Solmire; to the Committee on Pensions.

Also, a bill (H. R. 17352) granting a pension to Peter B. Frey; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 17353) granting an increase of pension to Jennie Bowman; to the Committee on Pensions.

Also, a bill (H. R. 17354) granting an increase of pension to Mary E. Emily; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 17355) authorizing the conveyance by quitclaim deed of the portion of the abandoned Erie Canal within the Watervliet Arsenal Reservation to the city of Watervliet, N. Y.; to the Committee on Military Affairs.

By Mr. DOWELL: A bill (H. R. 17356) granting a pension to Mrs. M. F. Culbertson; to the Committee on Invalid Pensions.

By Mr. HANCOCK of New York: A bill (H. R. 17357) granting a pension to Joseph John Stevens; to the Committee on Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 17358) granting a pension to Ann Matthews; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 17359) granting an increase of pension to Emma Middleton; to the Committee on Invalid Pensions.

By Mr. FREE: Resolution (H. Res. 388) to pay Mrs. Daniel Shea, widow of Daniel Shea, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10306. Petition of citizens of New Orleans, La., urging the passage of the Sparks-Capper bill, stop-alien representation amendment to the United States Constitution, excluding unnaturalized aliens from the count of population for apportionment of congressional districts; to the Committee on the Judiciary.

10307. By Mr. CHINDBLOM: Petition of J. E. Bonner, 2548 Fargo Avenue, Chicago, Ill., and 37 other residents of Chicago, Ill., for cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10308. By Mr. BACON: Petition of sundry citizens of Long Island, N. Y., favoring passage of so-called Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10309. By Mr. CHINDBLOM: Petition of George Mikel and 37 other residents of Waukegan, Ill., for cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10310. Also, petition of Nicholas M. Keller and 156 other residents of Waukegan, Ill., for cash payments of adjusted-compensation certificates; to the Committee on Ways and Means.

10311. By Mr. HANCOCK of New York: Petition of Rev. Arthur P. White and other residents of Syracuse, N. Y., in support of the Sparks-Capper amendment; to the Committee on the Judiciary.

10312. Also, petition of Josephine Webb Beardslee and other residents of Jordan, N. Y., in favor of the Sparks-Capper amendment; to the Committee on the Judiciary.

10313. Also, petition of Flora A. Morton and other residents of Onondago County, N. Y., favoring the Sparks-Capper amendment; to the Committee on the Judiciary.

10314. By Mr. HOOPER: Petition of citizens of Augusta, Mich., urging Congress to support proposed Sparks-Capper amendment to the United States Constitution excluding unnaturalized aliens from the count of population for apportionment of congressional districts; to the Committee on the Judiciary.

10315. By Mr. JOHNSON of Nebraska: Petition for support of Sparks-Capper amendment to the United States Constitution by citizens of Oxford, Nebr.; to the Committee on the Judiciary.

10316. By Mr. NELSON of Maine: Petition of 16 citizens of Columbia Falls, Me., urging support of the Sparks-Capper alien amendment, being House Joint Resolution 356, to exclude aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10317. By Mr. SPARKS: Petition of Osborne Women's Literary Club, of Osborne, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10318. Also, petition of Women's Missionary Society, of Lincoln, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10319. By Mr. STRONG of Pennsylvania: Petition of citizens of Rochester Mills, Pa., in favor of amending the Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10320. By Mr. WATSON: Petition of residents of Bucks County, Pa., favoring the Sparks-Capper stop alien representation resolution; to the Committee on the Judiciary.

10321. By Mr. YATES: Petition of Thomas R. Doherty, secretary Ringwood Local, Ringwood, Ill., urging the passage of House bill 15934 as in his opinion it will benefit the farmer; to the Committee on Agriculture.

10322. Also, petition of Paul W. Treed, treasurer Arnold Bros. Packers, Chicago, Ill., urging the defeat of bills relative to oleomargarine; to the Committee on Agriculture.

10323. Also, petition of Anna M. Ramsey, 2909 Pine Avenue, Mattoon, Ill., urging the passage of the proposed Sparks-Capper amendment to the Constitution relative to the 7,500,000 unnaturalized aliens; to the Committee on the Judiciary.

10324. Also, petition of Helen W. Bayne, 905 North Lowlea Avenue, Chicago, Ill., requesting Congress to pass the Sparks-Capper amendment to the Constitution relative to the 7,500,000 unnaturalized aliens in the United States; to the Committee on the Judiciary.

10325. Also, petition of Evelyn Hyde, Meredosia, Morgan County, Ill., urging the immediate passage of the Sparks-Capper amendment to the Constitution; to the Committee on the Judiciary.

SENATE

TUESDAY, MARCH 3, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Barkley	Frazier	McGill	Shipstead
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steiwer
Blease	Goff	Metcalf	Stephens
Borah	Goldsborough	Morrow	Thomas, Idaho
Bratton	Gould	Moses	Thomas, Okla.
Brock	Hale	Norbeck	Townsend
Broussard	Harris	Norris	Trammell
Bulkley	Harrison	Nye	Tydings
Capper	Hastings	Oddie	Vandenberg
Caraway	Hatfield	Partridge	Wagner
Carey	Hayden	Patterson	Walsh, Mass.
Connally	Hebert	Phipps	Walsh, Mont.
Copeland	Howell	Pine	Waterman
Couzens	Johnson	Pittman	Watson
Cutting	Jones	Ransdell	Wheeler
Dale	Kean	Reed	Williamson
Davis	Kendrick	Robinson, Ark.	
Dill	Keyes	Robinson, Ind.	
Fess	King	Schall	

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names. A quorum is present.

CAPT. CHRISTIAN DAMSON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1244) for the relief of Capt. Christian Damson, which was to strike out all after the enacting clause and insert:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Capt. Christian Damson, who is alleged to have suffered injury while employed on or about August 17, 1918, in line of duty: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. COPELAND. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 35. An act for the relief of James W. Nugent; and

S. 4334. An act for the relief of G. Elias & Bro. (Inc.).

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 43. An act for the relief of W. W. Payne;

S. 182. An act for the relief of Daisy O. Davis;

S. 1640. An act for the relief of John E. Ross; and

S. 6072. An act for the relief of C. H. Price.

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 6161) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, and it was signed by the Vice President.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

DEPARTMENT OF STATE,
STATE OF IDAHO.

I, Fred E. Lukens, secretary of state of the State of Idaho, and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of Senate Joint Memorial No. 10, enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 24th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 27th day of February, A. D. 1931.

[SEAL.]

FRED E. LUKENS,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
IN THE SENATE.

Senate Joint Memorial 10. (By agricultural committee)

To the honorable Senators, the House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas Idaho and other Western States have only the markets of California and Texas as profitable outlets for the millions of bushels of wheat produced by them, due to high freight rates to eastern markets and also due to the fact that eastern markets are supplied by the Central States; and

Whereas the California and Texas markets are, at the present time, ruined by large cargoes of wheat being unloaded daily from Canada and Argentina, this condition being due to the present tariff provisions on wheat, whereby for a period of two years wheat may be imported into the United States from other countries without duty if the equivalent is exported in the form of finished products, feed, or the equivalent in wheat, even though it is of the most inferior grade of wheat produced in the United States, thus resulting in the cheaper grades of wheat fixing the price on the best grade of wheat produced in the United States; and

Whereas the present Farm Board having pegged the price of wheat a few cents above the price of Canadian and Argentine wheat, the western coast millers find it profitable to ship wheat from Canada and Argentina by water; and

Whereas the farmers of Idaho and other intermountain States have, at this time, approximately two-thirds of last year's crop in storage and are unable to sell it for more than 35 cents per bushel for the best grade of wheat produced in the United States: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the house of representatives concurring), That we most respectfully urge upon the Congress of the United States of America to place an embargo upon all grains and grain products imported into the United States until such time as Congress shall enact legislation beneficial to the farmers; and be it further

Resolved, That the secretary of state of the State of Idaho be authorized, and he is hereby directed, to forward certified copies of this memorial to the Senate and the House of Representatives of the United States of America and to the Senators and the Representatives in Congress from this State.

This senate joint memorial passed the senate on the 21st day of February, 1931.

G. P. MIX,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 10 originated in the senate during the twenty-first session of the Legislature of the State of Idaho.

CARL C. KITCHEN,
Secretary of the Senate.

Mr. BULKLEY presented letters in the nature of memorials remonstrating against the passage of the so-called Gillett birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CLEVELAND, OHIO, *February 19, 1931.*

Hon. ROBERT J. BULKLEY,
The Shoreham, Washington, D. C.

DEAR SENATOR BULKLEY: We, the active and honorary members of the Society of St. Vincent de Paul, Particular Council, Diocese of Cleveland, join our Right Rev. Bishop Joseph Schrembs in submitting to you our protestations to Senate bill No. 4582, introduced by Senator GILLETT, of Massachusetts.

This bill has for its purpose the amendment of the Criminal Code and tariff act so that literature and material for use in contraceptive measures could be imported into and distributed throughout the country.

As citizens we are in no uncertain terms decidedly opposed to the passage of such a measure, because the result would certainly demoralize the subjects, endanger health, and would increase the obscenity and pornography of the Nation, and, above all, it would destroy the long-standing traditions of proper cohabitation.

We trust that this be printed in the RECORD and also that you follow our protestations by voting against the measure when the same is before you for consideration.

Respectfully yours,

SOCIETY OF ST. VINCENT DE PAUL,
GEO. H. PASKERT, *President.*
A. J. WEY, *Secretary.*
FRANK G. KLEINHENZ,
Executive Secretary.

YOUNGSTOWN, OHIO, *February 12, 1931.*

Protest concerning Senate bill 4582, to amend tariff act (1930) and Penal Code to permit importation, distribution, and sale of contraceptive literature and instruments

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: The Loyola Study Club, having a membership of 30 persons, respectfully call your attention to the bill introduced by Senator GILLETT, of Massachusetts, last May providing for the amendment of the tariff act and of the Criminal Code in order that literature and material for use in contraception or mechanical birth control could be imported into and distributed through the country.

The bill was referred to a subcommittee of the Judiciary Committee consisting of Senators GILLETT, BORAH, of Idaho, and BRATTON, of New Mexico. This committee is arranging for a public hearing to be held on February 13.

As a club and individually we most strenuously protest against this proposed measure. You must realize the great dangers to public health and morals, especially of our young people, and the increase in obscenity and pornography which will result should present Federal restriction be removed. Also an added burden will be placed on State authorities, particularly when State laws now forbid the use and sale of contraceptives, in seeking to meet the increased traffic in these articles, as well as in information and advertisements and the spread of immoral literature generally which must certainly follow.

Please incorporate this protest in the report of the hearing.

Very sincerely yours,

THE LOYOLA STUDY CLUB,
Youngstown, Ohio,
ANNE MORGAN, *President.*
CATHERINE GERRITY,
Corresponding Secretary.

ST. JOSEPH'S COURT, No. 433,
CATHOLIC ORDER OF FORESTERS,
Columbus, Ohio, February 17, 1931.

The Hon. ROBERT BULKLEY.

DEAR SIR: St. Joseph's Court, No. 433, Catholic Order of Foresters, is an organization of Catholic men whose aim is to promote glory to God and instill in its members the ideals of which our country has stood and should ever stand—purity of morals, religious liberty, the sanctity of marriage and integrity of the home as the foundation of the State and Nation.

We wish to go on record as true Americans, to register our conscientious objections to the bill which Senator Gillett is sponsoring, namely, to permit the dissemination of contraceptive literature, medicinal means, be it either medical or surgical, for such will tend to the ruination of our youth, whom you, as our representative at Washington, should strive rather to protect than destroy.

This bill, if it should pass, will destroy our manhood and womanhood and lay us open to degeneration, make our women not any better than prostitutes. This bill is knocking down the very safeguards of the Nation—should our country be called upon to fight for her very existence, how are we to have the man power to uphold our national liberty, our national honor?

Can you not see how iniquitous such a law will be, how disastrous to our country which we will defend with our lives?

Do you wish to have our country go on record so as to open the door permitting all kinds of immorality, obscenity, etc.—to destroy the moral standing of our Nation—if you do, then you are not worthy of being a representative of our Government.

To-day our country is fast becoming a lawless nation. Are you going to make it an immoral one also? Do you think we, the citizens of the United States, we, whose moral code is founded upon the teachings of Christ, can let such a bill become a law? We can not and will not.

Our wives and daughters are too near and dear to us to let us sit supinely and permit such an outrage to be perpetrated.

For the best interests of our country, our homes, our wives, mothers, and children, we must vehemently protest any such amendment to Act 305 of 1930 in the tariff code, as destructive to our country and homes, which are the foundation of our State and Nation.

Please insert this, our protest, in the records of the Congress as one of many Catholic organizations opposing such amendments.

Respectfully submitted.

ROMAN KEMPF, *Chief Ranger,*
JOHN G. DAUER, *Secretary,*
1023 City Park Avenue.

Mr. SHEPPARD presented petitions of Hon. A. S. Burleson and sundry other citizens of Texas; of Mrs. D. F. Abney and sundry other citizens of Brownwood; of members of the Woman's Missionary Society of the Methodist Church, of Hubbard; of C. G. Kersey, Texas Technological College, and sundry members of the Y. M. C. A., of Lubbock; Mrs. Hyman Hall and sundry other citizens of Houston; of ladies of the Central Texas Conference, Methodist Episcopal Church South, by Mrs. F. P. Culver; Rev. A. T. White and sundry other citizens of Gregory; of the Tabernacle Baptist Church, of Gustine; Mrs. A. C. Williams and sundry other citizens of Sweetwater; Mrs. J. E. Shields and sundry other citizens of Neches; Mrs. C. H. Hedge and sundry other citizens of Henderson and Elderville; Mrs. J. E. Stephens and sundry other citizens of Austin; the Woman's Missionary Society, Methodist Episcopal Church, of Hubbard; Miss Maurine Ratliff and sundry other citizens of Lubbock; and Mrs. Arthur Leggote and sundry other citizens of Waco, all in the State of Texas, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions of Mayor P. Thompson and sundry other citizens of Bay City, of W. P. Rylander and sundry other citizens of Martindale, and of A. D. Schuessler and others of the Southern Methodist University, of Dallas, all in the State of Texas, praying for the ratification of the World Court protocols this winter or spring, which were referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts presented petitions of 2,000 citizens of the State of Massachusetts, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented a petition numerously signed by sundry citizens of the State of Vermont, praying for the passage of legislation placing a tax of 10 cents per pound on oleomargarine, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Post Offices and Post Roads:

House Joint Memorial 5, memorializing Congress for the passage of pending legislation, providing that the United States shall aid the States in the construction of rural post roads, and for other purposes

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the agricultural interests of the State of Montana can not be served and do not have access to the present Federal-aid system of highways; and

Whereas rural mail carriers in the State of Montana are handicapped in the speedy distribution of the United States mail by reason of poor and inadequate intracounty and intercounty highways; and

Whereas the farming interests of the State of Montana would be better served at all times of the year by improving third-class highways which would mean much to the future development of the State of Montana; and

Whereas there has been introduced in the House of Representatives of the United States of America a bill known as H. R. 13542 of the Seventy-first Congress, entitled: "A bill to amend the act

entitled, 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes"; and

Whereas the passage of said bill, or similar legislation, is of vital importance to the State of Montana: Now, therefore, be it

Resolved, That the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States of America, be, and it is hereby, memorialized to pass the amendment now pending, or similar legislation, whereby the rural post roads may be improved with Federal aid; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to both Houses of the National Congress and to each of the Senators and Representatives in Congress from the State of Montana.

W. R. FLACHSENHAR,
Speaker of the House.
TOM KANE,
President of the Senate pro tempore.

Approved February 26, 1931.

J. E. ERICKSON,
Governor.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House Joint Memorial No. 5, memorializing Congress for the passage of pending legislation, providing that the United States shall aid the States in the construction of rural post roads, and for other purposes, enacted by the twenty-second session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 26th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 26th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

THE COAL-MINING SITUATION, MONTANA

Mr. WALSH of Montana presented communications relative to coal-mining conditions in the State of Montana, which were referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

To the United States Senators and Congressmen of Montana:

As we started out to outline the ills of the coal-mining industry we will try to follow our argument in favor of the shorter hours' work for the miners of America. Understanding the mining conditions better, we will try to prove that the labor-saving machine has not brought the millennium of mining coal, as some thought it would a few years ago.

The modern labor-saving machines in coal mines have, as stated before, thrown out of employment more than 50 per cent, the "speed-up system" took place, and the output of coal increased. The buyer of coal did not gain anything, because the price of coal remained practically the same, wages went down on top of it, the machine, therefore, did not bring what the coal operators said it would—more work and better wages.

Who profited by the introduction of machines? The miners didn't, the public didn't, the consumer of coal didn't. The only one that profits by the introduction of these labor-saving devices is the coal company and the maker of the devices.

Therefore we feel that on top of all these that the only demand left for the coal miners of the United States of America is the shorter work day to solve the question of unemployment in the coal mines of America.

There should not be any opposition from the standpoint of lack of production, because overproduction is so great that there is no argument left for anyone to defend.

There should not be any opposition from the owner because it cost too much to produce the coal on a shorter work day than under the present system, according to the statement of the operators—the public is paying, anyhow.

There should not be any opposition from the representatives of the State or Federal Governments, they are all in favor of solving the unemployment problem and in favor of shorter work day. Therefore, it seems to us that it should meet the approval of all the governmental agencies, without any disastrous effects upon the stability of our Government.

We feel that instead of charity at the hand of either charitable institutions or Government institutions specially created, the only logical solution of the unemployment question is the shorter hours of labor extended to all the industries of America to such an extent that will best serve the interest of the American people.

We therefore urge upon you to take the matter up and fight through the Congress of the United States of America for shorter work day for the workers of America as the only solution to this great unemployment problem.

Sincerely yours,

Committee: Bearcreek Local Union 858, Joe Bonone, chairman, Roy Wadsworth, John Bone, secretary; Bearcreek Local Union 4457, Willis Wadsworth, Frank Johnstone, Adam Wakenshaw; Washoe Local Union 2659, Alex Heatherall, Joe Sandersom; Bearcreek Local Union 1729, Ed Barker, Wm. Dempster; Red Lodge Local Union 1771, George Doran, George McDonald.

BEARCREEK, MONT., *February 26, 1931.*

To the United States Senators and Congressmen of Montana.

GENTLEMEN: The United Mine Workers of America, of Carbon County, Mont., presents the facts regarding the coal-mining situation in this county and also will suggest remedy for unemployment.

These facts are made presentation to you gentlemen for memorandum, so that in the future when further consideration will be given to the unemployed situation you will be in a position to know the feeling of the miners in Carbon County; and, we may suggest, further, that is the sentiment of the coal miners of the State of Montana.

What has been done by the Government, the public, and the captains of industries to relieve the unemployment question?

The United Mine Workers of America, through its representatives, for years have vainly tried to impress upon the public of America that the cutting of wages, introducing of labor-saving devices, and keeping the same hours of labor would not benefit the public in general.

We have pointed out, time and again, that every time a wage reduction takes place—whether it be in the coal mines or other industries—that reduces the purchasing power of the workers, and the inevitable result—chaos, misery, and starvation—not only of the workers affected by the wage cut, but automatically the people at large in the United States of America.

The installment of labor-saving devices in the last decade came so fast that the minds of the captains of industries, governmental representatives, and, in many instances, labor representatives, did not keep pace with the advances made by the machines.

Basing our argument in the introduction of labor-saving machinery in the coal mines of Montana, and in all other coal-mining States in America, we find that more than 50 per cent of the men are thrown out of employment, without any adjustment made to safeguard the future of those men thrown out of employment; therefore leading to the disastrous situation that the present day is seeing itself coming to the fore, to be side-stepped by almost every influential person or corporation in our country.

By ignoring the real issue of unemployment we are left to discuss the matter within ourselves, and the only channel open for us is to try with those that are representing the people at large, if they are so disposed to give us a helping hand, to get to the fundamental of this germ that is penetrating into the sick fellow—the workingmen of America.

We therefore will express on the above sentiment that the only hope for the American people to emerge from the malady of unemployment is shorter hours of labor, to be extended through Federal laws, to every important industry of the Nation, to the extent that will eliminate forever the unemployment ills.

Much has been said about appropriating money for the relief of those that are thrown out of employment. To what extent the appropriation no one seems to understand. We feel that the appropriation of money—it does not make any difference how much—will never solve the unemployment question.

Therefore, we feel now, as in the past, that the only solution to this great and important problem is the shorter working hours for every worker in the United States of America, and that will solve the unemployment problem forever.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 12374) for the relief of William R. Cox, reported it without amendment and submitted a report (No. 1871) thereon.

Mr. REED, from the Committee on Military Affairs, to which was referred the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, reported it without amendment and submitted a report (No. 1872) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. STEPHENS, from the Committee on the Judiciary, reported favorably the nomination of B. B. Montgomery, of Mississippi, to be United States marshal, northern district of Mississippi, which was placed on the Executive Calendar.

Mr. McNARY, from the Committee on Public Lands and Surveys, reported favorably the nomination of Robert J. Carsner, of Oregon, to be register of the land office at The Dalles, Oreg., which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 6272) for the relief of the North American Dredging Co.;

A bill (S. 6273) for the relief of the Snare & Triest Co.; and

A bill (S. 6274) for the relief of the Standard Dredging Co.; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 6275) to amend section 33, Title II, of the national prohibition act; to the Committee on the Judiciary.

STABILIZATION OF THE COAL INDUSTRY (S. DOC. NO. 323)

Mr. BULKLEY presented for publication certain papers, being Appendix No. 24 and extracts from the report of the Royal Commission of New South Wales, appointed to inquire into the coal industry and printed by the government printer of New South Wales, 1930, with related matter, which were ordered to be printed as a Senate document.

AMENDMENT OF NATURALIZATION LAWS

Mr. JONES obtained the floor.

Mr. JOHNSON. Mr. President, I ask the Senator from Washington to yield to me for the presentation and consideration of a conference report now on the clerk's desk, and concerning which I think there will be neither debate nor controversy.

Mr. JONES. I yield for that purpose.

The PRESIDENT pro tempore. The Chair lays before the Senate a conference report, which will be read.

The report was read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

"'SEC. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

"'(b) Any woman who before this section, as amended, takes effect, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship, may if she has not acquired any other nationality by affirmative act, be naturalized in the manner prescribed in section 4 of this act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

"'(c) No woman shall be entitled to naturalization under section 4 of this act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM H. KING,
Managers on the part of the Senate.
ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

Mr. BLAINE. Mr. President, may I ask the Senator from California what has been accomplished by the conference?

Mr. JOHNSON. The endeavor has been made by the adoption of what has been called the Cable Act to make the situation in respect to women like that in regard to men in the matter of naturalization. There are one or two minor matters which have been dealt with, but that is the major proposition we have in the bill. The conferees were unanimous concerning it and I trust the report may be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

TENURE OF CONGRESSIONAL MEMBERS OF THE GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. FESS. I introduce a bill and I shall ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read at length.

The bill (S. 6271) relating to the tenure of congressional members of the George Washington Bicentennial Commission, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the membership of Senators and Members of the House of Representatives on the George Washington Bicentennial Commission shall continue irrespective of their terms as Members of Congress.

Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among Senators shall be filled by the President of the Senate, and any vacancies occurring among Members of the House of Representatives before the organization of the Seventy-second Congress shall be filled by appointment of the present Speaker of the House of Representatives.

Mr. FESS. I ask unanimous consent for the present consideration of the bill.

Mr. ROBINSON of Arkansas. Mr. President, I concur in the request.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President approved and signed the following acts and joint resolutions:

On February 27, 1931:

S. 3045. An act for the relief of Walter P. Crowley;

S. 3648. An act to correct the naval record of Edward Earle; and

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever.

On February 28, 1931:

S. 4750. An act to authorize alterations and repairs to certain naval vessels;

S. 3213. An act for the relief of E. F. Zanetta;

S. 4677. An act for the relief of Dr. B. T. Williamson, of Greenwood, Miss.;

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen; and

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928.

On March 2, 1931:

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park;

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park, at Hot Springs, Ark., and for other purposes;

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 1042. An act for the relief of Mary Altieri;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1072. An act for the relief of Gabriel Roth;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 1748. An act for the relief of the Lakeside Country Club;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes"; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

On March 3, 1931:

S. 4030. An act to provide books for the adult blind;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians; and

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoors signs and other forms of exterior advertising within the District of Columbia;

S. 4051. An act authorizing the Pillager Bands of Chippewa Indians residing in the State of Minnesota to submit claims to the Court of Claims;

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes; and

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project;

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States transmitting sundry military nominations were referred to the Committee on Military Affairs.

(For nominations this day received see the end of Senate proceedings.)

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

Mr. JONES. Mr. President, it has become perfectly clear to me that there is no hope of passing at this session a copyright bill. I have a conference report to present, which is privileged, of course. I did not call it up yesterday because conditions were not satisfactory and, furthermore, I wanted to give a fair opportunity for the Senator in charge of the copyright bill to have it passed, if it were possible to do so. As I said, it seems to me clearly impossible to enact that legislation during this session.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. I do not share the views expressed by the Senator.

Mr. JONES. I can not help that.

Mr. KING. I know the Senator can not, but I think that the copyright bill could be disposed of in three or four hours.

Mr. JONES. There are 50 pages in the bill. I think there are only 12 pages of the bill that we have disposed of in the whole time we have given to its consideration. So I felt that I could not delay the presentation of this conference report any longer.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

Mr. COPELAND. The report which the Senator has in mind is a privileged matter, is it not?

Mr. JONES. Yes; it is.

Mr. COPELAND. I join with the Senator from Utah in the belief that we can pass the copyright bill, and, if the editorials in the metropolitan press are any indication of the sentiment of the country, it is very important to pass that bill now. The conference report being a privileged matter, the Senator can present it at any time he sees fit; but I think it would be calamitous if we should permit the Senate to adjourn without having passed the copyright bill.

Mr. JONES. I should be glad to do anything I possibly could to aid in the passage of that bill in proper form, and therefore the sooner we get through with this conference report the more time we will have for the copyright bill. I take it that proceeding to the consideration of the conference report will not displace the unfinished business, as the conference report comes up as a privileged matter.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. Is the Senator from Washington correct in his statement that the consideration of the conference report would not displace the unfinished business?

The PRESIDENT pro tempore. The presentation of the conference is a privileged matter; but the Chair understands the Senator from Washington desires to call up the conference report by unanimous consent.

Mr. COPELAND. So that the ruling of the Chair, as I understand, is that the consideration of the conference report would not displace the unfinished business.

The PRESIDENT pro tempore. The Chair holds that a conference report is highly privileged, and the privilege attaches to the consideration of the whole matter, but the Chair understood that the Senator from Washington was about to ask unanimous consent, and that would not displace the unfinished business.

Mr. JONES. I am going to present the conference report and ask for its consideration under the rule.

Mr. COPELAND. Mr. President, let me be clear. If the Senator from Washington presents the conference report at this time, as he indicated, does that affect the pending bill?

The PRESIDENT pro tempore. No; if he presents it at this time, it is a privileged matter and does not affect the status of the pending measure.

Mr. JONES. The unfinished business continues and will come up for consideration immediately upon the disposition of the conference report.

The PRESIDENT pro tempore. The simple effect of the action the Senator from Washington desires to take is to suspend the consideration of the copyright bill.

Mr. COPELAND. Temporarily.

The PRESIDENT pro tempore. Until the conference report shall be disposed of. The privilege attaches to the conference report throughout.

Mr. JONES. As soon as we get rid of the conference report the Senate may proceed to the consideration of the copyright bill.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. I may say to the Senator and those who are interested in the copyright bill that a discussion of this conference report, in which the House tacked on to a measure which the Senate had already passed, an entirely new measure which has never been considered by the Senate, will require a great many hours of debate.

Mr. JONES. That is the reason why I want to take it up as soon as possible.

Mr. TRAMMEL and Mr. KING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to the Senator from Florida.

Mr. TRAMMELL. In view of the fact that I have taken quite a bit of interest in the copyright bill, in an effort to try to improve it in some particulars in which I have felt the bill has not been properly considered from the standpoint of the public interest and the authors' interest and the interest of the press of the country, I wish to state that I have had no desire whatever to delay the copyright bill, and I am very hopeful that we may go ahead to-day and secure a final vote upon it. Having taken this attitude, I am perfectly willing, so far as I am concerned, to limit the debate to say 10 minutes or 15 minutes on each amendment and 30 minutes on the bill, if that will help to expedite it. I think, however, that is as much of a concession as should be made on an important measure of this kind.

Mr. JONES. Mr. President, pursuant to the rule, I present the conference report on Senate bill 255 and ask for its immediate consideration.

Mr. REED. I ask that the report may be read.

The PRESIDENT pro tempore. The conference report will be read.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. Would action of the Senate in agreeing to the motion displace the unfinished business?

The PRESIDENT pro tempore. It would merely suspend the consideration of the unfinished business. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

HIRAM W. JOHNSON,
W. L. JONES,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JAMES S. PARKER,
JOHN G. COOPER,
SAM RAYBURN,
Managers on the part of the House.

Mr. KING. That is not all the report, is it?

Mr. JONES. That is the report.

Mr. KING. Then, let us have read the original bill plus the new bill which is now presented. We have had no chance to consider or discuss it, and it has never been before the Senate.

Mr. JONES. I want to suggest that the question of whether the Senate will proceed to the consideration of the report is not debatable under the rule.

The PRESIDENT pro tempore. That is quite true. Does the Senator move to proceed to the consideration of the conference report?

Mr. JONES. I move to proceed to the consideration of the conference report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. Is the utterance of the distinguished chairman that the motion is not debatable the law of the land as well as of the Senate?

The PRESIDENT pro tempore. It is.

Mr. KING. Therefore, being the law of the Senate and of the land, I will raise no further question.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington. [Putting the question.] The Chair is in doubt.

Mr. JONES. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, may the question be stated?

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the conference report.

Mr. BINGHAM. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BINGHAM. If this motion carries, does it displace the copyright bill?

The PRESIDENT pro tempore. It does not. The Chair will again state that it merely suspends the consideration of the copyright bill. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. STEPHENS (when his name was called). On this question I have a pair with the Senator from Indiana [Mr. ROBINSON] and therefore withhold my vote.

The roll call was concluded.

Mr. HATFIELD (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I am informed that if he were present he would vote as I have voted. Therefore I will let my vote stand.

Mr. WATERMAN (after having voted in the negative). I inquire if the senior Senator from Virginia [Mr. SWANSON] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. WATERMAN. I have a general pair with that Senator, and will therefore withdraw my vote.

Mr. GILLETT. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote. If free to vote, I should vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES];

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from Illinois [Mr. GLENN] with the Senator from Iowa [Mr. STECK].

Mr. SHEPPARD. I desire to state that the senior Senator from Missouri [Mr. HAWES] is detained from the Senate by illness.

The result was announced—yeas 59, nays 16, as follows:

YEAS—59

Ashurst	George	McKellar	Sheppard
Barkley	Goff	McMaster	Smith
Black	Hale	McNary	Smoot
Blaine	Harris	Norbeck	Steiwer
Bratton	Harrison	Norris	Thomas, Idaho
Brock	Hastings	Nye	Thomas, Okla.
Capper	Hatfield	Oddie	Townsend
Caraway	Hayden	Partridge	Trammell
Carey	Hebert	Patterson	Vandenberg
Connally	Johnson	Pine	Wagner
Couzens	Jones	Pittman	Walsh, Mont.
Dale	Kendrick	Ransdell	Watson
Fess	Keyes	Robinson, Ark.	Wheeler
Fletcher	La Follette	Robinson, Ind.	Williamson
Frazier	McGill	Schall	

NAYS—16

Bingham	Glass	King	Phipps
Blease	Goldsborough	Metcalf	Reed
Bulkley	Gould	Morrow	Shipstead
Dill	Kean	Moses	Walsh, Mass.

NOT VOTING—21

Borah	Deneen	Morrison	Tydings
Brookhart	Gillett	Shortridge	Walcott
Broussard	Glenn	Simmons	Waterman
Copeland	Hawes	Steck	
Cutting	Heflin	Stephens	
Davis	Howell	Swanson	

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 255.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

MACON, DUBLIN & SAVANNAH RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 2614) for the relief of the Macon, Dublin & Savannah Railroad Co., which was, on page 1, line 9, after the word "Congress," to insert "without interest."

Mr. HARRIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MRS. HERMAN M. WARR

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5353) for the relief of Mrs. Herman M. Warr, which was, on page 1, line 12, after the word "month," to insert a colon and "*Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

Mr. BLACK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DR. COOPER NICHOLSON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4274) for the relief of Dr. Cooper Nicholson.

Mr. KING. Let the amendment be read.

The amendment of the House, which was to strike out all after the enacting clause and to insert, was read, as follows:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Dr. Cooper Nicholson, who is alleged to have suffered an injury to his left eye while in charge of Main Hospital No. 1, at Muscle Shoals, Ala., during the World War: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. BLACK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EMERGENCY OFFICERS RETIRED WITH PAY

Mr. ASHURST. Mr. President, statements have been made, and much erroneous information has been circulated, charging that a very large number of emergency officers retired with pay are employed in the Veterans' Bureau. Hence, in order to supply the country with correct information, I ask leave to have printed in the RECORD a letter and accompanying lists setting out the facts as to the number of emergency officers actually so employed.

One of these lists supplies the names of such emergency officers on the retired list as are employed in the Veterans' Bureau, and the other list sets forth the names of the emergency officers on the retired list who are not employed in the Veterans' Bureau.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, February 25, 1931.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: Reference is made to your letter of February 10, 1931, addressed to the Director of the Veterans' Bureau, requesting a list of emergency officers retired with pay who are employees of the Veterans' Bureau, and also a list of those retired who are not employed by the bureau.

These lists are attached and show, in the case of bureau employees, the name, "C" number, bureau designation, salary, amount of retirement pay and State; and in the case of all other officers, the name, "C" number, amount of retirement pay and State.

Very truly yours, FRANK T. HINES, *Administrator.*

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931

Name	State	Bureau designation	Salary	Retirement pay
Adams, Rosen Conklin, C-396379	Kentucky	Physician	$4,000.00	$262.50
Adams, Winthrop, C-1008996	Massachusetts	Medical officer in charge	7,500.00	150.00
Ale, John H., C-165794	Indiana	Regional manager	4,800.00	125.00
Allison, Jas. Richard, C-1333372	South Carolina	Physician (part time)	2,400.00	125.00
Anderson, Charles L. G., C-276953	District of Columbia	Physician	3,800.00	240.62
Ankenbrandt, Albert Andrew, C-653955	New York	do	4,600.00	150.00
Appling, Chas. Dowling, C-1335743	Arizona	Contact representative	2,300.00	166.25
Arnold, David Elmer, C-528832	California	Rating specialist (physician)	4,600.00	187.50
Arntzer, Julius, C-367945	Arizona	Physician	5,400.00	150.00
Arwine, James Tevis, C-1348848	California	do	4,400.00	187.50
Aten, Everett Maxwell, C-1099817	New York	Disbursing officer	2,600.00	150.00
Babcock, Archer D, C-1055004	do	Physician (part time)	2,370.00	218.75
Bacon, Harry P., C-1239977	Minnesota	Physician	4,600.00	150.00
Bailey, Frank James, C-161973	Arkansas	Chief, dental clinic	4,200.00	165.00
Baker, David Alfred, C-1235349	California	Physician	4,000.00	150.00
Baker, Erasmus Shanks, C-185342	Louisiana	do	4,600.00	125.00
Ballard, James Clinton, C-1431002	Arkansas	do	3,800.00	206.25
Ballou, James Larkin, C-476202	Oregon	do	4,600.00	150.00
Barlow, Alfred M., C-364689	Ohio	Regional attorney	3,800.00	125.00
Barnhart, Harry Henry, C-315989	Pennsylvania	Senior contact representative	3,300.00	210.00
Barry, Howard Jerome, C-402259	Illinois	Rating specialist (physician)	3,800.00	125.05
Bays, John Ransom, C-107323	Kentucky	Rating specialist (legal)	3,300.00	106.20
Beatty, Jesse James, C-1340848	Arizona	Clinical director	5,600.00	125.00
Beckett, Clinton Geo., C-345823	Mississippi	Physician	4,600.00	187.50
Beem, Levi A., C-365733	Indiana	Rating specialist (occupational)	3,300.00	165.00
Bernard, Laurence Judah, C-500449	California	Physician	4,600.00	125.00
Birchfield, George Irving, C-1284508	Michigan	do	4,000.00	150.00
Bittner, Earl Robb, C-293958	Maryland	Clerk (A)	1,980.00	116.87
Black, Dennis Leo, C-272182	Massachusetts	Physician	4,600.00	125.00
Blair, George Arnold, C-323892	Tennessee	Rating specialist (occupational)	3,300.00	165.00
Blake, William James, C-220788	Massachusetts	Regional manager	5,600.00	125.00
Bohn, Charles Reinhardt, C-210088	New Jersey	Rating specialist (occupational)	3,300.00	195.00
Bondurant, Alpheus John, C-524547	Colorado	Physician	4,600.00	125.00
Borden, Archibald David, C-1271880	California	Regional manager	4,800.00	225.00
Bowman, Lang Fulton, C-293768	Kansas	Physician part time		125.00
Boyd, Benjamin Day, C-411008	Alabama	Dentist	3,800.00	162.50
Brady, Henry Adrian, C-286906	Ohio	Physician	3,800.00	150.00
Brady, Robert Newton, C-1165618	Illinois	Foreman of mechanics	1,860.00	187.50
Breedlove, Geo. Boles, C-521266	Indiana	Medical examiner (fee basis)		150.00
Brod, Benjamin, C-516030	New York	Physician	4,200.00	125.00
Brodie, Benjamin, C-406944	do	do	2,500.00	125.00
Brown, John Ryston, C-1219116	Minnesota	do	4,600.00	125.00
Buck, Samuel Cory, C-1392365	California	do	4,200.00	150.00

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931—Continued

Name	State	Bureau designation	Salary	Retirement pay
Burstien, Louis Launcelot, C-685146	California	Physician	$4,200.00	$125.00
Byrne, Joseph Vincent, C-356731	District of Columbia.	Chief of division	4,800.00	150.00
Caldarone, Alfred A., C-1407925	Rhode Island	Physician	4,000.00	150.00
Carling, John, C-479058	California	....do	5,200.00	150.00
Casey, Timothy Joseph, C-1396573	....do	Physician (part time)	2,400.00	125.00
Cassidy, Franklin Chester, C-1203276	Colorado	Physician	4,600.00	125.00
Chambers, Wilfred Ernest, C-1085955	Missouri	Medical officer in charge	6,500.00	206.25
Chance, Jenner Perry, C-1347324	Minnesota	Physician	4,600.00	206.25
Chase, Alpha Manley, C-412533	Colorado	....do	4,600.00	195.00
Christiansen, James, C-495531	Wisconsin	....do	4,600.00	165.00
Cochrell, Benj. A., C-1169128	Kentucky	....do	4,400.00	150.00
Compton, Booten Stoves, C-351915	Louisiana	Chief, medical service	5,800.00	125.00
Cook, George Francis, C-592756	District of Columbia.	Adjudicator	2,800.00	165.00
Cooley, Beamon Sherley, C-1126039	Alabama	Physician	4,200.00	125.00
Copeland, Paul Richard, C-1437604	Florida	....do	4,800.00	125.00
Crane, Bruce Alexander, C-1272227	California	Mechanic (per diem)	.....	116.87
Crawford, Harry Struthers, C-1227726	Missouri	Physician	4,000.00	150.00
Cummings, John M., C-791014	New York	Contact representative	2,800.00	137.50
Daggett, Byron B., C-542904	....do	Rating specialist (occupational)	3,300.00	165.00
Dallis, Park A., C-430465	Georgia	Architectural engineer	2,600.00	.....
Dally, Wendell Phillips, C-1082453	Maryland	Physician	4,600.00	150.00
Darrah, Homer C., C-288536	Montana	Dentist	3,800.00	165.00
Davis, Eugene, C-1139337	Tennessee	Medical officer in charge	5,500.00	187.50
Davis, Joseph Allen, C-220695	California	Field examiner	2,800.00	106.25
Decker, Ernest Raymond, C-400696	District of Columbia.	Junior legal member	3,800.00	106.28
Delaney, Jos. Peter, C-906412	Arkansas	Physician	3,800.00	125.00
Derdiger, Louis Belfair, C-1238653	Minnesota	....do	3,800.00	150.00
Devine, Clark Bailey, C-507078	Arizona	....do	4,600.00	150.00
Diodati, Vincent Maria, C-487651	Pennsylvania	....do	4,600.00	150.00
Dodd, Thomas Franklin, C-583283	District of Columbia.	Rating specialist (physician)	4,800.00	187.50
Doherty, Wm. T., C-1296394	Kansas	Physician	5,200.00	125.00
Donahue, John Leo, C-186199	Arizona	....do	4,600.00	150.00
Donnelly, James Gordon, C-1393043	District of Columbia.	Medical supervisor	5,600.00	125.00
Donovan, Timothy Stephen, C-1024730	New York	Physician	4,200.00	125.00
Dorsey, Stanton, C-506851	District of Columbia.	Associate sanitary engineer	3,300.00	125.00
Douglas, Harrie Abraham, C-622575	....do	Superintendent of construction (engineers).	3,300.00	150.00
Duffy, Frank Thomas, C-392351	Illinois	Regional manager	5,600.00	125.00
Duncan, Ernest Allen, C-1286308	New Mexico	Physician	2,400.00	187.50
Duncan, Miles Jordan, C-113745	California	....do	5,200.00	150.00
Dunham, Franklin Williams, C-405706	New York	Assistant attorney	3,200.00	125.00
Durham, Robert Blakely, C-1123681	South Carolina	Regional medical officer	4,200.00	150.00
Edwards, Thomson, C-1076797	Pennsylvania	....do	5,600.00	150.00
Ehlert, John Matthews, C-1303856	Alabama	Physician	4,400.00	125.00
Ellis, Luther E., C-327132	Michigan	Regional manager	4,800.00	150.00
Ellis, Robert Alvine, C-1328543	Texas	Adjudicator	2,600.00	106.25
Endler, Joseph Charles, C-1024980	New Jersey	Regional dental officer	4,000.00	150.00
Ernest, F. James Mahon, C-1275983	Oregon	Physician	4,600.00	206.25
Engle, Richard D., C-357519	District of Columbia.	Rating specialist, claims	3,300.00	106.25
Essenson, Oscar Samuel, C-319963	California	Physician	4,600.00	150.00
Eversole, Earl J., C-1149797	Kentucky	....do	4,000.00	125.00
Eyerly, Tema LeClerc, C-380828	Colorado	....do	4,200.00	150.00
Fannin, Frank Arthur, C-221795	Oklahoma	....do	4,600.00	150.00
Fauret, Glenn Cameron, C-410242	California	Rating specialist (occupational)	4,200.00	165.00
Felter, Charles T., C-316830	District of Columbia.	Contact representative	2,800.00	150.00
Feltham, Percy Marshall, C-369813	Georgia	Superintendent of construction	4,800.00	150.00
Ferguson, Jose Marvin, C-452345	Arkansas	Medical officer in charge	6,500.00	150.00
Field, Albert, C-252464	Illinois	Physician	4,200.00	150.00
Fitzgerald, William Thomas, C-567006	New York	Regional adjudication officer	4,800.00	131.25
Foster, Thomas, C-906198	District of Columbia.	Consultant in G. M	5,400.00	150.00
Fouche, James Sample, C-906771	South Carolina	Physician	3,800.00	150.00
Foxwell, Raymond K., C-1085450	District of Columbia.	Physician (part time)	1,800.00	125.00
Fraine, John Henry, C-1242648	Minnesota	Regional attorney	4,000.00	312.50
Galbraith, John Robt., C-1287974	Maryland	Assistant chief of division	5,600.00	106.25
Gallagher, Michael Lee, C-470507	Illinois	Physician	5,400.00	150.00
Gardner, Wm. E., C-282065	California	....do	3,800.00	125.00
Garlinghouse, Orestes Lucien, C-268844	Kansas	Physician (fee basis, $5 per examination).	.....	187.50
George, John Cecil, C-460638	North Carolina	Physician	4,600.00	187.50
Gibson, William Clement, C-1134669	Missouri	Medical officer in charge	6,500.00	125.00
Gill, John L., C-1303457	Texas	Physician	4,000.00	150.00
Gilstrap, Harry Benson, C-361845	Oklahoma	Regional manager	4,800.00	206.25
Given, Ellis Edgar Willits, C-1360619	Pennsylvania	Physician (part time)	3,000.00	218.75
Gleason, Benj. Whitney, C-1016195	New Hampshire	Physician	4,600.00	150.00
Graf, John Edw., C-1207169	Indiana	....do	3,800.00	125.00
Grant, Harold R., C-583944	Michigan	Field examiner	2,900.00	125.00
Graw, Adolph Eugene, C-1305871	Louisiana	Dentist	3,700.00	125.00
Greene, Fred Baxter, C-418634	Oregon	Assistant to disbursing officer	2,160.00	165.00
Gridley, Norman Brown, C-1085804	New York	Member central board appeals	3,300.00	150.00
Haines, William Henry, C-1057336	New Jersey	Physician	2,400.00	150.00
Hall, Jesse Lee, C-267172	District of Columbia.	Rating specialist (medical)	5,400.00	150.00
Hanson, Henry Virgil, C-282325	Minnesota	Physician	4,000.00	150.00
Hasbrouck, Edwin Marble, C-308579	Virginia	....do	4,200.00	150.00
Heeley, Thomas Francis, C-209589	Connecticut	Physician (part time)	1,114.00	150.00
Hemp, Albert Bushnell, C-1240227	Minnesota	Adjudicator	2,900.00	106.25
Hinchcliff, John William, C-424112	Mississippi	Assistant to regional accountant	1,860.00	130.00
Hindman, Samuel, C-328104	Ohio	Physician	4,600.00	150.00
Hobby, Edwain Elmer, C-906074	California	....do	4,600.00	206.25
Holland, Josiah Hutton, C-272569	Wyoming	Physician (fee basis)	.....	165.00
Hooks, Hilary George, C-267547	West Virginia	Regional manager	4,400.00	150.00
Hopkins, Samuel Rice, C-1224859	Illinois	Rating specialist (physician)	3,800.00	187.50
Howard, John Frederick, C-603154	Colorado	Physician	4,600.00	150.00
Howe, John Bell, C-314928	Illinois	....do	4,200.00	150.00
Hoyt, Benj. Franklin, C-448030	California	Physician (part time)	2,400.00	150.00
Howe, Theodore Gilman, C-907028	....do	Physician	4,400.00	150.00
Huff, Scott Miller, C-906000	New Jersey	....do	4,000.00	180.00
Hummel, Charles Edward, C-246755	Maryland	Contact representative	2,960.00	240.00

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931—Continued

Name	State	Bureau designation	Salary	Retirement pay
Ingalls, Henry Allison, C-328278	New Mexico	Physician (part time)	$1,000.00	$240.62
Irion, Edwin Clair, C-654777	New York	Assistant regional attorney	3,300.00	125.00
Jackson, Charles Tillman, C-515427	California	Property custodian	2,900.00	106.25
Johnson, Benj. Priestley, C-1153952	Kentucky	Member central board appeals (occupational).	3,200.00	150.00
Johnson, Edwin Martin, C-1094334	District of Columbia.	Medical officer	4,400.00	150.00
Joiner, William Edwin, C-1280565	Washington	Physician	4,600.00	150.00
Jolley, William Albert, C-906309	Arkansas	do	5,000.00	262.50
Jones, Edward Barton, C-23281	District of Columbia.	do	4,600.00	150.00
Jones, Ralph Phillips, C-159474	Colorado	do	4,800.00	125.00
Kane, Francis Leo, C-118206	New Jersey	Regional adjudication officer	3,300.00	150.00
Kearney, Charles A., C-363614	Idaho	Physician	4,600.00	150.00
Keeler, Claude Charles, C-528515	Minnesota	do	5,400.00	150.00
Kendall, William Eugene, C-617221	Illinois	Charge of reception service	5,600.00	187.50
Kimbell, Isham, C-1139579	Louisiana	Physician	5,000.00	187.50
Kincaid, Herbert Clark, C-1378934	Pennsylvania	do	3,800.00	150.00
Kinney, Kenneth Wm., C-498219	District of Columbia.	do	1,800.00	150.00
Krohn, Arthur Smith, C-497246	Wisconsin	Messenger	1,200.00	150.00
Ladd, John, C-1095633	District of Columbia.	Rating specialist (physician)	5,000.00	150.00
Latham, Ernest Richard, C-1016166	Massachusetts	Regional dental officer	4,600.00	150.00
Lazenby, Earl Kilpatrick, C-1090136	North Carolina	Physician	3,800.00	150.00
Leahy, William Richard, C-1268433	California	Regional medical officer	4,400.00	150.00
Lewis, Benjamin Jefferson, C-406740	South Carolina	Physician	3,800.00	125.00
Liberty, Cyril Ambrose, C-627341	District of Columbia.	Field supervisor	3,800.00	106.25
Lightner, Homer Grayson, C-1249464	Kentucky	Physician	5,400.00	150.00
Lochte, Henry C., C-592330	Louisiana	do	4,400.00	125.00
Loewy, Ignatz David, C-318761	Arizona	Clinical director	6,000.00	206.25
Long, Henry Donald Foster, C-1089753	Ohio	Field examiner	2,600.00	165.00
Long, William Walker, C-1139497	Alabama	Physician (part time)	2,400.00	150.00
Longino, Dick R., C-1116085	Georgia	Physician	3,800.00	125.00
MacMillan, Marion Blaisdell, C-121004	Wisconsin	do	4,600.00	187.50
MacNeil, Bernard Chester, C-905647	District of Columbia.	do	5,200.00	125.00
Maher, Harry Ellsworth, C-1230898	North Dakota	Rating specialist (occupational)	3,200.00	125.00
Malone, Will Hale, jr., C-860177	Georgia	Physician	4,400.00	125.00
Maloney, James Edward, C-1033493	New Jersey	do	3,800.00	206.25
Malonson, James Henry, C-1013338	Massachusetts	do	4,200.00	180.00
Manion, Wm. Orville, C-1400633	Oregon	do	4,800.00	150.00
Marcellus, Marius Breckenridge, C-354178	do	do	4,600.00	243.75
Martin, Albert, C-414886	California	do	4,600.00	150.00
Martin, John Foley, C-1933711	do	do	4,400.00	125.00
Matthews, Walter Monroe, C-1322129	Arkansas	do	4,600.00	125.00
McCaffrey, Hugh, C-541470	Virginia	Adjudicator	2,800.00	116.87
McCrillis, Wm. Wallace, C-1265980	California	Dentist	3,700.00	150.00
McCulloch, David Coyle, C-472152	do	Physician	4,600.00	150.00
McCully, Rob Roy, C-1044252	Ohio	do	4,400.00	187.50
McDermott, Bernard A., C-1378486	District of Columbia.	Medical officer	5,000.00	125.00
McDonald, John Thomas, C-1390085	Arizona	Physician	4,400.00	125.00
McDonald, Oral Holmes, C-240605	Kentucky	do	3,800.00	125.00
McEwen, William Wright, jr., C-1250223	Colorado	Field examiner	2,800.00	125.00
McFarland, Samuel B., C-1252082	California	Physician	5,000.00	150.00
McKnight, James L., C-445400	Arizona	do	4,600.00	125.00
McNulty, Herbert L., C-1080026	Pennsylvania	Chief engineer	3,200.00	125.00
Metcalf, Arthur B., C-422390	District of Columbia.	Associate civil engineer	3,200.00	106.25
Meyst, Charles H., C-291115	Wisconsin	Physician	4,600.00	150.00
Mize, Harlan E., C-506825	Illinois	do	4,600.00	150.00
Monroe, Harry S., C-205524	Pennsylvania	Regional medical officer	4,600.00	125.00
Montgomery, Chas. G., C-1337556	North Carolina	Contact representative	2,800.00	150.00
Moore, Paul D., C-1396426	Washington	Physician	3,800.00	125.00
Moore, Roy D., C-393840	California	do	4,400.00	150.00
Morgan, John E., C-287747	Iowa	Physician (fee basis)		187.50
Myers, John W., C-1182283	Illinois	Associate medical officer	3,200.00	106.25
Neilon, John E., C-1348121	Minnesota	Dentist	4,200.00	125.00
Nelson, Edwin G., C-158275	do	Physician	4,000.00	125.00
Nevitt, Philip H., C-1169148	Kentucky	do	4,400.00	125.00
Newquist, Daniel C., C-394656	Iowa	Property custodian	2,900.00	165.00
Newsom, Erle T., C-268659	New York	Physician	3,800.00	150.00
Nichols, John H., C-611362	do	Personnel clerk	2,100.00	165.00
Nieweg, George A., C-150425	Missouri	Physician	4,600.00	125.00
North, Thomas J., C-1143007	Kentucky	Field examiner	2,600.00	106.25
Ochs, Leon M., C-1205779	Missouri	Physician	3,800.00	125.00
O'Ferrall, John T., C-430159	Louisiana	Physician (part time)	1,800.00	150.00
Owens, Wm. H., C-309039	Georgia	Physician	4,400.00	125.00
Park, Wm. E., C-293346	North Carolina	do	4,600.00	150.00
Parker, Edward M., C-905722	District of Columbia.	Medical member	5,000.00	187.50
Partington, Cyrus B., C-403973	Colorado	Physician	4,600.00	125.00
Patterson, Chas. H., C-198951	Idaho	Rating specialist	3,800.00	125.00
Patterson, Clayton A., C-1272011	California	Regional dental officer	5,200.00	165.00
Patterson, Edward L., C-609776	Montana	Physician	3,800.00	150.00
Patton, John R., C-1405707	Massachusetts	do	4,200.00	150.00
Penrose, Thomas W., C-313798	Pennsylvania	do	3,800.00	243.75
Pfeiffer, George E., C-905370	Oregon	Chief, surgical service	5,600.00	125.00
Phares, Willard A., C-1225475	Kansas	Physician (part time)	1,500.00	187.50
Phillips, David B., C-1166391	Ohio	do	900.00	150.00
Pickett, Geo. Edward, C-411020	North Carolina	Adjudicator	2,600.00	106.25
Pippy, William, C-1351650	Montana	Chaplain	541.00	195.00
Prill, John H., C-1178006	Wisconsin	Physician	3,800.00	150.00
Ralph, Charles Edward, C-905852	District of Columbia.	do	4,400.00	187.50
Rea, Melvin Oscar C-1326905	Texas	do	2,800.00	125.00
Reed, Carl Oliver, C-1246431	Maryland	Regional medical officer	4,400.00	150.00
Richards, Granville H., C-146035	New Mexico	Physician (part time)	2,400.00	150.00
Richeson, Austin Bresnen, C-296969	Oregon	Assistant to regional manager	5,200.00	225.00
Riordan, John Kenneth, C-431050	Wisconsin	Contact representative	2,900.00	125.00
Roach, Richard Aloysius, C-1392779	California	Physician	4,400.00	150.00
Robbins, Fredk. Carver, C-905946	Maryland	do	4,600.00	187.50
Roberts, Wm. J., C-548268	New Mexico	do	4,200.00	150.00
Robertson, Edd LaFayette, C-1375632	Maryland	Rating specialist physician	5,400.00	187.50
Robinson, Guy Frank, C-1393504	California	Physician	4,800.00	150.00

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931—Continued

Name	State	Bureau designation	Salary	Retirement pay
Rosenfield, Milton Synder, C–481595	California	Rating specialist	$4,800.00	$106.25
Ross, Cecil Hubert, C–1305679	Alabama	Physician (part time)	600.00	187.50
Rucker, Claude Nelson, C–289008	West Virginia	Regional medical officer	4,200.00	150.00
Ruff, Horace Ewing, C–1321668	Arkansas	Physician	3,800.00	243.75
Saubert, Walter John, C–906127	Illinois	Regional dental officer	4,000.00	125.00
Saye, Wilburn Earle, C–1337370	South Carolina	Specialist, neuropsychiatrist	4,600.00	125.00
Schaeffer, Chas. Edwin, C–1383279	District of Columbia.	Technical assistant	3,700.00	150.00
Scott, Harry Alex., C–313537	Missouri	Physician	4,800.00	125.00
Sedgley, Frank Robert, C–1347438	Minnesota	Chief, Surg. and G. U. Serv	5,600.00	150.00
Sedwick, Wm. Alexander, C–315419	Colorado	Orthopedic specialist (fee basis)		150.00
Seibert, Alexander Wood, C–618268	Arizona	Physician	4,200.00	125.00
Seibert, David Allen, C–365002	Washington	do	4,000.00	125.00
Severe, Wm. Earle, C–309297	Maryland	Contact representative	2,700.00	106.25
Shamburger, Roland Lamar, C–23848	Mississippi	Attendant, hospital	1,260.00	106.25
Shankle, Henry DeWitt, C–630922	Montana	Physician	3,800.00	150.00
Shelly, Hargus Gerald, C–565849	Kansas	Regional medical officer	4,400.00	150.00
Sherer, Moses Eason, C–394062	Oregon	Physician	5,400.00	150.00
Sherry, Cameron Banning, C–528920	Texas	Rating specialist (occupational)	3,300.00	106.25
Shewmaker, Oscar Francis, C–389522	Kentucky	Physician	4,000.00	125.00
Simons, Willis Nelson, C–1036826	New York	do	4,200.00	125.00
Sisson, Howard Robert, C–282524	Pennsylvania	Assistant to regional manager	3,600.00	125.00
Skinner, George Coleman, C–162512	District of Columbia.	Chief medical officer	6,500.00	150.00
Small, John Joseph, C–467751	Pennsylvania	Dentist	3,800.00	150.00
Smith, Albert, C–654899	District of Columbia.	Rating specialist (physician)	4,800.00	125.00
Smith, Dallas Burton, C–225707	Louisiana	Representative of administrator	6,500.00	262.50
Smith, Frederick Jennings, C–1394241	California	Physician	4,600.00	187.50
Smith, Robert P., C–1283805	Montana	do	5,000.00	187.50
Smith, William Wolff, C–1379239	District of Columbia.	General counsel	9,000.00	187.50
Soper, John Elford, C–210272	Minnesota	Physician	4,200.00	150.00
Starnes, Chas. Emanuel, C–1392334	Arizona	do	4,600.00	125.00
Steindler, Leo Fleischer, C–313817	Maryland	do	4,000.00	150.00
Stephenson, William Oliver, C–1426633	Texas	do	4,600.00	150.00
Stookey, Paul Forrey, C–1224136	Missouri	Physician (part time)	600.00	125.00
Strong, Sneed, C–276981	Texas	Physician	3,800.00	150.00
Thomas, John Donoclift, C–1017997	Massachusetts	Dentist	3,800.00	125.00
Thompson, Harry John, C–613764	Indiana	Physician	4,000.00	150.00
Thornton, James William, C–1257360	California	do	4,800.00	187.50
Togus, Leopold Theodore, C–247588	New Hampshire	Physician (part time)	1,200.00	150.00
Towler, Gray Bowers, C–538481	New York	Field examiner	2,600.00	125.00
Travis, Robert Raymond, C–321555	Washington	Dental mechanic	2,300.00	106.25
Von Dahn, Howard C., C–1339479	Florida	Medical officer in charge	6,500.00	150.00
Wakefield, John Dillon, C–283048	Ohio	Physician	4,200.00	150.00
Walker, Allen Huddleston, C–298520	Arkansas	Regional medical officer	4,600.00	180.00
Walter, Emil, C–314638	District of Columbia.	Assistant approving officer	3,300.00	250.00
Wang, Charles William, C–1078050	Pennsylvania	Physician	3,800.00	125.00
Ward, E. Alson, C–1322840	Arizona	Secretary to rating board	1,620.00	125.00
Warren, Bacil Augustine, C–364123	do	Physician	4,200.00	150.00
Wells, Robert Fletcher, C–319766	Georgia	Dental officer	4,000.00	125.00
Weltner, Fred Paul, C–274034	West Virginia	Physician (part time)	2,400.00	206.25
Wheate, Justus Marchal, C–317534	California	Physician	5,400.00	240.62
Wheeler, William Darr, C–322616	New Jersey	Field examiner	2,600.00	150.00
Whitaker, Lee Wales, C–305840	Colorado	Chief, dental clinic	4,200.00	125.00
Whiting, Nathaniel Eugene, C–1243901	Kentucky	Regional adjudication officer	3,800.00	137.50
Whitledge, Herbert Edwin, C–405130	do	Medical officer in charge	6,500.00	150.00
Wilson, Gordon, C–1381902	District of Columbia.	Physician	2,500.00	187.50
Winemiller, Lee Hanville, C–654689	Colorado	do	2,100.00	187.50
Woodall, Howard, C–825074	Texas	Clerk (B)	1,440.00	150.00
Woods, Phillips H., C–1069534	Pennsylvania	Regional dental officer	4,600.00	150.00
Woodson, Mortimer, C–1329223	Texas	Rating specialist (occupational)	3,300.00	125.00
Woodward, Roy B., C–1057188	New York	Regional medical officer	4,400.00	125.00
Worthen, Jesse Montgomery, C–320431	Washington	Physician	3,800.00	150.00
Wyatt, Frederick Leroy, C–349167	Alabama	Rating specialist (occupational)	3,400.00	165.00
Wyatt, Hamlette G., C–455837	Arizona	Chief, dental clinic	4,200.00	125.00
Yates, Riley Barber, C–498594	Wisconsin	Physician	3,800.00	150.00

Emergency Officers Retired With Pay Who Are Not Bureau Employees

ALABAMA

Name, C number, and amount retirement pay

Andrews, Landoff Watson, C–905331	$125.00
Amos, Sidney Russell, C–701494	106.25
Armour, William S., C–1305523	
Bates, Cecil F., C–188914	125.00
Bell, Harry Walton, C–1309615	150.00
Benners, Allen Cadwalader, C–223374	125.00
Bennett, Harvey E. (guardian, Mrs. Irma B. Bennett), C–1308576	125.00
Bond, Farrar W., C–192634	106.25
Bower, Orman, C–156692	23.75
Boyd, Austin Francis Jefferson (guardian, A. G. Boyd), C–453072	150.00
Brown, Charles Hunt, C–285585	150.00
Brown, Henry Ben, C–158683	125.00
Brown, Raymond R., C–1137424	180.00
Brooks, Rezo, C–1308004	125.00
Burns, Robert Abraham, C–1307641	225.00
Campbell, Elmer Bernard, C–368932	150.00
Campbell, Hugh S., C–466076	106.25
Chaffin, William Henry, C–159152	195.00
Clark, Oscar, C–607178	195.00
Coker, Lorenzo Dow, C–606653	165.00
Coleman, John C., C–601358	165.00
Comer, Travis L., C–283954	150.00
Davis, Harwell Goodwin, C–220610	$187.50
Dew, Charles, C–326918	106.25
Dixon, Frank M., C–157132	106.25
Dobbins, Robert A., C–1309521	165.00
Downing, Elisha, C–1306050	150.00
Esslinger, Joseph P., C–1127782	165.00
Fallaw, Thomas Howard, C–1303407	180.00
Dabney, Malcolm Grant, C–239131	150.00
Faris, William Elbert, C–1128611	150.00
Faulk, Wallace H., C–614054	165.00
Favors, George William, C–389215	180.00
Freeman, John Inzer, C–1331022	150.00
Gilchrist, John Porter, C–278240	125.00
Gillespie, Robert James, C–806845	125.00
Glenn, George Arrington, C–1305403	187.50
Green, William M., C–557047	162.50
Hagood, Middleton H., C–1311356	206.25
Harris, Charlton Sidney, C–1338939	125.00
Hartmann, Charles, C–427334	125.00
Henley, Courtney Scott, C–418534	150.00
Hicks, Josiah Carney, C–479433	125.00
Hildreth, Francis Marion, C–505228	195.00
Hooper, John William, C–14748	150.00
Hubbard, Graph John, C–1303722	250.00
Inge, Francis Marion, C–207759	150.00
James, Hudnall, C–166660	106.25
Jeffers, Lamar, C–462965	225.00
Jeffers, William H., C–1300663	106.25
Johnston, Ira Leonidas, C–379000	150.00

Jordan, Headley E., C–1303634	$125.00
Kelly, Richard Bussey, jr., C–1128934	180.00
Kelly, Samuel Bledsoe, C–1309339	137.50
Langley, Orlando Velpeau, C–134528	125.00
Lawton, Walter Terrell, C–458926	125.00
Legare, Julien Keith, C–195047	150.00
Leopold, Elmer Edward, C–388718	106.25
Lewis, Thomas K., C–541832	150.00
Long, Francis M., C–1134598	125.00
Long, John P., C–1310169	206.25
Maura, Frank Rutledge, C–258002	187.50
May, Clarence H., C–596912	106.25
McCalla, William A., C–240606	218.75
McMeans, Heath L., C–1304436	180.00
Meade, Ray, C–261509	125.00
Messer, Glenn E., C–564539	106.25
Moon, Hartley Allen, C–344047	225.00
Moore, Ernest Abram, C–329382	150.00
Munford, Louis Sinclair, C–256995	150.00
Muse, George Peary, C–1311397	106.25
Newell, James Kirk, C–1126995	125.00
Newsome, John Parks, C–543542	150.00
Northington, James Levi, C–8357	125.00
Osborne, Ollie F., C–522799	127.50
Pace, Fulton, C–1302041 (guardian, Mrs. Mary Zeph Pace)	125.00
Parker, Ralph E., C–1305800	106.25
Patterson, Albert Love, C–462714	125.00
Peabody, Frank, C–140686	206.25
Perry, Clarence Thomas, C–1303558	125.00
Peters, William Marcus, C–1302648	150.00
Phillips, James H., C–150449 (guardian, A. B. Phillips)	125.00
Phillips, George Wendell, C–385525	106.25
Pollard, Emmett Eugene, C–1135100	125.00
Rademacher, Fred M., C–230750	150.00
Rankin, Howard Payne, C–884491	165.00
Reid, Thomas Campbell, C–789510	150.00
Robbins, William Jesse, C–133736	125.00
Rowell, James Thomas, C–299966	125.00
Sanders, John Gillis, C–235405	150.00
Sauls, Charles E., C–1133058	125.00
Scales, John Perkins, C–282898	125.00
Schwarz, Joseph, C–1308703 (guardian, Leon Schwarz)	150.00
Shaffer, John P., C–1307649	106.25
Simpson, Robert Tennent, jr., C–1304013	150.00
Sisson, Charles Newton, C–160577	150.00
Smith, Emmett Preston, C–1300873	150.00
Speight, Oscar Cobb, C–1324139	165.00
Staggers, William Llewellyn, C–165752	125.00
Steiner, Robert Eugene, C–1311627	375.00
Summers, Edward Henry, C–464963	137.50
Sutcliffe, Charles William, C–276591	150.00
Teague, Albert G., C–1133359	106.25
Thompson, Herman Winkler, C–412114	180.00
Waller, Luther H., C–1301076	125.00
Walthall, Junius Leigh, C–350414	187.50
Walker, George Vincent, C–381541 (guardian, Mrs. Erin L. Walker)	125.00
Ward, William Taylor, C–445502	125.00
Weatherford, Zadoc Lorenzo, C–501799	125.00
Williams, John Henry, C–285352	125.00
Williamson, Thomas N., C–1307115	125.00
Winslett, Edmund J., C–1306533	125.00

ARIZONA

Andrews, Lloyd James, C–272207	106.25
Blechacz, John William, C–235907	125.00
Brown, Wallace A., C–331720	106.25
Clarke, Everite M., C–698331	106.25
Clohessy, Timothy T., C–123270	125.00
Cook, Charles Francis, C–1047164	106.25
Cogswell, Sterling C., C–1044635	125.00
Courtney, Gerald, C–1009370	125.00
Davidson, Henry C., C–1036918	127.50
Davis, John Paul, C–189399	106.25
Dittmar, Charles F., C–1042393	150.00
Dolman, Carroll George, C–1266791	150.00
Edwards, Bryant Benjamin, C–394711	137.50
Fairgrieve, Russell B., C–1415298	150.00
Filer, Burrit Boynton, C–905443	125.00
Gatterdam, Eugene Alfred, C–475596	125.00
Gignilliat, Thomas H., C–1059422	106.25
Greene, Belville Foble, C–512565	125.00
Greene, Paul Clinton, C–279418	125.00
Haefer, Oscar, C–136649	125.00
Hampshire, Claude Carlyle, C–266567	125.00
Hardy, Ernest M., C–522930	125.00
Harring, Neil Houten, C–1196517	165.00
Henning, Oswald F., C–20361	165.00
Hobgood, Guy, C–392838	106.25
Hough, Henry A., C–1393548	125.00
Howard, Lewis H., C–1090340	150.00
Jurden, George Bantly, C–1197000	106.25
Kehn, Marvin A., C–1296433	125.00
Kibler, Charles S., C–1263791	150.00
King, Winfield Scott, C–740179	150.00
Kleinsmid, James Archibald, C–176436	150.00
Kryss, Edmund Andreas, C–412863	150.00
Lawhead, Simon Stiffler, C–1268766	$125.00
Lawrence, James Jackson, C–290384	137.50
Lewis, Edward, C–280687	125.00
Mahoney, Dan Lawrence, C–463910	125.00
Mahoney, Vernon L., C–1134798	125.00
Marschall, John Hall, C–906201	106.25
McDowell, Coy Russell, C–905499	116.87
McGuire, James Alexander, C–320649	125.00
Mock, Robert Leroy, C–1390069	150.00
Monical, Grant Stafford, C–1261701	150.00
Moore, Claude Merrill, C–175305	150.00
Moreno, Joaquin Fermin, C–398082	125.00
Nash, Elmer C, C–1326933	106.25
Nelson, Rufus R., C–190790	165.00
Paquin, Albert J., C–454151	106.25
Peck, Franklin Joseph, C–1272512	125.00
Pedersen, Inar Aubert, C–351279	165.00
Phillips, Charles Lawrence, C–1260543	106.25
Pundt, Augustus N., C–1338087	106.25
Ramsey, John Thomas, C–1375141	125.00
Randle, Cole Theodore, C–244078	125.00
Riculfi, Robert Marion, C–523031	106.25
Riley, Eugene, C–537188	150.00
Roemer, Fred A., C–243585	125.00
Rogers, Richard Lyman, C–1222028	106.25
Scheerer, George William, C–1395790	125.00
Schneck, Maximilian R., C–347775	106.25
Schoening, Edward Herman, C–1271510	106.25
Sligh, Sidney Boughtnight, C–106312	106.25
Smith, Walter Clarence, C–587562	125.00
Sponagle, James Milton, C–1265302	125.00
Sprietsma, William Miles, C–479366	106.25
Swain, Yolland Francis, C–385647	125.00
Telford, Robert Eugene, C–1344528	125.00
Thompson, George, C–366463	106.25
Twitchell, Frederick Martin, C–346227	106.25
Tyson, Alfred, C–347825	137.50
Van Horn, James Byron, C–300601	165.00
Walker, John Charles, C–384383	106.25
Warren, Harry Pratt, C–567214	150.00
Weatherford, Thomas Leeroy, C–232282	125.00
Wilson, Marcus Earl, C–1325647	125.00
Wray, James Garrett, C–398553	106.25
Wright, Austin Charles, C–905886	125.00
Yellott, Richard E., C–441695	150.00

Supplemental list

Konold, Heischel Scott, C–1055383	150.00
Wright, William A., C–1275253	106.25

ARKANSAS

Abington, William H., C–396365	243.75
Angus, Robert Morton, C–365693	243.75
Applegate, Timothy Page, C–158655	106.25
Baird, William Granville, C–1427776	187.50
Ballard, George Clinton, C–398995	150.00
Baker, William Pitt, C–905201	165.00
Barrier, Leonidas Forister, C–1288906	150.00
Bevans, Albert B., C–1293933	106.25
Booth, George Myers, C–445444	106.25
Boyce, Samuel G., C–153165	125.00
Brown, Hugh Torrence, C–1425739	187.50
Browning, Eugene Rutledge, C–50401	125.00
Bruce, Walter Hugh, C–390676	240.62
Brunner, Frank Joseph, C–259930	106.25
Burk, Edmond F., C–314661	125.00
Burns, Coleman D., C–526731	180.00
Castleberry, Frank Lawrence, C–325318	150.00
Clark, Charles Buford, C–386318	125.00
Crandall, John Aston, C–1337779	150.00
Decker, Joseph Shelby, C–14908	106.25
Ellis, Jeff, C–1326560	195.00
Elkins, Lindsey Robert, C–614624	225.00
Elton, Albert Morten, C–206042	150.00
Felts, Wylie Robert, C–326961	125.00
Fly, Thomas Micajah, C–389911	125.00
Fox, William Spencer, C–248021	125.00
Fraser, Robert Lee, C–151581	125.00
Friberg, John Thompson, C–463651	106.25
Garrison, David Milton, C–1294981	162.50
Halbrook, John Franklin, C–1320068	125.00
Higgins, William Wellington, C–1433204	125.00
Hodges, Guy, C–386907	125.00
Howard, Thomas F., C–380286	106.25
Humble, Terry A., C–1329489	206.25
Jarvis, Ben Charles, C–1291163	138.12
Jeffett, William F., C–198768	150.00
Jenkins, John S., C–240628	150.00
Jones, Isaac Jarrett, C–484094	150.00
Jones, William E., C–1286503	125.00
Judd, Roland Dewitt, C–1286121	125.00
Kelly, Thad Robertson, C–792771	106.25
Kingsworthy, Burton Sutton, C–905239	187.50
Kory, Roscoe Conklin, C–180368	150.00
Kriesel, William August, C–232485	150.00
Leming, Sam Kellough, C–1322899	106.25
Little, Curtis Joseph, C–1430702	-------

Mason, James Pat Dyer, C–504666	$125.00
Mathis, Ross, C–202939	125.00
McKenzie, Ernest Monroe, C–1432014	125.00
McLaughlin, William Heber, C–240066	125.00
McLean, Lucian Lamar, C–1426829	125.00
McWilliams, James L., C–269150	125.00
Means, James Mathew, C–344525	106.25
Mikles, Richard Crockett, C–247735	127.50
Mitchell, William F., C–8740	106.25
Moore, Newton A., C–431036	125.00
Morrison, Joseph F. W., C–577084	150.00
Murrey, James Thomas, C–1327907	125.00
Murrey, Joe H., C–224633	125.00
Palmer, John H. (guardian, Mrs. Anna Mae Palmer), C–1324930	150.00
Peel, David Walker, jr., C–261096	125.00
Pratt, William Ray, C–1324689	106.25
Prichard, Allen Courtland, C–168250	125.00
Privitt, Corbett Otho, C–1427273	106.25
Prothro, Ernest Whitfield, C–1321878	150.00
Purvis, Walter Moody, C–1289949	150.00
Richards, Charles Organ, C–351968	125.00
Rhine, Thomas E., C–1325403	125.00
Roberts, David Carson, C–1321448	125.00
Robertson, Hugh, C–546309	106.25
Robbins, Oscar B., C–907026	125.00
Rohrer, Samuel Jesse, C–337368	137.50
Russell, Martin Butler, C–905444	137.50
Sanborn, Richard F., C–705464	106.25
Steele, Harry Senhouse, C–388278	125.00
Steele, John Douglas, C–1327825	137.50
Steele, Raphael William, C–1425324	125.00
Simpson, John Clifton, C–1431489	125.00
Smith, Erasmus Ross, C–1294530	240.62
Smith, Samuel Theodore, C–314019	125.00
Smith, Walter S., C–500246	127.50
Snodgrass, William Anderson, C–272563	187.50
Spillyards, Henry H., C–1323796	125.00
Tapscott, Samuel Thomas, jr., C–1433109	125.00
Thiolliere, Anthony Claudius, C–598984	150.00
Thorpe, Samuel B., C–1427108	150.00
Underhill, John S., C–1294683	180.00
Wallace, Eugene G., C–251967	125.00
Watlington, Abisha Slade, jr., C–1320459	106.25
Walter, E. Winn, C–1327462	218.75
Woods, Frederick Davis, C–404915	150.00
Zooman, Albert Benjamin, C–360102	165.00
Supplemental list	
Earle, Edward Henry LaTouche, C–132791	125.00
Haney, Arthur Ceberry, C–774781	150.00
CALIFORNIA	
Ackley, George Clark, C–484693	175.00
Ackley, John Felix, C–477451	150.00
Adamson, Dova Wallace, C–211581	125.00
Alberga, Aurelious Pescia, C–400680	125.00
Alberty, Ernest Henry, C–380191	180.00
Ainsworth, Frank Harrison, C–1261300	187.50
Akin, Raymond Alva, C–1391639	187.50
Albert, Paul Brawshaw, C–479318	125.00
Alden, Harry Scott, C–1395890	150.00
Alden, Melvin Allison, C–1197188	106.25
Allen, Charles Bert, C–294356	106.25
Allen, Frank Elwell, C–297743	106.25
Allen, Richard Earle, C–315942	127.50
Anderson, Bernhard, C–905394	210.00
Anderson, Joseph, C–1270293	106.25
Anderson, Oscar, C–490562	206.25
Andrist, James W, C–1348883	150.00
Andrews, Benjamin Theodore, C–121451	106.25
Anglin, John Franklin, C–659695	125.00
Arce, Louis, C–906787	125.00
Archer, Samuel David, C–325609	125.00
Armstrong, Charles Francis, C–1262045	225.00
Ary, Charles L., C–420468	137.50
Ascheim, Joseph, C–1395340	127.50
Arce, Louis, C–906797	125.00
Askey, Harrison Lemley, C–310075	106.25
Aubrey, Albert J., C–1391508	187.50
Avey, John L., C–1273654	150.00
Bailey, Samuel T., C–243167	125.00
Bain, John S., C–1260974	106.25
Baker, Ernest, C–1271488	116.87
Baker, George Washington, C–288913	125.00
Bales, Ernest Norment, C–1277543	137.50
Ballam, George A., C–528138	137.50
Ballentine, William E., C–511760	125.00
Balsley, Horace Clyde, C–446498	150.00
Banks, Alfred E., C–1394285	187.50
Barbee, John T., C–160382	187.50
Barclay, Edward E., C–1177515	225.00
Barker, Clarence Nichols, C–4267	180.00
Barnes, Gerald Cowenhoven, C–338180	125.00
Barnett, Arthur R., C–1265471	106.25
Barnum, Floyd Elta, C–354426	243.75
Barton, Charles, C–818974	187.50
Bayless, Claud Carson, C–203089	$150.00
Beal, David Cannon, C–607307	106.25
Beaumont, George Davis, C–1397850	150.00
Beckman, Frank Frederick, C–482644	137.50
Behr, Edmond Ellsworth, C–235539	106.25
Behre, John Rufus, C–317467	61.80
Belles, Harry Weston, C–505033	106.25
Bell, Joseph L., C–1283811	187.50
Belyea, James Alonzo, C–850976	150.00
Bennett, Abram, C–495035	106.25
Benton, Culmer C., C–281148	125.00
Berlin, Roscoe Conklin, C–1395872	187.50
Biermann, Carl Frederick, C–232119	162.50
Binnie, John Fairbairn, C–1206148	218.75
Black, Grover Cleveland, C–478170	116.87
Black, Walter L., C–535552	106.25
Blackmer, Laurence M., C–1249750	106.25
Blanchard, Laurence Cleveland, C–258768	125.00
Bland, Raymond L., C–1047316	125.00
Blatherwick, Edwin Gordon, C–565234	125.00
Blodgett, Frederick Charles, C–1261202	165.00
Blomquist, Wallace Hess, C–377837	125.00
Blum, Edward H., C–299592	125.00
Blyth, Godfrey Waring, C–315507	106.25
Boatman, Leslye Martin, C–299026	106.25
Boddy, Elias Manchester, C–137760	106.25
Boley, Albert Leroy, C–415608	150.00
Borst, Fenton F., C–125465	125.00
Boud, Ernest Jemison, C–503101	125.00
Bouldin, Charles Foster, C–474306	165.00
Bowen, Fred Phelps, C–229092	150.00
Bowers, Yarnall L., C–905332	175.00
Boxmeyer, Roy Fred, C–276596	106.25
Boyd, Leonard Claud, C–601734	137.50
Brandon, Herbert Aubrey, C–1271169	187.50
Brewer, Frank Benton, C–1289830	150.00
Brenner, Charles Raymond, C–906123	125.00
Brindley, Reginald Walter, C–524657	138.12
Brittan, Arthur, C–1241027	125.00
Broderick, Eugene James, C–153564	150.00
Brown, Arthur Leon, C–1260353	150.00
Brown, Lawrence Palmer, C–123248	150.00
Bruner, William John, C–905202	111.25
Brya, Francis E., C–1185464	106.25
Buckman, Guy Vincent, C–1395103	106.25
Buell, Ernest Eugene, C–856394	137.50
Burgard, John Clark, C–282827	125.00
Burgess, Fred, C–250521	116.87
Busch, William T., C–502902	150.00
Bushey, Franklin P., C–1028860	137.50
Butler, Lawrence Donald, C–477881	116.87
Butt, Kirk, C–229626	106.25
Byers, James Elliott, C–199339	125.00
Byrnes, Ralph Leonidas, C–272480	206.25
Caldwell, Lester J., C–319857	150.00
Capron, Albert J., C–414093	150.00
Cluen, Raymond John, C–1393218	125.00
Campbell, Daniel R., C–1391071	125.00
Campbell, Robert Augustine, C–233532	150.00
Campbell, Roscoe C., C–21098	125.00
Cantlon, Philip E., C–1394219	250.00
Cargill, John Herbert, C–210083	137.50
Carlin, William Hayes, C–337440	125.00
Carlisle, John Griffin, C–558767	125.00
Carlson, Leonard Henry, C–247053	180.00
Carmichael, Harry Graham, C–1273297	125.00
Carner, Harry Lee, C–255499	125.00
Carter, Allen Atwater, C–340498	106.25
Cartwright, James L., C–302968	106.25
Case, Clarence Arthur, C–1249729	106.25
Cashion, William A., C–1400972	150.00
Cawthorne, Carleton, C–1249957	125.00
Chambers, William James, C–489476	206.25
Chenoweth, Charles Everett, C–420935	195.00
Chidester, Walter B., C–1392081	125.00
Christensen, George Andrew, C–545225	187.50
Christie, Clem Studebaker, C–595224	150.00
Christensen, Walter, C–905808	210.00
Christie, Ralph Conklin, C–325921	150.00
Chute, Parmer W, C–317609	165.00
Church, Percy Clarke, C–1260030	150.00
Cichy, Martin Joseph, C–395917	137.50
Clapper, Manford Marion, C–240187	150.00
Clark, John C., C–663501	106.25
Clark, Robert Burton, C–351747	106.25
Clark, Samuel Gilbert, C–344136	106.25
Clarke, George William, C–1391429	137.50
Clements, Alan Arthur, C–220769	165.00
Cline, Harry X., C–394287	225.00
Clower, Clifford, C–390899	125.00
Cobb, Vaughn M. (guardian, Citizens National Trust & Savings Bank), C–1390189	106.25
Coghlan, Charles Clement, C–200748	106.25
Cohn, Eugene Solis, C–263686	150.00
Cohen, Sydney N., C–206635	195.00
Cole, Okey Kenneth, C–356556	106.25
Colman, Nicholas I., C–328076	106.25

Collier, Lewis Bramwell, C–1272766	$150.00
Collier, Leon B., C–271920	125.00
Collins, Lawrence Dennis, C–1394983	210.00
Commins, Charles Montgomery, C–301911	106.25
Compton, Paul, C–905329	71.25
Comstock, Earl, C–390824	150.00
Conaty, Charles Clement, C–176654	125.00
Conerty, James Matthew, C–899560	125.00
Conley, William, C–312729	116.87
Conrad, Frederick A., C–1395122	116.87
Conroy, Thomas Payne, C–292337	106.25
Cook, Martin Valentine, C–306849	125.00
Cooper, Frederick Herbert, C–525589	137.50
Cooper, John E., C–1378967	187.50
Copeland, John Charles, C–905774	150.00
Coppedge, James Frederick, C–710390	127.50
Cosby, Frederick Nugent, C–239455	187.50
Crawford, Harry Huston, C–315011	106.25
Crawford, Hilary Herbert, C–506754	125.00
Creighton, Christopher, C–1265048	125.00
Crouch, Lloyd H., C–436550	106.25
Crosby, Walter W., C–1393972	262.50
Cross, John F., C–1239584	150.00
Crossman, Edward Cathcart, C–706836	180.00
Cushing, Charles Farwell, C–1223078	125.00
Dailey, Gardner Acton, C–181635	106.25
Dale, George Lawrence Alfred, C–408782	187.50
Dalton, William Burns, C–239082	150.00
Daniels, Cecil Richard, C–905199	106.25
Dashiell, William Allaire, C–235791	125.00
Davis, Arthur Meader, C–138086	106.25
Davis, Brett, C–1390014	125.00
Davisson, William Henry, C–178733	106.25
Decker, Charles William, C–1397332	300.00
Deering, Prentiss Charles, C–265208	125.00
De Lancey, Clinton Charles, C–1271964	150.00
Delaney, Wesley Leonard, C–1395426	150.00
DeMuth, John Gilbert, C–681890	195.00
De Rose, Ralph Marston, C–145710	125.00
Desmond, Michael Ambrose, C–1275079	125.00
Dietrich, Edward, C–198501	125.00
Dillon, William T., C–1393627	195.00
Donahey, William J., C–906451	210.00
Donnell, James Byron, C–321153	125.00
Dorgan, John A., C–1053455	125.00
Dow, Julian Neal, C–12230	150.00
Drake, Daniel Webster, C–1083661	125.00
Draper, Stuart Lull (guardian, Charles F. Draper), C–1234328	106.25
Drugg, Walter Chase, C–279462	116.87
Duby, Theron Samuel, C–206743	125.00
Ducket, John Henry, C–905298	23.75
Duddleson, William Jefferson, C–256706	125.00
Duhring, Frederick Stearns, C–1271719	125.00
Dustin, Cornelius Joseph, C–285624	106.25
Dyson, Henry Baldwin, C–415899	125.00
Eardley, Philip C., C–439463	127.50
Easton, Robert C., C–381873	111.25
Easton, Wilbur Weston, C–187124	106.25
Edwards, Richard, C–157327	106.25
Edwards, Samuel Hamilton, C–1397318	111.25
Eklund, Emil J., C–1266178	125.00
Eldridge, Arthur Clark, C–905310	36.25
Elkington, William Edward Chase, C–636697	30.00
Elliott, Norman A., C–359523	106.25
Ellis, Russell Depuy, C–445560	165.00
Ellsworth, Charles H., C–1254365	150.00
Emerson, Joseph George, C–1173531	125.00
Emery, Nathaniel W. (guardian, Citizens Loan & Trust Co.), C–663745	125.00
Enderle, Maurice Frank, C–450706	125.00
Ennis, Charles Melville, C–585156	125.00
Ericsson, Ralph Bernard, C–473604	150.00
Erickson, Edward T., C–1152437	180.00
Eshleman, John Martin, C–403694	150.00
Evans, David William, C–546069	125.00
Evans, John Benjamine, C–1270850	195.00
Eversen, Osmund, C–1392552	150.00
Eyre, Thomas Taylor, C–419905	150.00
Fahlberg, Ivar Theodore, C–655015	150.00
Fancher, Richard M., C–1428649	150.00
Farrage, James, C–905477	125.00
Farris, James Gillespie B., C–232469	165.00
Faulk, Robert L., C–1325020	125.00
Faugsted, George Edward, C–419203	180.00
Faure, Henry Emil, C–906901	150.00
Felix, Ralph William, C–634134	150.00
Fensch, Francis Elmer, C–1270018	125.00
Ferguson, William Hastings, C–1393110	187.50
Fiechter, Walter, C–226365	150.00
Field, Harry Gooding, C–1394609	237.50
Fields, David B., C–1269106	150.00
Filler, Alfred, C–905882	56.25
Fitts, Buron Rogers, C–289465	106.25
Fitzpatrick, Charles B., C–1266501	150.00
Fitzsimmons, James Thomas, C–906373	56.25
Flamm, Roy Harrison, C–120277	116.87
Flanagan, Joseph M., C–361243	125.00
Flynn, Bernard Andrew, C–306272	$125.00
Fogerty, Clement A., C–281302	150.00
Folkedahl, Joseph Benjamin, C–374514	116.87
Fosdick, Harold Esmond, C–1264465	195.00
Fowler, Frank Herbert, C–230199	281.25
Fox, Robert Myron, C–578242	150.00
Frary, Louis Alliston, C–1272498	125.00
Frederick, George Otto, C–279499	125.00
Freedman, Charles Stanton, C–342908	187.50
French, William P., C–531928	150.00
Frisbee, Edward Barton, C–489240	125.00
Frost, Charles McNaughton, C–364446	225.00
Furlong, Hartley, C–391487	106.25
Fysh, Kenneth H. P., C–581015	106.25
Gadeberg, Peter M., C–1269199	206.25
Gain, Clint Bon, C–1390674	180.00
Gallagher, George Lemon, C–1396760	218.75
Gantz, Solomon Joseph Z., C–497971	150.00
Garman, Ory W., C–460401	243.75
Garoutte, Earl P., C–268528	106.25
Garrette, Edwin Charles, C–350714	106.25
Garvey, Phil Francis, C–527933	106.25
Gerlack, Alvin, C–332474	106.25
Gerstenkorn, Max (guardian, E. G. Twogood), C–1265518	127.50
Gerstenkorn, Roy Edward, C–584710	125.00
Gibson, Florian Greenleaf, C–447824	106.25
Giddens, James Alfred, C–1394831	56.25
Gilbert, Roy Olson, C–353777	106.25
Gilen, Harry Samuel, C–475412	106.25
Gilliam, Rexie Emmett, C–313271	137.50
Gilliland, Eugene William, C–1392961	125.00
Gilmour, Frederick, C–1267443	180.00
Glasgow, Charles Franklin, C–216547	106.25
Geraghty, John Richard, C–38251	137.50
Godshall, Franklin Meyers, C–238496	116.87
Goetz, Herbert A., C–420307	125.00
Golden, Wesley B., C–460686	125.00
Goldman, Abraham Saul, C–431660	106.25
Grant, Louis Theodore, C–334318	187.50
Grant, William L., C–264837	187.50
Grason, Joseph Clarence, C–197469	150.00
Graupner, Adolphus Ehrhardt, C–388867	150.00
Green, Frank James, C–353527	165.00
Greenwood, Bert McD., C–372389	106.25
Griffin, Charles Francis, C–334300	150.00
Grocott, Albert, C–23541	165.00
Guilfoil, James Anthony, C–226927	125.00
Habegger, Jacob A. (guardian, Maybelle P. Habegger), C–453683	187.50
Hacker, Homer H., C–270616	165.00
Hair, Arthur J., C–232857	125.00
Hall, Thayer Denton, C–255040	125.00
Hammett, Benjamin D., C–1272217	125.00
Hanbery, James Willis, C–26450	125.00
Hardy, Robert Samuel, C–1406075	187.50
Harman, Grover Bernard, C–630898	125.00
Harper, Benjamin F., C–1172940	125.00
Harper, Edgar Ollie, C–279348	106.25
Harrington, Charles Westcott, C–604199	106.25
Harris, Emory Lorenzo, C–216312	165.00
Harris, Roy D., C–1065362	125.00
Hart, Ralph Stacy, C–1390273	187.50
Hart, Trusten Mitchell, C–1274011	125.00
Hastings, John Le Roy, C–180651	125.00
Hatch, William Sherman, C–1269384	187.50
Havlin, Stewart Harry, C–598965	125.00
Hawks, Earl B., C–246387	187.50
Hayden, John Ellsworth, C–432593	106.25
Hayes, Claude Frank, C–13850	125.00
Haysel, Arthur Richard, C–253262	180.00
Head, David Barnett, C–410362	106.25
Healy, Louis A., C–1345035	150.00
Health, Warren E., C–245582	150.00
Heatherly, Maynard, C–905588	46.80
Heckelman, Oren Fritz, C–328094	125.00
Heffelfinger, Miles Akin, C–345670	150.00
Heller, Richard Ignacious, C–266023	106.25
Hendricks, Hyda Holland, C–293518	125.00
Herrell, Arthur B., C–762565	125.00
Hershfield, Ben C., C–1392694	125.00
Herzog, George Kramer, C–237384	187.50
Hicker, Harry DeVere, C–372184	125.00
Hicks, Arthur W. T., C–334310	195.00
Hill, Charles Augustus, C–1035395	180.00
Hill, John Emmett, C–1393279	150.00
Hill, John Young, C–323167	125.00
Hoffeditz, William Lewis, C–327964	150.00
Holloway, Garrett Lafayette, C–494063	125.00
Holmes, Aubrey Foster, C–170044	106.25
Holmes, Glen C., C–1396678	116.87
Hoop, Albert F., C–1266076	175.00
Hopkins, Richard J., C–1003883	106.25
Hornaday, Francis Paul, C–391118	106.25
Hudson, William Julius, C–403811	125.00
Huff, Thomas Sterling, C–304224	165.00
Hughes, Donald Dudley, C–280876	125.00
Hughes, Lotus Graham, C–342750	106.25
Hughey, George Haring, C–283006	125.00

Hull, Ward Wesley, C–272966	$125.00
Hunter, Gilbert Marshall, C–1288282	125.00
Hunter, William, C–723133	137.50
Hurrie, Charles Glyde, C–1269283	106.25
Hurst, George William, C–1272020	225.00
Hurst, Gordon Hyslop, C–466832	106.25
Hussey, Samuel W., C–471787	225.00
Hutson, Edgar Sims, C–600111	150.00
Hyams, Joseph Brooks, C–1394354	67.50
Ingels, Roland Theodore, C–259939	125.00
Ingersoll, Robert LeRoy, C–849010	125.00
Innes, William Henry, C–630906	125.00
Insley, Harry E., C–1251542	180.00
Jacobus, Jesse Jay, C–350103	125.00
Jaeckle, William, C–805944	195.00
Janney, Nelson Wilson, C–1390128	150.00
Jaqua, John Bell, C–135841	125.00
Jarrett, Paul Harrison, C–275375	106.25
Jennings, Thomas Haven, C–1396183	218.75
Jessup, Carl J., C–313058 (Bank of Italy National Trust & Savings Association, guardian)	125.00
Jessup, Albert Hall, C–429352	150.00
Jewell, Howard William, C–142597	106.25
Johnson, Lester Andrew, C–836440	125.00
Johnson, Ainsley Q., C–325917	150.00
Johnson, Alexius E., C–459756	125.00
Jordan, Harry Fiquet, C–1269086	210.00
Johnson, Walter Conway, C–485128	150.00
Johnson, William E., C–434526	165.00
Jones, Alexander J., C–566300	150.00
Jones, Ames Randolph, C–476301	150.00
Jones, Charles Henry, C–1267602	162.50
Jones, Ray Williams, C–478803	106.25
Jones, Robert Riley, C–356535	165.00
Jordan, David Jefferson, C–367250	125.00
Kane, J. Pearce, C–23391	150.00
Karigan, Stephen Edward, C–905360	111.25
Kay, Guy Leslie, C–134596	125.00
Keith, Glenn Russell, C–1266439	125.00
Kellar, Andrew Conley, C–870020	125.00
Kellar, Charles H., C–347798	116.87
Keller, Frank Morris, C–1265016	125.00
Kendall, Herbert Raymond, C–697775	106.25
Kerfoot, Ethelbert Gordon, C–309685	150.00
Kerns, Samuel Milton, C–460718	187.50
Keskey, Charles A., C–698347	125.00
Kieruliff, H. Newton, C–329886	150.00
Killoran, Andrew S., C–1272967	125.00
King, Ernest Harold, C–299647	150.00
King, Paul Arthur, C–358881	116.87
Knupp, Glenn Harold, C–156209	106.25
Koerner, George H., C–1270699	125.00
Koffard, Edward Louis, C–180367	137.50
Koughan, John James Kirwan, C–1262463	187.50
Krone, George Marshall, C–352408	150.00
Kukuck, Frederick Coleman C–1038555	106.25
Kunz, Charles Henry, C–905625	250.00
Kurschinski, Albert, C–282769	106.25
Kutch, Melcherd Helmer, C–1159732	150.00
Kutz, Forrest Eugene, C–665698	125.00
Lamb, Edward, C–395829	137.50
Lamb, George C., C–1256503	150.00
Lanagan, James, C–1268014	187.50
Lang, Louis Magnus, C–1393020	225.00
Langnecker, Harry Leslie, C–390694	150.00
Langtre, Leon Ferdinand, C–206998	150.00
Lawler, Victor Francis, C–550549	106.25
Lawrence, Golder Israel Riley, C–139436	125.00
Laxdal, Fred E., C–1236131	106.25
Lee, Stephen McMillan, C–1271841	106.25
Levy, Reuben Martin, C–342546	106.25
Lewis, Floyd D., C–291524	187.50
Lewis, Floyd E., C–546676	125.00
Lewis, Richard P., C–1251704	125.00
Lewis, Victor C., C–466550	165.00
Libby, Frederick, C–318851	150.00
Liggett, Harry Bucher, C–229601	106.25
Lindberg, Albert William, C–282305	150.00
Linden, Robert Royal, C–905497	124.90
Lindsay, Roscoe Theodore, C–319381	150.00
Little, Frederick Eugene, C–299894	106.25
Long, David G., C–285491	116.87
Loudon, Thomas, C–637670	148.75
Lucas, Elmer Isiral, C–328891	210.00
Luck, Everett J., C–528687	137.50
Luden, John F., C–1270637	125.00
Lum, Burleigh A., C–1270802	106.25
Lundberg, Edwin Martin, C–195193	125.00
Luttrell, James Creed, C–380476	125.00
Lutz, Milton Charles, C–477756	125.00
Mabry, William Cary, C–292454	150.00
Mace, Lloyd Russell, C–140672	125.00
Mackie, Julian James, C–1390580	106.25
Macklin, Robert Kirkpatrick, C–382405	125.00
MacLeod, George H., C–1395279	106.25
MacNab, Clayton Leroy, C–585171	180.00
Malloway, Jesse Scharden, C–324297	125.00
Maloney, Clarence B., C–444800	$125.00
Mann, Charles Henry, C–261900	187.50
March, Roy Fuller, C–576287	125.00
Marcus, Samuel Morris, C–325626	150.00
Marr, Elmer Thomas, C–1263346	137.50
Marshall, Henry Foster, C–344677	125.00
Martin, Robert Grant, C–1191701	150.00
Martin, Thomas Johnson, C–1292590	125.00
Massey, Robert L., C–1273838	125.00
Masterson, John Richard, C–334432	125.00
Mastin, William A. N., C–417616	116.87
Mattair, Lewis Henry, jr., C–265502	125.00
Matthews, Alfred Ira, C–334393	150.00
Mayes, William Mayer, C–312396	106.25
Mayne, William, C–1396447	187.50
Mayne, William Hawthorne, C–1393106	150.00
Maul, Thomas, C–264547	106.25
Marxmiller, Harry George, C–224709	187.50
McBrady, William Joseph, C–307920	180.00
McCampbell, Basil D., C–850988	106.25
McCarthy, William Ellis, C–1263164	150.00
McCoy, Anderson E., C–905880	137.50
McCullough, William Andrew, C–1394943	130.00
McCune, Murray Mars, C–124768	106.25
McDermott, James H., C–622760	150.00
McDowell, John, C–377721	125.00
McFaul, William D., C–1250070	165.00
McGrath, James George, C–1270847	150.00
McKinnon, Harold R., C–546320	125.00
McLarney, John Francis, C–1264215	180.00
McMurdo, Percy P., C–1090314	180.00
McQuary, Arthur Garfield, C–905512	106.25
McRae, Donald Murdock, C–1393887	150.00
Meloy, Lawrence Vinton, C–157063	106.25
Mentzer, Francis Carol, C–145531	150.00
Meyer, Henry William, C–338062	125.00
Miles, John Adams C., C–1264058	125.00
Millard, Alfred, jr., C–170196	125.00
Milledge, John, C–773382	160.00
Miller, Earl George, C–623593	180.00
Miller, Jesse Chester, C–248905	106.25
Miller, William Hoffman, C–1145638	125.00
Milliken, Albert A., C–1396578	150.00
Minge, Oliver L., C–452727	125.00
Mingins, Royal Wood, C–329271	116.87
Moir, Lawrence I., C–1263500	137.50
Montgomery, James Richard, C–549122	165.00
Moon, Elmer Louis, C–1274126	106.25
Moore, Clarence Conrad (guardian, Mrs. Kathryn A. Moore), C–1263342	150.00
Moore, Evert Leon, C–905692	71.25
Moore, John Randle, C–331605	106.25
Moore, Monta James, C–354804	137.50
Moreno, John G., C–809482	187.50
Morgan, Robert Ridley, C–1260642	187.50
Morgan, William John, C–341898	150.00
Morgenstern, Arthur H., C–331466	125.00
Morris, Charles L., C–1395324	150.00
Mosby, Ellsworth Charles, C–128433	137.50
Moss, Charles Abraham, C–230545	125.00
Moyer, Bruce Hamlin, C–1393272	125.00
Moyers, Eugene B., C–358911	150.00
Mueller, Carl Stanley, C–300809	106.25
Mulholland, Emmett Paul, C–486098	106.25
Muller, Frank Louis, C–1324902	187.50
Murphy, George Stewart, C–1273353	187.50
Murphy, Linus J. (guardian, Security First National Bank of Los Angeles, Calif.), C–182589	125.00
Murphy, William J., C–190835	106.25
Murray, William K. (guardian, Mrs. Gertrude N. Murray), C–312343	187.50
Myers, Thomas Baxter, C–1272086	165.00
Neighbors, Sidney Webster, C–1263619	125.00
Neil, Matthew, C–54119	71.25
Newlon, Benjamin Franklin, C–342812	125.00
Nevius, John Wilson, C–267996	125.00
Newlove, John Wesley, C–340375	125.00
Nickerson, George Payne (guardian, George P. Anderson), C–263557	187.50
Nilsson, Nils, C–1267285	206.25
Nink, John Julius, C–1320272	106.25
Norman, Ransom Lee, C–1269580	137.50
Nugent, William Angus, C–407505	116.87
Null, Marion M., C–467970	187.50
Park, Durward B., C–1396668	150.00
Parks, Ion Watson, C–777555	125.00
Parrish, Earl Thomas, C–248126	125.00
Pate, Robert Edward, C–905475	36.25
Pease, Tapley Harold, C–862147	150.00
Peebles, Dudley Colin, C–1217031	125.00
Pelton, Harold Phillips, C–605796	165.00
Pelton, Hazlitt Lee, C–1269150	125.00
Peretzky, Stephen, C–1390764	71.25
Petch, Thomas Robert, C–317581	150.00
Peterson, Howard P., C–1037760	106.25
Phillips, John Jacob, C–786621	225.00
Pinder, Joseph William, C–1269540	165.00

Pinkerton, Benjamin G., C–1264316	$150.00
Pittman, William P., C–1050385 (guardian Harriette B. Pittman)	116.87
Poole, Richard Ernest, C–406473	125.00
Pope, Langdon Andrew, C–1165275	106.25
Portman, Andrew Nelson, C–315294	106.25
Postin, William Roland, C–1392324	150.00
Pracy, Joseph Idell, C–1394229	106.25
Praneuf, John, C–1323642	71.25
Price, Harold Willis, C–232624	106.25
Price, Luther Glynne, C–622345	125.00
Prideaux, William Dowing, C–1093917	240.62
Prior, Roger Wellington, C–282592	106.25
Purcell, James Joseph, C–636904	36.25
Quint, Frederick Leland, C–283367	125.00
Quinn, John Robertson, C–1266060	150.00
O'Brien, Edward Lawrence, C–1195159	150.00
O'Connor, Cornelius, C–1270677	150.00
O'Dell, James M., C–1281623	125.00
Oesch, Edward Dee, C–1263931	125.00
Orr, Charles Lowry, C–513273	125.00
O'Hara, Charles Joseph, C–257378	106.25
Olson, Berto Alexander, C–612514	180.00
Radtke, Leonard B., C–174643	116.87
Radke, William Lynn, C–277087	125.00
Randall, George Borand, C–1280628	150.00
Randle, Nelson, George, C–239936	187.50
Ratliff, Clinton Pierce, C–1394341	125.00
Rawls, Percy Scott, C–1394818	187.50
Rea, James Glen, C–247282	125.00
Read, Francis T., C–268169	125.00
Reagan, Aloysius Henry, C–190150	125.00
Reese, Neilson Walker, C–211231	106.25
Reeder, Harry Calvin, C–1390282	125.00
Regan, John H., C–1210771	125.00
Repass, Merle Marion, C–316991	106.25
Rexroad, Charles A., C–226463	150.00
Rice, Harold Edwin, C–340020	106.25
Ricciardi, Attilio, C–413554	106.25
Richards, Alma W., C–376318	125.00
Richardson, Benjamin H., C–209156	125.00
Richardson, George Henry, C–1396338	150.00
Rickert, Charles B., C–905231	150.00
Riehl, Louis Arthur, C–1261054	106.25
Ritter, Clair A., C–1326121	106.25
Roberts, Jay Gilbert, C–171051	150.00
Roberts, Ralph Smith, C–348854	150.00
Robinson, Charles Stuart, C–1391222	150.00
Robinson, Edward McCready, C–163017	195.00
Roemer, Albert John, C–459576	106.25
Rogers, Elmer Hanson, C–391696	187.50
Ronan, John P., C–1393790 (guardian Farmers & Merchants National Bank of Los Angeles, Calif.)	150.00
Ross, Frank Emory, C–906863	150.00
Royle, William Henry, C–823175	125.00
Rubin, Earl Victor, C–333290	125.00
Rucker, Julian Henry, C–417803	106.25
Rucker, Winfred Leeper, C–905418	150.00
Ruoff, William, C–244273	150.00
Ryan, Alexander, C–856296	187.50
Sanchez, Gilbert Joseph, C–385892	106.25
Sandow, Bruno Francis, C–905377	150.00
Sanford, James Robert, C–337159	125.00
Sanford, William James, C–1199192	106.25
Sattig, John Henri, C–463034	180.00
Saunders, Clark Edward, C–264963	150.00
Savage, Seth Hubbard, C–12930	125.00
Saxe, Louis Bernard, C–1345383	106.25
Schenk, Lawrence Peter, C–330038	125.00
Schmid, John, C–292062	165.00
Schmidt, John Hans Adam, C–152332 (guardian, Mrs. Helena M. Schmidt)	106.25
Schroeder, Otto Frithiof, C–1391611	187.50
Shupe, Norris J., C–1393009	187.50
Schwabland, William Tecumseh, C–1396107	125.00
Schwarz, Theodore Edward, C–338718	187.50
Scott, Thomas Winfield, C–274056	125.00
Scott, William Robert, C–265640	150.00
Sebree, Guy Ollis, C–755062	106.25
Selvage, Eugene S., C–288843	106.25
Seymour, Lewis, C–20920	243.75
Shaler, Elmer Matthias, C–498455	106.25
Sharon, Walter Edmond, C–1278510	112.80
Shaw, jr., Arthur J., C–509006	125.00
Sheean, Joseph Raphael, C–1277327	125.00
Shelnutt, Zepheniah, C–446038	125.00
Shiels, George Franklin, C–1260921	187.50
Shumaker, Ray, C–1271681	106.25
Slater, Francis Clyde, C–258573	106.25
Slattery, Frank E., C–1265031	125.00
Sloan, Orville Joseph, C–1214453	125.00
Simpson, Monroe Tilden, C–905253	250.00
Simpson, William Henry, C–905749	165.00
Simmons, Virgil, C–281949	106.25
Simon, Harold Kiel, C–311575	116.87
Siprelle, Chester D., C–1391918 (guardian, Mrs. Anna R. Siprelle)	150.00
Slater, Elvin Wilson, C–1393527	$125.00
Smith, Bashford, C–345419	125.00
Smith, Charles Edward Wingate, C–598783	106.25
Smith, Charles L., C–396995	106.25
Smith, Edgar W., C–313519	125.00
Smith, Edson S., C–166262	106.25
Smith, Jackson Harold, C–320986	150.00
Smith, James William, C–653755	125.00
Smith, Joseph Stanley, C–325339	106.25
Smith, Robert Lewis Irvine, C–239667	187.50
Spears, Gayle Noa, C–1269759	126.25
Spencer, George Franklin, C–1441010	125.00
Spigelmyre, Ford Ellsworth, C–384070	165.00
Spicer, Morgan V., C–886424	125.00
Stamm, Walter William, C–116957	125.00
Steffy, John Logan, C–1392013	125.00
Stanfield, Clarence Marshall, C–1245332	106.25
Stanley, Winslow Charles, C–172545	106.25
Stephenson, Lloyd Tevis, C–1272780	165.00
Stewart, Firman E., C–464350	106.25
Stewart, Luther Philip, C–347249	250.00
Stillwell, Richard C., C–1278580	116.87
Strass, Louis Freeman, C–1346402	137.50
Strathen, Frederick, C–1272081	150.00
Strayer, Elmer Clyde, C–526473	125.00
Stromee, Leo Albin, C–239660	180.00
Strong, Frank, C–124940	125.00
Stuart, Edward, C–1395838	187.50
Sullivan, Daniel Joseph, C–905290	71.25
Sullivan, Walter James, C–388968	150.00
Sutliff, Howard D., C–340008	106.25
Swank, Omer Edwin, C–332101	106.25
Swift, Percy Edward, C–204757	125.00
Swinney, Raymond Woodridge, C–1224725	125.00
Sunderland, Carl Francis, C–1396152	165.00
Symes, Clarence Donald, C–609673	150.00
Taggart, Gilbert League, C–182865	127.50
Tannehill, Charles Monroe, C–1268401	116.87
Taylor, Ben Bradley, C–364590	116.87
Terry, Vinal Smith, C–231317	150.00
Thayer, Wayne, C–206686	125.00
Thickstun, Dorsey Woodruff, C–369826	281.25
Thomas, Walter L, C–157696	165.00
Thompson, Herbert Lloyd, C–413030	150.00
Thornberry, Risher W., C–1272397	165.00
Tibbals, Carl L., C–1392259	125.00
Tillson, Frank Cephas, C–294651	106.25
Timme, Arthur R., C–1264652	125.00
Todd, Dorian E., C–1260508	106.25
Toft, Paul Lewis, C–905232	71.25
Topping, Moses Hawkins, C–310722	125.00
Touchstone, Grady Russell, C–337513	125.00
Tucker, Glenn Albert, C–905508	127.50
Tureck, John Charles, C–905386	71.25
Turner, Ben E., C–264018	125.00
Turley, Jay, C–249643	150.00
Turner, Kenneth Beymer, C–411777	187.50
Underhill, Alvin J., C–1270014	106.25
Upton, Ford Jewett, C–166169	125.00
Uznay, Charles Haskell, C–242419	106.25
Van Burgh, Lisle R., C–205981	137.50
Vanderwerf, Howard Witzel, C–391291	106.25
Van Deusen, Edward T., C–1016963	106.25
Vanderlin, John H., C–1274960	125.00
Van Gent, Conrad Eugene, C–410714	125.00
Van Gilder, Frank Ralston, C–298729	137.50
Vega, Frank A., C–1272007	187.50
Vickers, Edward William, C–234812	106.25
Vincent, James Attmore, C–290654	150.00
Voiles, William H., C–710169	165.00
Vollmer, William Steiner, C–413897	106.25
Vollenweider, William F., C–434503	116.87
Wahl, Edward W., C–372561	150.00
Waidelich, Arthur George, C–654847	125.00
Waldo, Herbert S., C–1263511	106.25
Walker, Revello Monroe, C–637147	36.25
Warnick, Arthur Gould, C–1200302	106.25
Washburne, A. Jay, C–1274924 (guardian, Mrs. Emma E. Washburne)	200.00
Wasson, James T., C–847122	125.00
Watner, David Isaac, C–446044	106.25
Watson, Joseph Twichell, C–320051	165.00
Watson, John C., C–209157	150.00
Waybur, Robert Rehn, C–906852	125.00
Weber, Adolph Gottig, C–1267954	150.00
Wedgwood, Dean Richard, C–1397663	125.00
Weirick, Arthur M., C–221037	125.00
Welsh, Rex Earl, C–282647	106.25
Wemple, Emmet Le Roy, C–1394499	187.50
Wessels, Arthur Lewis, C–1265687	125.00
Whaley, Harry Rex, C–1285311	106.25
Wheeler, Harry L., C–1274408	125.00
Whiffen, Roscoe Albert, C–163360	150.00
White, Albert Blakeslee, jr., C–428317	125.00
White, Charles F., C–1267775	125.00
White, Leslie Gordon, C–621103	125.00
White, John Roberts, C–702536	218.75





Whitehead, Joseph Lloyd, C–310606	$106.25
Whiteside, Robert Banning, C–291800	106.25
Whitmore, Frank Beach, C–221685	150.00
Whittaker, John Henry, C–1438838	125.00
Whitthorne, Harry Sherman, C–493784	150.00
Wicoff, Weir Willis, C–502532	150.00
Widmann, Jesse Everett, C–78847	125.00
Wild, Carl, C–188976	125.00
Williams, Elbridge Thayer, C–377720	106.25
Williams, John Marshall, C–721492 (guardian Mrs. Harriett A. Williams)	106.25
Williams, Kenneth Alston, C–1265313	106.25
Williams, Levens Day, C–295693	165.00
Williams, Ray Terry, C–316726	137.50
Williams, Walter Albert, C–403652	125.00
Wincher, Ellsworth Milton, C–1050808	125.00
Winner, William Lane, C–415167	106.25
Winter, Hugo, C–905604	71.25
Wirths, Carl William, C–306781	125.00
Wiser, Frank Clayton, C–310062	240.62
Wishard, Harry Albert, C–1271672	125.00
Wojtkowski, Louis, C–27679	137.50
Wolcott, Lester Oren, C–203325	125.00
Wolf, Lester M., C–464408 (guardian Rose Foorman)	106.25
Wooldridge, Jesse Walton, C–476058	187.50
Woolley, Paul G., C–1393479	187.50
Worley, Earl Raymond, C–1228781	125.00
Wright, Francis McGonigle, C–1270066	106.25
Wright, Linn Clinton, C–621919	125.00
Wright, John Richard, C–689078	106.25
Wright, jr., Marcus Joseph, C–17796	148.75
Wuttke, Paul, C–558543	180.00
Wyckoff, Harry W., C–498178	106.25
Wygant, Robert Cecil, C–353683	150.00
Wyman, William McKee, C–199141	106.25
Younkin, Daniel G., C–1387	165.00
Young, Jesse E., C–1044404	137.50
Zacher, Vernon B., C–197454	125.00
Zellermayer, Louis, C–215176	165.00

Supplemental list

Barondes, Royal de Rohan, C–1261087	175.00
Barton, Edward Williams, C–287718	150.00
Bash, Henry Edwin, C–458082	125.00
Berggren, Tell John, C–1390668	150.00
Boore, Nicholas Milton, C–1046582	125.00
Fish, Walter Harold, C–1392116	106.25
Fox, Emory E., C–344449	150.00
Green, Maxwell Talbot, C–1391890	125.00
Keyes, Henry Sheridan, C–717529	225.00
Low, Robeson Lea, C–1049261	195.00
McDowell, William John, C–905545	105.00
Murphy, Jesse James, C–202731	116.87
O'Neill, James Henry, C–834602	
Ray, Carl L., C–1114735	150.00
Wheeler, Charles M., C–1396224	150.00

COLORADO

Adams, John Jackson, C–220595	125.00
Barton, Charles Harry, C–559217	150.00
Begun, Hurley, C–1012512	125.00
Bennett, Clarence Wilson, C–1254539	106.25
Bennett, Walter Scott, C–200917	150.00
Brannaman, Ray Harold, C–494608	125.00
Bres, Edward W., C–1256367	125.00
Brown, Clement McCune, C–1256899	106.25
Brown, Morrow Duncan, C–252110	150.00
Brown, Thaddeus Claire, C–310913	125.00
Buckland, William E., C–583749	106.25
Buell, Temple Hayne, C–1251984	106.25
Bush, Bradford Stetson, C–272476	106.25
Callahan, Patrick Henry, C–465178	125.00
Cannon, Adolphus, C–1258564	137.50
Carpenter, Clark Bailey, C–437805	125.00
Chase, John S., C–154280	137.50
Chisholm, Archibald Joseph, C–333460	150.00
Clancy, Richard Elmore, C–165246	125.00
Coffin, Roy Gregg, C–1255165	206.25
Coleman, Oscar E., C–556466	125.00
Conkling, Charles Edward, C–238751	150.00
Conlee, Charles R., C–1253421	125.00
Conner, Wayne Asbury, C–1113807	125.00
Cook, John P., C–1256664	125.00
Copsey, Fay Marion, C–369662	106.25
Coughlin, John Patrick, C–1186159	106.25
Cox, Casper Waldo, C–345161	125.00
Craven, Alexander Robert, C–461867	106.25
Edwards, Will Elmer, C–281818	137.50
Eitzel, David Sylvester, C–1254024	150.00
Elliott, jr., John William, C–1246631	156.25
Deems, Irving, C–422930	111.25
Devereux, Louie, C–1296579	125.00
Dickey, Frank Goodrich, C–1253068	125.00
Doud, Ralph S., C–430618	150.00
Driggs, Adrian Agustus, C–394435	125.00
Dunn, Lloyd Carson, C–194277	165.00
Finley, Harry McKiver, C–1215431	106.25
Forster, Alexius Mador, C–1257352	$218.75
Frakes, Eugene N., C–119244	125.00
Fuller, John Andrade, C–634168	106.25
Galloway, Albert James, C–398233	106.25
Gardner, jr., Neil E., C–1255671	106.25
Gatchell, Worth T., C–233739	150.00
Goodman, jr., John Bartlett, C–279159	243.75
Goodspeed, Morton, C–1047813	106.25
Gorsuch, John Crittenden, C–285607	150.00
Graham, John Wirt, C–906374	125.00
Green, jr., Berryman, C–526954	150.00
Griffin, Alfred T., C–327060	195.00
Griffin, Maurice Vaughan, C–382694	150.00
Grohman, Louis Joseph, C–1257055	125.00
Guthrie, Carl James, C–1226085	137.50
Hackett, Wayne H., C–421452	150.00
Hall, Robert Keith, C–318727	106.25
Halle, Simon, C–1098106	106.25
Hallenbeck, Vernon Myers, C–1196654	106.25
Harl, Maple T., C–1252925	187.50
Harn, LeRoy Raymond, C–295643	116.87
Hart, Arthur LeRoy, C–390267	250.00
Haupert, Paul F., C–1383499	125.00
Haviland, Harold Colvin, C–1248896	125.00
Hawkins, Leon G., C–354120	125.00
Hawthorne, Edmund, C–1157117	180.00
Haynes, John M., C–218871	137.50
Hearn, Guilford C., C–761029	137.50
Hellman, Frank J., C–458337	106.25
Helman, Carl Henry, C–341199	150.00
Herrick, Myron Collins, C–429783	106.25
Higginbotham, Walter Burke, C–492272	106.25
Holland, Fred Y., C–359554	116.87
Holland, Lew Elmore, C–1254127	125.00
Horn, Wilbur F., C–1327354	162.50
Hunt, William Calhoun, C–375483	116.87
Huntington, Glen Herbert, C–447121	125.00
Irish, Joseph Elder, C–462450	125.00
Jaques, Lawrence, C–707034	125.00
John, Edward Leslie, C–834005	106.25
Johnson, Allison Gaines, C–1253288	137.50
Jones, Charles Arthur, C–1256083	106.25
Jones, Fred Andrew, C–368078	
Jones, James D., C–370351	106.25
Jones, Ralph Cleek, C–187937	
Jory, Herbert W., C–1196174	106.25
Keim, Thurman E., C–303229	150.00
Keithley, Alfred E., C–17938	106.25
Lacewell, Alexander, C–526797	127.50
Laughren, Charles Aloysius, C–1256032	106.25
Lee, James Augustine, C–420638	165.00
Little, Lowell, C–144870	150.00
Lilly, Eugene Joseph, C–1255999	150.00
Livingston, John Lambert, C–657909	165.00
Lunstead, Eugene, C–432609	106.25
Mabrey, Warren Lee, C–1222978	243.75
Marical, James Edward, C–430748	137.50
Masserini, Maurice J., C–598733	106.25
Mann, Earl Washington, C–299203	125.00
Maxwell, William Hurd, C–624633	150.00
McCoy, Earl Warner, C–1332359	125.00
McCrossin, jr., William P., C–624546	150.00
McKie, William Henry, C–1249854	150.00
McKinley, Leo George, C–586912	175.00
Meadows, Turner F., C–488200	138.12
Miller, James Burney, C–1229630	106.25
Mix, Walter S., C–528268	125.00
Moore, Isaac Edward, C–291540	125.00
Morehart, Lee R., C–1218716	106.25
Morrison, Lewis Richard, C–256997	106.25
Mouser, Merrill Kenton, C–670312	125.00
Moylan, Edward Raleigh, C–498175	106.25
Mulcahy, Raymond Francis, C–503751	150.00
Murray, Edgar Claude, C–542192	125.00
Murphy, Edward Sheridan, C–1252557	150.00
Myer, Erskine Reed, C–236137	125.00
Nelson, Charles Ernest, C–230016	125.00
Neuhauser, John Paul, C–308149	125.00
Nimmo, William Thomas, C–517369	106.25
Parks, Ernest Courtland, C–347792	250.00
Parson, Charles Lyman, C–247618	125.00
Pate, Clarence Lee, C–597284	116.87
Peck, Allen Steele, C–272131	218.75
Pennington, Elgar John, C–493416	106.25
Peterson, Evan Emery, C–1396457	106.25
Pettee, Burnell Greene, C–905365	106.25
Philbin, Paul Albert, C–830736	106.25
Pierson, James C., C–1246636	150.00
Potter, William Jerome, C–378645	206.25
Pratt, Harold Clifton, C–464829	106.25
Proudfit, Lucas, C–1102219	125.00
Oakley, Gurney Orlando, C–1257464	180.00
Ohmart, Walter A., C–218195	125.00
O'Kelley, Lawrence LeRoy, C–252820	106.25
Ostrum, Harry Theodore, C–1257060	125.00
Owen, Harry, C–458131	162.50
Owens, Robert Lee, C–390141	150.00
Oyler, David Walter, C–506963	137.50

Quarles, Robert E., C–1246086	$125.00
Quenstedt, Henry Emile, C–1334706	225.00
Raffety, Charles Edward, C–405768	106.25
Rearden, Charles Percy, C–436597	162.50
Reilly, Joseph John, C–509111	150.00
Reynolds, William Houston, C–347806	125.00
Rhea, Robert, C–533510	106.25
Savage, James Allen, C–446041	106.25
Scott, jr., Francis Marion, C–421188	106.25
Sevier, Charles Edwin, C–560735	150.00
Seymour, Charles Edward, C–217226	137.50
Scrimger, Schuyler Colfax, C–1202146	180.00
Shackelford, Goddard, C–1255512	187.50
Shafer, Harry Summers, C–1257017	125.00
Shankland, Ralph Graham, C–325909	125.00
Shay, Raymond Arthur, C–444655	116.87
Shepherd, Garnette A., C–1250710	125.00
Sherwood, George Wesley, C–1171273	106.25
Shipp, Tom Lee, C–1258658	165.00
Smead, Burton Armstrong, C–519830	218.75
Smith, Clarence Ray, C–374725	125.00
Smith, Shirley Steele, C–331965	125.00
Smith, Wm. Harry, C–617318	106.25
Smith, William Dudley, C–905799	165.00
Snyder, Floyd, C–239676	106.25
Stockman, George Dryden, C–390398	150.00
Strickler, Glen Wood, C–548434	106.25
Stoker, John Russell, C–1257558	125.00
Stroud, Ira Lee, C–516112	195.00
Swerdfeger, Elbert Byron, C–203611	150.00
Sughrua, Thomas Joseph, C–1191480	106.25
Sutherland, Jim Wilson, C–435688	116.87
Sutton, James Henderson, C–1341737	116.87
Talcott, Carleton H., C–1257054	106.25
Taylor, Joseph Christopher, C–1256355	262.50
Tilly, Cecil Hall, C–1253087	125.00
Thomas, James Rodefer, C–1248649	150.00
Tompkins, Howard Richard K., C–305747	180.00
Troute, Foye R., C–512217	125.00
Utley, Tabor E., C–566850	180.00
Van Sams, Louis, C–1249280	150.00
Wagner, Harry Cecil, C–191906	125.00
Wagner, John Albert, C–386121	106.25
Westfall, Albert Frank, C–1234113	125.00
Wheeler, Bert Lee, C–353327	106.25
Whitbeck, Louis H., C–1044861	125.00
Wilcox, Roy D., C–1253583	106.25
Williams, Patrick Henry, C–1226384	106.25
Wilson, Chauncey Groman, C–509094	106.25
Wilson, George Washington, C–434514	106.25
Wilson, Richard Thomas, C–770155	125.00
Wolfgang, George Edward, C–730747	106.25

Supplemental list

Abernathy, James Thomas, C–1305061	106.25
Dozois, George A., C–524593	125.00
King, William Travers, C–598747	71.25
Markland, Hugo Leonard, C–620732	106.25
Null, Charles Rigy, C–338044	125.00
Shipman, James W., C–1254694	116.87
Watson, Harold, C–1255334	150.00

CONNECTICUT

Bennett, Arthur Carleton, C–1021905	210.00
Bruenn, John Joseph, C–473305	106.25
Burke, William Patrick, C–1038716	150.00
Cafferty, Edmund John, C–1028589	137.50
Campbell, Thomas W., C–394960	187.50
Chase, Frank Sanborne, C–571510	106.25
Choate, Donald Hutchinson, C–1049518	106.25
Dabbs, Charles Henry, C–1032306	165.00
Dennehy, William J., C–1045763	150.00
Devine, Joseph James, C–304904	106.25
Dooley, Frank Martin, jr., C–301715	106.25
Fairty, Harry Christian, C–1051740	106.25
Farrington, Edward Chipman, C–348184	180.00
Feegel, John Richard, C–210539	150.00
Fitzpatrick, Edward Earl, C–476957	125.00
Fuessenich, Leonard C., C–1058671	162.50
Garlick, Edward E., C–326682	125.00
Geer, Clarence William, C–368161	165.00
Gettings, James A., C–1046675	150.00
Grant, James Levi, C–141019	106.25
Gray, John Luther, jr., C–239494	180.00
Jenkins, Charles A., C–454914	125.00
Kane, Thomas Robert, C–1037235	125.00
Keefe, Robert Edwin, C–208438	106.25
Kelly, Patrick J., C–267244	116.87
King, Malcolm L., C–14427	106.25
Lawrence, Clinton C., C–1058083	106.25
Ledford, John, C–182153	162.50
Le Houllier, Emerson John, C–330891	125.00
Lewis, Irving F., C–369412	106.25
Loader, Victor H., C–1038918	106.25
Marshall, William Crosby, C–1056063	150.00
McCarthy, John Thomas, C–1048167	106.25
McGuire, Gerald Charles, C–317722	106.25
Morgan, Gerald Michael, C–1022817	$150.00
Morriss, William H., C–506289	150.00
Murphy, Allen Bean Mac, C–240068	106.25
O'Brien, William James, C–1045356	36.25
O'Neill, Edward Gerald, C–306419	106.25
Raymond, Henry Jarvis, C–1043453	125.00
Raymond, Landon Thomas, C–274677	125.00
Richards, Earle Franklin, C–1057889	125.00
Reiman, Conrad Frederick, C–1062459	150.00
Roberts, Allan Kirk, C–1203339	150.00
Scarborough, Clarence Colton, C–256903	125.00
Seigall, Harry Arthur, C–338820	125.00
Smith, Harley Wright, C–1051157	125.00
Smith, Samuel, C–580414	187.50
Spencer, Herbert, C–534000	125.00
Stevens, George Ralsey, jr., C–314421	125.00
Strickland, Daniel Walter, C–1035520	165.00
Sullivan, Jeremiah B., C–1046727	150.00
Ward, James Joseph, C–563622	116.87
Weed, Arthur R., C–446507	150.00
Yaeger, Robert E., C–1029898	106.25

DELAWARE

Bean, Herbert Souder, C–520181	116.87
Darneille, James Franklin, C–1071829	210.00
Gabriel, Harry S., C–786525	125.00
Kenney, Richard Rolland, C–455320	243.75
McCarthy, Robert Patrick, C–289813	150.00
MacNutt, Cecil Crane, C–211900	106.25
Phelps, William Elliott, C–327657	106.25
Porter, Howard Elwood, C–320561	137.50
Porter, Mark Leslie, C–330227	106.25

Supplemental list

McKelvey, William John, C–322800	125.00

DISTRICT OF COLUMBIA

Adams, Raymond Edmond, C–130372	150.00
Adams, Robert, C–1094020	206.25
Anderson, Cecil Henry, C–486285	195.00
Austin, Henry Exum, C–1040000	125.00
Awl, Francis Asbury, C–1091530	180.00
Baker, Richard Royall, C–400933	106.25
Barr, Albert T., C–1095036	150.00
Bartram, Alfred James, C–365110	137.50
Bell, Elmer T., C–1380294	106.25
Black, Ernest W., C–906013	125.00
Bischoff, Marvin Franklin, C–306266	150.00
Boal, Frank Kiskadden, C–1382132	125.00
Boernstein, Sigismond George, C–615885	125.00
Botsford, Norman Lippincott, C–273362	125.00
Bowman, Ripley, C–444463	106.25
Boyd, Robert, C–561814	180.00
Brian, Edward Hipsley, C–432356	210.00
Brink, Harrison Steck, C–427846	150.00
Brockway, Charles Leon, C–548191	125.00
Brooks, John Ernest, C–1094110	210.00
Browne, Philip, C–393006	187.50
Browning, John Wells, C–392051	150.00
Burch, Albert S., C–160335	125.00
Burnham, Charles H., jr., C–1094036	125.00
Byers, Jason David, C–905216	111.25
Callahan, Francis Xavier, C–612849	125.00
Campbell, Charles Cleveland, C–1087658	125.00
Carll, Joseph L., C–1087426	125.00
Carroll, John Henry, C–285635	137.50
Carroll, Mitchell Benedict, C–300762	106.25
Carter, Leonard Joshua, C–398018	106.25
Cash, David Pintus, C–1053134	125.00
Cavanagh, John, C–905205	71.25
Cavenaugh, Michajah B., C–255601	165.00
Chamberlin, Arthur Louis, C–376360	137.50
Childs, Clarence Chester, C–303365	243.75
Coe, Henry Clarke, C–1053784	250.00
Coe, Robert, C–531296	200.00
Cogswell, Theodore Lawrence, C–278957	125.00
Coleman, James Johnston, C–703898	106.25
Coles, Malcolm Argyle, C–522405	187.50
Costello, John Thomas, C–554263	180.00
Coumbe, Arthur Garner, C–470804	187.50
Crosby, George Joseph, C–445924	243.75
Cullen, Frederick J., C–297784	187.50
Cupp, Walter Roberts, C–423203	165.00
Davidson, Carlton H., C–231899	150.00
de Poix, Elzear Paul, C–1063796	------
Dinger, Jean T., C–360478	125.00
Donnally, John Cotton, C–511461	125.00
Donnelly, Richard J., C–126220	206.25
Donogh, Robert Park, C–654986	125.00
Dougherty, James Lawrence, C–101314	125.00
Dyche, Harry Bernard, C–311373	125.00
Eddington, Walter John, jr., C–606684	165.00
Egense, John N. C., C–1085433	137.50
Eller, Robert L., C–1378074	125.00
Engel, Richard Drum, C–357519	106.25
Everett, Melville Clarence, C–1173675	106.25
Faulkner, Ralph Howard, C–356769	150.00
Fenton, Willard Joshua, C–1226578	125.00

Flood, Peter H. A., C-404718	$150.00
Flynn, Frank S., C-1085744	150.00
Finn, John Francis, C-1091456	125.00
Fortescue, Granville Roland, C-1045017	206.25
Ford, William George, C-375393	127.50
Foster, Thomas, C-906198	150.00
Foy, Bernard Joseph, C-1086249	125.00
Fraser, Donald William, C-239093	116.87
Furbershaw, Arthur William, C-297945	125.00
Gardner, Michael Edward, C-191611	150.00
Godfrey, Michael Francis, C-315357	175.00
Gookin, Edward Richard, C-569805	131.25
Gose, John H., C-322553	125.00
Gallagher, George Dominic, C-1087023	106.25
Gaylord, Charles Henry, C-1090117	150.00
Gibson, Edmond Hannon, C-215722	125.00
Gilbert, Prentiss Bailey, C-313059	150.00
Giovannoni, Joseph A., C-1085016	180.00
Given, Harvey, C-315225	150.00
Graham, Edgar, C-333979	106.25
Greaves, Harrison Adams, C-654898	150.00
Gregory, Joseph P., C-702840	165.00
Grobstein, Albert, C-1377389	106.25
Guthrie, Frederick P., C-1089128	150.00
Haddix, Peter E., C-657908	180.00
Hagans, Marcellus H. P., C-824920	150.00
Hall, Arthur Joseph, C-364511	150.00
Hampton, Edward M., C-1099594	106.25
Harbour, Schuyler Colfax, C-282329	150.00
Hartig, Frank Harold, C-381883	106.25
Healey, Martin, C-318644	71.25
Hermes, Theron Bernard, C-549999	125.00
Hewey, George Austin, C-906533	187.50
Higgins, Francis Lucius, C-1381752	106.25
Hill, Edward David, C-431610	165.00
Himes, William Daniel, C-313440	106.25
Hoffman, Daniel O. N., C-1089086	125.00
Hooe, Abram Barnes, C-1099065	187.50
Horton, Harry M., C-456960	150.00
Howard, James Tunis, C-319950	137.50
Howley, William Timothy, C-571773	131.25
Hoyle, Harry Thomas Lee, C-1247142	125.00
Hunt, John Stuart, C-905426	187.50
Hutchinson, Lester Bowser, C-1265674	150.00
Inman, Edward Keyser, C-364995	125.00
Inge, Berkley, C-256534	180.00
Jacobs, John Martin, C-415154	106.25
Jervey, Frank J., C-303381	150.00
Kelly, Frances K., C-352746	106.25
Kennedy, Harold S., C-1093159	125.00
King, Harry Clifton, C-354028	150.00
King, Nathaniel Sylvan, C-116720	106.25
King, Wm. Albert, C-1379462	
Kingsley Joseph Theodore, C-371760	187.50
Kochli, Fred, C-305124	165.00
Kyle, William H., C-420912	180.00
Lansdale, Geo. LeRoy, C-568138	150.00
Layne, John H., C-494091	106.25
Lee, Lawrence Augustus, C-409545	106.25
LeFevre, George Richard, C-164709	150.00
Leister, Fred Everett, C-347827	165.00
Lewis, Harry Turner, C-549498	180.00
Lockwood, Schee Merritt, C-201014	106.25
Loveland, John Winthrop, C-1097322	250.00
McCullough, Leo Joseph, C-526265	125.00
Main, Daniel Carr, C-905347	150.00
Manning, William J., C-325601	150.00
Marlow, Howard Waring, C-301572	125.00
Marquette, John J., C-537194	165.00
Marsh, Walter Roberts, C-1054346	106.25
Matteson, Frederick William, C-1091982	187.50
Matthews, Alfred Watts, C-1376759	106.25
May, Elmer N., C-393732	106.25
Means, Rice W., C-1258444	240.62
Merrill, John Houston, C-1098609	281.25
Miller, William Laval, C-906583	150.00
Miner, Ross Halford, C-1015467	150.00
Mitchell, Iverson Othello, C-1098048	125.00
Moffitt, H. Watson, C-1380425	125.00
Montfort, Louis B., C-1375285	180.00
Montgomery, Outerbridge H., C-1089633	106.25
Mudd, Kostka, C-326998	125.00
Murdock, James O., C-318097	150.00
Murphy, John, C-311442	165.00
Nelsen, Francis Charles, C-1204205	125.00
Norfleet, Robert Edward, jr., C-213690	106.25
Norman, Frank Lawrence, C-1097807	150.00
O'Donovan, John H., C-157368	106.25
Odum, Burlie M., C-308176	125.00
Oulahan, Richard, C-1051505	150.00
Owens, Frank M., C-535512	116.37
Parrish, John Edward, C-1376681	125.00
Perkins, Boyd Wilkinson, C-1381056	195.00
Peyton, Robert Lloyd, C-379692	137.50
Phillips, George Washington, C-1085416	106.25
Picchione, Alfred A., C-902309	106.25
Pillow, Noel Abner, C-354869	106.25
Pinto, Rene Wentworth, C-187801	$106.25
Powell, James C., C-460733	125.00
Prenner, Isadore S., C-1365791	125.00
Pritchard, Frank Arnold, C-400948	106.25
Reece, Brazilla Carroll, C-1379438	125.00
Renshawe, Clarence Winslow, C-324781	125.00
Richardson, Harry Dee, C-322351	162.50
Richardson, Harry P., C-170132	180.00
Riley, Herbert Frank, C-453058	106.25
Riordan, David L., C-401904	106.25
Roberts, Curb E., C-1308193	106.25
Roberts, Thomas Kent, C-472649	116.87
Robinson, Christopher C., C-369392	116.87
Roddy, Norman Leo, C-362321	106.25
Ross, Waldo Alexander, C-358878	150.00
Schaeffer, Lloyd Diehl, C-188960	106.25
Scott, John Reed, C-1378484	218.75
Sewell, Shermont Ralph, C-381189	137.50
Sheehy, John Q., C-565514	150.00
Sheridan, William Franklin, C-905413	34.17
Simmons, Maynard James, C-272108	187.50
Slaughter, Thomas Foster, C-1380932	125.00
Smith, Taylor Bivens, C-297630	125.00
Stancliff, Henry Trumbull, C-1377624	165.00
Stockman, Otto J., C-535381	116.87
Swackhamer, Walter B., C-1397517	150.00
Tall, Otis Jackson, jr., C-1379551	106.25
Thorne, Wilcox George, C-1296489	150.00
Thralls, Francis, C-400518	180.00
Tilghman, George D., C-563306	137.50
Trammell, Harvey Eric, C-347824	137.50
Vane, Patrick Percy, C-905228	71.25
Van Fleet, Joseph Suydam, C-505148	180.00
Van Strum, Henry W., C-1149180	106.25
Wall, Benjamin, C-10500	150.00
Walsh, Harry Anthony, C-356088	175.00
Walsh, Joseph Aloysius, C-1090788	125.00
Walsh, Thomas David, C-296222	125.00
Watson, William Ulysses, C-489435	165.00
White, Joseph Byron, C-1381195	125.00
Wiggins, William Fall, C-567003	125.00
Whiting, Louis Wine, C-330921	150.00
Whitman, John B., C-1087210	106.25
Whitson, William Essex, C-1095300	125.00
Williams, Ashby, C-546678	218.75
Williams, Nathan, C-332269	147.20
Williams, Russell H., C-1088686	137.50
Wilson, Harry Linden, C-429805	165.00
Wise, Charles Edward, C-253228	150.00
Withers, Guy, C-276841	187.50
Wyeth, Nathan Corwith, C-222194	187.50
Yowell, Alexander W., C-225478	106.25

Supplemental list

Harris, Andrew William, C-524998	116.87
Stehman, Cameron, C-284864	162.50

FLORIDA

Abernathy, Charles Vance, C-306279	106.25
Allen, Langhorne, C-618965	180.00
Alley, William Linwood, C-165793	125.00
Andrews, Chadbourne Avery, C-300761	125.00
Ash, Harry Lee, C-158643	106.25
Barcroft, John Dawson, C-817289	106.25
Beale, Charles Lincoln, C-557733	106.25
Beers, William Le Roy, C-1045469	150.00
Bond, Andrew Robeson, C-1336821	150.00
Boyd, John Elliott, C-905359	218.75
Bradley, J. Luther, C-905999	243.75
Brown, Oliver Clinton, C-572163	125.00
Burnley, Edwin Ratcliffe, C-443836	106.25
Burns, John M., C-530413	150.00
Byrd, Charles Brown, C-1336032	106.25
Cain, William Quiggin, C-1254829	106.25
Carmack, John F., C-362153	206.25
Chambers, Joseph Russell, C-373376	165.00
Childs, Arthur Scott, C-325807	150.00
Church, Albert Dean, C-1090050	106.25
Coleman, Arthur W., C-205920	165.00
Cortina, Frederick Joseph, C-320841	106.25
Crank, Paul, C-530633	250.00
Crutchfield, Inman Payne, C-460272	106.25
Decker, George Spencer, C-1010517	150.00
Dempsey, James Samuel, C-1104967	162.50
Dempsey, Walter A., C-504680	187.50
Dew, James Albert, C-1110348	106.25
Dodge, Percy Loraine, C-820637	150.00
Duggan, James Reynolds, C-560580	116.87
Duncan, George M., C-906211	187.50
Echols, Thomas Jefferson, C-1099221	206.25
Edmunds, Henry Reed, C-161927	106.25
Faircloth, Guy Anton, C-905901	106.25
Ferris, Thomas Hampton, C-201732	106.25
Fickle, Melvin Eugene, C-460753	106.25
Fowler, Byron Calhoun, C-304029	150.00
Freeman, Albert Howard, C-147204	150.00
Frey, Newt, C-451650	137.50

Froemke, Fayette Lawrence, C–785057	$106.25
Fulton, Dennis Theodore, C–1343511	125.00
Garnache, William J., C–355429	165.00
Gassner, Walter Scott, C–1049585	125.00
Gee, Frank Wilson, C–792515	125.00
Gill, Charles Robert, C–571234	165.00
Glaze, John W., C–370386	106.25
Glover, Thaddeus B., C–1061306	225.00
Grant, Vincent James, C–350442	106.25
Grayson, Laurence Ayres, C–414917	106.25
Green, George Benjamin Lent, C–1117328	125.00
Greenwell, Barry Tyler, C–1337507	125.00
Grossman, Edgar Frederick, C–270558	125.00
Hall, John E., C–1336416	150.00
Hammons, Robert Walter, C–1027285	150.00
Hampton, Edwin Birkett, C–905698	150.00
Harwood, Manton E., C–167818	125.00
Hatton, Rondo, C–746153	106.25
Hazlewood, Walter J., C–1165496	180.00
Heck, Maurice Eby, C–392616	150.00
Hill, Frank Edmond, C–1334778	106.25
Hooks, Don Melville, C–544234	243.75
Hosey, John Thomas, C–496743	150.00
Huau, Joseph Hipolito, C–275527	150.00
Hubbard, Roscoe C., C–1113739	187.50
Ives, William Childs, C–210741	116.87
Jaudon, Eugene Keene, C–329458	150.00
Jenkins, Frederick Elmer, C–389273	206.25
Jones, John Page, C–328705	106.25
Kearns, Frank M., C–307089	150.00
Keebler, Alfred V., C–291551	125.00
Kemp, Austin James, C–457628	125.00
Kennon, Charles L., C–157068	125.00
King, John P., C–1340521	106.25
Knibiehly, Allen Ford, C–311949	125.00
Lambertson, Francis William, C–421989	180.00
Lansing, Charles, C–269513	150.00
Latham, Charles Otis, C–621882	150.00
Leach, John Warren, C–366842	125.00
Leffers, Richard, C–436298	125.00
Lefler, Nelson N., C–338518	125.00
Lewis, Schuyler Colfax, C–482907	162.50
Lough, Charles Melvin, C–150832	106.25
Luce, Earle Parsons, C–316918	125.00
Lynch, Junius Francis, C–906652	281.25
MacMichael, Earle Haggett, C–463064	175.00
Mahoney, John Lewis, C–313454	187.50
Martin, William Gaston, C–483034	106.25
McCrum, Douglas Stuart, C–694828	125.00
McKenzie, Francis C., C–248901	106.25
Metcalf, Ben Hicks, C–1009550	218.75
Moeller, Maximillian, C–39939	125.00
Morgan, Joseph A., C–1336540	125.00
Morrison, Hal T., C–1117725	195.00
Noel, Henry Leland, M. D., C–32768	150.00
Oliver, John V., C–706832	127.50
Osteen, Harry Atwater, C–1340914	125.00
Parramore, James Buchanan, C–134125	150.00
Peterson, Walter Severin, C–207356	106.25
Porter, Bernice M., C–556878	106.25
Powe, Victor Thrashley, C–1305422	125.00
Powell, Garland Wheeler, C–1380998	150.00
Powers, Harvey C., C–278046	180.00
Putney, Wesley Reid, C–164278	125.00
Ramage, Raymond Brock, C–1304221	150.00
Ray, Lecil Stanley, C–563320	137.50
Riddel, Herbert Ewing, C–1121673	150.00
Riddler, George, jr., C–1175284	106.25
Rohrer, Ralph McGregor, C–905634	106.25
Sheep, Harry Hinton, C–156129	125.00
Shivers, Olin G., C–317321	225.00
Smith, George W., C–1043703	137.50
Smith, Paul Alden, C–455015	125.00
Smith, Simon Stewart, C–1027892	210.00
Spaulding, Irah Dudley, C–1120349	150.00
Stelling, Sidney Jacob, C–209371	125.00
Stinson, William Miller, C–498668	150.00
Stockton, James Roosevelt, C–589354	150.00
Sturkie, Robert Bartow, C–905867	187.50
Stutts, Baldwin S., C–560463	150.00
Thetford, Alphonso, C–123856	125.00
Travers, William Alexander, C–215096	106.25
Tucker, Allen B., C–280114	150.00
Turck, Raymond Custer, C–381876	300.00
Twitchell, Ralph Spencer, C–311150	125.00
Vaughn, Richard Owen, C–338584	106.25
Vanderkool, David, C–523542	253.12
Vines, Edward H., C–259001	187.50
Virgin, Roscoe S., C–510711	180.00
Walker, George Keith, C–241566	125.00
Walton, William Norfleet, C–115153	106.25
Webster, Ben, C–381880	187.50
Webster, John Adams, C–905300	106.25
Weldon, George Rainsford, C–233472	150.00
Wentworth, Daniel Webster, C–280784	180.00
Wight, Samuel Kaspar, C–193363	125.00
Wilder, Philip Edgar, C–1409763	106.25
Williams, Clarence Jefferson, C–235970	$106.25
Williams, John R., C–515208	127.50
Williams, William B., C–1106958	125.00
Wilson, William, C–258236	375.00
Worrell, Magnus Leon, C–845389	195.00
Wyatt, Thomas Hall, C–510049	125.00
Wylie, Ward L., C–122922	137.50

Supplemental list

Wiedemer, Maurice Becht, C–446031	125.00

GEORGIA

Abrams, Victor R., C–1123598	106.25
Adams, Edwin G., C–1337493	150.00
Alexander, Henry Aaron, C–285523	125.00
Allen, Ernest Grady, C–326210	125.00
Allison, James Howard, C–346032	125.00
Anderson, James Weldon, C–257190	106.25
Anderson, Lee Jackson, C–101662	125.00
Angier, jr., Clarence, C–299579	175.00
Anthony, jr., Edwin Raphael, C–1111755	125.00
Avery, John Elwyn, C–1115335	150.00
Aycock, Mell, C–515492	150.00
Aycock, Thomas Rufus, C–1121793	150.00
Bagley, George Washington, C–680751	125.00
Baker, George Lathrope, C–506978	106.25
Baldwin, Thomas Beverly, C–1344298	106.25
Ballard, Isaac Newton, C–527984	137.50
Barfield, Harry Marion, C–327904	125.00
Barker, Homer Lumpkin, C–528844	125.00
Bartlett, Willie Evans, C–108063	106.25
Bassett, Ralph P., C–302586	150.00
Battey, Hugh Inman, C–254387	125.00
Beaman, Henry A., C–1069429	150.00
Beauchamp, Walter Lee, C–361403	125.00
Bellinger, Edmund C., C–279453	125.00
Binion, Richard, C–1117196	125.00
Blackburn, John Davies, C–317876	137.50
Blackburn, Thomas E., C–1115168	125.00
Blair, Leslie L., C–1336861	150.00
Blount, Frederick J., C–1343629	125.00
Bond, Benjamin F., C–31288	125.00
Boone, William L., C–156455	106.25
Bouzigues, Paul Richard, C–533297	125.00
Boyd, Willis Morgan, C–326194	125.00
Brawner, Leon Edward, C–663722	125.00
Brewer, Dr. Walpole Cheek, C–245277	150.00
Brown, James Everett, C–1332735 (guardian, John L. Brown, sr.)	106.25
Bruce, Alden, C–509280	127.50
Busey, Thomas Jesse, C–195706	125.00
Cooper, James Roy, C–143725	150.00
Cabaniss, Emmet O., C–248742	125.00
Calloway, James Taylor, C–558775	150.00
Cann, William Grammell, C–906497	125.00
Carroll, Edward Grady, C–1117360	106.25
Carthron, Glenn Thomas, C–519347	137.50
Cheek, Aldine Lawrence, C–582991	165.00
Cheek, Ovid Hugh, C–188468	125.00
Cole, William Edgar, C–1339647	150.00
Corbitt, Henry T., C–1118183	187.50
Cornog, William Wallace, C–1122416	150.00
Crenshaw, Wendel Paine, C–1112555	125.00
Crough, Alsey C., C–1117580	137.50
Crowe, Arthur Lyons, C–370099	150.00
Cunningham, George A., C–560570	106.25
Daly, Richard Randolph, C–1344879	187.50
Davis, Alton Walker, C–1111178	125.00
Davis, Edward Campbell, C–239055	218.75
Dean, William Kiser, C–1337845	137.50
DeLoach, John Keller, C–1332101	165.00
Dillard, Robert Bascome, C–567125	150.00
Dorsey, Arthur Roy, C–406926	106.25
Downey, Carroll William, C–1334861	125.00
Dulin, Charles Lutin, C–1305182	300.00
Dunagin, George Alexander, C–531336	125.00
Duncan, Charles Gilbert, C–1339542	150.00
Eden, Charles Theophilus, C–1335533	116.87
Emory, Walter, C–343479	150.00
Etheridge, Robert Loy, C–455523	106.25
Fanning, Odom Olin, C–322426	150.00
Farmer, Myron Hall, C–566141	150.00
Foreman, Evan Howell, C–1340342	150.00
Fryckberg, Harry Anthony, C–322858	150.00
Furlong, Thomas A., C–228600	125.00
Galt, William A., C–283106 (guardian Miss Malinda Galt)	125.00
Gertman, William M., C–418866	150.00
Giles, Ben Stuart, C–239416	125.00
Grealish, Samuel Pomeroy, C–1336443	180.00
Green, Thomas E., C–1335086	106.25
Greenwood, Albert E., C–322551	106.25
Guice, John Inman, C–239497	125.00
Harris, Ernest R., C–1335337	150.00
Harrison, George L., C–567011	165.00
Harris, Rufus Carrollton, C–1265889	125.00
Haynes, Brantley, C–501011	106.25
Head, Marvin Monroe, C–1333658	150.00
Hendricks, Willie Hartridge, C–547961	150.00

Henry, Clarence Alexander, C-458028	$106.25
Henry, jr., Thomas J., C-249729	125.00
Hightower, John Hallman, C-544722	125.00
Hill, Hines L., C-382833	106.25
Hitz, Alex Mayer, C-572699	125.00
Hodges, Charles A., C-590795	150.00
Hodgson, Ralph Reginald, C-1057569	125.00
Hogue, Benjamin C., C-719636	165.00
Holland, William Tate, C-1333287	137.50
Hook, James Preston, C-500156	125.00
Horning, Albert Wesley, C-205696	116.87
Howell, Henry Gordon, C-1331476	125.00
Isbell, Jesse Epps Dean, C-1333552	125.00
Ivey, James Edward, C-198382	106.25
Jackson, Wendell G. W., C-1117320	150.00
Jenkins, William Franklin, C-265575	125.00
Joerg, Thomas Franklin, C-179527	165.00
Jowitt, Thaddeus Clarence, C-1111104	243.75
Kaliska, William G., C-905532	165.00
Kelly, Alonzo Morris, C-134597	106.25
Kelley, James E., C-1123037	195.00
Kennedy, Harvey John, C-299716	106.25
Lawson, Edwin L., C-277078	125.00
LeHardy, Julius C., C-702161	22.50
Leman, DeManville Abraham, C-1339472	150.00
Lester, Henry Frank, C-1331555	180.00
Lewis, F. Courtney, C-1104578	125.00
Little, Young Allen, C-166662	150.00
Malone, Benjamin Floyd, C-594678	106.25
Mallory, William Reville, C-536586	106.25
Manning, Arthur John, C-1342166	165.00
Martin, James Jackson, C-1340197	125.00
May, William A., C-764050	150.00
McBride, James Napier, C-201676	125.00
McCarthy, Thomas Leo, C-1124255	180.00
McClure, James Henry, C-660746	150.00
McCoy, Walter R., C-529264	150.00
McCurry, William Edgar, C-1103325	150.00
McDonald, Frederick Honour, C-597189	125.00
McDonald, George Tennell, C-285086	125.00
McKibben, John D., C-1106963	137.50
McLemore, Whitney C., C-1250951	106.25
Meeks, Jesse Littleton, C-251416	125.00
Middlebrooks, John Harvey, C-1340708	106.25
Miller, Boyce Etheridge, C-133342	165.00
Moody, Wilkie Osgood, C-303535	106.25
Moon, Fred Tapley, C-360162	137.50
Morris, Mace Andrew, C-337589	106.25
Nall, C. Copeland, C-518865	125.00
Nash, Homer Edwin, C-550960	125.00
Neal, Turner Benton, C-1343236	150.00
O'Neill, John Charles, C-317453	125.00
Palmer, Millwood Jonah, C-497481	116.87
Parr, Lemuel W., C-446575	106.25
Peacock, Eli Julian, jr., C-1110788	206.25
Pierson, Fred, C-476841	71.25
Pitman, James Fling, C-463805	150.00
Powell, Alfred Turner, C-492424	150.00
Pourron, Edward Justine, C-279879	150.00
Pullen, Herbert T., C-525758	106.25
Pumpelly, William Collins, C-1335437	150.00
Purse, Ben Snider, C-223917	125.00
Puryear, Edward A., C-394592	106.25
Randle, Morris Dewey, C-312106	106.25
Ransom, Elmer Inglesby, C-252038	125.00
Rathborne, St. George F., C-1337127	206.25
Ray, O'Glen, C-1334255	125.00
Redd, Homer Lewis, C-1331378	125.00
Richardson, Marion S., C-1112159	125.00
Richards, Walter Alan, C-296983	125.00
Roberts, George Arthur, C-1342568	116.87
Roberts, Vivian Hill, C-577943	187.50
Rock, Edward, C-1408951	125.00
Rose, Frederick Preston, C-1116862	106.25
Rothenberg, William, C-1122345	116.87
Russell, Alonzo Deveaux, C-175125	127.50
Sabiston, Harry Alexander, C-234458	165.00
Sanford, Henry Edwin, jr., C-530361	137.50
Scales, James Berry, C-906622	125.00
Scheuer, Leopold Moses, C-1378398 (guardian, Max Scheurer)	106.25
Sellers, William LeRoy, C-480995 (guardian, J. F. Sellers)	137.50
Seward, Charles Mitchell, C-264005	106.25
Shaddix, Walter Louis, C-1335089	125.00
Shanks, Edgar DeWitt, C-355417	150.00
Sheridan, Leo Daniel, C-261562	106.25
Shinkel, Jacob M., C-1076129	125.00
Short, William Griff, C-270335	125.00
Sigman, John Monroe, C-905476	187.50
Sipple, Julius Ward, C-415738	125.00
Sitton, Joseph Benjamin, C-1111742	-------
Slaton, William Franklin, jr., C-1342764	206.25
Smith, Ernest Oren, C-1450076	125.00
Smith, James Herbert, C-239670	150.00
Smith, James Robert, C-214149	125.00
Spahr, Herman L., C-1334844	125.00
Stapleton, Frank Davenport, C-1337311	$150.00
Stegall, Benjamin F., C-693220	125.00
Stone, Guy Orlando, C-1115063	125.00
Stowe, Belvy Greene, C-242130	125.00
Swann, William K., C-1337205	150.00
Taylor, Moncy L., C-1332348	106.25
Thompson, Hugh Smith, C-169370	125.00
Thompson, John Homer, C-382014	150.00
Thrasher, Roy, C-776038	165.00
Tidwell, Frank Boynton, C-255776	150.00
Tinley, Joshua Eli, C-241067	127.50
Travis, Ernest Pears, C-166070	195.00
Van Henry, Arthur, C-475022	150.00
Wallace, George Lamar, C-280478	125.00
Waller, Robert T., jr., C-1342524	150.00
Walker, Newton Wright, C-175133	116.87
Walker, Sidney, C-702538	187.50
Ward, Sylvester Creighton, C-906226	187.50
Weaver, Homer Jesse, C-1331625	210.00
Wellborn, Carlton Juan, C-535050	125.00
Wellborn, James Madison, C-554235	150.00
West, Edward Shippen, C-1095839	165.00
Williams, Adrian Dallas, C-531551	150.00
Wood, Evans Beauchamp, C-151697	125.00
Wood, Raiford James, C-1100239	106.25
Woodruff, Benjamin H., C-232410	150.00
Yarbrough, Roy E., C-1325735	138.12
Supplemental list	
Lynch, Joseph Arthur, C-359075	125.00
Hull, Richard MacLeod, C-135644	125.00
IDAHO	
Albert, Lester Freeman, C-220647	137.50
Allen, Arthur Henly, C-1402152	180.00
Cole, Fern Morton, C-1401554	150.00
Duval, Claude H., C-449584	243.75
Fitch, Scott Mathewes, C-527559	150.00
Fowles, Joseph Dell, C-314727	106.25
Hamilton, Oliver Prescott, C-1277227	150.00
Hawley, Edgar Thomas, C-1283682	165.00
Lewis, Harry Tait, C-380491	250.00
Moore, Charles Otto, C-457645	187.50
Patch, Leroy V., C-905878	281.25
Quane, Oliver J., C-1348860	225.00
Spilman, Burt B., C-509026	165.00
Thompson, John B., C-614859	106.25
Supplemental list	
Fite, Jerome Victor, C-213139	127.50
ILLINOIS	
Adams, Frank Ulyses, C-439057	210.00
Aird, Andrew John, C-905752	125.00
Albee, Erwin, C-226357	106.25
Albers, Edgar Harvey, C-1218287	125.00
Allyn, Paul R., C-292360	150.00
Amet, Herbert Poidevin, C-292372	125.00
Andrews, Lawrence G., C-220600	106.25
Armbrust, George W., C-1197772 (consignee Forest Park State Bank)	180.00
Armstrong, James Noah, C-494112	125.00
Bailey, Charles B., C-617514	125.00
Barnes, Ralph Edward, C-328115	125.00
Barnes, Ray Arthur, C-555006	125.00
Barnfield, William H., C-579519	125.00
Bear, Fred Louis, C-805632	125.00
Beatty, James Phillip, C-163922	195.00
Beckhelm, William E., C-604126	162.50
Bellinger, James Edward, C-1178240	125.00
Bisson, Walter Clinton, C-281760	165.00
Bierly, James Roy, C-1186387	125.00
Bilderback, Byron, C-1172768	125.00
Blueitt, Napoleon Porter, C-259305	106.25
Boice, Frank B., C-297113	125.00
Borts, John Alexander, C-1179882	150.00
Boston, John R., C-347519	106.25
Bowman, Charles S., C-1390379	125.00
Boyd, Theodore Elliott, C-216630	106.25
Bradbury, William Ethelbert, C-236230	106.25
Bray, Willis Jennings, C-358729	125.00
Brenner, Samuel L., C-282425	106.25
Broche, Arthur Thomas, C-231477	150.00
Brooks, Charles Wayland, C-237236	125.00
Brown, William Simon, C-906814	150.00
Buff, Byrl Byron, C-1297927	127.50
Burchfield, David Lanning, C-291248	125.00
Burkhardt, Charles F., C-133538	150.00
Burns, John Leo, C-1347435	106.25
Butner, Andrew Jackson, C-429312	125.00
Calkins, Arthur Alfred, C-444747	125.00
Callahan, Edwin Bernard, C-281796	180.00
Canfield, Harry Eugene, C-300080	125.00
Carmody, Thomas James, C-170079	125.00
Carr, Hal Leroy, C-512791	195.00
Carrick, Manton Marble, C-532704	187.50
Carter, Justin Edward, C-198576	137.50
Center, Charles Dewey, C-100554	300.00

Chapman, Daniel Ward, C–523959	$106.25
Chapman, Ralph Dwyer Clinton, C–333886	125.00
Christensen, William Charles, C–475784	137.50
Claridge, Loyal T., C–246564	106.25
Clarke, Homer Hay, C–275853	137.50
Cleland, James Samuel, C–346382	125.00
Coates, Arthur E., C–210747	106.25
Coffey, Frederick Douglas, C–604083	106.25
Cook, Ellis Sumner, C–463445	206.25
Conway, Bernard Philip, C–477427	150.00
Cooley, Everett Monroe, C–346180	150.00
Copeland, Norman, C–905502	125.00
Courtney, Clarence Hayes, C–314541	150.00
Crane, Edgar Arthur, C–471967	106.25
Crippen, Philip Rose, C–528003	150.00
Cross, Roland Roberts, C–212535	125.00
Crowe, Dorsey Ryan, C–403553	106.25
Cruzen, Roy Ellis, (consignee the Forcman Trust & Savings Bank), C–1196048	150.00
Danewit, Otto Gustave, C–204905	106.25
Daniels, Charles Lyle, C–127047	150.00
Danner, John Simon, C–905897	89.00
Darby, Earl Meade, C–202074	125.00
Davidson, Samuel E., C–424436	106.25
Davis, Charles Summer, C–625300	150.00
Dean, Harry Carpenter, C–247093	106.25
DeBolt, Clyde E., C–522639	106.25
DeGaris, William H., C–334153	137.50
Denison, Franklin A., C–447019	312.50
Dimond, Harry Alfred, C–150095	125.00
Dugan, Richard Deyo, C–191608	125.00
Dull, Charles W., C–1189644	106.25
Dunn, John William, C–1182762	150.00
Durnion, Richard Erwin, C–1202899	106.25
Dusenbury, Roy Francis, C–337606	150.00
Eardley, Fred Ernest, C–253483	210.00
Edison, Samuel Martin, C–162584	150.00
Edwards, Francis Main, C–1190975	150.00
Ellis, Edward Kent, C–1435168	150.00
English, Lee M., C–223234	150.00
Ethell, Mark Ray, C–172673	125.00
Etherton, Monroe, C–1441671	125.00
Farrar, Benjamin David, C–264338	106.25
Faught, George Maynard, C–292313	206.25
Fawver, J. Roy, C–486613	125.00
Feldott, Edwin A., C–1200833	106.25
Fitzsimmons, Frank Nathaniel, C–246699	125.00
Flynn, John J., C–1091293	150.00
Forkin, William Patrick, C–906469	150.00
Fox, Charles Moses, C–339945	150.00
Fox, Kenneth Lawrence, C–390889	106.25
Frankenstein, Herbert Adolph, C–1245782	125.00
Franzen, Frank Clarence, C–239094	125.00
Fuller, Edward Reino, C–371799	106.25
Fullerton, Charles Bushnell, C–467548	150.00
Gano, Henry Augustus, C–468926	180.00
Gardner, J. Francis, C–1202937	106.25
Gesell, Walter B., C–252915	106.25
Gift, Lyle Henry, C–279420	150.00
Gillespie, Edwin Simpson, C–1174144	150.00
Gooder, William Verner, C–365093	150.00
Goodison, Harry Bowman, C–388449	250.00
Goodspeed, Earl Ladd, C–492786	125.00
Goodwin, Alexander Willard, C–367983	165.00
Gore, Forrest B., C–672108	150.00
Gough, William E., C–316,070	127.50
Greene, Merton William, C–1051632 (consignee Evanston Trust & Savings Bank)	106.25
Greer, Mark, C–1189908	150.00
Guilfoyle, Thomas S., C–191294	106.25
Gumm, Albert Gottlieb, C–1176455	150.00
Hall, Damon Irl, C–199755	106.25
Hall, George B., C–239593	125.00
Hall, Kenneth Canright, C–345724	106.25
Hannan, David Edward, C–424102	150.00
Hanmore, Frederick C., C–1197939	125.00
Hansen, Oscar Lee, C–115109	150.00
Hardesty, Tully O., C–249535	150.00
Hartman, John A., C–839660	180.00
Hartnett, David Louis, C–316,081	106.25
Hartwell, Dausa Dow, C–346025	150.00
Hassfeld, Adolph F., C–1203478	150.00
Hays, Verne, C–363776	125.00
Heath, Clifford Jackson, C–162062	165.00
Hefner, Harry Edward, C–292004	106.25
Helmick, Homer H., C–447627	106.25
Henderson, Henry, C–1207730	125.00
Herrold, Alexander E., C–184825	150.00
Hiatt, Homer Sam, C–291450	125.00
Hikes, Waldo E., C–780563	150.00
Hildum, La Rue, C–1186267 (consignee Central Trust Co. of Illinois)	125.00
Hogg, William Bennett, C–1324255	125.00
Holcombe, Thomas Hull, C–905592	125.00
Holland, James A., C–277872	150.00
Hollowell, Thomas Robert, C–233260	150.00
Holm, George S., C–518395	125.00
Holt, Burton P., C–282096	$125.00
Hoover, Charles Franklin, C–282095	150.00
Hopps, Edwin Samuel, C–765711	210.00
Houchin, Ervin William, C–348352	106.25
Howard, William Harrison, C–471626	150.00
Hubbell, Joseph Albert, C–1193389	125.00
Hughes, Charles E., C–179619	125.00
Hunter, David, jr., C–201667	150.00
Ince, Edward Gratton, C–138082	150.00
Isensee, Frank Paul, C–559964 (consignee Peoples Trust & Savings Bank)	106.25
James, Allen Murray, C–315662	106.25
Jaycox, Frank, C–106098	175.00
Johnson, John Arthur, C–1199724	125.00
Johnson, Frank Alan, C–458997	116.87
Jones, Cloyd E., C–294832 (consignee Elsie K. Jones, David J. Jones)	125.00
Jones, Edward Paul, C–514572	106.25
Judd, Ralph C., C–708961	125.00
Katz, Joseph Maurice, C–317560	106.25
Kauffman, Harlan B., C–1185695	125.00
Keith, Lawrence P., C–317268	106.25
Keller, Charles C., C–235948	106.25
Kempski, Felix Anthony, C–743174	137.50
Kerrick, Charles La Fayette, C–379235	125.00
Kesler, Gerald Lea, C–435798	106.25
Kestubaum, Meyer, C–292836	106.25
Killoran, Thomas Christopher, C–1192947	180.00
King, Ralph, C–350244	150.00
King, William Gibbon, C–376390	106.25
Knotts, Howard C., C–530431	106.25
Knudson, Ernest P., C–1097228 (consignee Old Dearborn State Bank)	106.25
Krichel, Joseph Henry, C–485159	125.00
Kuehne, Albert William, C–254239	125.00
La Bach, Paul Mayer, C–281591	187.50
Lakin, Ralph Owen, C–264693	125.00
Lamond, John T., C–1253106	116.87
Lane, Elisha Cromwell, C–158036	125.00
Lang, Edward J., C–225211	281.25
Lanigan, Leo Anthony, C–1441315	180.00
Lehman, Lester Ludger, C–279380	116.87
Leisner, Paul Winge, C–254185	106.25
LeSaulnier, Herman L., C–1195032	125.00
Lewis, Charles S., jr., C–389690	125.00
Lewis, Raymond P., C–299370	106.25
Lippert, Frederick J., C–378345	150.00
Logan, John Arthur, C–248488	125.00
Longwell, Chester A., C–193640	137.50
Loudin, Forrest Allen, C–387316	106.25
Lovell, John Herbert, C–264414	116.87
Lundgren, DeWayne C. E., C–1196192	106.25
Lutyens, Henry Edward, C–189935	125.00
Lynn, Percy, C–437260	106.25
Machamer, Elmer Edward, C–324946	106.25
Malik, Louis, C–1264214	106.25
Malone, Frank Joseph, C–439837	125.00
Mangum, William Robert, C–477812	187.50
Marland, Joseph Andrew, C–100155	106.25
Marshall, Ralph William, C–475256	150.00
Marshall, Thomas Holland, C–286108	106.25
Mathis, Allen W., C–159477	125.00
May, Charles N., C–1078151	106.25
May, Lewis Renwick, C–247740	125.00
Mayer, Peter C., C–1204530	125.00
McCann, James S., C–257358	125.00
McCoy, Dwight Wesley, C–1230734	106.25
McDonald, Archie J., C–455606	137.50
McDavid, Carroll M., C–654250	125.00
McDavid, Jesse T., C–1193870	187.50
McKinney, Clarence D., C–1202395	125.00
McNair, F. M., C–1192695	125.00
McNamara, Joseph, C–1162442	137.50
McNulta, Scott, C–439137	125.00
McQuillan, Albert B., C–433425	150.00
Merrill, George Baker, C–91695	125.00
Meyering, William David, C–203370	150.00
Miller, Harry Frederick, C–313867	225.00
Miller, Hubert Frederick, C–275561	218.75
Milum, Vern G., C–223890	106.25
Mitchell, Forster Isaac, C–1171057	106.25
Moeller, Frederick William, C–906670	187.50
Montgomery, Albert H., C–299872	187.50
Mooney, Paul, C–1183246	125.00
Mooney, Raymond, C–573266	131.25
Moore, George Henry, C–210651	150.00
Moore, Joseph, C–583553	250.00
Morgan, James Woods, C–1213006	106.25
Morgan, Lynn J., C–905186	150.00
Morlan, Frederick H., C–593732	150.00
Morrison, Cyrus C., C–1205971	150.00
Morton, Harry Thomas, C–905223	187.50
Moynihan, Allan James, C–285402	125.00
Munhall, Maurice H., C–167670	137.50
Murphy, James Orvil, C–1221319	125.00
Myers, Joseph George, C–159494	116.87
Myriand, Eiel Harmon, C–375838	125.00

Nagel, Frank Emil, C–229604	$150.00
Newton, Roy Chester, C–172665	106.25
Nolan, Charles Lincoln Vincent, C–511647	106.25
Novak, Joseph, C–244523	150.00
O'Brien, Thos. Jas., C–119588 (consignee, Chicago Title & Trust Co.)	106.25
Ofner, Spencer Everett, C–1203867	125.00
O'Hara, Fred Summa, C–239518	206.25
Olds, Milford Hixon, C–179077	106.25
Palmer, Robert Carrel, C–1435521	106.25
Patton, Harry T., C–1179851	106.25
Paul, Edward Reichard, C–521185	125.00
Percival, Andrew Jackson, C–406242	137.50
Pfeiffer, Reuben Roland, C–149442	125.00
Phillips, Francis A., C–519260	125.00
Phillips, Wendell John, C–1095588	137.50
Pierzynski, Thaddeus Stanley, C–283061	125.00
Pinkstaff, James Tilden, C–174959	116.87
Pliska, Joseph Stanley, C–1190698	175.00
Poole, Charles Judson, C–257735	187.50
Powell, Charles, C–1200004 (consignee, Marie L. Powell)	106.25
Pratley, Fred C., C–1208672	137.50
Ready, John Francis, C–445905	250.00
Reed, John Emory, C–1435266	125.00
Rennie, Thomas Wesley, C–1184131	125.00
Richmond, Jacob Joseph, C–474168	116.87
Rideout, George Rawleigh, C–298014	106.25
Rider, Carroll Alexis, C–490891	106.25
Riley, John Lee, C–247700	150.00
Riordan, John W. J., C–1204200	106.25
Rockwell, Reuben L., C–1046791	150.00
Rogers, Buell Sumner, C–1437031	243.75
Rogers, Percy Earl, C–239684	125.00
Ronayne, Frank Joseph, C–580420	150.00
Ronayne, Robert D., C–250351	150.00
Rondthaler, Harold, C–389779	106.25
Royal, Thomas Everitte, C–266111	125.00
Sampson, George Harry, C–1039066	106.25
Sanders, James L., C–191130	106.25
Sayre, Sydney L., C–1196789 (consignee The Northern Trust Co.)	125.00
Scanlan, Walter Raymond, C–184640	125.00
Schuh, Carl Alexander, C–347666	125.00
Scott, Byron Robert, C–593777	106.25
Shaver, Maitland Victor, C–314580	125.00
Shay, Wellington Herbert, C–512376	150.00
Sheedy, David, C–246282	210.00
Simms, Austin, C–378425 (consignee The Northen Trust Co.)	106.25
Slusser, Carl W., C–1426311	150.00
Slyh, Donald Macey, C–479395	125.00
Smedberg, Joseph Duncan, C–12105	150.00
Smith, Albert, C–194250	218.75
Smith, Frank P., C–435690	125.00
Smith, Howard Galbrath, C–388645	125.00
Smith, Thomas B. F., C–1199752	150.00
Smith, Warren B., C–612091	106.25
Southard, Earl, C–306711	137.50
Southwick, Marshall W., C–1198265 (guardian Annette W. Southwick)	106.25
Spaulding, Oliver R., C–238713 (consignee Ella M. Spaulding)	125.00
Speed, Kellogg, C–196730	187.50
Sprinkel, Roscoe, C–237178	106.25
Stanton, Willard James, C–534953	165.00
Steen, William Aloyiseous, C–316554	106.25
Stewart, Edward Paul, C–279105 (consignee Peoples Trust & Savings Bank	106.25
Stiggleman, James W., C–275656	125.00
Stocker, Alfred, C–709093	150.00
Summers, Anthony, C–1170249	125.00
Suthers, William Glenn, C–346806	106.25
Swaim, David Ross, C–1193281	281.25
Sweinhart, Victor Culp, C–295164	180.00
Teague, Mark Hanna, C–351232	106.25
Templeton, Charles Kickham, C–436481	106.25
Tew, Tracy Lewis, C–509790	106.25
Thomas, Harry A., C–575798	106.25
Thornton, Earle Clark, C–257233	243.75
Thorp, John Notman, jr., C–239902	165.00
Tileston, Perley Dominic, C–384915	210.00
Traband, Philip Joseph, C–686079	150.00
Trapp, Albert Rubly, C–239710	150.00
Trueblood, Ralph R., C–216656	150.00
Vail, William Henry Heegaard, C–319238	125.00
Van Order, Paul Ingham, C–202050	195.00
Wall, Whitney, jr., C–321623	150.00
Warner, Elmer, C–333436	116.87
Weaver, Harry G., C–1251905	206.25
Webb, Byford Hodgen, C–1202180	125.00
Webster, Laban Elza, C–618882	106.25
Welsh, Gerald Eugene, C–280423	125.00
Westermann, Lawrence, C–277666	125.00
Wheatley, Edward J., C–239600	150.00
Wheelock, Warren Overton, C–579343	187.50
Whitacre, Benjamin Clyde, C–424382	106.25
Wier, Joseph Lamar, C–705922	$206.25
Williams, Arthur, C–281821	210.00
Williams, Avon Hugo, C–186106	106.25
Williamson, James Holland, C–905685	150.00
Wilson, William McDonald, C–579752	165.00
Wingerter, Ernest Louis, C–1297205	180.00
Wirtz, Adolph W., C–223113	125.00
Wise, Earl Gronlund, C–27977	125.00
Wolcott, Oliver Seymour, C–277636	106.25
Woodnick, George William, C–1181300	187.50
Woodruff, Ernest Walker, C–263204	125.00
Wright, Eugene Peirson, C–1200025	187.50

Supplemental list

Magie, Frank Ogden, C–1186983	106.25
Sparks, Denton H., C–201215	106.25

INDIANA

Anderson, Hanson Hale, C–1417934	125.00
Austin, Fred, C–282421	116.87
Barnes, Clifton R., C–232519	106.25
Beck, Flavius Jasper, C–608142	150.00
Beem, David Joslin, C–495931	225.00
Belcher, Oliver Lee, C–821063	125.00
Benham, James W., C–334343	150.00
Benham, Raleigh F., C–163519	125.00
Bennett, Everett Nathaniel, C–1145715	125.00
Bergman, Alfred Henry, C–1196086	150.00
Boner, George Washington, C–329708	150.00
Boyd, Clarence Elbert, C–473348	125.00
Branch, Emmett Forest, C–378760	312.50
Brand, George F., C–1155303	150.00
Brickley, Harry Dwight, C–378169	125.00
Bridwell, Harry, C–304517	127.50
Brooks, Emery Wilbur, C–254696	150.00
Brophy, John W., C–1390245	106.25
Brown, Karl Trueblood, C–366584	187.50
Burkhalter, De Nise, C–196916	150.00
Burlington, J. Roy, C–1153649	150.00
Burns, William Edwin, C–310288	150.00
Butcher, Roger Elmer, C–1150048	125.00
Carpenter, Emil Claybourne, C–618348	137.50
Childs, Leslie, C–13419	125.00
Clauser, Albert Charles, C–298742	125.00
Cleland, Samuel Clayton, C–334315	106.25
Coleman, Henry Fitch, C–263690	187.50
Cooper, Ross A., C–1163664	125.00
Cope, Harry H., C–111778	125.00
Costlow, Glenn Charles, C–261235	125.00
Cottingham, Henry Patterson, C–436861	125.00
Cox, Bruce G., C–501438	125.00
Crane, Millard, C–279625	125.00
Cray, Arthur Boyden, C–1157138	165.00
Crook, David Henry, C–903129	165.00
Davis, Charles Guy, C–419388	180.00
Denner, Rufus Joel, C–282029	150.00
Davis, James Edgar, C–396856	150.00
Driscoll, James Edgar, C–368470	106.25
Doeppers, William August, C–317684	125.00
Donlin, Anthony Byrnes, C–350406	106.25
Eby, Allen Dale, C–605716	106.25
Elrod, Stephen Benton, C–181697	150.00
Espy, Murry G., C–268104	106.25
Faris, Frank B., C–241415	125.00
Fattic, John Bartow, C–362578	187.50
Flaugher, Richard Greer, C–1436083	125.00
Foust, William Edward, C–524228	125.00
France, Walker, C–527003	125.00
Frisz, Joseph Adolph, C–1141368	150.00
Fruth, Virgil Jaye, C–445338	125.00
Garver, Irwin Leonard, C–1150075	106.25
Gibbons, George Lee, C–1144507	125.00
Gifford, Hanson Smiley, C–317637	150.00
Gilpin, John Henry, C–132729	150.00
Glover, John James, C–1216936	106.25
Green, Earle Stanley, C–368977	225.00
Greene, Frederick William, C–419962	106.25
Greene, Willis Harold, C–1147931	116.87
Grimes, Ray Dryden, C–292691	106.25
Gutelius, Charles Bradford, C–380219	225.00
Hadley, Walter Gresham, C–802107	125.00
Hamilton, Geo. William, C–1155374	125.00
Hansen, John Cornelius, C–905721	195.00
Hardin, Newton, C–8721	150.00
Harley, Wilbur Herbert, C–1288233	106.25
Harris, Walter William, C–327266	150.00
Hegewald, Charles Spence, C–1423371	125.00
Heller, Daniel Clarence, C–1186425	156.25
Hendryx, Aylmer Everett, C–282208	150.00
Henry, Robert Henry, C–262377	106.25
Henshaw, Frederick R., jr., C–1167230	106.25
Hoover, Albert Clinton, C–366003	125.00
Huber, John George, C–412352	125.00
Humphreys, Frank Blair, C–906661	225.00
Hursey, Virgil Garfield, C–172012	125.00
Inman, Gilbert Perry, C–482449	125.00
Johnson, Taylor Hadley, C–504608	125.00

Kast, Harry L., C–1017314	$106.25
Keller, Carl Clyde, C–1422052	106.25
Kern, Frank Weaver, C–240592	125.00
Knapp, Arthur Le Roy, C–437658	150.00
Latshaw, Ross, C–577930	10.00
Lester, Claude E., C–291525	187.50
Lindstrom, Walfred, C–1150268	125.00
Lord, James Austen, C–487515	125.00
Loy, Forrest A., C–450082	125.00
Mace, Elmer Ellsworth, C–1163725	125.00
Manson, James Byron, C–349425	106.25
Martin, Harvey Heber, C–1200959	187.50
Melson, Garth B., C–905891	125.00
McClary, William H., C–219542	106.25
McClelland, Frank Allen, C–287963	125.00
McKahan, Don M., C–373857	150.00
Miner, Erwin, C–1168948 (guardian Grant Trust & Savings Co.)	150.00
Minturn, Joseph Allen, C–341033	150.00
Misener, Walter Leroy, C–429849	150.00
Mitchell, William L., C–1164178	150.00
Moore, John H., C–344744	137.50
Moser, Elmer Bramble, C–83321	125.00
Mowers, Bert Soule, C–16828	150.00
Murphy, Lewis James, C–293504	106.25
O'Neil, John James, C–197072	125.00
Parkison, William, C–1160589	150.00
Peterson, Archa Lee, C–456111	125.00
Pickett, Roy W., C–214337	106.25
Pinney, Norman William, C–672940	127.50
Potts, Clifford Joseph, C–405111	125.00
Power, Herman, C–334613	150.00
Robinson, Frank C., C–268682	225.00
Rogers, Robert Campbell, C–508490	150.00
Ross, Warner Anthony, C–1146793	187.50
Rowland, Calvin L., C–468785	150.00
Royer, Elmo Ray, C–290421	187.50
Shacklett, Henry Blant, C–457351	150.00
Scheffer, Ferdinand Herman, C–215262	116.87
Schreiber, Adam William, C–274655	150.00
Shields, Scott Wilkerson, C–344365	125.00
Scott, John W., C–316547	106.25
Sherk, Wendell, C–293331	125.00
Sims, Leland McKinley, C–303479	106.25
Small, George W., C–281938	125.00
Smith, James L., C–610835	125.00
Smith, Joseph Parker, C–227945	150.00
Snider, George F., C–181113	116.87
Stephan, Joseph Edward, C–1158098	125.00
Stephenson, Hugh McCleery, C–1143545	125.00
Stout, Lester J., C–197588	125.00
Strother, Carl B., C–318577	150.00
Summers, Franklin Lyle, C–120506	125.00
Swank, Paul Jennings, C–470729	106.25
Tabor, Frank A., C–1158995	150.00
Tharp, Floyd Oscar, C–10076	137.50
Thompson, Walter Scott, C–1155287	116.87
Timmons, Charles Clyde, C–603726	125.00
Trent, William Russell, C–432994	116.87
Tucker, Carroll J., C–802288	150.00
Vandament, Walter Thomas, C–472142	125.00
Voll, Bernard John, C–87279	125.00
Wallace, Joseph M., C–1196934	106.25
Webb, Samuel, C–409965	106.25
Weeks, George Eric, C–406886	106.25
Welchous, Alvie McGregor, C–1416114	125.00
Welsh, Edgar, C–117867	125.00
White, John Anderson, C–390543	150.00
Wilmeth, Delbert Olen, C–238706	150.00
Wise, Dale O., C–178259	206.25
Wright, Walter Waldo, C–276993	150.00
Young, Edward Milton, C–222772	150.00
Young, John Sandy, C–379380	106.25

Supplemental list

Van Sweringen, Budd, C–328932	187.50

IOWA

Bare, Elmer Anderson, C–216593	150.00
Bloom, Ray C., C–1227984	106.25
Brock, Raymond O., C–301407	116.87
Bryant, Fred Spindler, C–227140	165.00
Carlson, Amel A., C–439494	125.00
Carson, Dean Herring, C–381853	125.00
Clary, William Henry, C–240185	125.00
Elgar, Herman E., C–436252	106.25
Eveleth, John McDonald, C–265222	218.75
Fraser, Walter, C–194816	125.00
Gier, Philip Elmore, C–54581	106.25
Hakes, Legard B., C–275881	106.25
Hartman, Chester James, C–199878	137.50
Jepson, William Roscoe, C–343184	125.00
Kelley, William Arthur, C–240589	195.00
Kellogg, Orson Arza, C–1223681	125.00
Kofmehl, William Henry, C–550718	137.50
Lesan, Cassius True, C–277935	150.00
Loehwing, Walter Ferdinand, C–363422	106.25
Malony, John Henry, C–497651	150.00
Meredith, Edward Roy, C–287704	$150.00
Negus, Alvah, C–1350488	150.00
Nelson, Audley Emmet, C–536302	150.00
O'Brien, Daniel James, C–1439412	125.00
Peckham, Howard Dewayne, C–312689	180.00
Peters, Ernest Eugene, C–356271	106.25
Petty, Wallace Sidney, C–382508	150.00
Phillip, Ralph Earl, C–271905	106.25
Rowe, Donald Murray, C–484018	106.25
Schide, Clarence C., C–270359	106.25
Sweeney, Orland Russel, C–256224	187.50
Walker, John Milton, C–321643	150.00
Weiser, Victor Albert, C–1349049	106.25
Welsh, George Pere, C–213520	106.25
Wilson, Edmund Willoughby, C–1211772	150.00
Wright, Howard Jesse, C–312563	150.00

KANSAS

Adams, Charles Samuel, C–1274758	125.00
Barnes, Walter Burton, C–17437	162.50
Bates, Vernon Elwell, C–88178	125.00
Bentley, Bruce Morton, C–457141	125.00
Bermant, Lester Clifford, C–299585	106.25
Billings, Earl Kay, C–1210002	106.25
Buckley, Martin B., C–166177	150.00
Burnett, Clanrold A., C–89219	125.00
Butler, James Clyde, C–438046	150.00
Butler, William Lucas, C–438047	125.00
Brewster, Roger Bernard, C–239070	150.00
Claeren, Edward L., C–906125	250.00
Clark, Earl Finley, C–413016	125.00
Clarke, Cecil Alexander, C–437811	125.00
Cludas, Arthur Louis, C–310537 (guardian Mrs. Nella B. Cludas)	150.00
Cooper, Harry Allen, C–509689	137.50
Cullum, Arthur B., C–1439861	150.00
Cummings, Lester A., C–1185492 (guardian Gertrude Cummings)	125.00
Dillingham, William Roy, C–1221403	150.00
Divine, Duke Girdner, C–177002	125.00
Eagan, Robert Emmette, C–561761	125.00
Edwards, Charles Evan, C–14302	162.50
Fast, John, Clarence, C–350038	125.00
Fitzpatrick, Fred R., C–240988	312.50
Fox, Burton Edward, C–1227539	137.50
Germain, Everett Earl, C–1219677	106.25
Gray, Louis Wilbur, C–311690 (guardian Mrs. Alma L. Gray)	150.00
Haerle, Edward Jacob, C–279939	125.00
Hamilton, Walter, C–499350	125.00
Harris, Lawrence T., C–579277	137.50
Haskell, John Jarvis, C–446069	225.00
Hawk, Benjamin Franklin, C–210973	187.50
Henderson, Ralph C., C–1220955	150.00
Hood, Tarlton A., C–143897	150.00
Hooper, Edward Waddell, C–1228847	150.00
Huey, Frank G., C–224059	106.25
Humphrey, George Ferguson, C–213023	180.00
Hyde, John Jackson, C–1227051	150.00
Kelly, Carroll B., C–610404	131.25
Klock, Helmer Alfred, C–1217244	106.25
Kurtz, Russell Lenoir, C–278307	187.50
Johnson, Paul Brent, C–1222383	150.00
Love, Ralph Huntington, C–521514	180.00
Lyon, Charles Walter, C–458406	150.00
McManigal, John Wesley, C–217713	137.50
McDonnall, Zara Harman, C–308603	106.25
McClain, Alvah Smith, C–905448	187.50
Mendenhall, Homer, C–764029	243.75
Mielke, Charles Harry, C–193544	187.50
Mills, Arthur McPherson, C–1219515	195.00
Mundell, Walter Newton, C–85350	150.00
Nease, Stephen Gilbert, C–217925	137.50
Nienstedt, William Frederick, C–239513	150.00
Page, Willifred, C–210657	125.00
Perkins, Roy William, C–905923	225.00
Preston, Richard Otis, C–426257	125.00
Reed, Charles Sidney, C–1229235	106.25
Root, Frank Pletcher, C–384209	150.00
Ross, Richard Still, C–536425	125.00
Russell, William Leonard, C–1439630	106.25
Schrader, Lewis Milward, C–1211355	125.00
Scott, John Rutherford, C–435719	187.50
Shewalter, George Milton, C–1162852	125.00
Stanton, Samuel Cecil, C–495182	250.00
Stryker, William Lester, C–249805	165.00
Sutton, John Magruder, C–255095	150.00
Taggart, Henry Hutchinson, C–1209721	125.00
Toomey, Ernest, C–320263	106.25
Trueheart, Marion, C–298191	150.00
Tucker, Claude C., C–425209	125.00
Walker, Frank J., C–484406	150.00
Warner, Albert Rowland, C–255080	150.00
Wasson, Clyde Hamilton, C–219334	125.00
Whittberry, Joe Storms, C–326854	106.25
Whitson, Clyde F., C–721353	106.25

Wilson, Frank Wendel, C–1223877	$106.25
Withers, George A., C–516414	206.25
Young, Richard Claude, C–117890	150.00

Supplemental list

Rudbeck, John, C–411150	125.00

KENTUCKY

Allen, Rudolph, Commander Hiram H. Allen, C–305380	116.87
Austin, James A., C–407698	125.00
Bach, Luther, C–216989	125.00
Baker, Horace, C–250097	165.00
Barlow, Edward Callistus, C–413394	150.00
Banks, David Paul, C–1420863	187.50
Bizzell, Matthew Andrew, C–819092	125.00
Blount, Henry Clay, C–1141707	125.00
Bogan, Henry Smith, C–393187	106.25
Brewer, Frank Giltner, C–317887	187.50
Brock, George Simeon, C–489318	150.00
Brown, William Henry, jr., C–172870	137.50
Bryant, Ura M., C–618094	137.50
Buckner, John Dawson, C–387020	106.25
Bushong, Perry W., C–1154645	150.00
Caldwell, James Guthrie, C–299789	125.00
Coleman, Robert M., C–187136	150.00
Coolidge, Walter L., C–174728	150.00
Collier, Thomas Reed, C–184406	125.00
Coulson, Wallace Magnus, C–293474	
Cox, William Moss, C–307829	150.00
Craig, Henry Harrison, C–1099339	165.00
Curd, Joyes, C–384441	125.00
Curtis, William Earl, C–245778	106.25
Dade, Randolph, C–1423022	125.00
Dawson, John S., C–1270764	106.25
Denman, Francis Eugene, C–483718	125.00
DeWeese, Clarence, C–141804	187.50
Dillion, James Knox, C–1142541	165.00
Dowdall, William Turpin, C–301297	150.00
Doyle, George F., C–597266	150.00
Duncan, Richard Finley, C–165578	150.00
Eckman, William Guy, C–90761	125.00
Eubank, Albia Linnea, C–694664	106.25
Everman, Ord, C–654870	150.00
Eversole, James Garfield, C–1416106	165.00
Frazier, Emery Lee, C–826506	125.00
Fuss, John Carroll, C–475701	150.00
Gabbert, Roy Dennis, C–1161762	150.00
Gaines, Noel, C–1149277	243.75
Hacker, David Lyttle, C–440596	125.00
Hall, Edmond Parker, C–1153108	138.12
Hamilton, Finley, C–408566	165.00
Hancock, Jethra, C–1161749	150.00
Happy, Frank Feland, C–1421114	150.00
Havely, Theo Ward, C–1337918	106.25
Henry, Jouett, C–481892	312.50
Heuschling, Allen John, C–1421196	127.50
Hobson, Charles Nourse, C–906664	125.00
Honaker, Harry Price, C–1151918	150.00
Howard, Joseph, C–346778	125.00
Hyatt, Meredith Woodson, C–1154705	150.00
Jackson, David Thomas, C–30092	180.00
Jones, Henry Bascom, C–197509	150.00
Keffer, Smithfield, C–357759	125.00
Kelley, James, C–197240	116.87
Kessinger, Benjamin Lee, C–1153965	106.25
Kibbey, Delbert Valley, C–484168	106.25
Liggett, David Carl, C–446854	106.25
Longmire, Charles William, C–391719	250.00
Lyon, Howard, C–620131	125.00
Lyons, Thomas Barkley, C–1377628 (commissioner Peoples Bank of Fleming County)	125.00
Mason, James Boyd, C–360178	187.50
Matlack, Leonard Freeman, C–905597	56.25
McCoy, Stephen Clifford, C–645603	150.00
McDowell, Addie, C–473752	180.00
McGinty, Michael James, C–846931	106.25
McGraw, Joseph F., C–323507	116.87
McKinley, David Howard, C–594499	150.00
McLean, Charles E., C–304218	125.00
McWilliams, Wiley E., C–279957	125.00
Menefee, John Newell, jr., C–1416104	150.00
Millis, John M., C–195038	106.25
Morris, James M., C–1163958	150.00
Moss, Morton McTyeire, C–1415844	150.00
Moss, Robert Carlisle, C–433038	150.00
Murphy, Robert E., C–1154395	106.25
Nickell, Homer Lee, C–165977	125.00
Nisbet, Wm. Kemp, C–448814	
Nolan, Joseph Wynne, C–350488	150.00
Ogden, Paul Jonathan, C–657508	125.00
Osborn, Henry Chilton, C–1416508	150.00
Owen, Evan Ellis, C–1418821	125.00
Owsley, Grant Alexander, C–627255	106.25
Page, Marion W., C–614786	150.00
Parrigin, Oliver H. P., C–311362	150.00
Pindar, Leon Otley, C–1142471	125.00
Pipes, Mastin Lee, C–100497	150.00
Porter, Robert William, C–432263	$150.00
Price, John Thomas, C–1152894	150.00
Rau, Ernest, C–298285	150.00
Reed, Washington, C–1160623	125.00
Richardson, John B., jr., C–351975	150.00
Ridley, James Urey, C–1417771	150.00
Riley, Augustus B., C–292606	150.00
Royalty, Hubert E., C–583970	187.50
Scrivner, Samuel Tudor, C–598093	125.00
Seale, Charles L., C–419264	106.25
Shriver, Ray Otto, C–104694	125.00
Showalter, Daniel E., C–435926	150.00
Simpson, George C., C–510704	116.87
Smith, John I., C–1142868	150.00
Smith, Samuel Clemens, C–1141714	150.00
Snowden, Frank Beatty, C–436256	125.00
Sory, James Dunn, sr., C–421053	187.50
Spencer, John G. Carlisle, C–253214	106.25
Stoddard, James Kent, C–263983	125.00
Strong, Elbert, C–168588	125.00
Thompson, Geo. L., C–1416234	125.00
Thompson, Paul Erwin, C–87264	106.25
Treleaven, William, C–905781	150.00
Turner, Edmond Daniel, C–500643	125.00
VanMeter, Benjamin F., C–1416371	206.25
Veal, Marvin Speed, C–520532	150.00
Vinson, Charlie E., jr., C–1113124	150.00
Williams, Ralph O'Neal, C–178286	106.25
Woodson, Hylan Hale, C–417757	125.00
Wright, Oscar Catlette, C–359955	106.25
Young, Albert De Forest, C–290437	150.00

Supplemental list

Combs, John Wesley, C–319457	150.00

LOUISIANA

Aldag, Harry Walter, C–213944	127.50
Allen, Kotz, C–181896	150.00
Baker, John Saunders, C–409643	165.00
Billing, Samuel A., C–516163	187.50
Black, Bryan, C–263158	281.25
Brown, Emmett Wilson, C–1103933	150.00
Burnham, George Harmon, C–411816	150.00
Chatham, Robert C., C–1135494	106.25
Christian, Early Bickham, C–169693	106.25
Coe, Albert Miles, C–205923	150.00
Cook, Claude Thomas, C–800013	116.87
Cook, Paul Darwin, C–179755	187.50
Crow, James J., C–1301936	106.25
Devron, John Alexander, C–1139412	206.25
Evans, Niles P., C–252597	125.00
Ewing, Joseph Luther, C–434147	125.00
Ferguson, Elijah Pleasant, C–1131015	125.00
Ferrill, Frank B., C–1089611	150.00
Floyd, Winfield N., C–1127995	125.00
Ford, Herbert S., C–1303010	150.00
Foster, Marion H., C–273166	125.00
Foster, Robert Balch, C–1126476	106.25
Freden, Gustaf E. N., C–237182	106.25
Genella, Louis Julian, C–213889	150.00
Green, Andrew Arthur, C–243850	180.00
Gregory, Edward Manhardt, C–1256461	125.00
Grevemberg, Francis B., jr., C–386456	150.00
Haynes, Walter A., C–1103187	106.25
Holmgren, Carl Martin N., C–1091227	106.25
Kelly, John L., C–1125223	187.50
Kibbe, Pressley A., C–1305514	150.00
Kopfler, Joseph Starns, C–905252	150.00
Kopfler, William F., C–1301607	125.00
La Coste, Warren J., C–528242	106.25
Lyon, George Clyde, C–392091	125.00
MacArthur, James Harper, C–1437432	125.00
Malsby, John D., C–1337506	137.50
McAloney, Lorne Gilmore, C–316580	150.00
Mestayer, Otto Joseph, C–653540	106.25
Miller, Benjamin Wentworth, C–563315	125.00
Mittendorf, Bradley C., C–429185	106.25
Moody, Magnus Martin, C–278283	106.25
Morris, Harold Roscoe, C–563773	106.25
Morrow, Bishop Levi, C–479076	165.00
Nowlin, J. C., jr., C–263282	125.00
Padgett, William Alexander, C–518980	225.00
Pafford, Jefferson W., C–1113073	125.00
Parker, George Alexander, C–650704	162.50
Pittman, John L., C–541243	150.00
Primrose, Joseph H., C–1267462	137.50
Reams, Paul E., C–503659	106.25
Robert, James J., C–156241	187.50
Sartor, James Clarence, C–558895	150.00
Schwam, Walter M., C–1307734	106.25
Seemann, William Henry, C–123289	150.00
Sevier, Henry C., C–151780	106.25
Sherwood, William F., C–1137968	106.25
Smith, Herbert B., C–17681	150.00
Thiele, Richard, C–1097953	150.00
Thomson, John Herndon, C–195492	125.00
Tooley, Josiah O., C–667644	106.25

VanZelfden, Cornelius, C–1301629	$125.00
Varnado, Samuel R., C–1307651	150.00
Walet, Perry Henry, C–555653	125.00
Wiener, Earl Loeb, C–1096120	106.25
Wilson, Wilbe Radford, C–425311	125.00
Witbeck, Albert Tyler, C–253423	150.00
Wood, Lewis Hilliard, C–165109	125.00
Wooten, Chancellor F., C–185302	150.00

MAINE

Benoit, Romeo Eugene, C–1406252	106.25
Carroll, James Henry, C–420739	150.00
Cousins, William L., C–1019895	187.50
Crosby, Clarence H., C–1008640	125.00
Dickey, Walter, C–1005621	106.25
Downes, Joseph Watson, C–1382700	106.25
Eastman, James Walker, C–905457	150.00
Garney, John A., C–304021	137.50
Gould, Willis Elden, C–436353	125.00
Griffin, Francis Augustus, C–340281	106.25
Haskell, William Langdon, C–430766	225.00
Hasty, Percy Albert, C–505687	150.00
Hermann, Solomon Andrew, C–1003719	243.75
Hewitt, John Everett, C–1251697	187.50
Hobbs, Henry C., C–569811	180.00
Love, James A., C–1001244	106.25
McNeil, Harry Daniel, C–193681	125.00
O'Leary, Edwin Dolan, C–291565	106.25
Pelletier, Joseph John, C–353385	150.00
Slocum, Paul Frederick, C–447875	125.00
Southard, William Edward, C–214183	281.25
Swett, Guy I., C–229235	180.00

Supplemental list

Ham, John C., C–501522	150.00

MARYLAND

Adams, John Myron, C–352675	150.00
Balland, Eugene Caesar, C–370339	125.00
Barnes, Harry Oliver, C–1085895	106.25
Berger, Clyde Dolson, C–505373	106.25
Beziat, Frederick Hamilton, C–303843	125.00
Blades, Webster S., C–686411	125.00
Bledsoe, Edwin Page, C–1115834	150.00
Boyden, Malcolm C., C–1094880	150.00
Boyle, James Brooks, C–420672	150.00
Brown, William Arthur, C–414605	106.25
Burke, Edmund, C–906101	128.60
Casey, Arthur, C–487179	243.75
Cawley, William Dennis, C–139812	150.00
Charles, Frederick Henry, C–905481	125.00
Clary, John Henry, C–404793	106.25
Cochran, Harry Berch, C–1377564	150.00
Colley, Thomas Milton, C–488075	137.50
Coney, Edgar Heath, C–404418	116.87
Costinett, Joseph Rocca, C–203291	125.00
Council, Wilford A., C–1094005	125.00
Creecy, Donald B., C–1123662 (guardian, Anne B. Creecy)	150.00
Cross, George G., C–311041	125.00
Daily, John Walter, C–1093969	150.00
Donaldson, Robert Fenton, C–905803	
Donegan, Daniel Albert, C–1097919	106.25
Elphinstone, Douglas Cassel, C–480346	150.00
Evans, Alexander Mason, C–1094773	125.00
Fay, Daniel Edgar, C–1380677	150.00
Ferrandini, Edmond V., C–1099500	150.00
Gaddess, Harry Wilfrid, C–204516	150.00
Gillis, Alexander James, C–177789	150.00
Gordon, Philip, C–418639	225.00
Grammes, Robert Asa, C–1091922	218.75
Grevemberg, Carlos Ernest, C–1380464	150.00
Gross, Harry, C–636584	237.50
Grubb, James Obdeyer, C–195760	150.00
Guistwhite, Bruce H., C–485249	125.00
Hall, Elmer G., C–1098801	125.00
Haslup, Charles Leroy, C–363774	106.25
Hacth, Carl Tilden, C–412125	106.25
Hopper, Pearl D., C–573253	187.50
Huebner, Albert Frederick, C–224052	150.00
Johannes, William Ashton, C–905212	116.87
Johnson, Robert William, C–256577	150.00
Jones, Harold Curtis, C–202019	106.25
Jones, Joseph Hall, C–1417308	125.00
Kaiss, Edward Windon, C–865803	116.87
Kane, Clinton Austin, C–705212	150.00
Kennedy, Robert Eugene, C–418546	165.00
Kirby, Thomas, C–240518	150.00
Kolls, Alfred C. (guardian, Baltimore Trust Co.), C–1092091	150.00
Krumm, Harry William, C–1095962	106.25
Lewis, jr., William Penn, C–563102	125.00
Linville, James Z., C–1380661	180.00
Lutz, jr., James Augustus, C–240156	125.00
Marcus, Lawrence, C–1043037	125.00
Matthai, Joseph Fleming, C–253277	125.00
Matthews, Charles Newton, C–349442	125.00
McCluer, Edwin Alexander, C–246234	125.00
McShane, Arthur J., C–1094669	150.00
Mess, George B., C–557886	106.25
Mitchell, Ezra Getchell, C–1095093	$150.00
Moore, John Carroll, C–418642	125.00
Myers, Charles Eugene, C–906745	187.50
Newgirg, Michael Henry, C–362567	125.00
O'Connell, James Henry, C–1086491	106.25
Oliver, Fred Nash, C–563309	187.50
O'Neill, Henry H., C–684927	150.00
Phelps, Joseph Spence, C–238740	137.50
Pitcher, Edwin Hoffman, C–428428	125.00
Reuter, Francis J. G., C–906229	125.00
Rice, German William, C–905807	180.00
Roberts, Ernest, C–1377907	187.50
Roberts, Robert Orson, C–905397	106.25
Robey, Charles Francis, C–223963	106.25
Rothman, Arthur Gordon, C–146067	162.50
Sands, Richard Elbert, C–357956	150.00
Sappington, Purnell F., C–171262	150.00
Semmes, Harry Hodges, C–180873	106.25
Sheets, William Stokes, C–1144051	187.50
Shields, Thomas, C–420354	125.00
Sneeringer, Michael Reily, C–509468	106.25
Starr, Edward James, C–565560	106.25
Sterling, Gordon Cornelius, C–186017	106.25
Stow, James Russell, C–32075	116.87
Tobey, Paul Titus, C–1181039	106.25
Traut, Fred Grandon, C–221329	125.00
Trump, Charles Samuel, C–277646	116.87
Turner, Harry C., C–1087484	150.00
Tyndall, Ira Clinton, C–1382464	150.00
Van Hollen, Donald B., C–193354	106.25
Vey, Edgar Alan, C–502204	150.00
Vinup, Frederick Henry, C–245875	206.25
Vipond, Benjamin Leslie, C–209153	150.00
Walls, William Ralph, C–358368	106.25
Whittaker, Burton Edward, C–1378756	106.25
Williams, jr., Frank Edwin, C–221733	125.00
Williamson, Philip Hearn, C–106868	125.00
Wilson, Alfred Curtis, C–1098578	106.25
Wilson, William Valentine, C–249880	125.00
Worthington, Leland Griffith, C–590366	137.50

Supplemental list

Crook, Charles Samuel, C–326357	125.00
Corcoran, Matthew John, C–324519	150.00

MASSACHUSETTS

Ahern, Joseph A., C–522827	150.00
Allen, Woodward, C–309887	187.50
Ames, Shirley Lesquereux, C–400639	150.00
Andrews, George Wilson, C–298201	150.00
Austin, Walter W., C–224962	180.00
Bachelder, Frank E., C–563800	125.00
Bacon, Henry Stuart, C–272543	106.25
Balch, William H., C–1405009	187.50
Bampton, Sidney W., C–375482	125.00
Barr, Harry Hillman, C–664552	106.25
Behringer, Theodore F., C–1407759	106.25
Bell, Hollis Westcott, C–1015919	106.25
Benoit, Samuel Joseph, C–267094	150.00
Bergen, William M., C–307411	150.00
Berman, Louis, C–1027959	137.50
Bernard, Andrew James, C–612763	137.50
Berndes, Walter O., C–286217	106.25
Berry, Bernard Monroe, C–117461	150.00
Blanchard, William Bradford, C–303847	137.50
Blanchard, William Herbert, C–444980	206.25
Bobst, Frank T., C–1014519	125.00
Boldridge, Chauncey H., C–200988	150.00
Brannen, Francis Annis, C–1015934	187.50
Breen, Frederick, C–235780	125.00
Breen, Vincent Charles, C–393317	180.00
Bridges, Thomas Austin, C–347980	106.25
Brockmann, Arthur, C–520192	210.00
Brown, Fred Parsons, C–509533	150.00
Brown, Harry Dunlap, C–906273	150.00
Bumnton, Ernest Richmond, C–165772	106.25
Bumps, Charles Hadley, C–265315	180.00
Burger, Ernest Rudolph, C–533263	195.00
Burr, Ernest Rollins, C–9253	106.25
Butler, David Mathew, C–266364	125.00
Butler, Joseph Francis, C–1003958	106.25
Butler, Patrick William, C–420211	150.00
Campbell, Paul James, C–1008742	106.25
Carlson, John Rudolph, C–83309	125.00
Carr, Andrew J., C–592921	210.00
Carr, Barton, C–1004579	125.00
Carroll, Bernard Francis, C–1009271	125.00
Casey, James Bernard, C–307216	106.25
Cavanaugh, Frank W., C–295214	187.50
Charron, Wilbur Arthur, C–826401	150.00
Chase, Porter B, C–1406709	281.25
Chesbro, Phillip Gordon, C–484710	125.00
Choate, Joseph B., C–239259	150.00
Cleary, John James, C–467414	106.25
Cogan, James E., C–1408611	106.25
Cole, Judson Henry, C–238856	150.00
Collins, Joseph John, C–247215	106.25
Comerford, Charles A, C–532305	106.25

Comerford, John Thomas, C–177477	$150.00
Connell, William A., C–486124	106.25
Cooper, Edwin H., C–1007208	150.00
Cooper, Frank Cyril, C–502297	106.25
Corbin, James William, C–326707	106.25
Corbett, Edward Francis, C–405674	137.50
Cormerais, Henry Dana, C–306850	210.00
Cosgrove, John, C–1011008	
Crafts, Addison F., C–1406542	225.00
Crane, Charles Allen, C–341383	106.25
Cross, Lawrence J., C–1019513	116.87
Cummings, Howard James, C–252137	116.87
Curley, Clarence P., C–1017792	150.00
Daly, Arthur J., C–474210	150.00
Dalzell, Arthur Herbert, C–346635	125.00
Damon, John Warren, C–397790	106.25
Day, Wallace Clesson, C–295627	125.00
Dearborn, Walter Scott, C–1407329	106.25
Dee, Michael James, C–1405057	180.00
Doane, Harry Leslie, C–830518	250.00
Dobbins, William Everett, C–1091439	206.25
Dobbs, George Francis, C–165153	106.25
Dolan, James Joseph, C–1018922	125.00
Donovan, Arthur Patrick, C–397517	106.25
Donovan, Frank Leo, C–1003576	250.00
Doten, Max Vincent, C–258263	106.25
Drake, Harry Floyd, C–484428	106.25
Duane, James Thomas, C–210494	165.00
Dunn, John H., C–1407699	281.25
Dunn, Joseph Henry, C–1407577	150.00
Dwyer, William Joseph, C–534314	125.00
Earl, John Joseph, C–266934	106.25
Eastman, Harry N., C–559411	195.00
Edwards, Frank Pierce, C–906269	210.00
Elkins, Samuel T., C–1010153	106.25
Ellinwood, Waldo Sherman, C–488827	127.50
Estes, Frederick Anson, C–239266	206.25
Ewen, Arthur, C–279613	106.25
Farrell, William Joseph, C–1011506	125.00
Faulkner, Ralph Lindsay, C–1009956	150.00
Fay, William M., C–289454	125.00
Finnerty, Charles William, C–304041	125.00
Fitchet, Seth Marshall, C–164328	165.00
Fitzgibbon, Edward J., C–340432	137.50
Flaherty, William A., C–210547	106.25
Fleischner, Herbert Edmund, C–457394	187.50
Fleming, John Aloysius, C–224529	125.00
Foley, Thomas Francis, C–1016512	243.75
Foote, Alfred Franklin, C–1405315	281.25
Fornason, Charles F., C–1034554	187.50
Fowler, Edward Clinton, C–1012003	137.50
Fyfe, Andrew, C–1009381	125.00
Gallagher, Thomas J., C–1001200	125.00
Gates, Ernest A., C–276897	250.00
Gibbs, Warmoth Thomas, C–546445	106.25
Gillis, Frederick James, C–457213	125.00
Gillis, John Angus, C–530993	116.87
Gillon, Edward Francis, C–1005085	125.00
Ginivan, Robert A., C–537808	106.25
Gish, Daniel Brailey, C–369989	125.00
Glidden, Arthur Boynton, C–105289	165.00
Grant, Walter B., C–326454	106.25
Greeley, Julian Francis, C–1019705	106.25
Griffin, William Henry, C–1015221	150.00
Grimes, Eustis Bernard, C–409678	106.25
Groah, Edward Herbert, C–296240	162.50
Guilfoil, Thomas J., C–1015535	187.50
Hagan, Thomas Joseph, C–328866	250.00
Hall, Herbert William, C–279358	150.00
Hallberg, Carl John, C–387618	137.50
Hansen, Arthur Alexander, C–201042	206.25
Harding, Arthur Ellsworth, C–1000894	187.50
Harding, Robert Francis, C–316593	125.00
Harrington, Francis P., C–1018867	150.00
Harrington, Frederick, jr., C–134173	106.25
Hartwell, Herbert Francis, C–383615	165.00
Harwood, Franklin Andrews, C–28318	125.00
Hawks, Horace G., C–1409762	106.25
Healey, Patrick F., C–209592	150.00
Healy, Jeremiah Joseph, C–239529	195.00
Healy, John J., C–501900 (guardian, Anna Du Moulin)	137.50
Hickey, Charles F., C–1014717	106.25
Hickey, James F., C–1005941	250.00
Hickox, Edward Junge, C–315081	137.50
Hodgkins, William F., C–756644	125.00
Holland, Edward L., C–1062824	106.25
Holmes, Joseph Gardner, C–536854	175.00
Hopkins, Lawrence P., C–1006667	125.00
Horton, George Elmer, C–905705	210.00
Houston, Clarence Preston, C–214947	150.00
Howe, Edward J., C–1405686	106.25
Hoyle, Henry R., C–1012912	150.00
Hughes, Joseph Vincent, C–1407083	106.25
Hunting, Arthur Israel, C–456953	150.00
Ingraham, Elmer C., C–212070	106.25
Ireland, Orville Friend, C–288226	125.00
James, William Edgar, C–1018200	$165.00
Jenkins, Thomas Lincoln, C–905353	281.25
Johnson, Philip I., C–1406355	125.00
Jones, Albert E. B., C–392239	116.87
Jones, Daniel A., C–298048	116.87
Jones, Frederick Ellis, C–498289	262.50
Jones, Robert L., C–197157	150.00
Jones, William Emerson, C–304171	125.00
Kearns, Thomas Wilfred, C–400721	125.00
Keating, Thomas F., C–1007685	125.00
Keenan, Barry, C–1017824	150.00
Keller, Paul, C–322089	137.50
Kelley, James Richard, C–412299	116.87
Kelley, Thomas U., C–477306	106.25
Kelly, Eugene Edmund, C–537807	106.25
Kennedy, William Edward, C–240089	116.87
Kennerly, Edgar Oliver, C–392070	125.00
Kerr, James, C–1011381	138.12
King, Mark Aloysius, C–446680	150.00
Kivlin, Alfred Patrick, C–381351	106.25
Knauth, Felix W., C–238202	125.00
Ladd, Walter Alexander, C–1408422	150.00
Lahey, Jeremiah J., C–611997	106.25
Lally, Francis H., C–741507	125.00
Lally, Michael Joseph, C–376475	106.25
Lane, Philip Thomas, C–1000388	162.50
Lawson, Henry George, C–554056	150.00
Leontine, Gaspar E., C–1019195	187.50
Letzing, John Laurence, C–388821	
Lydon, John J., C–1016916	165.00
MacCarthy, Eugene Richard, C–1407740	106.25
MacDonald, Calin Campbell, C–905829	106.25
Mack, David Gibson, C–543069 (guardian, Mrs. Gertrude D. Mack)	125.00
MacNeil, Angus Joseph, C–907065	125.00
Mahoney, Augustine Francis, C–498096	106.25
Mahoney, John W., C–1012257	180.00
Maloney, Arthur Michael, C–119557	106.25
Maloon, Ralph I., C–236880	116.87
McAvey, Thomas L., C–1405842	187.50
McCann, William Fenton, C–1410195	150.00
McCarthy, Thomas, C–1009908	210.00
McCormick, William A., C–1015694	150.00
McClure, Samuel, jr., C–1391292	150.00
McDonnell, Henry Grattan, C–358870	106.25
McGay, Walter Howard, C–1016104	125.00
McGlone, Joseph Carlton, C–288505	106.25
McIntyre, Donald Roy, C–378558	
McKenney, Harry, C–169117	106.25
McLean, Obadiah Ritchey, C–569279	125.00
McNellis, Bernard Joseph, C–569822	125.00
McPhail, John Gunn, C–1410266	150.00
Menard, Henry George, C–424823	116.87
Merrill, Henry Mudgett, C–290722	106.25
Millward, Arthur Henry, C–624231	106.25
Mix, Donald Guernsey, C–428920	106.25
Morris, Robert Edmund, C–286604	106.25
Moulton, Paul, C–1409540	150.00
Moyse, George Crendon, C–473071	195.00
Mulcahy, George Francis Arthur, C–1014012	106.25
Mullaney, James J., C–264423	106.25
Murphy, Arthur W., C–1405795	106.25
Murphy, Thomas F., C–338711	225.00
Nabers, Bruce Quigley, C–487045	150.00
Nagel, Frederick F., C–393108	106.25
Nelson, John Alfred, C–492901	106.25
Neville, Maurice Patrick, C–1002178	106.25
Newell, Joseph, C–1266135	240.62
Nicholls, Melvin Henry, C–308145	116.87
Norton, William Michael, C–1000577	106.25
Noxon, John Franklin, jr., C–188135	106.25
Noyes, Edwin Miles, C–1405436	106.25
Oates, Walter Alexander, C–312346	106.25
O'Brian, Patrick Francis, C–380795	162.50
O'Brien, John, C–1006178	150.00
O'Connell, Fabian V., C–743126 (guardian, Loretta G. McCormack)	125.00
O'Connor, Michael J., C–1009196	165.00
Ogden, Joseph T., C–1408101	125.00
O'Neil, Frank Patrick, C–295019	150.00
Orr, Gordon Dickson, C–1409610	125.00
Packard, Thomas Dudley, C–1013051	125.00
Paglia, Jeremiah James, C–625682 (consignee, Mrs. Eleonore E. Paglia)	125.00
Parker, John E., C–297694	210.00
Parlow, George Gibson, C–1011340	150.00
Patrick, Howard, C–1405639 (consignee, Merchants National Bank of Boston)	106.25
Penney, George S., C–214273	210.00
Perry, Harold Clinton, C–1126230	106.25
Phelps, Ernest Henry, C–526467	137.50
Phillips, Charles Elmer, C–1016870	106.25
Pierce, Hammond M., C–204643	106.25
Pierce, Reuel Alfred, C–203214	150.00
Pond, William Gilbert, C–410113	210.00
Power, Thomas Edward, C–185405	150.00

Pratt, George W., C–758001	$106.25
Pringle, James Robert, C–1405614	106.25
Putnam, Eben, C–435549	150.00
Ramsay, William W., C–1010590	240.62
Ranlett, Louis Felix, C–166339	106.25
Ratigan, William Andrew, C–1016160 (guardian, Mrs. Elizabeth A. Ratigan)	172.50
Reardon, Cornelius Leo, C–1006806	125.00
Reardon, Frank J., C–1405437	180.00
Reardon, Timothy James, C–178053	106.25
Reddy, Daniel P., C–168232	106.25
Reed, George Roland, C–703880	106.25
Reed, Leslie Stevens, C–1409830	106.25
Regan, William Francis, C–449988	150.00
Richardson, Francis Allen, C–333602	150.00
Ricker, Maurice Stanley, C–419764	125.00
Ricketts, Joseph W., C–206974	150.00
Riley, Henry Irving, C–1268317	125.00
Riley, John Joseph, C–426625	125.00
Robart, Ralph Whitley, C–293811	125.00
Roberts, George Albert, C–491942	187.50
Robinson, Arthur, C–399408	106.25
Rose, James Patrick, C–459744	137.50
Ryan, Edward Francis, C–555744	125.00
Saftel, Harry R., C–1039127	125.00
Sanford, Alfred Osro, C–1018436	106.25
Sargent, Lester F., C–1409318	160.00
Sawhill, John McKnight, C–434524	125.00
Scarles, Herbert L., C–273107	150.00
Scheller, Louis, C–388861	125.00
Schuyler, Philip Lansing, C–303475	281.25
Schwartz, George Harvey, C–906707	125.00
Selden, James Kirkland, C–127187	106.25
Shaughnessy, Paul Francis, C–403550	150.00
Shea, Thomas Pancratius, C–396607	125.00
Sheehan, Edward Bernard, C–203991	150.00
Sheehy, Edmund F., C–432639	106.25
Sherry, James P., C–1088054	125.00
Sirois, Edward Devlin, C–409103	106.25
Smith, Charles Warren Henry, C–255288	162.50
Smith, Chellis Vielle, C–1410228	125.00
Smith, Clarendon W., C–1407000 (conservatrix, Margaret D. Smith)	106.25
Snow, Simon Charles, C–671277	125.00
Spalding, George Edward, C–523534	106.25
Spellman, Martin Henry, C–482865	125.00
Spencer, Harry Lovering, C–905853	137.50
Stanchfield, Charles C., C–1006648	195.00
Stanley, Gilbert, C–309649	125.00
Stearns, William Brackett, C–1050427	150.00
Stewart, George William, C–1410414	150.00
Stinehart, Elmer Charles, C–1007922	125.00
Stirzaker, Ernest Joseph, C–1406383	106.25
Sutton, Daniel F., C–611950	125.00
Swindler, Harold Frank, C–1016011	137.50
Talbot, Robert Adams, C–1017909	106.25
Taylor, Ira Chase, C–280466	137.50
Tenney, Gerald E., C–1022239	150.00
Tidd, John Henry, C–1406641	195.00
Tierney, Thomas F., C–1013186	165.00
Trask, Charles Albert, C–1000271	125.00
Trotman, Frank Paul, C–1013449	106.25
Upton, Charles Louis, C–134794	150.00
Ulrich, Francis Paul, C–609891	116.87
Vera, Frank Jerry, C–1006954	125.00
Vigeant, Napoleon Joseph, C–1019341	106.25
Walsh, George W., C–1016278	150.00
Walsh, James Francis, C–439866	137.50
Walsh, John Leo, C–250400	106.25
Warner, George Vernon, C–380498	106.25
Warner, Hunt, C–234038	106.25
Waterhouse, Charles N., C–1018184	106.25
Weir, James Duncan, C–616383	210.00
Weise, Leo, C–427094	137.50
Wellman, Harold Orne, C–1410083	125.00
Welsh, Peter James, C–1014771	125.00
Windsor, King Olaf, C–246069	150.00
White, Harry D., C–1038241	125.00
White, Arthur Francis, C–185324	106.25
Williams, Haskell, C–18563	125.00
Wilson, Andrew Thomas, C–98485	137.50
Wilson, Harvey William, C–176740	106.25
Winquist, Lennart, C–1008979	------
Winslow, Edmund John, C–587978	116.87
Winston, John Francis, C–1016023	150.00

Supplemental list

Webster, Edward E., C–1009485	106.25

MICHIGAN

Alexander, John, C–1029972	125.00
Anglemire, Raymond Lee, C–303259	150.00
Ashmun, Louis Henry, C–1155299	125.00
Ballard, Freeman A., C–601523	106.25
Barcus, Walter J. E., C–1198130	150.00
Barnwell, John B., C–1056321	106.25
Baskerville, Robert J., C–294740	150.00
Beuker, Bernard Johan, C–1175595	$187.50
Bohstedt, William, C–252439	150.00
Boldon, Harry, C–303798	116.87
Bradley, Kenneth C., C–1187339	116.87
Breakey, James F., C–333377	187.50
Brittian, William Sebastian, C–658717	125.00
Brown, Howard, C–1191100	150.00
Brunk, Henry Jerrett, C–289475	150.00
Bullock, Earl Sprague, C–396157	187.50
Bush, Daniel Tilden, C–416715	137.50
Carney, James Joseph, C–537701	106.25
Casper, Franklin S., C–229390 (guardian, National Bank of Ionia)	106.25
Cooley, Randall Marvin, C–522056	206.25
Conrick, John P., C–522819	150.00
Crabbe, George Simmons, C–238864	180.00
Dudley, Ethelbert L., C–305257	165.00
Dumas, Victor Morley, C–1437528	250.00
Dunham, William Herbert, C–619348	150.00
Etu, Walter J., C–1198924 (guardian, Louise Etu)	125.00
Flick, Fred S., C–433004	106.25
Gambs, Ernest Rudolph, C–618504	125.00
Gansser, Augustus H., C–232462	231.25
Gilmore, Harry F., C–288658	150.00
Hartman, Ernest Valentine, C–124340	150.00
Houser, Frederick Ferris, C–33030	106.25
Hulliberger, Milo R., C–179369	106.25
Irvin, Harry Clay, C–367247	150.00
Irving, Ira Lloyd, C–542535	------
Jameson, Earle Clifton, C–473969	125.00
Jameson, H. Burton, C–146189	106.25
Johnson, Henry T., C–1179307	137.50
Kelly, Harry Francis, C–90210	106.25
King, Louis A., C–1437527	150.00
Kirkpatrick, Dixon Heckman, C–547167	150.00
Kowalski, Charles J., C–1171487	137.50
Krohn, Albert Henry, C–339621	125.00
Kunze, Lewis W., C–342850	137.50
Lahmann, Charles Fred, C–127134	162.50
Lamb, Franklin, C–1202930	137.50
Lawrence, Frank A., C–1174505	175.00
Leneweaver, Charles Frederick, C–360948	106.25
Lewis, Raymond McKinley, C–1193796	150.00
Loye, Harry August, C–280030	106.25
Lyons, Roy T., C–325393	125.00
Malejan, Harry M., C–1441436	218.75
Markey, Raymond Alfred, C–150495	125.00
Martindale, Edsell Herbert, C–1204370	125.00
McClain, Robert J., C–393620	106.25
McCullough, Jay Charles, C–228126	250.00
McIntosh, William Fraser, C–539875	125.00
McMenomy, Robert Leo, C–1395616	106.25
McSwain, Fletcher, C–1035287	125.00
Minier, Edward William, C–435851	210.00
Millberry, Mark Andrew, C–463352	180.00
Millen, Victor A., C–489380	116.87
Miller, Edwin Evans, C–205936	150.00
Murphy, Joseph Patrick, C–187413	137.50
Nelson, Frank Justin, C–811362	106.25
O'Brien, James Francis, C–558312	106.25
O'Hora, Bernard Anthony, C–407237	125.00
Oill, George Vernon, C–360641	150.00
O'Neil, John N., C–573260 (guardian, Union Trust Co.)	125.00
Owen, Edward Kirkpatrick, C–136177	125.00
Peart, George Wesley, C–284692	150.00
Peck, Ward Harrison, C–162243	125.00
Perry, Donald Antonio, C–447127	125.00
Phillips, David D., C–539870	210.00
Portmess, Robert Chester, C–822649	125.00
Potter, Clark B., C–360456	137.50
Pyle, Wynand Van K., C–194068	150.00
Rainwater, Joseph B., C–162542	116.87
Sergeant, Floyd Almer, C–87928	106.25
Spawr, Clarence Valentine, C–1194140	195.00
Sobie, Joseph James, C–427335	127.50
Steinberger, Otto Charles, C–185602	165.00
Steinhilber, Cloyd Wilmot, C–88154	125.00
Stirling, Robert Bateman, C–405240	106.25
Sullivan, Gordon Bostwick, C–1436491	125.00
Sullivan, John Lawrence, C–412641	106.25
Thacker, Edward Cassy, C–172041	106.25
Thompson, William Darius, C–291955	150.00
Tinder, John William, C–307730	150.00
Torrey, William Burrell, C–87268	180.00
Tuck, Raymond George, C–363968	125.00
Wacker, Benjamin Gottlieb, C–625726	106.25
Waters, George, C–236824	187.50
Webb, Hardie Black, C–482131	116.87
Weine, Richard Henry, C–285296	106.25
Westrate, William, C–245373	125.00
Whipple, Charles Joseph, C–707801	125.00
White, Edmond Gordon, C–157096	106.25
White, Harold Kirk, C–124983	106.25
Wilson, James M., C–232437	150.00
Wilson, Merritt Baxter, C–219709	180.00
Wise, Andrew Boyd, C–326092	106.25

Wright, Royale Alfred, C–299975	$125.00
Yeager, Harry Gilmer, C–172428	125.00
Zacharias, John A., C–473479	180.00

MINNESOTA

Allen, Raymond Lawrence, C–1232869	150.00
Anderson, Edward Thomas, C–479321	150.00
Anderson, James Kerr, C–566152	125.00
Ashby, Bert, C–677614	150.00
Baker, William F., C–349077	125.00
Balch, Robert M., jr., C–244866	106.25
Barnett, Joseph Henry, jr., C–440950	150.00
Berg, Elmer William, C–221477	137.50
Bjorneby, Peter C., C–1349313	125.00
Bissonnette, Arthur Thomas, C–412937	125.00
Bonfoey, Donald Russell, C–444464	187.50
Bush, Walter Lewis, C–561079	125.00
Coalter, William D., C–1238240	116.87
Darling, Walter Henry, C–322966	187.50
Davy, Jesse John, C–254935	150.00
DeLaine, Charles Edouard, C–255492	148.75
DeMalignon, Francis Edwin, C–170828	127.50
Dolan, James Henry, C–1349614	125.00
Dwyer, William Dalton, jr., C–700345	106.25
Eckman, Louis Leonard, C–331268 (Mrs. Margaret Eckman guardian)	165.00
Ernst, Henry William, C–906573	125.00
Fiksdal, Mads J., C–292314	150.00
Flanagan, Arthur James, C–278191 (Mary T. Flanagan, guardian)	106.25
Ganfield, Roy William, C–1249773	125.00
Gleason, William Thomas, C–1242741	106.25
Gonnella, Joseph Carl, C–492224	106.25
Goodman, Allen Laird, C–329327	125.00
Graham, Fred David, C–1233671	150.00
Graham, William Edward, C–216583	106.25
Gram, Clarence Nelson, C–1345726	106.25
Gunderson, Sophus Daniel, C–207321	106.25
Hagerman, William F., C–161685	150.00
Haney, Claude Leonard, C–12355333	150.00
Helmick, Alexander, C–1243273	106.25
Hemenway, William P., C–1347417	150.00
Hill, Ernest Sylvester, C–332102	150.00
Hinck, Harry James (guardian, Mrs. Helen Bartlett Hinck), C–379747	165.00
Hockridge, Richard Earl, C–270059	125.00
Hunte, August Frederick, C–1350227	125.00
Jensen, Joseph Arthur, C–1276835	125.00
Kaldunski, Theodore Anton, C–210646	127.50
Keefe, Andrew Percy, C–1241549	150.00
Kelly, Giles O., C–362312	137.50
Kennedy, Arthur Todd, C–1242033	200.00
Kingsley, Burton Lewis, C–1237450	150.00
Knapp, Frank Norris, C–1346096	125.00
Kneebone, John Henry, C–1232241	106.25
Lamb, Harold Ladd, C–716577	225.00
Lindsay, George Elliot (guardian, James E. Carr), C–1189767	106.25
Lindsay, William Vardeman, C–1347432	187.50
Loughin, Charles A., jr., C–477757	106.25
Luce, Erle David, C–314564	312.50
Lund, Eli Reuben, C–480919	125.00
Mallon, George Henry, C–1234679	165.00
Markus, N. W., C–191155	106.25
Marshall, Robert G., C–343870	150.00
McCauley, Philip Joseph, C–263154	165.00
McCrea, Herman Stanley, C–1232380	106.25
McDonough, James Paul, C–387250	125.00
McLeod, Howard Leigh, C–1350028	125.00
McKenzie, Cedric Francis, C–319872	125.00
McVety, Ann Packard, C–1174193	106.25
Metzroth, Carl Frank, C–603873	125.00
Mollison, William Theodore, C–1242952	312.50
Morriss, Herbert A., C–1243788	187.50
Moynihan, Andrew Francis, C–420026	150.00
Mulcahey, Edward Patrick, C–331939	106.25
Nannestad, Jonas R., C–1346257	125.00
O'Boyle, Michael Dilliam, C–197071	106.25
Olson, Van Cleave A., C–712882 (guardian, John G. Olson)	106.25
Olson, Reinhardt, G., C–283016	150.00
Ormond, Frederick C., C–558898	180.00
Pederson, Reuben M., C–1242863	240.62
Perry, Oliver S., C–1237643	240.62
Peterson, Elmer Otto, C–268385	125.00
Peterson, Percy Thomas, C–690402	106.25
Powell, Herbert J., C–479084	125.00
Prentice, James Del, C–1351979	162.50
Preston, Paul James, C–1234362	150.00
Quilling, Milton A., C–230929	116.87
Reed, Ray Elmer, C–453535	127.50
Robbins, Douglas Ford, C–707000	125.00
Robertson, Henry William, C–1348116	106.25
Robertson, John Banks, C–215768	150.00
Ronning, Alvin Norman Heidor, C–865674	106.25
Routhier, Raymond L., C–1242394	106.25
Ryan, Thomas A., C–1350945	150.00
Safro, Louis Labe, C–1243555	106.25
Sanborn, Courtland Rockwell, C–266783	$125.00
Sargeant, Howard Lee, C–1351645	125.00
Saxton, Robert Henry, C–489061	125.00
Scott, William, C–1346662	106.25
Scott, William E., C–462803	125.00
Scott, William F., C–352247	137.50
Skinner, Cleveland, C–1346738	243.75
Simonet, Joseph S., C–380054	125.00
Southwick, Mariano B., C–1178840	187.50
Staley, John C., C–1350265 (guardian, Alexander R. Hall)	218.75
Stevens, John, C–204755	125.00
St. Clair, Gordon Griffith, C–1351625	150.00
Stock, William John, C–1240545	150.00
Street, Frank Willis, C–515832	125.00
Stuart, Edwin Marvin, C–283341	116.87
Sullivan, Lester Eugene, C–679261	106.25
Swedenburg, Axel Wilhelm, C–500698	125.00
Thompson, Charles Elliott, C–376392	225.00
Thompson, Richard Charles, C–472603	125.00
Wahlquist, Harold Ferdinand, C–1231221	125.00
Warren, Edward Richard, C–250399	125.00
Wheeler, Merritt W., C–1347455	150.00
Winter, Clarence B., C–1346187	206.25
Wolfangle, George H., C–1347019	106.25
Young, Henry Gottfritz, C–510898	125.00
Zobel, Carl Julius, C–1238372	125.00

MISSISSIPPI

Adams, Winfred Cooper, C–137706	150.00
Alexander, Cassius Dent, C–1303949	150.00
Aycock, William Jasper, C–430512	125.00
Barkley, Claud D., C–270452	150.00
Barnwell, Frank Hayne, C–189071	106.25
Baylis, George Warren, C–155379	125.00
Beams, Douglas E., C–1302777	165.00
Blank, Guy B., C–305360	106.25
Britt, Wallace Leslie, C–1310354	187.50
Buckingham, Henry G., C–1335244	125.00
Burns, Joseph Strattion, C–34261	150.00
Carr, Hilton Rice, C–1137425	125.00
Calquhoun, Walter N., C–1137226	106.25
Clarke, Cyrus Augustus, C–1131377	106.25
Coker, Perry Ander, C–243018	125.00
Crawley, David Ephraim, C–1135821	150.00
Daniel, Sam Hardeman, C–251082	127.50
Gray, Robert Ellington, C–1128858	125.00
Grayson, Thomas Jackson, C–309874	125.00
Green, Curtis Taylor, C–1309382	150.00
Griffin, Garnett William, C–304081	150.00
Guy, Thomas Jesse, C–364173	106.25
Hamilton, Waring, C–831950	125.00
Henson, Edward Newell, C–470560	125.00
Hill, Marion L., C–1138859 (guardian, Mrs. Antoinette Hill)	106.25
Houtz, Bumond Clyde, C–412179	106.25
Huggins, Cleveland Paul, C–1311462	150.00
Kellis, John Howard, C–1301726	125.00
Kent, Henry C., C–1133376	150.00
Kibbe, Gordon Mirro, C–403180	125.00
Lofton, Albert Columbus, C–334994	125.00
Lotterhos, George, C–554634	125.00
McCalmont, John A., C–1306853	225.00
McHenry, Wiley Earskine, C–344023	138.12
McVey, Eric A., C–149825	150.00
Middleton, Caleb Scattergood, C–906303	150.00
Miller, Francis Loren, C–474140	106.25
Moore, William Milous, C–334506	195.00
Morgan, Lewis Riley, C–236946	180.00
Murphy, James B., C–1035233 (guardian Mrs. Lela B. Murphy)	106.25
Oberschmidt, Leon P., C–1130909	106.25
Owens, William R., C–312616	125.00
Peery, Arnold Liddell, C–1270596	150.00
Phyfer, Lamar F., C–306707	106.25
Polk, Phil Russell, C–1135309	150.00
Powell, Henry Bradford, C–342541	150.00
Price, Frank Ray, C–564574	106.25
Beedy, John Dennis, C–796300 (guardian Miss Nora Beedy)	125.00
Riley, Franklin Gail, C–216458	150.00
Robins, John Quitman, jr., C–906245	106.25
Russell, Presley B., C–1135782	125.00
Rye, Burnie W., C–1308689 (guardian Mrs. Sallie Peck Rye)	125.00
See, Mart, C–905262	243.75
Schwartz, Grover Cleveland, C–1213891	125.00
Walker, Charles Emmitt, C–240815	125.00
Ware, Robert Lowery, C–1126642	106.25
Watson, Henry Willis, C–299494	106.25
Wayman, Herbert Lee, C–233819	165.00
Williams, Neal M., C–741606	106.25

MISSOURI

Adkins, Eugene Monroe, C–858179	125.00
Albers, Edward August, C–1438154	125.00
Allard, Dean Conrad, C–170841	106.25
Allen, Jacob Wood, C–146633	125.00
Amfahr, Will Penn, C–144488	106.25
Ball, Logan Marshall, C–258500	106.25
Barngrove, James Longmoor, C–317629	206.25

Barr, Robert William, C–74125	$206.25
Bennett, Albert O., C–292846	106.25
Boland, Philip Pierre, C–294370	106.25
Bolin, Frank E., C–1210974	150.00
Bradley, Glade T., C–252963	150.00
Breckinridge, Archie, C–826635	137.50
Brockmeyer, Edwin J., C–113345	106.25
Brooks, Louis Joshua, jr., C–294729	150.00
Broyles, Watkins Andrew, C–87706	106.25
Bruce, John Rufus, C–233423	125.00
Burton, William Grover, C–1221329	125.00
Cavaness, Ernest Worth, C–1221454	150.00
Constable, John Ferdinand, C–276643	243.75
Cook, Scott, C–1215290	125.00
Cox, Harvey Bernard, C–241002	125.00
Cushing, John Branch, C–341428	125.00
Davis, Charles L., C–253379	150.00
Davis, Phillips Norton, C–653595	150.00
Donaldson, Clyde Owen, C–1224514	150.00
Duncan, Floyd Reed, C–1206389	106.25
Edens, Louis M., C–703032	125.00
Elam, William Tecumseh, C–1217371	150.00
Esserman, Eli Losos, C–179806	106.25
Fisher, Neville Charles, C–421754	150.00
Foster, Forest Field, C–221478	125.00
Frame, George David, C–424826	106.25
Gambs, James Jacob, C–1078686	156.25
Gardner, George W., C–257912	125.00
Gilbert, Frank, C–1096737	187.50
Glenn, Joseph Earl, C–505144	125.00
Goessling, Augustus Michael, C–303862	125.00
Goldman, Jay M., C–1329433 (guardian, Leon H. Goldman)	125.00
Grey, William Andrew, C–905526	250.00
Gross, Elmer Theodore, C–1418208	125.00
Hallar, Forrest, C–524595	125.00
Hamm, George Walter, C–354058	125.00
Harrison, Edmund Lee, C–609646	125.00
Heiple, Edward Eli, C–353032	125.00
Heithaus, Joseph John, C–315043	125.00
Henderson, James Alexander, C–293892	106.25
Hendrick, Thomas Franklin, C–246457	210.00
Henske, Godfrey W., C–375083	125.00
Higbee, Matt Lyman, C–1156049	250.00
Hobart, Carl Albert, C–410494	150.00
Hodge, Russell Lowe, C–1221095	150.00
Hogan, William George, C–122046	125.00
Hughston, James Buchanan, C–1206598	116.87
Hume, John Robert, C–258760	150.00
Imes, Terrance William, C–278280	106.25
Jaco, Estill Luther, C–1152601	187.50
Johnson, Archie Nelson, C–391083	206.25
Johnston, William Wylie, C–277886	206.25
Jones, Oliver Guy, C–230004	226.60
Jordon, Ira Wesley, C–171650	106.25
Keath, Howard Bascomb, C–174894	106.25
Keith, jr., Alonzo Fred, C–1430345 (guardian, Jennie S. Keith)	150.00
Kelley, Ralph Rackett, C–905646	125.00
Kelly, Joseph Patrick, C–1228862	150.00
Kimberlin, Joseph Wesley, C–1228180	150.00
King, Joseph E., C–476820	125.00
Kinsella, James Aloysius, C–1225481	150.00
Lederman, Harold Plant, C–1229385	106.25
Lee, jr., Elbert J., C–1050033	150.00
Levey, Simon Ashe, C–301596	150.00
Locker, George Everett, C–501206	150.00
Love, Frank Wellington, C–482978	195.00
Maguire, John Thomas, C–310793	125.00
Malley, John Albert, C–1217465	125.00
Martin, James Hardy, C–166674	125.00
Maynard, Frank, C–1012747	138.12
McCarty, William Herbert, C–300842	106.25
McCullough, Robert Henry, C–237638	150.00
McGinnis, Elzie V., C–246096	137.50
McGuire, Bernard Francis, C–905191	195.00
McGuire, Clarence A., C–248552	187.50
McKee, Joseph Wallace, jr., C–1221419	125.00
McKinney, John V., C–306187	150.00
McKinney, Joseph Lee, C–1222483	180.00
McQueen, Joe Welch, C–217904	150.00
McTaggart, Ernest D., C–1326557	125.00
McWilliams, William Harmon, C–1210673	180.00
Meier, Gunther, C–245545	210.00
Meyers, Montague M. (guardian, Harry C. Meyers), C–345097	125.00
Miller, Dan Tucker, C–1152249	125.00
Miller, Clarence Louis, C–309589	125.00
Moore, Richard, jr., C–1225715	150.00
Narrley, George Raymond, C–460756	125.00
Naslund, Elmer, C–303531	106.25
Nathan, Winfrey Gatewood, C–315193	125.00
Nelson, William L., C–199565	150.00
Nettle, Harry, C–15782	106.25
Norman, Joseph D., C–379128	125.00
Owens, Roy Jefferson, C–1215806	125.00
Peatross, James L., C–625082	218.75
Peistrup, Edward C., C–294702	$125.00
Perry, John Morris, C–364018	150.00
Pierce, Walter, C–255239	137.50
Platter, Abram Edson, C–362755	125.00
Poindexter, Francis, C–99805	106.25
Postelthwaite, Frank M., C–318554	125.00
Ralls, William Earl, C–341671	106.25
Rauschkolb, George Henry W., C–113232	165.00
Ray, Norman Paul, C–552009	125.00
Richards, Thomas Carter, C–121684	150.00
Robinson, Edward Everette, C–379213	125.00
Sale, Irwin, C–1225362	106.25
Sanders, William Philip, C–1229155	165.00
Schumacher, Clark P., C–577742	137.50
Schuster, George Arthur R., C–156328	106.25
Scrafton, Wallace Todd, C–509147	137.50
Sharp, William Lowery, C–539547	165.00
Skinker, Thomas Julian, C–262529	125.00
Slaughter, Stephen Olin, C–547344	137.50
Smith, William Irving, C–1218562	150.00
Snell, Harold Vaughn, C–516904	106.25
Springer, Mark Dooley, C–202582	150.00
Stack, Aloysius Justin, C–1225460	125.00
Stansbury, Otis Percival, C–309786	116.87
Stanton, Christopher M., C–239655	137.50
Stout, Francis Rogers, C–151988	106.25
Stumberg, Bernhardt K., C–13233	150.00
Taylor, Norman Bates, C–604115	150.00
Terrall, Ralph Eliot, C–221115	125.00
Thompson, William Givens, C–209643	125.00
Tittman, Eugene Charles, C–217499	125.00
Titterington, Richard M., C–291347	125.00
Van Horn, Eustus E., C–516712	137.50
Vessells, Francis Meredith, C–501236	187.50
Waldron, Jay Clark, C–1213305	106.25
Warren, Henri Laurens, C–475245	125.00
Westphal, Frederick August, C–182326	106.25
Williams, Douglas Kyril, C–1213869	106.25
Wilson, Verne Reynolds, C–263799	125.00
Wornall, Francis, C–416774	106.25
Yazel, Herman Eugene, C–906411	150.00
Young, Clare F., C–548822	125.00
Supplemental list	
Crist, Hunter C., C–304852	180.00
Johnson, Walter Thomas F., C–622190	127.50
MONTANA	
Bivins, Horace W., C–278890	210.00
Britell, Oley Alphonso, C–347350	150.00
Carroll, Daniel Brendan, C–313885	125.00
Cowley, Stephen James, C–1348569	187.50
Cummins, William Edward, C–239469	125.00
Farris, John M., C–1346276	106.25
Flachsenhar, Walter R., C–433449	106.25
Foot, Paul, C–561807	150.00
Fulkerson, Clarence D., C–286246	150.00
Galen, Albert John, C–1346746	218.75
Hoskyn, Wilber John, C–196562	125.00
Janes, Arthur DeWitt, C–1255732 (guardian, G. A. Janes)	106.25
Johnson, Harry Maurice, C–1350886	150.00
Johnson, Howard A., C–402607	106.25
Josephson, Joseph Theodore, C–1235723	125.00
McDaniel, Winfred Porter, C–317059	150.00
Mortell, Frank Clyde, C–390744	106.25
Murphy, James Clement, C–303742	106.25
Near, Harold Keith, C–298893	106.25
Lamey, Arthur Francis, C–1345628	125.00
Little, William Starling, C–412903	180.00
Lord, Bertram Eckford, C–1239927	125.00
Perry, Owen H., C–212209	125.00
Rader, Ralph Dennis, C–1352137	187.50
Sharp, Louis P., C–264010	106.25
Sheridan, Charles Leondis, C–328532	225.00
Sickenger, Clifford C., C–1238436	106.25
Smith, Charles James, C–412260	150.00
Smith, Will Remeses, C–1347094	125.00
Southmayd, LeRoy, C–1351489	187.50
Taylor, Verne Lee, C–1284010 (guardian, Wm. E. Taylor)	106.25
Valentine, Charles P., C–1346485	106.25
Wiedeman, George John, jr., C–258231	106.25
NEBRASKA	
Anderson, Ralph Earl, C–594574	106.25
Andresen, Ezra, C–845201	106.25
Brown, Gilbert Silas, C–1215291	150.00
Cretsinger, Clyde Franklin, C–1223985	106.25
Gildersleeve, Harry Dale, C–1213647 (guardian, L. C. Gildersleeve)	106.25
Haynie, Otis William, C–490919	56.25
Hlava, Albert V., C–506281	106.25
Hupp, Allen Thurman, C–313458	180.00
Johnston, George Washington, C–1228273	150.00
Jonaitis, George F., C–443699	125.00
Kidder, Clarence Eugene, C–1228158	125.00
Kline, Orval L., C–1225752	116.87
Kokjer, Thomas Edgar, C–703264	131.25
Kregel, Mark G., C–1329514	106.25
Munger, Irvin Clarence, C–1207702	125.00

Pirsch, Gregor B., C-275617	$106.25
Limburg, John Irwin, C-109624	125.00
Linquist, Arthur Lawrence, C-201577	150.00
Major, Francis Davison, C-497649	125.00
Racely, George Andrew, C-217937	150.00
Range, Wilber N., C-490855	195.00
Ritchie, jr., William, C-135614	150.00
Sellery, Alfred John, C-441670	106.25
Taylor, Vantrese LaFayette, C-1212140	106.25
Webster, Calvin, C-295556	106.25
Vassell, Fred Walter, C-156751	125.00
Yoder, Charles Albert, C-264164	150.00
Young, Harry Raymond, C-287386	116.87
NEVADA	
Aldrich, Alexander Hamilton, C-341381	165.00
Burns, James J., C-399762	125.00
Hezzelwood, George Wellington, C-123252	106.25
Hunter, William Gordon, C-287245	150.00
Keys, George G., C-355897	150.00
Lotz, Truman LeRoy, C-338532	106.25
Rains, Hugh E., C-1264690	106.25
Shawe, Hamilton Bruce, C-294654	137.50
Smith, Thomas A., C-215351	106.25
NEW HAMPSHIRE	
Abbott, Frank James, C-446973	------
Ballor, Edwin Maurice, C-1089966	106.25
Brokenshire, John R., C-480446	106.25
Coulter, Arden Frank, C-1018060	180.00
Deming, Reginald C., C-1019062	106.25
Estabrook, Clarence Ware, C-368073	125.00
Fiske, George Varnum, C-1011771	240.62
Fuller, Enoch Doble, C-1018619	106.25
Gallishaw, John, C-109030	106.25
Hay, John R., C-311312	150.00
Hultzen, Lee Sisson, C-444567	137.50
Kennard, Reginald Parry, C-1016633	150.00
Knowlton, John Greenleaf W., C-176993	187.50
Lee, Joseph P., C-1013398	165.00
Maguire, Daniel Lawrence, C-1405196	125.00
Main, Matthew William, C-517595	150.00
McDonough, Hubert B., C-306730	106.25
McKay, Arthur James, C-289816	106.25
Quirk, Thomas Joseph, C-343025	150.00
Sayers, William Joseph, C-497391	180.00
Wing, Persons Walton, C-539819	150.00
NEW JERSEY	
Aikens, John Joseph, C-331387	150.00
Alberto, Joseph, C-530182	127.50
Apgar, George Leland, C-419422	162.50
Atwater, Benjamin Leonard, C-438274	137.50
Baird, Thompson McDonald, C-1033253	187.50
Baker, Franklin Hanway, C-905514	187.50
Bateman, Sydney E., C-765615	150.00
Becke, Edward, C-1042257	125.00
Becker, Charles Frederick, C-905930	125.00
Beery, Otto Russell, C-174673	106.25
Bissell, Leonard A., C-1042036	125.00
Bonnell, Harry Morton, C-220785	106.25
Brock, Arthur Edgar, C-1049101	165.00
Bryant, Donald Reid, C-192588	106.25
Buffington, Malcolm R., C-178768	106.25
Caccavajo, Joseph, C-1028949	187.50
Campbell, Horace Sydney, C-153931	137.50
Carter, John Francis Joseph, C-298907	106.25
Chambliss, William Henry, C-1050878	165.00
Childers, George Ellis, C-160312	106.25
Childers, Robert Jefferson, C-1056864	150.00
Clark, William Alexander, C-105942	187.50
Cochran, Fred, C-1246476	125.00
Condon, William Joseph, C-400967	165.00
Conlin, Alan Bruce, C-298546	106.25
Conlogue, John Augustine, C-296850	106.25
Conover, Alfred P., C-26446	175.00
Corning, Benjamin Harry, C-1063101	125.00
Costello, Michael J., C-403554	150.00
Coyle, George, C-282469	116.87
Crans, Joseph M., C-1048920	106.25
Crocheron, Hal Hamilton, C-415740	106.25
Crosby, Gaston Erskine, C-346014	116.87
Dam, Andrew Colton, C-319201	165.00
Daniel, Richard Curd, C-598506	150.00
Day, Benjamin F., C-243173	210.00
DeLong, Oscar Anderson, C-1047952	150.00
Dennett, Harold Odell, C-321563	137.50
Desmond, Charles, C-1062926	187.50
Doyle, William A., C-392116	195.00
Drever, Richard Julius, C-465943	187.50
Eager, Daniel J. (guardian, Philip J. Eager), C-265237	125.00
Ellis, Albert H., C-60466	150.00
Felderman, Leon, C-574369	150.00
Fischer, Adolf Karl, C-341187	106.25
Fryer, Loren M., C-1028530	150.00
Gaw, Scott Neill, C-1378730	125.00
Gerard, Fred Lewis, C-905639	125.00
Gracy, Leonard Rider, C-385382	187.50
Griesemer, Zadoc Lawrence, C-313991	$187.50
Hackett, James Morris, C-1043190	150.00
Hagerty, Edwin Dillon, C-657653	187.50
Harley, Halvor Larson, C-384561	150.00
Harris, Richard F., C-313420	137.50
Haste, Joseph Patrick, C-365905	106.25
Hauser, Simeon Floyd, C-293503	106.25
Higgins, Lucius Cornelius, C-905222	165.00
Jersek, Walter, C-305304	127.50
Josephson, Maurice, C-530955	125.00
Kearns, John Ralph, C-514346	125.00
Keller, Henry, jr., C-215222	125.00
Kloidt, Ferdinand Herman, C-266610	125.00
Knight, Isaac Warner, C-905920	150.00
Kulp, Samuel Chestnut, C-905761	137.50
Laux, Thomas Campbell, C-378349	106.25
Legg, Henry Frederick, C-223874	125.00
LeHardy, Frank Miller, C-1306315	106.25
Loomis, Stanley D., C-286573	137.50
Lowe, John E., C-412887	106.25
Lundblad, Walter E., C-232725	150.00
MacGuffie, Robert N., C-332591	125.00
MacLeod, Everett Herbert, C-457060	125.00
MacMurrough, Francis Kean, C-108432	150.00
Manheimer, Louis B., C-1045163	150.00
Marion, Vincent S., C-1084766	125.00
McCluskey, Edward P., C-298323	137.50
McIntyre, Howard Hoke, C-509416	106.25
McKelway, George Irvine, C-475910	187.50
McNally, Robert C., C-1052448	150.00
Meddaugh, Samuel A., C-1057869	150.00
Middleton, Ulysses G., C-117828	150.00
Millar, Louis Lesser, C-377959	125.00
Miller, Haydock Harvey, C-402789	137.50
Miller, Warren James, C-301481	106.25
Morrow, David W., C-1379065	125.00
Muehlberg, Clarence Elmer, C-334794	106.25
Mueller, Edward Charles, C-203364	125.00
Muzzy, Charles Ashton, C-519358	150.00
Myers, William Edward, C-179503	106.25
Naismith, Robert, C-348384	125.00
O'Toole, James Arthur, C-571751	116.87
Paletz, Harry Julius, C-316160	125.00
Pannaci, Charles Emonual, C-326115	150.00
Perlberg, Harry James, C-261324	125.00
Pierce, Matthew Alexander, C-252148	125.00
Pullis, Stephen Fowler, C-313802	165.00
Ralph, Kendrick James, C-289400	125.00
Randolph, George David, C-1053739	106.25
Reddan, Martin William, C-218469	187.50
Reddan, William Joseph, C-430002	180.00
Redfield, John Jordan, C-563302	125.00
Remsen, John Leon, C-288961	150.00
Riecke, Henry August, C-315638	150.00
Rogers, William N., C-239691	150.00
Ryan, James F., C-492397	125.00
Sabol, Stephen Alexander, C-256900	125.00
Salmon, Walter, C-164706	116.37
Schlecht, William Martin, C-607508	106.25
Schumacher, John F., C-352132	125.00
Scott, Cornelius Chapman, C-906181	106.25
Seibert, Raymond Smith, C-177221	150.00
Shanahan, Francis Joseph, C-583167	106.25
Smith, Edward Percy, C-390553	106.25
Steinmetz, George H., C-1051216	106.25
Stern, Kenneth Gibson, C-1052094 (guardian, the Hackensack Trust Co.)	125.00
Sutphin, William Halstead, C-380066	150.00
Sutton, Sherwood, C-239666	106.25
Thornburg, John Alexander, C-306014	180.00
Truscott, Dale, C-539025	106.25
Van Buren, Henry Mandell, C-1045542	106.25
Van Mason, Charles Emmett, C-1166013	106.25
Varley, Herbert Paul, C-333905	106.25
Walters, John Cuthbert, C-477931	137.50
Watkins, Walter Edward, jr., C-1043845	106.25
Wenk, John Frederick, C-225011	106.25
Wesson, Major Frederick, C-496441	125.00
Wild, Charles Andrew, C-293633	195.00
Williams, Chester Arthur, C-350034	180.00
Williams, Roberta, C-291352	125.00
Wilson, Gill R., C-535959	125.00
Wise, John Bernard, C-521852	150.00
NEW MEXICO	
Allan, Hugh Waldon, C-1256608	125.00
Angle, George Keyser, C-1257927	150.00
Atherton, Airey L., C-257551	150.00
Bouldin, John Watson, C-1298176	106.25
Bujac, Etienne De P., C-7790	243.75
Cochrane, Walter Clifton, C-485784	125.00
Cunningham, Peter Richard, C-326355	116.87
Douthirt, Cranford Haywood, C-276866	150.00
Drewry, Walter L., C-223223	125.00
Duffin, James Vincent, C-1376989	106.25
Flint, Warren A., C-1256042	106.25

Gatling, Henry Gilliam, C-467923	$106.25
Guild, James Russell, C-583679	125.00
Hay, George W., C-187004	
Herring, Finis A., C-610497	106.25
Herring, Harry Telemach, C-599958	262.50
Hess, Seymour Isaac, C-286523	150.00
Johnston, Lewis Stuart, C-1287790	150.00
Judkins, Walker D., C-906903	150.00
Kinsinger, John Wesley, C-1392205	150.00
Lembke, Charles Henry, C-85901	125.00
Lieberman, Joseph, C-402572	180.00
Lutz, Charles Henry, C-276785	106.25
Matthews, William C., C-1254376	125.00
McCullough, William H., C-1250204	137.50
McHughes, James Herbert, C-1251628	150.00
Melendy, Ralph Peter, C-1222376	165.00
Oglesby, Richard Arnold, C-1258801	125.00
Paine, John Howard, C-1210054	106.25
Patton, Frank H., C-589914	125.00
Powell, William H., jr., C-1252810	125.00
Sanford, John Holibaugh, C-505352	150.00
Shelton, Deane O., C-374842	175.00
Shuster, William Howard, jr., C-393742	125.00
Sisk, Arthur H., C-1253457	150.00
Spotts, Milton Arthur, C-1263683	150.00
Starts, Oscar Francis, C-1254334	125.00
Stevenson, Philip Edward, C-344667	106.25
Stewart, John Barker, C-880094	116.87
Sumner, Gordon, C-471492	125.00
Sweeney, James L., C-408414	106.25
Turner, Elmer Page, C-1193340	106.25
Valentine, Leon Clare, C-224960	106.25
Vogt, Albert Herbert, C199482	125.00
Weil, Gustave Menderson, C-269534	106.25
West, William E., C-279795	106.25
Westhafer, Edison Kerl, C-427241	225.00
Williamson, George Morrison, C-321306	125.00
Wood, Jay Gould, C-1343625	150.00
Woolford, Austin Withers, C-208028	106.25
Woolston, William H., C-1177592	125.00
Wright, Harold Hannon, C-1032683	106.25
NEW YORK	
Adae, Charles Flamen, C-492165	106.25
Adams, Purser Elder, C-339707	106.25
Adsit, Henry, C-196770	165.00
Allen, Alfred D., C-312045	106.25
Allen, Charles S., C-182529	125.00
Allen, George Smith, C-14536	150.00
Allen, Ira Alphonso, C-905295	187.50
Ammermann, John, C-1052767	125.00
Andronaco, Gaetarso, C-348685	150.00
Archer, James J., C-289408	180.00
Armstrong, William, C-371905	138.12
Ashe, George Gregory, C-109853	125.00
Babcock, Harry Allen, C-313967	106.25
Bailey, George Thomas, C-149183	106.25
Barker, James Joseph, C-1033787	106.25
Barnum, Frederic Lee, C-238785	125.00
Battin, John Adkins, C-239480 (guardian, Battin, Charlotte C.)	187.50
Beare, Clifford Livingston, C-565641	187.50
Bence, Mathew Francis, C-189879	127.50
Benson, Charles Emile, C-433531	125.00
Bentley, Charles Raymond, C-1046223	150.00
Bernhard, James Michael, C-318294	125.00
Bermingham, Franklin Andrews, C-477984	106.25
Bill, Roswell Herbert, C-565196	106.25
Birkman, Frederick William, C-190719	106.25
Birmingham, Ferdinand H. D., jr., C-1095146	106.25
Block, Edgar Norman, C-223426	150.00
Bong, Joseph John, C-309021	125.00
Bolles, Ralph (guardian, Kane, Ralph F.), C-168203	106.25
Booth, Burton S., C-1039991	150.00
Boullee, William H., C-415163	116.87
Brady, Lester Strayer, C-452778	106.25
Brennan, Lennox Clark, C-188461	150.00
Briggs, Robert Trueman, C-519844	165.00
Brill, Edward, C-1026793	106.25
Brock, Wilbur A., C-1302029	125.00
Broughton, Averell Matthew, C-168601	125.00
Brown, Edward Lawrence, C-235454	106.25
Brown, Howard J., C-1056196	116.87
Browning, Robert F., C-182709	106.25
Bryant, Emmons, C-1057421	187.50
Burdick, Earle Leslie, C-206739	125.00
Burleigh, Charles Earl, C-1267709	106.25
Burnett, Arthur Curtis, C-310026	125.00
Burns, Grant, C-1048213 (guardian, Kane, Ralph F.)	150.00
Busck, Julius Gunni, C-317216	150.00
Byrans, Robert Ainsworth, C-420208	175.00
Cahill, Francis Joseph, C-379257	150.00
Campbell, Duncan, C-289050	125.00
Carstens, Henry A., C-334277	106.25
Cary, Harry Ellsworth, C-374412	106.25
Case, Edgar Rapelye, C-482902	125.00
Cassedy, J. Townsend, C-290985	125.00
Castle, Harvard DeHart, C-498244	$125.00
Cattus, Charles B., C-1042021 (guardian, Cattus, John V. A.)	116.87
Chambers, John Earl, C-579284	116.87
Cheever, Silas W. V., C-265485	106.25
Clemenger, Francis J., C-1061005	240.62
Cleworth, Clarence William, C-231352	106.25
Clifford, John James, C-230489	165.00
Clifton, Clarence Anthony, C-573275	180.00
Cockburn, Alexander H., C-1380670	150.00
Colligan, Arthur P., C-316039	106.25
Cone, Herbert A., C-183598	106.25
Constable, William, C-261237	150.00
Cook, Millard Fillmore, C-8678	175.00
Cooper, Leslie Eugene, C-320762	106.25
Cooper, Norman Scott, C-1043775	125.00
Corey, Thomas Vincent, C-1035616	106.25
Cormier, Joseph Anthony, C-493903	116.87
Costigan, Leo Hubert, C-484683	150.00
Cotter, John, C-25683	106.25
Coursey, Thomas Joseph, C-583385	162.50
Court, William Stanley, C-472765	150.00
Courtney, John, C-576293	195.00
Cowan, Herman, C-1050267	125.00
Coyle, Thomas Aloysius, C-368158	106.25
Craig, Edward Marshall, jr., C-201267	106.25
Crane, Edward Fulmer, C-524994	131.25
Crockett, William Francis, C-239472	206.25
Cronan, George Daniel, C-1024464	125.00
Crossman, James Edgar, C-98449	150.00
Curtin, John J., C-277455	125.00
Curtin, Thomas Emmet, C-1036553	106.25
Daly, Daniel Joseph, C-235848	125.00
Dare, Gilbert DeWitt, C-683307	150.00
Davenport, Ralph Martin, C-317861	150.00
Dayton, Edwin W., C-1059533	250.00
DeBerri, Edmond Moffott, C-418760	125.00
Demong, Charles W. (guardian, Demong, Clara, Mrs.), C-767160	125.00
Devine, Norman Broughton, C-1039601	106.25
Diedling, Rudolph F., C-234153	150.00
Dixon, Felix A., C-1055928	106.25
Dober, Siegmund Alexander, C-307352	106.25
Dodds, Hiram E., C-397403	106.25
Donnelly, George (guardian, Donnelly, Mary), C-371344—	125.00
Dorn, Ralph Waldo, C-376877	165.00
Douglas, Richard, C-561816	180.00
Douglass, Stephen, C-464039	116.87
Doyle, Stanley B., C-464096	125.00
Doyle, Thomas Stephen, C-452945	125.00
Duke, Haydn Olin, C-436340	125.00
Durell, Anthony W., jr., C-1041312	125.00
Dufloco, John Milton, C-308789	106.25
Duryea, Wright, C-332995	125.00
Eagleton, John Thomas, C-316753	106.25
Ebert, George Walter, C-426737	150.00
Eddy, Harold Morton, C-220980	106.25
Eiler, Louis Henry, C-1042234	250.00
Ellis, Thomas F., C-1028015	150.00
Estill, Joe Garner, jr., C-483931	125.00
Evans, Leland Gray, C-593097	127.50
Everett, Oscar Vincent, C-905180	71.25
Fairchild, Hoxie Neale, C-353924	106.25
Felsen, Joseph, C-448765	150.00
Felt, Clement George, C-213547	106.25
Ferrier, William Henry, C-364690	150.00
Fesselmeyer, William Thomas, C-213133	106.25
Fiedelbaum, Benjamin, C-1044299	150.00
Finn, James Gregory, C-567007	180.00
Finn, John Joseph, C-228599	125.00
Fisher, Octavius A., C-1039985	125.00
Fisher, Tunis Harold, C-181909	106.25
Fitts, Robert Henry, jr., C-411671	116.87
Fitzhugh, Edward Judson, C-306905	106.25
Flood, John Vincent, C-203723	106.25
Ford, Fred Harry, C-625648	125.00
Fox, William Alexander, C-299015	125.00
Fraser, Charles E. K., C-1039632	150.00
Gagnon, Alfred, C-279664	127.50
Gallagher, Thomas John, C-122955	106.25
Gardner, Kenneth, C-433442	281.25
Gardner, William Jenning, C-309822	150.00
Garry, James Joseph, C-347273	106.25
Gellerstedt, Robert Strickland, C-234497	125.00
Georgi, Edwin Albert, C-376633	125.00
Gifford, Charles Conyngham, C-350410	106.25
Gildersleeve, Donald M., C-458691 (guardian, Gildersleeve, Susanna K.)	125.00
Gillett, Ransom Hooker, C-233472	243.75
Gilliam, Henry Leigh, C-306552	106.25
Gillick, Owen Phillip, C-402629	125.00
Gilligan, Edward, C-308010	150.00
Gilmore, Samuel James, C-306308	116.87
Golding, Joseph Edward, C-224334	150.00
Goldstein, Jacob, C-361881	106.25
Goodwin, Wilder, C-306573	165.00
Gordon, John Hamlin, C-318069	125.00

Grabenstein, Joseph, C-1034236	$125.00
Graham, William B., C-492228	187.50
Granger, William S., C-604656	137.50
Graves, Leonard Knight, C-351905	206.25
Gray, George Edward, C-278834	150.00
Grenfell, Frederick A., C-553723	137.50
Griffiths, Albert Farnsworth, C-563611	150.00
Grimes, Frank Edward, C-1033298	106.25
Groesbeck, Elwood, C-306074	150.00
Grosner, Joel, C-609713 (guardian, Grosner, Antoinette)	150.00
Hahn, Albert Gaither, C-445421	150.00
Hall, Edward Flemmon, C-368742	106.25
Hall, George McKenzie, C-1281217	150.00
Hall, Robert Anderson, C-312512	125.00
Hallahan, Henry T., C-521007	137.50
Hailey, James M., C-216200	106.25
Halliday, Herbert Richard, C-392718	106.25
Halvorson, Alfred Olai, C-1243485	106.25
Harrison, Lewis Edmund, C-1027981	106.25
Hart, George Clark, C-341376	210.00
Harvey, Olin Frisbie, C-391496	312.50
Hatch, Roscoe Conkling, C-490559	125.00
Hastings, Thomas Wood, C-295739	187.50
Hay, Paul Franklin, C-176114	125.00
Heatherington, Walter Alfred, C-1039253	106.25
Hegeman, Harry Hall, C-470932	125.00
Helms, Birch, C-1043254	187.50
Henly, Henry F., C-686180	125.00
Hepburn, William, C-293495	150.00
Hepper, Edward W., C-1037169	148.75
Herron, Ashley M., C-559953	215.00
Hicks, Jacob Lawrence, C-1041405	165.00
Hodder, William Lord, C-405296	180.00
Hogan, John Thomas Hopkins, C-252892	150.00
Hopes, Charles William, C-333090	106.25
Hoyle, Alonzo T., C-1008861	150.00
Huber, John Joseph, C-906580	150.00
Ingalls, Paul Vernon, C-419418	106.25
Ireland, Walter Matthews, C-353897	125.00
Jackson, Stephen Ferris, C-452013 (guardian, Josephine Jackson)	165.00
James, Herbert Thomas, C-1028347	106.25
Jensen, William C., C-841371	125.00
Johns, Edward Robert, C-436992	125.00
Johnson, Cortland A., C-158512	106.25
Johnson, Harry Franklin, C-518356	150.00
Jones, Fred Goodwin, C-502747	150.00
Jones, George Russell, C-322244	150.00
Jones, Rochester Burnett, C-154139	125.00
Judd, Herman, C-276800	150.00
Keene, Charles H., C-390146	225.00
Kelley, Francis A., C-1043555	125.00
Kelley, Henry Edward, C-298134	125.00
Kelly, Columban Francis, C-289204	125.00
Kemman, Hugo August, C-520193	106.25
Kenny, John J., C-1054049 (guardian, Agnes Kenny)	106.25
Kent, Robert Craig, jr., C-1050626	165.00
Kenyon, Harold Edward, C-305539	195.00
Kerr, Edward C., C-1035184	150.00
Kerr, Mathew, C-1052729	150.00
Keyes, Frederick William, C-240590	125.00
Kiely, William Francis, C-425817	125.00
Kiesling, Emil Otto, C-361965	125.00
Kimball, George Pryce, C-401418	125.00
Kimbell, Ira Charles, C-905805	162.50
King, Chester Harding, C-410341	243.75
Kinlock, Osman Franklin, C-519093	150.00
Kinney, Alfred E., C-1091720	125.00
Kirches, Harry J., C-226201	125.00
Kivlin, Charles Franklin, C-905243	150.00
Klingsmith, Frederick Charles, C-403972	106.25
Knight, Chandler S., C-309428	125.00
Kobbe, William Hoffman, C-307460	187.50
Koenne, Edward A., C-224681	106.25
Kraner, Joseph, C-171145	125.00
Kupfer, Charles, C-291516	125.00
Lamb, Orin R., C-603564	125.00
Langer, Jerome Francis, C-395828	210.00
Lansing, William, jr., C-189593	150.00
Laraway, Frank J., C-509369	243.75
Lasher, Herbert, C-241827	103.25
Lashua, Isaac, C-366737	138.12
Laughlin, Douglas E. S., C-506512	106.25
Laughlin, Harry Matthews, C-1059173	125.00
Leahy, Sylvester Richard, C-319467	150.00
Lee, Thomas Henry, C-141669	125.00
LeMay, Arthur Aloysius, C-328320	125.00
Lemon, Andrew MacMillan, C-431616	------
Lent, Charles Valentine, C-348162	106.25
Leonhardt, Heinrich C., C-381917	125.00
Lerner, Macy Levy, C-240177	150.00
Lersch, Joseph Ferdinand, C-139721	106.25
Lesser, Dr. Leon Edward, C-1043469	125.00
Lipes, Harry Judson, C-161519	225.00
Lipsky, Joseph, C-1002037	106.25
Litchult, Andrew Slover, C-905309	106.25
Lockwood, Willard George, C-820865	$125.00
Lohr, Floyd D., C-774541	125.00
Long, George Stevenson, C-1364098	125.00
Lopez, Enrique, C-142711	106.25
Loomis, Walter Otis, C-377741	116.87
Lowe, Arthur, C-1022089	125.00
Lynch, Frank Joseph, C-284500	106.25
Mabry, Gregory, C-1045728	150.00
MacDougall, Daniel Robert, C-315480	106.25
Mack, William Jacob, C-404544	187.50
MacNaugher, Joseph, C-249156 (guardian, Holmes, Richard S.)	106.25
MacRossie, Thomas Donald, C-294869	150.00
Mahan, Leonard Daniel, C-516561	137.50
Mahoney, Justin Thomas, C-1026723	106.25
Maloney, Edward R., C-241899	262.50
Maloney, John P., C-386563	106.25
Manners, Cecil C., C-1055524	150.00
Maslin, Henry, C-492677	210.00
Mason, Arthur Vincent, C-1057548	106.25
Marine, James S., C-367999	125.00
Matthews, Charles S., C-364686	125.00
McAnerney, John, C-180803	106.25
McBride, William Ambler, C-164350	106.25
McClellan, George Birton, C-155355	137.50
McClure, Donald Armstrong, C-143852	106.25
McEvecty, Charles L., C-219788	125.00
McGuigan, Lewis Granville, C-1067196	150.00
McGuirk, Alexander Halleran, C-461563	125.00
McIntosh, John Francis, C-300843	106.25
McKeogh, Arthur Francis, C-1080755	125.00
McLean, Guy Marshall, C-1031679	150.00
McPhail, Donald Thomas, C-387265	150.00
Mead, Benjamin Charles, C-277873	195.00
Meehan, James Joseph, C-1035418	127.50
Meeker, Herman E., C-538910	150.00
Metcalfe, George Thomas, C-332431	106.25
Miller, Charles Ross, C-356975	125.00
Miller, Louis Linton, C-1058107, Edith G. Miller, guardian	125.00
Miller, Franklin Letcher, C-361645	187.50
Miller, Harold Ames, C-174800	125.00
Miller, Laurence William, C-1026478	165.00
Mills, John Arthur, C-196746	106.25
Mitchell, Frank Mebane, C-413402	125.00
Mitchell, Nicholas, C-410590	106.25
Mitchell, Sidney, C-423131	150.00
Moffatt, Nelson, C-442370	125.00
Mollere, Joseph Francis, C-252485	165.00
Moloney, Herbert William, C-340383	125.00
Montgomery, Howard Leychester, C-426646	125.00
Moon, Basil G., C-1036440	225.00
Moore, Floyd Hazerd, C-37371	125.00
Morgan, George Haslam, C-321801	106.25
Morris, Henry H., C-1050095	137.50
Morse, John Dennis, C-348170	138.12
Mulrean, Leo James, C-267589	106.25
Murphy, John Michael, C-1026111	106.25
Murphy, Peter James, C-277846	106.25
Murtha, William Henry, C-433069	106.25
Nash, Joseph Edward, C-305309	116.87
Neary, Edward Joseph, C-313466	106.25
Neelands, Ralph W., C-373646	106.25
Nemser, Abraham, C-616485	125.00
Nesbitt, Clarence Clark, C-385580	125.00
Nettleton, Albert Everett, C-217704	116.87
Newell, William Albert, C-1045425	206.25
Newman, Jerome Scofield, C-699564	125.00
Nial, Thomas Matthew, C-346864	125.00
Niebling, George F., jr., C-1055746	125.00
Nichols, George Pardee, C-176842	195.00
Nietz, Adolph H., C-1053022	125.00
Nixon, Albert Benjamin, C-303201	106.25
Norvell, Richard F. (guardian, Norvell, Doris), C-1059799	116.87
O'Connell, Francis Aloysius, C-434508	106.25
O'Connor, Richard B., C-330102	125.00
O'Donnell, Joseph, C-535949	137.50
Olmsted, Bruce C., C-1029647	137.50
Olson, Wilfred Franklin, C-415783	137.50
O'Neill, Harry L., C-531332	106.25
Orrell, Eugene Dallas, C-320377	137.50
O'Shaughnessy, Thomas Joseph, C-1049390	106.25
Osborn, Charles Whytlaw, C-428632	150.00
Osburn, Charles Y., C-480311	106.25
Page, Frank A., C-370246	106.25
Parker, Emerson Fitch, C-381939	106.25
Parker, Partis F., C-238428	150.00
Parks, Paul Blaile, C-331835	106.25
Perrin, Norman Suydam, C-1057074	125.00
Peterson, Fred Andrew, C-1050441	------
Petross, Robert, C-1044549	106.25
Pfohl, Harold F. L., C-1028594	125.00
Phelps, Stanley Smith, C-1349563	106.25
Philbin, Joseph Aloysius, C-519262	125.00
Philips, Carlin, C-456605	187.50
Post, Frederick, Ralph, C-67824	210.00
Puffer, Charles Edwin, C-606066	150.00

Quinn, William J., C–1037534	$106.25
Quirk, John H., C–1051697	106.25
Rathbun, Walter L., C–1058710	150.00
Read, William S., C–286007	106.25
Reed, Linn Vander Hyden, C–1020210 (guardian, Loomis, Lynn A.)	125.00
Reese, Ernest Eugene, C–388035	125.00
Reid, Henry J., C–557439	137.50
Reid, William Bradley, C–905419	218.75
Reimann, Benjamin C., C–531101	106.25
Reynolds, William Graham, C–411001	150.00
Ridgway, John J., C–191111	125.00
Rikeman, Thomas W., C–221565	137.50
Riordan, Thomas Jerome, C–1041060	106.25
Rodgers, James Linn, C–486457	262.50
Rowan, Walter F., C–400392	106.25
Rutherford, James Kenneth, C–247277	125.00
Rutledge, Thomas F., jr., C–1039858	106.25
Ryan, Benedict Mack, C–344886	125.00
Ryan, Edward Leo, C–268677	125.00
Ryan, Paul Arthur, C–1051340	125.00
Ryan, Richard J., C–259181	180.00
Saladino, William Lambert, C–1061274	-------
Sanches, James Andrew, C–442016	106.25
Sandburg, Charles A, C–1036529	250.00
Saunders, Thomas Henry, C–213521	125.00
Saunders, William Hennessy, C–156845	-------
Schelter, Louis John, C–446037	150.00
Schermerhorn, Charles E., C–362314	116.87
Schlesinger, Louis, C–175525	106.25
Schoenberg, Louis, C–385692	127.50
Scott, Samuel Hubbard, C–321469	137.50
Senecal, Alphonse Leo, C–412634	187.50
Shannon, Samuel, C–367623	106.25
Shea, William, C–486321	106.25
Sheehan, Walter Burt, C–563308	131.25
Sheeran, David Joseph, C–338608	150.00
Shelley, William Risley (guardian Shelley, Della), C–1020114	150.00
Sheridan, Thomas William, C–360621	106.25
Shindell, Samuel Harvey, C–133719	106.25
Shook, Harry Franklin, C–428918	125.00
Smeallie, James Donald, C–348603	125.00
Smith, Charles, C–569808	175.00
Smith, Harold Francis, C–283762	125.00
Smith, Holmes Scudder, C–404737	116.87
Smith, Lee Roy, C–1037632	116.87
Smith, Raymond Goodale, C–1260698	106.25
Snook, Theodore Page, C–350035	125.00
Spence, Albert Harley, C–1050754	137.50
Spencer, Lorillard, C–311343	243.75
Spitzer, Eugene Reynolds, C–295570	125.00
Spony, Albert, C–331157	125.00
Stafford, Bart Lanier, C–544942	106.25
Stapleton, Felix, C–368403	106.25
Stephany, Alfred Rudolph, C–1051345	125.00
Stevens, Glenn Ridgeway, C–851018	106.25
Stevenson, Maurice Sexton, C–535931	137.50
Stewart, Howard Barker, C–496430	116.87
Stone, Henry Chase, C–1254421	125.00
Stowbridge, Robert Walter, jr., C–622717	150.00
Straley, John Alonzo, C–218374	106.25
Stratton, John McKee, C–333937	125.00
Street, Harold Horton, C–353307	137.50
Stromeyer, Walter Herman, C–905996	-------
Strong, Samuel Meredith, C–1032024	187.50
Stutt, George Washington, C–1035939	150.00
Sullivan, Daniel Arthur, C–436062	127.50
Sullivan, Jeremiah Mark, C–579302	106.25
Sullivan, Willis Edmund, C–1018137	125.00
Taylor, Arthur John, C–365776	206.25
Taylor, George Townsend, C–348171	150.00
Teepell, Frank A., C–1022809	150.00
Thomas, Charles A., C–488995	150.00
Thomas, John Wesley Morgan, C–850980	106.25
Thompson, Clarence M., C–1025841	206.25
Thompson, Willard Cornelius, C–294599	125.00
Timmons, Peter Mathias, C–304484	195.00
Tracy, Joseph Paul, C–906310	106.25
Travis, Joseph John, C–1009131	206.25
Treadway, Lucien, C–273392	125.00
Trohear, Joseph, C–1054161	125.00
Tuck, John Bennett, C–113244	281.25
Tynan, Lancelot James, C–1042218	137.50
Twomey, Thomas Andrew, C–1061619	125.00
Uhrstrom, Charles, C–1045334	106.25
Van Nostrand, Hobart Sanford, C–491484	125.00
Valeur, Marius Torkildsen, C–905877	150.00
Vincent, George S., C–1397303	125.00
Vincent, Harry Lansing, C–143123	125.00
Walker, George, C–325191	180.00
Walsh, Francis William, C–271842	125.00
Walsh, James Joseph, C–414534	210.00
Walsh, James Henry, C–1058180	150.00
Walsh, Malcolm, C–489605	125.00
Webb, Harold George, C–430361	125.00
Webber, John Daniel, C–312965	195.00
Weir, William John, C–1047093	$187.50
Weller, John Cyrus, C–1430217	187.50
Wells, Leroy T., C–407462	106.25
Wende, John Anthony, C–194799	125.00
Wertz, Harold Brentana, C–391284	125.00
Werzinger, John F., C–1050132	125.00
Whinihan, Sylvester M., C–315432	106.25
Williams, James Frederick, C–557441	116.87
Williams, Thomas Charles, C–253610	127.50
Williams, Thomas E., C–1043478	106.25
Wilson, Fred DeGrande, C–201648	187.50
Witthack, Henry Fred, C–298294	116.87
Woarms, Edwin H., C–326528	106.25
Wolcott, Bernard C., C–460751	125.00
Wolf, Bernard Jacob, C–1038696	125.00
Wood, Harry Gardner, C–1049374	165.00
Woddell, Charles Edward, C–614490	150.00
Woodward, Harold C., C–284647	225.00
Woolfe, Irving King, C–434515	106.25
Woolshlager, John Felix, C–419410	150.00
Wolcott, Charles Clements, C–1180832	150.00
Yancey, Stirling R., C–1058407	225.00
Young, Harry J., C–1058237	138.12
Zimmerman, Robert Francis, C–400165	150.00
Zuckerman, Samuel, C–323471	125.00

Supplemental list

Anson, Joseph, C–1044657 (guardian, Milliken, John F.)	125.00
Kaufman, Frank, C–572431 (guardian, Sullivan, James A.)	125.00
MacElroy, Andrew J., C–466852	187.50
Warner, Russell Ammon, C–172401	125.00

NORTH CAROLINA

Adams, Daniel Weisinger, C–238792	218.75
Altman, Berkeley Dixon, C–530406	106.25
Baier, George Frederick, jr., C–413400	125.00
Baisden, Roy T., jr., C–567023	106.25
Bard, Charles I., C–284615	210.00
Bateham, Boyd Elwood, C–1344390	125.00
Beckham, Dewitt T., C–195763	116.87
Beehler, Frank, C–1092515	125.00
Black, John Wilton, C–267466	125.00
Blois, Douglas Spivey, C–374062	125.00
Boddie, Samuel Perry, C–318958	206.25
Boyarsky, Joseph, C–1337636	165.00
Buchanan, Charles Augustus, C–307814	116.87
Buie, Roderick Mark, C–284158	150.00
Camp, Earl Franklin, C–299780	106.25
Campbell, James Wallace, C–309909	180.00
Cheshire, James Webb, C–217362	125.00
Clark, Elliott Bynum, C–26140	125.00
Hamilton, Benjamin Kirk, C–499630 (guardian, Thomas D. Clark)	150.00
Clement, Edward Buehler, C–445857	150.00
Cobb, Thomas Kesler, C–1341323	106.25
Cox, Walter Ross, C–521312	210.00
Daniels, Thomas Cowper, C–219953	175.00
Dodge, William W., jr., C–239078	106.25
Dosher, Julius Arthur, C–555072	150.00
Dunlap, Joseph Phillips, jr., C–162487	125.00
Dunn, William Hardy, C–233549	150.00
Ellsworth, Benjamin F., jr., C–1108123	125.00
Ennis, Robert Sidney, C–1106607	180.00
Ensign, Chester Oscar, C–139822	125.00
Fisher, Adam, C–359826	150.00
Fulford, Richard B., C–1120362	180.00
Glickman, David, C–471604	150.00
Goley, Kent Wallace, C–1124082	106.25
Gregory, Paul Anthony, C–306930	125.00
Hamilton, William Armstrong, C–1375065	206.25
Hathaway, James Alexandria, C–1381414	106.25
Hooks, Thel, C–396069	150.00
Hutchison, Francis Albertus, C–1337852	150.00
Izard, John, C–342342	187.50
Jeffords, James Ernest, C1336590	106.25
Jervey, Theodore D., C–395053	180.00
Johnson, Otis Hackett, C–1328828	150.00
Jones, Robert Duval, C–1340781	243.75
Kaplan, Herman Hiram, C–1032132	125.00
King, Edward, C–265484	125.00
King, Parks McCombs, C–270062	165.00
Koon, Job Hansell, C–367462	175.00
Laye, Henry Albert, C–1337090	125.00
Leonard, Owen Woodfin, C–182227	116.87
Luff, Frederic Ernest, C–297350	125.00
MacConnell, John Wilson, C–324526	218.75
Marsh, Thomas B., jr., C–14738	106.25
Martin, Ernest Moore, C–1336001	106.25
Maynard, George C., C–1094024	125.00
McIntosh, Donald M., C–515037	150.00
McKenzie, George Shelton, C–243930	106.25
Merritt, Harold Dutton, C–562695	106.25
Miller, William M., C–1111694	106.25
Mills, John David, jr., C–348166	106.25
Montgomery, Charles M., C–654707	150.00
Murph, Daniel Edgar, C–313849	150.00
Nance, Alexander Washington, C–366642	125.00
Neely, Guy L., C–1339031	106.25

Parker, James Roy (guardian, Thomas F. Parker), C–1333576	$125.00
Peterson, George Langdon, C–255684	250.00
Plummer, Francis Arnold, C–698876	106.25
Poate, Ernest M., C–239646	125.00
Pratt, Joseph Hyde, C–341152	275.00
Pritchard, George Littleton, C–157671	125.00
Rhodes, Adrian Burbank, C–205428	137.50
Rosborough, William McLure, C–1121980	125.00
Shupp, Roy Franklin, C–377725	125.00
Sifford, Ernest Jirard, C–268751	150.00
Slear, John Klump, C–370633	125.00
Smith, Norfleet S., C–337594	125.00
Smith, Robert Lee, C–495990	165.00
Smith, Whitefoord Gamewell, C–1120659	150.00
Stanard, Hugh C., C–364516	106.25
Stirewalt, Neale Summers, C–546315	125.00
Stone, Wallace Burton, C–906415	165.00
Stoner, Ira James, C–617627	125.00
Suggett, Orril LeGrand, C–141024	150.00
Swan, Frank Wise, C–906465	150.00
Taylor, John Douglas, C–1344534	106.25
Thornburg, Zebulon Brady, C–343649	150.00
Tillery, Isaac G. C–687659 (guardian, L. B. Tillery)	106.25
Vining, Morgan, C–1119205	150.00
Walker, Alfred Husband, C–234023	106.25
Wallace, John Whitlock, C–432182	106.25
Ward, Wm. Farrier, C–1119529	106.25
Washington, Bushrod Corbin, jr., C–159264	137.50
Watson, David Lewis, C–1337427	106.25
Williams, Edward Sidney, C–312664	125.00
Wilson, Harry Hall, C–315406	187.50
Winstead, Rolland Tyson, C–195926	106.25
Woodley, Samuel Spruill, C–372883	106.25
White, William R., C–1342354	106.25
Whitfield, Fitzhugh Lee, C–1335540	180.00
Wright, William F., C–1112735	125.00
Wysong, Homer Clytus, C–906024	125.00
Youngblood, Lewis Emile, C–1338563	137.50

NORTH DAKOTA

Brolling, Alfred Marshall, C–279487	106.25
Flett, Charles M., C–1351218	125.00
Flynn, James J., C–221542	106.25
Henry, Frank Selmes, C–1238413	250.00
Kelly, John J., C–1349802	106.25
Lonnevik, Thomas, C–1231598	195.00
Maercklein, Edwin H., C–262064	125.00
Patterson, Thos. Christopher, C–1352541	243.75
Sampson, Homer, C–1242728	106.25
Sgutt, Emanuel, C–300975	106.25
Thompson, Charles, C–378343	150.00
Voss, Carl, C–225642	125.00
Woodford, Stewart L., C–396359	125.00

OHIO

Allen, Grover Cleveland, C–609307	127.50
Alexander, Arthur Hadden, C–177828	125.00
Austin, Henry John, C–467287	125.00
Bail, Frank Wooster, C–396090	125.00
Baldwin, Francis G., C–212475	206.25
Barnard, Benjamin Clyde, C–1156870	187.50
Barnes, Jean Carlyle, C–415187	137.50
Barry, John E., C–25876	162.50
Bartlett, Edward Charles, C–582762	106.25
Barton, Jesse M., C–315155	106.25
Bass, Samuel Q., C–308960 (guardian, Edith P. Bass)	150.00
Becht, Charles, C–1167559	210.00
Bell, Clement L. V., C–273171	125.00
Bell, Frank Mathew, C–906426	150.00
Bennett, Harry Harper, C–906595	150.00
Betzner, Clarence Wilford, C–1159979	150.00
Blackburn, Herbert Marfield, C–579333 (guardian, Ira R. Blackburn)	125.00
Bland, Arthur Vere, C–334135	150.00
Bleser, William P., C–1334545	150.00
Birnbaum, Alfred Victor, C–268271	125.00
Bissell, Fred Crawford, C–1418064	125.00
Bondy, Edmund R., C–1419096	150.00
Boster, Harold Augustus, C–366872	125.00
Brown, Jesse Fred, C–1168860	125.00
Brown, Joseph Reese, C–473031	137.50
Brainard, Albert J., C–236442	150.00
Braine, Elgin, C–266864	165.00
Brenner, Jacob P., C–167873	106.25
Bryant, John Lewis, C–486421	116.87
Buchman, Robert Allen, C–1149509	125.00
Burnett, Edward Jesse, C–905472	150.00
Bunge, Robert C., C–391451	165.00
Cahill, Alphonso I., C–239051	125.00
Campbell, Charles Knight, C–234469	125.00
Campbell, James Edwin, C–254074	165.00
Carr, Raymond Millard, C–300927	150.00
Carroll, Mark G., C–575919	125.00
Carter, William Corwin, C–1167806	125.00
Christensen, John W., C–275088	150.00
Christopher, Harry Vincent, C–139267	150.00
Clark, John William, C–1147127	125.00
Cleveland, James Harlan, C–140519	$125.00
Cooley, John McManigal, C–206153	150.00
Coppage, Carroll Trenchard, C–373337	125.00
Cornell, Sidney Vance, C–297792	150.00
Cosgrove, Louis Cooper, C–481129	165.00
Crawford, Lewis Charles, C–155926	150.00
Crist, William L., C–708791	106.25
Cross, Price E., C–285864	106.25
Cummings, Joseph Daniel, C–482387	106.25
Curley, Harry Oswood, C–519195	150.00
Curry, Howard Spencer, C–1154119	187.50
Daly, John F., C–1035631	125.00
Daniels, Irving Lewis, C–495827	150.00
Davis, Howard Hubbell, C–268965	150.00
Deem, Benjamin Franklin, C–1143870	137.50
Dilatush, Frank Allen, C–353196	150.00
Dix, Charles C., jr., C–210760	106.25
Dolphin, James Basil, C–178739	125.00
Dube, Isadore Henry, C–906368	262.50
Eddy, Emmett William, C–156416	180.00
Edgerton, Harry Meek, C–905452	106.25
Edwards, Malcolm W., C–293073	125.00
Ehlers, Walter Louis, C–101195	106.25
Epperson, Carrick Hughes, C–208710	106.25
Everett, Edward Alfred, C–1162606	125.00
Fisher, Amos T., C–151020	125.00
Frary, Lewis Seth, C–262606	106.25
Funk, Perry Jefferson, C–440581	137.50
Gage, John Gray, C–1159487	125.00
Gallagher, Frank Joseph, C–1363348	125.00
Gamblee, Ellsworth A., C–246573	125.00
Garvin, Roger Baldwin, C–1421398	125.00
Gath, Philip, C–394312	187.50
Gaumer, George Rutherford, C–1154655	137.50
Gibson, Harold Eugene, C–193451	125.00
Gilbert, Ora Bennet, C–409747	195.00
Gill, William Craw, C–1169603	281.25
Givens, Fred George, C–1151625	165.00
Goff, William Mitchell, C–296320	150.00
Goddard, Charles Curtis, C–129862	106.25
Gordon, Elijah Joseph, C–300933	206.25
Gossett, Eckley Gaylor, C–345014	150.00
Graham, James Martin, C–1244626	150.00
Graham, Stuart Donald, C–272203	106.25
Gray, Lowell H., C–270866	106.25
Griffin, Oliver Herald, C–372337	106.25
Grisemer, Walter, C–87988 (guardian, I. H. Grisemer)	106.25
Griswold, Glenn Elgin, C–1160905	125.00
Haefele, George Leonard, C–447880	125.00
Haglund, Carl, C–1151599	137.50
Hall, Raymond Richards, C–1156629	106.25
Hall, William D., C–199041	125.00
Hanabergh, Frank John, C–346273	225.00
Hannan, Lawrence J., C–466499	125.00
Hardman, Thomas Elmer, C–412542	150.00
Hartnett, Cornelius Richard, C–315475	106.25
Haynes, William, C–1162531	150.00
Hazlett, George W., C–1144548	106.25
Heimlich, Daniel, C–499107	125.00
Helfrich, Martin Lewis, C–328105	150.00
Herbert, Thomas John, C–479207	125.00
Herbst, Edward, C–1160945	150.00
Heyman, Fred George, C–225210	106.25
Hill, Louis, C–1415534 (guardian, the Firestone Park Trust & Savings Bank)	150.00
Hinant, Hubert M., C–465776	137.50
Hinchman, Edward M., C–1158355	125.00
Hoover, Ervie R., C–1155692	162.50
Houck, Hiram E., C–254762	150.00
Houk, Roy Morrison, C–429329	180.00
Hughes, William Ralph, C–466833	180.00
Hunter, Vernon Doy, C–365121	150.00
Hurd, James Fay, C–341423	116.87
Huston, James A., jr., C–654056 (guardian, the Newark Trust Co.)	106.25
Huston, Perry William, C–277783	165.00
Ibershoff, Adolph Ernest, C–310876	150.00
Jackson, Charles Chylon, C–480107	106.25
James, Carl Merton, C–169106	116.87
James, Hugh Sawyer, C–530645	125.00
Jenkins, George Washington, C–543288	195.00
Johnson, Charles Ross, C–905495	125.00
Johnson, Burke L., C–1165419	150.00
Johnston, George Edward, C–209443	125.00
Johnston, Irvin Rex, C–367242	175.00
Joyce, Edw. Leo, C–1163278	180.00
Judkins, Robert John, C–1147501	150.00
Kneppel, Oscar O., C–471866	225.00
Kaminiski, Theophile Charles, C–526460	106.25
Kasinski, Theodore J., C–1416343 (guardian, Mary J. Kasinski)	125.00
Keenan, Willis H., C–317267	150.00
Keiser, Jay G., C–1163515	150.00
Kenealy, Edward J., C–1416352	106.25
Kennedy, Clifford C., C–1165258	125.00
Kern, Kenneth Mason, C–489731	125.00
Kirby, Charles L., C–77187	106.25
Klumph, Thorp Alexis, C–1161315	195.00

Koehl, Charles, C–217902	$127.50
Kolpien, Kenneth Hanchett, C–353631	106.25
Lantz, James Morris, C–1145237	150.00
Larrabee, Charles H., C–475248	165.00
Lauterbach, William Frederick, C–398985	150.00
Lehmann, Frank John Joseph, C–277933	125.00
LeRoy, Bernard R., C–1165924	125.00
Leslie, Raymond C., C–572884	180.00
Limb, Marcus Robert, C–283836	250.00
Linn, William Joseph, C–190492	106.25
Litty, John Charles, C–331058	106.25
Lochwitzky, Alexander M., C–1042407	150.00
Long, Brice Hayden, C–714016	125.00
Loveless, Ralph M., C–1415453	106.25
Lyon, Claude C., C–150836	125.00
MacCracken, Ralph Ransom, C–463970	225.00
MacLane, Harry Forward, C–238092	150.00
Maertz, Charles, C–674757	187.50
Majewsky, Leo R., C–702092	125.00
Marquiss, Charles Ruben, C–520196	137.50
Marx, Robert S., C–219546	150.00
Matthews, David Jones, C–1421601	125.00
McCleery, John M., C–1166696	125.00
McElroy, Joseph Edward, C–309687	150.00
McEwen, Frank Phillip, C–193979	125.00
McGrady, John J., C–454442	150.00
McHenry, Joseph Bostock, C–1160629	150.00
McIntyre, James Francis, C–1163709	125.00
McKeon, Joseph M., C–1166839	125.00
McMullin, James Oliver, C–301870	116.87
McNerney, Joseph Dennis, C–345952	125.00
McNicol, Lester Bechtel, C–248898	106.25
Meyers, William Henry, C–407212	262.50
Miller, John Heil, C–1140501	150.00
Miller, Walter John, C–265515	125.00
Moodey, Robert Radcliffe, C–321743	125.00
Moore, Luman Gordon, C–822795	150.00
Moore, Robert Glenn, C–690380	106.25
Murbach, John F., C–303537	150.00
Musgrave, Charles Alva, C–399378	180.00
Norris, Fred T., C–23727	137.50
O'Brien, Martin A., C–380697	125.00
Oldham, Ralph William, C–140873	106.25
O'Malley, George Patrick, C–1422021	187.50
Orwick, Harvey E., C–1099152	125.00
Osborn, Morse F., C–248497	150.00
Owens, Otto James, C–132224	125.00
Oyler, Frank Lee, C–17278	175.00
Palmer, Richard Raymond, C–1417905	106.25
Peinert, Earl Fray, C–159437	125.00
Pfeifer, William C., C–379507	125.00
Phillips, Robert B., C–340127	106.25
Pirrung, Joseph Edward, C–C1154788	187.50
Portmann, Milton C., C–209566	187.50
Radcliffe, Frank C., C–1150597	165.00
Ragor, Charles A., C–328969	106.25
Rank, John E., C–1142420 (guardian, J. C. Rank)	106.25
Ransbottom, Ivah J., C–49196	125.00
Reed, Wilton Charles, C–413557	150.00
Rice, Harry E., C–527777	106.25
Roberts, Henry Denny, C–1334546	125.00
Robert, Walter, C–155544	------
Robins, Julius Charles, C–1158549	106.25
Rock, Laylin, C–511997	125.00
Roe, Allen Perkins, C–811662	106.25
Rogers, George Brydges, C–294517	125.00
Rolph, Oliver Optic, C–343020	125.00
Roseler, Edward G., C–1416119	106.25
Rossiter, Ednor M., C–535466	106.25
Roudebush, James Franklin, C–292055	106.25
Rowe, James William, C–391576	187.50
Ruhlin, John C., C–1380555	106.25
Rylander, Wilber Edmond, C–515004	106.25
Sattler, Robert Ray, C–1158261	125.00
Schaufelberger, Hugo Silvan, C–394515	116.87
Schauweker, Arthur Albert, C–402551	106.25
Schlesinger, Albert Leonard, C–307153	106.25
Schmitt, Ralph Scribner, C–287210	125.00
Seese, William Richard, C–312685	137.50
Shadrach, John William, C–183474	125.00
Shanks, Clifford Lawrence, C–577823	106.25
Silvers, Otho L., C–240917	106.25
Simms, Willard Eugene, C–1154262	125.00
Smith, Claude Everett, C–813566	150.00
Smith, Herbert Howard, C–147635	165.00
Spencer, James, C–1159559 (guardian, Francis Spencer)	106.25
Springer, John, C–905429	165.00
Sprow, Henry Adam, C–1159751	180.00
Stanbery, Sanford Bailey, C–906366	375.00
Stephens, Clarence Clark, C–388576	137.50
Stewart, Floyd Reynolds, C–392085	150.00
Stout, William, C–1049284	210.00
Stradley, Early Ernest, C–905442	56.25
Stull, Charles Mohler, C–361996	150.00
Sutherland, Paul, C–126753	106.25
Syman, Louis L., C–905613	150.00
Talcott, John A., C–1168610	125.00
Teske, William T., C–1416240	$106.25
Texter, William Horace, C–467463	125.00
Theller, Erling Carsten, C–398281	150.00
Thoburn, Theodore, C–1421969	125.00
Thompson, Josiah D., C–1419240	150.00
Thornberry, Albert Ewing, jr., C–249745	150.00
Thornton, Brian Joseph, C–342137	106.25
Tilden, John Alexander, C–425569	125.00
Tuttle, Frank Osborn, C–1421981	106.25
Tuttle, George E., C–1155976 (guardian, Mrs. Beulah Tuttle)	150.00
Van Gorder, Florence Spears, C–905242	312.50
Varney, James D., C–322350	187.50
Veit, Conrad, C–1244078	165.00
Verwohlt, Howard William, C–358886	125.00
Voges, John Clauss, C–264772	106.25
Walker, Orville J., C–1044277	125.00
Wallach, Charles, C–414604	125.00
Watson, Hugh, C–356204	106.25
Weadock, Edward George, C–437453	125.00
Webster, George Davis, C–232278	150.00
Wentz, Walter, C–308259	106.25
West, John Albert, C–301765	150.00
Westcott, Earl A., C–380465	150.00
Westfall, Delta Grover, C–347364	106.25
Westphal, William C., C–1156561	125.00
Whitwham, Gratian P., C–1415014 (guardian Catherine P. Whitwham)	125.00
Winders, Frank, C–1421694	218.75
Wise, Harry Wright, C–279873	125.00
Wolf, Henry William, C–384963	106.25
Woodworth, Gladwyn Anson, C–293645	106.25
Worthington, Wilbur Blackman, C–292084	150.00
Wright, John E., C–586751	106.25

Supplemental list

LaPage, Percy William, C–496279	116.87
Schreck, Harold F., C–1163234	125.00

OKLAHOMA

Affholder, Irvin Ernest, C–425195	106.25
Aitken, Wallace Andrew, C–437549	187.50
Allison, Frank, C–1296090	125.00
Atkins, Clyde C., C–211574	125.00
Bales, Mark Hodges, C–1286372	106.25
Banks, Thomas Gray, C–275023	150.00
Barbee, Wyatt, C–175616	106.25
Barber, Lebbeus B., C–1427487	106.25
Bisbee, Walter Griswold, C–218683	150.00
Bocher, Lawrence Calvin, C–194763	106.25
Bolend, Floyd J., C–310755	281.25
Brown, Alfred Allen, C–1296188	150.00
Browning, Robert Le Roy, C–225968	125.00
Byrd, John Homer, C–197889	125.00
Campbell, Novel Walter, C–1321023	150.00
Caraker, Charles T., C–835918	187.50
Davis, Hale Virginius, C–1320388	125.00
Deans, Fenwick Rieff, C–123229	125.00
De Priest, Melvin Johnson, C–208492	150.00
Doggett, Sylvester, C–1216314	125.00
Emerson, John Ellis, C–235475	106.25
Farthing, Welbourne Owen, C–1320214 (guardian, Robert F. Farthing)	106.25
Finley, James Hubert, C–265842	150.00
Guthrie, Austin Lee, C–383875	150.00
Haigh, Harry, C–611903	125.00
Harrington, William Emery, C–906043	187.50
Hoffman, Arthur Bufford, C–494880	162.50
Holliday, Oliver Morton, C–1213690	150.00
Hutchinson, Alva Roy, C–168931	106.25
Johnson, Leroy, C–249326	125.00
Jones, Albert Lamartine, jr., C–257504	150.00
Keefner, Edward William, C–142592	106.25
Knoblock, Cecil Coyne, C–167791	106.25
Lancaster, Grady, C–393943	106.25
Lewis, Miles L., C–313135	125.00
Lipscomb, William Patrick, C–1297557	206.25
Little, Daniel Erastus, C–503184	150.00
Long, Jesse Henry, C–232975	125.00
Long, Ross David, C–212081	187.50
McIntosh, Daniel Cobb, C–267581	125.00
Meyer, Emil Albert, C–134729	106.25
Morphew, John Earl, C–1266330	106.25
Mylon, William, C–1326867	106.25
Neal, Herman Ivy, C–770173	125.00
Oakes, Gail Clifford, C–521875	131.25
Rogers, Glenn Wells, C–313808	150.00
Rucks, William Ward, C–221735	187.50
Sayre, Horace Hendel, C–428666	150.00
Schultz, William Jennings, C–314411	137.50
Shaffer, Guy Oscar, C–38267	195.00
Shaunty, John Norris, C–1293788	125.00
Stagner, George Herbert, C–171724	187.50
Stolper, Joseph Harry, C–175249	150.00
Stover, Curtis Edward, C–401142	137.50
Thompson, Robert Franklin, C–320137	137.50
Waite, Edson R., C–297709	243.75

Warren, Charles I., C–1252838	$137.50
Wenner, David John, C–1294988	125.00
Whitaker, William Jerry, C–446271	125.00

Supplemental list

Jenkins, Elihu E., C–123853 (guardian, H. L. Payne)	106.25

OREGON

Barr, David Walton, C–1282955	106.25
Belden, Miles Bebee, C–1277812	106.25
Blachly, Arthur Trew, C–1284685	125.00
Blackstock, James Thomas, C–333638	150.00
Bradford, Holt William, C–278207	125.00
Burdick, Bert Charles, C–1400790	150.00
Burgard, William Norman, C–374190	125.00
Burkett, Benjamin Scott, C–125425	125.00
Burns, John S., C–231394	125.00
Carlson, Enoch Bernard, C–505678	137.50
Cook, Mortimer Parker, C–451522	137.50
Crouch, Junious Elmer, C–188428	150.00
Dalton, Ernest C., C–1281561	187.50
Dorris, Albert Ray, C–1284146	106.25
Dorris, Benjamin Fultz, C–346345	125.00
Edwards, Franz Gill, C–1008207	150.00
Feldenheimer, Roy, C–25596	106.25
Feldman, Jacob, C–480561	162.50
Firey, Frank Paul, C–221307	125.00
Forsyth, Enoch Avard, C–1402589	187.50
Frey, George Robert, C–239091	106.25
Frost, Charles E., C–429984	150.00
Green, John Seymour, C–660569	125.00
Greene, Herbert Merton, C–211412	187.50
Halverson, Henry F., C–197541	180.00
Hamer, Thomas Ray, C–905934	262.50
Hamill, Robert Michel, C–355698	106.25
Hiddleson, Roy Dee, C–460677	116.87
Hogan, Cicero Francis, C–531703	165.00
Huntley, Merritt B., C–135575	150.00
Johnson, Charles Parker, C–479216	125.00
Keeley, Ralph C., C–311648 (guardian, Title & Trust Co.)	106.25
Lane, Melvin C., C–414727	127.50
Maercklein, Ivan Rudolph, C–226226	150.00
MacCracken, Gordon, C–1284600	150.00
McKay, James Douglas, C–315742	125.00
Metcalf, Harry K., C–424085	225.00
Mickey, Robert Dee, C–320916	106.25
Mills, Verni Victor, C–1276271	106.25
Milner, Lawrence Armstead, C–334519	180.00
Montag, Benjamin Butler, C–231121	137.50
Moreland, Julius Cæsar, C–549261	106.25
Morse, Edwin W., C–906414	150.00
Newmyer, Philip L., C–249494	150.00
Noble, George Bernard, C–281195	125.00
Page, Prince Caleb, C–906925	150.00
Pargon, Joseph Augustus, C–206115	150.00
Phelps, Francis M., C–211320	137.50
Piatt, William Paul, C–489212	165.00
Pineo, Harold D. W., C–1278247	125.00
Price, Ray H., C–1402020	106.25
Rauch, Cloyd Dixon, C–221558	165.00
Reddick, Joe G., C–1402771	137.50
Reeves, Frank Hall, C–313216	125.00
Robbins, Urban Grant, C–217189	125.00
Salade, Louis Audenried, C–851140	125.00
Scroggs, William Paxton, C–830033	125.00
Sharkey, Ralph Louis, C–755185	125.00
Smith, Leo Bruce, C–213958	180.00
Stearns, Carey S., C–1283287	106.25
Stelzner, Albert H., C–454523	116.87
Stewart, John Archibald, C–234601	150.00
Sweeney, Thomas A., C–1402141	150.00
Switzer, Lewis, C–1394120	106.25
Webb, James Ellsworth, C–445485	125.00
Whiteside, Edwin Eugene, C–275746	150.00
Williams, David Albert, C–400732	150.00
Wood, Joseph Frederick, C–1400727	150.00
Zimmerman, Edward L., C–276693	125.00

PENNSYLVANIA

Anders, Daniel Webster, C–495574	187.50
Anderson, William, C–216952	150.00
Angwin, Lewis E., C–1026144	125.00
Akerley, Byron Leslie, C–167875	125.00
Alexander, Garbutt Reed, C–1076019	106.25
Alexander, King, C–122644	106.25
Allderdice, Lawrence, C–409292	106.25
Ashton, William E., C–1077686	218.75
Banks, Lloyd McClellan, C–1065103	106.25
Barnes, George S., C–488585	125.00
Barron, Marshall Scott, C–297675	137.50
Bash, James Erwin, C–185263	106.25
Beale, Harvey D., C–1080632	125.00
Beck, Theodore, C–153355	125.00
Bergstein, Alfred Morton, C–232111	125.60
Bernard, Marcus Alphonso, C–220787	106.25
Bickell, Ulysses Grant, C–603951	125.00
Biddle, Justice Mitchell, C–25781	106.25
Billingslea, John Smith, C–18120	$106.25
Blackman, William, C–309022	125.00
Blain, West Elliott, C–181083	180.00
Blount, Reginald M., C–486924	137.50
Bogart, Clark Stetson, C–1083593	125.00
Bostwick, John Vaughan, C–605822	150.00
Botjer, Henry George, C–207785	125.00
Boyes, Andrew M. C., C–246784	125.00
Boyle, John Edgar, C–1076700	165.00
Boyer, Orman Leslie, C–1360409	106.25
Breen, Joseph William, C–286237	206.25
Breisch, Leigh Hedwig, C–1067850	125.00
Breslin, William Aloysius, C–1362957	125.00
Bretz, John Thomas, C–297503	195.00
Brew, Paul, C–449530	106.25
Britten, Chester R., C–1079916 (the Clearfield Trust Co., guardian)	106.25
Brown, Thomas Edward, C–1364468	125.00
Brown, William Elbridge, C–446630	125.00
Bryan, Samuel Smith, jr., C–400536	125.00
Buchanan, Thomas Chalmers, C–154114	106.25
Buell, William C., jr., C–1364969	125.00
Buggy, Frank Raymond, C–376362	165.00
Cain, Robert Sneath, C–87299	180.00
Caldwell, Herbert Clyde, C–313731	125.00
Campbell, Jay Howard, C–905758	150.00
Cannon, James T., C–483689	150.00
Caruso, Adolfo, C–906105	125.00
Clapp, George Houghton, C–209693	150.00
Clark, Chester Fairchild, C–265321	125.00
Claypoole, Ronald Semple, C–490834	106.25
Clement, Charles Maxwell, C–906305	500.00
Clendening, Robert Maslin, C–397428	150.00
Cobb, Murray Addison, C–1080700	157.50
Colcher, Abraham E., C–1366120	125.00
Condit, George Smith, C–298905	125.00
Conn, Ralph Edmund, C–906722	125.00
Conner, William Page, C–395720	106.25
Conway, George Raymond, C–1078733	116.87
Cooper, Herbert, C–162950	150.00
Coover, Merle Edgar, C–156468	125.00
Cort, Thomas Laird, C–338854	150.00
Cox, James Renshaw, C–390653	-------
Cramer, Joseph William, C–393667	106.25
Crawford, Harry Thomas, C–1084192	125.00
Critchfield, John Burnworth, C–341372	125.00
DaCosta, John Chalmers, C–1080773	187.50
Dale, George Cooper, C–389235	125.00
Daniels, Clarence D'Azavado, C–1066151	125.00
DeGraw, Charles Henry, C–1074664	150.00
Devereaux, Edward James, C–302213	125.00
Devereux, Robert Trafford, C–469441	187.50
Devlin, Charles J., C–237447	106.25
Diamond, Francis X., C–392073	106.25
Diller, Warren Levi, C–1360310	150.00
Dodd, William A., C–302938	125.00
Doheny, Frank P. (Norristown-Penn Trust Co. & J. E. Doheny, guardians), C–1083013	106.25
Doran, Robert John, C–224269	106.25
Dorwart, George Marks, C–219951	106.25
Doyle, Thomas L., C–569924	150.00
Drayton, Frederick Rogers, C–288975	150.00
DuBarry, Joseph Napoleon, C–200543	150.00
Dussere, Louis, C–1065788	106.25
Edwards, Harry Daniel, C–338879	137.50
Ege, Edward Fay, C–1066081	106.25
Eggleton, William J., C–405234	150.00
Ehrgood, George Albert, C–1071435	150.00
Eller, Valentine Burton, C–157030	150.00
Elberson, Alden D., C–303028	125.00
Ellinger, Jacob Edgar, C–1078825	150.00
Ellis, Thomas Biddle, C–1078134	312.50
Embry, Talton Henry, C–321535	106.25
Everett, LeRoy, C–160287	137.50
Eves, Paul Wilson, C–608649	125.00
Ezickson, William J., C–399328	150.00
Fantom, William Henry, C–480039	180.00
Farrell, Patrick F., C–346880	106.25
Felfoldy, Edmond, C–337998	116.75
Ferguson, David McGaughey, C–315086	106.25
Fiscus, James Hudson, C–237473	150.00
Folsom, John Henry, C–149282	106.25
Foos, Harry Miller, C–182797	150.00
Ford, Howard A., C–1069316	106.25
Forney, Charles Blain, C–24137	106.25
Fravel, Hugh C., C–247009	125.00
Gamble, Robert Bruce, C–1071404	281.25
Gentner, John Milton, C–53354	180.00
Gerhardt, Paul Henry, C–456243	150.00
Getz, Ralph F., C–392251	106.25
Gilmore, William B., C–1375791	150.00
Glenn, William Schaffer, jr., C–452651	150.00
Glidden, Burt Rufus, C–188873	106.25
Goodman, Robert, C–1363068	125.00
Gould, Frank Robling, C–376967	125.00
Graham, James Guss, C–398181	125.00
Gray, Joseph Wilson, C–402561	125.00

Greene, Albert Van Nesse, C–256528	$106.25
Gregson, John LeRoy, jr., C–497735	125.00
Grimes, Robert Bruce, C–1363748	187.50
Groff, James A., C–371796	180.00
Gruber, Charles, C–327453	125.00
Gwyer, Charles Francis, C–503505	125.00
Hadsall, Sidney Charles, C–278282	106.25
Hafner, John, jr., C–315385	127.50
Hagerling, Sidney Alexander, C–1361371	218.75
Haley, Edward McIntyre, C–1046330	150.00
Hammitt, John Kelley, C–569807	106.25
Harris, Arthur Charles, C–425187	125.00
Harvey, Francis Alexander, C–305597	125.00
Hawkens, Edward Andrew, C–204416	150.00
Hebsacker, William F., C–267669	150.00
Heiser, Oliver Raymond, C–367014	125.00
Hempstone, Frank Waldo, C–1383462	125.00
Hendler, Ullmann C., C–217145	150.00
Henninger, Allen, jr., C–99808	106.25
Higgins, Harry S., C–174900	125.00
Hinds, Alexander M., C–248234	125.00
Hoenstine, Floyd Guanar, C–298162	106.25
Holton, Thomas Aloysius, C–1361040	150.00
Honhart, Harold E., C–381869	137.50
Hooper, Thornton Dayton, C–482914	125.00
Hoover, Wesley C., C–503843	195.00
Hopkins, Wayne Leslie, C–190339	106.25
Hoyt, Frank Wellington, C–246415	106.25
Hunt, Herbert Price, C–194191	162.50
Hunter, Andrew, C–342607	150.00
Huston, Dell Clifford, C–197386	125.00
Joachim, William F., C–366905	125.00
John, Rutherford Lewis, C–419415	187.50
Jones, Charles Edward, C–1079818	187.50
Jones, James W., C–311906	150.00
Johnson, Wesley B., C–1083206	106.25
Johnston, Charles, C–1067358	165.00
Kearns, Edward Lee, C–905279	312.50
Keiter, William Alfred, C–513555	137.50
Kent, Samuel L., jr., C–586992	125.00
Kestner, Edward Victor, C–260326	243.75
Kerst, Joseph Edmund, C–232795	106.25
Kirk, George Breon, C–292474	125.00
Klauder, Joseph Victor, C–1367300	187.50
Kleinstuber, William O., C–307031	125.00
Kleppinger, Samuel Adam, C–17792	150.00
Kline, Wade Turney, C–314295	195.00
Koenig, Carl Frederick, C–326047	125.00
Koontz, James Byron, C–183333	125.00
Krause, Robert Sheldon, C–561823	125.00
Kriechbaum, Roy Ritner, C–489195	165.00
Landis, Edward Paul, jr., C–1075182	106.25
Lauer, Carl Frederick, C–376468	150.00
Lauer, Kurvin William, C–208396	106.25
Leitzell, Wilbur Forest, C–214793	187.50
Leonard, Charles Forrest, C–232580	125.00
Lightner, James Newton, C–1075998	195.00
Linn, Charles F., C–1366908	150.00
Lockhart, Andrew Robert, C–227452	195.00
Love, Preston Armstrong, C–437966	125.00
MacGee, Roy James, C–539503	125.00
MacLeod, Norman Mac C., C–686283 (Provident Trust Co. of Philadelphia, guardian)	125.00
MacKenzie, Arthur Lee, C–1072721	125.00
MacReynolds, Abel Mathias, C–655057	243.75
Maguire, Edward Bayard, C–210143	137.50
Malcomson, William Henry, C–432354	106.25
Martin, Jesse Penney, C–605445	180.00
Martin, Richard Charles, C–553717	125.00
Maxey, David Rexford, C–470241	156.25
McClelland, Quinton J., C–1066841	106.25
McDonnell, Owen F., C–217846	106.25
McFarland, Joseph, C–624541	187.50
McGarr, Thomas E., C–358868	150.00
McGough, Edward A., C–1082564	106.25
McKeon, James Stephen, C–354186	125.00
Meehan, Edward Joseph, C–453487	262.50
Meley, Edward Jewitt, C–442849	150.00
Mihovilovich, John (guardian, Integrity Trust Co.), C–509594	106.25
Miller, Albert William, C–305870	137.50
Milko, John George, C–2446	116.87
Miller, George Harlan, C–360453	106.25
Miller, Philippus, C–442176	106.25
Minor, Arthur J., C–905777	150.00
Moore, William B., C–307043	116.87
Morgan, Leonard Davis, C–258037	106.25
Morris, Edward Aloysius, C–551428	125.00
Mosher, James Sherman, C–188659	150.00
Moyer, Albert Floyd, C–322817	106.25
Moyer, William Westfall, C–1082780	150.00
Muller, Julius, C–577628	137.50
Murphy, George W., C–1360272	106.25
Murphy, Joseph T., C–338957	150.00
Murray, Valentine, C–509459	195.00
Murrin, Connell Edward, C–381504	125.00
Myers, Charles Henry, C–316396	106.25
Nelan, Thomas Gibbons, C–245576	$187.50
North, Louis Arthur, C–360463	106.25
O'Brien, Raymond John, C–371751	125.00
O'Daniel, Andrew Allison, C–265136	150.00
O'Leary, John Jeremiah, C–221053	150.00
Osthaus, Robert Axford, C–87189	116.87
Owens, John Joseph, C–267103	180.00
Owens, Robert J., C–272276	150.00
Parker, Brantly F., C–150299	150.00
Parks, Cornelius Griffin, C–1363118	125.00
Parsons, Isaac Ivison, C–338126	150.00
Patten, Morgan Howarth, C–430436	125.00
Peppler, Harry Augustus, C–517705	150.00
Peters, Jacob Markwood, C–169196	243.75
Petty, Orlando Henderson, C–1069672	150.00
Phillips, Donovan R., C–1381460 (guardian, Mrs. Martha J. Phillips)	125.00
Piper, William Scott, C–239650	150.00
Plank, David H., C–1051790	125.00
Pogue, Frank Milton, C–1363661	150.00
Pollock, Benjamin Harrison, C–264173	125.00
Potter, Hannibal Ellis, C–307327	106.25
Poux, George Adrien, C–322579	175.00
Purman, Daniel O., C–355926	125.00
Quinn, Thomas J., C–209961	150.00
Quiri, James H., C–1366469	125.00
Raeder, William John, C–212336	125.00
Ranck, Edmund Ross, C–152376	150.00
Randall, Floyd Hamilton, C–1077672	262.50
Ransom, Percy Stephen, C–499596	106.25
Read, Harry Malcolm, C–1084827	125.00
Read, Robert James, C–258916	106.25
Reber, Alvin David, C–199163	106.25
Rebuck, Walter Edgar, C–287471	106.25
Reed, Joseph Marshall, C–194070	150.00
Rehfuss, Louis Allgaier, C–515231	125.00
Replogle, George Brown, C–1163095	150.00
Rhode, Solon LaFayette, C–520361	125.00
Rhule, Wilbur Lee, C–238720	106.25
Richardson, Joseph G., C–535902	150.00
Robison, Gerald Austin, C–338758	106.25
Rodefer, Onward Allen, C–776203	106.25
Roemer, Leon Frederick, C–26454	106.25
Rogers, John Allyn, C–1073676	106.25
Rosen, Theodore, C–295255	125.00
Rosenbloom, Hyman G., C–1099271	125.00
Ross, William Charles, C–381360	106.25
Rountree, William Lincoln, C–906394	210.00
Roy, Wilford Shriner, C–1079786	150.00
Rudy, John M., C–1082586	195.00
Ruhnka, Roy, C–412119	150.00
Sawhill, Donald Vere, C–54339	106.25
Schaeffer, John Adam, C–172312	125.00
Schickram, Paul, C–906437	175.00
Scholl, Harry Arndt (Provident Trust Co., guardian), C–1362591	125.00
Schrier, Edward Joseph, C–321634	106.25
Schug, Carl Adelbert, C–187249	125.00
Schwartz, Max Jacob, jr. (Provident Trust Co. of Philadelphia, guardian), C–1075440	125.00
Seixas, William H., C–1076752	106.25
Seligman, Louis, C–1082041	125.00
Servais, Louis J., C–1363966	106.25
Shanks, Charles Robert (Franklin Trust Co., guardian), C–1361432	127.50
Shelly, Isaac High, C–1078396	187.50
Sheridan, Philip J., C–1083844	150.00
Sheridan, Walter David, C–153314	106.25
Shields, Harry Paul (M. J. Geary, guardian), C–1360502	106.25
Shoemaker, George Joseph, C–306016	116.87
Shoemaker, Philip C., C–206651	125.00
Sholes, Eber Corban, C–444584	106.25
Short, Philip, C–366396	116.87
Signor, De La Ray, C–502536	187.50
Smith, David Scull, C–245806	187.50
Sobernheimer, Harry B., C–410982	125.00
Sponseller, Harling Eugene, C–1093700	106.25
Squier, Lowell W. (Mrs. Luella Squier, guardian), C–146110	106.25
Stackhouse, John M. (Bloomsburg Bank-Columbia Trust Co., guardian), C–524029	106.25
Stackpole, Edward J., jr., C–553716	150.00
Steen, William Lewis, C–247708	150.00
Steidle, Edward, C–202820	150.00
Stivanson, Archie M., C–905346	180.00
Stonebraker, Elias William, C–1069914	125.00
Storm, Albert James, C–497100	150.00
Sullivan, George A., C–512546	150.00
Sullivan, John Joseph, C–199685	143.75
Summerton, Ralph Nelson, C–296833	106.25
Suplee, Irwin Shaw, C–1080676	106.25
Taylor, William E. G., C–209173	180.00
Thompson, George Frank, C–1084926	125.00
Tibbins, George Hoy, C–1073756	125.00
Tibbins, Perry McD., C–221109	125.00
Tilghman, Charles Henry, C–252766	150.00
Tinstman, Carl C., C–1066511	137.50
Turner, William Frederick, C–406835	125.00

Umberger, Paul Repass, C–298584	$150.00
Unger, Wood, C–328150	150.00
Vanderlin, Carl Joe, C–221635	106.25
Van Horn, Frank A., C–239941	125.00
Ventress, George Elmer, C–701989	150.00
Viesiet, Victor Pierre, C–1057813	125.00
Walker, Paul Ewing, C–73594	106.25
Walsh, Richard J., C–1077551	150.00
Watson, Richard White, C–1365925	281.25
Watson, Roy Cooper, C–394715	125.00
Weaver, John Rex, C–497542	150.00
West, Frank Joseph, C–360864	116.87
Wheeler, Martin Luther, C–232371	137.50
White, John Bernard, C–280424	125.00
Wickham, Otto Wilman, C–322450	106.25
Wilkinson, David Bryan, C–153395	125.00
Williams, Edward James, C–483289	150.00
Williams, James A., C–296772	150.00
Williams, Ralph Oliver, C–390933	106.25
Willson, George Merritt, C–905255	165.00
Wilson, Benner Marshall, C–371785	125.00
Woomer, Lester E., C–299941 (guardian, Harry C. Woomer)	125.00
Woods, William Wilson, C–429942 (guardian, J. Irwin Johnson)	150.00
Wright, Denny Dobyns, C–267706	137.50
Wurster, Lloyd Edward, C–247541	125.00
Yocum, jr., Charles Alvin, C–346934	125.00
Yohe, Edward Lindsay, C–283030	150.00
Young, Charles Francis, C–383198	125.00
Zychowicz, John Francis, C–1080031	150.00

RHODE ISLAND

Barton, Charles W., C–287182	116.87
Blanchard, Howard Everett, C–298554	150.00
Brownell, Jonathan T., C–86610	106.25
Champlin, Vincent, C–171956	125.00
Drummond, Frank C. P., C–382290	116.87
Irving, William R., C–224676	106.25
Johnson, Smith S., C–484237	187.50
McGreen, Thomas Edward, C–616660	150.00
Peterson, Hans Otto, C–1405772	125.00
Ridlon, John, C–1200074	187.50
Sayles, Arthur Updike, C–346698	127.50

SOUTH CAROLINA

Acker, Halbert Hammond, C–1335266	125.00
Anderson, Clifton Brown, C–164236	106.25
Bailey, Waller, C–1335459	125.00
Barnwell, Nathaniel Berners, C–358892	218.75
Bates, Frances David, C–714035	106.25
Blaylock, Charles D., C–316675	106.25
Bostick, Bonham Hagood, C–1333528	125.00
Boulware, John Hugh, C–15730	125.00
Brennen, Edward Joseph, C–468092	106.25
Burgin, Van Hampton, C–160134	106.25
Burkett, Andrew Carroll, C–373657	137.50
Campbell, Isaac Johnson, C–1337873	125.00
Cappelmann, Ernest Henry, C–1333273	150.00
Clement, Edward D., C–429006	150.00
Collett, William Arthur, C–717590	250.00
Davis, Irby D., C–196158	125.00
Deas, Henry, C–1334946	125.00
Dobson, James F., C–1342873	125.00
Dozier, James Cordie, C–906137	125.00
Eason, James Lanier, C–1333216	116.87
Eaton, Robert Knight, C–820943	125.00
Fulmer, Roland Hoyt, C–1332805	180.00
Gillespie, William Lockwood, C–483810	206.25
Greet, Loui, C–440461	137.50
Guillebeau, Clarence, C–1104727	106.25
Hamilton, Reuben Gilliam, C–318827	187.50
Hart, Augustus Griffin, C–183400	116.87
Hart, Joseph Everett, C–275434	180.00
Harris, Henry H., C–438762	150.00
Harvin, Frank Madison, C–1104025	150.00
Hazlehurst, John G., C–906421	150.00
Haynie, William R., C–1107325	125.00
Holmes, McGowan, C–364692	150.00
Hudgens, Robert Watts, C–348190	165.00
Hudson, Norman Eldridge, C–1110427	106.25
Hutchison, Hiram, C–197391	150.00
Irby, Pierce Butler, C–1337910 (guardian, Julia M. Irby	116.87
Julien, Carl Thomas, C–140613	106.25
Knox, Julius Terrell, C–512626	150.00
Lyons, John Sprole, C–254860	125.00
McLain, Charles Lucas, C–653549	180.00
McLure, John Thomas, C–337592	150.00
McKeown, James Simpson, C–765580	162.50
Mahon, jr., Gabriel Heyward, C–395033	225.00
Marshall, Foster, C–388318	106.25
Marshall, Thomas Booth, C–304087	137.50
Miller, Connor Joshua, C–265523	125.00
Mills, James H., C–535967	125.00
Moore, William Andrew, C–324392	106.25
Morse, Albert Augustus, C–1119342	106.25
Murray, Cromwell Emory, C–592637	165.00
Nims, jr., Frederick, C–323265	$106.25
Nininger, Charles Mackubin, C–1121023	165.00
O'Neill, L. Arthur, C–154975 (commissioner, the National Bank of Sumter, S. C.)	106.25
Peake, Theodore James, C–518943	187.50
Pearcy, William H., C–358874	125.00
Pitts, Thomas Antley, C–1342364	150.00
Pressly, Ebenezer Wideman, C–1330315	218.75
Pruitt, Harrison Almus, C–905402	125.00
Register, David Wells, C–1120273	150.00
Rice, Max, C–256935	106.25
Ryan, Gerald Duncan, C–236668	125.00
Sain, Ernest, C–476250	106.25
Sansbury, Lonnie Simeon, C–1332822	106.25
Simmons, Benjamin Francis, C–398199	106.25
Sligh, Charles E., C–457404	150.00
Smith, jr., Daniel T., C–194899	116.87
Spencer, jr., C. R., C–279109 (commissioner, C. R. Spencer, sr.)	106.25
Turner, James Rogers, C–311586	106.25
Weatherbee, Ashley B., C–1114342	125.00
Welch, William Marvin, C–1344443	206.25
White, David Lapsley, C–255753	125.00
White, Richard Green, C–1100912	125.00
Williams, Arthur Middleton, C–370319	175.00
Wilson, Rosko J., C–556140	125.00
Wood, Landrum W., C–1337070	125.00
Woodruff, Billie Alter, C–356309	125.00
Wyman, Benjamin F., C–268156	150.00

SOUTH DAKOTA

Craig, Dickey Willard, C–1350356	125.00
Crawford, James Harry, C–1349751	125.00
Donley, John Stafford, C–517395	125.00
Eckert, Earl Oliver, C–1351417	106.25
Hazle, William A., C–780560	281.25
Hunt, William Moody, C–1240588	150.00
Lowthian, George Henry, C–146908	150.00
Mertens, John Joseph, C–493239	150.00
Muchow, Arthur Herman, C–388387	150.00
Rayburn, Robert LaVerne, C–154298	125.00
Warren, Howard H., C–1243948	175.00
Wright, Oscar Reilly, C–764056	150.00

Supplemental list

Carson, David J., C–548890	150.00

TENNESSEE

Adams, David Porterfield, C–488039	125.00
Anderson, Henry Osgood, C–413994	125.00
Andrews, James Lindsay, C–1117929	187.50
Apperson, John Wright, C–211373	106.25
Armstrong, Bedford E., C–339281	125.00
Ballard, Leslie Nathaniel, C–1124018	165.00
Beaman, Archie Keith, C–1337186	106.25
Bly, Robert, C–1285218	137.50
Boone, Daniel Hilliard, C–1123303	150.00
Bradley, John W., C–589194	125.00
Brown, Emmett E., C–1110682	150.00
Brown, Ernest Clairborne, C–220781	125.00
Brown, Arthur L., C–585950	106.25
Brumit, Phillip Isaac, C–208018	180.00
Buckles, Walter Avory, C–395465	180.00
Burks, James W., C–1121890	206.25
Burnett, Paul F., C–636874	106.25
Bush, Martin Marshall, C–263698	137.50
Cable, Thomas William, C–267451	180.00
Clary, William Franklin, C–283695	137.50
Cotten, Leon D'Castro, C–529112	125.00
Crews, John Durst, C–392071	
Cross, James, C–256515	116.87
Currin, John A., C–133581	106.25
Curtis, Harry William, jr., C–461651	180.00
Dance, Ernest Franklin, C–1331337	106.25
Davis, Thomas Lyles, C–330859	187.50
Duncan, Joseph French, C–131314	125.00
Du Vergey, Charles Philip, C–254919	150.00
Dyer, Lloyd E., C–170530	150.00
Ellis, Nathaniel Watson, C–486206	137.50
English, Thomas Young, jr., C–828540	150.00
Franklin, William Easley, C–252393	150.00
Frater, Homer B., C–209280	106.25
Fredrickson, John Robert, C–299595	106.25
Galloway, Robert Edmunds, C–165860	106.25
Gant, Albert Minter, C–431991	125.00
Garrett, Leslie, C–268548	127.50
Gilbreth, Florian R., C–845450	116.87
Griggs, Cardwell William, C–399263	165.00
Hackney, William Loretz, C–1335964	106.25
Haggard, John Baker, C–12324	125.00
Hammond, LeRoy H., C–616464	150.00
Hampton, John Erwin, C–215827	150.00
Hatcher, William Benson, C–327098	125.00
Hathaway, Caleb Rutherford, C–198158	225.00
Harris, Albert Wynne, C–160667	150.00
Hendley, Charley, C–414385	125.00
Jeter, Joshua Edgar, C–1343542	150.00
Johnson, Joseph Edward, C–162075	150.00

Johnson, Robert Tipton, jr., C-518149	$125.00
Johnston, Thomas Stewart, C-1199175	150.00
Kaplan, Max, C-204194	125.00
Keeling, James Henry, C-198660	150.00
King, Charles Coefield, C-905895	125.00
King, Samuel L., jr., C-254148	106.25
Kuhlman, Fred W., C-273077	125.00
Lansden, David Snodgrass, C-220910	106.25
Lassiter, John Henry, C-1337772	150.00
Lewis, John Gatewood, C-1331865	165.00
Lillard, David Wiley, C-481560	165.00
Lyons, Thomas Sebastian, C-294546	150.00
Matteson, Lewis Charles, C-244524	137.50
McCall, George Trevathan, C-280883	125.00
McCall, James Henry, C-905326	165.00
McGinnis, John Edward, C-331224	150.00
McNeal, Archibald Walter, C-552122	125.00
Miller, Thomas Peacock, C-137853	150.00
Morgan, Jerome Logan, C-281575	225.00
Morison, James H. S., C-181001	150.00
Myers, William Albert, C-1334573	137.50
Passino, Edward Andrew, C-284683	165.00
Peters, Hugh L., C-782289	150.00
Peyton, Robert L., C-1117480	125.00
Quinn, Jim, C-513903	106.25
Reece, Lemiel L., C-1098158	106.25
Roberts, Maurice McVey, C-1256586	125.00
Roulhac, John Saunders, C-1115135	125.00
Ryan, Daniel, C-341410	210.00
St. John, Frank Love, C-906230	150.00
Shea, Martin Coyle, C-905379	106.25
Shell, Erby, C-319166	116.87
Smith, Larkin, C-907043	225.00
Stanley, Robert Hendricks, C-373268	225.00
Stem, Leon Thayer, C-168590	125.00
Stevens, Leslie Vail, C-384903	106.25
Taylor, John Q., C-1117162	150.00
Teachout, Stanley Ross, C-1450011	150.00
Thomas, George Conner, C-625834	125.00
Thompson, William Gary, C-612288	106.25
Wade, Bruce, C-636982	106.25
Wallace, John William, C-200634	150.00
Walker, John Hamilton, C-160391	106.25
Webb, Floyd, C-1329469	125.00
Weed, Lee Henderson, C-187874	106.25
Wiggins, Milton Cayce, C-398496	125.00
Wilcox, Robert Clive, C-378152	125.00
Williams, Thomas, C-423331	210.00
Williams, Roby, C-456131	165.00
Willien, William Fleming, C-237263	150.00

TEXAS

Adams, Roy Hodge, C-906789	125.00
Aiguier, Roy L., C-198145	125.00
Allison, Dwight, C-716692	150.00
Anderson, George R., C-269780	150.00
Anderson, James Leroy, C-1433302	125.00
Arnold, Raymond S., C-1328542	106.25
Austin, Charles Jeff, C-832375	195.00
Bagaley, Edward Thomas, C-203125	125.00
Baker, Oscar Lindsey, C-238778	165.00
Baldwin, John Browning, C-1288595	125.00
Barend, Ira Charles, C-431365	137.50
Barlow, Rayford E., C-231926	150.00
Barnes, William Wallace, C-340779	127.50
Barr, Jesse William, C-88177	150.00
Batemen, William Houston, C-405326	116.87
Bell, Alexander Deacon, C-315152	180.00
Bellmont, Leo Theodore, C-211716	150.00
Benson, Walter David, C-512864	137.50
Benton, Jonas Alfred, C-252912	165.00
Bixler, Joseph Glenn, C-300151	125.00
Blackwell, William G. L., C-1323387	125.00
Blanchard, Carey Snead, C-275792	165.00
Blann, Joe H., C-452038	116.87
Bomar, Spencer Edmund, C-464439	195.00
Borden, Joseph Lee, C-318220	125.00
Brasher, Clarence Elmore, C-621962	106.25
Braun, Harry E., C-275619	125.00
Briscoe, Charles S., C-276924	150.00
Brotherson, Guy Lester, C-1260961	116.87
Brown, Clarence S., C-286245	187.50
Brown, Lindsley M., C-1329065	187.50
Brown, Joseph Leslie, C-567994	150.00
Brownlow, Joseph Leonard, C-1295919	-------
Bruce, Grover Cleveland, C-261629	125.00
Burtis, Edwin Samuel, C-1394976	106.25
Bush, Howard Marion, C-265316	150.00
Bynum, Willis Mark, C-301742	106.25
Cameron, Burr Solomon, C-236420	106.25
Campbell, Robert Keener, C-332911	125.00
Campbell, William Edward, C-252125	150.00
Carlson, George Nathaniel, C-260532	150.00
Carpenter, Eugene R., C-1324922	150.00
Carson, Earl James, C-380252	150.00
Coffen, Dell Edw., C-1286110	137.50
Coney, Mason Cleveland, C-159380	125.00
Coyle, Arthur J., C-1323604	$165.00
Cox, Lee B., C-1433964	125.00
Cox, Thomas M., C-1340508	125.00
Chadwell, Leonard Shirley, C-297912	116.87
Chandler, Richard Olney, C-1431494	106.25
Christman, Clarence Daniel, C-1301395	125.00
Craig, Harold L., C-551337	106.25
Crittenden, Eugene Wilkerson, C-154033	165.00
Crome, Conrad Fink, C-364252	150.00
Crosby, James Hardin, C-202968	125.00
Crow, Floyd Arnold, C-1290927	106.25
Culp, Alexander B., C-360481	150.00
Cunningham, William Burt, C-188626	106.25
Curtis, Thomas Blakemore, C-905182	125.00
Daffan, George Q., C-1433706	125.00
Darby, Tilghman O., C-1429154	150.00
DeGrummond, Henry Clay, C-860142	125.00
Delano, Herman Stevens, C-508224	106.25
De Verts, Frank Alexander, C-905349	150.00
Devine, Albert Elder, sr., C-270707	187.50
Dickinson, Bertram Grandage, C-368874	243.75
Dickson, Albert Maxcy, C-1123353	106.25
Dinwiddie, Robert A., C-1326851	125.00
Dotson, Eugene Malcolm, C-1328223	125.00
Durant, Ira E., C-1429740	165.00
Durham, Louis A., C-1325731	150.00
Egbert, Orville E., C-319102	150.00
Elliott, Wellwood Clifton, C-378860	137.50
Everall, Ben C., C-1224658	206.25
Everett, James P., C-458015	106.25
Ferrol, Walter, C-905782	165.00
Fickessen, William Robert, C-383667	150.00
Fields, Barney Winston, C-341341	125.00
Fillmore, Hartson Dustin, C-1326006	150.00
Fletcher, Robert Stell, C-235714	116.87
Franks, Grover Cleveland, C-211724	106.25
French, Frank Davis, C-611911	206.25
Frey, Harry, C-1182243	125.00
Frost, Marion Morgan, C-440056	106.25
Fullerton, Clarence B., C-443622	125.00
Garrett, George Harvey, C-1324501	150.00
Gaston, Alpheus Dickerson, C-393025	125.00
Gentry, Brady Preston, C-1320189	150.00
Glick, Edward Franklin, C-94126 (guardian, Ida May Glick)	150.00
Glover, Henry Clay, C-905473	187.50
Gore, Vernon, C-343949	106.25
Graham, Clyde Burrell, C-14742	165.00
Graham, Malcolm J., C-289640	150.00
Grant, Thomas P., C-450755	150.00
Gray, Jessy Franklin, C-1266433	125.00
Greeman, Nelson William Linton, C-504040	125.00
Greer, Hal Irby, C-239489	125.00
Grogan, Roy Lee, C-535356	125.00
Haden, John B., C-749108 (guardian, Henry C. Haden)	150.00
Hafer, Warren Lavere, C-1079112	106.25
Hall, John Clarence, C-891945	106.25
Hamlin, Carl O., C-1433354	150.00
Handly, Lucius Lamar, C-308627	125.00
Hankins, Stayton Marshall, C-172615	125.00
Hardway, Orestes Elmer, C-230537	206.00
Hatfield, Walter H., C-816984	125.00
Harp, John Holland, C-1290362	106.25
Harrell, Theodore H., C-287533	218.75
Harrington, Sul Ross, C-1295736	106.25
Harrison, Louis Jay, C-531479	175.00
Haubold, Egon Gus, C-1290346	150.00
Heckler, Charles E. E., jr., C-1335223	106.25
Helm, Dury L., C-1320762	125.00
Hennessey, Carleton, T., C-403401	125.00
Hill, Willard Dimock, C-401771	125.00
Hills, Delbert DeWitt, C-278975	150.00
Hiner, Bert Cecil, C-410177	150.00
Hitt, Joe L., C-1167578	106.25
Holman, William Shields, C-1431793	225.00
Howard, Henry Lee, C-252295	165.00
Howell, Henry Amasa, C-1430569	125.00
Howell, Robert Lee, C-164092	125.00
Hunsaker, John Everett, C-323284	106.25
Hyman, Joseph Henry, C-350046	150.00
Hyslop, Wilbur Riley, C-265766	125.00
Imel, Edward Stanton, sr., C-106338	150.00
Irby, Benjamin Earle, C-199858	106.25
Jackson, Noah Riley, C-1430280	125.00
Jackson, Joseph Brown, C-1299687	125.00
Jackson, Will E., C-318119	312.50
Jameson, Roy Abram, C-1294634	165.00
Jennings, William A., C-20264	125.00
Jones, Hubert Blackburn, C-230580	150.00
Jones, Joseph Clifford, C-1324126	150.00
Johnson, James Jefferson, C-255919	150.00
Johnson, William B., C-255921	125.00
Kelly, Ben F., C-276209	106.25
Kelsey, Everett E., C-289216	125.00
Kershner, William Perry, C-828140	150.00
Kievlan, Charles E., C-521408	106.25
Kile, Sherman Clarke, C-1288159	150.00

King, John Longino, C–412037	$150.00
King, William Jesse, C–441333	150.00
Knight, Samuel Reuben, C–802385	106.25
Kveton, Patrick Henry, C–1285248	150.00
Landrum, Marvin M., C–100141	125.00
Lange, August F., C–424961	187.50
Lansing, Dudley Kenneth, C–545200	195.00
Leatherberry, George S., C–1328740	106.25
Leftwich, Snowden Marshall, C–174952	150.00
Legnard, John B., C–163839	150.00
Leonard, Stark E., C–636725	150.00
Leslie, Leland Lloyd, C–1292327	125.00
Lewis, Henry Clay, jr., C–412458	106.25
Lincecum, Addison L., C–1328706	150.00
Linehan, Will John, C–819135	106.25
Lockhart, Delta Epsilon, C–1321531	150.00
Loomis, Edgar W., C–596339	206.25
Lovell, Clyde W., C–451258	125.00
Mann, Samuel Richard, C–905813	150.00
Mason, Clinton Carmack, C–221064	150.00
Marshall, Clyde Morgan, C–150655	106.25
Maverick, Maury, C–263050	125.00
Maxwell, Jesse J., C–1428653	106.25
McCain, Clifford, C–471581	125.00
McLean, John Thompson, C–449108	180.00
McClain, John W., C–318788	125.00
McLain, William Elvage, C–363276	187.50
McClellan, Clarence L., C–1246343	125.00
McCollough, Irvin Randolph, C–1289069	150.00
McDaniel, Alfred Clifton, C–144650	187.50
McDonnell, Aloysius V., C–1289783	150.00
McGale, David A., C–1323914	150.00
Merrem, Leslie Crane, C–208562	125.00
Meyers, Harry, C–574278	195.00
Middleton, Jackson, C–636560	210.00
Milam, Cecil A., C–905420	137.50
Miller, Claude Davoll, C–1285167	125.00
Miller, David Baker, C–175167	125.00
Miller, Robert Finney, C–1290645	150.00
Mitchell, Leonard G., C–370076	187.50
Mitchell, Merlin, C–1286758	150.00
Monk, Walter C., C–1289710	106.25
Morgan, James Benton, C–85301	125.00
Moses, Andrew, C–234055	125.00
Moses, Robert Lewis, C–544425	125.00
Murphy, Ewell E., C–262736	106.25
Murray, Joseph Jackson, C–307931	125.00
Muse, Ernest Cavin, C–1434678	150.00
Nesbit, William Edward, C–489490	125.00
Ostrom, Peter V., C–293901	180.00
Paige, Wendell Heath, C–262454	125.00
Painter, Orval C., C–280091	106.25
Parrott, Farley Crafford, C–312521	150.00
Paschall, Ancil E., C–275645	106.25
Pearsall, Francis Stanley, C–217587	106.25
Pedigo, William Sherman, C–238735	150.00
Peel, Dock D., C–1156890	106.25
Perkins, James I., jr., C–782125	106.25
Porter, Irving Dalton, C–215893	150.00
Prather, Robert Marion, C–152653	125.00
Price, Edward Humphrey, C–274512	125.00
Rader, Frank Kearns, C–490112	125.00
Reeves, Emory West, C–253441	125.00
Reinhardt, Daniel E., C–1322509	125.00
Rickard, Herbert E., C–1299997	150.00
Rieck, Hugh Wm., C–603265	150.00
Rike, Wm. F., C–1297946	225.00
Robbins, John C., jr., C–321939	106.25
Robinson, Guy Thornwell, C–318462	125.00
Robinson, Henry Meyer, C–477103	106.25
Rodgers, Rollin W., jr., C–250369	125.00
Ross, Nealie Edward, C–392778	150.00
Sanders, Randolph Ramsay, C–261950	106.25
Sanford, Harold Mizner, C–471322	137.50
Scott, Sanford, C–475234 (guardian, Joe M. Scott, jr)	125.00
Scotten, Frank Dean, jr., C–314584	125.00
Scully, John Henry, C–491933	195.00
Schwald, Norman A., C–246281	150.00
Seagraves, Charles, C–378435	137.50
Sharp, Roy Franklin, C–165695	106.25
Simpson, Sloan, C–1325458	281.25
Sinclair, Wm. Carl, C–1288072	106.25
Smith, Edward Coombs, jr., C–235874	150.00
Smith, Vinny Leeander, C–129110	150.00
Snyder, Milton Allan, C–626564	125.00
Southworth, Wm. A., C–569231	125.00
Spencer, Edwin Ray, C–299501	125.00
Spencer, Paul Guy, C–285697	150.00
Stackable, John Bernard, C–318452	150.00
Stafford, Earl, C–1291992	125.00
Standifer, Charles Herbert, C–822559	150.00
Starnes, Mert Hawkins, C–425133	125.00
Stell, Leonard Hampton, C–145014	106.25
Stephan, Karl George, C–856500	106.25
Stewart, Charles Robert, C–312925	187.50
Stiller, George Milwayne, C–298036	106.25
Stokes, Wm. Thomas, C–209044	125.00
Stradal, Elmer Stephens, C–1222943	$137.50
Strong, Elmer Dwight, C–1257592	125.00
Swonger, J. Boyd, C–198103	150.00
Swope, John Douglas (guardian, L. M. Swope), C–209474	106.25
Suggs, Frank, C–471133	206.25
Tallmadge, Frederick A., C–1285635	165.00
Taulbee, James Menifee, C–470716	125.00
Temple, Thomas Latane, jr., C–239903	125.00
Terrell, Alexander Watkins, C–163086	106.25
Thomas, Lawrence G., C–1086267	150.00
Thompson, Donald Raines, C–230774	125.00
Thompson, Wm. Roy, C–1329185	106.25
Tillman, Adolph S., C–471801	150.00
Toland, Wm. A., C–1288297	225.00
Tongate, James Monroe, C–197303	116.87
Tomlin, Morell, C–304279	165.00
Towery, Forrest Lee, C–196901	165.00
Tyson, John Thomas, C–1429633	150.00
Venable, Douglas Randolph, C–436658	150.00
Vidrine, Grover Cleveland, C–430749	106.25
Walker, Tom Percy, C–354755	125.00
Walton, James O., C–332151	125.00
Ward, James Delano, C–368569	106.25
Warner, Forbes H., C–906600	71.25
Weinfield, Louis M., C–1329294	150.00
Wheeler, Edgar Louis, C–376454	106.25
Wheelock, Ernest Eugene, C–508192	137.50
Whisenant, Herbert Wesley, C–276995	125.00
White, Harold Le Roy, C–1395178	137.50
Whittington, Harris Diaz, C–1325506	150.00
Williams, Pascal, C–1261836	138.12
Winters, Raymond Cyprian, C–694815	125.00
Witherspoon, Louis G., C–1256906	150.00
Witt, Roy R., C–260700	125.00
Womack, Jesse Lee, C–373051	150.00
Wood, Conan T., C–1292854	106.25
Yates, Milton Wallace, C–1426668	138.12
Yarbrough, John Welch, C–366608	106.25
York, Edwin Ruthvan, C–177036	195.00
Younger, Louis Henry, C–1296454	250.00

Supplemental list

Harrison, Louis Jay, C–531479	175.00

UTAH

Bardsley, Jesse, C–1246260	106.25
Clark, Oliver R., C–1250907	125.00
Dieringer, Benedict John, C–389962	106.25
Field, George Joseph, C–905504	125.00
Lemon, Frank James, C–1283844	150.00
Murray, Arthur Lapham, C–246747	150.00
Openshaw, Clarence Roy, C–239517	150.00
Snyder, Fred Fulmer, C–305288	106.25
Thompson, Thomas Raymond, C–685018	106.25

VERMONT

Abernethy, Landen, C–449239	125.00
Bullock, William Lyman, C–130370	125.00
Burns, John James, C–1019547	106.25
Clark, Frederick Ellsworth, C–525126	206.25
Delehanty, Nicholas James, C–513387	150.00
Fisher, Benjamin W., C–1001233	106.25
Hamilton, James Madison, C–134005	180.00
Hayes, George Eugene, C–1409545	137.50
Hayes, William Francis, C–1014962	116.87
Kendrick, Jack Boyce, C–1003757	106.25
Kerrigan, John P., C–350448	150.00
Mayhew, Horace Charles, C–484723	116.87
McProud, Wilbur C., C–169663	150.00
Morrill, William Henry, C–1007694	125.00
Shaw, Walter S., C–1406077	137.50
Sumner, Charles Stewart, C–189636	180.00
Stoughton, Perley M., C–1014853	125.00
Wood, Charles Clement, C–12836	106.25
Wright, Raymond S., C–1409067	106.25

VIRGINIA

Addison, John Daingerfield, C–205585	125.00
Allen, Morris Simpson, C–614449	165.00
Anderson, George James, C–541896	150.00
Barnes, Clarence Elwood, C–183612	106.25
Betts, Claude S., C–461130	106.25
Blake, Monroe Heath, C–237519	125.00
Boushall, Thomas Callendine, C–636753	125.00
Brockett, Clyde Waring, C–1093919	106.25
Brown, John Dorsey, C–371797	125.00
Brown, Ralph Waddell, C–477848	150.00
Buchanan, John J., C–1085414	106.25
Bunkley, William H., C–414637	125.00
Cammer, Claude R., C–120122	125.00
Campbell, Clyde Augustus, C–1088537	106.25
Christian, James R., C–675747	137.50
Coffman, Frank, C–360475	106.25
Cole, Dean B., C–1037256	125.00
Cord, John Charshee, C–479646	106.25
Couper, James Hamilton, C–426661	125.00
Craddock, Abram P., jr., C–1383025	150.00
Culbertson, William R., C–1088293	125.00

Daughton, John B., C–577731	$150.00
Davant, Harry Wilton, C–296176	165.00
Davis, Simmons, C–464975	106.25
Divine, John Parker, C–554926	165.00
Duncan, Francis G., C–1381741	125.00
Eastham, Granville, C–13907	125.00
Elliott, Samuel Tilden, C–219045	150.00
Ervay, Ernest Calvin, C–1335997	195.00
Ewell, Nathaniel McGregor, C–508001	150.00
Fitts, John Blair, C–265335	125.00
Foster, Edward Lee, C–1383057	125.00
Frazier, William, C–521871	150.00
Fretwell, George Biscoe, C–342949	125.00
Fugate, Charles Radford, C–906038	125.00
Gilbert, Chauncey McLean, C–506185	125.00
Gilman, Alfred Kelly, C–241235	127.50
Hamilton, Thomas Marion, C–411651	125.00
Harnsberger, John Hopkins, C–159178	125.00
Harris, William Aquilla, C–906094	218.75
Harrison, Gunyon Mitchell, C–307722	165.00
Harrison, Robert Peyton, C–383936	106.25
Hennelly, James Hannan, C–275893	106.25
Herbert, Julius Melville, C–258127	106.25
Hewitt, Marion Stetson, C–1383426	180.00
Holladay, Gray G., C–1096992	150.00
Hooten, Claude Gibson, C–1122857	125.00
Hughes, James Francis, C–477091	125.00
Hulvey, Charles Newton, C–517005	225.00
Humphrey, William Lodge, jr., C–211492	125.00
Hundley, Robert G., C–252335	106.25
Hutcheson, Robert S., C–534309	106.25
Ingram, Sylvanus L., C–1096686	106.25
Jacob, Clyde Hancock, C–332213	125.00
Jeffers, George Linwood, C–351738	106.25
Jones, John Whittier, C–179557	106.25
Kinsey, Henry Clay, jr., C–208440	106.25
Knight, Laurence Edwin, C–205671	125.00
Lancaster, Paige Irving, C–478618	125.00
Leach, George Obed, C–905400	250.00
Lee, Henry Daniel, C–439857	116.87
Long, Hugh Omar, C–1337440	127.50
Manley, Jethro, C–429208	195.00
Martin, Edward W., C–1097086	125.00
Massey, William Broaddus, C–249735	125.00
McCann, George, C–854570	106.25
McCluer, Barton B., C–217781	125.00
McKenney, James Baldwin, C–280908	106.25
McLeod, Alexander, C–1382423	150.00
Meade, Everard Kidder, C–239556	125.00
Menefee, Marvin James, C–419401	125.00
Meredith, Algienon R., C–174487	106.25
Moss, Charles Curtis, C–549241	162.50
Nalle, Owen, C–626232	137.50
O'Brien, John, jr., C–145892	125.00
Odenthal, Hugo John, C–813153	125.00
Parsons, George Lake, C–1378382	165.00
Patterson, Frederick W. McL., C–320063	206.25
Perkins, Lewis Bryant, C–511902	150.00
Petty, William Edward, C–1376903	106.25
Phillips, Charles Clarence, C–1163413	187.50
Pillow, Benjamin T., C–281127	125.00
Powell, Matthew Jones, C–605573	106.25
Prosise, Alan Brooks, C–169205	125.00
Reynolds, Robert Henon, C–279252	106.25
Robeson, John Maxwell, C–470051	206.25
Robinson, Julian McG., C–190298	150.00
Robinson, Malcolm Graeme, C–610863	106.25
Ross, John James Wise, C–205406	150.00
Royster, Royall Hobgood, C–117643	106.25
Rust, Ben Wood, C–643606	106.25
Ryder, Ollie A., C–291788	125.00
Sanford, Joseph Lipscomb, C–216850	206.25
Scott, William Samuel, C–1092797	125.00
Sears, Charles Edward, C–585681	150.00
Sebiakin-Ross, Vladimir A., C–1095840	180.00
Shamburger, Lacy Lee, C–296071	125.00
Sharman, Herbert, C–906218	71.25
Shepperson, Charles Marsh, C–1099810	125.00
Shriver, Alfred Wallace, C–283375	125.00
Sigmund, Robert, C–905611	71.25
Stancil, Jasper Newton, C–1090120	116.87
Summers, Forest T., C–400926	125.00
Towles, William C., C–1380924	106.25
Trow, Walter Gordon, C–251020	206.25
Trower, William Bell, C–1088110	125.00
Tuck, David Asa, C–476470	106.25
Turner, Robert Marshall, C–239706	125.00
Turner, Walter Lee, jr., C–293166	106.25
Van Dervoort, Jameson, C–248106	125.00
Varney, Frank Burton, C–497137	165.00
Vittum, Charles Calvin, C–1005975	106.25
Waller, James A., jr., C–1375983	125.00
Weaver, Robert H., C–256952	127.50
Wedderburn, Frank A., C–305808	180.00
Whitehouse, Edwin Hayes, C–258241	125.00
Whittle, William Murray, C–1096214	150.00
Wiltshire, Turner Hill, C–371803	$187.50
Worrell, Wise, C–331038	137.50
Wright, William Raymond, C–1254720	125.00
Young, Edgar Williams, C–144499	150.00

Supplemental list

Crump, Edward F. C., C–1382332	106.25

WASHINGTON

Akers, Edgar William, C–423757	127.50
Ambler, Harry Atwood, C–431653	150.00
Angove, Clarence Virden, C–161009	106.25
Babcock, Loren Robertson, C–1281109	106.25
Beach, George William, C–1401460	150.00
Bender, William Henry, C–1400173	116.87
Boggess, Robert Edward Lee, C–155773	116.87
Bowling, George Isaac, C–151055	36.25
Bradley, William Joseph, C–364728	137.50
Branchflower, Lyle E., C–239063	106.25
Brockett, Norwood W., C–1400247	150.00
Brown, Charles, C–1278018	150.00
Brown, Ira C., C–905200	180.00
Burr, Benjamin Emmons, C–440960	125.00
Burson, Henry Clay, C–406155	150.00
Campbell, Arthur R., C–680468	125.00
Carufel, Edward James, C–1284419	106.25
Cashion, Michael John, C–160549	71.25
Chase, Clifford Earl, C–264583	187.50
Cheney, Joseph Curtis, C–281751	106.25
Coe, Frank Almer, C–430116	150.00
Coffey, Edgar Nathan, jr., C–1401688	137.50
Coles, Paul David, C–266715	106.25
Coulter, Waldo Wendell, C–136170	125.00
Cox, Edward Wirt, C–382203	150.00
Cusick, John H. (guardian, Mary Cusick), C–1400562	106.25
Dean, John Ralph, C–472252	150.00
DeTennencourt, Ted Edward, C–185032	137.50
Dorsett, Karl Charles, C–375219	150.00
Drain, Jesse W., C–407956	150.00
Drew, Charles Wallace, C–314125	150.00
Drown, Ashley M., C–256433	106.25
Eaton, Charles Edward, C–905937	------
Evans, Donaldson Hampton, C–1276965	165.00
Everly, Ronald Edward, C–1275295	137.50
Farrell, Theron L., C–317605	137.50
Ferry, David William, C–611798	125.00
Fotheringham, Stuart Gano, C–1400711	106.25
Gallagher, Lawrence James, C–1282877	150.00
Gaston, George C., C–105894	106.25
Ghering, Roscoe L., C–308006	125.00
Gill, Edwin Stanton, C–1400326	165.00
Graves, Harold Francis, C–276935	106.25
Grennell, Lloyd Clary, C–362358	106.25
Gribble, Gary Charles, C–527964	106.25
Grover, Walter Lester, C–1400959	150.00
Hall, Edward Everett, C–830087	150.00
Harkins, Earl Henry, C–382743	165.00
Hart, DeLoss (guardian, Ada L. Hart), C–1281567	106.25
Helmer, Phil Franklin, C–324898	106.25
Hickerson, Joseph B. L., C–383168	187.50
Hoff, Einar (guardian, Anna M. Hoff), C–322832	125.00
Hollander, Tyre H., C–1283371	106.25
Horr, Ralph Ashley, C–598028	125.00
Houser, Paul Willard, C–445415	125.00
Howe, George Brazier, C–905383	195.00
Hynds, Arthur August, C–283494	106.25
Kennedy, Marvin C., C–1402620	106.25
Kessey, Raymond Johnson, C–905309	195.00
Keys, Walter, C–511705	195.00
Kroger, Harry Albert Richard, C–906046	71.25
LaMarche, Elbert Eugene, C–339548	125.00
Legg, Emmett J., C–1400281	125.00
Looff, Hans Walter, C–417374	125.00
McDonald, Joseph Malcolm, C–744506	150.00
McBraun, James B., C–1275606	106.25
McGirr, Horace Donald, C–13388	106.25
McIntyre, Harry John, C–250313	106.25
Mantor, Ralph Edgar, C–508183	116.87
Maryatt, Roy L., C–566352	125.00
Miller, Edmund Jackson, C–1345485	106.25
Mitchell, James Buckley, C–1282993 (guardian, Charles O. Bates)	125.00
Mitchell, Whiting B., C–906909	125.00
Morgan, Elmer Alan, C–1277154	127.50
Murphy, Thomas Berton Niles, C–329044	125.00
Nelson, John Francis, C–701763	150.00
Olsen, Amos Floyd, C–225541	106.25
O'Sullivan, George Timothy, C–278991	116.87
Pape, Glenn E., C–322447 (guardian, Seattle Trust Co.)	125.00
Pippin, William H., C–293317	125.00
Pittson, Harry, C–230842	127.50
Rice, William Peter, C–545547	150.00
Rinearson, Meldrum McCown, C–543561	125.00
Ristine, Earl F., C–361571	150.00
Rosmond, William D., C–200703	106.25
Runnels, Garland Dee, C–403602	137.50

Sayres, Arthur Richards, C–331096	$125.00
Schumacher, Herman Oscar, C–257713	106.25
Smith, Irving Davenport, C–236743	150.00
Strome, Carey Lloyd, C–1283584	106.25
Sullivan, Mitchell Sanborn, C–1280038	106.25
Taft, George Courter, C–482324	106.25
Thaanum, Dean Charles, C–232357	106.25
Wale, Garland Barber, C–172226	137.50
Wardell, Henry R., jr., C–1280730 (guardian, Mrs. Mabel Wardell)	165.00
Ware, Thomas Grant, C–345117	106.25
Winslow, Guy H., C–246729	125.00
Winters, Henry Laurence, C–906011	187.50

WEST VIRGINIA

Affolter, George Richard, C–1088646	125.00
Arnett, Ulysses G., C–1085127	150.00
Baker, James Ankrom, C–297519	125.00
Bates, Charles L., C–1094018	125.00
Bee, Archie, C–427354	125.00
Berthold, Arthur Vernon, C–284539	137.50
Blivens, Charles Edgar, C–240662	150.00
Bonsall, Judson, C–1079864	106.25
Bradley, Thomas R., C–229078	125.00
Bratt, George Gerald, C–252222	180.00
Brooks, Leonard L., C–212344	106.25
Butler, Stanley Cornealius, C–247126	125.00
Callison, Hayward C., C–1091784	106.25
Carrington, George Cabell, C–169624	150.00
Chesley, Charles Webster, C–624705	125.00
Conley, Philip Mallory, C–1085584	106.25
Corregan, Frank G., C–1088561	125.00
Edmiston, Andrew, jr., C–277977	106.25
Ferguson, Joseph Hart, C–905376	150.00
Ford, George Michael, C–200973	165.00
Friel, William Wheeler, C–298558	125.00
Godbey, Martin Van Buren, C–1376265	150.00
Goff, Tib Neuberry, C–1085637	150.00
Guiher, James Morford, C–456971	125.00
Gunn, Neale Richmond, C–1091677	125.00
Haan, Albert Edward, C–418858	165.00
Hall, Charles Clifford, C–260854	150.00
Hamilton, Lewis Stokes, C–462010	125.00
Kirby, Luther Hill, C132018	150.00
Jones, Clarence Maupin, C–572211	137.50
Jones, Thomas W., C–507832	150.00
Knott, Arthur D., C–538528	150.00
Lambert, Asabel C., C–146933	125.00
Leu, Raymond H., C–1375872	125.00
Mayberry, Irvin William, C–1376941	150.00
Mayes, Howard Garland, C–267191	125.00
McBee, Thomas J., C–1380313	125.00
McCue, Earl Newlon, C–565524	187.50
McMillen, Herbert C., C–387259	250.00
Metzger, Louis F., C–358523	125.00
Parsons, Alvah L., C–540740	125.00
Peters, Albert Lee, C–1375764	150.00
Petty, Laurence Arthur, C–1090483	125.00
Pyles, Harry Harrison, C–398175	116.87
Roller, Francis Oliver, C–324807	106.25
Robertson, Wyndham Bolling, C–1376350	150.00
Schaffer, Wilhelm, C–151673	125.00
Shipley, Wood, C–534878	125.00
Shisler, George, C–364659	106.25
Shumaker, John William, C–661621	116.87
Smith, Frank C., C–318688	150.00
Snider, Robert James, C–168817	150.00
Staats, Charles Otmer, C–272905	187.50
Stasel, Brenace, C–098762 (guardian, Kenneth S. Kurtz)	106.25
Stewart, Melville, C–431571	125.00
Wever, George Lowry, C–906133	243.75
Woods, Peter Dick, C–363026	125.00

WISCONSIN

Andrews, Clifford W., C–343330	187.50
Aplin, Floyd W., C–1191128	150.00
Bailey, Paul Edward, C–276532	106.25
Ballard, James Allen, C–462901	150.00
Behrend, George Washington, C–461050	127.50
Beimdieke, Henry Wendel, C–236981	210.00
Bengs, August H., C–1436887	210.00
Bergs, Frederick J., C–280352	125.00
Berkbigler, Leonard B., C–1200627	127.50
Bienski, Michael Francis, C–906640	180.00
Blixt, Edward F., C–1188818 (Fretchen Blixt, guardian)	165.00
Boerke, Edison Morse, C–440838	125.00
Buchholz, August R., C–257163	180.00
Burns, James Francis, C–1194157	150.00
Buss, Victor Irving, C–367958	150.00
Caldwell, Edgar Newman, C–557448	225.00
Clemens, James Peter, C–360287	150.00
Czaskos, Edmund Teofil, C–230271	150.00
Darling, William S., C–1196860	150.00
Darnieder, Francis Andrae, C–577985	106.25
Davis, Dudley H., C–33464	106.25
Davis, Robert J., C–277517	106.25
Dempsey, Gregory William, C–275873	$180.00
Derse, Anthony G., C–333388	180.00
Dieckhoff, John Carl, C–1181882	125.00
Doherty, Leo Aloysius, C–197263	125.00
Donaldson, Harry M., C–246045	125.00
Drake, Frank Nathan, C–219658	150.00
Eberdt, Rexford Hildred, C–246694	165.00
Eck, Gustave Elmer, C–372738	150.00
Falligant, George Battey, C–1192870	125.00
Fenner, Fred A., C–518391	116.87
Fitz, Erwin Otto, C–305728 (guardian, Henry F. Fitz)	125.00
Franklin, Leonard Irwin, C–485320	125.00
Gay, John Briggs, C–384172	137.50
Gay, Welland, C–1092597	106.25
Greene, Charles, C–1437783	125.00
Gritzmacher, Arnold Albert, C–245492	150.00
Haight, Walter Lyman, C–415814	150.00
Haverstick, Frank W., C–1199276	150.00
Hays, Harland Roger, C–184690	106.25
Hill, Alvah Moore, C–1181558	165.00
Hill, Emmett C., C–230233	137.50
Holmes, Benjamin Harrison, C–289104	150.00
Huberty, Ray C., C–541216	106.25
Imhoff, Martin Daniel, C–332027	250.00
Jameson, Arthur W., C–384399	125.00
Johannes, Jacob Anton, C–252375	162.50
Jung, William Stanley, C–247772	137.50
Kampmeier, Arthur Jacob, C–268025	125.00
Kosak, Leo Stanley, C–492359	195.00
Laing, De Witt B., C–573445	137.50
Lane, David W., C–1030763 (guardian, Minerva Lane)	106.25
Leach, Milford Arthur, C–1123375	150.00
Leffler, Robert Wallace, C–282313	125.00
Lindbaum, Roland H., C–375855	243.75
Linderud, Fritz Valdemar, C–476038	148.75
Lyksett, Albert J., C–197270	150.00
Lyon-Campbell, Arthur Francis, C–444659	150.00
Kirkpatrick, Lester Eugene, C–142704	137.50
Krahn, George W., C–22930	125.00
Markham, Harold E., C–496427	180.00
Marshall, Irving Davis, C–244552	106.25
Mayville, Edward Melville, C–210249	150.00
Merrill, Robert Allen, C–343573	187.50
Michels, Erwin Joseph, C–1197616 (guardian, Mrs. Anna Lucas)	106.25
Mitchell, Edward Oscar, C–476016	106.25
Moll, Norman, C–236302	106.25
Morley, Joseph Clark, C–314037	125.00
Myrick, Avery Leroy, C–1436588	125.00
Nathness, Albert, C–415939	210.00
Nelson, Norman Oscar, C–253574	187.50
Nicol, Alexander Lee, C–512214	137.50
Nordquist, Eric (guardian, Herman Nordquist), C–1195856	106.25
O'Brien, Harold Nelson, C–150433	125.00
O'Connell, George Francis, C–1196210	243.75
Oliver, Joseph Henry, C–906080	125.00
Oliver, Lawrence H., C–208116	125.00
Perry, Orlando H., C–352947	106.25
Piasecki, Stanley Edmund, C–1437179	187.50
Pippin, Ivan Beauford, C–578582	125.00
Plant, George Frank, C–488211	165.00
Plant, Joseph Henry, C–386145	125.00
Prouty, William A., C–471588	150.00
Pruett, Eugene Francis, C–385731	106.25
Rossmann, Fred, C–185719	150.00
Schneller, John Benjamin, C–448803	281.25
Schoenfeld, Charles J., C–317316	150.00
Scott, Milton Harrison (guardian, Central Wisconsin Trust Co.), C–747592	125.00
Seaman, Gilbert E., C–905521	312.50
Sortomme, Richard Ferdinand, C–395656	243.75
Smith, Bert Louis, C–171729	195.00
Smith, Eugene Albert, C–905623	150.00
Stavrum, Edwin R., C–1269886	125.00
Stophlet, Donald Stirling, C–306484	125.00
Swarthout, Ellis Frank, C–215265	125.00
Taylor, Bradley, C–308071	106.25
Thompson, Charles N., C–1239762	106.25
Turner, John, C–905879	312.50
Tyler, Clyde Leroy, C–588268	125.00
West, John Mathias, C–486417	195.00
Wildish, Allen, C–1180480	210.00
Woodworth, Leigh Jackson, C–474901	125.00
Yorton, Andrew Henry, C–214573	137.50
Zink, Philip Jacob, C–224205	281.25

WYOMING

Bennett, Bertram William, C–1257330	206.25
Betts, William Hubert, C–507524	150.00
Davis, Walter Floyd, C–475282	125.00
Edmondson, William Otto, C–539183	125.00
Esmay, Rhodolph Leslie, C–358828	106.25
Hynds, John, C–1257194	150.00
Krueger, Herman Fred, C–98276	125.00
Nicholas, Thomas Arthur, C–270060	-------
Peberdy, Joseph Horace, C–313010	165.00

Riner, Harry Martin, C-577743	$137.50
Rush, Roy Leslie, C-266209	125.00
Smith, William Francis, C-431025	225.00
Snyder, Otto Kerr, C-556897	150.00
ARGENTINE REPUBLIC, SOUTH AMERICA	
Kent, George Archibald, C-400372	125.00
BRAZIL	
Bell, James McKim, C-172438	125.00
CANADA	
Daunais, Joseph Charles, C-1032197	150.00
DeBessieres, Eloysius Santana, C-377103	150.00
Dickinson, Raymond Nettleton, C-144690	125.00
Harrigan, Cornelius, C-1038732	125.00
Rogers, Alan, C-311547	106.25
CANAL ZONE	
Grau, George R., C-482903	165.00
Hilliard, Claude P., C-272908	106.25
Tatelman, Edward Israel, C-682358	106.25
CHINA	
Colbert, John Wm., C-346179	187.50
DOMINICAN REPUBLIC	
Shepherd, Grant, C-126739	150.00
ENGLAND	
Bailey, Oscar Hiram, C-297746	165.00
McFarlane, Frederick C., C-277582	150.00
Mellen, Chase, jr., C-300637	106.25
Slaughter, Edgar Harold, C-185834	106.25
Wight, Thomas Henry Toynbee, C-1391992	150.00
FRANCE	
Allen, Samuel W. K., C-610488	138.12
Alling, Roger Willis, C-164570	106.25
Barcas, Victor, C-1044629	150.00
Behar, Ely Maxim, C-307984	125.00
Bradford, Leonard George, C-654495	116.87
Bush, Ellsworth B., C-655142	165.00
Duggan, Patrick Fergus, C-906119	111.25
Foreman, Herbert Spencer, C-579121	125.00
Goodrich, Edson E., C-636549	180.00
Hardy, Hippolyte Leon, C-654923	187.50
Heinrichs, Waldo Huntley, C-303089	125.00
Hensley, Edwin Mather, C-185372	106.25
Hoornbeek, Henry G., C-655028	150.00
Jellum, Kristen, C-324935	125.00
Kearney, jr., William R., C-655767	165.00
Lacombe, George L., C-280934	150.00
McDermott, Paul E., C-1276831	106.25
Newhall, Richard Ager, C-234213	106.25
Norman, Seaton, C-356701	225.00
Peck, Sedley C., C-360983	106.25
Riley, Thomas Erin, C-712893	162.50
Skaggs, Joe Lewis, C-351824	116.87
Stine, Harry E. N., C-653996	195.00
Watkins, Rex Eugene, C-1045808	106.25
GREECE	
Bennett, George, C-1197880	125.00
HAWAII	
Emerson, George, C-1390859	106.25
Farrell, Andrew, C-655428	150.00
Lucas, William C., C-550024	150.00
Van Wyck, Crittenden, C-277688	187.50
IRELAND	
Killikelly, Christopher, C-489428	195.00
MEXICO	
Collier, Ellsworth B., C-1303152	125.00
Wythe, George, C-793172	187.50
PERU, SOUTH AMERICA	
Burdett, William Carter, C-305580	165.00
PHILIPPINE ISLANDS	
Lagman, Raymundo, C-682615	137.50
Tenario, Mariano Flores, C-907108	125.00
POLAND	
Corcoran, Wm. Warwick, C-278465	125.00
PORTO RICO	
Bird, Jorge, C-654745	125.00
Catala, Arturo, C-255067	116.87
Forestier, Fernando, C-176425	106.25
Giuliani, Francisco, C-653672	106.25
Lippitt, Wm. Fontaine, C-906174	281.25
Rola, Edward C., C-171067	106.25
Serbia, Romulo, C-655172	106.25
WEST INDIES	
Hall, Cecil V. E., C-599916	106.25

PROPOSED INVESTIGATION OF CONDITIONS IN INDUSTRIES

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably House Joint Resolution 525, to provide for the investigation of the economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, and ask for its immediate consideration.

Mr. JONES. If it will take no time, I shall not object.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Utah to wait just a short time, in order that I may confer with certain Senators concerning the joint resolution.

The PRESIDENT pro tempore. Objection is made.

Mr. SMOOT. Mr. President, I withdraw the report.

The PRESIDENT pro tempore. The Senator from Utah withdraws the report.

INVESTIGATION RELATIVE TO THE CONSTRUCTION OF GOVERNMENT BUILDINGS

Mr. JONES. Mr. President, the Senator from Minnesota [Mr. SHIPSTEAD] has a matter which will not take any time. I yield to him in order that he may present it.

Mr. SHIPSTEAD. Mr. President, I send to the desk a resolution which I ask to have stated, and I ask its immediate consideration.

The PRESIDENT pro tempore. Without objection, the resolution will be read for the information of the Senate.

The legislative clerk read Senate Resolution 493, submitted by Mr. SHIPSTEAD on the 2d instant, as follows:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or corporations engaged in the production, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work; and (b) whether or not there is or has been any custom or practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. REED. I ask that it go over, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. McNARY. Mr. President, I was about to ask the Senator from Minnesota to withhold the request until we reach the Calendar; but I understand that objection has been made, so that the resolution goes over.

Mr. SHIPSTEAD subsequently said: Mr. President, I am told by the Senator from Pennsylvania that he now has no objection to the consideration of Senate Resolution 493.

The VICE PRESIDENT. Let the resolution be read for the information of the Senate.

The Chief Clerk reread the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I object.

The VICE PRESIDENT. Objection is made.

AMENDMENT OF COPYRIGHT LAW

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. I yield to the Senator from Florida.

Mr. FLETCHER. I submit certain telegrams, which are samples of many I have received on the copyright bill, and ask to have them inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegrams are as follows:

WINTER PARK, FLA., *March 2, 1931.*

Senator DUNCAN U. FLETCHER:

Florida is the winter home of many authors. Many more will be sure to avail themselves of its grateful climate. There are nearly a score of them who live in this town. May I ask that you and Senator TRAMMELL give your vote to the copyright bill?

IRVING BACHELLER.

ORLANDO, FLA., *March 2, 1931.*

Senator DUNCAN U. FLETCHER,
Care United States Senate, Washington, D. C.:

Indorse general copyright bill and urge prompt consideration and passage.

OLIVE BRUMBAUGH,
Librarian Albertson Public Library.

WINTER PARK, FLA., *March 2, 1931.*

Senator DUNCAN U. FLETCHER,
Care United States Senate:

Strongly urge your support of pending general copyright bill.

EDWIN O. GROVER,
Director Rollins College Library.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. WALSH of Massachusetts. I should like to inquire from the Senator from Washington how long this measure has been in conference.

Mr. JONES. I am going to make a brief statement about the bill when these preliminary matters are disposed of.

Mr. WALSH of Massachusetts. I thought the Senator perhaps might discuss the conference report, but I did not know that he would inform us as to the length of time it has been in conference.

Mr. JONES. I shall do that.

Mr. WALSH of Massachusetts. May I take this occasion to say to the Senator that a week ago I voted in committee against reporting a very important bill, on the ground that there was not time for discussion and consideration of the measure. Where important measures have been held for weeks in conference, other than the deficiency appropriation bill—it is very proper that that bill should be delayed—I do not think we can, during the last 24 hours of this session, deliberate and consider fairly and adequately measures of this kind and character. We ought not to have to wait until this very late hour for serious consideration of these measures. I, for one, propose to do what I can to prevent any more legislation of importance being considered where weeks have been taken for discussion and deliberation in conference to decide upon very serious matters where there was a grave conflict of opinion.

Mr. JONES. Mr. President, if I may have the attention of the Senate for just a few moments, I can give an outline of this measure that I think will present the main points. I should like to do this without interruption, if possible.

First, referring to what the Senator from Massachusetts has asked, I beg to say to him that he can not complain as to the length of time this bill has been in conference. If the Senator from Massachusetts has any complaint to make with reference to the length of time the bill was in conference, it will probably be because it was too short. The bill was taken to conference yesterday morning. It passed the House in its present form just a few days ago. We had a conference on it yesterday morning, and I may briefly state what the situation was in conference.

The Senate, of course, is familiar with the measure that the Senate passed some time ago. It dealt peculiarly with mothers and infants and maternity problems, and was very similar to a measure that was enacted into law several years ago and carried out. I need not go into the details of that measure.

The bill went to the House. It was given most careful consideration over there. It was detained in the committee for quite a while, I think largely for the purpose of study and consideration, and was somewhat expanded in its scope. As finally reported and passed in the House, it was a measure that the Senate members of the committee studied pretty carefully; and we felt that there was a good chance of passing the bill as we had agreed to it in the Senate.

We had a conference. There it was found that the House was very strongly in favor of the measure that it had passed; but I think I can say for the Senate conferees, at least, that we felt that a very good measure had been passed by the House, that it was a little broader in its scope than the Senate bill; and that, on the whole, it was really a better bill, looking more generally after the health conditions throughout the United States, and especially the health conditions of women and children in the rural sections of this country.

It appeared that the measure as we had passed it through the Senate, after the House had taken the action that it did, very likely would not be accepted in the House, and could not be passed there. We did not know, of course, whether the measure as passed by the House could be accepted in the Senate or not. The time for its consideration being so short we felt that the measure, when understood by the Senate, would appeal to the Members of the Senate. So, as what we thought was the best course to take, the best thing to do under the circumstances, we agreed to the House provision; and, as I say, we were not in conference a long, long time.

Mr. WALSH of Massachusetts. Mr. President, when did the bill pass the House?

Mr. JONES. The bill passed the House just a few days ago. I will get the date of it in just a moment.

Mr. REED. February 27 is the date of the blue print.

Mr. JONES. It does not show on this copy. There has not been a print of the bill, I presume, as it passed the House; but it passed the House on the 27th day of February.

Mr. WALSH of Massachusetts. It passed the Senate several weeks before that date.

Mr. JONES. In January.

Mr. WALSH of Massachusetts. What is the reason for the delay in the House? Does the Senator know?

Mr. JONES. As I said, the Interstate Commerce Committee went into the matter and the situation very fully. They had, I think, hearings of considerable length there, and gave a great deal of study and consideration to the problem, just as I know the Senator would have them do on a matter of this importance; and they did it. This is a very carefully prepared and well-considered and well-matured piece of legislation.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. JONES. I yield.

Mr. KING. The Senator says this is a well-matured piece of legislation. I doubt whether there is a single Senator in the Chamber, except, perhaps, the Senator from Washington and his two conferees, who has read this bill. It has not been considered by a committee.

Mr. JONES. Mr. President, this bill has taken the usual course. It is the usual thing, when a Senate bill goes over to the House and all after the enacting clause is stricken out and what purports to be a new bill is put in, that it is sent to conference. That is what was done in this case. Why should there be any suggestion that any improper or unusual course has been taken with reference to this bill? It has not been done.

Now, I want to state briefly the differences between the bill as it passed the Senate and as it comes to us now.

There is no great change in the provisions that we passed through the Senate, so far as what they dealt with is concerned; but the scope of this bill has been broadened to a certain extent. Let me call attention now, briefly, to the main points in the bill.

First, it provides for a general supervisory board composed of the Surgeon General of the Public Health Service, the Chief of the Children's Bureau, and the Chief of the Bureau of Education. Those three members constitute a general board for the purpose of coordinating the activities of the Government dealing with public health.

I can see no objection to that. I can see that lots of good might come out of it. We want to have our health activities coordinated, just as we would like to see a good many other Government activities coordinated. That is one change in the bill as it passed the House.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. Is it not a fact that within a few days we released the head of the Bureau of Education from administrative work in connection with the Indian schools, taking the position that the Bureau of Education ought to be advisory entirely? And now are we not, under this measure, putting the Bureau of Education into administrative work related to health?

Mr. JONES. Mr. President, I think not. I think we are putting them into an advisory capacity, into a sort of supervisory capacity. That is the purpose and object of this board.

Let me just read from the bill:

The board shall have the power to approve—

Not really to formulate, but—

The board shall have power to approve or disapprove all plans providing for cooperative work between the United States and the several States under this act, which plans—

After they are prepared, after they are gotten up by the different agencies of the United States and the States—

shall be submitted to the board for its consideration and approval, and when it has approved these rules and regulations—

Then the administration of them is carried on by these other agencies.

Mr. WALSH of Massachusetts. Mr. President, it seems to me their power is of the highest character, that the whole method and manner of administering the act is in that board.

Mr. JONES. I think not. I do not look at it that way. The administration of it is not; it is the approval of the plans submitted to the board with which the board has to do, and after the plans are approved, the administration of them is in another agency, to be carried out by another agency, and it seems to me there is a great difference between actually administering the rules and regulations, and approval of them, passing on them in the first instance.

Section 3 of the bill really provides the addition by the House to the measure as it passed the Senate. What does that do? That broadens the scope of this work, so as to cover rural health conditions, and makes provision for authorizing appropriations to carry out rural health facilities and rural health work—broadens it, although that primarily deals with maternity and infancy, and so forth, in the rural communities generally. It provides for an initial appropriation of $250,000.

Mr. REED. Mr. President, will the Senator show us where that is in section 3, where rural health work is limited or made primarily to deal with mothers or children? I do not find anything of that character.

Mr. JONES. I said generally rural health. It broadens it over the scope of the House provision. But another provision of another section, section 5, I think it is, provides for carrying out the original work, or the work that was proposed by the House.

The language of section 3 is:

SEC. 3. (a) For the purpose of enabling the Public Health Service, under the general supervision of the board, to cooperate with the State agencies of health in the development of local health units or organizations for the prevention of disease and the promotion of health among the rural population as provided in section 4 of this act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1932.

That is the broadened scope of this legislation. That is the broadened work, which was not covered by the House bill. It especially deals with conditions in the rural communities.

I will say this, Mr. President, that if anybody had asked me where the most healthful conditions were, where the greatest health was, I would have said in the rural communities. Yet the physicians of this body will tell us that the health conditions in rural communities are not so good as they are in the cities.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I gladly yield to the Senator from New York.

Mr. COPELAND. I thoroughly indorse what the Senator says. We hear much said about the wide-open spaces, and the advantages of living there. As a matter of fact, the health conditions, particularly of women and children, are very much worse in rural sections than in the cities, and the reasons are perfectly plain. The cities are organized. They have health departments, inspectors, nurses; they have propaganda in the way of public-health education. The people are taught the importance of dental care, and all the other measures with which we are familiar, while in the rural sections, particularly the remote sections of our country, back from the settlements, where such advice is not accessible or available, there it is that we have the conditions spoken of. So I thoroughly agree with what the Senator from Washington has said in regard to that matter.

Mr. JONES. Mr. President, we provide for an initial appropriation of $250,000 for the first year. Five per cent of that shall go to the States, to be expended in health activities by the States generally.

That amount is to be increased from year to year for about five years, I think it is, until it is increased up to $3,000,000.

Mr. BINGHAM. Mr. President, I am sure the Senator does not intend to misinform the Senate.

Mr. JONES. No.

Mr. BINGHAM. I am not surprised that he is not thoroughly familiar with this very long bill.

Mr. JONES, I am pretty familiar with this bill, I want to say to the Senator.

Mr. BINGHAM. The Senator has just said that for the first year it would cost only $250,000, but I find on page 9, lines 10 and 11, what I suppose to be provision for the fiscal year ending June 30, 1932, the sum of $750,000.

Mr. JONES. I did not say this bill would cost only $250,000 the first year. I said this activity in section 3 would cost that.

Mr. BINGHAM. I am reading section 3.

Mr. JONES. I thought the Senator said he was reading section 9.

Mr. BINGHAM. No; I said page 9. The Senator is not sufficiently familiar with section 3 himself. Section 3 provides that there shall be authorized to be appropriated for the fiscal year ending June 30, 1932, and for each fiscal year thereafter, $250,000, as the Senator said. Then, in lines 10 and 11, I find $750,000 more, which makes $1,000,000 instead of the $250,000 the Senator mentioned. That is in section 3.

Mr. JONES. That is what I intended to say, if I did not say it.

Mr. BINGHAM. There is quite a difference between $250,000 and a million dollars.

Mr. JONES. There is a difference of $750,000.

Mr. BINGHAM. Of course, the chairman of the Committee on Appropriations does not ordinarily consider little differences like that.

Mr. JONES. I am not trying to go greatly into detail with reference to this measure.

For the fiscal year 1933 a million dollars. Then there is added $250,000, then $250,000, and $2,000,000, and for each fiscal year thereafter $3,000,000.

That is a continuous appropriation, at least so long as the Congress allows the provisions of the act to remain in force. That is for health facilities among the rural population.

Mr. BINGHAM. I trust the Senator will make it plain that that $3,000,000 is in addition to the one million provided elsewhere in the bill.

Mr. JONES. Yes; that is true; the $1,000,000 provided elsewhere is to carry out the act as we passed it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. BARKLEY. If the Senator has not already done so, he should point out that the activities with reference to rural sanitation, so far as the Public Health Service is concerned, are activities which have already been in progress under the Public Health Service for many years. The board which is mentioned and proposed to be set up in this act is simply a continuation of a board which has existed since 1912, and we are now appropriating $338,000 a year for this very purpose. So that the effect of this is simply to increase the amount available for rural sanitation under the Public Health Service along lines which they have already outlined and surveyed.

Mr. JONES. To make more effective work initiated a long while ago, and the need of which I think has been demonstrated from year to year.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what is the increased authorization in the bill which has been reported by the conferees over the bill as it passed the Senate?

Mr. JONES. The Senate bill dealt only with the infant and maternity propositions, and we appropriated in it $1,000,000 a year. This provides $1,000,000 a year for that work, and then this additional amount for the general health conditions among the rural population.

Mr. WALSH of Massachusetts. Namely, $3,000,000 more?

Mr. JONES. Yes. That is the main change in this bill made by the House.

Mr. REED. Mr. President, will the Senator from Washington submit to a question?

Mr. JONES. I yield.

Mr. REED. As I read subsection (a) of section 3, it does not provide for rural sanitation, it does not provide for spending any money for improving health conditions in rural districts. It provides only for the development of units or organizations. How in the world anyone is to spend $3,000,000 a year developing units I do not know. Those units are to be for the prevention of disease and the promotion of health, but the Federal activity is to cost $3,000,000 a year, which is to be matched by another three million from the States, which is to be spent entirely, apparently, for the pay of persons to go around and encourage the formation of units. As the bill is written, I see no function to be performed under these appropriations except encouraging the organization of what are called units, whatever they are.

Mr. WALSH of Massachusetts. And that is a new function.

Mr. JONES. Oh, no.

Mr. REED. It seems to be. It certainly was not in the Senate bill that went to the House.

Mr. JONES. I told the Senate this was the main addition to the Senate bill made in the House.

Mr. BARKLEY. Mr. President, will the Senator from Washington yield?

Mr. JONES. I yield.

Mr. BARKLEY. I simply want to say, in reply to the Senator from Pennsylvania, that these units are health units in counties of the States where this work will be carried on. They are in existence now in many counties, but they are part-time units. This bill will permit them to be all-time units during all the year, for all-time units operating from one year's end to another. In many of the counties at the present time they operate only part of the time; and, of course, to that extent are inefficient, in so far as they fail to operate all the time, in order to keep in touch thoroughly with health conditions in the counties where they exist.

Mr. REED. The language is so vague that it is very difficult for me to read any meaning out of it, but I gather that $6,000,000 is to be spent, half by the Nation and half by the States, in employing people to go around and exhort the rural population to form health units. If those exhorters are paid say $3,000 a year, this appropriation will pay for 2,000 exhorters, and it seems to me that a good deal of rural exhorting is going to be done before many years have elapsed. That is the way the bill reads.

Mr. BARKLEY. The Senator emphasizes the word "exhort," which has a peculiar meaning in some sections of the country. But this bill is not in any way limited to medical exhortation. It is for the purpose of disseminating literature and information, and coordinating the health units of all the counties under the direction of the health departments of all the States, in cooperation with the Public Health Service here; and the plans which will be carried out in all the States are plans which are initiated by the public-health service of the States through the county organizations, down to the people, and approved by the department here.

Mr. REED. That is not what the bill says. Let us suppose there is an epidemic of smallpox, and people need vaccination in the rural communities. They could not be vaccinated under this bill. All the authorities could do would be to develop local health units or organizations. If that does not mean exhorting people to join them, I do not know what it does mean. They could not spend a penny in practical work for the rural population.

Mr. BARKLEY. The work would not consist of somebody going around and asking people to join the Red Cross.

THE CALENDAR

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered into the Senate will now proceed to the consideration of unobjected bills on the calendar under Rule VIII. The clerk will report the first bill on the calendar.

The bill (S. 168) providing for the appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. 49) authorizing Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 119) authorizing and directing, the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

Mr. COUZENS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action of Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. BINGHAM. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3344) supplementing the national prohibtion act for the District of Columbia was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

Mr. FESS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 455) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 105) to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3238) for the relief of Martin E. Riley was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5212) for the relief of George Charles Walthers was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4597) to provide educational employees of the public schools of the District of Columbia with leave of absence with part pay for purposes of educational improvement, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 5365) to repeal section 7 of the postal act approved May 29, 1928, was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.



The bill (S. 5285) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5416) to provide for the filling of certain vacancies in the Senate and House of Representatives of Porto Rico, was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 132) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to Porto Rico, was announced as next in order.

Mr. PITTMAN. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 120) authorizing the President to reorganize the administration of the insular possessions, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 5288) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (H. R. 12063) to amend section 16 of the Federal farm loan act was considered. The bill had been reported from the Committee on Banking and Currency with amendments, on page 2, line 2, to strike out the words "within a period of seven months after the date of the passage of this act"; in line 16, to strike out the word "purchasing" and insert the word "acquiring"; and in line 19, after the word "acquisition," to insert the following proviso:

Provided, however, That the acquiring banks shall not be authorized to make loans at any one time in more than eight States, of which one State shall be the State in which the bank has its principal office, one shall be contiguous to such State, the others shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said eight States shall be situated in contiguous territory.

So as to make the bill read:

Be it enacted, etc., That section 16 of the Federal farm loan act, as amended (U. S. C., title 12, ch. 7, secs. 811–823), be amended by substituting in the eighth paragraph thereof (U. S. C., title 12, ch. 7, sec. 818) a comma for the period at the end of the first sentence and adding the following new matter: "except as hereinafter provided."

SEC. 2. That section 16 of the Federal farm loan act, as amended, be further amended by inserting after the last paragraph thereof (U. S. C., title 12, ch. 7, sec. 523) the following new paragraph:

"In any case where a joint-stock land bank has been, or may be, declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, any Federal land bank or joint-stock land bank may, in the manner as may be prescribed by the Federal Farm Loan Board and with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of said joint-stock land bank in the hands of a receiver. Any joint-stock land bank which has acquired or may hereafter acquire the assets and which has assumed or may hereafter assume the liabilities of another joint-stock land bank may, if authorized by the Federal Farm Loan Board, make loans secured by first mortgages on farm lands within the States in which the other joint-stock land bank was authorized to make loans at the time of such acquisition, and the acquiring bank may, with the approval of the Federal Farm Loan Board, continue to make loans in the States where it was authorized to make loans at the time of such acquisition: *Provided, however,* That the acquiring bank shall not be authorized to make loans at any one time in more than eight States, of which one shall be the State in which the bank has its principal office, one shall be contiguous to such State, the others shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said eight States shall be situated in contiguous territory."

The amendments were agreed to.

Mr. KING. Mr. President, I have had a letter in regard to this measure expressing some apprehension as to its effect. I should be very glad if the Senator would explain briefly the purpose sought to be accomplished by the bill.

Mr. NORBECK. The reason for the bill is that under the present law the general stock land bank may operate in only two States. The farm loan business has not been very profitable and quite a few of the banks have been in distress. Some of them have sold out to others. The trouble has been that the buyer can only liquidate and can not continue the business because of the limitation to two States. Really I believe it will help the public in the agricultural sections to get some loans which are not now available.

Mr. FLETCHER. Mr. President, there was some objection, the idea being that there might be a kind of monopoly; that some big banking concern might buy up a lot of these banks in distress; and so the committee limited the operation to eight States in the case of some organization acquiring the banks. They can not operate outside of eight States. There is no such danger, and I think any apprehension on the part of the Federal land banks that their business would be interfered with is unfounded. There is no danger of creating a great concern that would absorb all the joint-stock land-bank business in the country. They will not be permitted to operate beyond the territory of eight States.

Mr. KING. Does the Senator think that it is wise to permit any corporation to acquire the banks within eight States? Would not that be considerable of a monopoly which possibly might jeopardize the land banks or affect in some way, directly or indirectly, the financial operations of the credit system within that district?

Mr. FLETCHER. I think there would be no objection on that ground. The fact is that having a good, strong organization to go in and put itself in a position to accommodate the farmers would be much better for the farmers.

Mr. NORBECK. Mr. President, I desire to offer an amendment to the last committee amendment which was agreed to.

The PRESIDENT pro tempore. To enable the Senator to do that it will be necessary to reconsider the vote by which the last amendment was agreed to. Without objection, the last amendment agreed to as proposed by the committee will be reconsidered, and the Senator from South Dakota offers the following amendment to the amendment, which will be stated:

The CHIEF CLERK. On page 2, line 21, strike out "eight" and insert "five," and on page 3, in line 2, strike out the word "eight" and insert the word "five," so that as amended the committee amendment will read:

Provided, however, That the acquiring bank shall not be authorized to make loans at any one time in more than five States, of which one shall be the State in which the bank has its principal office, one shall be contiguous to such State, the others shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said five States shall be situated in contiguous territory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 5515) to amend section 29 of the act of August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," was announced as next in order.

Mr. WHEELER. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 406) authorizing the special committee on campaign expenditures to impound ballots and ballot boxes was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 5440) to authorize an emergency appropriation for special study of, and demonstration work in, rural sanitation was announced as next in order.

Mr. ROBINSON of Arkansas. That may go over.

Mr. McNARY. The provisions of the bill were included, I think, in a supply bill.

Mr. ROBINSON of Arkansas. Yes.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5810) to facilitate the use and occupancy of national forest lands for purposes of residence, recreation, education, industry, and commerce, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

THE STAR-SPANGLED BANNER

The bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. GOLDSBOROUGH. Mr. President, will the Senator withhold his objection until I can make a brief statement? The bill has the support of 5,000,000 signers of petitions. It has the support of 70 patriotic and civic organizations, which have indorsed it, as well as 25 governors, to say nothing of numerous colleges and universities throughout the country. The Star-Spangled Banner is already the national anthem in the hearts of the people of the Nation, and I had hoped, as had many others, that it might be recognized by the Congress and the bill become a law. I hope the Senator will withdraw his objection.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GOLDSBOROUGH. I yield.

Mr. FESS. I reported this bill from the Committee on the Library after a tremendous amount of public interest had manifested itself. I had no interest in it. It ought to have gone to the Judiciary Committee and in fact did go there and was afterwards sent to the Committee on the Library. Because I have not persisted in trying to get action on it upon the various calls of the Calendar, some of my friends seem to think I am not interested in it. I want them to understand that there is no opportunity to bring it up except on an occasion of this kind and I regret that it is not permitted to pass now.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. Objection has been made and the bill goes over.

BILLS PASSED OVER

The bill (S. 915) to incorporate the American National Institute (Prix de Paris) at Paris, France, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes, was announced as next in order.

Mr. COUZENS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 2828) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 413) continuing in force until the end of the Seventy-second Congress Senate Resolution 316, agreed to February 26, 1929, was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs was announced as next in order.

The PRESIDENT pro tempore. That is the unfinished business.

The bill (S. 5025) to amend section 126 of the Judicial Code as amended was announced as next in order.

Mr. BRATTON. Mr. President, I think this is the bill to which the junior Senator from Texas [Mr. CONNALLY] objected the other day. He is absent for the moment and therefore I ask to have it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6172) to expedite the deportation of certain aliens and for other purposes was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2358) to provide for the appointment of an additional district judge for the western district of Washington was announced as next in order.

Mr. KING. Let that go over.

Mr. BLAINE. I ask that the bill go over temporarily.

The PRESIDENT pro tempore. The bill will be passed over. Objection has been made by the junior Senator from Utah [Mr. KING].

CLAIM OF GEORGE J. SALEM AGAINST EGYPT

The joint resolution (S. J. Res. 252) authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the sum of $52,000 is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, to defray the expenses of the United States in the arbitration of the claim of George J. Salem against the Government of Egypt, including honorarium to the arbitrators, compensation of employees in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, stenographic and other services, by contract if deemed necessary, without regard to section 5709 of the Revised Statutes (U. S. C., title 41, sec. 5), travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), rent, purchase of necessary books and documents, official cards, printing and binding, one-half of all reasonable and necessary joint expenses of the tribunal incurred under the terms of the arbitral agreement, and such other expenses as may be authorized by the Secretary of State; and the Secretary of State is authorized to reimburse from the said appropriation any other appropriation from which payments may have been made for purposes connected with this arbitration prior to the time when the appropriation herein authorized shall have become available.

ADMINISTRATOR OF VETERANS' AFFAIRS

The bill (S. 6191) allowing the Administrator of Veterans' Affairs, on the relinquishment of his present office in good standing, to receive 50 per cent of the salary for the office as now authorized by law, was announced as next in order.

Mr. CUTTING. Mr. President, reserving the right to object, I should like to ask the Senator from Pennsylvania [Mr. REED] whether he can explain the reason for haste in having the bill passed at this time rather than waiting until the Administrator of Veterans' Affairs actually does retire.

Mr. REED. Mr. President, it is not exactly haste. Director Hines has had a great many offers of private employment at salaries far beyond that which he is receiving from the Government. He is still in his fifties and he has to make a decision about his future. He gave up his retirement privileges in the Army in order to take over the

Veterans' Bureau work. He has done that work, I believe, to the great satisfaction of all Members of Congress and all shades of political belief. This is the only way in which his future can be provided for by the Government. If he does not get something like this he will have to accept some of the private employment which has been offered.

Mr. COUZENS. What is the necessity for passing it now? The House can not consider it.

Mr. REED. I believe it can be put through the House if it is passed now.

Mr. THOMAS of Idaho. Mr. President, as the Senator from Pennsylvania has well said, General Hines is rendering a wonderful service in looking after the expenditure of a billion dollars a year. It seems to me that we would be making a mistake not to pass the bill.

Mr. REED. I thank the Senator from Idaho.

Mr. CUTTING. Mr. President, I could not allow to go unchallenged the remark that no Member of the Senate disapproves of the way in which General Hines is directing the Veterans' Bureau and conducting the administration of veterans' affairs.

It is quite true that before General Hines succeeded Colonel Forbes there had been a condition of scandal and graft in the administration of the bureau. Of course no one rejoices more than I do that an end has been put to that condition.

From the point of view, however, of the disabled veteran, I should say that he suffered less from Forbes's genial incapacity and graft than he has from the narrow honesty and lack of sympathy which has been shown by the bureau from that day to this. The whole policy of the bureau has been to save the taxpayers' money, not through administrative economies but at the expense of the disabled veterans. The whole procedure of the bureau has been wound up in red tape so that, in spite of the fact that the law directs that the benefit of the doubt should be given to the veteran, in 95 per cent of the cases where there is a doubt the decision is made the other way. I have seen thousands of the best men in this country dying off simply on account of the intolerable system followed by the Veterans' Bureau.

I had thought there was no other way by which to voice my protest against this situation than to object to this resolution. I know, however, Mr. President, that the situation is not due merely to the personal fault of General Hines. The bureau has become so large an organization that it is probably beyond the power of any one man to rectify the conditions to which I object. I do not wish to place myself in the attitude of making personal objection to a man who, so far as I know, has done his duty as he saw it from the beginning. Therefore, with this word of explanation I shall withdraw the objection I have made to the resolution.

Mr. BLAINE. Mr. President, I am not disposed in advance of retirement of some one in the public service to guarantee him a fixed salary in the future. If General Hines has performed his duty, that is a simple thing to have done and what every public official ought to do, and that does not warrant any special consideration by Congress.

I am not one of those who, as the Senator from New Mexico has just indicated, are disposed simply because some one has endeavored honestly to carry out his duty to contrast that with some dishonest administration and then give special merit and special consideration to the honest official. Every official ought to discharge his duties efficiently, effectively, and honorably. Therefore, Mr. President, I am disposed to object to the present consideration of the resolution.

Mr. NORBECK. Mr. President, I hope the Senator from Wisconsin will not do that. It is not because of honesty alone but because of the outstanding ability of the official that this bill should be passed. Admitting that in the tens of thousands of cases coming before the Veterans' Bureau a good many errors have crept in—and I admit I have not always agreed with General Hines as to policy—I think the Government does need a man like General Hines in key positions such as that he is now occupying.

The PRESIDENT pro tempore. Objection being made, the resolution will go over.

GEORGE WASHINGTON MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 5740) to amend subsection (a) of section 1 of the act relating to the George Washington Memorial Parkway, approved May 29, 1930, which had been reported from the Committee on the District of Columbia with amendments.

The amendments were, on page 2, line 25, after the word "shall," to strike out "when" and insert "as"; on page 3, line 2, after the word "highway," to strike out "when" and insert "and"; in the same line, after the word "and," to strike out "the"; in line 7, after the word "be," to strike out "said highway"; in the same line, after the word "and," to strike out "said lands"; in the same line, after the word "be," to strike out "maintain and" and insert "maintain"; in line 8, after the word "administered," to insert "and controlled"; in line 10, before the word "lands," to insert "said highway and"; in the same line, after the word "lands," to strike out "acquired" and insert "transferred to him"; in line 13, after the numerals "1925," to insert "and those conferred upon the Secretary of Agriculture by the act approved May 23, 1928, as amended"; on page 4, after the word "include," to strike out "(1)"; in line 9, after the word "side," to strike out "of the Potomac River, (2)" and insert "and"; at the beginning of line 11, to strike out "such river" and insert "the Potomac"; in the same line, after the word "and," to strike out "(3)"; in the same line, after the word "across," to strike out "such river" and insert "the Potomac"; in line 12, after the name "Great Falls," to strike out "with" and insert "and"; in line 14, after "Potomac" to strike out "River"; in line 21, after the word "Federal," to strike out "air" and insert "aid"; on page 5, line 7, after the word "United," to strike out "States," and insert "States;"; in line 17, before the word "of," to strike out "States" and insert "State"; in line 18, after the word "adequate," to strike out "guarantee" and insert "guaranty"; in line 19, after the word "from," to strike out "any"; in the same line, after the word "responsible," to strike out "source" and insert "sources"; and in line 23, after the word "or," to strike out "guarantee" and insert "guaranty."

The amendments were agreed to.

Mr. BINGHAM. Mr. President, some time ago we passed a bill of similar nature to which certain Senators objected very seriously. I should like to have the bill as amended read in order that we may know what is now in the bill.

The PRESIDENT pro tempore. The clerk will read the bill, as requested.

Mr. BRATTON. Mr. President, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. COPELAND. Mr. President, I hope the Senator from New Mexico will withhold his objection. This is an important bill. I was under the embarrassment the other night of objecting to it at the request of another Senator. I listened to the hearings on this bill in the District of Columbia Committee, and I sincerely hope that the bill may be considered upon its merits, and I hope it may be passed.

The PRESIDENT pro tempore. Is the objection maintained?

Mr. CAPPER. Mr. President, I hope the Senator from New Mexico will not press his objection.

Mr. BRATTON. Mr. President, I would have no objection to the bill, but the request has been made for the reading in full of the bill. It is a Senate bill, and obviously it can not pass and become a law at this session of Congress. Accordingly, it seems to me a waste of time to stop the call of the calendar and read the bill at length.

The PRESIDENT pro tempore. The objection is maintained, and the bill will go over.

Mr. BINGHAM. Mr. President, I have no objection to the bill. It is not long, and I think it ought to be read and passed.

The PRESIDENT pro tempore. The objection is maintained, and the bill goes over.

BILLS PASSED OVER

The bill (H. R. 10174) authorizing the sale of a certain tract of land in the State of Oregon to the Klamath Irrigation District was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6148) authorizing A. A. Lilly, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12095) to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.), was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PROTECTION OF LOS ANGELES WATER SUPPLY

The Senate proceeded to consider the bill (H. R. 11969) withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was in section 1, page 1, line 6, after the article "the," to strike out "watershed" and insert "watersheds now or hereafter"; and in line 7, after the name "Los Angeles," to insert "and other cities and towns in the," so as to make the clause read:

That the following-described public lands are hereby withdrawn from settlement, location, filing, entry, or disposal under the land laws of the United States for the purpose of protecting the watersheds now or hereafter supplying water to the city of Los Angeles and other cities and towns in the State of California, to wit:

The amendment was agreed to.

The next amendment was, on page 2, at the beginning of line 1, strike out "The" and insert "All of section 1," so as to read:

All of section 1.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I think some Senator should explain this bill.

Mr. JOHNSON. I am prepared to explain it, and shall be very glad to do so.

The PRESIDENT pro tempore. Will not the Senator from Tennessee permit the remaining committee amendments to be agreed to and then discuss the bill?

Mr. McKELLAR. No; let us have an explanation now.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mr. JOHNSON. Mr. President, the bill is designed to protect the watershed of various cities in California situated in the Inyo and Mono Valleys. All the land that is sought to be withdrawn by this bill is now under withdrawal by Executive order. Every right that any individual may have in any of this land is protected by the bill itself, and especially excepted are all rights that exist and especially excepted are recreational and grazing uses of the land.

The city of Los Angeles, for instance, has recently authorized a bond issue of $38,000,000 for the purpose of increasing its water supply from the Mono and Inyo Valleys. The water supply for that city and for the adjoining cities can not appropriately be increased without having some protection in relation to the watershed all of which to-day is withdrawn by Executive order. This bill is confirmatory of the Executive order.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Mexico?

Mr. JOHNSON. I yield.

Mr. BRATTON. The bill is expressly subject, is it not, to all vested water rights, grazing rights, and recreational rights? It protects every vested right to the land, does it not?

Mr. JOHNSON. Every right is protected, and the department favors the bill.

Mr. McKELLAR. Are any of the lands mineral or oil lands?

Mr. JOHNSON. No, sir; and all rights are reserved of that sort. The land is withdrawn for agricultural purposes alone and is not susceptible of agriculture. It is sparsely settled bowlder and sage brush land in the mountains.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JOHNSON. Yes, sir.

Mr. KING. Was a reconnaissance survey, as it is called, made by the Interior Department with a view to determining just what should be allocated and reserved to Los Angeles without injury to others?

Mr. JOHNSON. Yes, sir; and the amendments in the bill are the ones suggested by the Interior Department.

Mr. KING. And the bill permits the Government to come in and assert its title whenever it pleases?

Mr. JOHNSON. Positively.

Mr. McKELLAR. Was the committee unanimous in reporting the bill?

Mr. JOHNSON. Yes, sir.

The PRESIDENT pro tempore. The next amendment reported by the committee will be stated.

The next amendment of the Committee on Public Lands and Surveys was, on page 9, line 6, after the word "northeast," to strike out "quarter" and insert "quarter," so as to read:

The northeast quarter, lot 1, north half of lot 2, northwest quarter, and the northeast quarter, southeast quarter section 19.

The amendment was agreed to.

The next amendment was, on page 13, line 23, after the word "the," to strike out "east" and insert "west," so as to read:

The east half, the east half west half, the southwest quarter northwest quarter and the west half southwest quarter section 36.

The amendment was agreed to.

The next amendment was, on page 15, line 11, after the word "half," to strike out "southwest" and insert "southeast," so as to read:

The southeast quarter northwest quarter, the southwest quarter, the west half southeast quarter, and the southeast quarter southeast quarter section 22.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the word "east," to strike out "half" and insert "half," so as to read:

The east half east half, the northwest quarter northeast quarter, the northeast quarter northwest quarter section 12.

The amendment was agreed to.

The next amendment was, on page 18, line 4, before the word "quarter," to strike out "northeast" and insert "northwest," so as to read:

The south half lot 2 northwest quarter, lot 2 southwest quarter section 7.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the word "east," to strike out "half" and insert "half," so as to read:

The east half, the northwest quarter, the east half southwest quarter, and the southwest quarter southwest quarter section 11.

The amendment was agreed to.

The next amendment was, on page 32, line 17, after the word "south," to strike out "half" and to insert "half," so as to read:

The south half, the north half northwest quarter and the southwest quarter northwest quarter section 5.

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the word "northwest," to strike out "half" and insert "quarter," so as to read:

The northeast quarter, the north half northwest quarter, the northwest quarter southwest quarter, the south half south half, and the northeast quarter southeast quarter section 28.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert "all the unsurveyed portions of section 19, township 2 north, range 27 east, and sections 13 and 24 of township 2 north, range 26 east, known as Bird Island."

The amendment was agreed to.

The next amendment was on page 49, line 7, after the words "section 1," to insert, "township 3 south, range 29 east, Mount Diablo meridian," so as to read:

Fractional southeast quarter southeast quarter section 29, township 2 north, range 28 east, Mount Diablo meridian; section 1, township 3 south, range 29 east, Mount Diablo meridian; the north half lot 2, lot 3, lot 4, and the southeast quarter southwest quarter section 19; all in township 3 north, range 29 east, Mount Diablo meridian;

The amendment was agreed to.

The next amendment was on page 50, line 2, after the word "any" to insert "existing valid water right or"; in line 15, after the word "for" to insert "recreational or"; and beginning in line 16, after the word "purposes" to insert "under such rules and regulations as the Secretary of the Interior may deem necessary to conserve the natural forage resources of the area," so as to make the proviso read:

Provided, That nothing in this act contained shall be construed as affecting any existing valid water right or lawful homestead or desert-land claim heretofore initiated, or upon which any valid settlement has been made and is at the date of this act being maintained and perfected pursuant to law, but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made, and upon the extinguishment of any such claim by cancellation, relinquishment, or otherwise, this withdrawal shall immediately apply to and become effective upon such land: *And provided further*, That nothing herein contained shall be construed as affecting the use or occupation of any of said withdrawn lands for recreational or grazing purposes under such rules and regulations as the Secretary of the Interior may deem necessary to conserve the natural forage resources of the area.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes."

BILL PASSED OVER

The bill (H. R. 14248) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances of the public domain, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

INVESTIGATION AND STUDY OF TRANSPORTATION AGENCIES

The joint resolution (S. J. Res. 250) directing an investigation and study of transportation by various agencies engaged in interstate commerce was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will go over.

Mr. COUZENS. Mr. President, will the Senator who objected to the joint resolution withhold his objection? The information which it is hoped to obtain is very much needed by the Committee on Interstate Commerce with respect to the conditions existing as between water lines, bus lines, and truck lines. I see no reason why the Interstate Commerce Committee should not have the information. The joint resolution simply provides for an investigation in order that the information may be obtained for the Interstate Commerce Committee.

The PRESIDENT pro tempore. Is the objection maintained?

Mr. COPELAND. I do not have any objection to the joint resolution, but I want to offer an amendment.

The PRESIDENT pro tempore. The committee amendments are first in order.

Mr. SHIPSTEAD. Mr. President, I also want to offer an amendment.

Mr. LA FOLLETTE. I should like to offer an amendment, Mr. President.

Mr. SMOOT. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. There are no committee amendments to the text, the committee amendment being to the preamble. Does the Senator from New York desire to offer an amendment to the text of the bill?

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Ohio?

Mr. SMOOT. Mr. President, I ask that the bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

SALE OF CERTAIN UNITED STATES PROPERTY TO PORT OF NEW YORK AUTHORITY

The bill (S. 6114) to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority, was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. WAGNER. Mr. President, I desire to inquire what Senator objected to Senate bill 6114?

Mr. McKELLAR. I objected to it, Mr. President; but I made a mistake about it. I desire to withdraw the objection. I intended to object to Order of Business No. 1799, House bill 12549.

The PRESIDENT pro tempore. That has gone over under objection.

Mr. REED. Mr. President, when we last considered the calendar it was I who objected to the consideration of Senate bill 6114. I have looked into it as much as I have been able to do in the limited time, and it seems to be entirely all right. I am afraid that if we defeat the bill we will defeat the chance of the Shipping Board to get even as much as they are now offered for these piers; so I withdraw my objection.

Mr. WAGNER. The information I have is that at any other sale the Shipping Board could make the highest amount they would receive would be a million dollars less than is provided in this measure.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. WAGNER. Yes.

Mr. McKELLAR. The property is to be used for public purposes by the port authority, is it?

Mr. WAGNER. Yes. The port authority, as the Senator knows, is a public corporation.

Mr. McKELLAR. Yes.

Mr. WAGNER. It is the result of a compact between New Jersey and New York.

Mr. McKELLAR. Yes.

Mr. WAGNER. The port authority propose to acquire the property in fee simple, but they propose to lease it out for operating purposes, so that the city of Hoboken—which, ever since the piers were taken over by the Federal Government, has received no taxes upon this property—will receive its annual taxes, as heretofore it has. I may say to the Senator that all of the public bodies concerned in this matter—the legislatures of the two States, the governors of the two States, and all of the public bodies that have had any contact with this proposition—favor it.

Mr. McKELLAR. Mr. President, I desire to say to the Senator that I have no objection to the price or to the sale. I am just wondering whether the money is to be covered into the Treasury as it is received.

Mr. WAGNER. The bill so provides, at the very end.

Mr. COPELAND. Thirty per cent is to be paid at once, and the rest in 15 years.

Mr. WAGNER. The terms are fully set forth in the bill itself.

Mr. McKELLAR. There is no provision, however, that the purchase price shall be paid into the Treasury of the United States. I imagine it goes to the Shipping Board.

Mr. WAGNER. The very last provision, I think, covers that.

Mr. McKELLAR. No; it is to be deposited in the construction-loan fund.

Mr. WAGNER. Of course, that is a fund controlled by public authority. Will the Senator withdraw his objection?

Mr. McKELLAR. Yes; I withdraw my objection to the consideration of the bill. I think, however, that the money ought to be covered into the Treasury; and I shall propose an amendment to that effect after the committee amendments have been disposed of.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 19, after the words "lower than" to strike out "the lowest current yield on any interest-bearing obligation of the United States issued subsequent to April 6, 1917 (except postal savings bonds and short-term Treasury notes), outstanding at the time the sale is consummated" and to insert "3½ per cent annually, payable semiannually;" on the top of page 3, to insert a new section as follows:

SEC. 3. There shall also be excluded a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

And on page 3, line 12, to change the number of the section from "3" to "4," so as to make the bill read:

Be it enacted, etc., That the United States Shipping Board is authorized for and on behalf of the United States to sell to the Port of New York Authority (a body corporate and politic, created by compact between the States of New York and New Jersey with the consent of Congress) all the right, title, and interest of the United States in and to certain properties situated in the city of Hoboken, State of New Jersey, commonly known as the Hoboken Pier Properties, consisting of docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights and other rights, estates, and interests therein or appurtenant thereto, which were acquired by the proclamation of the President of the United States, under the provisions of an act of Congress, entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918, and acts amendatory thereof and supplemental thereto.

SEC. 2. That the purchase price thereof shall be the sum of $4,282,000 and the said United States Shipping Board is authorized to accept said amount on the following terms, to wit: Thirty per cent of said purchase price in cash and the balance by acceptance of the bond and mortgage of the Port of New York Authority running for a period of 15 years and bearing interest at a rate not lower than 3½ per cent annually, payable semiannually.

SEC. 3. There shall also be excluded a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

SEC. 4. All sums received as a result of the sale of such property shall be deposited in the construction loan fund created by section 11 of the merchant marine act, 1920, as amended (U. S. C., Supp. III, title 46, sec. 870).

The amendments were agreed to.

Mr. McKELLAR. Mr. President, I offer the following amendment: In line 13, page 3, after the word "deposited," I move to strike out all the rest of the section and insert the words "in the Treasury of the United States."

Mr. WAGNER. Mr. President, I may suggest to the Senator that I am not personaly concerned with whether the money goes into this fund or into the Treasury; but I am very anxious to have this legislation passed at this session, and I should not want to have any amendment proposed which might encounter opposition in the House.

Mr. McKELLAR. I do not see how any amendment providing for the payment of money into the Treasury of the United States would encounter opposition. If there is some arrangement by which this fund is to be transferred to some operating or building fund, it seems to me it is wrong. It ought to be appropriated by the Congress of the United States; and I hope the Senator will accept the amendment.

Mr. WAGNER. Will the Senator restate the amendment?

Mr. McKELLAR. On page 3, after the word "deposited," I move to strike out all the rest of the section, and insert the words "in the Treasury of the United States."

Mr. COPELAND. That is all right.

Mr. WAGNER. I do not object to that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. BRATTON. Mr. President, when Order of Business 1721, Senate bill 5740, was reached, the Senator from Connecticut [Mr. BINGHAM] asked to have the bill read at length. In the interest of time I thereupon objected, and asked that it go over.

I understand that the Senator from Connecticut does not desire the bill read. I therefore withdraw my objection, and ask unanimous consent that we return to that number on the calendar.

The PRESIDENT pro tempore. Without objection——

Mr. DALE. Mr. President, I am very sorry; I shall have to object to that request.

The PRESIDENT pro tempore. Objection is made.

REPORT ON SENATORIAL CAMPAIGN EXPENDITURES, 1930, PENNSYLVANIA

Mr. NYE. Mr. President, I send to the desk a report from the Select Committee on Senatorial Campaign Expenditures. I shall not ask for its reading at tihs time but shall call it up later. I merely present the report.

The PRESIDENT pro tempore. Without objection, the report will be received and lie upon the table.

Mr. PATTERSON. Mr. President, I desire to submit a separate report relating to the same matter, and ask that it be printed as a document and published in the RECORD.

The PRESIDENT pro tempore. The report will be accepted and printed in the RECORD, as requested by the Senator, and will lie upon the table, also.

Mr. NYE. Mr. President, if my motion did not carry the request, I desire now to make the request that the main report be printed in the RECORD also.

The PRESIDENT pro tempore. That will be so ordered; but the Chair understood that the Senator wished to have it read later, in which event it would go into the RECORD automatically. However, the order to have the report printed in the RECORD will be made now.

The reports are as follows:

[Senate Report, No. 1870, Seventy-first Congress, third session]

SENATORIAL CAMPAIGN EXPENDITURES, 1930, PENNSYLVANIA

Mr. NYE, from the Select Committee on Senatorial Campaign Expenditures, submitted the following report (pursuant to S. Res. 215):

The Select Committee on Senatorial Campaign Expenditures, 1930, appointed pursuant to Senate Resolution 215, submits the following report on the senatorial primary and general election in the State of Pennsylvania for the year 1930:

The following expenditures in the primary election of 1930 in the State of Pennsylvania were reported to or ascertained by the committee as made by or on behalf of the various senatorial candidates or the tickets headed by them:

Davis-Brown ticket (headed by James J. Davis)	$622,926.39
Joseph R. Grundy	420,701.03
Bohlen-Phillips ticket (headed by Francis H. Bohlen)	167,393.78
Webster Garfield Drew	675.60

Of the amount set forth above, which was expended by or on behalf of Senator JAMES J. DAVIS, the following Davis-Brown committees expended the following amounts:

Davis-Brown (Vauclain) committee	$314,748.58
Davis-Brown (Bleakly) western Pennsylvania committee	117,425.88
Citizens Davis-Brown (Quigley) committee of Philadelphia	59,037.41

On June 2, 1930, Samuel R. Vauclain, treasurer of the Davis-Brown committee, appeared before your committee and personally made a report for his committee, which showed a total expenditure of $129,693.33.

The following differences may be pointed out between his report to the committee and the report filed subsequently by him with the secretary of the Commonwealth:

Total amount reported by Davis-Brown (Vauclain) committee to the Senate committee, at its hearing June 2, 1930	$129,693.33

of which amount $39,897 was disbursed to the chairmen of the various county committees. No unpaid debts were reported at that time nor any intimation given that there were unpaid debts, and it may be inferred from Mr. Vauclain's testimony that this was a full and complete accounting for his committee. However, later he filed a report within the time required by law with the secretary of the Commonwealth at Harrisburg, which showed a total expenditure of $196,905.42, and in addition thereto enumerated unpaid obligations of $117,843.16, making a total of $314,748.58, which amount is $185,055.25 in excess of the amount he reported on June 2 to the Senate committee. Of this additional amount revealed by his report $65,792 was expended and disbursed by the committee from funds received but which were not turned over to the treasurer as provided by the Pennsylvania statute, but for which receipts are in the hands of the treasurer, and of this latter amount $51,376 was disbursed to the chairmen or treasurers of the Republican League, the Upper Darby committee, and 18 county committees.

In order to ascertain the total amount expended on behalf of the Davis-Brown ticket in the primary and the expenditures that may have been made by or on behalf of Senator DAVIS in the general election, the committee found it necessary to assemble the reports of the various county committees from each of the 67 counties of Pennsylvania through which a large proportion of the money used in these campaigns was actually expended.

In view of the failure of some 50 county committees in the primary and general elections to file their reports with the secretary of the Commonwealth at Harrisburg, it was necessary for your committee to send its investigators into these counties to secure these reports.

Summarizing the evidence thus revealed by the investigations of your committee it appears that a total of $622,928.39 was expended on behalf of the ticket headed by Senator JAMES J. DAVIS in the primary election.

To recapitiulate the amounts which make up this total, the following statement is submitted:

Vauclain complete supplementary report shows expenditures for Davis-Brown committee	$196,905.42
Debts of Vauclain Davis-Brown committee	117,843.16
Total amount expended by Davis-Brown Bleakly western Pennsylvania committee	117,425.88
Amounts expended by counties from other sources than Vauclain or Bleakly committees	95,429.39
Unpaid obligations by counties	7,650.47
Amount contributed to Philadelphia wards by Quigley citizens' Davis-Brown committee	32,300.00
Reports filed by ward committees reveal expenditures in excess of amount contributed by citizens' Davis-Brown committee	12,095.63
Other items of expenditures of citizens' Davis-Brown committee	26,737.41
Senator James J. Davis personal campaign expenditures	12,426.45
Gift to Senator James J. Davis of one full-page advertisement by A. D. Lasker	1,890.00
Brown-Davis lawyers' committee, seventh ward, Philadelphia, contribution from Warren C. Graham	249.36
Republican borough organization, McKees Rocks	513.74
Independent committee of tenth legislative district, Wilkinsburg	1,411.48
Unpaid obligations shown by various ward committees	50.00
Total	622,928.39

(Of this total a $5,000 contribution to Lancaster County by the so-called Vauclain Davis-Brown committee is in doubt.)

GENERAL ELECTION

The following expenditures were reported to or ascertained by your committee as having been made by or on behalf of the tickets headed by the Republican and Democratic candidates in the general election of 1930:

James J. Davis	$494,720.90
Sedgwick Kistler	103,801.87

Summarizing the evidence revealed by the investigation of your committee, it appears that a total of $494,720.90 was expended on behalf of the Republican ticket headed by Senator JAMES J. DAVIS in the general election.

To recapitulate the amounts which make up this total, the following statement is submitted:

Republican central campaign committee, Philadelphia, Pa	$113,631.14
Reports filed by ward committees revealed expenditures in excess of contributions by Republican central campaign committee	24,708.21
Wilkes-Barre (city) committee	540.00
Scranton (city) committee	2,456.70
Bethlehem (city) committee	2,811.15
Easton (city) committee	4,657.00
McKeesport Republican executive committee	1,247.60
Personal expenditures by Senator James J. Davis	4,063.49
Expenditures by Republican State campaign committee	190,616.14
Amounts expended by county committees in excess of amount contributed by Republican State committee	141,158.56
Unpaid debts of county and city committees	7,626.38
Deficit, county and city committees	1,204.53
Making a total of	494,720.90

Thus in the primary and general election a total of $1,117,649.29 is revealed as having been expended on behalf of the Davis-Brown ticket in the primary and the Republican ticket in the election.

Your committee is impressed by the size of these aggregate expenditures even when due regard is given to the area and population of the State of Pennsylvania. It regards the expenditure of $622,000 as excessive and inimical to the public interest, whether such sum is expended on behalf of one candidate or a group of candidates in any primary election. Such a condition can not be permitted to continue unchallenged without the most serious consequences to the Nation.

Your committee in this connection feels it proper to recall the language used by the Senate upon a former occasion in the condemnation of the expenditure of $195,000 on behalf of a candidate in a primary election:

"That whether the amount expended in this primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

"The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved."

It is proper also to record the fact that similar language was upon a later occasion adopted by the Senate in condemnation of the expenditure of $785,000 in behalf of the Vare-Beidleman ticket in the Pennsylvania primary of 1926 as follows:

"*Resolved*, That the expenditure of such a large sum of money to secure the nomination of the said William S. Vare as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free Government."

The conviction that such expenditures as were referred to in these respective Senate resolutions and such expenditures as were made in the Pennsylvania campaign of 1930 are excessive and inviting of serious consequences is strengthened because the record shows that a large proportion of such immense sum was expended for the employment of "watchers" and "messengers." The use of this so-called "watcher and worker" system in the conduct of election campaigns was thoroughly investigated and severely condemned by the Senate committee which conducted the investigation of the election of William S. Vare. While the evidence before this committee does not permit a complete statement of the total amount expended for watchers and messengers in the election of 1930, the following facts appearing upon the record or in sworn reports filed with the secretary of the Commonwealth and in the offices of the various prothonotaries and clerks of the court of quarter sessions are sufficient to establish the large proportion of the total represented by this class of expenditure.

Analysis of 33 reports filed by the treasurers of county committees with the secretary of the Commonwealth shows a total expenditure of $139,477.84. Of this amount there was expended for watchers, messengers, and transportation of voters to the polls $98,263.11, which is 70.4 per cent of the total amount expended by these committees for election purposes.

That this vicious system still continues unabated and that it played a large part in the Pennsylvania election of 1930, it is necessary only to quote from the large mass of testimony upon this point received by your committee, the following statement by James A. Walker, former secretary of the Commonwealth of Pennsylvania:

"The CHAIRMAN. Now, tell me this. I think it might be generally assumed that watchers are engaged to watch election board officials. Is this true?

"Mr. WALKER. That is what the law puts them there for.

"The CHAIRMAN. Well, is that what they are engaged for?

"Mr. WALKER. Not primarily.

"The CHAIRMAN. What do they do?

"Mr. WALKER. Get votes.

"The CHAIRMAN. Those that do anything at all, I am referring to now.

"Mr. WALKER. Certainly. Mr. Chairman, might I explain?

"When I came into politics in Philadelphia, in Pennsylvania, it was in the old thirtieth ward, which is a down-town ward just north of Washington Avenue. Now, that was when Israel Durham, as leader of the city, and Boies Penrose was the commander of the State, and I was taught in that school. A watcher was chosen primarily because he had enough influence with a certain number of voters to guide and direct them into voting for the ticket which they thought appointed the watchers. So that if a man was, as we would say, good for 10 votes, or if he came from a house where there was a group of—of course I am going back to prior to the nineteenth amendment—where there was a group of men, and he had influence with those men, it was worth something to get his good will and have him get those men out and vote your ticket. On the other hand, where you found a man identified by marriage or blood relationship with a number of people in a division, in a precinct or district, he was a good man to have around, because he may get 20 or 30 votes for you, get them all to thinking the way he did, hence he was appointed a watcher. The case of watching the ballots meant nothing. That was not the deal at all.

"Mr. DAVIES. Really a worker?

"Mr. WALKER. He was a worker.

"Mr. DAVIES. Hired worker?

"Mr. WALKER. And he was paid for working. That is what it ment. If a division leader was wise, he wouldn't take a watcher that was not good for at least 10 votes. Didn't he get $10?

"The CHAIRMAN. Did you have anything to ask the witness?

"Mr. DAVIES. Yes, sir. Of course, I didn't have the benefit of the schooling that you have had. I came from the country.

"Mr. WALKER. Well, Penrose was chief up State.

"Mr. DAVIES. But in the country, even for election for county offices, county prosecutors, judge, and the rest of them, it is generally usual for both sides and both parties to have workers at the polls who keep lists of voters and would see to it that the men who were favorable to their particular candidates be brought to the polls.

"Mr. WALKER. May I ask, Mr. Davies, what county you come from?

"Mr. DAVIES. I come from the West. I don't come from Pennsylvania. But what I am getting at is this: There is no necessary imputation of corruption or fraud by the hiring of workers at the polls.

"Mr. WALKER. I don't think so; don't think so yet; part of organization.

"Mr. DAVIES. Exactly. Workers might be freely employed.

"Mr. WALKER. We do the same thing in lodges and in different ways. We get our friends busy for our candidates.

"Mr. DAVIES. I don't know whether you agree with me or not, Mr. Walker, but I would like to get your expression on this. It does not necessarily follow that because a candidate, for instance, has watchers in Pennsylvania, that he is buying votes at a dollar each.

"Mr. WALKER. No; it doesn't necessarily follow. Of course, some of them are a great deal cheaper.

"Mr. DAVIES. I don't believe you will admit that constitutes fraud, then, even in Pennsylvania. In other words, there is a perfectly legitimate function for workers to perform without buying votes?

"Mr. WALKER. Certainly. You can give some of them a cigar."

As regards the contention that Senator JAMES J. DAVIS is chargeable with only a small percentage of the total expenditures made on behalf of the so-called Davis-Brown ticket, your committee feels that it is not called upon to attempt the impossible task of determining the amount of expenditures to be allocated to each individual candidate. In any event your committee does not regard it as material whether an excessive expenditure is made on behalf of a single candidate or a ticket comprising numerous candidates.

In the supplemental reports members of the committee set forth and discuss the evidence received by your committee bearing upon the questions of how expenditures were made on behalf of Senator DAVIS and how far he was personally or constructively responsible for such expenditures. This discussion is not included in this report, however, because in the view of a majority it is not material to the principal point at issue.

Unless the expenditure of more than $600,000 in the primary on behalf of the ticket headed by Senator DAVIS can be construed as in itself constituting corruption, in fairness to Senator DAVIS as well as the other candidates in the Pennsylvania senatorial election, your committee desires to state that the evidence heard by it does not disclose any corruption for which he may be held personally responsible, nor has anything been revealed in the testimony before this committee relating to the conduct of the Pennsylvania senatorial campaign reflecting upon the honor and integrity of Senator DAVIS or any other senatorial candidate.

Your committee will in due course present recommendations for legislation designed to curb or prevent such undesirable features as have been disclosed in the course of its investigation. Such recommendations must necessarily be made from a national viewpoint and must be based upon and await a mature consideration of the evidence collected by this committee in all the States to which its investigation extended. Such recommendations will, however, be made by your committee in its general report.

GERALD P. NYE,
Chairman.
PORTER H. DALE.
C. C. DILL.
ROBERT F. WAGNER.

SUPPLEMENTAL REPORT

As has been shown in some detail in the report of the committee, there was expended in the primary campaign in Pennsylvania a total of $622,928.39 on behalf of the Davis-Brown ticket. The organizations which collected and expended this money carried on the customary campaign in behalf of the entire ticket. There appears to be no dispute regarding either the amount of the expenditure or the general purposes for which it was used.

There is contention, however, over the fairness of charging any material part of this aggregate expenditure to Senator DAVIS. Testimony taken by the committee reveals the serious attempts to prove a lack of close relationship between Senator DAVIS and the Davis-Brown campaign leaders and to establish further that there was no real need for large expenditures in his behalf. This supplemental report is presented for the purpose of making available to the Senate certain facts bearing upon this contention which were developed in the course of the hearings.

NEED FOR EXPENDITURES

The vote cast in the primary election is the best evidence to indicate the need for activity and expenditures by and for candidates. The official tabulation shows that the 1,504,241 votes cast in the Republican primary in 1930 were distributed as follows:

James J. Davis	733,108
Joseph R. Grundy	493,191
Francis H. Bohlen	249,408
Webster Garfield Drew	28,484

Senator DAVIS received, therefore, a plurality, but not a majority, of the total vote cast. He had 38,000 votes less than his combined opponents, receiving only 44 per cent of the total votes as compared with 56 per cent for his combined opponents.

The distribution of the vote throughout the State is impressive. A study of the results of the Pennsylvania primary, county by county, reveals that of the 67 counties in the State, DAVIS carried 19, Bohlen 1, and Grundy 47. In other words, Senator DAVIS carried less than one-third of the counties throughout the State. His margin of victory in 6 of the 19 counties carried by him was less than 1,000 votes.

The main strength of Senator DAVIS was shown in Philadelphia County, where he received 245,751 votes, Bohlen 108,812, Grundy 60,525, and in Allegheny County, where DAVIS received 141,144, Grundy 46,389, and Bohlen, 37,553.

CHARACTER OF OPPOSITION

The character of the opposition encountered by Senator DAVIS in the primary is perhaps best described by the following extract from his own testimony before the committee:

"The simple fact is that I was a candidate for the Republican nomination for the Senate from the State of Pennsylvania in opposition to Senator Joseph R. Grundy, one of the most powerful political and financial figures in the State of Pennsylvania, and identified for 20 years last past as the political agent for the most powerful financial interests, the influence of which has been felt not only in Pennsylvania but throughout the Nation."

The record shows that in addition to the advantages above referred to Mr. Grundy waged a vigorous campaign at an expense of $420,701. This sum was expended solely on behalf of Mr. Grundy's campaign, as he was not definitely identified with any State ticket. More than half of this money was expended for literature, advertising, radio, and other similar purposes, and only a relatively small proportion, on the basis of Pennsylvania standards, was expended for "watchers" and other election-day expenses.

IMPORTANCE OF PHILADELPHIA ORGANIZATION

A study of the testimony heard by the committee, as well as an analysis of the figures which have been presented above, leads to the conclusion that the greatest asset of Senator DAVIS in the primary campaign was the backing of the great political machines in Philadelphia and Pittsburgh, particularly the Philadelphia organization headed by William S. Vare.

As evidence of the power of the Philadelphia organization, the testimony of Gen. Edward Martin, chairman of the Republican State committee, is most impressive. He declared, in response to a question from the committee:

"If they had indorsed Senator Grundy, Senator Grundy would have carried Philadelphia by an enormous vote."

Later, in explanation of the source of power of this political machine, he added:

"The great Philadelphia organization, as I told you a moment ago, gets results from the service it performs for its people, and when those men indorse a certain candidate the voters in Philadelphia have confidence in those candidates and support them."

The significance of General Martin's testimony that Mr. Grundy would have carried Philadelphia by an enormous vote if he had had the support of that organization will be realized when it is seen that if the results in that one city had been reversed Grundy would have won the primary nomination by a plurality of 130,000 votes.

The testimony also appears to indicate that, at least during a considerable period, it seemed probable that Mr. Grundy, rather than Mr. DAVIS, would receive the support of the so-called Vare organization. Upon this point the testimony of Mr. James A. Walker, former secretary of the Commonwealth of Pennsylvania and a close friend and political associate of Mr. Grundy, may be quoted:

"I recall that immediately after the appointment (of Mr. Grundy to the United States Senate) there was a great dinner given in the Manufacturers' Club in Philadelphia in honor of Mr. Grundy. At that dinner the mayor of Philadelphia, Mr. Mackey, spoke most highly and most forcefully of Mr. Grundy and his attainments. One of the four spokesmen, in fact the spokesman for the organization of Philadelphia at that time, was Mr. Charles B. Hall, a leader of the seventh ward, a member of the council. Mr. Hall wrote a very, very fine letter, which was put in the newspapers, indorsing Mr. Grundy. And so it went along until shortly before the primary, when, because of a disagreement between Mr. Grundy and the city leaders as to who should be candidate for governor, there was a break.

"Thereupon Mr. Grundy decided that he would run alone, that he would not be a part of any ticket, and I joined with those who advocated him wherever possible throughout our section of the State, and from the time the primary campaign started until it finished it was a hard fight, and it might be considered a hard fight for this reason, that there is not anybody in political life in Pennsylvania that does not know that Mr. Grundy is a hard fighter. When he puts his hand to a thing he fights for it and fights extremely hard."

The record of this committee also shows clearly that Mr. DAVIS did not announce his candidacy until after he had conferred with William S. Vare and had received assurance that he would have the support of the Philadelphia organization. This is plainly stated in the testimony of Senator DAVIS:

"Senator WAGNER. Mr. Secretary, you were supported by what is known as the Vare machine, weren't you, or organization?

"Mr. DAVIS. I don't know what you call it. I know it by the Republican organization of Philadelphia.

"Senator WAGNER. You never heard of it as the Vare machine?

"Mr. DAVIS. I have heard it referred to at times as the Vare organization.

"Senator WAGNER. There is no doubt in your mind that Mr. Vare and his organization, that we have heard a good deal about heretofore, was in your corner, supporting you?

"Mr. DAVIS. The Republican organization of Philadelphia supported me; yes, sir.

"Senator WAGNER. Has Mr. Vare anything to say in relation to who they will support?

"Mr. DAVIS. Well, I can't tell you that.

"Senator WAGNER. You have no knowledge of that at all?

"Mr. DAVIS. I talked with Mr. Vare and he said that he would support me.

"Mr. CHAIRMAN. Was this prior to your announcement?

"Mr. DAVIS. I think so. Yes; I talked with him and asked him whether or not he was going to be a candidate, and when he said he was not to be a candidate, then I announced myself as a candidate.

"Senator WAGNER. Did you know at the time you announced you would have the support of the Republican organization of the city of Philadelphia?

"Mr. DAVIS. Yes; I think so.

"Senator WAGNER. You did know?

"Mr. DAVIS. Yes."

RELATION TO CAMPAIGN COMMITTEE

With reference to the question of the relation of Senator DAVIS to the campaign committees which handled expenditures on behalf of the Davis-Brown ticket, the following extract from the testimony of Senator DAVIS may be quoted:

"Senator DILL. But you ran as the Davis-Brown ticket?

"Mr. DAVIS. Yes.

"Senator DILL. So that there wasn't any segregation of funds, I take it?

"Mr. DAVIS. I think you will find they will be able to give you a very good accounting of what the money was used for.

"Senator DILL. What I am trying to get is whether you, either by tacit agreement or by express directions, approved of what they did and were doing?

"Mr. DAVIS. Well, I didn't have any agreement or tacit understanding with them about anything. They just carried on their campaign.

"Senator DILL. Do you take responsibility for what was done—and I have no knowledge now of what was done——

"Mr. DAVIS. Well, I wouldn't want to assume responsibility for anything that I knew nothing about.

"Senator DILL. I know, Mr. DAVIS, but this is your campaign. You are getting the votes here to be nominated.

"Mr. DAVIS. I suppose that more or less I would have to go along and take my share of the responsibility, whatever it is.

"Senator DILL. You consented to their acting in behalf of the Davis-Brown ticket?

"Mr. DAVIS. I consented to the chairman representing me; yes, sir."

In this connection it is proper to note the later statement of Senator DAVIS, which appears upon the record of this committee, as follows:

"In Pennsylvania, with a population of 10,000,000, with nearly 4,000,000 voters in the State, a wide contest in 67 counties, there was involved the candidacy of nearly 20,000 candidates for the office of Senator, governor, judge, legislator, State, city, county committeemen, and upon which was dependent the control of the Republican organization. Of course, such an expenditure or such a contest resulted in the expenditure of quite a sum of money, but it is utterly unjust to charge me with the responsibility for the expenditure of such a sum."

It is proper to state that, so far as the committee is concerned, no attempt was made at any time to charge Senator DAVIS with the expenditures on behalf of the 20,000 candidates to whom he refers. It may be noted, howeved, that a tabulation was submitted in evidence which shows that the local candidates of Westmoreland County, Pa., reported an average expenditure of $321. If it is fair to assume that such an average would prevail throughout the State as applied to the alleged 20,000 candidates, then a total expenditure of more than $6,000,000 would result.

NO SEGREGATION OF EXPENDITURES

The testimony before the committee indicates that the $622,000 expended in the Pennsylvania primary of 1930 was directed to securing the election of the Davis-Brown ticket as a unit and that no substantial difference in the amount of this expenditure would have occurred if there had been only one candidate or if the number had been even larger.

The most conclusive testimony upon this point was that of William R. Douglas, who was actively engaged in the solicitation and disbursement of funds for the State Davis-Brown committee, of which Samuel R. Vauclain was treasurer:

"The CHAIRMAN. Supposing the only individuals upon your ticket were the candidates for governor and for State officers, how much less would the expenditure have been?

"Mr. DOUGLAS. Not 1 cent less.

"The CHAIRMAN. You are arguing, then, that the expenditures would have been as great with Mr. DAVIS off of the ticket?

"Mr. DOUGLAS. Absolutely.

"The CHAIRMAN. As they were with him on the ticket?

"Mr. DOUGLAS. Absolutely.

"The CHAIRMAN. Now, supposing Mr. DAVIS had been the only candidate on your ticket, what would the expenditures have been then?

"Mr. DOUGLAS. In a contest?

"The CHAIRMAN. Yes.

"Mr. DOUGLAS. In a similar contest they would possibly be the same thing. It is just the cost of conducting election machinery in the State."

Samuel R. Vauclain, treasurer of the Davis-Brown campaign committee and one of the leading business men of Pennsylvania, was equally definite in his testimony regarding the impossibility of segregating the amount expended on behalf of any one candidate, as shown by the following extract from his testimony:

"Senator DILL. Mr. Vauclain, you spent this money for whom—in whose interest?

"Mr. VAUCLAIN. I spent that money in the interest of the Davis-Brown campaign committee. The money was theirs. I was merely the treasurer.

"Senator DILL. Did this money pay for the candidates separately or as a combined ticket, their advertising and campaigning?

"Mr. VAUCLAIN. The combined ticket.

"Senator DILL. The combined ticket?

"Mr. VAUCLAIN. The combined ticket. I think I had two letters, one for $2,500 and one for $100, to be spent exclusively for Mr. Brown, and I so notified the committee and the committee replied that that money would be so expended.

"Senator DILL. Your advertisements that you ran in the papers, were they run advertisements for DAVIS and Brown, or were they run for DAVIS individually and Brown individually?

"Mr. VAUCLAIN. I could not answer that question. I did not arrange for the advertisements.

"Senator DILL. There is no way of segregating this fund and saying part of it was spent for one candidate and part for the other?

"Mr. VAUCLAIN. Only so far as the $2,600 is concerned."

Apart from the general testimony bearing upon this point, attention may also be directed to the following extract from the large mass of detailed evidence appearing in the record of the committee relating to the expenditures which appear to be directly chargeable to Senator DAVIS. Samuel L. McFetridge, head of a large printing establishment, testified that of the total bill of $74,806 rendered by his firm $24,656.45 was properly chargeable as Senator DAVIS's share of the total. He later modified this by stating that $2,062.50 was charged for printing 150,000 copies of the biography of Senator DAVIS which were sent to Illinois for distribution at a Moose convention and that he did not consider that this latter amount should properly be charged to Senator DAVIS's campaign expenditures in Pennsylvania. The total amount, however, was included among the unpaid obligations of the so-called Vauclain committee.

In addition, therefore, to the fact stated in the report of the committee that the excessive amount of $622,000 was expended in the Pennsylvania primary of 1930 on behalf of the Davis-Brown ticket, the record appears to show that there was a serious contest in the primary and that the expenditures on behalf of the Davis-Brown ticket were for the benefit of Senator DAVIS as much as any other candidate.

APPENDIX

The following tabulation of the votes cast at the primary election held May 20, 1930, for the office of United States Senator was compiled by the secretary of the Commonwealth of Pennsylvania and appears in the record of the hearings of the committee on page 470:

Counties	Republican				Democratic	
	Joseph R. Grundy	Webster Garfield Drew	James J. Davis	Francis H. Bohlen	Sedgwick Kistler	Scattering
Adams	2,730	50	724	77	1,194	1
Allegheny	46,389	3,289	141,144	37,553	4,625	651
Armstrong	4,748	324	4,479	706	790	62
Beaver	5,099	357	9,692	2,564	684	83
Bedford	3,257	229	2,126	129	896	6
Berks	6,220	163	4,142	2,144	6,092	26
Blair	6,691	485	9,210	2,180	1,408	
Bradford	5,393	455	3,931	410	367	50
Bucks	10,548	108	2,632	1,241	937	18
Butler	3,644	596	4,390	1,739	827	7
Cambria	10,636	641	7,641	3,188	2,912	
Cameron	445	56	230	68	96	4
Carbon	2,622	102	4,652	412	2,350	
Center	3,917	327	2,459	290	1,242	2
Chester	12,196	351	9,276	2,188	979	
Clarion	2,165	202	2,246	118	1,274	
Clearfield	5,280	572	4,275	513	1,725	28
Clinton	1,882	181	2,116	235	884	11
Columbia	2,589	112	1,707	191	2,256	21
Crawford	4,653	123	2,673	1,445	753	33
Cumberland	6,396	424	3,449	361	1,800	
Dauphin	11,087	1,124	22,443	1,449	1,344	
Delaware	32,047	794	18,839	14,137	1,010	70
Elk	3,516	140	1,086	420	1,128	
Erie	5,449	376	7,602	8,795	980	187
Fayette	4,497	691	12,845	1,530	3,124	
Forest	450	23	229	17	83	6
Franklin	4,207	240	1,492	336	1,042	17
Fulton	723	17	83	14	282	1
Greene	1,233	85	994	140	1,932	
Huntingdon	4,248	184	2,133	207	493	
Indiana	5,330	409	5,141	533	558	49
Jefferson	3,772	332	4,468	359	716	42
Juniata	1,472	46	385	21	414	
Lackawanna	22,183	1,738	27,557	7,349	5,495	
Lancaster	14,845	240	5,911	3,191	1,120	
Lawrence	5,632	232	5,029	2,386	309	63
Lebanon	3,401	182	2,675	1,551	521	
Lehigh	3,176	131	3,570	1,664	2,647	23
Luzerne	27,942	1,233	24,573	5,785	8,988	281
Lycoming	5,585	352	2,973	775	1,892	
McKean	2,935	914	1,650	1,027	651	36
Mercer	3,128	325	5,816	1,763	738	69
Mifflin	3,730	77	1,407	101	800	51
Monroe	1,112	18	359	69	1,447	8
Montgomery	19,218	379	10,729	10,674	1,903	
Montour	840	20	719	36	454	5
Northampton	5,035	121	4,059	1,241	6,284	
Northumberland	7,097	578	9,486	1,752	3,786	
Perry	2,286	141	1,421	128	490	4
Philadelphia	60,525	3,676	245,751	108,812	19,070	247
Pike	581	46	494	25	332	3
Potter	1,273	150	954	88	216	
Schuylkill	11,612	706	20,002	4,263	4,069	
Snyder	1,910	141	940	105	330	18
Somerset	4,263	376	4,853	973	585	34
Sullivan	729	35	268	50	145	3
Susquehanna	3,091	245	1,687	135	559	21
Tioga	3,879	280	1,824	162	182	18
Union	2,162	101	899	146	321	
Venango	5,065	270	4,388	771	234	48
Warren	3,882	301	2,396	678	254	28
Washington	9,104	554	11,865	2,371	1,645	116
Wayne	3,514	208	1,454	238	483	
Westmoreland	15,031	1,026	23,046	4,606	3,994	511
Wyoming	2,453	183	884	161	685	28
York	9,851	267	2,472	562	5,828	35
Total	493,191	28,484	733,108	249,408	122,654	3,025

Scattering, Republican votes, 50; other votes, no party, 152.

SEPARATE REPORT

A careful analysis of the testimony relating to expenditures in the senatorial campaign in the State of Pennsylvania will disclose that there is no evidence before the committee which reflected in any manner upon the personal integrity or honesty of Senator DAVIS in private or public life, or in his conduct in either the primary or general election. The foregoing statement is substantially the same as that used in the concluding paragraph of the original committee draft of its report to the Senate, but was changed without the holding of further hearings or the development of any new facts. There can be no question but what the fact is indisputably established that Senator DAVIS was duly chosen and elected by the people of the State of Pennsylvania to the Senate of the United States. The plurality for Senator DAVIS in the primary was 239,917—in the general election, 938,848.

The only question which might be raised is one of constructive responsibility on the theory that Senator DAVIS should be held for all expenditures made on behalf of the ticket in the Republican primary made up of seven candidates, the titular head of which was the candidate for the Senate of the United States.

There was no evidence before the committee of any corrupt practice or excessive expenditure that could properly be charged to Senator DAVIS, either in the primary or the general election.

The facts are briefly the following:

In a bitter contest for control of the Republican Party organization in Pennsylvania, the Brown-Davis-Shannon-Dewey-Maxey-Linn-Drew ticket, through their committees, spent $622,938.39. The contest in the primary in the State of Pennsylvania centered around the governorship. The race for the Republican nomination for United States Senator was secondary to that contest. In support of this position, witness the examination by Senator NYE of Senator Grundy, one of the defeated candidates for the Republican nomination for United States Senator, found on page 30 of part 1 of the Pennsylvania hearings, by the committee:

"The CHAIRMAN. In the campaign in which you were a candidate for Senator—I think you could speak in an unprejudiced manner respecting it—what was the main issue in the campaign? Was it the primary of a Senator or the nomination of a governor?

"Senator GRUNDY. Well, you ask for my opinion?

"The CHAIRMAN. Yes. What was generally considered the most important?

"Senator GRUNDY. Well, you are asking me my personal opinion?

"The CHAIRMAN. Just so, Senator.

"Senator GRUNDY. The election of a governor overshadowed everything else in the campaign.

"The CHAIRMAN. I gathered as much from our independent studies of it."

The foregoing conclusions of former Senator GRUNDY and Senator NYE are strongly corroborated by many witnesses who appeared before the committee and who were active in the primary campaign in Pennsylvania.

Senator DAVIS filed a statement of contributions and personal expenditures as follows: $10,541.45, and in addition thereto certain contributions which were given by friends to the Allegheny County Republican Committee or paid by the donors for advertising and circular letters. These committee receipts and expenditures were made, listed, and filed with the proper officers of the State of Pennsylvania, under and pursuant to State statutes, which permitted the expenditures of such sums for the purposes enumerated. They were expenditures lawfully made under the law of Pennsylvania.

Mr. Samuel Vauclain, treasurer of the Brown-Davis committee, appeared before the committee shortly after the primary and made a preliminary report as of May 29 of the receipts and expenditures of his committee. Subsequent thereto, on June 18, and within the time prescribed by the statutes of the State, Mr. Vauclain filed a complete report with the proper officials of the State of Pennsylvania.

There is nothing in the record that would indicate any interest on the part of Mr. Vauclain or any members of the committee to conceal or hold back any of this information.

It should also be stated to the Senate that the committee has received every cooperation and aid that was possible from Senator DAVIS in the matter of these investigations through himself, through his counsel, and through witnesses whom he summoned.

There appeared before the committee certain witnesses who had been in charge of disbursements and expenditures in behalf of the Brown-Davis-Shannon-Dewey-Maxey-Linn-Drew committees functioning throughout the State of Pennsylvania. These witnesses knew the purpose for which the money was spent, and they all testified to facts which established that not more than from 3 to 10 per cent of the total expenditures was made by said committees for or in behalf of Senator DAVIS. No witnesses were called before the committee who testified to the contrary, nor is there any other testimony in the record from which any other conclusion can be drawn.

Much testimony was presented to the committee through its investigators appertaining to "watchers" employed by committees on election day. In this connection it should be observed that express provision is made by the statutes of Pennsylvania for such disbursements and that such expenditures are lawful.

The law of Pennsylvania provides that each candidate is entitled to two watchers at each voting precinct to be paid at the rate per day of $5 in the country districts and $10 in the city districts. The statutes place no limitation upon the amount that may be expended but simply prescribe the purposes to which the primary or election expenditures may be applied.

In conclusion, there was no evidence of frauds, irregularities, corrupt practices, or undue expenditures in the general election. The record as to the primary is conclusive, that there were no election irregularities chargeable to Senator DAVIS, or such as may have had an appreciable effect upon the results; that the total personal expenditures of Senator DAVIS were in the relatively small sums as hereinbefore set forth, and were in no manner a violation of the corrupt practices act of the State of Pennsylvania.

The record establishes the fact that Senator DAVIS was lawfully chosen and elected a Senator of the State of Pennsylvania; nor has any evidence been offered which could in any manner adversely affect the qualifications of Senator DAVIS as a Member of the Senate of the United States.

ROSCOE C. PATTERSON.

Mr. REED subsequently said: Mr. President, I send to the desk and ask unanimous consent to have printed in the RECORD three letters passing between the Senator from North Dakota [Mr. NYE], chairman of the Select Committee

on Campaign Expenditures, and the attorneys for Senator DAVIS, together with a memorandum brief filed by counsel for Senator DAVIS with the Select Committee when it was engaged in the preparation of its report. I ask to have this brief and these letters printed after the printing of the report of the Senator from Missouri [Mr. PATTERSON] in the CONGRESSIONAL RECORD of to-day.

The VICE PRESIDENT. Without objection, the request will be granted.

The matter referred to is as follows:

MARCH 2, 1931.

Hon. GERALD P. NYE, *Chairman*
Select Committee on Campaign Expenditures,
Senate Office Building, Washington, D. C.

DEAR SENATOR NYE: In accordance with our understanding with you and pursuant to precedent in the investigation of senatorial campaign expenditures, we hand you herewith for the purpose of publication and filing with your report a memorandum brief in behalf of Senator JAMES J. DAVIS.

Very truly yours,

JOSEPH E. DAVIES.
CHAS. J. MARGIOTTI.
Counsel for Senator James J. Davis.

MARCH 2, 1931.

Messrs. JOSEPH E. DAVIES,
CHARLES J. MARGIOTTI,
Counsel for Senator James J. Davis,
Smith Building, Washington, D. C.

GENTLEMEN: The memorandum brief presented by you under cover of your letter of March 2, has been laid before the Select Committee on Senatorial Campaign Expenditures.

Your letter implies a misunderstanding which I think should be cleared up. While I did say to you that I would gladly lay any memorandum you might offer before the committee, I could not of course, speak for the committee and guarantee that such memorandum would be presented in its report.

The committee has considered the request and, in view of the fact that its report offers no challenge against the right of Senator DAVIS to retain his seat, finds no precedent for such action as your letter requests.

I am, therefore, returning the brief you enclosed for such disposition as you may care to make of it.

Very truly yours,

GERALD P. NYE.

WASHINGTON, D. C., *March 2, 1931.*

Hon. GERALD P. NYE,
Chairman Select Committee on Campaign Expenditures,
Senate Office Building, Washington, D. C.

DEAR SENATOR NYE: You are right when you say that it was our understanding that your promise to us to incorporate our memorandum brief for Senator DAVIS in the majority report of your committee was conditioned upon the approval of the committee.

We regret that the committee has not seen fit to acquiesce in the printing and publication of this memorandum brief in its formal report.

It is quite obvious that it is manifestly unfair that a printed document such as a report of your committee, which will be accessible to the political enemies of Senator DAVIS for political purposes, should contain only an ex parte statement against the Senator and should not contain in the same publication the facts of Senator DAVIS's side of the controversy.

Very respectfully yours,

JOSEPH E. DAVIES,
CHARLES J. MARGIOTTI,
Counsel for Senator James J. Davis.

MEMORANDUM BRIEF, FILED BY COUNSEL FOR SENATOR JAMES J. DAVIS

The facts developed by the hearings before the committee are briefly the following:

There is no evidence in the record which reflects adversely upon the personal integrity or honesty of Senator JAMES J. DAVIS in the conduct of either the primary or general election. This is admitted. The sole question which has been raised has been one of constructive responsibility, on the theory that Senator DAVIS should be held for all expenditures made on behalf of the State ticket, which he headed as candidate for the Senate in the primary election contest, which total expenditures amounted to approximately $620,000.

Under the law as it now stands by the decision of the Supreme Court of the United States in the Newberry case (256 U. S., p. 469) and until that decision is reversed, the constitutional prerogatives of the Senate of the United States do not extend to the control or regulation of primary elections. The power of the Senate would therefore appear to be confined under the Constitution to the general election. We first discuss herein the general election and then the primary.

THE GENERAL ELECTION

It is not alleged nor is it contended in the general election that there was fraud or corrupt practice which could be charged to Senator DAVIS, or to any campaign committees espousing his cause. It is conceded that the nomination was the equivalent to an election and that no expenditures were necessary, so far as the senatorship was concerned.

The sums expended in the general election, approximately $490,000, were made necessary by the bitter, hard-fought, and closely contested battle over the governorship, the contest being between the Hon. Gifford Pinchot, the Republican nominee, and the Hon. John Hemphill, the so-called Liberal-Democratic and wet candidate, and the fact is that the expenditures in the general election were made for the candidacy of Governor Pinchot almost wholly. This is admitted and supported by all testimony in the record.

Senator DAVIS carried the general election by 938,848; the candidate for governor carried the State by 56,670.

THE PRIMARY ELECTION

The facts appertaining to the primary election are as follows:

Senator Grundy admitted having contributed personally to the expenses of his own candidacy $291,000. The record establishes that approximately $588,000 was expended by the Grundy committees, with 24 counties still unreported. The Grundy committee's reports, together with the Pinchot reports, show an aggregate expenditure of $745,447, with approximately 31 out of the 67 counties unreported.

The record discloses that when Senator DAVIS announced his candidacy for the Senate, the campaign of the Hon. Francis Shunk Brown for the governorship was under way and had been in process of active organization for a year theretofore. This organization indorsed the candidacy of Senator DAVIS, and a full and complete State ticket was named to be submitted to the electorate in the primary, with the name of Senator DAVIS as a candidate for the Senate at the head of the ticket.

The following were the various State committees which functioned for the so-called Davis-Brown-Shannon-Dewey-Maxey-Linn-Drew ticket:

The Vauclain eastern Pennsylvania committee, the Bleakley western Pennsylvania committee, the Allegheny County committee, and the Quigley citizens' committee of Philadelphia. The above committees expended approximately $510,000. In addition to the foregoing, the Senate Select Committee procured reports from the county committees, showing that local county organizations devoted to the Davis-Brown-Shannon et al. ticket had collected and expended locally, in the interest of local candidates for various offices as well as the Davis-Brown-Shannon et al. ticket, approximately $99,000. It should be borne in mind that the county committees under the law could file their report either with the secretary of the Commonwealth or with the local clerk of courts.

The Davis-Brown-Shannon et al. State ticket, consisted of seven candidates as follows: United States Senator, Governor of Pennsylvania, lieutenant governor, secretary of internal affairs, justice of the supreme court, and two judges of the superior court.

The record establishes (there is no testimony to dispute the fact) that there were approximately 20,000 other candidacies throughout the State including candidates for Congress, for the State legislature, and for State, county, and precinct committeemen, all of which candidates were identified with the State ticket in this state-wide contest for the control of the party in Pennsylvania.

The record establishes conclusively, and the fact is not contraverted, that the only evidence which has been offered to the committee establishing what part of this $620,000 might possibly be charged as expended for Senator DAVIS was that which was produced by witnesses who appeared at the request of Senator DAVIS. These witnesses were responsible men who had direct charge of receipts and disbursements of these committees and who were in the best position to know what sum was required and what proportion thereof might be fairly charged as expended in the senatorial contest. The evidence stands uncontradicted that the sum expended which could possibly be charged to Senator DAVIS did not exceed $50,000. There is no evidence in the record to dispute this fact.

See testimony of William R. Douglas, of the Vauclain committee; State Senator Joseph C. Trainer, of the Quigley committee; W. W. Bleakley, of the Western Pennsylvania committee; Harry Olivery Perry, of the Allegheny County committee; Allen M. McLean, of Erie and Crawford Counties; Gen. Edward Martin, State Treasurer of Pennsylvania and chairman of the Republican State Committee; A. Boyd Hamilton, secretary of the senate of Pennsylvania, and assistant chairman of the Republican State Committee of Pennsylvania; Bernard J. Myers, State chairman, Davis-Brown committee; Hon. George W. Maxey, judge of the Supreme Court of Pennsylvania; Hon. J. Frank Graff, judge of the Superior Court of Pennsylvania; Hon. John H. McCann, judge of Court of Common Pleas of Cambria County; Hon. James B. Drew, judge of the Superior Court of Pennsylvania; Hon. John G. Whitmore, judge of the Superior Court of Pennsylvania; Hon. Benson Taylor, secretary of property and supplies of Pennsylvania; Rev. Ernest P. Pfatteicher, president Lutheran Ministerium of Pennsylvania; Msgr. John J. Curran, of Wilkes-Barre; Mrs. Hannah Durham, executive committeewoman of the Republican State Committee; Mrs. Worthington Scranton, committeewoman of the Republican National Committee; Hon. John A. Phillips, president of Pennsylvania Federation of Labor; Philip Murray, international vice president United Mine Workers of America; George B. Rowand, State chairman of the Brotherhood of Railroad Trainmen; Hon. Philip H. Dewey, secretary of Internal Affairs of Pennsylvania; Edward Petrillo, former Pennsylvania deputy attorney gen-

eral; William Grundish, Pittsburgh newspaper man, and others, many of whom were Grundy supporters.

Some witnesses testified that the total sum spent did not exceed 3 per cent; others that it did not exceed 10 per cent of the total sum. There is no evidence to show that any greater sum than $50,000 could fairly be charged in the primary election to Senator DAVIS, and there is a great deal of evidence to the effect that by reason of the extraordinary popular strength of Senator DAVIS there was need for practically no expenditure of money to assure his nomination. Senator DAVIS appeared before the committee and stated in part as follows:

"On May 26, 1930, and again on June 2, 1930, I appeared before this committee and gave to you, under oath, statement of my expenditures in my campaign for the Republican senatorial nomination in the State of Pennsylvania, and then furnished this committee with itemized statement showing that I had spent out of my personal funds the sum of $10,646.45, and that certain contributions from other sources in the sum of $9,100 had been turned over to the Allegheny County Republican Committee. That is all I had to do with financial matters connected with my campaign.

"I wish to restate emphatically that I have nothing to conceal, that I have not spent a dollar corruptly or contrary to law, nor collected any money other than that which was lawful and which I have reported as above.

"I was scrupulously careful in all matters having to do with expenditures or collection of money in my campaign. I charged everyone connected with me or any organization that was supporting me that my name must not be used in the collection of funds. I also admonished everyone with whom I came into contact that I would not stand for any improper, extravagant, or unlawful use of money.

"The simple fact is I was a candidate for the Republican nomination to the Senate from the State of Pennsylvania in opposition to Senator Joseph R. Grundy, one of the most powerful political and financial figures in the State of Pennsylvania and identified for 25 years last past as the political agent for the most powerful financial interests, the influence of which has been felt not only in Pennsylvania but throughout the Nation.

"In my political activities in Pennsylvania I was not identified with any group or faction, being more or less of a political orphan. In announcing my candidacy I appealed for the support from all people of the State regardless of faction. One of the very large political groups of the State saw fit to support me, and, of course, I was glad to receive it.

"I am sure this committee will not overlook the fact that my candidacy was indorsed by the miners, railroad men, carpenters, bricklayers, and every central labor council throughout the State, together with patriotic and other societies whose membership ran literally in hundreds of thousands. These men do not vote for money. Neither can their votes be purchased.

"In Pennsylvania, with a population of approximately 10,000,000 with nearly 4,000,000 voters, with a state-wide contest in 67 counties, there was involved the candidacies of nearly 20,000 candidates for office of Senator, governor, judge, legislator, State, city and county committeemen, and upon which was dependent the control of the Republican organization.

"Of course, such a contest resulted in the expenditure of a large sum of money, but it is utterly unjust to charge me with the responsibility for the expenditure of such a sum with which I had nothing to do."

It is also admitted that such slight evidence of irregularities as does appear, with reference to the primary election, is negligible, and that the irregularities, if any, did not affect such primary election and were no greater than those which occur frequently in great cities in and outside of Pennsylvania. Senator DAVIS carried the State against Senator Grundy, exclusive of the county of Philadelphia, by 54,691 and carried the State in its entirety by 239,917.

ISSUE IN THE PRIMARY ELECTION

It was stated by Senator Grundy before the committee as his opinion, and this was concurred in by Chairman NYE, that the principal contest in the primary was not over the senatorship but was over the governorship. The Chairman of the State Republican Committee, General Martin, also so testified. This view was asserted also by Judge Drew, of the Superior Court of Pennsylvania; Judge Maxey, of the Supreme Court of Pennsylvania; and by all other witnesses, many in number, called either by the committee or by Senator DAVIS, with the exception of James A. Walker, one of Grundy's chief lieutenants, called by the committee. It is interesting to note that as to the general election even Mr. Walker stated, "After the primary I think I am bound to say that Mr. DAVIS had a walk-over. If he spent more than $500 he was gypped." Substantially all witnesses testified that the expenses in the primary were principally incident to the contest over the governorship and should properly be applied to that contest and should not be charged to the candidate for the senatorial nomination.

The record establishes that the contest in the primary was bitter and in fact involved the control of the Republican Party of the State. This contest reached down into the smallest political subdivisions in the contests for State and county committeemen. By reason of laws recently passed it was stated the power of the governor had been greatly increased by reason thereof. There rested in his control appointments to 17,000 offices.

Representatives of the American Federation of Labor, of the United Mine Workers, of the Railway Brotherhoods, of leading organizations of women voters, of representatives of the World War veterans, also editors and political writers, clergymen of different denominations, judges, business men, representatives of prominent racial political organizations, and others all testified to the fact that the contest was over the governorship, and not the senatorship, and that Senator DAVIS had elements of popularity, by reason of his distinction as a member of the Cabinet of three Republican Presidents, as Secretary of Labor, and by reason of his contact with people of the State, through fraternal, religious, and labor organizations, which made him one of the most popular candidates for the Senate which Pennsylvania had known in her political life; and that it would be unfair and unjust to attempt to charge him with the responsibility for the total expenditures of the Davis-Brown-Shannon et al. ticket, because his strength was such that he needed no such expenditure, and that his candidacy was an additional asset that gave strength to the candidate for the governorship which was the real issue of the primary.

It has been urged that a large percentage of the expenditures of these committees consisted of payments made to watchers and messengers at the polls. In that connection, however, it should be noted that the statutes of Pennsylvania specifically provide for such disbursements as lawful disbursements. The Legislature of Pennsylvania in the exercise of its police power over its elections has decreed that such expenditures are proper and lawful.

It affirmatively appears that there were approximately from 20 to 30 candidates on each ballot; that there were approximately 8,500 election precincts in the State. The law of Pennsylvania provides that each candidate is entitled to two watchers, to be paid at the rate of $5 and not to exceed $10 per day.

It was therefore apparently within the contemplation of the legislature that in such a situation as the foregoing with 20 candidates in 8,500 precincts that a sum equal from one to two million dollars might properly have been expended by these candidates in the lawful disbursements of moneys, if required, for watchers alone.

In Senator DAVIS's campaign he scrupulously followed the law in all respects, and it was not shown that a single dollar was contributed by him, or in his behalf, in violation of any law, of either the Commonwealth of Pennsylvania or of the United States of America, or that any money was expended for or on account of Senator DAVIS in violation of the law or outside the sphere of legitimate campaigning.

The standard to determine what is, and what is not, legitimate expenses should be carefully pointed out and the line of demarcation correctly drawn and designated by law between what is sanctioned and what is forbidden.

The primary elections are exclusively within the sphere of the State law and by inquiry into the law of the State of Pennsylvania it will be found that the legislature of that State has laid down a guide in primary elections, the act of April 23, 1927 (P. L. 367) amending section 4 of the act of March 5, 1906 (P. L. 78) entitled "An act to regulate nomination and election expenses, etc." This statute places no regulations upon the amount that may be expended but simply limits the use to which the expenditures of money may be applied. The act provides as follows:

"No candidate, and no treasurer of any political committee, shall pay, give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

"First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public-messenger services.

"Second. For the rental of radio facilities.

"Third. For political meetings, demonstrations, and conventions, and for the pay and transportation of speakers.

"Fourth. For the rent, maintenance, and furnishing of offices.

"Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by the law, but no candidate or treasurer of any political committee shall pay to any watcher in any election district in a city compensation in excess of $10 per diem or to any watcher in any other election district compensation in excess of $5 per diem.

"Seventh. For the transportation of voters to and from the polls.

"Eighth. For legal expenses bona fide incurred in connection with any nomination or election."

From the entire record it is clear that these disbursements of approximately $620,000 were not unlawfully made, but in fact were made under the express provision of the law—political expenditures authorized by the law of the State.

It is a fact that in the Pepper campaign the expenditures per vote in the primaries for the Pepper-Fisher ticket was $3.50; the Vare-Beidleman expenditure per vote was $1.32; and the expenditure per vote of Mrs. Pinchot as candidate for Congress in the 1928 primary was $1.35 (see Reed Committee Report, Senate—Rept. 1858, p. 79). The total expenditure of the entire Davis-Brown-Shannon et al. ticket was less than 90 cents per vote, and the maximum total expenditure that could possibly be charged to Senator DAVIS was less than 7 cents per vote. The expenditure per vote of Governor Pinchot in the primary contest for governor, according to reported expenditures, was approximately 25 cents per vote.

LEGAL POSITION

The Senate derives its power in this situation by reason of section 5, article 1, of the Constitution of the United States which reads:

"Each House shall be the judge of the elections, returns, and qualifications of its own Members."

The Supreme Court of the United States has held that Congress has no constitutional power to regulate primary elections by Federal law (256 U. S. 232).

It should be affirmatively borne in mind that Senator DAVIS is at present a Member of the United States Senate with all the rights and privileges that accrue to him under the Constitution of the United States. That status can be changed under the Constitution of the United States only by certain definite methods.

First. The Senate might declare the seat vacant provided the Senate found that the Senator had not, in fact, been "duly chosen" as the Constitution provides by the electors of the State of Pennsylvania; by reason of the fact that the election had been vitiated by fraud or illegal practices connected therewith.

Second. The Senate might declare the seat to be vacant by reason of the fact that the sitting Senator did not have the qualifications prescribed by section 3 of article 1 of the Federal Constitution which provides that "No person shall be a Senator who shall not have attained the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

In this situation it is an admitted fact that there is no fraud or undue expenditures in the general election. It is affirmatively established that the expenditures made in the primary were all authorized by the laws of the State of Pennsylvania and were in no manner in violation of the corrupt practices act of that State. It is also admitted that the personal expenditures and receipts of Senator DAVIS as filed are correctly reported and are not excessive.

With reference to the qualifications of the Senator under the Constitution no objection has been raised and no contest has been filed.

In conclusion, therefore, it is respectfully submitted that the only question presented by the record in this case is whether Senator DAVIS can be constructively held to be responsible for the total expenditures of the committees for the state-wide Davis-Brown-Shannon et al. State ticket, of which he was the titular head.

For the Senate of the United States to attach responsibility under such facts as these would be to establish a precedent of a most serious character. There would scarcely be a Member of the Congress of the United States who might be elected in a presidential year who, if he happened to be identified with the State ticket and State political committees, might not be faced with the possibility of being held responsible for the total expenditures in a state-wide campaign which would necessarily be in such sums as would unwittingly place him in violation of both the State and Federal corrupt practices act.

The determination of this question involves not only the right of a Senator to a seat in the Senate of the United States, but it involves the right of the voters of a sovereign State to representation in that great body under the Constitution of the United States. To deprive either the voters of the State of Pennsylvania or the Senator involved of such constitutional right upon a theory of constructive responsibility for the violation of some undefined standard of conduct which has never been clearly defined or declared either by State or Federal law to be an offense or an unlawful act can not, we respectfully submit, be seriously considered.

The standard of conduct which is alleged to be violated by the facts in this record have never been defined or declared to be either a crime or a violation of State or Federal law. It is basic in Anglo-Saxon jurisprudence that offenses against the Commonwealth to which penalties are attached must be set forth in statutes with definiteness and certainty; for in no other manner have human rights been secured against the exercise of despotic power. From Magna Charta to the present day, any attempt to impose constructive responsibility for an alleged unlawful act which has never been clearly set forth and defined in advance of the act is abhorrent to all principles of justice. To hold otherwise upon the facts in this record would be in derrogation of the rights of a Senator of the United States and the rights of a sovereign State of the Union. It would, moreover, be in violation of the fundamental and basic law of the land which the Senate of the United States has always vigorously maintained.

JOSEPH E. DAVIES,
CHARLES J. MARCHIOTTI,
Counsel for Senator James J. Davis.

ADDITIONAL JUDGE IN NEW YORK

The bill (H. R. 12032) to provide for the appointment of one additional judge for the southern district of New York was announced as next in order.

Mr. BLAINE. Mr. President, I desire to inquire of the junior Senator from New York [Mr. WAGNER] the territory embraced within the southern district of New York.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAYMASTER CHARLES R. O'LEARY, UNITED STATES NAVY

The bill (H. R. 1449) for the relief of Paymaster Charles Robert O'Leary, United States Navy, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. Will the Senator from Utah permit the Senator from Maryland [Mr. TYDINGS] to make a statement about this bill?

Mr. KING. Certainly.

Mr. TYDINGS. Mr. President, very briefly, I may state that there were two paymasters in the Navy who, due to a change in the selection law, were left in a particular grade. The Senator from Virginia [Mr. SWANSON] some years ago introduced a special bill under which one of these men was promoted out of that grade. That left this one paymaster, Commander O'Leary, discriminated against. He is the only man in this class, the others having been taken care of by special legislation. He would have been promoted long since except for the fact that the selection act was changed in 1918, and it was impracticable to call him before the examining board until six months after the act had gone into effect. Therefore he was left with another officer in the grade unexamined.

The Senator from Virginia [Mr. SWANSON] has secured the promotion of one of these officers through a special act. All I am asking for is that Congress treat the remaining officer, Commander O'Leary, exactly as was done in the other case.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. KING. My objection was prompted because of the statement made by the Secretary of the Navy that—

In view of the foregoing the Navy Department recommends against the enactment of the bill.

Mr. TYDINGS. Yes; that is true; but the bill had a hearing in the House of Representatives. It passed the House. It is now over here, where it was referred to the Senate committee, and it is now up for passage with a favorable report. I submit that as long as we have taken care of the other officer in this grade it is fair to take care of this one. Otherwise he will be discriminated against.

I hope there will be no objection to the consideration and passage of the bill.

Mr. KING. I withdraw the objection.

The bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter Paymaster Charles Robert O'Leary, United States Navy, shall be regarded as having been promoted to the rank of pay inspector in the United States Navy on the 11th day of January, 1918: *Provided*, That said Paymaster Charles Robert O'Leary shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of said grade: *Provided further*, That nothing herein shall be construed to entitle Paymaster Charles Robert O'Leary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank.

LIEUT. COMMANDER CORNELIUS DUGAN (RETIRED)

The bill (H. R. 816) for the relief of Lieut. Commander Cornelius Dugan (retired) was announced as next in order.

Mr. KING. Mr. President, I see that the Secretary of the Navy recommends against this measure. I do not want to object if there is any adequate explanation of it.

Mr. SMOOT. Let it go over.

Mr. ODDIE. I hope the Senator from Utah will withdraw his objection.

The case is a very meritorious one. The Committee on Naval Affairs has studied it and is satisfied that it is fair and right and that the bill should pass.

Mr. SMOOT. I ask that the bill go over.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

AMENDMENT OF SECOND DEFICIENCY ACT, FISCAL YEAR 1930

The bill (S. 6210) to amend the second deficiency act, fiscal year 1930, was announced as next in order.

Mr. SMOOT. Mr. President, the second deficiency act has already passed.

Mr. FESS. Mr. President, will the Senator yield for a moment? This bill is to correct an error in the bill requiring the town of New Bern to pay for the site on which the post office is located the same amount that a new site would cost. We just eliminate that.

Mr. SMOOT. If I am not mistaken, that very matter has been corrected in the deficiency bill.

Mr. FESS. That may be. I do not know. It was not so.

Mr. JONES. That item is in dispute in conference.

Mr. SMOOT. What I mean to say is: It is in the second deficiency bill, and, of course, it is one of the items that will have to be finally decided.

Mr. FESS. This bill is simply to place the town of New Bern in just the same position as every other town.

Mr. SMOOT. I have no objection to the bill, but I think the matter ought to be attended to in the second deficiency bill.

Mr. FESS. I hope the Senator will let this bill go through. It will not do any harm.

Mr. SMOOT. It will not do any harm, and it will not do any good.

The Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following proviso in the second deficiency act, fiscal year 1930, is hereby repealed: "*Provided*, That no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site, and in the event such an agreement is entered into the Secretary of the Treasury may sell such old site and building to the city on such terms as he may deem proper."

PURCHASE OR CONSTRUCTION OF BUILDINGS FOR POST-OFFICE STATIONS, ETC.

The bill (H. R. 13566) to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. FESS. Mr. President, will the Senator withhold his objection?

Mr. LA FOLLETTE. Mr. President, I think there would not be any purpose in doing that. I am objecting on behalf of a Senator who is not present. Therefore, any argument the Senator might make would not make any difference.

Mr. FESS. Will the Senator permit me to make a very brief statement?

Mr. LA FOLLETTE. If the Senator will make it very brief.

Mr. FESS. It will be very brief.

Mr. President, the committee unanimously reported this bill. It is simply to put into the hands of the Postmaster General a leverage so that he can get better terms in these renewals of leases. There are about 78 buildings of the first class now occupied under leases that will have to be renewed, 14 others of the second class, 91 stations, and 15 garages. All of these must be either released or purchased, and if we do not pass this authority the Government can be held up in making the leases. That is why I had hoped to have the bill considered and passed at this time.

Mr. SMOOT. Again I want to call the Senator's attention to the fact that in the purchase of these stations we have saved at least one-half of the interest on the investment.

Mr. LA FOLLETTE. Mr. President, I am not in a position to listen to the arguments. Senators realize that requests are made for objections, and the Senator who made the request of me is absent. Therefore, under the circumstances, I shall reluctantly have to insist upon my objection.

The PRESIDENT pro tempore. The bill is indicated to have gone over.

ZUNI PUEBLO INDIANS, NEW MEXICO

The bill (H. R. 8476) to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a survey to be made of the land held by the Zuni Pueblo Indians in New Mexico as their grant under section 8 of the act of July 22, 1854 (10 Stat., 308, 309), and the boundaries thereof identified: *Provided*, That upon completion of the required survey, and acceptance thereof, he shall cause to be issued to the Zuni Indians a patent covering the lands surveyed, of the same form heretofore issued for other Pueblo Indian grants in New Mexico.

KIOWA INDIAN RESERVATION, OKLA.

The bill (S. 5799) authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to advertise and sell to the highest bidder for cash, the following-described tracts of land on the Wichita, Caddo, and Delaware Indian Reservation in Oklahoma: The southeast quarter southeast quarter, section 3, township 9 north, range 10 west, Indian meridian, in Oklahoma, 40 acres; and the north half northeast quarter northwest quarter and southeast quarter northeast quarter northwest quarter, section 10, township 7 north, range 10 west, Indian meridian, in Oklahoma, 30 acres: *Provided*, That the proceeds derived therefrom shall be used by the Secretary of the Interior in purchasing suitable tracts of lands more conveniently situated for the Wichita, Caddo, and Delaware Indians.

SEC. 2. The Secretary of the Interior is hereby authorized to make rules and regulations necessary for carrying into effect the provisions of this act.

LAKE CHAMPLAIN BRIDGE

The Senate proceeded to consider the bill (S. 6188) to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt., which had been reported from the Committee on Commerce with an amendment, on page 2, line 1, to strike out "the date is hereby expressly reserved" and to insert in lieu thereof "March 2, 1931," so as to read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburg, Vt., and a point at or near Swanton, Vt., authorized to be built by Jed P. Ladd, of Burlington, Vt., his heirs, legal representatives, and assigns, by the act of Congress approved March 2, 1929, are hereby extended one and three years, respectively, from March 2, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER OF THE NORTH BRIDGE

The Senate proceeded to consider the bill (S. 6205) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922.

Mr. SHIPSTEAD. Mr. President, I ask that House bill 16334 similar to the Senate bill, be substituted for the Senate bill.

The PRESIDENT pro tempore. Will not the Senator from Minnesota inform the Chair whether that bill has passed the House? There is no indication on the calendar that it is in the Senate.

Mr. McNARY. I ask for the regular order.

Mr. SHIPSTEAD. Mr. President, I move that the Senate Committee on Commerce be discharged from the consideration of the House bill.

Mr. McNARY. I suggest that we proceed with the calendar, and return to that bill when the House bill is located.

The PRESIDENT pro tempore. Without objection, the bill will be passed over temporarily.

SALARY OF DIRECTOR OF UNITED STATES VETERANS' BUREAU

The bill (S. 6237) fixing the salary of the Director or the Acting Director of the United States Veterans' Bureau was announced as next in order.

Mr. CONNALLY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONVEYANCE OF LAND TO THE STATE OF WYOMING

The Senate proceeded to consider the bill (S. 3771) authorizing the Secretary of the Interior to convey certain

lands to the State of Wyoming, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "Wyoming," to insert the words "upon tender by the State of Wyoming of a quitclaim deed to the United States of all its right, title, and interest in and to the remaining lands in said section 36," so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the State of Wyoming for the east half of northeast quarter of section 36, township 58 north, range 100 west of the sixth principal meridian, in Park County, Wyo., upon tender by the State of Wyoming of a quitclaim deed to the United States of all its right, title, and interest in and to the remaining lands in said section 36: *Provided*, That title to said land shall be held and considered to have vested in the State of Wyoming on July 10, 1890.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MISSOURI RIVER BRIDGE, NEBRASKA

The Senate proceeded to consider the bill (S. 6228) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr., which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved March 29, 1928, heretofore extended by act of Congress approved March 2, 1929, and further extended by act of Congress approved March 3, 1930, are hereby further extended one and three years, respectively, from March 29, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

VOCATIONAL EDUCATION

The Senate proceeded to consider the bill (S. 3969) to provide for the further development of vocational education in the several States and Territories, and for other purposes, which had been reported from the Committee on Education and Labor, with amendments, on page 1, line 6, to strike out "1931" and insert in lieu thereof "1932."

Mr. BINGHAM. Mr. President, I ask that this bill may be read.

The PRESIDENT pro tempore. The clerk will read, as requested.

The Chief Clerk proceeded to read the bill.

The first amendment of the committee was, on page 1, line 6, to strike out "1931" and insert in lieu thereof "1932."

The amendment was agreed to.

The reading was resumed, the next amendments of the committee being on page 1, line 7, to strike out "$1,000,000" and insert in lieu thereof "$500,000"; and on page 1, line 8, to strike out "$1,000,000" and insert "$500,000."

The amendments were agreed to.

Mr. BINGHAM. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

SULLYS HILL NATIONAL GAME PRESERVE

The Senate proceeded to consider the bill (H. R. 8534) for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes, was considered, read the third time, and passed.

ISLE ROYALE NATIONAL PARK

The bill (S. 6221) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Mr. President, I ask that House bill 17005, which is identical with the Senate bill as amended, be substituted for the Senate bill.

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That when title to all alienated lands within Isle Royale in Lake Superior, Keweenaw County, Mich., and immediately surrounding islands as shall be designated by the Secretary of the Interior in the exercise of his judgment and discretion as necessary or desirable for national-park purposes shall have been vested in the United States and exclusive jurisdiction over the same shall have been ceded by the State of Michigan to the United States, said area shall be, and is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Isle Royale National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States title to any lands located on said islands offered to the United States, without cost, as may be deemed by him necessary or desirable for national-park purposes.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park.

The PRESIDENT pro tempore. Without objection, Senate bill 6221 will be indefinitely postponed.

THE STAR-SPANGLED BANNER

Mr. TYDINGS. Mr. President, a moment ago objection was made to the consideration of Order of Business 1501, The Star-Spangled Banner bill. I understand the objection has been withdrawn.

Mr. LA FOLLETTE. Mr. President, I shall object to returning to bills already passed over until we finish the call of the calendar.

The PRESIDENT pro tempore. Objection is made.

EASTERN DISPENSARY AND CASUALTY HOSPITAL

The Senate proceeded to consider the bill (S. 6246) providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia and the Federal Government in like manner as other appropriations of the District of Columbia, the sum of $50,000 for the alteration and repair of the present buildings of Eastern Dispensary and Casualty Hospital in the District of Columbia, and for retiring the present existing indebtedness on such buildings: *Provided*, That not more than $20,000 of this appropriation may be used for the alterations and repairs under the supervision of the municipal architect.

CONSTRUCTION OF PIPE LINES

The bill (S. 5814) to provide for the issuance of permits for the construction of pipe lines for the importation into the United States of natural or artificial gas, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That after the date of the enactment of this act it shall be unlawful for any person to undertake the extension of a pipe line, or the construction of a new pipe line, for the purpose of importing or through which there could be imported into the United States any natural or artificial gas, or to engage in the importation into the United States by means of such new or extended pipe line of any natural or artificial gas, unless and until there shall first have been obtained from the Secretary of the Interior a permit for such extension, construction, or importation. No such permit shall be granted unless the Secretary of the Interior finds that such extension, construction, or importation will be in the public interest, having regard, among other factors, to the needs of the territory to be served by such pipe line, the potential competition of such pipe line with the pipe lines of domestic producers, and the effect of its operation upon the revenues accruing to the United States out of gas leases on the public lands.

SEC. 2. The application for and issuance of any such permit shall be under such rules and regulations as to hearing and other matters as the Secretary of the Interior may from time to time prescribe. Upon receipt of any application for such permit the Secretary of the Interior shall cause notice thereof to be given to and a copy filed with the governor of each State in which such new or extended pipe line is proposed to be constructed. Said notice shall also be published once each week for three consecutive weeks in some newspaper of general circulation in each county in or through which such pipe line is proposed to be constructed. The public service or utilities commission, or other appropriate authorities of the State, shall have the right to make before the Secretary of the Interior such representations as they may deem just and proper for preserving and conserving the rights and in-

terests of their people and the States, respectively, involved in such proceedings, and any party in interest shall be entitled to be heard therein.

SEC. 3. Any construction or operation contrary to the provisions of this act may be enjoined by any court of competent jurisdiction at the suit of the United States, the Secretary of the Interior, any commission or regulatory body of the State or States affected, or any party in interest.

SEC. 4. Nothing in this act shall be construed to relieve any person from complying with any law, State or Federal, nor to authorize any action for which a permit is required under this act, if such action is prohibited by other law, State or Federal.

MARGARET M'CREANOR

The bill (S. 5988) authorizing the issuance to Margaret McCreanor of a patent for certain lands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of the homestead laws relating to residence requirements, the Secretary of the Interior is authorized and directed to issue to Margaret McCreanor, of Helena, Mont., widow of Richard McCreanor, a patent for the lands upon which homestead entry was made by the said Richard McCreanor, homestead entry survey No. 1180, township 11 north, range 1 west, principal meridian, containing 33.02 acres.

ACCOUNTS OF DISBURSING OFFICERS

The Senate proceeded to consider the bill (H. R. 8677) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, which had been reported from the Committee on Claims with amendments, on page 4, to strike out the proviso in the following words:

Provided, That refund to Major Miller in the amount of $75 is hereby authorized and directed, being the amount refunded by him to the United States on account of this disallowance.

The amendment was agreed to.

The next amendment of the committee was to insert at the end of the bill the following:

SEC. 13. That hereafter any officer, warrant officer, or nurse of the Army, who, upon trial by a general court-martial is found to be indebted to the United States by reason of any overpayment, or to have received money to which he or she is not entitled, and who upon demand by the Secretary of War has refused to refund the same, shall be summarily dismissed from the service.

SEC. 14. That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

Clarence M. Exley, major, Finance Department, the sum of $22.56, representing public funds for which he is accountable, being payment of mileage of two officers of the Army traveling on orders of the War Department.

William A. MacNicholl, major, Finance Department, the sum of $145.70, representing public funds for which he is accountable, being payment of mileage and expenses to an officer of the Army traveling on orders of the War Department.

Arthur O. Walsh, captain, Finance Department, the sum of $84.60, representing public funds for which he is accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Austin H. Brown, major, Finance Department, the sum of $46.58, being the amount he has refunded to the United States on account of disallowances in his account as a disbursing officer.

Mr. HOWELL. Mr. President, I offer an amendment as a substitute for section 13.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. The Senator from Nebraska offers the following substitute for the amendment proposed by the committee, on pages 6 and 7, to strike out section 13, and insert in lieu thereof the following:

SEC. 13. That hereafter disbursing officers are authorized and directed to withhold from the pay, allowances, or moneys payable on any other account to any person by the United States, the amount of any payment or payments made to such person and disallowed in the accounts of any disbursing officer.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MILBURNE CREEK, NEW YORK

The bill (H. R. 16632) to legalize a quay in Milburne Creek at Baldwin Harbor, N. Y., was considered, ordered to a third reading, read the third time, and passed.

DISPOSAL OF LIGHTHOUSE RESERVATIONS, MICH.

The bill (H. R. 9413) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan, was considered, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, NORTH DAKOTA

The bill (S. 6252) granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Elbowoods, N. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

SURVEY OF WILLAMETTE RIVER, OREG.

The Senate proceeded to consider the bill (S. 6166) to provide for preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield, which had been reported from the Committee on Commerce with an amendment, on page 1, line 9, to strike out "examination and survey" and insert in lieu thereof "examinations, surveys, and contingencies of rivers and harbors," so as to read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield. The cost of such examination and survey shall be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION ON NATIONAL BANK SHARES

The bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDENT pro tempore. The bill will be passed over.

Mr. NORBECK. Mr. President, this bill was reported by me from the Committee on Banking and Currency, and I ask that the report be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1806, Seventy-first Congress, third session]

TAXATION ON NATIONAL BANK SHARES

Mr. NORBECK, from the Committee on Banking and Currency, submitted the following report (to accompany S. 1550):

The Committee on Banking and Currency, to whom was referred the bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The purpose of this bill is simply to restore to the States the right to tax national banks the same as State banks—a right they had enjoyed for about a half century before it was abrogated by a decision of the Supreme Court of the United States to such an extent that in many States it is now impossible or impracticable to tax national banks proportionately with State banks.

The proposed bill reads as follows:

"*Be it enacted, etc.*, That subdivision (b) of paragraph 1 of section 5219 of the Revised Statutes, as amended, is amended to read as follows:

"In the case of a tax on shares, the taxes imposed shall not be at a greater rate than is assessed upon other moneyed capital used or employed in the business of banking."

The court held in effect that the rate applied to moneys and credits must under certain conditions be the basis of bank taxation. The result is that in certain States national banks have refused to pay their usual taxes and are paying one-tenth or less.

Some States finding the condition intolerable have been compelled to extend the same privilege to State banks, with the result that the tax burden falls heavily on other classes of property and other taxpayers in the community.

It has been argued that it may be dangerous to grant this power to the States, but the answer is that the States have enjoyed such power for about 50 years and have not abused it.

Exhaustive hearings were held on this question. Every interest was heard. Everyone admits the unfairness of the present situation. A great injustice results.

The committee is of the opinion that the remedy lies in the proposed legislation.

JOHN T. O'NEIL

The bill (H. R. 3564) for the relief of John T. O'Neil was considered, ordered to a third reading, read the third time, and passed.

GENERAL PULASKI'S MEMORIAL DAY

The Senate proceeded to consider the joint resolution (S. J. Res. 247) directing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, which had been reported from the Committee on the Library with an amendment, on page 2, line 4, to strike out "directed" and insert in lieu thereof "requested," so as to read:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1931, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies of the death of Gen. Casimir Pulaski.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was stricken out.

The title was amended so as to read: "Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski."

A. J. BELL

The Senate proceeded to consider the bill (H. R. 10052) for the relief of A. J. Bell.

The bill was ordered to a third reading, read the third time, and passed.

DR. W. A. COX

The Senate proceeded to consider the bill (H. R. 6207) for the relief of the estate of the late Dr. W. A. Cox.

The bill was ordered to a third reading, read the third time, and passed.

H. L. LAMBERT

The Senate proceeded to consider the bill (H. R. 7833) for the relief of H. L. Lambert.

The bill was ordered to a third reading, read the third time, and passed.

PORT ARTHUR CANAL & DOCK CO.

The Senate proceeded to consider the bill (H. R. 12498) for the relief of the Port Arthur Canal & Dock Co.

The bill was ordered to a third reading, read the third time, and passed.

CHARLES THOMAS AND EDGAR THOMAS

The Senate proceeded to consider the bill (H. R. 303) for the relief of Charles Thomas and Edgar Thomas, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Thomas, the sum of $50 a month for 100 months, from and after the date of the approval of this act, in full settlement of all claims against the Government for injuries sustained by him on October 8, 1928, when he was struck by an Army truck. Such monthly payments shall be made through the Employees' Compensation Commission.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act for the relief of Charles Thomas."

LOUIS CZIKE

The bill (H. R. 5521) for the relief of Louis Czike, was considered, ordered to a third reading, read the third time, and passed.

BOARD OF UNDERWRITERS OF NEW YORK

The bill (H. R. 8785) for the relief of the Board of Underwriters of New York, was considered, ordered to a third reading, read the third time, and passed.

THOMAS C. EDWARDS

The Senate proceeded to consider the bill (H. R. 8953) for the relief of Thomas C. Edwards, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the claim of Thomas C. Edwards growing out of losses suffered under contracts of June 13, 1917, for delivering hay to the Quartermaster Corps, Fort Sam Houston, Tex., is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of the losses suffered due to conditions arising out of the late war, to the cancellation of orders given by the Government for the delivery of the hay, and the encountering of a severe drought.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WALTER L. TURNER

The bill (H. R. 9035) for the relief of Walter L. Turner, was considered, ordered to a third reading, read the third time, and passed.

NEW YORK MARINE CO.

The bill (H. R. 9575) for the relief of the New York Marine Co. was considered, ordered to a third reading, read the third time, and passed.

BARNET ALBERT

The bill (H. R. 10631) for the relief of Barnet Albert, was considered, ordered to a third reading, read the third time, and passed.

FRANK J. SPENCER

The bill (H. R. 11911) for the relief of Frank J. Spencer, was considered, ordered to a third reading, read the third time, and passed.

COOPERATIVE CREDIT LAWS

The resolution (S. Res. 408) to make a complete survey of cooperative credit laws and systems, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

OKAW DAIRY CO.

The bill (H. R. 9354) for the relief of Okaw Dairy Co. was considered, ordered to a third reading, read the third time, and passed.

CHARLES S. GAWLER

The bill (H. R. 8983) for the relief of Charles S. Gawler, was considered, ordered to a third reading, read the third time, and passed.

FRANK J. MICHEL AND OTHERS

The Senate proceeded to consider the bill (H. R. 12632) for the relief of Frank J. Michel and Barbara M. Michel and others, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$5,000" and insert in lieu thereof "$2,500"; on page 2, line 6, to strike out "$5,000" and insert in lieu thereof "$2,500"; on page 2, line 17, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to read:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to

pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 to Frank J. Michel and Barbara M. Michel, in full for all claims they, or either of them, may have against the Government on account of the death of their son, Lawrence Michel, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

SEC. 2. That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 to Sophia Mary Klima, widow, in full for all claims she may have against the Government on account of the death of her daughter, Elsie Klima, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

SEC. 3. That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 to Katie Kroart, widow, in full for all claims that she may have against the Government on account of the death of her son, William E. Kroat, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

H. H. LEE

The Senate proceeded to consider the bill (H. R. 7339) for the relief of H. H. Lee, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$233.75" and insert in lieu thereof "$150," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government, the sum of $150 to H. H. Lee as reimbursement for loss by fire to his own property while assigned to protection of Government holdings during the Half Moon forest fire in Glacier National Park.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

L. E. BURTON

The bill (H. R. 7784) for the relief of Mrs. L. E. Burton was considered, ordered to a third reading, read the third time, and passed.

POSTMASTER A. E. WHITE

The bill (H. R. 12076) authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds was considered, ordered to a third reading, read the third time, and passed.

MILDRED B. CRAWFORD

The bill (S. 6226) for the relief of Mildred B. Crawford was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mildred B. Crawford the sum of $2,500 in full settlement of all claims against the Government of the United States for injuries which she sustained December 4, 1924, by the revolving door (which had been condemned) at the front entrance of the post office at Staunton, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOHN SANFORD TILLOTSON

The Senate proceeded to consider the bill (H. R. 10562) for the relief of John Sanford Tillotson which had been reported from the Committee on Claims, with an amendment, on page 1, line 11, strike out the "period" after "insurance," insert a "colon" and add the following:

Provided, That Catherine M. Tillotson, the second wife of Dr. Clarence A. Tillotson, deceased, shall first waive any vested right she may have in said war-risk term insurance.

So as to make the bill read:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to John Sanford Tillotson, designated beneficiary under the war-risk term insurance granted to Clarence A. Tillotson (XC 1391507, formerly captain, Medical Corps), the benefits payable by reason of the maturity of said insurance in the same manner as though the said John Sanford Tillotson were within the restricted permitted class of beneficiaries for war-risk term insurance: *Provided*, That Catherine M. Tillotson, the second wife of Dr. Clarence A. Tillotson, deceased, shall first waive any vested right she may have in said war-risk term insurance.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF THE STATE OF CALIFORNIA

The bill (S. 5080) for the relief of the State of California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the net balance due the State of California of $6,462,145.33 as certified by the Comptroller General of the United States, August 14, 1930, and printed in Senate Document Numbered 220, Seventy-first Congress, third session, the same to be accepted in full settlement of all advances and expenditures and interest thereon made by said State.

Mr. KING. Mr. President, what became of calendar 1901?

The PRESIDENT pro tempore. That measure was passed last night as amended.

DIPLOMATIC AND CONSULAR ESTABLISHMENTS

The bill (S. 6255) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of further carrying into effect the provisions of the Foreign Service buildings act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $10,000,000 of which not more than $2,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act, as amended.

TALLAHATCHIE RIVER BRIDGE

The bill (H. R. 16115) granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF THE OIL INDUSTRY

The resolution (S. Res. 418) creating a special committee to investigate crude-oil prices and certain other matters relating thereto, was announced as next in order.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that Senate resolution 418 be postponed for consideration in connection with a joint resolution now ready to be reported by the chairman of the Finance Committee.

The PRESIDENT pro tempore. The attention of the Chair was attracted elsewhere for the moment. Will not the Senator repeat his request?

Mr. THOMAS of Oklahoma. Mr. President, the resolution now under consideration is the resolution about which I spoke at some length on yesterday. The resolution does not carry any item of expense for the investigation com-

mittee. On yesterday it was suggested that the resolution be amended to provide for the sum of $10,000. If there is no objection to the resolution at this time, I desire to move that the item of expense be limited to $10,000.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Oklahoma.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. THOMAS of Oklahoma. I yield.

Mr. FESS. The Committee to Audit and Control the Contingent Expenses of the Senate took this matter up for consideration, and agreed that if the item of expense could be limited to $10,000 the resolution would be reported, and we will report it under that condition.

The CHIEF CLERK. On page 4, line 1, the committee proposes to insert "not exceeding in the aggregate $50,000." The Senator from Oklahoma moves to strike out "$50,000" and insert "$10,000" so as to read:

Not exceeding in the aggregate $10,000.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BLAINE. Mr. President, I desire to offer an amendment adding a new paragraph to the resolution.

The PRESIDENT pro tempore. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. The Senator from Wisconsin proposes to add a new paragraph to read as follows:

Tenth. All facts relating to (a) the effectual and uniform proration of domestic supply; (b) the application of similar proration to like imports; (c) the useful limitation of new oil developments; (d) the maintenance of common carrier privileges in transportation; (e) the protection of equitable markets in behalf of all producers and consumers.

Mr. PHIPPS. Mr. President, I suggest that the resolution go over for later consideration.

The PRESIDENT pro tempore. On objection, the resolution will go over.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the following bills:

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 6227. An act for the relief of Elizabeth Lynn; and

H. R. 8242. An act for the relief of George W. McPherson.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 531. An act for the relief of John Maika; and

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1412. An act for the relief of Stanislaus Siemek;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5215. An act for the relief of H. L. Todd;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6254. An act for the relief of United States Marshal George B. McLeod;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 3, 1931, that committee presented to the President of the United States, the following enrolled bills and joint resolutions:

S. 1412. An act for the relief of Stanislaus Siemek;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5215. An act for the relief of H. L. Todd;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

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S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

HEIRS OF C. K. BOWEN

The bill (S. 4075) for the relief of the heirs of C. K. Bowen, deceased, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Mary E. Christenson, Houston, Tex.; Mrs. F. N. Heiman, Seabrook, Tex.; Mrs. A. B. Christenson, Burbank, Calif.; and C. K. Bowen, Burbank, Calif., heirs of C. K. Bowen, deceased, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $450.50, for damages sustained by the said heirs of the said C. K. Bowen, deceased, who lost his life during the hurricane of September 8, 1900, when the light station at Halfmoon Shoals, Tex., was demolished and the said C. K. Bowen was drowned, as shown by Public Document No. 103, Fifty-seventh Congress, first session, dated December 7, 1901.

S. F. STACHER

The bill (S. 6124) for the relief of S. F. Stacher was considered, and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of S. F. Stacher, superintendent and special disbursing agent, Eastern Navajo Indian Agency, Crown Point, N. Mex., in the sum of $3,004.17, representing an expenditure of that sum in the appropriation for Indian school buildings, over and above the $37,000 authorized for construction and equipment of a heating and power plant at Eastern Navajo School, fiscal year 1929.

Mr. KING. I ask that the bill go over.

Mr. BRATTON. Mr. President, let me make a brief statement before the Senator offers his objection. In the construction of certain buildings the amount exceeded the appropriation. My recollection is that it grew out of an incorrect estimate of freight charges. Mr. Stacher did not get a dime of this money. It all went into improvements at the Indian Agency. It is merely to prevent a technical charge against him of $3,004, of which he did not get a dime. The Government has the full amount and it is recommended by the department and, as I understand, by the General Accounting Office.

Mr. KING. I shall not press the objection.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGINE PORGES ZIMMERMAN

The bill (H. R. 918) for the relief of Regine Porges Zimmerman was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF OIL INDUSTRY

Mr. BLAINE. Mr. President, I ask permission to return to Calendar No. 1905, the resolution (S. Res. 418) creating a special committee to investigate crude-oil prices and certain other matters relating thereto. I desire to withdraw the amendment which I offered.

The VICE PRESIDENT. Without objection, the Senate will recur to the consideration of Calendar 1905.

Mr. PHIPPS. Mr. President, at the time I entered an objection to the resolution and asked that it go over. I still maintain my objection.

The PRESIDENT pro tempore. Objection is made.

JOSIAH J. HOSTETLER

The bill (H. R. 2589) for the relief of Josiah J. Hostetler was considered, ordered to a third reading, read the third time, and passed.

WILLIAM H. BALDWIN

The bill (H. R. 2699) to authorize an appropriation to cover damages to an automobile of William H. Baldwin was considered, ordered to a third reading, read the third time, and passed.

A. S. PHIPPS

The bill (H. R. 5063) for the relief of A. S. Phipps was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6288) for the relief of Frank Rizzuto was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

WIDOW OF JOHN CURTIS STATON

The bill (H. R. 9660) for the relief of the widow of John Curtis Staton was considered, ordered to a third reading, read the third time, and passed.

FRITZ ZOLLER

The bill (H. R. 11189) for the relief of Fritz Zoller was considered, ordered to a third reading, read the third time, and passed.

CHARLES C. BENNETT

The bill (S. 4348) for the relief of Charles C. Bennett was considered. The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$15,000" and insert "$2,174.60," and at the end of the bill to add a new proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles C. Bennett, of the city of Candor, N. C., the sum of $2,174.60 for bodily injuries sustained by him on December 16, 1927, when an automobile in which he was riding was in collision with a reconnaissance truck at the United States Army, the said truck being one of a fleet of trucks traveling toward Fort Bragg, N. C., driven by Private Thomas C. Robertson, of Fort Bragg, N. C.: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE, VENANGO COUNTY, PA.

The bill (H. R. 17196) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa., was considered, ordered to a third reading, read the third time, and passed.

ADJUSTED-SERVICE CERTIFICATES

The bill (S. 6269) relating to the making of loans to veterans upon their adjusted-service certificates was announced as next in order.

Mr. SMOOT. Mr. President, this bill was placed upon the calendar without going to a committee. I move that the bill be referred to the Committee on Finance.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator from Utah will not do that. It is a very simple bill. It permits the veteran who has taken out his certificate within the last two years to apply for a loan upon his certificate just as others may do who took out their certificates two years or more ago. It would seem to me that the veteran who did not propose to put the Government to the expense of issuing a certificate is to be commended, even though he may now be in a position where he has to ask for the issuance of it, and he ought to be permitted to apply for a loan upon it.

Mr. SMOOT. But that is not all there is in the bill. I am quite sure if the Senator knew what it is he would not approve of it, as the committee did not approve of it this morning.

Mr. WALSH of Massachusetts. As I understood the Senator from Kentucky [Mr. BARKLEY], this is the only provision in the bill.

Mr. SMOOT. I do not want to discuss it now, but I shall object to its present consideration, anyway.

The PRESIDENT pro tempore. On objection, the bill will go over.

Mr. COPELAND. Mr. President, I hope the matter may be adjusted. The very thing the President was pleading for was relief of the needy veteran, and I find these veterans who delayed making application until this time are the very ones who are in need.

Mr. SMOOT. But that is not what the bill provides. When the bill comes before the Senate at the proper time I shall call the attention of the Senate to its provisions.

Mr. SMITH. Mr. President, may I ask the Senator from Utah what chance the bill has of coming before the Senate if it is not acted on now?

Mr. SMOOT. Even if it does not go to the committee I shall be obliged to object to the present consideration of the bill and that will settle it.

Mr. McNARY and Mr. PHIPPS called for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Clerk will report the next bill on the calendar.

WILLIAM L. BRUHN

The bill (H. R. 2466) for the relief of William L. Bruhn, was considered and was read.

Mr. BINGHAM. Mr. President, the bill to which the Senator from Utah objected just a moment ago is one to which many of us might be opposed, but I hope the Senator from Utah will withdraw his objection and before 12 o'clock to-morrow permit us to pass it for this reason——

Mr. COUZENS. Mr. President, the bill has gone over and I call for the regular order.

Mr. BINGHAM. I am speaking on the bill now before the Senate. Have I five minutes to speak on that bill or not?

The PRESIDENT pro tempore. Under the rule the Senator has five minutes, one and one-half minutes of which have already expired.

Mr. BINGHAM. Congress by a large majority, in which I did not participate, voted to override the President's veto on the adjusted-service certificate legislation. The theory on which they did it was to relieve particularly the ex-service men who are in distress. A great many ex-service men have never taken out their bonus certificates because of reasons best known to themselves. They felt that in justice to themselves they would not do it, but under the pressure of present distress circumstances in the country a great

many have taken out their certificates within the last few weeks.

It does not seem to me fair, although I am opposed to the legislation and was opposed to it, to deny to these service men who find themselves in great distress at this particular time the right to make loans on their certificates when those who were more anxious to receive the certificate two years ago or more have their certificates. I hope the Senator from Utah, with whom I acted in opposing the bill, will permit this particular matter to go through in order to relieve those who are in particular distress.

Mr. SMOOT. Mr. President, I can not do it because it would be an injustice to all the other veterans, and there is no need of putting a few of them upon a preferential basis.

The PRESIDENT pro tempore. The question is on the passage of the bill (H. R. 2466) for the relief of William L. Bruhn.

The bill was ordered to a third reading, read the third time, and passed.

MABEL L. BROWN

The bill (H. R. 3556) for the relief of Mabel L. Brown was considered and was read.

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Utah [Mr. SMOOT] for a moment? I plead with the Senator from Utah to permit the veterans' adjusted service certificate bill to pass.

Mr. SMOOT. I can not do it, so the Senator need not proceed.

Mr. COPELAND. If the Senator will listen a moment I shall be glad. The very fact that these veterans have not applied until now is an evidence that they were seeking to save that little reserve. But in this time of necessity the situation is different. I have no doubt the Senator has had letters, like I have had, from wives of veterans begging that now they might be permitted to have the relief which would be afforded them under this bill. I am sure the kind heart of the Senator from Utah would be touched if he has received such letters, and that he would permit the passage of the bill.

Mr. SMOOT. That is not involved in the matter at all. When the bill comes before the Senate I shall tell the Senate just what the condition is. Why should these veterans have the advantage of $15,000,000—and that is what it would mean if we passed this bill. In the committee to-day, when it was considered, we decided not to report it.

Mr. COPELAND. I am very sorry.

The PRESIDENT pro tempore. The question is on the passage of the bill, H. R. 3556, for the relief of Mabel L. Brown.

The bill was ordered to a third reading, read the third time, and passed.

HAROLD M. REED

The bill (H. R. 5813) for the relief of Harold M. Reed was considered, ordered to a third reading, read the third time, and passed.

WILLIAM FISHER

The bill (H. R. 9070) for the relief of William Fisher was considered, ordered to a third reading, read the third time, and passed.

THOMAS MURPHY

The bill (H. R. 1428) for the relief of Thomas Murphy was considered, ordered to a third reading, read the third time, and passed.

URIEL SLITER

The bill (H. R. 10113) for the relief of Uriel Sliter was considered, ordered to a third reading, read the third time, and passed.

FRANK C. RUSSELL

The bill (H. R. 1605) for the relief of Frank C. Russell, was considered, ordered to a third reading, read the third time, and passed.

FRANK D. PECK

The bill (H. R. 896) for the relief of Frank D. Peck was considered, ordered to a third reading, read the third time, and passed.

MILTON LOCKHART

The bill (H. R. 5931) for the relief of Milton Lockhart was considered, ordered to a third rading, read the third time, and passed.

ARTHUR MOFFATT

The bill (H. R. 3004) for the relief of Arthur Moffatt, deceased, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM MARKS

The bill (H. R. 10136) for the relief of William Marks, also known as William Marsh, was considered, ordered to a third reading, read the third time, and passed.

JOSEPH C. LOONEY

The bill (H. R. 5933) for the relief of Joseph C. Looney was considered, ordered to a third reading, read the third time, and passed.

J. WALTER SMITH

The bill (H. R. 5932) for the relief of J. Walter Smith was considered, ordered to a third reading, read the third time, and passed.

CASEY M'DANNELL

The bill (H. R. 644) for the relief of Casey McDannell was considered, ordered to a third reading, read the third time, and passed.

COMMEMORATION OF BATTLE OF KINGS MOUNTAIN

The bill (H. R. 6128) to establish a national military park to commemorate the Battle of Kings Mountain was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to commemorate the Battle of Kings Mountain, which was fought on the 7th day of October, 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent and contiguous lands as may be useful and proper in effectually carrying out the purposes of this act, is hereby declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground shall become the property of the United States.

SEC. 2. The Secretary of War shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of section 355 of the Revised Statutes, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of this act, either by purchase or gift or by condemnation under the provisions of the act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888.

SEC. 3. Such park shall be under the control and direction of the Secretary of War. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

SEC. 4. Upon such terms and conditions as he may prescribe, the Secretary of War is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

SEC. 5. The Secretary of War shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

SEC. 6. The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of War. Any State organization or individual may, with the approval of the Secretary of War, erect monuments or place tablets within such park.

SEC. 7. There is authorized to be appropriated the sum of $225,000, or so much thereof as may be necessary, in order to carry out the provisions of this act.

Mr. BLEASE presented the following summary, which was ordered to be printed in the RECORD:

MARCH 3, 1931.

Summary of statements made by Col. H. L. Landers, historical section, United States Army, before the Senate Military Affairs Committee January 30, 1931, during the hearing on H. R. 6128, to establish a national military park to commemorate the Battle of Kings Mountain.

The classification of battlefields was made in 1925 by the Army War College, and was adopted as a War Department policy. Kings Mountain was put in Class IIb, sometimes referred to as Class III.

The act providing for battlefield commemoration was approved June 11, 1926.

Colonel Landers was placed in charge of that portion of the historical section, Army War College, which is engaged in studying and investigating battlefields, under the act of 1926. He has been on this work since August, 1927.

One of the first studies made was the 1780–81 campaign in the South. A detailed history of the Battles of Kings Mountain and The Cowpens was prepared and published as a House document.

While engaged in the study of this campaign I was much impressed with the importance of Kings Mountain—so much so, in fact, as to make the following statement in my history:

"In considering the effect of the Battle of Kings Mountain upon the situation in the South, it was only this epic tragedy to Ferguson's army that halted Cornwallis in his subjugation of North Carolina. Without this, or a similar calamity, he would have reached the northern border of the Province in December, and with the Chesapeake occupied by the British Fleet, Virginia would have suffered the same fate."

* * * * * * *

"The Battle of Kings Mountain was the outstanding victory of the Americans in 1780. Following it Cornwallis was compelled to abandon North Carolina and for a time assume the defensive. It put an end to the possibility of an eventual peace with England under such terms as might have resulted in the retention of the Southern Provinces under British rule."

I stated elsewhere in the history that in 1780 there were conversations of a serious nature wherein was discussed the possibility of the Northern Provinces being granted their independence, while England retained the Bahama Islands, the Floridas, Georgia, and the Carolinas.

In answer to questions from the committee I stated that careful thought has been given to the importance of the Battle of Kings Mountain during the three and a half years that I have worked on the Revolutionary period, and that my conclusion was this battle ranked next to Saratoga and Yorktown in importance—outranking Lexington, Bunker Hill, Trenton, Princeton, Brandywine, Monmouth, and others. Furthermore, that had I made the original classification of battlefields, I would have placed Kings Mountain in Class I.

The attention of the committee was invited to the fact that whereas several reports submitted by the War Department on bills to create a national military park at Kings Mountain contained definite recommendations against such legislation, in view of the classification made in 1925; that when the last report was written in February, 1930, on H. R. 6128, this "recommendation against" was no longer part of the report.

H. L. LANDERS,
Colonel, F. A., D. O. L.,
Historical Section, A. W. C.

DAISY BALLARD

The bill (H. R. 12215) for the relief of Daisy Ballard was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles Ballard, who was a member of Companies M and B, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of July, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

DONATION OF BRONZE CANNON

The bill (H. R. 12781) to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md., four bronze cannon of Civil War type on hand at the Watervliet Arsenal, Watervliet, N. Y., and described as follows: Bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 108; bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 109; bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 110; bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 111.

HENRY I. POWER

The bill (H. R. 10306) for the relief of Henry I. Power was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Henry I. Power, late of Company I, First Regiment South Carolina Infantry, war with Spain, shall hereafter be held and considered to have served 90 days or more of honorable service: *Provided*, That no bounty, pension, back pay, or other allowances shall accrue prior to the passage of this act.

WILLIAM J. BODIFORD

The Senate proceeded to consider the bill (H. R. 11529) for the relief of William J. Bodiford, which had been reported from the Committee on Military Affairs with an amendment on page 1, line 9, after the date 1899 to insert "and he shall be entitled to the benefits of any laws relating to pensions," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William J. Bodiford, who was a member of Company I, Second Regiment South Carolina Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on April 19, 1899, and he shall be entitled to the benefits of any laws relating to pensions: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. ADAIR

Mr. HAYDEN. Mr. President, I should like to have the attention of the Senator from Nebraska [Mr. HOWELL] chairman of the Senate Committee on Claims. There was passed by the House of Representatives on May 23, 1930, a bill (H. R. 1057), for the relief of John W. Adair, of Pinetop, Ariz., to compensate him for the loss of the life of his son, John Robin Adair, who was killed on June 21, 1916, by the branch of a tree falling on him while fighting a forest fire on the Fort Apache Indian Reservation in Arizona. That bill has been pending before the Senate Committee on Claims for more than nine months. I have appeared before the committee three times in an effort to secure a favorable report upon the bill. I have been told from time to time that the committee was considering the question whether any bills of this class, which grant relief for injuries which occurred prior to the passage of the act to provide compensation for employees of the United States, approved September 7, 1916, would be reported to the Senate. I am reliably advised that there are precedents for the enactment of legislation of this character; that similar bills granting such relief have been passed at other sessions of Congress. The young man died less than three months before the compensation act to which I have referred went into effect. I now ask unanimous consent that the Committee on Claims may be discharged from the further consideration of the bill (H. R. 1057) and that it may be considered and passed by the Senate at this time.

Mr. McNARY. Mr. President, I feel I must obtrude for a moment. I do not think that the request of the Senator from Arizona is in accordance with the spirit of the unanimous-consent agreement to consider bills on the calendar. I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded. The clerk will state the next bill on the calendar.

RESTRICTION OF IMMIGRATION

The joint resolution (S. J. Res. 500) further restricting, for a period of two years, immigration into the United States was announced as next in order.

Mr. WALSH of Massachusetts. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JAMES W. NUGENT

Mr. WALSH of Montana. Mr. President, there are on the desk two Senate bills returned from the House with amendments. I ask that they may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 35) for the relief of James W. Nugent, which were, on page 1, line 9, after the word "pension," to insert "bounty," and on page 1, line 10, to strike out the word "accrue" and to insert "be held to have accrued."

Mr. WALSH of Montana. I move that the Senate concur in the House amendments.

The motion was agreed to.

W. W. PAYNE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 43) for the relief of W. W. Payne, which was, on page 2, line 2, to strike out all after "$1,800" down to and including the word "Payne" in line 4.

Mr. WALSH of Montana. I move that the Senate concur in the House amendment.

The motion was agreed to.

DAISY O. DAVIS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 182) for the relief of Daisy O. Davis, which was to strike out all after the enacting clause and insert:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Daisy O. Davis, who is alleged to have suffered injury while employed on or about September 12, 1923, in the Treasury Department: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. FLETCHER. I move that the Senate concur in the House amendment.

Mr. HOWELL. Mr. President, I ask that this matter be passed over temporarily.

The VICE PRESIDENT. Without objection, it will be passed over temporarily.

Mr. FLETCHER. What is the order, Mr. President?

The VICE PRESIDENT. The action on the amendment of the House has been passed over temporarily at the request of the Senator from Nebraska.

Mr. FLETCHER subsequently said: Mr. President, I understand that the Senator from Nebraska has withdrawn his objection to the consideration of the amendment of the House to Senate bill 182, and I ask that the amendment of the House be concurred in at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the amendment is concurred in.

Mr. FLETCHER. I ask in this connection that the papers accompanying the bill, being Senate bill 182, Seventy-first Congress, second session, for the relief of Daisy O. Davis, which bill has been passed by the Senate and House, may be returned to Miss Davis, there being no adverse report thereon.

The VICE PRESIDENT. Without objection, it is so ordered.

BRIDGE ACROSS THE RED RIVER OF THE NORTH

Mr. SHIPSTEAD. Mr. President, House bill 16334, a bridge bill, now in the Committee on Claims, is identical with Senate bill 6205, being Order of Business 1857. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the House bill, and that it may be substituted for the Senate bill and considered at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Committee on Commerce is discharged from the further consideration of House bill 16334, and that bill will be substituted on the calendar for Senate bill 6205.

Mr. SHIPSTEAD. I ask unanimous consent for the present consideration of the House bill.

There being no objection, the bill (H. R. 16334) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922, was read, considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 6205 will be indefinitely postponed.

ADDITIONAL JUDGE, WESTERN DISTRICT OF WASHINGTON

Mr. JONES. Mr. President, the Senator from Wisconsin [Mr. BLAINE], when Order of Business No. 1712, being Senate bill 2358, was reached, asked that it go over temporarily. I wonder if the Senator will not permit that bill to pass? It merely provides for the appointment of an additional district judge in the western district of the State of Washington. I explained the necessity for the passage of the bill several nights ago when the calendar was under consideration, and I hope that it may now be passed.

The VICE PRESIDENT. Does the Senator from Wisconsin withdraw his objection?

Mr. KING. Mr. President, I will ask the Senator from Washington to withhold his request until I may have an opportunity to consult with the junior Senator from Washington.

Mr. JONES. Very well.

THE STAR-SPANGLED BANNER

Mr. TYDINGS. Mr. President, when Order of Business No. 1501, being House bill 14, was reached there was objection. I understand that the objection has now been withdrawn. It is the so-called Star-Spangled Banner bill which has passed the House four times, and I certainly hope that at this session we may dispose of it.

The VICE PRESIDENT. The bill will be reported by title.

The CHIEF CLERK. A bill (H. R. 14) to make The Star-Spangled Banner the national anthem of the United States of America.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I think, in view of the fact that we have called the Calendar when Senators who were here and who interposed objections have left, we ought not to go back now to bills to which objection has been made.

The VICE PRESIDENT. The Senator from Wisconsin objects.

Mr. TYDINGS. Mr. President, will the Senator permit me to say a word?

Mr. LA FOLLETTE. Certainly.

Mr. TYDINGS. Of course, the request of the Senator from Wisconsin is equivalent to taking up no bills to which objection has been made when the Calendar was called. That is what it amounts to. I went to the Senator who objected to the bill. He told me he had no further objection. If objection is going to be made to every bill which was originally objected to, we are just wasting time considering the calendar, because that is the only character of bills before us now. I hope the Senator will let this bill go through.

Mr. LA FOLLETTE. Mr. President, in this particular instance I happen to know one Senator who is opposed to this bill and who was present when another Senator objected to its consideration. The Senator from Maryland has been to see the Senator who objected, but the other Senator who I know is opposed to the bill has left the floor. It seems to me after the bills on the calendar have been called and objections have been made that they should not again be considered in the absence of Senators who may have objection. If the Senator will defer the request for a few moments until I can confer with him, I shall not interpose any objection.

Mr. TYDINGS. I only have seven minutes. That is my difficulty. I should be very glad to defer the request, but I am afraid we will pass this order of business before the Senator can make the inquiry which he desires.

ADJUSTED-SERVICE CERTIFICATE LOANS

Mr. BARKLEY. Mr. President, I am informed that while I was temporarily absent from the Chamber the Senator from Utah [Mr. SMOOT], the chairman of the Committee on Finance, presumed to make an adverse report on a bill that was not referred to the committee. On yesterday I introduced a bill that was not referred to the Finance Committee, but was allowed to remain on the Vice President's desk, where it now is. The Finance Committee had no jurisdiction to consider that bill because it was not referred to

the committee, and if the committee has made any report on it it has done so without jurisdiction.

Mr. SMOOT. Mr. President, the Senator is wrong. The committee made no report upon it at all. When the calendar was called and his bill was reached I objected to its consideration. The Senator from New York spoke to me in relation to it, and asked me to withdraw my objection. I told him the reason why I could not do so. That is the history of the matter.

Mr. BARKLEY. I desire to enter a motion to proceed to the consideration of the bill.

The VICE PRESIDENT. That would displace the unfinished business, and is not in order under the unanimous-consent agreement under which the Senate is operating.

Mr. BARKLEY. I desire to know what the parliamentary status of the bill is. On yesterday I introduced this bill and, on account of the shortness of time, it was not referred to the Committee on Finance but remained on the Vice President's desk. I entered a motion at that time which, under the rules, had to go over, to suspend the rules for the passage of the bill. On further investigation I find that it is not necessary to suspend the rules because the bill, not having been referred to the committee, but being on the Vice President's desk, it is in order to move to proceed to its consideration. I do not desire to interfere with conference reports, but I do not desire to be jockeyed into a position where I can not move to consider the bill.

The VICE PRESIDENT. There was objection yesterday, as the Chair was advised, and under the rule the bill went to the calendar and was reached this morning. The Senator, when he can secure recognition, can move to proceed to the consideration of the bill, but a motion of that kind would displace the unfinished business which is now the conference report on the maternity bill.

Mr. BARKLEY. I do not desire to displace the conference report.

The VICE PRESIDENT. Later on the Senator may be recognized.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Let the Chair lay before the Senate the conference report so that there may be something pending on which Senators may be recognized. The Chair lays before the Senate the conference report on Senate bill 255.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. The Senator from West Virginia.

Mr. JONES. Mr. President, I thought I had the floor when we entered into the unanimous-consent agreement for the consideration of the calendar.

The VICE PRESIDENT. Did the Senator have the floor when the unanimous-consent agreement was made?

Mr. JONES. Yes.

The VICE PRESIDENT. The present occupant of the Chair was not advised of that, not being in the Chair at the time. Therefore the Senator from Washington is recognized.

Mr. GOFF. Mr. President, will the Senator from Washington yield? I merely desire to make a motion to substitute a House bill for a Senate bill and ask that the House bill may be considered at this time.

Mr. JONES. I hardly see how I could yield for that purpose.

Mr. GOFF. I should like to ask unanimous consent to consider the bill.

Mr. JONES. Will it take any time or arouse any discussion?

Mr. GOFF. I think there may be some discussion, but I can not state how long the discussion may be.

Mr. JONES. I do not see how I can yield for that purpose at the present time. I desire to have the conference report disposed of, if possible.

Mr. GOFF. How long, may I ask the Senator from Washington, will he consume on the conference report?

Mr. JONES. I myself am not going to consume very much time; I am nearly through.

Mr. GOFF. How long, in the opinion of the Senator, will the conference report which he now wishes considered consume?

Mr. JONES. That I can not tell. There are some Senators who seem to have a very determined attitude with reference to the conference report and who seem to be disposed to take considerable time. That is one reason why I do not feel I can yield to the Senator at this time for his bill.

Mr. MOSES. Will the Senator from Washington permit me a word?

Mr. JONES. I yield.

Mr. MOSES. Mr. President, if the Senator from Washington will permit me to reply to the question propounded by the Senator from West Virginia, I can assure him and the other Senators that the time it will take to dispose of this conference report is somewhat problematical, but it is likely to be many hours.

Mr. GOFF. Mr. President, will the Senator from Washington yield?

Mr. JONES. No; I think I had better go on. I desire to make a brief statement, and then I want to have those who desire to oppose the conference report take the time.

The VICE PRESIDENT. The Senator declines to yield further.

Mr. GOFF. Will the Senator yield to me for just one question?

Mr. JONES. Certainly.

Mr. GOFF. If the motion which I have made is entertained by the Chair, it is my understanding that it will not supplant the matter which the Senator has before the Senate.

Mr. JONES. I think that probably is correct; but it is a question of the time that will be consumed in connection with it. I should like to dispose of this conference report as soon as possible. It may take considerable time. It very likely will, from the indications in the offing.

Mr. GOFF. Do I understand—to put it this way—that the Senator refuses to yield at this time?

Mr. JONES. I do not like to put it that way. I feel that I should go on with my conference report.

The VICE PRESIDENT. The Senator declines to yield.

THE STAR-SPANGLED BANNER

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JONES. I understand that what the Senator from Maryland proposes will lead to no discussion. I yield to him.

Mr. TYDINGS. Mr. President, I am the last objector to Order of Business 1501, House bill 14. I have just talked to the Senator from North Dakota [Mr. FRAZIER], and he has withdrawn his objection.

The VICE PRESIDENT. The Secretary will state the title of the bill for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BLEASE. I object.

The VICE PRESIDENT. The Senator from South Carolina objects.

Mr. TYDINGS subsequently said: Mr. President, a moment ago the Senator from South Carolina [Mr. BLEASE] objected to the consideration of the "Star-Spangled Banner" bill. I understand now that he does not care to make any objection. I know of no other Senator who has objected.

I ask unanimous consent that the bill may be taken up and passed.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America, as follows:

Be it enacted, etc., That the composition consisting of the words and music known as the Star-Spangled Banner is designated the national anthem of the United States of America.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 10560) to amend section 22 of the Federal reserve act, in which it requested the concurrence of the Senate.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. JONES. Mr. President, just before we went on with the calendar the Senator from Pennsylvania [Mr. REED] intimated that he understood that all this money could be used in the procurement of help, officials, and so forth, to carry out the provisions of the bill.

The bill in itself is very plain, and I am going to read the language of it:

From each of such additional sums so much, not to exceed 5 per cent thereof, as the Secretary of the Treasury, upon recommendation of the Surgeon General of the Public Health Service, may estimate to be necessary for administering the provisions of this act, shall be deducted for such purposes, to be available until expended—

In other words, for employees and administrative agencies, and so forth, not exceeding 5 per cent of this amount can be used. What becomes of the balance? The balance of the money is allotted to the various States for the activities contemplated by the bill. This is the way it reads:

and the remainder of each of such additional sums shall be allotted to the several States in the proportion which the rural population of each State bears to the total rural population of all the States, as determined by the latest available United States census—

In other words, so far as the distribution of money is concerned, this bill is framed largely along the lines of the public highway act. We allot a large sum of money to various States to be used by them in the construction of highways, roads, and so forth. We do not actually spend it ourselves. It is administered under certain conditions, regulations, and so forth, by them; and so this money is provided to be administered in substantially the same way.

Then there is a provision about allotment to the States—

Provided, That no allotment out of any of the appropriations under this act shall be made to any State for any fiscal year until at least an equal sum shall have been provided by such State for the same fiscal year for rural health work within the State under this act—

That language, it seems to me, is very plain. There can be no controversy about how that money is going to be used.

Here is another provision with reference to that which I think is rather important, and to which I want to call attention—

And provided further, That after Federal funds appropriated under this Act shall have been expended in three consecutive fiscal years for the support of rural health work in any county, township, town, or other political division or subdivision of any State, the amount allotted and paid from such funds shall not exceed 25 per cent of the total funds made available, as herein provided, for the further support of such work in said division or subdivision in any fiscal year.

In other words, after three years the amount of money contributed by the National Government is diminished. It is only 25 per cent of the total funds made available for the further support of the work in any fiscal year.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. I should like to get through this statement without interruption if I possibly can.

Mr. BINGHAM. I merely wanted to make a comment on the point which the Senator has just explained—that in a large State, with many counties and many towns, the amount could keep on for 200 or 300 years; but in a small State, with only five or six counties and only a few towns, the amount would not be available after a short time, because it can only go to any particular division or subdivision for three years.

Mr. JONES. A certain amount of it is continued indefinitely. It does not stop entirely at the end of three years. The language of the bill is perfectly plain, and does not warrant the construction just suggested by the Senator from Connecticut.

With reference to the other amount for the Children's Bureau, the $1,000,000 a year that is provided here, there is substantially the same provision as to its distribution. Ten thousand dollars goes to each State, to be used by the State practically as it sees fit in health activities, but the balance is to be distributed among the States in the proportion which their population bears to the total population of the United States as determined by the latest available census; and the bill provides that 5 per cent of this sum shall be used for administrative expenses.

Mr. President, this, in brief, is the fundamental character of this measure. Up to $3,000,000, after a certain period of time, is available for general health activities in the rural sections of the country. In another section of the bill it provides that this money shall be used in the rural sections and in towns and cities not exceeding 50,000 in population. Then the other $1,000,000 a year for the Children's Bureau is used along the same lines that it was used heretofore.

Mr. President, we use a great deal of the money of the United States along various lines. We use it to aid in the construction of highways. We use it for the preservation of animal life generally. We contribute our part toward dealing with diseases affecting various phases of animal life. It seems to me that we can not use some of our money any better than for the preservation of human life, of child life, of removing, if possible, some of the dangers of maternity. That is the purpose of this bill.

There may be criticism, of course, of the Government engaging in work of that kind. I think it is too late to raise that question, at least in a very effective way. If we had not engaged in these other activities, if we had not joined with the States and different sections and communities and parts of the States, in aiding them to deal with problems affecting animal life of various kinds, there might be some valid objection to our entering upon this work; but I do not see how the money of the National Government can be expended along more important lines than in the preservation of human life, and especially in the preservation of the lives of our mothers and the children that they bring to us.

This, in brief, is the character of this measure. This, in brief, is its purpose. I do not feel that I should take the time of the Senate further with reference to details, or anything of the kind.

I hope the conference report will be agreed to.

Mr. WALSH of Massachusetts. Mr. President, a political unit that is not able to finance its fundamental obligations, to promote the public health, and to educate its people ought not to be an independent state. It ought to be a territory or a dependency.

If there is any basic obligation resting upon the people who constitute a political state, it is that of preserving the public health and of educating its own people. Certainly those Members of this body who during the past session have seen the administration take the unalterable attitude that even in a great emergency, even when people are starving through economic depression that is nation-wide, the Federal Government shall not have its Treasury tapped to relieve human suffering, can not with good grace urge now an appropriation from the Public Treasury to help promote

rural health and help educate mothers in the care of infants during childhood.

I said earlier in the discussion this morning that it was no time, in the last 24 hours of a session of Congress, to inject here, for deliberation and consideration, new propositions of a legislative character. The distinguished and able Senator from Washington [Mr. JONES] replied that this was not a new proposition. I read from the remarks of a Member of the House who supported and voted for this measure, and who warned the Members of the House that the injection of new activities in and the imposition of new burdens on the Federal Government in the House proposal which was substituted for the Senate bill would lead to serious opposition in the Senate. The Member of the House from Alabama who discussed this proposition said:

> Every objection, constitutional, political, and otherwise, which can be offered against the Senate bill can be urged against the Cooper bill, and in addition it may be truthfully said that by it we are entering into a new field.

Mark this, from a Member of the House who believes in this legislation and who voted for it:

> By it we are departing from the limitation of attention to matters of maternity and infancy and going into the field of rural sanitation, communicable diseases of all kinds, and general health questions relating to our rural population. If any Member had reason to vote against the Senate bill, he has that same reason and an additional reason for voting against the proposed amendment.
>
> There were those in the Senate who opposed the bill there with great vigor and determination. I assume that they were sincere in their position and that they will oppose the final passage of this measure with equal determination, because, by adopting this amendment they will be afforded new reasons, new arguments, and new grounds of objection.
>
> Those who vote for this amendment do not cast a final vote. They do but vote to project this entire matter back into the Senate, where it will be debated—at what length I do not know—during the closing hours of the present session. Only three days are left in which Congress may take action upon this measure. It will be easy enough in the Senate to delay this measure until it is too late for the House and Senate to agree upon it.
>
> So, without questioning the sincerity of those who are opposing this amendment, I direct the attention of those who are really friendly to maternity and infancy legislation to the fact that if you vote for this amendment you may be voting to kill the legislation.

That is just what they have done. They voted to kill this legislation by presenting to the Congress in the last hours of the session a new activity, a new undertaking, which might lead to a tremendous drain in the future on the Public Treasury, which might lead to a new corps of public officials, which would mean another bureaucratic government in the Federal Government.

Mr. KING. Mr. President, from whose address was the Senator reading?

Mr. WALSH of Massachusetts. From the address of Representative HUDDLESTON, of Alabama.

Mr. President, I feel no compunction in diverting from the subject matter under consideration and taking this occasion to present some views I entertain toward the obligation and the duty which my party, the Democratic Party, has in the present situation in this country to wage a political movement for a new economic freedom.

THE ECONOMIC DEPRESSION AND ITS CAUSES

Mr. President, there has been a good deal of discussion in the press in recent days to the effect that at the meeting of the Democratic national organization in the near future the representatives of the party and the members of that organization should discuss the policy which the party ought to adopt toward the prohibition question. As an humble member of the party, I feel that it is appropriate, during the closing hours of this session, to suggest a political issue which is greater and more important to the American people than even the issue of prohibition.

I represent a Commonwealth which has very strong convictions on the question of prohibition. Massachusetts might be described as a wet State, and the members of the Democratic Party there decidedly urge a change in the present Federal prohibition policy. I strongly favor a speedy revocation of present conditions. But I am certain that it is going to take much future education of the people to the failures of prohibition, and several years more of discussion to get repeal.

However, in my judgment, there is an issue more immediately important than prohibition, which has to do with the happiness, the welfare, and the prosperity of all our people, which we ought to unite upon and make the great issue of the next national campaign. I am going to take the time, if the members of my own party will give me their attention, to present some views I entertain as to this other important issue.

In my judgment, the voters have made the general business depression prevailing throughout the country the present dominant political issue in American life. On this issue, therefore—and voters, not parties, make issues—political leaders should take a stand, be informed as to the causes, and should place the responsibility for the present economic crisis. Let us see if we can fix the political responsibility for present business conditions.

We have spent a good deal of time at this session on questions of relief. How much time have we spent trying to find out what the causes were which led to the widespread depression? How much time have we spent trying to find out what political agencies in this country are responsible, in part or in whole, for the depressed business conditions existing from one end of the land to the other? None whatever.

Mr. President, the causes, in my judgment, are complex and many, but I believe very strongly that there are certain financial practices which are, in large part, at the root of the present situation. I also believe that these calamitous conditions should have been foreseen and preventive measures invoked by the Government long before the economic structure of the country collapsed.

I consider the present business depression, which has caused the widespread unemployment and all the other economic troubles that confront us in every sphere of our industrial and financial life, to be due largely to financial exploitation and stock manipulations that have taken place in this country since the World War, and developing on a gigantic scale, with almost the rapidity of clouds converging in an electric storm. Mergers, consolidations, refinancing schemes, changes in financial structures, stock dividends, rights and warrants, all causing overcapitalization, stock watering, and a highly inflated condition of security prices are responsible, in large measure, for our present economic breakdown.

These false and artificially created values gave a wrong and false impression of the real status of business, and that false impression was hailed as "prosperity," when, in fact, we now know that what we had was an unsound, if not a dishonest, inflation of capitalization in industry and finance. To speak plainly, it was gambling, and the false showings made by gambling. We are to-day the victims of an orgy of gambling with money, securities, businesses, and industries that is without parallel in the history of the world. As in all gambling it has ended with the victims of the gambling game broke, and their dependents, in this case the workers, the middle class, and the general public, robbed of their possessions and of their opportunities to sustain and rehabilitate themselves.

Mr. President, the period of the past 10 years has been an epoch of mergers and financial exploitations of business without check, hindrance, or restraint. The results were both nefarious and ruinous. It is a black page, indeed, in our history, this era of complete subservience to materialism, this epoch of the triumph of greed and selfishness. We have witnessed the natural and inevitable result of a political philosophy and a political leadership dominated by the self-interest of the powerful few who control the vast mergers of the wealth of the country rather than by consideration of the general public interest.

The extent to which this orgy of consolidations and reconsolidations of industry and this federation and refederation and pyramiding of wealth and the recapitalization of industry have brought personal hardships, property losses, mental anguish, and unemployment to millions of our people can not be measured. No government that makes any pretense to support principles of justice and equality of opportunity

can escape its share of responsibility or its proper condemnation for these conditions.

During the time that these exploitations and unsound speculations and inflations have been going on the officials of our Government continued to announce publicly from time to time that "conditions were fundamentally sound" and "conditions safe," and not a hand or voice was raised in protest or restraint by those to whom we had a right to look for preventative measures against an inescapable economic debacle. Indeed, the party in control of the administration at Washington, in election after election, pointed to these conditions as evidence of real prosperity and guaranteed that this prosperity, which, we now know, was based on false standards and was destructive of the public welfare and was a breeder of contempt for government, would be maintained indefinitely if we continued to intrust to that party the control of the Government.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield.

Mr. WAGNER. Is it not a fact that at the time these predictions were made, to the effect that we were economically unimpaired, the Government, because of its own negligence, had at hand no economic information upon which to base any such statement or prediction?

Mr. WALSH of Massachusetts. Mr. President, the Senator is correct, and I intend to develop, before I get through with my prepared speech, ample evidence that an implied partnership existed between the organized wealth of this country and Government to inflate securities, business, and finances and to permit the orgy of gambling which existed in this country for 10 years, and which has finally brought our people to financial prostration, has resulted in unemployment, misery, suffering, and sorrow, and has almost ruined our entire economic fabric.

I thank the Senator for his interruption and for calling my attention to the fact that the dominant political party has repeatedly and repeatedly pointed to this inflation as evidence of prosperity.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. I yield.

Mr. ROBINSON of Arkansas. The Senator from Massachusetts has referred to the action of the representatives of the administration, the President, the Secretary of the Treasury, and others in attempts to make it appear that business conditions justified further expansions of credits and increases in stock prices all out of proportion to true value. It may amaze the Senator from Massachusetts and mankind generally to learn that the chairman of the Republican National Committee, the Senator from Ohio [Mr. FESS], recently published an article intended to carry on the very process referred to by the Senator from Massachusetts. Even in the present period of depression, when business conditions generally in the United States are worse than ever before during the lifetime of the Senator from Ohio or, for that matter, during the lifetime of the oldest Senator, the Senator from Ohio undertakes to carry forward at this time propaganda to convince the country that it is really prosperous and that the blessings of prosperity which the people of the United States are now enjoying are attributable to the mysterious and matchless measures and policies of the present occupant of the White House.

Mr. President, will the Senator from Massachusetts yield to me for just a moment more?

Mr. WALSH of Massachusetts. With pleasure.

Mr. ROBINSON of Arkansas. The article to which I refer summarizes the efforts of the Senator from Ohio [Mr. FESS] to convince the American people that there exists no real depression, that actually when the situation is analyzed there is prosperity. The essence of the article is epitomized in such headlines as America Presses Onward. In another publication the same article appears under the headline "Two Years of Hoover." I do not wish to abuse the kindness of the Senator from Massachusetts, but the remarks which I have in mind in this connection seem pertinent to his general discussion.

The Senator from Ohio in the article referred to declares that the institutions of the United States remain unchanged, that we "have an orderly government of law based on the Constitution, a national ideal of fair and equal opportunity for every man and woman"; and yet when he made the statement 6,000,000 of his fellow men and 15,000,000 or 16,000,000 of their dependents were not enjoying equal opportunities with those enjoyed by other citizens. There were 6,000,000 laborers and 15,000,000 of their dependents who were without means of livelihood.

Mr. WALSH of Massachusetts. And 15,000,000 more on part-time employment.

Mr. ROBINSON of Arkansas. Yes; and 15,000,000 more on part-time employment. Yet the Senator from Ohio [Mr. FESS] primed himself to boast that this is really a period of prosperity, and in order to establish that conclusion he produces paragraph after paragraph of figures, refers to savings accounts, and mentions increased deposits in the State of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Securities became so worthless that there was nothing else for the people to do with their money but go to the savings banks. Stocks and bonds had fallen tremendously. No one was investing in stocks and bonds then or now because of the uncertainty of the real value of stocks and bonds.

Mr. ROBINSON of Arkansas. The Senator from Ohio [Mr. FESS] actually claims credit for the prosperity which he says blesses this Nation, and attributes it to the measures enacted by the present administration pursuant to a partisan platform. Listen! He declares that—

> During a period of 70 years, except for intervals of 16 years, the economic policy of the United States has been guided by the Republican Party.

Let me ask the present occupant of the chair, the Senator from Ohio [Mr. FESS], what has that policy led to and what results have come to the American people from it?

Mr. WALSH of Massachusetts. The whole purpose of my address is to try to demonstrate that unfortunate result.

Mr. ROBINSON of Arkansas. The Senator from Ohio continued in his article:

> And nowhere else in the world has there been such a growth of wealth shared by the mass of the people. The liability, therefore, of a decrease of business and employment during the last year is a kind of temporary draft upon our resources and strength. That is encountered and overcome in every sound private business enterprise.

Mr. President, the Senator from Ohio has tried to make the American people believe that the present depression is really sound in so far as economics and business are concerned; and yet everywhere in the Nation, in every great city of the Republic, there are thousands of men, who are earnest in their purpose to earn their living by toil, who can not secure the opportunity. To my mind, there is no more pitiful spectacle on this earth than that of a man who is willing to work and earn his living but who, through no fault of his own, can not secure that opportunity. It is a mere boast, in line with the old-time practice of the Republican Party, represented by such spokesmen as the Senator from Illinois [Mr. GLENN], who is galling under the remarks which I am now making, and the Senator from Ohio [Mr. FESS].

During the last 50 years, in every campaign, the Republican Party has gone to battle in the name of prosperity, and now when the country is less prosperous than ever before in its history its leaders are actually trying to bolster up the old plea.

Mr. President, I thank the Senator from Massachusetts, and I apologize to him for consuming so much of his time.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. WALSH of Massachusetts. I wish the Senator from Illinois would make reply after I finish. I thank the Senator from Arkansas, and I am glad to know the interest of

the leader of the minority in the political issue which I am discussing.

May I say to the Senator from Alabama [Mr. HEFLIN] that this is an economic issue that reaches into every home, that touches every life, that ought to be now the dominant controlling issue of the great Democratic Party. We ought not to be arguing issues relating to religious or racial differences or relating to the wet and dry issue when men and women are starving, are suffering, are unemployed, and when business is broken down and much of the business of the country is on the verge of bankruptcy. It is time for some political agency in this country to make economics the dominant issue. The great problem, the political problem of the next few years, is the reconstruction of a new economic system which will forever separate government from business and elect to public office officials who will observe a regulatory attitude toward the greed and selfishness of organized wealth.

Mr. GLENN. Mr. President, will the Senator from Massachusetts yield to me now?

Mr. WALSH of Massachusetts. I prefer not to do so; I prefer to continue.

Mr. GLENN. I do not care to make any extended remarks, but in view of the rather numerous excerpts and quotations from the article written by the present occupant of the chair, the Senator from Ohio [Mr. FESS], which have been referred to by the minority leader, I think it only fair that the whole article be inserted in the RECORD, and I now ask unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. ROBINSON of Arkansas. Mr. President, I shall object. I think it would be unfair to the CONGRESSIONAL RECORD to print and circulate, under the frank of the Senator from Illinois, the article written by the Senator from Ohio.

Mr. GLENN. Of course, if the Senator from Arkansas——

The PRESIDING OFFICER. The Senator from Arkansas objects.

Mr. WALSH of Massachusetts. Mr. President, let me proceed. What I have said thus far, it very properly may be said, is of a general character, and I can conceive of some stalwart Republican putting this question: Who foresaw this debacle? What public men foresaw and pointed out and inveighed against the conditions which you assert have existed in this country for the last 10 years, and which have produced the present business depression? I propose now to discuss that phase of this subject.

To open-minded men and students of economics the present disastrous situation has not been unforeseen. As far back as the campaign of 1924, Democratic leaders pointed out the extent to which overcapitalization and stock watering was increasing, and recited specific instances of the ruin resulting or threatened. In the Democratic national platform of 1924, as in earlier platforms, this evil was specifically condemned and the economic earthquake that was certain to follow was predicted.

Now, Mr. President, I turn to the platform of 1924. May I say that I take some pride in having drafted, with the junior Senator from Arkansas [Mr. CARAWAY], both of us being members of the committee on resolutions, this very plank in the platform of the Democratic Party in 1924—just seven years ago.

FRAUDULENT STOCK SALES

We favor the immediate passage of such legislation as may be necessary to enable the States efficiently to enforce their laws relating to the gradual financial strangling of innocent investors, workers, and consumers, caused by the indiscriminate promotion, refinancing, and reorganizing of corporations on an inflated basis, resulting already—

Already—

in the undermining and collapse of many railroads, public service and industrial corporations, manifesting itself in unemployment, irreparable loss and waste, and which constitute a serious menace to the stability of our economic system.

How prophetic! In 1924 the Democratic platform condemned the refinancing and reorganization of corporations and the inflation of wealth, and pointed to the very consequences that we now know have resulted all too disastrously from the failure of governmental agencies to stop and prevent these criminal financial practices.

I read from another plank in the Democratic platform of 1924 headed "Private Monopolies," and reading—

The Federal Trade Commission has submitted to the Republican administration numerous reports showing the existence of monopolies and combinations in restraint of trade and has recommended proceedings against these violators of the law. The few prosecutions which have resulted from this abundant evidence furnished by this agency created by the Democratic Party, while proving the indifference of the administration to the violations of law by trusts and monopolies and its friendship for them, nevertheless demonstrate the value of the Federal Trade Commission.

We declare that a private monopoly is indefensible and intolerable, and pledge the Democratic Party to a vigorous enforcement of existing laws against monopoly and illegal combinations, and to the enactment of such further measures as may be necessary.

I think, Mr. President, it was the Senator from Utah [Mr. KING] who made a speech on the floor of the Senate several years ago pointing out the fact that many reports had been made by the Federal Trade Commission to the Department of Justice submitting evidence of alleged violations of the Sherman antitrust law, but that practically no prosecutions of any kind whatever had been instituted. Indeed many progressive-minded Senators have protested similarly and repeatedly since 1922. No wonder corporations continued to combine and to reorganize from that time on to the detriment of the public interest.

In March, 1928, a citizen of Worcester, Mass., wrote a letter to Senator BORAH, calling his attention to these financial exploitations. I will now read Senator BORAH's reply. It is strong language, but indicates that what was going on in our economic system was well known and that its dangers could be fully appreciated by those who, in their thought and utterance, were free from the domination of so-called high financiers. The reply of the Senator from Idaho was as follows:

I feel you are entirely correct in your view and in your diagnosis. I am taking up the subject of your letter with the committee now dealing with this subject. The whole trouble with this proposition is, Mr. Alden—

I am still quoting from the letter of the Senator from Idaho—

The whole trouble with this proposition is, Mr. Alden—

Mark these words—

that we haven't got the nerve to do what we ought to do.

"We haven't got the nerve to do what we ought to do."

It would pretty nearly bring on a revolution to break the hold of the monopolistic forces. But that ought to be done. Sometime it will have to be done.

Sincerely yours,

WILLIAM E. BORAH.

That is strong language, but it indicates that what was going on in our economic system was well known and its dangers could be fully appreciated by those who were free from the domination of greedy high financiers. Several Senators on this floor, including the Senator from South Carolina [Mr. SMITH] and the Senator from Missouri [Mr. REED] again and again protested against these financial methods.

But, Mr. President, let us turn to some other sources than public men, who may be suspected, perhaps, of discussing this subject in a certain way merely because of its political value or advantage in a campaign. Let me read from one of many business and financial reports upon this subject. I read from the Cotton Market Forecast, a publication distributed weekly for the exclusive use of its subscribers. It describes itself as the "gatherer and disseminator of cotton market news." In its issue of October 20, 1930, it sets forth present economic conditions, and their causes.

Mr. President, I read from a market letter in a financial journal published in October, 1930. Mark its indictment of the methods of high financing in this country during that period. I quote:

From 1924 to 1928, inclusive, corporations were not only capitalized far in excess of tangible or physical value but recapitalized over and over.

No politician is saying this; no public man is saying it; nobody in the midst of a political campaign is saying it; but a financial journal published in the interest of the cotton industry—the cotton broker, the textile manufacturers, and cotton-cloth commission merchants.

From 1924 to 1928, inclusive, corporations were not only capitalized far in excess of tangible or physical valuation but recapitalized over and over again—just so long as earnings could be made to appear as "attractive investments." A million-dollar corporation which showed legitimate earnings of 12 per cent was immediately made into a two million dollar one paying 6 per cent, the added million being nothing but "water" so far as physical valuation was involved.

Note this—

In the aggregate—

In the aggregate—

this doubling of capitalization ran into billions.

No wonder we are prostrate; no wonder business is depressed; no wonder farms are abandoned; no wonder millions are unemployed when "in the aggregate this doubling of capitalization ran into billions." Now let me read the final sentence from the article in this financial journal:

Thus, a few men grew enormously rich at the expense of the many. And now the country is paying for this questionable high finance, the devastating results reaching from palaces down into mere hovels.

That is the language of a financial organ, published to give its subscribers accurate and correct financial news.

Bankers of high repute and of unselfish aims—and there are many in this class, for all have not been engaged in this unsavory business, although the inflation of capital and trust making became so common that most investment banking institutions were forced to engage in it—confirm this diagnosis and express regret over the methods of high financing that have been in extensive use during recent years and that they have been helpless to prevent. Moreover, Henry Ford, a few months ago, supported this opinion in a strong public statement.

But, Mr. President, why prolong further presentation of the evidence that is not refuted in any well-informed quarter but is merely suppressed and hushed?

I will disgress at this point to call attention to a Senate resolution. On March 1, 1927, four years ago, in the closing days of the session, I proposed a resolution which I asked to have considered—and, of course, it was objected to and could not be passed—asking for a recess committee, to do what? To study this very question, pointing out these conditions on March 1, 1927. Did it get any attention? Why, I was "an enemy of prosperity." I was "trying to undermine prosperity." I was "attacking the stock market." I was "pulling down the value of securities, of stocks and bonds," in seeking to have an inquiry made into the extent of this inflation, and to have a check extended by the Government before the awful debacle came that was certain and inevitably to come.

I ask that that resolution and the speech I then made be printed in connection with my remarks at the end of my address.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH of Massachusetts. That resolution, in brief, provided for the appointment of a committee of 15—

To sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation, in order that the Congress may be in a condition to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee:

First. As to the exact status of the general agricultural conditions in this country.

Second. To what extent does unemployment exist, and to what extent has there been curtailment of production in various industries throughout the country; the causes of these conditions, and the remedies needed to restore prosperity to these industries.

Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection, and the tax on corporation incomes affect these industries and their employees?

Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuance of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure?

Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that may have curtailed production and caused unemployment.

Of course, as I have said, the resolution was considered as an attack upon prosperity, and rejected.

But, why prolong further a presentation of evidence that inflation and gambling was rampant, for it is not refuted in any well-informed quarter, but is, I repeat, merely suppressed and hushed?

Mr. President, who now can doubt but that this redoubling of the capitalization of our industries and of our financial structures, which is alleged to have run into about fifty billions, is responsible for the terrible decline in values, the widespread business depression, and the general unemployment.

The result has not been sudden or unforeseen; it has been accumulating steadily for a long time. In my candid judgment, the 10 years of political control which we have had since the World War are responsible. Republican administrations are responsible, both through omissions to act and through affirmative declarations that this type of prosperity, the result of juggling and gambling and trust-making, was sound and secure and made for the permanent welfare of the people of the United States. This is a responsibility that can not be dodged, notwithstanding that Mr. Calvin Coolidge, on the eve of the campaign in Massachusetts last October, when he made a public speech over the radio calling for the support of Republican candidates, made this statement:

No party can guarantee prosperity.

Let me ask you to keep that phrase in mind while I quote to you, a little later, some of Mr. Hoover's phrases upon what political parties can do to preserve prosperity:

No party can guarantee prosperity.

Surely Mr. Coolidge does not claim that it is not a solemn obligation of government to prevent the destruction of the general business of the country by reckless and unconscionable financing methods that are within its power to prevent. Surely he would not hold that the Government, or the officials who control it, should not refrain from doing and promoting those practices and things that will inevitably destroy prosperity? And yet that, both of these counts, is precisely what his party did during the whole of his administration. And his successor started to follow in his footsteps, up to the time when he was interrupted by what he calls, "the crash."

The Democratic Party, whatever Mr. Coolidge may do or say, can not take the position that government must not supervise the misuse of power—be it the power of the gangster or of the liquor racketeer, or the worthless-stock promoter or of wealth combining to prevent a fair distribution of the resources of the Nation.

Misuse of power! Why, all government restraint is based upon the doctrine that there is in human nature an impulse to be selfish, to be greedy. What is the law of larceny but a law restraining the greed and the selfishness of one man in his concept of the property rights of another man? Yet the very purpose of corporations, the very purpose of trust formation, is that by several people combining, and by combining large sums of money, more greed and more selfishness can be exercised, and more profit accumulated. And yet these men, with their modern political philosophy, dare to say that it is not a function of government to restrain the misuse of organized financial power—but it may restrain the misuse of the wrong tendency in the individual to selfishness and greed. Oh, but to restrain the misuse of power by corporate control is "interfering with business"; and, of course, they, thereby pretend there is no selfishness and greed in organized business.

Democrats can not accept the doctrine that we are helpless with respect to economic wrong; that depressions, after they come, can not be cured, or, at least mitigated, by legislative act. That they can be prevented, even, by government, the Democratic Party must believe and strive for. Depressions do not cause themselves. Back of every depression is a series of human acts, and human acts presume responsibility—a man or group of men who can be called to account and compelled to do differently. And, I inquire, who but the state must do that calling to account and that compelling of a remedy?

Government has not met its obligation by enacting laws and then consistently failing to enforce its regulations to restrict organized greed. It must not only legislate and courageously enforce the safeguards necessary, but it should not cease its efforts until it has fostered policies that provide, as economic conditions change with the years, for a just distribution of the country's undoubted resources of wealth, to equalize economic opportunities, and to give to the poor the special protection of which they stand in need. Such a course and obligation of service to the public the Republican Party has abdicated. Whatever may have been the views of its founders, the Republican Party is to-day recognized as the instrument of the vested interests, to carry out their desires and to reap advantage therefrom.

Protection of the citizen, both in his separate and aggregate capacity, was the fundamental aim of the framers of the Constitution. To plunder the citizen without governmental hindrance is not less offensive or reprehensible because softer names are used, such as profits, revenues, stock dividends, investment trusts, or mergers. Soft words are always used by the conqueror or plunderer who usurps the property of others as his inheritance.

Why is it that we regulate transportation companies, electric-light companies, and similar public utilities instead of leaving them to their own devices? Do we not forbid these companies, which are specially charged with a public interest, to issue stocks and bonds based upon their earnings rather than upon their actual assets, in order that they may not overcharge and rob the public?

Must the unorganized masses stand by and allow organized combinations of private business to exploit them and spread economic ruin, suffering, and unemployment? Do government powers bestowed on corporations carry immunity with respect to the law against gambling with legitimate business or conspiring to concentrate the wealth of the Nation in the possession of the few? Is there no responsibility here for some political power and political leadership in this country to protect the many against the concentration of the wealth of the Nation in the possession of the few?

Let me read to you some recent promises and some admissions of governmental responsibility for prosperity, if indeed they are not actual admissions of governmental support of this brand of prosperity that I have been describing. You remember what I said Mr. Coolidge said a short time ago about the inability of any government to guarantee prosperity. Now, let me read you what Mr. Hoover said about prosperity.

On September 30, 1928, Mr. Hoover said:

> Without the wise policies which the Republican Party has made effective during the past seven and a half years, the great prosperity we are now enjoying would not have been possible.

Again, on October 23, 1928, Mr. Hoover announced that—

> Under the administration by the Republican Party in the last seven and a half years our country as a whole has made unparalleled progress. A continuation of the policies is fundamentally necessary to the further advancement of this progress.

Did not the country, in the election of 1928, act favorably upon this advice and give Mr. Hoover and the Republican Party the opportunity for the continuation of the policies which he declared to be necessary for the further advancement of prosperity? We know that it did.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. SWANSON. As I understand from the quotation of the Senator, President Hoover admits that present conditions are the result of Republican policies and principles of legislation.

Mr. WALSH of Massachusetts. There is no doubt about it.

Mr. SWANSON. He said that in September. If the conditions in September were rotten in substance and simply pleasant in appearance, he admits that the Republican Party is responsible for them, does he not?

Mr. WALSH of Massachusetts. The Senator has said, in his direct way, what it would take others to say in many sentences.

Mr. SWANSON. He has admitted his responsibility. He can not deny it, and the whole structure of cards has fallen down, he has admitted twice.

Mr. WALSH of Massachusetts. He said he took to himself and his party credit for the prosperity of seven and a half years. He pleaded to be elected President of the United States to continue that prosperity, to carry out the policies for which his party and its leaders had stood, which he said represented and caused the so-called prosperity which existed.

Mr. SWANSON. Mr. President, has the Senator any subsequent quotations from him?

Mr. WALSH of Massachusetts. He said on September 17, 1928, this prosperity was not an "accident" and was not "achieved by luck" but was due to the "sound governmental policies and wise leadership" of the Republican Party, and added:

> Continuous employment and prosperity depend upon the continuance of these policies.

A little earlier, in his speech of acceptance at Palo Alto, Calif., on August 11 of the same year, Mr. Hoover held out the hope of the eradication of poverty and the elimination of the poorhouse as the goal to which these policies were eventually to lead. He said:

> The poorhouse is vanishing from among us. We have not yet reached the goal, but, given a chance to go forward with the policies of the last eight years, we shall soon, with the help of God, be in sight of the day when poverty will be banished from the land.

Mr. President, what has happened, then, that has impeded this promised prosperity? Frankly, is it not that the seven and a half years of Republican rule referred to by Mr. Hoover and accepted as prosperity were, in fact, an era of high financing that smacked of the temporary and insecure prosperity of the gambler?

There is the whole story. It was gambling prosperity. It was inflating stocks, bonds, industry, and finance; and, as I said earlier in my address, the gambler sooner or later comes to ruin.

But, alas! In this case the gambling, fostered and encouraged by government, has brought ruin and sorrow and heartaches to millions of human beings, unemployment, stocks and securities wiped out, widows and orphans bankrupt and penniless. Yes; it is the result of gambling; and gambling of a nation-wide character, unfortunately, supported and approved by those in high stations.

I do not blame Mr. Hoover for it all. This thing could not happen in one year. I think he deserves some pity. He inherited it. It is a political philosophy, as I am going to show later, that has long prevailed. He must take the responsibility because he defends it; but it is a political philosophy which started after the war, when men became drunk with the profits they made during the war and turned to using the corporation laws of this country for their selfish purposes, without hindrance, without check, without restraint. They proceeded to stiletto—that is the word, "stiletto"—every legitimate business and every legitimate enterprise in this country by their methods of high financing.

Mr. Hoover may have largely inherited, through the mistakes and omissions of his own political party, the conditions which exist at present in this country. He is the recipient of conditions which are the result of a political philosophy and political practices which permitted the greedy, the heart-

less, and the sinister financial interests to exploit the public and manipulate the money of the American people, the money of investors and depositors, to enrich themselves. The Republican Party represents this philosophy. Their leaders defend it. Therefore they must take the political consequences.

What do we need in America? Some of the governmental activities that are used to restrain larceny should be applied to restraining those who have picked the pockets of investors, who have destroyed industry, through overcapitalization and watered stock, and have brought about unemployment, by insidiously using the seal of the Government and the corporation laws to enrich themselves.

I ask the Senators of my own party who are listening to me, is there not something in this situation that calls for a vigorous protest, and for leadership, and for a dominant political issue? Is there not something here aside from developing religious animosities, and racial hatreds or discussions of other questions, however important they may be in this locality or that locality, something that reaches into every home, that reaches into every pocket, something that has shaken to its foundations the whole economic fabric of the American Nation? Yes, Mr. President, the issue in America to-day is a reorganized, a rebuilt, a new economic structure, and we must see to it that those who have caused the destruction of the present economic structure shall not do the rebuilding, or we will have a repetition of what has happened.

That is the issue, Shall the new, sound, sane, sensible economic policy of the future be intrusted to those who have wrecked the old system and who are responsible for its destruction, or shall we have a new deal? Shall we have men take the leadership in public life animated by a determination to preserve for all classes of the American people the great slogan of the Democratic Party, of its great founder, Thomas Jefferson, "Equality of opportunity"? Not special privilege for the powerful, for the few, for the wealthy, for the campaign contributors, but equality of opportunity for the farmer, for the miner, for the mechanic, for the men and women who toil, for the men and women who invest their money in corporations in this country, with the expectation that the Federal Government will not allow them to be robbed?

That is the problem confronting the Democratic Party, and here is its opportunity, and success is knocking at its door. The right to work; the right to be secure in investments; the right to know that business is not being conducted for mere exploitation and the robbery of the few; the right to prevent the destruction of the business of the country by unlawful and unreasonable exploitation.

I sincerely believe the great issue in America to-day is the one I am discussing. Surely we are not going to permit the political party and leaders who are responsible, those who have caused the wreck, to take further charge and reconstruct the new economic system that must be built on the ashes of the present system.

Look about you, Senators. See the smokeless chimneys in every village, the deserted towns, the empty tenements, the vacant stores, the ever-increasing army of unemployed. These are all evidences of an economic system that was labeled prosperity by the political leaders and responsible Government officials of the dominant political party.

Who seriously believes that all necessary Government restraint has been, or is being, used and that ought to have been used to assure the average citizen his rights, equality of opportunity, and protection against poverty and unemployment?

Mr. President, who of you dare claim that all of the agencies of government have been used, even attempted to be used, to prevent this awful havoc that has visited the American people through the neglect and indifference of governmental officials or through the absolute partnership of Government officials with selfish, greedy, sinister, financial interests in this country?

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. SWANSON. If the Senator will permit me, I have always thought this, that no wealth is created by government. Government takes wealth from the people to carry on its operations. All wealth is created by the people, the masses of the people struggling and producing things.

Honest government is government that will so direct affairs as to let money stay in the pockets of the people who produce it. Dishonest government is government that takes the profits of A and transfers them to B.

I understand from the citations the Senator has made that government in the last seven years has used its power improperly to distribute the wealth created by the people into the pockets of the few. The officials of the Government wanted to distribute wealth for gambling, and how did they do it? All corporations and enterprises are in stock gambling to-day. The gamblers have wanted to make the stock sell for twice what they could ordinarily get for it. So they made money cheap, abnormally cheap.

It will be remembered that my colleague, the junior Senator from Virginia [Mr. GLASS], protested that they had no right to make money cheap by ordering the banks in Chicago and other centers to reduce their rates of discount. They made money so cheap that the prices of stocks and bonds and securities were doubled. Then there was a good deal of gambling, which the Senator has so graphically described, and when the stocks began to quiver, and the gamblers could not put them higher, the President and the Secretary of the Treasury announced that they were not any higher than they ought to be, that the boom was still in front of us. They still continue to deal in stocks, and the masses of the people had their earnings taken from them in the orgy of gambling that went on.

We regulate railroads, because the railroads by excessive rates take too much of the earnings of the people and put them in their pockets. I think the Senator is right in saying that the functions of the Government should be exercised to keep the earnings in the pockets of the people who produce them, and not allow them to be distributed improperly by improper legislation. That has been the issue of Democracy, has it not?

Mr. WALSH of Massachusetts. That is very well stated. Let me relate an incident which impressed me very much, a very graphic picture of what I am trying to show.

A few years ago an old lady came to my office and threw down on the table in my office two certificates of stock, representing a cost of $2,000. She said to me, "Where can I get the money on those certificates?"

As soon as I looked at them I saw that they were worthless. The name of the corporation seemed to suggest that; I knew it was a worthless concern. I turned to her and said, "Madam, why did you buy those stocks?"

She said, "I put into them the last dollar I had in the world. My husband had saved $2,000, which he had invested in a savings-bank account; the agent told me I would make great profits and big dividends, and I drew the $2,000 out of the bank and put it into those stocks."

"My dear woman, why did you not ask somebody? Why did you not go to some Government official and inquire about those stocks and their value?"

She said, "I did that very thing. I did that very thing."

"What did you do?"

"I went to the statehouse with my certificates in my hand, before I bought them, and said, 'Is there such a corporation in this State, the State of Massachusetts?'"

The officer, the commissioner of corporations, said, "Yes; there is such a corporation."

"Is it existing?"

"Yes."

"Is it operating?"

"Yes."

She said, "I invested my money on the strength of that statement, for I did not believe my Government would allow its seal to be attached to a certificate of stock that was worthless and valueless and of no consequence. I believed that my Government, when it put its seal on a bond and





stock, had an obligation to prevent that security being sold when it was actually valueless."

Mr. President, the whole trouble is that this philosophy of government of the dominant party in its partnership with privileged wealth has allowed the corporate laws, well-meaning and well-intended to help and encourage business, to be actually used in exploitation of the public—not only exploitation of the public, but for the destruction of business.

What has been the chief business of large groups of investment bankers since the war? It has been the buying of prosperous industries, consolidating them, inflating the capital, and then dumping the stocks on the public and destroying the industry. Let me give illustrations.

Some months ago I visited in the West an industry famous for its food products. The manager of the industry inquired if I knew a certain banker. I said, "Yes; I know him well. How do you know him?" He said, "He comes here frequently." I said, "What is his connection with your business?" He said, "He is trying to buy my business." I said, "Do you have much of that?" He said, "Senator, there is not a week goes by that I do not have agents of banking concerns coming here and knocking at my door, begging me to sell my industry in order that they may reorganize, inflate millions of dollars, and sell the stock to the public." These bankers only go to prosperous industries that have a successful trade-name because that stock can be easily sold. No struggling industry is taken.

One of the reasons for the depression in my section of the country to-day is due to the fine old industries, 75 to 100 years old, with a national reputation, known in every financial institution in the world as solid and substantial, which have been looted, which have been consolidated and reconsolidated, so that they to-day have a capitalization that makes it impossible to produce at a going price the products which they have been manufacturing. These promoters buy these industries to exploit them and not to manage them more economically.

I have in mind one industry in my own community where I live that in the last 15 years has gone through 5 consolidations, and yet the physical valuation of those industries of $15,000,000 was inflated to $40,000,000, and before the crash came at all the stock in those consolidated industries went down to the small sum of 86 cents. I can take Senators to communities where school-teachers, widows, professional men, who bought the certificates of stock in the parent industries which were most prosperous, which had a world-wide trade reputation, and they did not conceive, they could not take the time to study and investigate, the manipulations and the changes in the financial structure that were with rapidity carried on, and which resulted in those securities becoming practically worthless.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WALSH of Massachusetts. I yield.

Mr. TRAMMELL. In the Senator's study of the question has he not found that practically all corporations worth while have an overcapitalization? Have not practically all of any great consequence, the biggest institutions in the country, an overcapitalization?

Mr. WALSH of Massachusetts. Yes. What is the object? The Senator has a prosperous business. I have a prosperous business. What is the object of putting our businesses together? Why does a banker come and offer the Senator $1,000,000 for a plant that is worth $500,000? Why does a banker come to me and offer me $1,000,000 for a plant that is worth $500,000? Is it not done by the banker to recapitalize them for $3,000,000 or $4,000,000 and thus put two or three million dollars in his pocket? That is what has been going on in industry and business in the last 10 years. That is what has made smokeless chimneys, deserted villages, empty homes in the land. It is a terrible story of wreck and ruin that cries to heaven to vengeance.

In the closing hours of this session I am appealing to my own party, because it is the minority, to take up this issue, to expose this fraud and corruption, to go forward as crusaders to establish a new economic system in the country that will restore economic equality of opportunity and that will crush out the greed and the selfishness which have saturated the business of the country and which have brought the awful economic ills which exist at the present time.

Mr. President, let me tell you what I think the obligation of government is with respect to such economic questions as unemployment. We spend millions of dollars to employ a large corps of men in the Army and Navy to defend us in the event of war. We spend large sums of money and the untiring efforts of many efficient officers to prevent disease and the spread of it. We even anticipate great catastrophes, such as earthquakes, and have relief and rehabilitation plans perfected in the event the catastrophe occurs.

Are not the hardships which unemployment causes akin to those of war and pestilence? Unemployment means poverty, misery, suffering, mental anguish, broken-hearted mothers, despairing fathers, undernourished children, disease! Yes; unemployment is a catastrophe. It is more widespread to-day in America than ever. It reaches into every avenue of life, the saleswoman, the stenographer, the bookkeeper, the accountant, clerical employees, foremen, superintendents; even railroad and restaurant employees have been made jobless, as well as the workers in every line of industry.

What has been done to anticipate or to prevent this awful plague of unemployment? Belatedly, on the eve of campaigns, committees were hurriedly appointed to study the problem—a problem that had already been made acute throughout the entire country for months and that has been increasingly acute in several States for a much longer period. Even the few limited measures to deal with this problem, proposed during the last session of Congress, failed to be acted upon, because the administration refused to recognize the importance and seriousness of this problem. Instead of adequate measures for relief, we have been given repeated promises from week to week that it would be over soon and the need for it would pass. The administration has been indeed prolific in promises but sterile in deeds. There has been much prophesy and no foresight, and now the winter is here. One must be blind who does not see the terrible struggle against accepting charity, as well as anguish and suffering, that is being visited upon many of our people.

I repeat, a little vision and a strong hand raised in protest against, instead of applause for, the gambling prosperity of recent years; a plan to construct large and extensive and much-needed public works, reforestation and reclamation projects, and the institution of measures of flood control, and dredging harbors, deepening and widening navigable rivers, and other similar work—the plans for all these things prepared in advance—would long ago have contributed powerfully toward relieving the present want and suffering.

Mr. President, I have discussed thus far the existing economic depression, because I consider this the momentous problem of immediate importance. Now let us turn to another subject and observe to what destructive ends this false political philosophy may go in another field of governmental activity.

When the agricultural West demanded relief the administration set up in the very Government itself the principle of trust control. The Federal Farm Board, which the representatives of the farmers in the Senate opposed until it was forced upon them by the administration, is a Government bureau, which has been given a working fund of $500,000,000 of public money to engage in an elaborate scheme of buying, selling, and fixing the price of agricultural products. The proposal of those imbued with the philosophy I have described was very naturally to propose what amounted to a dictatorship for farm relief. The failure of this unwise undertaking is now everywhere recognized.

It is this same political philosophy, supporting the self-interest of the few, that last year, in the midst of the present economic debacle, built a tariff wall, for the apparent benefit of favored interests, that has ruined our export trade, in-

vited business retaliation from other nations, threatened our friendly relations internationally, and crippled domestic production. I inquire, was not the natural consequence of this philosophy of government an embargo tariff—a tariff policy that meant the world markets for ourselves but no markets here for the rest of the world?

But enough of the examples of consummate selfishness of and for the favored powerful few which represents the political philosophy that the Democratic Party must set its forces against. Let us leave the field of political principles and consider the executive power, and contemplate the necessity and importance of the correct political philosophy in this branch of the Government.

Mr. President, the same lines of division which we know exist among legislators will be found in the executive branch of our Government. Men in command look forward or look back; they are progressive or they are conservative; they favor popular rights or defend entrenched wealth. And therefore, depending on which way they face, they exercise incalculable influence over the present and future course of government and the welfare of the people.

Let me illustrate: The Executive appoints in local, State, and Federal Government, membership on all the governing commissions that touch the daily life of the citizen at innumerable points. These political executive leaders appoint in some jurisdictions members of the judiciary for life. In the selection of these officials who constitute a vast army of public servants, with bureaucratic powers, the Executive must choose between able lawyers or commissioners of one or the other political school of thought.

Leaders occupying executive positions can nullify the benefits of every progressive measure enacted by State and Federal lawmakers by appointing reactionary-minded, controlled officials, or, what is even worse, a class of officials whose public service is based on expediency rather than a militant disposition to safeguard and defend the rights of the unselfish citizen who asks no favors and seeks no privileges.

Again, the Executive who becomes the leader of his party and the exponent of its principles, under our form of government, must chart for us, through his power of appointment, the course which shall guide our future relationship in regulating transportation, insurance, agriculture, electric and water power, tariffs, interstate commerce in merchandise and securities, the radio and other instruments of communication; in fact, all the innumerable activities that intimately affect the welfare and the everyday life of every citizen in the land.

The controversy that raged in the Senate for several days early in the present session revolved around this principle. On the surface the contest was over the confirmation of the members of the Power Commission, but the real contest was one of protest by a majority of the Senate against a power commission assumed, rightly or wrongly, to be subservient to the power interests rather than the public interest.

Mr. President, the increase of bureaucratic government also emphasizes the importance of the political philosophy that should differentiate the two major political parties of this country. Which philosophy can best investigate, scrutinize, and expose the activities of the hundreds of bureaus and the tens of thousands of employees, who in many instances possess the power to make regulations, as important as laws, to declare crimes and penalties and to spend billions of the people's money? Surely some leadership in our Government that is effective and espouses unmistakably the public interest and is not a mere rubber stamp should serve the people as a real safeguard and prevent these agencies from becoming the pliable tools of selfish and predatory interests. It is only through individual leaders and a political organization devoted and consecrated to the public welfare as distinct from self-interest that the people can secure responsible and efficient service in bureaus far removed from the people's influence and control.

Thus, Mr. President, the contention and strife for domination between these two political philosophies is going on with respect to every issue and every agency of the Government. Is there any doubt that the forces of organized self-interest have triumphed for many a year through their control of the majority party? Is not the time now at hand for the restoration of government to the common man?

What then is the clear opportunity and mission of the Democratic Party? Is it to continue wrangling about religion, about prohibition, about tariff rates, or is it to accept this call coming from millions of human beings who look to their Government—oh, for what? Indeed, for very little. The masses are only asking the right to fight and to die for it in time of war, and in time of peace raising their hands and saying, "All we ask is leave us alone, stop exploiting us, stop plundering us, stop robbing us, leave us alone." That is the cry that comes up to political leaders from millions of human beings.

What party is going to answer their cry if it is not the party that claims to be the advocate and spokesman of the common man, of the everyday citizen, of the man and woman on the street, of the man back on the farm, the small storekeeper, the mechanic, the clerk behind the counter? Are they to be voiceless? Is the plundering to go on and on because of the weakness and the blindness of political leadership in this country to foresee the importance of this issue and to make it the dominant controlling issue in the next campaign in this country?

Mr. President, briefly stated, the perceptions and aspirations of the poor—I am defining what I conceive to be the Democratic mission—of the working man and woman, the multitude, must be recognized and dealt with adequately by the party of the people. The Democratic Party, unlike the Republican Party, must not think entirely of the strong and powerful.

Somewhere, at some place, there ought to be a powerful political agency under our Government thinking of the weak and the poor. More than ever, the Democratic Party must watch, work, and think for the common welfare, and realize what are the means alone by which these problems can be solved. Our aim must be for the establishment of justice, which the fathers of the Republic knew was the chief end and purpose of government. "Abolish justice," said a great saint and scholar, " and what are governments but great robbers? " Have we reached that time? Has economic justice been so abnegated in this country that we have reached a state where the Government has become part and parcel of the agencies in this country which are robbing the great masses of their birthright?

I would choose for the present day's slogan of the Democratic Party Whittier's definition of justice: He called justice, " the hope of all who suffer; the dread of all who wrong." The Democratic party must insist upon the dispensation in government of that justice that is " the hope of all who suffer; the dread—the eternal dread—of all who wrong."

EXHIBIT A

(Speech of Hon. DAVID I. WALSH, of Massachusetts, Tuesday, March 1, 1927)

Mr. WALSH of Massachusetts. Mr. President, there is one long-standing custom of the British Parliament that I have often thought we would do well to adopt, and for the adoption of which the need never seemed to me greater than it seems to-day.

From time to time the House of Commons, as every Senator is no doubt aware, sets apart a day for the consideration of " the state of the nation." At such times the members of the cabinet and the responsible heads of any and all administrative departments, are obliged, if called upon, to answer in person any questions that may be asked as to the policies they are adopting and the reasons for them, and as to the evidence in support of any statements put forth by the administration or its supporters for the purpose of influencing public opinion. It is a custom the value of which can hardly be overestimated, it seems to me, not only in deterring administrative officials from embarking on courses which they will find it difficult to justify, but also in affording a safer basis for the drafting of remedial legislation, and for the giving or withholding the confidence of the House of Commons and of the nation from the ministry of the day.

We are confronted in the closing hours of this short session with a situation that sorely needs such an unpartisan or bipartisan investigation as this custom of the British House of Commons provides. We are dispersing to our homes, and shall reassemble in December, the victims of confused and conflicting reports as to what the effect of the policies of the present administration upon the condition and prospects of the Nation really has been, and with no safe means of deciding whether all is going as well as we have a right to expect, or what if any legislative

action should be taken to curb, stimulate, or direct administrative activities during the time that must elapse before the verdict of the voters themselves can be obtained.

On the one hand, administration spokesmen and the administration press are broadcasting the assertion that our Nation is enjoying, and has every prospect of continuing to enjoy, a prosperity that has never been approached before in the history of this or any other people. Republican propagandists the country over are repeating an estimate said to be based on the income-tax returns that the combined incomes of the people of the United States in the year just ended reached the amazing total of $95,000,000,000, or an average of about $2,000 for every head of a family and unmarried adult of either sex. And the growth of bank deposits, the quick absorption of vast issues of corporation stocks and bonds, and the immense sums that are seeking investment in foreign industries, are cited as unquestionable proofs of the reality and auguries of the permanence of this new age of gold. But when we turn from the fountains of partisan propaganda to more responsible and unbiased sources, to those whose knowledge of actual conditions comes from personal contact and individual experiences we hear an undertone of dissent and complaint so widespread and affecting so many of our fundamental industries and so large a proportion of those who depend on them for the necessaries and comforts of life that one is led to suspect that it may be the rapidly growing and dangerous concentration, rather than the healthful diffusion, of the national wealth that is evidenced by the widely advertised financial achievements of the year just elapsed.

Is not the prosperity which is so widely heralded the prosperity of monopoly? Is it not a prosperity that is discouraging individual initiative, driving the producer, the independent manufacturer, the small business man to the wall and confining the accumulation of wealth to the monopolies of industry and finance? And is not this monopoly, which is the distinctive product of our age, aiming to extend and perpetuate itself through a skillfully devised plan to seek and maintain control over both the legislative and the administrative departments of our Government?

We have heard much of late about the troubles of the wheat growers of the Middle West and the textile industries of the East, but perhaps we may find trouble in some section of the country other than the West or the East, with its crowded industrial centers, passing through a period of unemployment that has been longer continued in many of the basic industries than any like period in our history. Let us turn to the South and see if the present alleged prosperity is filling the coffers of the southern planter with wealth. The speeches delivered upon this floor and at the other end of this building have disclosed the same sad story of depressed land values in the cotton States, of bank foreclosures, and of financial ruin to those engaged in this industry that has been so graphically told in Congress in regard to the Western States.

All that I might say is summed up in an editorial on the cotton surplus published in the Washington Post on February 4, in these words:

"Only through a drastic slash in the cotton acreage to be planted this spring can the cotton States hope for relief from the depression which has well-nigh bankrupted the South during the past year. The price of cotton in New York, New Orleans, and Liverpool remains below the actual cost of production, and there is little hope of better prices in sight. * * * The only hope for better conditions in the market, if acreage is not reduced, lies in increased activity by the boll weevil. But the planter can not afford to put his faith in the boll weevil. * * * It is up to the bankers and merchants of the cotton States to refuse credit to those planters, black and white, who insist upon attempting to raise more cotton than the market will absorb."

These startling situations in the West and South are represented as local and passing setbacks due to surplus production, under climatic conditions which can not be foreseen or controlled, but which may be offset by a comparatively small and inexpensive amount of governmental interference. But the farm census reports tell a different story. They show that in every State in the Union there has been in the last few years a steady shrinkage in farm population, notwithstanding the fact that in our farm population there are 400,000 more births than deaths, year by year.

They show also that in every State there has been a marked shrinkage in the value of farm implements and machinery, and in all except one or two a shrinkage in the value of the farms themselves, while in all without exception the amount of farm mortgages and the ratio of the mortgage total to the total of farm values has risen, in the latter case from an average ratio of about 25 per cent to around 45 per cent, and in one State to 78 per cent, of the still shrinking farm values. Are not these statistics indications of something more than a passing and sporadic interruption of a general prosperity? Depression of farm values and real estate generally, which is the condition throughout the country, has never before been an indication of the existence of real or lasting prosperity.

And what of the hundreds of thousands who are abandoning the farms to seek a living elsewhere? Are they finding a place in our manufacturing industries?

If so, these should show a corresponding increase in the number of their employees, beyond the increase corresponding to the country's annual growth in population. But is this really the case? We have in Massachusetts a department of labor and industries which, in my opinion, is unexcelled in painstaking thoroughness by any similar body in the United States, and this department, in a bulletin issued February 21, of the present year shows the decrease of employment in certain industries, by a comparison between the average number of wage earners employed during the five years between 1919 and 1923, and those employed in January of 1927, to be as follows:

In all industries taken together there were 15.6 per cent fewer persons employed than the average five years before.

In the boot and shoe industry there were 38.8 per cent fewer employees; in the cotton and textile goods industry there were 25.3 per cent fewer employees; in the textile machinery and parts industry there were 37.8 per cent fewer employees; in the woolen and worsted goods industry there was a reduction of 13 per cent. That the depression is continuing is indicated by the fact that statistics for all industries combined show that the number employed January, 1927, was 5 per cent smaller than in January 1926. That the shrinkage in employment which has been noted in the 39 leading industries for several months still continues, is shown by the fact that from December 15 to January 15 the aggregate weekly earnings shrank also to the extent of 139,047; while the average weekly earnings per person employed dropped from $24.37 to $23.96—both figures, by the way, quite noticeably under the before-mentioned "average yearly income of $2,000." And lest the citizens of Massachusetts should be unduly depressed by this showing, the bulletin goes on to state that for the United States as a whole, for the corresponding period, the percentages of decrease in numbers employed and in aggregate weekly earnings were both twice as great as in Massachusetts.

The pay-roll statistics from the July number of the United States Labor Review show that employment in the manufacturing industries fell off 18.7 per cent from 1920 to 1925. This report reveals also that the pay roll of the industries show a shrinkage of 32.3 per cent from 1920 to 1925. The comparison of the 1920 pay-roll index for the month of May, with the 1926 pay roll from the same month, shows a 6-year shrinkage of more than 40 per cent.

I shall not dwell upon the well-known decadence of the cotton textile industry in New England, where within the past few years nearly 40 factories have gone out of business altogether and several more have been absorbed by more successful competitors. So far as the cotton mills are concerned this situation may have passed beyond the reach of remedial legislation, since it is alleged to be due in the main to economic conditions for which no political organization and no party administration can justly be blamed. But it is a condition causing such great unemployment and loss of invested capital that the Government ought to determine the facts and find a remedy if one is to be found.

With the woolen mills the case is somewhat different. If the opinion of the Carded Woolen Manufacturers' Association is to be accepted, their main handicap lies in the 31-cent tariff on clothing wools, a tax which varies, they assert, from 40 to 100 per cent on their raw material, or from one to two and one-half times the total labor cost of converting the wool into cloth in the mills. To expect permanent prosperity under such a tariff burden is, of course, absurd.

I hold in my hand a list of the woolen mills which were forced out of business since the Fordney-McCumber tariff law of September, 1922. They are 39 in number. Eleven of them were located in New York State, 7 in Connecticut, 10 in Rhode Island, 9 in Massachusetts, and 1 each in Pennsylvania and Vermont.

But the main point that I wish to emphasize here is that the present and continuing shrinkage in employment and in weekly earnings is not confined to the textile industries, nor is it peculiar to New England alone. To a greater or less degree it pertains to all, or nearly all, our leading industries, and extends to nearly every State. The Federal Reserve Bulletin for January states that the output of the shoe industry in 1926 was 7½ per cent less than in 1923, and that in the same period the wage earnings in the Massachusetts shoe industry fell from $83,000,000 to $65,000,000, or nearly 24 per cent.

The automobile business has been referred to as an evidence of prosperity. As a matter of fact, it is one of the key industries that is shrinking. Statistics show the production of automobiles and trucks throughout the country in January, 1927, to be 249,506, which, compared with their production in January, 1926, of 388,220, is a reduction of 68,714, or 21.5 per cent. The reduction in the month of December, 1926, compared with December, 1925, was 45.6 per cent. But possibly this is not a fair comparison, as December is the month of readjustment of business in the automobile trade.

Statistics further show employment in the automobile industry in December, 1926, was 19.8 per cent under the 1925 level. The number employed in Detroit for the week ending February 2, 1927, was 46,019 less than that employed for the corresponding week in 1926.

In the financial papers generally are to be found, here and there, sanguine utterances (not editorial, however) like these: "With money plentiful and labor employed at the best wages ever enjoyed, and business picking up in the agricultural districts, everything seems to point to a good business year," and, "in view of the huge accumulations of wealth that have piled up in the face of liberal public expenditures, the new year offers the promise of solid progress."

But when they descend to details the "promise of progress" quickly fades, and the outlook becomes even less reassuring than that of the Reserve Bulletin. Nation's Business for December, 1926, justifies the caution that "1927, at least for the first half, may see some shading off" by asking what else is to be expected after a year that witnessed "the record number of bank failures, the second largest number of business failures, and the fourth largest total of failure loss," and when "in the last five years 100,000

concerns have suspended, owing their creditors over $3,000,000,000." And the December number of Guaranty Survey, of New York, notes, as other financial summaries do also, "Curtailment in the key industries of building and automobiles, diminishing export-trade balances, the outflow of capital, and increasing competition at home and abroad."

What conclusions are we to draw from this conflict between glittering generalities and somber pictures of details? The usual barometers of Wall Street are all "set fair." Money is plentiful, savings deposits increasing, bank reserves ample, no feverish speculation in evidence, a complete absence of the conditions that indicate the approach of financial stringency or panics on exchange. But how are we to harmonize this halcyon outlook with the depressing situation that prevails in so many branches of industry and pervades all sections of the Republic? Who has any definite knowledge of the present extent of unemployment or can even guess what has become of the hundreds of thousands of men and women who have forsaken agriculture, and who, instead of finding vacant places waiting for them in our leading manufacturing industries, have been joined by other thousands who have lost their jobs by the curtailment of these very industries; a curtailment, it appears, that even yet is not at an end?

For most of us, Mr. President, the long recess that we hope is so soon to begin will mean, in the main, a release from the pressure of legislative duties, and in this off year a relief also from the burdens of a political campaign. It will not, however, release us from the duty of caring to the extent of our opportunities for the welfare of the constituents who have honored us with their confidence and who continue our salaries whether Congress is in session or not.

Mr. President, I want to put the Senate on record to find out if its conception of the responsibility of its Members to the country justifies them in retiring from the National Capitol on the 4th day of March and absenting themselves for nine long months—with continuing salaries and four paid clerks—from any inquiry, study, or preparation of a plan of action, in view of the steady and constant decline in so many industries which furnish the sustenance of life to our working people, the deplorable state of the farmers of the West, the depression of the cotton industry in the South, the laying off of wage earners throughout the country, and the large number of bank suspensions and business failures throughout the United States. Are we to be content that all is well with our people and that economic conditions are sound because financial statements show the dominance of high finance in such striking contrast to actual conditions as they affect the individual wage earner, the agriculturist, and the cotton planter? The Congress can not avoid its responsibility by charging the President with failure to call an extra session and pointing to the fact that it has no power of its own initiative under the Constitution to call such a session. I know that extra sessions of Congress are burdensome, causing much personal inconvenience to Senators and Representatives, but I do not hesitate to declare that in my opinion the great legislative business of this country, with its many complex problems, can not be studied, debated, and settled in the same period of time that sufficed more than 100 years ago for the performance of the work of Congress, to wit, less than 70 days. The American people are not without the power to fix responsibility in such a case as this. The party in control of the Government must answer for its omissions as well as for its commissions.

Mr. President, Congress has become distinguished throughout the country in recent years for its large number of investigations of malfeasance in office, of corruption and incompetency of governmental departments, and also of flagrant abuses perpetrated by candidates for office in attempts to debauch the electorate by the excessive use of money in elections. It is time to have a constructive investigation—one that seeks to find sound and sane solutions of our economic problems, a remedy for conditions throughout the country which despite our great wealth appear to be rushing us headlong toward a course that can only end in the impoverishment of the many and the enrichment of a favored few.

The imperative need of such an investigation as I am urging upon the Senate has been impressively emphasized by the events of the past few days. All our protracted efforts to devise a measure of relief for the afflicted farmers and planters of the West and South have been brought to naught by a veto—which I can not but approve—on the ground that the measure is not only unconstitutional but ill-advised, and that in operation it would aggravate instead of relieve the hardships it was designed to correct.

Under these conditions, is not this the very least the Congress is bound to do, in justice to so many constituents to whom this fresh disappointment has come to intensify the pangs of hope so long deferred—can we in common humanity refuse to take every means in our power to provide the next Congress with all accessible evidence necessary to enable the discovery of a genuine remedy, the drafting of a measure that will be both constitutional and workable, the adoption of the best policy that human faculties can devise for the rescue of our basic industry from a depression which all our other industries can not fail to share?

I propose in the resolution which I have submitted that 15 Senators representing the agricultural, cotton, and manufacturing States be appointed to sit during the coming recess and be equipped with all the powers and facilities required for a thorough study of the economic state of the Nation, to determine the real extent and the causes of the untoward conditions that are reported to exist in so many industries, and especially the extent and the social consequences of the increasing unemployment that has been their natural result. The committee should discover whether the methods of the governmental agencies employed in gathering industrial and economic statistics are sufficiently thorough and scientific, and whether, in gathering and collating their material and in publishing their results, they are free from partisan bias and immune from partisan control. And when the necessary data are collected the committee should advise us, with the aid of the ablest economists that the country can afford, what steps should be taken by the Seventieth Congress to correct past errors, to avert impending dangers, and to make our prosperity in years to come the common heritage of all, not the envied perquisite of a favored few.

RESOLUTION

"Whereas it is constantly alleged that the country is enjoying a period of unparalleled prosperity and the large sums collected in taxes upon incomes and the increase in bank deposits are asserted to form a main evidence of this prosperity; and

"Whereas, on the other hand, it is repeatedly asserted that the agricultural industry on the whole is in a depressed and struggling condition, especially in the corn-producing and wheat-producing States of the West and in those States where cotton is produced, causing bank foreclosures, mortgage foreclosures, and in some cases bank failures; and

"Whereas in other parts of the country it is alleged that abnormal unemployment in industrial centers is existing, with the result of a great curtailment in the purchasing power of the American people, of itself sufficient to cause a dangerous lowering of normal industrial conditions: Be it

"*Resolved*, That a committee of 15 be appointed to sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation in order that the country may be in a condition to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee:

"First. As to the exact status of the general agricultural conditions in this country.

"Second. To what extent does unemployment exist, and to what extent has there been curtailment of production, in various industries throughout the country; the causes of these conditions, and the remedies needed to restore prosperity to these industries.

"Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection, and the tax on corporation incomes affect these industries and their employees.

"Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuing of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure.

"Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

"Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that have curtailed production and caused unemployment."

The committee to have full authority to issue subpœnas, compel the production of documents necessary to such inquiry, and to organize an administrative force sufficient to carry on the aforesaid work.

The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, but shall not include any allowance for traveling or other incidental expenses of members of the committee.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 6046) to authorize advances to the reclamation fund, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 155. An act for the relief of Jesse J. Britton;

S. 181. An act for the relief of James H. Roache;

S. 351. An act for the relief of John Donahue;

S. 401. An act for the relief of Claude J. Church;

S. 543. An act to increase the pay of mail carriers in the village delivery service;

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1244. An act for the relief of Capt. Christian Damson;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 1918. An act for the relief of Irene Strauss;

S. 2068. An act for the relief of Lester L. Wilson;

S. 2106. An act for the relief of John Baba;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3050. An act for the relief of James M. Booth;

S. 3184. An act to permit the county of Solano in the State of California to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;

S. 3206. An act for the relief of Rebecca Green;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5;

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia, the bowl and ladle formerly in use on the U. S. S. *Princeton;*

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5353. An act for the relief of Mrs. Herman M. Warr;

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928;

S. 5516. An act for the relief of E. G. Mason;

H. R. 531. An act for the relief of John Maika;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 7754. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; and

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

REPORT ON THE WAR FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, submitting, pursuant to law, the report of the War Finance Corporation (in liquidation), covering the period from December 1, 1929, to December 31, 1930, which, with the accompanying papers, was referred to the Committee on Finance.

REPORT OF THE FEDERAL FARM LOAN BOARD

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the fourteenth annual report of the Federal Farm Loan Board, for the year ended December 31, 1930, which, with the accompanying papers and exhibits, was referred to the Committee on Banking and Currency.

ADDITIONAL WICKERSHAM COMMISSION DATA

The VICE PRESIDENT laid before the Senate a communication from the chairman of the National Commission on Law Observance and Enforcement, dated March 3, 1931, reporting, in response to Senate Resolution 463 (submitted by Mr. TYDINGS) requesting the reasons for withholding

information by the commission as to prohibition enforcement in 16 States, and transmitting prohibition surveys on the States of New York, New Jersey, and Louisiana, which, with the accompanying documents, was referred to the Committee on Printing.

He also subsequently laid before the Senate a communication of the same date from the chairman of the National Commission on Law Observance and Enforcement, transmitting a prohibition survey on the State of Colorado, which, with the accompanying document, was referred to the Committee on Printing.

He also subsequently laid before the Senate a further communication of the same date from the chairman of the National Commission on Law Observance and Enforcement, transmitting a prohibition survey on the State of Illinois, divided into two parts (Part I referring to the State outside of the city of Chicago, and Part II to the City of Chicago), and also stating that all of the State reports received by the commission have been transmitted to the Senate with the exception of those relating to California, South Dakota, Massachusetts, and Nebraska, which appear to have been sent to the commission, but which search thus far has failed to discover, etc., which, with the accompanying documents, was referred to the Committee on Printing.

ADDITIONAL PETITIONS AND MEMORIALS

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Commerce:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Fred E. Lukens, secretary of state of the State of Idaho, and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of House Joint Memorial No. 3 enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 25th day of February, 1931.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the Capital of Idaho, this 27th day of February, A. D. 1931.

[SEAL.] FRED E. LUKENS,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
In the House of Representatives.

House Joint Memorial 3, for the navigation development of the Columbia River and its tributaries. (By committee on agriculture)

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Idaho, in legislative session assembled, most respectfully represent and petition as follows:

That the Columbia River and its main tributaries, the Snake and Willamette, are navigable streams, but require further improvements of channels to meet up-to-date navigation conditions, and that such improvements will make possible the towing of fleets of barges loaded with products which to-day lie dormant or suffer restricted market outlet because of transportation costs; and

Whereas the people of the Columbia, Snake, and Willamette River districts have organized themselves together and formed the Columbia Valley Association for the purpose of carrying out their program; and

Whereas the program of the Columbia Valley Association provides for development as follows:

1. By navigation of the rivers so far as possible in the present condition of their channels.

2. By improvement of the channels so that navigation may be further facilitated and extended.

3. By canalization through the building of dams whereby such channels may be still further improved.

And, whereas the use of these rivers is the Pacific Northwestern link for the national inland waterways of the United States; and

Whereas there is now a bill before Congress presented by Senator STEIWER asking for the deepening and widening of the channel of the Columbia to 7 feet in depth and 100 feet wide from Portland to the mouth of the Snake; and for the deepening and widening of the channel of the Snake to 5 feet in depth and 100 feet wide from the mouth of the Snake to Asotin, Wash., and asking for an appropriation of $858,000 to carry on the work: Now, therefore, be it

Resolved, That we, your memorialists, approve the program of the Columbia Valley Association and urge that Congress establish this channel improvement as a project and appropriate the $858,000 of funds necessary for such improvement work, and we believe this program is in full harmony with that proposed by President Hoover for the development of our inland waterways system and an aid to agriculture and industry; be it further

Resolved, That one copy of this memorial be forwarded to the President of the United States, one copy to the President of the United States Senate, Speaker of the House of Representatives, and to each Member of the Idaho, Montana, Oregon, and Washington delegations in Congress.

This house joint memorial passed the house on the 19th day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 23d day of February, 1931.

G. P. MIX,
President of the Senate.

I hereby certify that the within House Joint Memorial No. 3 originated in the house of representatives during the twenty-first session of the Legislature of the State of Idaho.

PAUL DAVIS,
Chief Clerk of the House of Representatives.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of Montana, memorializing Congress for the passage of pending legislation providing that the United States shall aid the States in the construction of rural post roads, and for other purposes, which was referred to the Committee on Post Offices and Post Roads. (See joint memorial printed in full when presented to-day by Mr. WALSH of Montana.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the annual convention of the New Mexico Wool Growers' Association, expressing appreciation and gratitude to the Federal Farm Board for "its splendid and effective cooperation and the very valuable assistance which has been rendered to the National Wool Marketing Agencies and to all other subsidiary agencies in connection with wool growing and wool marketing," which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of War, transmitting copy of a resolution adopted by the Provincial Board of the Provincial Government of Capiz, P. I., protesting against alleged injustices committed against Filipinos in the United States, and requesting a Federal investigation thereof and the enactment of laws that will give due protection to Filipinos in this country, which, with the accompahying paper, was referred to the Committee on Territories and Insular Affairs.

The VICE PRESIDENT laid before the Senate a telegram, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

SALEM, OREG., *March 3, 1931.*

CHARLES CURTIS,
President of the United States Senate,
Washington, D. C.:

I have the honor to inform you that the Thirty-sixth Legislative Assembly of Oregon, now in session, has passed the following resolution:

"Senate Joint Memorial 12

"*To the honorable Senate and House of Representatives of the United States of America in Congress assembled:*

"We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

"Whereas the Government of the United States has an investment of $700,000, and the people of Langell Valley located in Klamath County, State of Oregon, have an investment of $900,000, the entire amount of which is threatened with certain destruction from drought conditions this year; and

"Whereas this irrigation project is a part and portion of the United States reclamation department; and

"Whereas the reclamation department in 1923 sold the surplus waters in Clear Lake, which is the natural reservoir for the Langell Valley irrigation district, for commercial purposes, receiving therefor more than $25,000; and

"Whereas the reclamation department has in its program of construction a short canal to tap the second large water supply which remains intact at the present time; and

"Whereas the reclamation department at a cost of $35,000 can run this canal, insuring a plentiful water supply for the 16,000 acres of irrigated land in Langell Valley for this season: Now, therefore, be it

"*Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein)*, That we, your memorialists, the Legislative Assembly of the State of Oregon, do hereby petition the Congress of the United States of America to take action at the earliest possible date to prevent this unit of the Reclamation Service known as the Langell Valley community in Klamath County to become dry and arid, thus causing the Government to lose its investment of $700,000, and the settlers of Langell Valley to lose their investment of $900,000; and be it further

"*Resolved*, That the Commissioner of the Reclamation Service, Mr. Elwood Meade, be consulted immediately as to the facts pertaining to the Langell Valley situation, with the request that the reclamation department furnish the necessary funds to construct the short canal; and be it further

"*Resolved*, That in case the reclamation department has no funds available that an appeal will be made to the drought-relief department of the United States Government, or to some other agency that has sufficient funds, so that immediate work may be begun; and be it further

"*Resolved*, That the secretary of state of the State of Oregon be, and he hereby is, authorized and directed forthwith to transmit a certified copy of this joint resolution to both branches of the United States Congress by telegraphic communication.

"Adopted by the senate February 25, 1931.

"WILLARD L. MARKS,
"*President of the Senate.*

"Concurred in by the house February 27, 1931.

"F. J. LONERGAN,
"*Speaker of the House.*"

HAL E. HOSS, *Secretary of State.*

HOUSE BILL REFERRED

The bill (H. R. 10560) to amend section 22 of the Federal reserve act was read twice by its title and referred to the Committee on Banking and Currency.

ST. FRANCIS RIVER BRIDGE, MADISON, ARK.

Mr. CARAWAY. Mr. President, some days ago the House passed House bill 16419, an authorization for the construction of a highway bridge across the St. Francis River in St. Francis County, Ark. It is to be built by the highway commission of the State as a free bridge. I ask unanimous consent that the committee may be discharged from the consideration of the bill and that it be taken up and passed.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Chief Clerk read the bill (H. R. 16419) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Arkansas State Highway Commission and their successors and assigns to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Madison, Ark., on State Highway No. 70, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. BINGHAM. Mr. President, is this course satisfactory to the chairman of the Committee on Commerce?

Mr. CARAWAY. He is present.

Mr. JOHNSON. I have no objection.

The VICE PRESIDENT. Without objection, the Committee on Commerce will be discharged from the further consideration of the bill.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, MOUNDSVILLE, W. VA.

Mr. DALE. Mr. President, there are only three bridge bills remaining on the clerk's desk. I ask unanimous consent that they may be disposed of.

The VICE PRESIDENT. Is there objection?

The clerk will read the first bill.

The Chief Clerk read the bill (S. 6216) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., which had been reported from the Committee on Commerce with amendments, on page 1, line 7, after "1929," to insert "heretofore extended by act of Congress approved May 19, 1930"; and on the same page, line 8, before the word "extended," to insert the word "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., authorized to be built by the Moundsville Bridge Co., its successors and assigns, by an act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 19, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIPE-LINE BRIDGE ACROSS MISSOURI RIVER

The VICE PRESIDENT. The clerk will read the next bill.

The Chief Clerk read the bill (S. 6253) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, which had been reported from the Committee on Commerce with amendments, on page 2, line 1, after the word "navigation," to strike out the balance of line 1, and down to and including line 8, and in lieu thereof to insert a comma and the words "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River and approximately nine-sixteenths of a mile downstream from the bridge of Sioux City Bridge Co. across the Missouri River at Sioux City, Iowa, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same, as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE, STAR CITY, W. VA.

The Chief Clerk read the bill (S. 6262) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va., which had been reported from the Committee on Commerce without amendment, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Monongahela River, at or near Star City, W. Va., authorized to be built by the Monongahela Bridge Co., its successors and assigns, by an act of Congress approved May 16, 1930, are hereby extended one and three years, respectively, from May 16, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. I ask unanimous consent, out of order, to report, for the calendar only, a bill from the Military Affairs Committee to amend the national defense act, sometimes spoken of as the National Guard bill. I do not ask

present consideration of the bill at this time, but just to put it on the calendar.

The VICE PRESIDENT. The clerk will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended.

The VICE PRESIDENT. Without objection, the report will be received, and the bill will be placed on the calendar.

ADVANCES TO THE RECLAMATION FUND

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6046) to authorize advances to the reclamation fund, and for other purposes, which were, on page 2, line 6, to strike out the word "funds" and insert "fund," and on page 2, line 6, to strike out all after "July 1," down to and including the word "completed" in line 10, and insert "1933."

Mr. BORAH. I move that the Senate concur in the amendments made by the House.

The motion was agreed to.

JOURNAL OF MARECHAL DE CAMP OF SIEGE OF YORKTOWN (S. DOC. NO. 322)

Mr. FESS. Mr. President, I hold in my hand an unpublished journal of the siege of Yorktown, prepared by marechal de camp, covering the period of the siege from October 6 until October 19, the latter day being the day of the surrender. It is a very valuable document. It has been translated from the French by the French department of William and Mary College, and up to date it never has been published. In view of the sesquicentennial celebration that is coming soon, I ask unanimous consent that it may be printed in the RECORD and also as a Senate document with illustrations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

JOURNAL OF THE SIEGE OF YORK (TOWN)

(By the general staff of the (French) Army)

OPENING OF THE TRENCH FROM THE 6TH TO THE 7TH OF OCTOBER, 1781

Marechal de camp (brigadier general?), Baron de Diomenil brigadier (then, as in the Spanish Army to-day, a rank between that of brigadier general and colonel) the Count de Custine. Bourbounais (troops from old province of Bourbon) two battalions. Soissonnais (troops from old province of Soissons) two battalions. Night workmen (engaged in working on the trench during the night of the 6th-7th October), 1,000 men.

The trench has been opened in a parallel whose left rests on a ravine which follows the redoubt of Pigeons Hill and whose right joins the left of that (trench) of the Americans crossing at right angles the high road of York (town). This parallel was supported by four redoubts, two in the territory of the Americans and two in that of the French.

The American offensive, which in reality, together with our own, constitutes but one and the same, rests its right upon the river. Their work of last night (6-7 October) has been the construction of that part of the parallel which belongs to them. At the same time they have opened on our left, joining the upper part of the river, a trench supported by a battalion of Touraine and the grenadiers and chasseurs (light infantry). They have begun a battery the object of which is to fire upon the enemy vessels in the upper river.

The enemy soon discovered this offensive and it has attracted their attention so completely that they have no knowledge whatever of our main offensive, upon which they have directed no fire, contenting themselves, as on preceding nights, with firing upon the redoubts which we have abandoned and upon the two constructed by the Americans on both sides of the Hampton Road, which are behind our works. Chance shots have resulted in no worse than a slight contusion to an officer of the Royal Deux Ponts and a more severe wound to a soldier of the same regiment, both belonging to the men working on the trenches.

In the offensive of the Touraine regiment there was one artillery officer dangerously wounded and six grenadiers of whom two only slightly and a soldier of the Agenois troops. At daybreak the works of the great offensive were found almost everywhere in condition to receive the troops. There have been employed during the day in the improvements of the parallel 400 workmen taken from the trench battalions.

FROM THE 7TH TO THE 8TH (OCTOBER)

Marechal de camp, the Chevalier (Knight) de Chatellux.

Two battalions of Agenois, two battalions of Saintonge night workmen—900 men.

Last night 500 workmen were employed under the direction of engineers to begin the communications with the rear and on the left of the parallel to improve it as well as the redoubt and to make the zigzag communicating trenches to the batteries. The 400 other night workmen were employed, together with those of the battery, in the construction of the batteries. For the offensive against the upper river we have continued the construction of the battery, which was found at daybreak in condition to fire. We have employed 400 day workers, taken from the trench battalions, to perfect the works of the two preceding nights and to continue the construction of the batteries. For the American offensive, they have begun to construct the batteries.

Wounded in the great offensive—six men.

Condition of the batteries begun the night of the 7th-8th:

AMERICAN

On the right, joining the river, one battery of six cannon and four howitzers. Near the first French redoubt, a battery of five cannon.

FRENCH

No. 1. A big battery composed of 4 pieces of 16.2 mortars of 12 inches, 4 mortars of 8 inches, 2 howitzers of 8 inches, a little behind the parallel and a little to the left of the Hampton highroad.

No. 2. A battery of 4 pieces of 24, also behind the parallel and to the right of the ravine on which it rests.

No. 3. One of 3 pieces of 24, in the direction of and behind the extremity of the parallel.

No. 4. One of 3 pieces of 24, to the left of the ravine on which the parallel rests.

FROM THE 8TH TO THE 9TH

Marechal de camp, the Marquis of St. Simon.

Brigadier, the Count de Custine.

Two battalions of Gatinais, two battalions of Deux Ponts Auxiliaries, the grenadiers of Soissons and of Saintonge night workmen, 800 men.

Half the night workers were employed under the direction of engineers to complete the communications begun the preceding night and the others, together with the artillery, to continue the construction of the batteries and to begin the construction of a new one.

No. 5. Of seven mortars, in front of the parallel toward the left.

We have employed 400 day workers, taken from the trench battalions, on the same tasks. The Americans have continued the works of the night and preceding day. Their battery of six pieces of cannon and four howitzers, joining the river, was found to be in condition to fire two hours before night. The battery for the offensive on the upper river began at about 3 o'clock to fire upon an enemy frigate, which was obliged to slip its cables and retire.

One killed, one wounded.

FROM THE 9TH TO THE 10TH

Marechal de camp, the Count de Diomenil.

Two battalions of Bourbonnais, two battalions of Soissons troops. Auxiliaries: Chasseurs, Agenois, and Gatinais.

Night workers, 700 men.

Four hundred workmen were employed under the direction of engineers to palisade the redoubts of the parallel and to improve communications, and 300, together with those of the artillery, to continue the batteries. At daylight the following batteries began to fire:

The American battery of five cannon, and the French batteries, one and two.

At the end of two hours firing, the enemy (blot, illegible, ceased?) entirely.

We employed 200 day workers, taken from the trench battalions, to improve communications and to continue the work on the batteries which are not yet completed.

Wounded in the great offensive, two men.

FROM THE 10TH TO THE 11TH

Marechal de camp, Baron de Diomenil; brigadier, the Count de Custine. Two battalions of Agenois, two battalions of Saintonge.

Auxiliaries: Chasseurs of Soissons and of the Royal Deux Ponts.

Night workers, 300 men.

The night workers were employed in improving the batteries and redoubts. During the night we continued to fire bombs from the American batteries and from our battery No. 1. We fired red-hot balls at the vessels from the battery of the upper river offensive and set fire to a vessel of 44 (guns), the *Caron*, and to two transports.

Our batteries Nos. 3 and 4 have continued to fire during the day. The enemy began again, at about 3 o'clock in the afternoon, to fire a few shots from their right upon battery No. 5 and upon the neighboring (earth) works.

One killed, three wounded.

FROM THE 11TH TO THE 12TH

Marechal de camp, Chevalier de Chatellux.

Two battalions of Gatinais, two battalions of Royal Deux Ponts. Auxiliaries: Chasseurs Bourbonnais and grenadiers of Saintonge.

Night workers: 800 men.

We have employed 150 night workers to begin a second parallel at about 280 yards (140 toises) in front of the first and 300 yards (150 toises) from the city at its point of greatest elongation, the left resting on the big ravine on which rests also the first (parallel), and which serves as a means of approach for reaching it. The American workers have done their part of this parallel to the right, where it extends to the point opposite their battery of five pieces of cannon. Having one outlet (debouche) which starts from the ravine to the left of our battery No. 2 and advances by zigzag up to the second parallel. This parallel is covered by two redoubts. We have employed 50 night workers to complete battery No. 5 and upon reparations of the others. To cover this work and to conceal it from the enemy we have caused our batteries of mortars and howitzers, as well as those of the

Americans, to fire all night, and we continued a moderate firing from our batteries of cannon. The enemy has fired some bombs and a few cannon shots, which have not interrupted our works, and these have been found, at break of day, in good condition. They ought to be as good as those of the Americans. At daylight our battery No. 5 began firing, and we continued the fire of our battery of cannon until 9 o'clock, when, fearing to incommode the American day workers, we discontinued it. But the fire of the enemy having been resumed, we began at about 11 o'clock to fire from our batteries Nos. 3 and 4. We had the work on the new parallel continued by 300 day workmen taken from the trench regiments.

Wounded in the great offensive, four men belonging to the Third Battalion, that of Touraine.

FROM THE 12TH TO THE 13TH

Marechal de camp, the Marquis de St. Simon.
Brigadier: The Count de Custine.
Auxiliaries: Chasseurs Bourbonnais and grenadiers of Saintonge.
Two battalions of Bourbonnais, two battalions of Soissonais.
Auxiliaries: Grenadiers of the Agenois and Gatinais.
Six hundred night workers.

The night workers have improved the city works; 300 day workers have completed the parallel and begun the construction of the batteries.

Six killed and 11 wounded in the great offensive, besides Messrs. de Miotes and Dutour, officers of the Soissonnais, who were wounded.

FROM THE 13TH TO THE 14TH

Marechal de camp, the Count de Diomenil.
Two battalions of Agenois, two battalions of Saintonge.
Auxiliaries: Grenadiers of the Soissonnais and of the Royal Deux Ponts.
Night workers, 600 men.

Three hundred night workers have been employed in improving the redoubts and the other works of the trenches; the other 300 have been employed in the continuation of the batteries. These works have been continued by 300 day workers taken from the trench battalions.

In the great offensive, 1 killed, 28 wounded.

Condition of the batteries begun during the night of the 13th–14th: No. 6. Between the two communications and a little in front of the second parallel, 6 pieces of cannon. No. 7. To the left of the mouth of the left communicating trench and of the parallel, 6 pieces of cannon. No. 8. In the parallel at the right of the left redoubt, 6 pieces of cannon. No. 9. In front of the left of the parallel, 8 mortars and 2 howitzers.

FROM THE 14TH TO THE 15TH

Marechal de camp, the Baron de Diomenil.
Brigadier: The Count de Custine.
Two battalions Gatimais, two battalions Royal Deux Ponts.
Auxiliaries: Grenadiers of Saintonge; Chasseurs Bourbonnais, Agenois, and Soissonnais.
Night workers, 800 men.

The attack upon the two advanced redoubts of the enemy, one resting on the river, the other at its left having been ordered, was made at night, consisting of American Light Infantry supported by two of their trench battalions. The whole, commanded by the Marquis de Lafayette, attacked the redoubt on the river, captured it with bayonets at the end of their muskets. They had 4 officers wounded and about 20 soldiers killed or wounded.

The French troops had the task of attacking the other redoubt. They issued by the right flank of the American battery of five cannon and advanced in the following order: The companies of grenadiers and chasseurs of the trench regiments, commanded by Count William of Deux Ponts, second ranking colonel of the Royan Deux Ponts, and the Marquis de L'Estrade, lieutenant colonel of the Gatinais, the first battalion of Gatinais, the auxiliary grenadiers and chasseurs of the trenches, with the exception of the chasseurs of Soissons (destined to distract the enemy to the left of our main attack). This above-mentioned division was ordered to support the attack under the orders of the Marquis de Rostaing, colonel of the regiment of Gatinais. The Baron de Diomenil conducted the whole attack and set forth with four companies of grenadiers and chasseurs in the best order and in the greatest silence. The enemy early discovered the column, upon which it began a lively musketry fire. The enemy's abatis was found to be in much better condition than we had hoped after having bombarded this redoubt for several days with much artillery. In spite of the enemy's fire the carpenters of the trench regiments opened some passages through it by which the grenadiers and chasseurs of the Gatinais and Deux Ponts entered into the fosse and with them the same carpenters who were obliged to cut away also some palisades in order to open the fraise of the redoubt. The same grenadiers and chasseurs took advantage of these openings to mount upon the parapet where they re-formed for attack which soon obliged those of the enemy who remained there to surrender. We made prisoner 40 soldiers and 3 officers and counted 18 dead. The rest to the number of 120 escaped by flight. Our loss in this attack was about 80 men killed or wounded.

The enemy began at once a very lively fire of cannon and howitzers upon the redoubt which we had just captured and thus caused the death of many more of our men. As soon as we had become masters of the redoubt 500 workmen issued from the right of the second parallel to prolong this up to the (captured) redoubt. American workmen have continued this parallel between the two captured redoubts and have opened a communicating trench between the first parallel, starting from between their big battery and their first redoubt on the right and directed toward the enemy redoubt which they had captured. All these works have been pushed with the greatest speed and were found far advanced at daybreak. The feint ordered on the left of our works having been pushed a little too ardently by the Count de Custine, we lost a few men there. We had also, early in the evening, attracted the attention of the enemy toward the upper river by a feint executed without loss by the regiment of Touraine. Two hundred night workers have been employed to continue the work on the batteries and the other 100 in improving the communications along the whole extent of our works of the preceding nights. The enemy have continued a rather heavy fire of bombs and howitzers on our works, which has greatly incommoded our workmen. The regiment of the Bourbonnais came into the trenches at 10 o'clock in the evening to reinforce them in case the enemy should undertake to interfere with our work by a serious attack.

Killed 46 men, wounded 68, in the great offensive.

Officers wounded: Count William de Deux Ponts; the Chevalier de Lameth, assistant first sergeant; Mr. de Circuit, captain of the Gatinais; Mr. de Berthelun, also captain of the Gatinais; Mr. de Souque, second lieutenant of the Gatinais; Mr. de Lutzow, lieutenant of the Royal Deux Ponts.

FROM THE 15TH TO THE 16TH

Marechal de camp, the Chevalier de Chatellux.
Bourbonnais, until the evening of the 15th, two battalions.
Soissonnais, two battalions.
Agenois, auxiliaries for the night: Chasseurs of the Royal Deux Ponts, auxiliaries.
Night workers, 500 men.

One hundred night workers were employed to improve the batteries. The other 400 were employed in perfecting the parallel and the redoubts. At 5 o'clock in the morning the enemy made a sortie. They entered one redoubt near battery No. 6 and into our batteries where they imperfectly spiked the guns which were able to fire six hours later. Battery No. 6 began firing about noon.

Killed 1, wounded 37, in the great offensive.

Officers wounded: Mr. de Marin, captain of the Soissonnais; De Bargues, lieutenant of the Bourbonnais; de Houdelot, lieutenant of the Agenois; De Lammont, second lieutenant of the Agenois; De Purignant, lieutenant of artillery. Mr. de Bourguimont, captain of the Argenois, was made prisoner by the enemy during their sortie.

FROM THE 16TH TO THE 17TH

Marechal de camp, the Marquis de St. Simon.
Brigadier, the Count de Custine.
Two battalions of Gatinais, two battalions of Saintonge.
Auxiliaries: Grenadiers of the Agenois.
Night workmen: 300 men.

The night workers have continued to improve the trench works and have fortified the batteries which began to fire at daybreak. At about 10 o'clock, the enemy sent bearers of a flag of truce requesting a suspension of hostilities for 24 hours to consider terms of surrender of the place, the place itself, and the fate of the troops. Firing ceased on both sides, but General Washington not finding the propositions (of the enemy) sufficiently explicit, gave orders to resume fire.

One killed, 10 wounded. The Marquis de St. Simon slightly wounded.

FROM THE 17TH TO THE 18TH

Marechal de camp, the Count de Diomenil.
Two battalions of Bourbonnais, two battalions of Royal Deux Ponts.

Another truce bearer arrived at about 3 o'clock, with propositions which have caused hostilities to cease on both sides, until the signing of the terms of surrender at noon on the 19th.

Two killed, four wounded.

Mr. de Bellenger, lieutenant of Artillery, killed.

Page 6. Mr. de Droulet, lieutenant of Grenadiers of the Agenois, was wounded October 1 in a feint made upon the redoubt on the enemy's right as well as six volunteers of St. Simon. (Footnote.)

Recapitulation of killed and wounded of the French Army

	Killed		Wounded	
	Soldiers	Officers	Soldiers	Officers
1781				
Oct. 1	None.	None.	6	1
Oct. 6	None.	None.	8	[1] 2
Oct. 7	None.	None.	6	None.
Oct. 8	1	None.	1	None.
Oct. 9	None.	None.	2	None.
Oct. 10	1	None.	3	None.
Oct. 11	None.	None.	7	None.
Oct. 12	6	None.	11	2
Oct. 13	1	None.	28	None.
Oct. 14	46	None.	62	[2] 6
Oct. 15	1	None.	37	[3] 5
Oct. 16	1	None.	10	1
Oct. 17	2	1	1	None.
Total	59	1	182	17

[1] Officers of Artillery.
[2] Circuit, captain of the Gatinais.
[3] Captain Marin, of the Soissons.

Terms of surrender agreed upon between General Washington, the Counts de Rochambeau and de Grasse, on the one hand, and the Hon. Lord Cornwallis, lieutenant general of the forces of his Britannic Majesty, commanding the garrisons of York (town) and Gloucester, and Thomas Symond, Esq., commanding the naval forces of His Britannic Majesty in the York River in Virginia and elsewhere.

(Accepted.)

ARTICLE 1

The garrisons of York (town) and of Gloucester, including the officers and sailors of the vessels of His Britannic Majesty, as well as all other sailors, surrender as prisoners of war to the combined forces of America and France. The troops shall be prisoners of the United States and the entire naval forces shall be prisoners of the Navy of (S. M. T. C.) His Very Christian Majesty.

(Accepted.)

ARTICLE 2

The artillery, the weapons, clothing, military chest, and stores, of whatever sort they may be, shall be handed over without damage to the heads of the various departments appointed to receive them.

(Accepted.)

ARTICLE 3

To-day at noon the two redoubts on the left flank of York (town) shall be delivered, the one to a detachment of American infantry and the other to a detachment of French grenadiers. The garrison at York (town) will march to a place agreed upon in front of its outposts, with weapons in their arms, flags in their cases, and drums beating a march either English or German. It will lay down its arms and return to camp, where it will remain until it be directed to the place of its destination. Two posts of Gloucester will be delivered over to two detachments of troops, American and French, sent to take possession of them. The garrison will withdraw therefrom (Gloucester) at 3 o'clock in the afternoon, the cavalry will carry the naked sword, with trumpets blowing, and the infantry will march out in the same manner as that of York (town) and return to their camp until they shall have been entirely evacuated.

(Accepted.)

ARTICLE 4

The officers will keep their swords and they as well as the soldiers will keep their private property of every description. No part of their baggage or papers can ever be subjected to inspection or search. The baggage and papers of the officers taken during the siege will also be kept for them. It is understood, however, that property of inhabitants of this country which shall be visibly in the hands of the garrison can be reclaimed.

(Accepted.)

ARTICLE 5

The soldiers will remain either in Virginia or in Maryland or in Pennsylvania and shall remain by regiments as far as possible. They shall have the same rations as those of the American Army. Superior officers of each nation, English, Ansbach, Hessians, or other officers, shall, upon giving their word of honor, have the liberty of residing with their regiments in the proportion of 1 officer to 50 men or to visit them often and be witnesses of their treatment. The officers will receive and will distribute to their men clothing and other necessities. For this purpose passports will be granted to them upon demand.

(Accepted.)

ARTICLE 6

The general, civil employees, and other officers who are not employed as herein before mentioned, to them it is said that if they so desire, they may have permission, upon giving their parole, to go to England, to New York, or to any other part of America now in possession of English forces, at their option. The Count de Grasse will furnish them the necessary vessels to carry them to New York within 10 days counting from the present date, as truce bearers. They will remain in a place to be agreed upon until they embark. The officers of the civil department of the Army and Navy are included in this article. Those will be given passports to go by land for whom vessels can not be furnished.

(Accepted.)

ARTICLE 7

The officers will have permission to keep soldiers with them as domestics in accordance with ordinary practice in the service. Domestics who shall not be soldiers will not be regarded as prisoners and may go with their masters.

ARTICLE 8

La Bonnette, naval sloop, will be equipped and commanded by its captain and crew and left entirely at the disposition of Lord Cornwallis from the moment that the terms of surrender shall have been signed. It will receive on board an aide-de-camp to carry the dispatches to Sir Henry Clinton. The soldiers whom he will judge suitable to send to New York will be allowed to leave without being examined when the dispatches shall be ready. His lordship promises, on his part, that the vessel will be returned to the Count de Grasse, if he escapes the dangers of the sea; that he will carry off no public property, and that those of the crew, or the soldiers who are passengers, who are missing will be taken into account when they shall be returned.

ARTICLE 9

Merchants will keep their property and will have three months to dispose of it or to take it with them. They shall not be considered prisoners of war.

(Merchants may dispose of their property. The allied armies will have the right of first purchase. They will be considered prisoners on parole.)

ARTICLE 10

Natives or inhabitants of different parts of this country now in York (town) and Gloucester will not be punished for having joined the English Army.

(We can not consent to this article. It is absolutely a civil matter.)

ARTICLE 11

Hospitals will be furnished for the sick and wounded. They will be cared for by their own doctors on their word of honor. They will be furnished medicines and provisions of the American hospitals.

(The stores of the hospitals which are at present in York (town) and Gloucester will be delivered (to the Americans) for the use of the sick and wounded English. One will give them passports to procure for them other provisions from New York. According as the occasion may demand hospitals will be furnished for the sick and wounded of the two garrisons.)

ARTICLE 12

Wagons will be furnished to carry the baggage of officers remaining with the soldiers and of doctors when they are on the way to attend the sick. This expense will be at the cost of the State.

(Wagons will be furnished if it is possible.)

ARTICLE 13

The vessels and boats in the two ports with all their provisions, cannons, stores, and supplies will be delivered in the condition in which they now are to an officer of the Navy who shall be appointed for that purpose. Property of private citizens will be taken off first; that is, property which has been put on board for its safety during the siege.

(Accepted.)

ARTICLE 14 AND LAST

No article of the terms of surrender shall be violated under pretext of reprisals. If there is any doubtful expression, it will be interpreted in accordance with the sense and meaning of the word.

(Accepted.)

Done at York (town) in Virginia the 19th of October, 1781.

(Signed) CORNWALLIS.

Condition of the garrison of York (town) and Gloucester made prisoner October 19, 1781, and property taken from the English.

Names of English and German regiments taken at York (town) and Gloucester.

First Battalion of Guards; regiments, the Third, the Seventeenth, the Twenty-third, the Thirty-third, the Forty-third; Regiment of Mountaineers, the Seventy-first, the Seventy-sixth, the Tenth; the Queen's Rangers (light infantry); the British Legion or Legion of Tarleton. German regiments: A regiment of the Hereditary Prince of Hesse, regiment of Bossen, regiment of Ansbach, regiment of Seybold.

The General Cornwallis, O('H)ara, 2 colonels, 11 majors, 52 captains, 89 lieutenants, 36 ensigns, 2 chaplains, 12 adjutants, 10 quartermasters, 10 doctors, 22 aides, 295 sergeants, 121 drummers, 3,273 musketeers; total in good health taken at York (town), 3,935. Sick: 90 sergeants, 44 drummers, 1,741 musketeers; total, 1,875. At Gloucester, 1,100 men, 750 sailors; total from Gloucester, 1,850. Killed, 369; wounded, 679; taken prisoner or deserted during the siege, 135; total, 1,203; grand total, 8,663 men.

ARMS

Muskets, 7,326; cannon of iron, 140; cannon of bronze, 74; flags, 22; barrels of powder, 300; howitzers and mortars, 22; horses, 455.

VESSELS

Transports, 62. The *Charon*, of 44 guns, burned during the siege. *La Guadeloupe*, frigate, sunk in deep water. Two war sloops and one frigate taken.

THE FRENCH ARMY AT YORK (TOWN)

The Count de Rochambeau, lieutenant general; the Baron de Diomenil, marechal de camp, brigadier general; Chevalier de Chatellux, same; Marquis de St. Simon, same; Count de Diomenil, same; De Choisi, brigadier (rank between brigadier general and colonel); Duke de Lauzun, same; De Beville, same; De Custine, same.

	Men
Thirteenth Regiment of Bourbonnais	1,000
Forty-first Regiment of Soissonnais	1,000
Thirty-fourth Regiment of Touraine	1,000
Sixteenth Regiment of Agenois	1,000
Eighty-fourth Regiment of Saintonge	1,000
Eighteenth Regiment of Gatinais	1,000
One hundred and fourth Regiment of Royal Deux Ponts	1,000
Legion of Lauzun	600
Volunteers of Saint Simon	300
Detachments of the Fleet	800
Artillery, miners and workmen	600
Total of French Army	9,300

FRENCH NAVY

Count de Grasse, De Barras, De Montreuil, Bougainville, general officers.

War ships 36; frigates, 8; war sloops, 6; transports, 26.

French Artillery: 12 pieces of 24, 10 pieces of 16, 10 pieces of 12, 8 mortars of 12, 8 howitzers. Total ordnance, 90 pieces.

AMERICAN ARMY

General in Chief Washington, Du Portail, Lincoln, Marquis de Lafayette, Baron von Steuben, Wayne, Knox, generals. Nelson commanding the militia.

Troops

	Men
Pennsylvania Regiment	1,000
Regiment of—	
Congress	300
Rhode Island	400
Do	300
Lafayette	300
Hamilton	300
Connecticut	300
Wayne	300
Lincoln	300
Von Steuben	300
Canada	300
Stuart	300
Massachusetts Bay	300
Light Infantry	500
Riflemen	200
Dragoons	150
Total	5,550

Militia of Virginia, Maryland, Mountain Blues and Carolina, 2,000 men.

American Artillery, 60 pieces of ordnance of all sorts.

Losses of the English: 2 captains, 4 lieutenants, 13 sergeants, 4 drummers, 266 musketeers, killed. Five lieutenants, 1 ensign, 24 sergeants, 11 drummers, 570 musketeers, wounded. One major, 2 captains, 1 lieutenant, 5 sergeants, and 126 musketeers missing.

General Washington expressed publicly to the entire Army his satisfaction with its excellent conduct, with the valor and courage with which it had distinguished itself in the siege in his order of October 20, 1781, the sense of which is as follows: The general congratulates the Army for the glorious event of yesterday. The generous proofs which His Very Christian Majesty has given of his attachment to the American cause ought to undeceive the abused minds of our enemies, convince them of the happy and decisive results which ought necessarily to follow this alliance, and inspire in all citizens of their states the most enduring sentiments of gratitude. A fleet the most numerous and the most powerful which has ever been seen in these seas, commanded by an admiral whose talent and good fortune promised the greatest success, an army composed in the most distinguished manner both of officers and of soldiers are the pledges he has shown us of his affection for the United States. It is due to the aid of this power than there has been assured us the brilliant success which we have just won. The general takes advantage of this opportunity to beg his Excellency the Count de Rochambeau to receive the testimony of his hearty gratitude for the counsel and aid which he has received from him at all times and expresses likewise in the most sincere manner his thanks to Generals Baron de Diomenil, Chevalier de Chatellux, Marquis de St. Simon, and Count de Diomenil as well as to Brigadier General de Choisy, who has had a separate command, for the glorious manner in which they have worked for the success of the common cause. He hopes that the Count de Rochambeau would be so kind as to express to the army which he commands the high opinion which he has of the distinguished worth of the officers and soldiers of its several corps and he begs him to present in his name to the companies of grenadiers and chasseurs of the regiments of Gatinais and of Royal Deux Ponts for the two pieces of bronze artillery which they captured from the enemy and he hopes that they will keep them as a testimony of the courage with which they have taken, sword in hand, the enemy redoubt on the night of the 14th. They ought to perpetuate the remembrance of an action in which the officers and soldiers have shown the most noble emulation and the most distinguished courage. If the general were to thank in particular all those who have deserved his thanks, he would have to mention the whole army, but he feels himself obliged by his own inclination, his sense of duty, and his gratitude to express his obligation to the Generals Lincoln, Marquis de Lafayette, and Baron von Steuben for the excellent direction of affairs in the trenches, to General du Portail, to Colonel Kerney for the vigor and intelligence which they manifested in the direction of the earthworks, to General Knox, and to Colonel D'Aboville for the care and attention with which they have hastened the transportation of artillery as well as for the wise arrangements of the artillery and the activity which they have shown in the batteries. He begs the officers whom he has just named to give to the officers and soldiers of the corps which they respectively command his sincere thanks. The general would be guilty of an ingratitude for which he hopes no one will ever reproach him if he failed to testify in the most energetic terms to His Excellency Governor Nelson, his perfect satisfaction for the latter's own personal conduct and that of the militia which he commands. For he has distinguished himself by his activity, his emulation, and his courage. The importance of the blow which the United States have just struck will be an ample remuneration for the fatigue and dangers which the whole Army has borne with so much patriotism and determination.

ADDRESS BY HON. F. H. LAGUARDIA ON THE POWER QUESTION

Mr. LA FOLLETTE. Mr. President, I ask permission to have printed in the RECORD a speech delivered by Congressman LAGUARDIA, of New York, over the National Broadcasting system recently, on the power question.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Gentlemen of the Power Trust and fellow consumers, I desire to express my thanks to the National Broadcasting Co. for its courtesy in granting me this opportunity to express the consumers' side of the power question. Consumers are not organized and, therefore, seldom have the opportunity to broadcast or to reply to the prosperous electric, gas, and public-utility corporation with unlimited funds collected from these same consumers.

I can understand the anxiety of the Power Trust in protecting their source of easily gotten fortunes. But I do object to their designation of the other side as ignorant, demagogic, radical, and destructive. In my criticism of the power magnates—the big fellows of the Power Trust—I desire to point out that I do not refer to the engineers and technical personnel, who are excellent, efficient, and useful citizens. They are in no way responsible for the conditions and practices which I oppose.

The men in control of the power interests—or to put it plainly, the Power Trust—are not interested or even concerned in public service or the sale of electric current. They are primarily interested in corporate control and the sale of stock. They know more about the stock ticker than the dynamo. Can it be denied that public-utility companies are monopolies? Can the consumer select his electric, gas, or trolley company? Not at all. Then why the expenditures of millions of dollars charged to the consumers for advertisement? The Power Trust is not a "myth." It is an existing, active, well-organized combination of power, gas, electric, and trolley corporations united in a common purpose of keeping private control of public utilities—maintaining high rates, influencing legislation, and fighting public ownership. The uncontroverted proof of the existence of this trust is contained not only in 20 volumes of legal evidence presented to the Federal Trade Commission in Washington but also in the list of mergers published in the trust's own publications and in the copious flow of literature issued by investment bankers, stock brokers, and bond pluggers. The existence of a combination—the Power Trust—is further evidenced by huge expenditures from common funds for purposes entirely selfish and unrelated to actual operation or maintenance of any one company.

By this I mean the maintenance and support by various groups of public-utility corporations of the joint committee of the National Utility Association, of 420 Lexington Avenue, New York City, whose telltale photostatic checks to lobbyists, politicians, and others shocked the country not so very long ago. And also the existence of another agency of publicity and dispenser of power funds is the National Electric Light Association. Its checks, too, to institutions of education to insure the teaching of trust philosophy of public service are now part of public records. Then there are the various State committees of public information maintained in no less than 36 separate States, all doing the same kind of business. Then the purchase of or investment in newspapers and other publications; a long pay roll of men and women lecturing on the virtues of privately owned public utilities; the retainers of highly paid lobbyists at the National and State capitols, are all matters of public record.

The evidence already presented is conclusive of the existence of this combination or trust, but permit me to read from yesterday's daily newspapers. Only yesterday, March 1, 1931, the Consolidated Gas Co. of New York announced the coming issue and marketing of an additional $110,000,000 of securities. Is the Consolidated Gas Co. an isolated independent entity in New York City? Not at all. In its own announcement it states frankly that the Brooklyn Edison Co., Kings County Electric Light & Power Co., and other companies are units of the consolidated gas system. Then it goes on to say that the total funded debt of the system is $250,937,540. They call it a system. I call it a trust. Then the news item goes on to talk about the "parent company," and the parent company paid out in dividends during the year no less than $57,080,808. This enormous dividend is derived from excessive rates paid by the consumers. This system or combination in the East, which is only a small fraction of the entire system and combination, is in and of itself one of the largest combines in the United States.

It is the vicious activities of the combination which have brought upon the private utility companies the opposition of the public and the movement for public ownership and operation of such necessary service. In our present industrial, economic, and social life electricity and gas have become necessaries of life. Electricity and gas have become as indispensable to our everyday life as air and water. Air is still free, but how would consumers like to buy water from their local gas and electric-light company? Think it over. It was not so very long ago that water was monopolized by private corporations. Owing to poor service, exorbitant rates, vicious political activities, private water companies have been put out of business. Yet the same arguments which were urged against public ownership of water supply and the same denunciations of public-spirited men and women who fought private water companies are to-day used by the Power Trust. Comparisons are made by the Power Trust between what they term "private ownership and efficient business operation and public ownership with inefficient political operation." I accept that challenge.

The publicly owned and operated water supply all through the country compares more than favorably with the costly privately owned and operated gas or electric service of any city. If the same accountancy practices and returns allowed the gas and electric companies by our corporate-minded courts were applied to any municipal water system, the price of water would be about 25 cents a gallon. If the same basis for rate fixing were applied to the Panama Canal—and by that I mean valuation of all physical property on the theory of reproduction cost, franchise, and good-will value, interest on bonds covering actual investment, and return on stock covering fictitious and artificial valuations—it would cost more than the value of a ship to go through the canal. A better comparison might be made between private and publicly owned companies rendering like services. The rates of the municipally operated electric plant at Jamestown, N. Y., are lower than that of the privately owned company. Yet the publicly owned plant uses expensive coal purchased from private mines while the private plant uses public waters from a publicly owned stream.

The power plants in Canada sell current cheaper than the private plants across the river in New York, both generating the same kind of current from identically the same river. The municipal electric plant in Los Angeles has operated successfully in spite of an unrelenting warfare in the courts waged by the private interests. The municipal electric plant of Cleveland has not only reduced rates but has practically paid for itself in a few years. Tacoma, Seattle, and many cities have their own publicly owned electric plants operating successfully at lower rates than the trust companies in cities of like size. If publicly owned plants, and operated by the public and not for profit, are better and cheaper than privately owned and operated companies, and granted the indispensability of electric service, what justification is there for the continuance of the latter?

Another fair comparison of a very recent occurrence may be cited right here in Washington. Two weeks ago Congress passed a law giving the 78,458 school children of the District of Columbia car fare at 3 cents. About four days ago Congress passed a law granting loans to 3,500,000 veterans of the World War. Within two hours after the veterans' bill passed the first loan was made and the Veterans' Bureau is prepared to take care of thousands and thousands of applications a day. The school children's car fare law, which takes effect immediately, although it has back of it the entire power and force of the United States Government, the President of the United States, the American Congress, has up to this time been ignored by one of the subsidiaries of the Power Trust, who are simply making faces at the United States Government and ignoring the mandate of the law. Yes; we have a public service commission in the District of Columbia.

The enormous profits just stated resulting from an excessive and exorbitant rate is the complete answer to the statement recently made that consumers are fully protected from the self-styled benevolent monopoly by regulation and State public-service commissions. It was stated, too, that the very people who are now clamoring for public ownership and operation of public-service utilities were the same who years ago demanded and brought about the regulation of public-utility companies. That is true; but we now witness exorbitant and unreasonable rates resulting in dividends out of all proportion to returns to other industrial investments because, mark you, there is no risk involved in this business. The Power Trust does not have to find a market.

We realize that the whole system of regulation has broken down and this public service which is necessary to our modern life can no longer be left in the hands of a greedy, selfish, and unconscionable monopoly. Only a few days ago no less an authority than the distinguished former Secretary of State in the Wilson Cabinet, the Hon. Bainbridge Colby, stated—I quote: "The boastful brag of the utility companies, their lobbyists, legal janizaries, agile accountants, and obliging experts is 'We regulate regulation.'" In other words, the public utilities are regulating the public-service commissions instead of the public-service commissions regulating the public-utility companies. And in support of that statement there stands a long list of former public-service commissioners throughout the country who are now officers of these companies or otherwise on the pay roll.

The present determined and necessary movement for the public ownership and operation of electric service is not the result of any new school of political or economic thought. It is not a new issue for political purposes. It is the inevitable sequence to the greed, selfishness, and viciousness of this combination of public-utility companies and their unreasonable exploitation of the consumer. The fight is on and, like every other fight in this country coming from a patient and exploited public, is bound to be carried on to a successful conclusion. There is a determined fight in every State of the Union for lower rates. There is a determination in the American Congress to carry on as far as the Federal Government has jurisdiction in these matters to curb the control of this trust and protect public streams from private exploitation. This fight is being led by that great statesman and public-spirited citizen, the Hon. GEORGE W. NORRIS, of the United States Senate. There is an ever-increasing number in both the House and Senate taking up this fight and following his lead. The reasons for this fight are so apparent and so just and the opportunity of rendering great public service is so clear that the movement against this combination is bound to grow and to continue to final success. A combination of power companies and banks can control the industries of any section of the country. American industries are entitled to power as cheaply as may be obtained from publicly owned plants in Canada and other countries. There is not a mother keeping house in this country but dreads the moment when the gas and electric bills come. The rates are too high. The average home has not the opportunity of enjoying the benefits of the progress made in electricity. Every home should have the benefit of the use of power, not only for light but for refrigeration, washing, cleaning, and sewing. The publicly owned power plants, whether municipal in this country or government in other countries, have set the standard of reasonable rates. The privately owned trust-controlled corporations have stubbornly kept to constant increasingly high rates.

The Power Trust has had its day; it is high time the consumers have theirs.

IN THE MATTER OF THE MINNESOTA JUDGESHIP

Mr. SCHALL. Mr. President, in the interest of representative government as opposed to an assumption of dictatorship, which is assumed by the head of the Department of Justice, I wish to make a short speech.

Mr. President, February 10, page 4439 of the RECORD, in a letter to the President, I said:

Your Attorney General has succeeded in so alienating the personnel of his department that of the seven Assistant Attorneys General who were there when he was Solicitor General, not one was in office a few months after he took office. The list of those who left, voluntarily or otherwise, includes the alert and resourceful William J. Donovan, who did yeoman service for you in the last election; the brilliant George R. Farnum; the patient and plodding Parmenter, of Oklahoma; the industrious Galloway, of Indiana; and Mabel Walker Willebrandt, whose untiring zeal in your behalf in the last election was unexcelled. Last but not least I mention the courteous and efficient John Marshall, of West Virginia. None of these could get along with your Attorney General and no high-class and self-respecting lawyer can long work with one so autocratic and dictatorial. He did the Republican Party no service when he turned out John Marshall, a loyal party man, and kept as administrative assistant one C. E. Stewart, an Alabama Democrat.

I call your attention to the testimony of Assistant Attorney General Parmenter, found on page 1237 of part 3 of the hearings before the Senate Committee on Indian Affairs, pursuant to Senate Resolution 79, wherein Mr. Parmenter testifies as to his conversations with your Attorney General, who at the time was Acting Attorney General:

* * * He then asked me if I could not return an indictment and leave Mr. Burke out. I told him no. He said, "Then, can you not let the matter, so far as Mr. Burke is concerned, run on until later?" I told him no; I could not do that.

He then gave a shrug of his shoulders and a motion of his head which I interpreted to mean that if in the grand-jury room Mr. Burke was about to be included in an indictment all I would have to do would be to indicate in some such way that he should not be included, and he would not be. I told him I would not do that for any man. * * * I went back down, and I think it was the next day, which would probably be the 29th, I received a memorandum to discharge that grand jury.

In a civil trial involving the facts in this case Federal Judge Knox refers to the manipulations charged to Burke as "a sordid story" and "a studied attempt to dissipate the wealth of Jackson Barnett." I know that you will approve of the actions of Parmenter, but it was because of his right stand that the "right-thinking" Mr. Mitchell, when he came into the office of Attorney General, could see no further use for such an assistant.

A member of the Supreme Court severely criticized the actions of the Attorney General's office in this case.

On February 16, 1931, I wrote the following letter to Attorney General Mitchell, which I am sure will be of interest to the Senate and the President, and should be of special interest to the Judiciary Committee:

Hon. WILLIAM D. MITCHELL,
Attorney General, Department of Justice.

MY DEAR MR. ATTORNEY GENERAL: Request has been made of me as United States Senator for information regarding the following matters, and I hereby respectfully request of you that you give me information regarding the following:

Was Pierce Butler, jr., member of your former firm, appointed as special counsel in the Barnett Indian cases? If not, what work was he assigned?

Was Mr. C. W. Bunn, the father of a member of the firm of which you were formerly a member, appointed as special counsel in a boundary case in the eastern part of the United States in which the boundary line of the State of Connecticut was involved?

Was Mr. M. J. Doherty, a former partner of yours appointed as special counsel in the "wire-tapping cases"?

Was Mr. W. E. Rumble, a former partner of yours, appointed as a special attorney in any matters for the Government since you have been Solicitor General or Attorney General?

In calling your attention to these matters, I would appreciate it if you would let me know in what capacity, whether as special masters in chancery or as counsel for the Government, any or all of these gentlemen appeared.

I would appreciate it if you would give me full and complete information as to when, if at all, the parties mentioned in this letter were appointed as such and whether it was during your tenure of office as Solicitor General or as Attorney General of the

United States; and I would also appreciate it if you would give me complete information as to what fees they received for acting in the various capacities they may have been appointed to.

With sincere regards, I am,

Yours truly,

THOS. D. SCHALL.

To date I have received no answer. The only reply that I have had is a notice through the Associated Press that there is to be filed a contest for my seat against me by the Democratic organization of Minnesota.

A gentleman by the name of H. H. D'Autremont was the chairman of the Democratic organization up to about the time that Mr. Mitchell received this letter. Through the influence of our Attorney General Mitchell's former partner, Pierce Butler, jr., and his public-utility branch-banking associates, Mr. D'Autremont was removed as chairman, and one Mr. J. J. Farrell was installed in office. Mr. Farrell immediately appointed a committee to investigate the chances of bringing a contest against me as a blackmailing or trading proposition, and veiled suggestions some time ago came to me that if I would get off this judiciary fight there would be no contest. The head of this emergency committee I understand is Mr. James O'Brien, a Democrat, a lawyer, residing in Minneapolis, who is the attorney for the Minneapolis Journal and a corporation lawyer generally. His associate or partner, George M. Bleecker, is a director of the Northwestern National Bank, one of the two branch-banking concerns in our State, the other branch-banking concern is the one with which Pierce Butler, jr., is connected. Out of Mr. O'Brien's office and through him has emanated the drive for the confirmation by the Senate of Mr. Nordbye for United States district judge of my State, whose nomination I understand the Judiciary Committee has refused to report out.

Before election Mr. D'Autremont, as chairman of the Democratic organization, charged, for the purpose of dissipating any effect my frank may have had in offsetting the adverse influence of almost the entire newspaperdom of Minnesota, that I had misused my franking privilege. The question was referred to the Postmaster General, and he decided that I had not. After election Mr. D'Autremont appointed a committee to investigate whether they could find any cause anywhere upon which a contest could be based. The committee reported there was none.

The answer to my letter to the Attorney General and to my fight for justice for the people of Minnesota for a representative government in judicial matters as well as otherwise is that I am to have a contest, and it seems to me that the President and the Senate, the Judiciary Committee, and especially the Privileges and Elections Committee should know how close our Attorney General Mitchell is connected with the men who are starting this contest upon the ground that I have misused my franking privilege and that I have broken some Minnesota law in securing my election. The Minnesota statute reads that any violation of the election laws must be taken advantage of within 30 days.

The so-called contest is a spiteful one and grows immediately out of my fight for the appointment of a Federal judge who was the overwhelming choice of the people of my State. After they have slandered me through the publication of the official document, the so-called complaint of this proposed contest, throughout the newspapers of the country it will end in the same way as the contest of 1924 ended, which was that it was unanimously dismissed by the Privileges and Elections Committee and by the entire Senate. After such unanimous exoneration and rebuke to them by the Senate, this ruthless public-utility crowd, whose business it is to control, if they can, whatever forces there are, such as newspapers and legislators, proceeded to have the State senate of my State hold a hearing. Of course, the State senate had no more right to hold such a hearing than the village of Podunk would have to unseat the President of the United States. But I gladly attended their hearings, and they did not produce one scintilla of evidence against me. The outcome of this hearing was entirely a farce, so far as they were concerned, and the special hand-picked committee was forced to unanimously exonerate me, and the entire State senate did likewise.

Will the right-minded, right-thinking individuals whose greed for money and power has driven them mad never end their persecutions of me if I dare protest their usurpation of power which, under the Constitution, rests in the Senate? Am I to be harassed continually because I speak and vote in the interests of the people of Minnesota, and do not hesitate to assert my belief that public utilities, railroad companies, insurance companies, and corporations in general have only the same rights that any other individual of the State or Nation has? It is a lamentable state of affairs where a United States Senator can not voice his opinion on matters of public weal or espouse a just cause without being subjected to persecution.

Since these people control nearly every newspaper in the State they know it will be impossible for me to reply, and the wounds they inflict in their daily and weekly publications of slander and lies can never be healed. They know that my lean pocketbook can not purchase in large volume the printing of what I may have to say here upon the floor and thereby get the truth to the people of my State to counteract the damnable slander and lies that their newspapers constantly print concerning me. This fight over the Minnesota judiciary is not a fight between men. It is a matter of principle and an attempt to substitute a representative government, which the Constitution says we have, instead of a dictatorship as the Attorney General has established in connection with judicial appointments. However, good the laws may be that we pass if the interpretation is twisted to suit the emergency, the spirit of the law is defeated.

But Mr. President, I have faith in the providence of circumstances that has taken care of me against this kind of opposition over a period of 16 years; that kept me in the House of Representatives for 10 years and that has twice placed me in a seat in the United States Senate. I was reelected to the Senate despite thousands and thousands of dollars brought into my State to buy and mislead the voters; despite the fact that I had no organization; despite the fact that only a very few newspapers supported me; despite the fact that I was double-crossed through the very Republican organization that should have supported me but which in reality surreptitiously supported my Democratic opponent.

A few days before election when it was too late for me to organize a committee to reach throughout the vast territory of my State, chairmen of Republican county committees and captains of the precincts came out openly in support of the Republican candidate for governor and the Democratic candidate for the United States Senate. Yet despite their unsavory manipulations, despite their extravagant expenditure of a million or more, I was elected and the Republican candidate for governor defeated. Minnesota has always been safely Republican. Philadelphia and Chicago are mere pikers when compared to Minneapolis in its conduct of the recent election. Precincts where I am recorded with 35 or 37 votes in reality gave me 103 and 151.

They do not dare recount the ballots, for if Minneapolis alone were recounted I am satisfied it would net me a gain of 50,000 votes. The Minneapolis Journal, whose conduct was typical of many newspapers publishing filthy lies of me without the least foundation, was on the street election night 20 minutes to 8 o'clock announcing that my Democratic opponent had carried Minneapolis against me by 20,000, yet the ballot boxes were not opened under the law until 8 o'clock. Over and above the double-crossing and slanderous, lying, vile propaganda constantly kept before the voters by about 400 papers of my State, despite the fraud practiced upon me in that entire election, I was given enough votes to overcome whatever fraud there was and force the then governor of the State, who was my violent enemy, the man I beat for the Republican nomination by approximately 100,000, the man who was the head and front of the double-cross of the Republican party, to sign my certificate of election which is here on file with the clerk of this Senate to-day and which I am confident will never be dis-

turbed by any contest. I shall move forward whatever the opposition in that path of truth and honor which my best judgment shall prescribe and with the belief that the God who notes the sparrows' fall will note my humble attempt to do what I can with the light I have to keep truth from the scaffold and wrong from the throne.

THE MACHINATIONS OF OUR ATTORNEY GENERAL WHO USED HIS LEGAL KNOWLEDGE AND LATER HIS OFFICIAL POSITION TO ENRICH A CLIENT AT THE EXPENSE OF THE GOVERNMENT

On February 13 last my distinguished colleague the junior Senator from Rhode Island placed in the RECORD (p. 4779) a letter from one Charles P. Sisson, Assistant Attorney General, purporting to set forth the treatment accorded by the Department of Justice to the inheritance-tax case of Flannery, Administrator, *v.* Willcuts. According to the letter, the case was disposed of by the department on June 6, 1928, which was a full year before Mr. Sisson became connected with it. Naturally he could have no personal knowledge of any of the matters which he assumes to relate and doubtless, for that reason, he was chosen by the Attorney General to write the letter. At any rate, we may be sure that the latter carefully edited, if he did not dictate, its contents. As might be expected, then, the letter is more significant for what it fails to state than for what it contains. In the first place, no proper appraisal of Mitchell's conduct is possible without a clear understanding of the facts out of which the case arose.

Mitchell was the attorney for Mrs. Mary T. Hill, widow of the railway magnate, James J. Hill, who died in 1916, leaving her a fortune of over $16,000,000 which had been accumulated in the United States, although Mr. Hill, like Mitchell's father, was foreign born. In the fall of 1921, when she was in her seventy-fourth year and had been seriously ill for some weeks, Mrs. Hill, under Mitchell's advice and direction, executed a series of so-called trust agreements, purporting to dispose of a large part of her estate by gift, and also a will. Within two years from the date of any of these instruments Mrs. Hill died. As the Federal statute provided that such dispositions "shall, unless shown to the contrary, be deemed to have been made in contemplation of death," and, therefore, subject to inheritance tax, the United States collector required the payment thereof, which amounted to $1,130,616.08. The administrator appealed to the Commissioner of Internal Revenue, D. H. Blair, an able lawyer. A full hearing was conducted before him, and a number of lawyers, including several from Minnesota, participated, and as Mitchell was then Solicitor General and in Washington, it can hardly be doubted that he was in touch with those representing the administrator and advised them. The commissioner, after full hearing, upheld the tax.

The administrator then brought an action in the United States District Court for Minnesota to recover back the $1,130,616.08 which the collector had received and the commissioner had upheld. After a full hearing the district judge (Molyneaux) rendered judgment for the Government and against the administrator upon elaborate findings of facts which I ask to be included at the end of my remarks.

The administrator then took the case to the United States Circuit Court of Appeals, where it was argued in his behalf by distinguished counsel. There was no oral argument on behalf of the Government; its case was submitted entirely on a brief. Mitchell, as Solicitor General, was the one to see that the Government's interests were protected. He knew better than anyone else the question involved and its importance to the Government. All the more because he had represented the estate should he have seen to it that the Government was given every opportunity to uphold its right. Yet his office insisted that the case be submitted without an oral argument to offset that made for the administrator. The administrator's brief consisted of 91 pages, and his case was exhaustively presented, while the Government's brief has only about 20. Who vicariously acted for our Bourbon Mitchell in preventing an adequate presentation of the Government's case?

The result was what might have been expected and what Mitchell unquestionably wanted. The circuit court of appeals judge (Lewis), not having the aid of Government counsel, and doubtless inferring from their absence and Mitchell's testimony at the trial below that the Government did not wish to press the case, wrote an opinion reversing the judgment of the district court. The opinion is so full of obsequiousness to Mitchell and contains so many errors of law and fact that it is herein attached entire which I ask to be included following these remarks. Anyone reading this opinion can see the danger of allowing an Attorney General to set himself up as a dictator of judicial appointments. Why should the Attorney General name the judges before whom his client, the Government of the United States, will constantly appear?

It will be seen that the gist of this opinion is the statement that "The finding of the court"—that is, that the gifts were made "in contemplation of death"—"was without any basis in fact on the proof adduced * * * and contrary to the undisputed proof."

Yet, the opinion itself recites that on April 1, 1921, Mrs. Hill signed a statement reciting that—

> The said trusts were of the nature of gifts causa mortis (i. e., made on account of death) and subject to revocation.

Judge Lewis, after quoting this, declares that—

> Mrs. Hill did not say that these gifts were made causa mortis.

But that reads like a quibble. Moreover, it is only one of several similar statements which clearly refute Judge Lewis in stating that the trial court's finding "was without any basis in fact."

On July 15, 1920, she had said of one of these trusts (transcript or record of testimony, p. 423)—

> The foregoing document was signed by me during a severe illness, with the understanding that I should have the right to revoke it during my lifetime. I do now hereby cancel and revoke it.

On the 10th of July, 1920, she had said of another of these trusts the same thing. (Rec. p. 426.) And again on the same day, and evidently for the same reason, she had revoked another of these trusts. (Rec. p. 427.) It was upon such evidence as this that the district judge and the Commissioner of Internal Revenue relied in upholding the tax, and it was clearly evidence of the most direct nature. Mitchell knew of this evidence, for his affidavits show he was still her attorney when these statements were signed. Mitchell's alleged evidence had consisted of three affidavits made while he was an attorney and all carefully prepared for the purpose of showing that these trusts were not created "in contemplation of death." He was not cross-examined and these affidavits amounted to an argument for the administrator. Judge Lewis quotes practically all of them and virtually bases his opinion thereon. But the statements of Mrs. Hill herself as to her intent and condition are better evidence than Mitchell's opinion and she states repeatedly that these documents which Mitchell induced her to execute were signed when she contemplated death. Thus, so late as April 1, 1921, the year in which she died, she wrote (Rec. p. 392)—

> Being suffering from a severe illness, the said trusts were of the nature of gifts causa mortis and subject to revocation on my recovery, and, having fully reconsidered the same, I do hereby in all things confirm the said trusts.

Again on the same page the opinion speaks of Mrs. Hill's will of December, 1919, as one "which she never executed." That finding was not only "without any evidence to support it," it was false, and Mitchell must have known it, for he drafted the will which she executed, yet he took no step to correct the finding.

Judge Lewis was so impressed with the importance of Mitchell that the opinion is based upon his three affidavits which constitute nearly one-third thereof, and obviously the learned judge neglected to consider the other evidence. A close study will show that his opinion is full of errors. One Government attorney was not afraid to tell the truth about it. Some two weeks after the opinion was filed, United States District Attorney Lafayette French wrote the follow-

ing letter to the Attorney General, dated May 9, 1928, and urged in unequivocal terms that a writ of certiorari to the Supreme Court be sued out:

Reference is made to the above-entitled case. The Circuit Court of Appeals of the Eighth Circuit reversed the judgment of the District Court of Minnesota. The clerk of the Circuit Court of Appeals advises that the judgment of that court was entered on April 23, 1928.

The case involves the question of whether property included in two trusts created by the decedent, Mary T. Hill, on November 25, 1919, and July 19, 1920, known as the "grandchildren's trust" and the "children's trust," respectively, was properly included in the gross estate of Mary T. Hill at the time of her death. It was the contention of the Bureau of Internal Revenue that the trusts in question effected a transfer and disposition of property in contemplation of death within the meaning of section 402 (c) of the revenue act of 1918 and therefore that the property was properly included in Mrs. Hill's estate.

The case was tried in the court below without a jury. The district judge made general findings of fact, the pertinent finding herein being as follows: "That the transfers, gifts, and trusts set forth in the complaint * * * were and each of them was made and created by the decedent, Mary T. Hill, in contemplation of her death, within the meaning of section 402 (c) of the revenue act of 1918."

The circuit court of appeals in its opinion filed April 18, 1928, holds: "The finding of the court quoted, supra, was without any basis in fact on the proof adduced to support it and contrary to the unsupported proof, and was therefore an error in law." For this reason the circuit court of appeals reversed the decision of the district court.

I am clearly of the opinion that the evidence supports the quoted finding of the District Court of Minnesota, and I therefore recommend the filing of a petition for a writ of certiorari. I make this recommendation because the last and fatal illness of Mrs. Hill, from which she died, commenced on November 11, 1919; because on November 24, 1919, she made final provisions for a sister, a close friend, and the family servants in the nature of trusts which provided them with an income for the rest of their lives; because in the case of the sister it is significant that this final provision was in lieu of monthly payments theretofore made to the sister by Mrs. Hill; because Mrs. Hill on November 25, 1919, by what has been referred to heretofore as the "grandchildren's trusts," made final provision for her grandchildren; because on December 19, 1919, she made final provision for her children by certain trusts, and executed, signed, sealed, and delivered her last will, whereby she directed the payment of all inheritance, transfer, and estate taxes payable on gifts made by her within two years prior to her death; because the last-named transaction includes the trusts created on November 24 and 25, 1919, inasmuch as they were made within two years of her death; because by all these transfers she effected a complete disposition of all her property; because thereafter, while Mrs. Hill partially recovered, she never resumed her customary activities, and died from a condition which existed on November 11, 1919, the commencement of her last illness. The foregoing statements, in my opinion, and the finding of the district court are supported by the following undisputed evidence, to which your attention is respectfully invited.

The decedent, Mary T. Hill, was born July 1, 1846. (R. 431.) At the time the trusts in question were executed she was over 73 years of age. (R. 68.) During 1919 she had been attended by Dr. James S. Gilfillan, one of the most prominent physicians in St. Paul. (R. 221.) Early in 1919, and probably before then and after examination, Doctor Gilfillan had found that Mrs. Hill was suffering from high blood pressure, degeneration of the heart muscle, and chronic nephritis. (R. 225.) Chronic nephritis is the same thing as interstitial nephritis (R. 225) and the death certificate (R. 431) shows that interstitial nephritis was a contributory cause of Mrs. Hill's death which occurred on November 22, 1921. The condition had existed for three years prior to her death. The condition manifested itself by discomfort to the patient. (R. 222.) Mrs. Hill had been told by Doctor Gilfillan not to walk upstairs and always to be careful about any physical exertion, never to do anything in a hurry. (R. 224.) While the doctor does not remember whether he told Mrs. Hill why she should not overexert herself, the trained nurse, who was constantly employed to see that she did not do so (R. 140), testifies that Mrs. Hill was told in 1919 that she was very ill (R. 141). Doctor Gilfillan testified that Mrs. Hill's condition as he found it in 1919 was such that she would get worse; improve temporarily, but get worse eventually. (R. 225.)

Up to 1919 Mrs. Hill had always been an active woman. (R. 80.) She maintained an apartment in New York City (R. 84) and a place on Jekyl Island in Georgia (R. 80). She also maintained a residence at North Oaks, a farm situated about 10 or 12 miles from St. Paul, at Pleasant Lake. (R. 80.) It was her annual custom and habit to go to New York and Jekyl Island in the winter, returning to New York and then to St. Paul in the spring. From her St. Paul residence she would, in accordance with her custom, proceed to the North Oaks residence in the middle of the summer, where she would remain until early fall. (R. 80–84–138, et seq.)

Mrs. Hill was taken ill during the night of November 11, 1919, when her son-in-law, Doctor Boeckmann, a practicing physician of St. Paul, was called to attend her. (R. 147.) Dr. Peder A. Hoff was called by Doctor Boeckmann on the morning of November 12, 1919, to attend Mrs. Hill. (R. 143.) From an affidavit made by the doctor, which is at record 262, the following appears: That immediately after being called he made an examination of said deceased and found that she had an enlarged heart, an abnormal high blood pressure, and upon exertion had some difficulty in breathing."

Mrs. Hill had been confined to her bed since November 9. (R. 142.) Her illness progressed, and on November 25, 1919, "she was ill, quite ill" (R. 171), and by December 19, 1919, she was very ill (R. 143). She was desperately ill. (R. 200.) She was confined to her bed and to her room from November 11, 1919, until February or March of the following year. (R. 143.) An additional nurse was employed in November, 1919. (R. 145.) This nurse did not leave until July, 1920. (R. 145.) During the period referred to of her illness she was in bed on a hospital cot. (R. 171.) A specialist from New York was called to visit her. (R. 145.) Doctor Hoff was in daily attendance upon her, calling two or three times a day. (R. 156.)

In this situation and on November 24, 1919, Mrs. Hill executed a trust agreement providing an income for her sister in lieu of monthly payments which she had made to her sister theretofore. (R. 65, 66.) On the same date and under the same circumstances Mrs. Hill created a trust in favor of a life-long and intimate friend (R. 69); she likewise created a trust in favor of all the family servants (R. 70).

Likewise and on November 25, 1919, she created what has been referred to hereinbefore as the "grandchildren's trusts" (R. 74), whereby she provided for her grandchildren. At this time, as well as on November 24, 1919, Mrs. Hill executed the instruments referred to while in bed, propped up with pillows. (R. 219–220.)

On December 19, 1919, "When she was considering she was on the point of death" (R. 163), Mrs. Hill executed certain trusts in favor of her children (R. 164–421–424). On that date she executed a memorandum covering the disposition of certain jewelry (R. 164–427). She also executed an assignment in favor of Mary Mendenhall Hill (R. 427). Likewise, on said date she executed a will (R. 167–429) wherein she directed that all inheritance, transfer, and estate taxes payable on gifts in trust or otherwise made by her within two years prior to her death should be paid out of her estate (R. 429). Inasmuch as Mrs. Hill died on November 22, 1921, it is established that this transaction includes the trusts created on November 24 and 25, 1919. (It will be noted that the circuit court of appeals (Op. p. 8) was of the opinion that the will was never executed by Mrs. Hill. This understanding on the part of the circuit court of appeals undoubtedly arises by reason of the fact that the exhibit at record 429 is an incomplete copy of the will executed by Mrs. Hill. The will was destroyed late in 1920 (R. 167). The exhibit must be read with the evidence establishing that the will was executed, signed, sealed, and delivered (R. 165 et. seq.) in order to understand the situation). By the conveyances, assignments, memorandums, and the will aforesaid on December 19, 1919, Mrs. Hill effected a complete disposition of all of her property.

When Mrs. Hill was able to leave her bed and room in the spring of 1920 and up to July, 1920, she was not as strong as she was before she was taken ill (R. 145). While she resumed her reading, the receiving of visitors, and her interest in general affairs (R. 145–146) she was an invalid until she died (R. 148). She never resumed her accustomed before-breakfast walks (R. 152). While she took automobile rides, she was always accompanied by a nurse (R. 152). On two occasions she did some shopping (R. 152), which was accomplished by having the merchandise delivered to her automobile, in which she remained, for her inspection (R. 153). Her automobile trips were limited to drives about the city, and on one occasion a drive into the country over paved roads (R. 153). She never walked unless accompanied by some one (R. 154). She never resumed her visits to New York, Jekyl Island, or the North Oaks Farm (R. 154). She remained at her St. Paul residence.

Since the evidence indicated in the foregoing brief review of the facts discloses that Mrs. Hill's last fatal illness, from which she died, commenced on November 11, 1919; that she shortly thereafter and on November 24, 1919, provided for a sister, a close friend, and all the family servants by instruments accomplishing a final disposition of her property; that in the case of the sister the final disposition was in lieu of monthly payments theretofore made by Mrs. Hill; that on November 25, 1919, she made provision for her grandchildren by instruments in the nature of final disposition of her property; that on December 19, 1919, she provided for her children by instruments to the same effect, and made her last will and testament which she executed, signed, sealed, and delivered; that by said will she directed the payment of taxes on all gifts made by her within a period of two years of her death; that her death occurred on November 22, 1921, which clearly brings the trusts created on November 24 and 25, 1919, within the provision of the will aforesaid; that although Mrs. Hill was able to resume her reading, converse with friends, and get about with the aid of other persons and in her automobile, she never resumed her customary activities; and that she died from a condition which existed on November 11, 1919, the time of the commencement of her last illness, it appears clear to me that the thought of possible death in the reasonably near future was present in Mrs. Hill's mind and was the motive actuating the gifts made, which are the subject of controversy in this case, to wit, the grandchildren's trust and the children's trust.

In its opinion of April 18, 1928, the circuit court of appeals also held that the plaintiff in error saved for review the question of the sufficiency of the evidence to support the findings of fact of the trial court. In this connection your attention is invited to

the fact that the plaintiff in error at the conclusion of the trial moved the court "for judgment in favor of the plaintiff and against the defendant for the amount claimed in the complaint, and interest as therein set forth" (R. 255). He also, after the conclusion of the trial but within the time allowed by the court, filed requested findings of fact and conclusions of law (R. 433). These steps, in my opinion, are insufficient to save the question indicated for review by the appellate court. The proceedings indicated in the record at pages 449, 450, 452, 466, occurring long after the trial of the cause in the district court and after the trial term, were not, in my opinion, effective for any purpose.

There is transmitted herewith a copy of the opinion of the circuit court of appeals filed on April 18, 1928. In connection with your consideration of this case it is recommended that the briefs of the defendant in error submitted to the district court and circuit court of appeals and the transcript of record be reviewed by you. The general counsel of the Bureau of Internal Revenue has in his possession the last-named documents. A copy of this letter is being supplied him.

A few days later Mr. French received the following letter:

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
Washington May 21, 1928.

In re George P. Flannery against Willcuts (estate of Mary T. Hill).
Hon. LAFAYETTE FRENCH, Jr.,
United States Attorney, St. Paul, Minn.

SIR: Receipt of your letter of May 14, 1928, inclosing copy of your letter to the Attorney General recommending a petition for certiorari in the above-entitled case, is acknowledged with thanks.

This office has also recommended to the Attorney General that a petition for certiorari be filed and has asked him to instruct you in the premises.

Respectfully,

C. M. CHAREST,
General Counsel.

Mr. Sisson shows that both of these letters were received at the Department of Justice. Undoubtedly they were referred to Mitchell who, as Solicitor General, passed on all such recommendations. But Mitchell was careful not to answer them. Instead they were referred to Mrs. Willebrandt, who wrote as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 22, 1928.

LAFAYETTE FRENCH, Jr., Esq.,
United States Attorney, St. Paul, Minn.

SIR: Your letter of May 9, relative to application for certiorari in the case of Flannery, Administrator, *v.* Willcuts, has been received, together with the inclosures, and the matter is receiving careful consideration by this office.

Pending any conclusion by this office, kindly take the necessary steps to procure a stay of the mandate pending the time allowed for certiorari. Also kindly take whatever further steps may be necessary to protect fully the interests of the Government during such period.

Respectfully,

MABEL WALKER WILLEBRANDT,
Assistant Attorney General
(For the Attorney General).

Who first recommended that petition for certiorari be not filed? Mr. Sisson's letter does not disclose the name of any individual who did; he merely says that "the tax division * * * prepared a memorandum" to that effect. But who signed the memorandum and what reasons did it set forth? We are left entirely in the dark. Was the signer among the few fortunate ones whom Mr. Mitchell retained? Or was it Mrs. Willebrandt herself, who has since left? The latter impression is the one sought to be conveyed. Why did not the Attorney General present a statement from Mrs. Willebrandt (whose office is still but one block from his) as to whose hand really exerted the gentle pressure to "recommend that petition for certiorari be not filed"?

Attorney General Sargent's part appears to have been limited to signing his name under the word "approved" on the "memorandum by the tax division." Everyone at all familiar with the Department of Justice affairs during his term knows that Sargent would rely entirely, and rightly so, upon Mitchell in such matters, and this incident well illustrates it. The Sisson letter would infer that the "tax division" (whoever that was) finished its memorandum on June 5, sent it to Solicitor General Mitchell in due course and received his "suggestions" (which contrary to the invariable practice were not in writing), and then submitted it to Mr. Sargent who was able to "approve" it on the day following its original preparation. Clearly he could have given it no adequate consideration and the speed with which it was rushed through seems incredible to those who are familiar with the time usually required for a paper to pass through two divisions of the Department of Justice. Obviously the whole affair was Mitchell-arranged. Who would dare thwart the Solicitor General's idea about the matter, and they couldn't help knowing what he wanted if they only read his testimony against the Government in the case; no consideration by any known, responsible official—no reasons given—but a course of action followed which exactly fitted the interests of Mitchell's former client, the "Hill estate."

What was the excuse for all this camouflage? According to Mr. Sisson it was "the impropriety of his [Mitchell's] having anything to do with the consideration of the matter of applying for certiorari." But so long as he remained Solicitor General it was his inescapable duty to pass upon it. He had been the attorney for Mrs. Hill; he had prepared the papers which deprived the Government of its revenue; he had been (while Solicitor General) the principal witness against the Government; clearly he knew more about the case than anyone in the department would ever know. Yet he permitted the Government's interests to be frittered away by an opinion which virtually disregarded that evidence and declared that "The finding of the court quoted supra was without any basis in fact."

Again the Seventh Circuit Court of Appeals had held that a finding of the Internal Revenue Commissioner unless arbitrary and capricious was conclusive. The holding of Judge Lewis, eighth circuit, thus raised a conflict between circuits and that, under a Supreme Court rule, is a ground for certiorari. (Rec. p. 47.) Mitchell was well aware of this and for that reason alone it was his duty as Solicitor General to resolve the conflict by applying for the writ. He did not have to turn that question over to Mr. Sargent and no one in the department was so familiar with the case as Mitchell. To dodge that duty by placing the matter in the hands of unidentified subordinates and disposing of it through a hasty and perfunctory reference to the Attorney General who knew nothing about it, was, I submit, a failure to conserve the Government's interests.

With Mitchell's ethics as a background of what a "right-thinking" lawyer should be, it seems to me his objection to Ernest Michel for United States district judge in Minnesota, as being unfit for that position because he specialized in personal injury law, exceeds all honest men's comprehension and will stand out flaringly when you take into consideration that he could not say a word against Mr. Michel's integrity, ability as a lawyer, or his character, and when you also take into consideration that Mr. Michel was indorsed by both Senators and the entire Minnesota delegation, by all the State officials, a majority of the State senate, over 600 lawyers and a score of judges, headed by the Chief Justice of our Supreme Court, who said Michel was a man of character, integrity, and ability, and that, in his opinion, if appointed he would make an excellent Federal judge. When you take into consideration the Attorney General's rejection, without reason or rhyme, of 10 other able, competent lawyers submitted to the President by me at the President's request, particularly in view of his own actions in the Hill case, his gesture surpasses the ordinary understanding. If you manipulate as Solicitor General to save a railroad magnate's wife's estate a million and a quarter you are "right-minded" and "right thinking." If you sue a railroad company and recover $5,000 for some poor devil who has been injured, you are not the right sort of timber for the bench.

Having turned down 11 worthy and able lawyers of my State, suggested by me, he causes the President to send to the Senate the name of Gunnar H. Nordbye, nine days before adjournment, under the flimsy excuse that Minnesota is in dire need of a judge, and with this argument hopes that the power of the administration can force through, without due investigation, the confirmation. In this he was very much mistaken, for the Judiciary Committee, to whom the nomination was referred, refused to send the name to



the Senate. He expected the people of Minnesota to forget that he had had more than nine months to submit a name. Certainly it is not unreasonable for the Senate to refuse to do in nine days what the Attorney General, with all the facilities of his great office, did not do in nine months.

Mr. Nordbye's partner's law practice, previous to his appointment to the bench by the governor, was almost exclusively personal-injury cases, yet Mr. Mitchell turns down Mr. Michel because he says Mr. Michel's partner's legal practice is in the main personal-injury claims and selects a man whose practice before appointment to the judgeship was in the main personal injury. The distinction, of course, between Mr. Michel and Mr. Nordbye is that Mr. Nordbye has been on the bench for a number of years and his bench actions in behalf of public utilities, insurance companies, railroads, chain banks, chain stores, chained newspapers, and chained politicians has been highly satisfactory to our United States Attorney General, "Democrat Mussolini" Mitchell, and no doubt over and above the fact that the "right-minded," "right-thinking" demonstration as judge of Mr. Nordbye is the knowledge that Mr. Nordbye is a leader of the crowd in Minnesota, who deplore that I am the United States Senator and have viciously fought me by fair and foul means—mostly foul—for my retention of this great office.

Mitchell knew that the Hill case had been successively before no less than five distinct functionaries, only one of whom—Judge Lewis—had decided against the Government. In no other case would the Solicitor General have accepted the one and rejected the four. The fact that he had been of counsel should have made him all the more careful to see that the Supreme Court should settle the question. The opportunity to help a client keep that vast sum should not have deterred him from the duty of his office as Solicitor General, which was to see to it as Solicitor General that the Supreme Court ruled upon it. He can not extricate himself from the obligations devolved as Solicitor General by any such circuitous process to protect himself and insure the Government's defeat.

I ask the President of these United States and the good people over whom he governs if this is an ethical act and if such actions warrants him putting any confidence in the opinion of his Attorney General as to whether a lawyer is "right-thinking" and deserving. The very fact that the Attorney General, the Solicitor General, whose imperative duty it was to see to it that such cases went to the Supreme Court, whatever his personal belief in the matter may have been, since he drew the original papers in the case as the Hill attorney and testified in the case and was the generalissimo in conducting his clients to victory, should have bound him as the very least of his duty to see to it that the matter was spread before the Supreme Court for final determination.

I submit that the Hill case alone shows that the Attorney General's advice should not be taken in matters where his interests and prejudices are involved. The Attorney General showed clearly, in his brand-new policy of that office, to wit, his newspaper campaign against Ernest A. Michel for United States district judge in Minnesota, that there was some strong incentive urging him at all costs to see to it that Mr. Michel did not become judge and no doubt the same motive prompted him to turn down the 10 other names of estimable and able lawyers presented to the President at the President's request and cause the President to submit the name of Gunnar H. Nordbye whom he knows to be "right-thinking" and "right-minded" in all matters pertaining to public utilities, railroads, insurance companies, and combinations of corporations and would be especially obnoxious to me personally since he has not only fought me politically but has belittled, slurred, and slandered me and has continuously spoken disparagingly of my character.

The fact that Mr. Michel was indorsed by the entire Minnesota delegation in Congress, hundreds of lawyers and over a score of judges, a majority of the State Senate of Minnesota, and all State officials elected by the people had no effect upon him for unless you are "right-minded" as shown by the measure stick in the Hill and the Jackson Barnett cases "you can not enter" into the sacred precincts of the judiciary with the advice and consent of such an Attorney General.

Mr. SCHALL. Mr. President, I ask to print Judge Molyneaux's findings of fact in the Hill case and Judge Lewis's opinion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

[United States District Court, District of Minnesota, third division. George P. Flannery, administrator of the estate of Mary T. Hill, deceased, plaintiff *v.* Levi M. Willcuts, collector of internal revenue for the district of Minnesota, defendant. Findings of fact and conclusions of law]

Messrs. Boyesen, Otis, Brill & Faricy, for plaintiff; Lafayette French, jr., United States Attorney, for the defendant; A. W. Gregg, general counsel for the Bureau of Internal Revenue and T. H. Lewis, jr., special attorney, Bureau of Internal Revenue, of counsel.

This case came duly on for trial before the undersigned, one of the judges of said court, and was tried to the court without a jury, on November 29, 1926, and for several days thereafter, at a general term of said court.

A trial by jury was duly waived by written agreement signed and duly filed by the parties hereto.

The court finds as facts, herein, as follows:

1. That the plaintiff is now and at all times hereinafter set forth was a citizen of the United States of America and a resident of the city of St. Paul, in the county of Ramsey and State of Minnesota; that the matter in controversy herein, as hereinafter set forth, exclusive of interest and costs, exceeds the sum of $3,000 and arises under the Constitution and laws of the United States of America, and particularly under a law of the United States providing for internal revenue.

2. That Mary T. Hill died intestate on or about the 22d day of November, 1921, and that, at the time of her death she was a resident of the city of St. Paul, in the county of Ramsey and State of Minnesota, in the United States of America, and that thereafter certain proceedings were duly instituted in the probate court for said Ramsey County, then and there having jurisdiction, for the purpose of probating the estate of said decedent, Mary T. Hill, and that such proceedings were had therein, that thereafter and on the 16th day of May, 1922, the said plaintiff, George P. Flannery, was duly appointed administrator of the estate of said decedent, Mary T. Hill; that he thereupon duly qualified as such administrator, then became, ever since has been and now is the duly appointed, qualified, and acting administrator of the estate of said decedent, Mary T. Hill.

3. That on the 11th day of May, 1921, the defendant, Levi M. Willcuts, was duly appointed collector of Internal Revenue for the district of Minnesota, and thereafter and on the 1st day of June, 1921, filed his bond and took oath of office as such collector, and ever since has been and now is the duly appointed, qualified, and acting collector of Internal Revenue for the district of Minnesota, at St. Paul, Minn., under and by virtue of the laws of the United States of America.

4. That after the death of said decedent, Mary T. Hill, and after the appointment of said plaintiff, George P. Flannery, as administrator of her estate, and on the 27th day of December, 1922, the said plaintiff, as administrator aforesaid, prepared and filed at St. Paul, Minn., with the said defendant, as collector of Internal Revenue for the district of Minnesota, as aforesaid, his return for the United States estate tax in the matter of said estate, and that said estate tax return was so prepared and filed on Form 706, so-called, with said collector of Internal Revenue of said United States, and that said blank form, so numbered 706, upon which said return was so prepared, was furnished to said administrator by the said defendant.

That in and by said return, an estate tax liability was disclosed in the sum of $2,011,060.96, and that said sum of $2,011,060.96 and all thereof was thereafter and heretofore paid by said plaintiff, in his representative capacity as administrator aforesaid, to said defendant as Collector of Internal revenue aforesaid, and that said payment was made in United States Liberty bonds and in cash on December 27, 1922, and that an official receipt was duly given to said plaintiff, as administrator aforesaid, by said defendant for such payment, which said receipt was attached to and made a part of the claim for refund hereinafter referred to.

5. That thereafter an audit and review of the property and assets of the estate of said decedent, Mary T. Hill, and of the estate tax return, so filed by plaintiff, was duly made by agents or auditors of the United States Treasury Department, and that the conclusions and determination of said agents or auditors were thereafter duly returned to and filed with the Commissioner of Internal Revenue in the Estate Tax Division of the Bureau of Internal Revenue of the United States Treasury Department.

6. That thereafter and on or about September 2, 1925, and after the completion of said audit and review, a tentative determination of a so-called deficiency in the estate tax in the matter of said estate of Mary T. Hill, in the sum of $1,143,123.73, was made by the Commissioner of Internal Revenue of said United

States Treasury Department, and this plaintiff was notified of such tentative determination by written communication signed by R. M. Estes, deputy commissioner, dated on said September 2, 1925, which said communication bore the symbols and was entitled "MT:ET-875-CWM."

7. That thereafter the plaintiff prepared and on the 30th day of September, 1925, he filed with the Commissioner of Internal Revenue in the estate tax division of the Bureau of Internal Revenue of the United States Treasury Department objections and exceptions to said tentative determination of a so-called deficiency tax in the matter of the estate of said decedent, Mary T. Hill, which said objections and exceptions, so made and filed by this plaintiff, were dated on the 28th day of September, 1925, and that thereafter and on the 23d day of October, 1925, supplemental objections and exceptions were filed with said Commissioner of Internal Revenue, which said supplemental objections were dated on the 21st day of October, 1925.

8. That thereafter and on the 23d day of October, 1925, at 2 o'clock p. m., a hearing was had before said Commissioner of Internal Revenue, at Washington, D. C., upon said tentative determination of a deficiency, so dated September 2, 1925, in the matter of the estate of said decedent, Mary T. Hill, and upon the objections of this plaintiff thereto, so dated September 24, 1925, and upon the supplemental objections, so dated October 21, 1925.

9. That after said hearing before said commissioner, and on the 7th day of December, 1925, this plaintiff received from the United States Treasury Department and from the Commissioner of Internal Revenue of that department a certain written communication, a so-called closing letter which said communication is dated December 4, 1925, and was signed by D. H. Blair, commissioner, in and by the terms of which said department found and determined that said estate of Mary T. Hill and this plaintiff as administrator thereof was liable for an additional or deficiency estate tax in the sum of $1,130,616.08.

10. That thereafter and by a writing dated April 7, 1926, a demand was made upon this plaintiff by the defendant for the payment of the so-called deficiency tax in the matter of the estate of said Mary T. Hill in the said sum of $1,130,616.08, in and by which, among other things, notice was given to plaintiff that an additional assessment in said sum of $1,130,616.08 had been made against the estate of said Mary T. Hill, and against this plaintiff as administrator aforesaid, and notice was further given that, "If payment is not made within 30 days after the date of this notice, the law provides that interest will accrue at the rate of 10 per cent per annum from 30 days after date of this notice until date of payment."

11. That this plaintiff paid to this defendant, the total additional amount so demanded, to wit: The sum of $1,130,616.08, and that said payment was so made to said defendant in two installments and on the following dates and in the following amounts: April 30, 1926, $1,050,000; May 5, 1926, $80,616.08—that upon the payment being made, as hereinbefore set forth, receipts were duly delivered by said defendant to this plaintiff.

12. That at the time of the respective payments last above referred to, this plaintiff filed with the said defendant, as collector aforesaid, written protests, in and by which the grounds of the protest as hereinafter and in paragraph 14 of this complaint alleged, were fully set forth.

13. In determining an alleged deficiency, and in computing the amount thereof, the Commissioner of Internal Revenue of the United States Treasury Department included in the value of the gross estate the value of properties, stocks, and bonds, to wit:

(a) Item 2 of Schedule E of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 24th day of November, 1919, for the benefit of the following-named persons, respectively: Anna E. Phelps, Mary Phelps, and Gertrude Phelps Horrigan. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred being fixed for the purposes of taxation at the respective sums appearing immediately after the names of said beneficiaries named in said trust, to wit:

Anna E. Phelps trust	$85,125.00
Mary Phelps trust	8,512.50
Gertrude Phelps Horrigan trust	8,512.50

(Through inadvertence, the Gertrude Phelps Horrigan trust is described in the administrator's return as the Mary Horrigan trust.)

(b) Item 3 of Schedule E of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 24th day of November, 1919, for the benefit of the following-named persons, respectively: Emma Raguet and Mary Meaney. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred being fixed, for the purposes of taxation, at the respective sums appearing immediately after the names of said beneficiaries named in said trust, to wit:

Emma Raguet trust	8,512.50
Mary Meaney trust	4,256.25

(c) Item 4 of Schedule E of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 24th day of November, 1919, for the benefit of the following-named persons, respectively: Michael C. Downey, Joseph Sikorski, Axel Johnson, Alice Maitland, Walter A. Maitland, James Maitland, Hugh Campbell, Mrs. Hugh Campbell, Pharioide Van den Broecke, Sarah Trott, Robert C. Miner. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred being fixed, for the purposes of taxation, at (11 in all) $21,281.25

(d) Item 5 of Schedule E of the administrator's estate-tax return: Stocks, bonds, and properties transferred, by trust instrument dated the 25th day of November, 1919, for the benefit of the following-named persons, respectively: James N. B. Hill, Louis Warren Hill, jr., Maud Van Cortlandt Hill, James Jerome Hill, 2d, Cortlandt Hill, George Norman Slade, Georgiana Mary Slade, Mary Hill Boeckmann, Gertrude Hill Boeckmann, Anson Beard, jr., Mary Beard, and Dorothy Hill. The valuation placed by the Commissioner of Internal Revenue on the stocks, bonds, and properties so transferred, for the benefit of each of said beneficiaries, save one, being fixed, for the purposes of taxation, at $206,930, and one, to wit, the Dorothy Hill trust, at $103,465; total (grandchildren's trust) 2,379,695.00

(e) Item 12 of Schedule E of the administrator's estate-tax return: Stocks, bonds, and properties transferred, by trust instrument dated the 19th day of July, 1920, for the benefit of the following-named persons, respectively: Mary Hill Hill, James N. Hill, Louis Warren Hill, Clara Hill Lindley, Charlotte Hill Slade, Rachel Hill Boeckmann, Ruth Hill Beard, Gertrude Hill Gavin, and Walter J. Hill. The valuation placed by the Commissioner of Internal Revenue on the stocks, bonds, and properties so transferred, for the benefit of each of said beneficiaries, being fixed, for the purposes of taxation, at $219,671; total (children's trust) 1,977,039.00

(f) Item 16 of Schedule "E" of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 19th day of October, 1920, for the benefit of Mary Mendenhall Hill. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred, being fixed, for the purposes of taxation, at $85,125.00

(g) The transfer, by decedent, to Rachel Hill Boeckmann, on or about the 8th day of July, 1920, of a diamond necklace valued by the Commissioner of Internal Revenue of the United States Treasury Department, for the purposes of taxation, and included by said commissioner in decedent's gross estate, at 18,000.00

That said stocks, bonds, and properties, described in items (a), (b), (c), (d), (e), (f) were listed by the plaintiff, as administrator aforesaid in Schedule "E" of his Federal estate-tax return, as he was by the instructions printed on said estate-tax return and by the regulations of the United States Treasury Department, required to do.

14. That after payment in full of said alleged deficiency estate tax in the matter of the estate of said Mary T. Hill, and on or about the 18th day of May, 1926, this plaintiff duly filed with the defendant, as Collector of Internal Revenue aforesaid, on Treasury Department, Internal Revenue Service form 843, a claim for refund of the aggregate amount so assessed and collected in said estate, to wit: the sum of three million, one hundred forty-one thousand, six hundred seventy-seven and four one-hundredths ($3,141,677.04) dollars, on the ground and for the reasons set forth in Paragraph XIII of the complaint, and that said sum included an amount for which this plaintiff in said claim also demanded a refund, to wit: the amount so assessed and collected as and for a deficiency tax, so amounting to the sum of one million, one hundred thirty thousand, six hundred sixteen and eight one-hundredths ($1,130,616.08) dollars and so paid under protest as aforesaid, on the ground that said last-named sum was assessed against the estate of said Mary T. Hill, deceased, by reason of the erroneous and illegal inclusion by the Department of Internal Revenue in the gross estate of said decedent of the property and the value thereof, transferred and conveyed by said Mary T. Hill in her lifetime by those certain deeds of trust and transfers specifically set forth as items (a), (b), (c), (d), (e), (f), and (g) of section (1) of paragraph 14 of this complaint, and that the grounds of said claim for refund, in so far as the same related to said transfers, were that the said items and the value thereof, so transferred and conveyed by said decedent in her lifetime were not, nor were any or any part of them a part of her estate and were not subject to

taxation for Federal estate taxes, in that said decedent did not make such transfers or convey such property in contemplation of her death or to take effect in possession or enjoyment at or after her death, within the purview of the statute providing for the assessment and payment of a Federal estate tax, and on the further ground that in assessing a so-called deficiency, the Commissioner of Internal Revenue had failed to allow as a deduction, necessary administration expenses in the sum then incurred, to wit: in the sum of two hundred sixteen thousand, four hundred forty-five and thirty one-hundredths ($216,445.30) dollars.

15. That thereafter said claim for refund was rejected, refused, and in all things denied by the Commissioner of Internal Revenue of the United States of America, and this plaintiff was notified thereof by written communication dated July 8, 1926.

16. That although duly demanded, said sum of $3,141,677.04 has not, nor has any part hereof, been paid to this plaintiff.

17. I further find that the transfers set forth in subparagraphs (a), (b), (c), (d), (e), (f), and (g) of paragraph 14, on pages 9, 10, and 11 of the complaint, were made and completed and the trust therein referred to accepted by the trustees on the respective dates therein set forth.

18. I find, as hereinbefore stated, that the administration expenses paid by said administrator in administering the estate of said Mary T. Hill amount to $216,445.30, of which the commissioner has allowed the sum of $178,412.62; the difference of $38,032.68 is a proper deduction from gross estate, and the plaintiff has overpaid said defendant $9,508.17.

19. That the transfers, gifts, and trusts set forth in the complaint and identified in paragraph 14 thereof as (a), (b), (c), (d), (e), (f), and (g) were and each of them was made and created by the decedent, Mary T. Hill, in contemplation of her death within the meaning of section 402 (c) of the revenue act of 1918.

As conclusions of law, I find that the plaintiff is entitled to judgment against the defendant in the sum of $9,508.17, together with interest thereon as allowed by law from May 5, 1926, at the rate of 6 per cent per annum until the date of final judgment herein; that the plaintiff is not entitled to recover from the defendant otherwise than as herein stated.

Let judgment be so entered.

Dated at Minneapolis this 30th day of March, 1927.

_____,

United States District Judge.

Lewis, circuit judge: Mary T. Hill died intestate November 22, 1921, aged 75 years, 4 months, and 21 days; and the principal question in this case is whether certain gifts made by her were a part of her estate under the revenue act of 1918 (40 Stat. 1057), subject to the Federal estate tax. She was the widow of James J. Hill, who died intestate May 29, 1916, leaving a large fortune in which her distributive share amounted in value to more than $16,000,000. The administrator of her husband's estate in settlement with her gave her about $1,000,000 in cash, and for the remainder of her share almost all of it consisted of stock in banks and trust companies, stock in railroad companies and other corporations, mortgage bonds of railroad and other corporations, United States bonds and bonds of foreign countries. From these she made the gifts in question and left at her death an estate of more than $10,000,000, on which her administrator paid an estate tax of $2,011,060.96. The tax officials thereafter claimed a deficiency in the amount of the taxable estate and required her administrator to pay an additional sum of more than $1,000,000 on the gifts here in question as a part of her estate, which he did under protest. Her administrator then brought this action to recover the additional sum paid. Trial by jury was waived. Without discussing the issues or stating the reasons for his conclusions, the district judge made general findings of fact, among them:

"That the transfers, gifts, and trusts set forth in the complaint * * * were and each of them was made and created by the decedent Mary T. Hill in contemplation of her death within the meaning of section 402 (c) of the revenue act of 1918 (Comp. Stat. par. 6336¾c (c))."

Recovery was therefore denied.

That part of section 402 of the act of 1918 to which the court referred in its finding reads thus:

"That the value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated—

* * * * * * *

"(c) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, in contemplation of or intended to take effect in possession or enjoyment at or after his death (whether such transfer or trust is made or created before or after the passage of this act), except in case of a bona fide sale for a fair consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such a consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title." (40 Stat. 1057, 1097.)

The gifts, except one, were made in the form of trusts, and are referred to as (1) trusts for decedent's 13 grandchildren; (2) trust for decedent's 9 children; (3) trusts for other relatives, friends, and employes; and (4) the gift of a diamond necklace valued at $18,000 to one of decedent's daughters, made on July 8, 1920. The written declarations of trust specified the property transferred for each donee to a named trustee. They were absolute in form, gifts inter vivos, no interest or future control being retained by the donor; and immediately after the declarations were executed they and the property specified for each donee were delivered to and received by the trustee who accepted the trust. The trust for 12 of the grandchildren was executed on November 25, 1919, and a separate trust for the remaining grandchild was executed on October 19, 1920. For each of 11 of her grandchildren Mrs. Hill conveyed to the named trustee in trust 546 shares of the capital stock of the First National Bank of St. Paul, Minn., 144 shares of the capital stock of the Northwestern Trust Co. of St. Paul, Minn., and $77,000 in cash, and for the other grandchild exactly half that number of shares and cash. For the thirteenth grandchild she established a trust estate consisting of $100,000 par value Great Northern Railway mortgage bonds. The powers of the trustee in handling the trust estates are set forth. Compensation for the services of the trustee were provided for out of the income and there were restrictions as to payment of income to the beneficiaries, one-half the net income until each beneficiary reached the age of 30 years, thereafter all of it, and at the age of 40 years the whole estate to be delivered to the beneficiary. There was disposition of the trust estate in case of death before that time.

The declaration of trust for her nine children was executed July 19, 1920. That instrument transferred to the trustee for each child $21,000 par value United Kingdom of Great Britain and Ireland and the French Republic joint 5 per cent bonds, 33 shares of the capital stock in St. Paul Cattle Loan Co. and a named number of shares in different banks and trust companies doing business in New York City, Chicago, St. Louis, Minneapolis, and St. Paul. Each child was to receive, during his or her life, the net annual income of the trust estate and there was disposition of the corpus of the trust estate upon the death of each child. The powers of the trustee were expressed and a limitation put on compensation for its services. There were three separate declarations of trust covering donations to a sister, friends, and employees, in which Great Northern Railway mortgage bonds constituted the gifts, the largest one being $100,000 face value of said bonds given in trust for decedent's sister. The others for the different donees were each not more than $10,000 nor less than $1,000 of such bonds. These last three declarations were all executed by the donor on November 24, 1919.

(1–3) It will be noticed that the trust for 12 of the grandchildren and the 3 trusts for a sister, friends, and employees were executed scarcely within the 2 years preceding Mrs. Hill's death. The one for the other grandchild and the one for the nine children were executed more than one year, but less than two before the date of her decease. At the trial defendant stood on the presumption raised by the statute quoted supra, and plaintiff took the burden of showing that the gifts were not made in contemplation of death. We, of course, agree with counsel for defendant in error, that this court will not weigh the evidence, if it is in disagreement, to find on which side it preponderates, but we may search "the record to find whether there is any substantial evidence to support the lower court's finding that as a matter of fact these gifts were made in contemplation of death." If there is no such evidence the court erred in law. We are also in accord with counsel's statement in his brief that the cases "hold that the thought of death must be the actuating motive without which the gift would not have been made"—adding thereto the qualification that the "thought of death" as an anticipation of the inevitable which we all realize, is not within the statute; but to be within the statute the thought must arise because of some known infirmity which, it is believed, will likely cause death. We agree with Judge Morton that gifts inter vivos are not taxable under this statute, unless it can be said on the facts of the case they are testamentary in purpose. Bradley *v.* Nichols (D. C.) 13 F. (2d) 857.

(4) It seems reasonable to suppose that the taxing officials also acted solely in reliance on the statutory presumption; but if that presumption is inconsistent with the facts in the case it must give way. It will have served its purpose, in effect, so declared by the statute. In Fresh *v.* Gilson (16 Pet. 327, 331, 10 L. Ed. 982) it is said:

"But presumptions can stand only whilst they are compatible with the conduct of those to whom it may be sought to apply them; and still more must give place, when in conflict with clear, distinct, and convincing proof."

Wigmore on Evidence (2d Ed.), paragraph 2491, says:

"Nevertheless, it must be kept in mind that the peculiar effect of a presumption of law (that is, the real presumption) is merely to invoke a rule of law compelling the jury to reach the conclusion in the absence of evidence to the contrary from the opponent. If the opponent does offer evidence to the contrary (sufficient to satisfy the judge's requirement of some evidence), the presumption disappears as a rule of law, and the case is in the jury's hands free from any rule."

In Mobile, J. & K. C. Railroad Co. *v.* Turnipseed (219 U. S. 35, 31 S. S. Ct. 136, 55 L. Ed. 78, 32 L. R. A. (N. S.) 226, Ann. Cas. 1912A, 463, a State statute which raised a presumption of negligence where damages were inflicted by the running of locomotives or cars was under consideration. The court (p. 43 (31 S. Ct. 138)) said:

"The only legal effect of this inference (of negligence) is to cast upon the railroad company the duty of producing some evidence to the contrary. When that is done the inference is at an

end, and the question of negligence is one for the jury upon all of the evidence."

(5) We summarize the uncontradicted facts adduced at the trial: Mrs. Hill spent the winter of 1918–19 at the Hill winter home in Georgia, stopped for a while in New York City at an apartment which she had held under lease for several years and which she had furnished, and returned to St. Paul in April or early May, 1919. The furnishings in the New York apartment were hers, she kept two maids there, she had an automobile and a chaffeur there, and owned the garage. Her lease on the apartment expired October 1, 1920, and on its expiration she renewed it for three years. When she returned to St. Paul in the spring of 1919 she at once took up the subject of establishing trusts for her children and grandchildren. She first discussed the matter with Mr. Toomey, her business manager at St. Paul. Mr. Toomey had been in the employ of Mr. Hill for many years. He was entirely familiar with Mr. Hill's interests and had rendered services in looking after his property. After Mr. Hill's death he acted in that capacity for Mrs. Hill. A rough draft was at once drawn up, expressing Mrs. Hill's wishes in the matter. Her first idea was to make one declaration of trust, describing therein the property to be given and held in trust for each child and each grandchild separately. Mr. William D. Mitchell, then an attorney at St. Paul, now Solicitor General, was then employed by Mrs. Hill some time in May, 1919, to put the declaration in proper form. Her consultations with Mr. Mitchell resulted in a decision to make two declarations of trust, one for the children and one for the grandchildren. Mr. Mitchell made several drafts to meet Mrs. Hill's wishes. She finally concluded to make one trust for 12 of the grandchildren and another for the other grandchild. Before the fall of 1919 came on she had fully settled, in consultation with Mr. Mitchell, the grandchildren's trusts and also the trust for her nine children, except the disposition to be made of the remainder estate in the property that she was to put in trust for them. They were to have only a life interest, receiving the net income. Mr. Mitchell left St. Paul on his vacation some time during the summer and did not return until the fall. Also Mrs. Hill, early in July, went to North Oaks Farm, some 12 miles out of St. Paul, and remained there until October or early November. North Oaks Farm had been maintained by Mr. Hill and was a part of his estate. It consisted of approximately 4,000 acres, about 1,000 of which was in cultivation.

Mrs. Hill, while there during the summer of 1919, became interested in the comfort of the help employed and decided to build better quarters for them and make other improvements on the place. She personally selected the site for the new building, selected a contractor, sent for an architect, and gave personal attention to these improvements, made at a total cost of about $60,000. While she was there some one of her children in St. Paul, without her knowledge or wish, sent Doctor Gilfillan, who had been her physician, out from St. Paul to see her. She did not know the doctor was coming. She said she did not know why he had been sent out, she did not need his services. That was the last call made by Doctor Gilfillan. Later when she needed a physician she sent for Doctor Hoff. Doctor Gilfillan testified that when he examined Mrs. Hill at North Oaks Farm in the fall of 1919 he found high blood pressure, muscular trouble with the heart, and kidney trouble, but he did not tell her about her condition in that respect and she did not ask him about it. He testified that he had been her physician prior to that time; that he never saw her worried over herself or over her condition; that she was of good spirits and of a very equable disposition and not nervous in any way; that she never indicated that she anticipated death in the near future and never talked to him about it. He said she tended to be overactive, and he told her not to go upstairs and to be careful about any physical exertion, never to do anything in a hurry.

When Mr. Mitchell and Mrs. Hill had both returned to St. Paul in the fall of 1919, the execution of the grandchildren's and children's trusts was again taken up. Mrs. Hill again expressed some uncertainty about the dispositions to be made of the nine remainder estates in the children's trust, but the trust for the 12 grandchildren was prepared by Mr. Mitchell in accord with her instructions, and on November 25, 1919, she executed that declaration and, as has been said, it and the securities and cash therein named for each grandchild were at once delivered to the trustees and they accepted. Mrs. Hill was in bed at that time. She was taken ill about November 12, 1919, and Doctor Hoff was called. She remained in bed or in her room until about the middle of December, 1919, when she became seriously ill. She began to improve early in January following and was able to leave her room within a few weeks thereafter and to go out as soon as the weather permitted. Her recovery appears to have been gradual and complete. A trained nurse who was first called into the home at the time of Mr. Hill's last sickness remained with Mrs. Hill as a sort of companion and servant, and she testified that she regarded Mrs. Hill as something of an invalid, after her illness that has just been referred to, until her death; but the testimony of many other witnesses, neighbors, and friends, and members of her family, indicates that the testimony of the nurse as to Mrs. Hill's condition after that sickness was rather exaggerated. Throughout the remainder of 1920 and 1921 up until her last illness, while not so active as she had been previous to November, 1919, she went about, took automobile rides, was as interested as theretofore in her household affairs, read the papers, was interested in public affairs, read good literature, visited with her friends, and was as cheerful as she had been theretofore. She is described as having a very placid, calm disposition and an alert mind, never depressed, and at all times in possession of all her faculties. She was industrious and returned to her habit of sewing and knitting. Early in January, 1920, her business manager took up important matters with her and she was able to consider with him business transactions from that time on until her last sickness, which came on in October, 1921, from which she died on November 22, 1921.

The testimony of neighbors, relatives, and friends as to Mrs. Hill's physical and mental condition, her activity, her uniform cheerfulness, and her daily interest in affairs during a period of more than two years prior to her death is too lengthy to be reviewed. It all tends to establish that her mind was free from thoughts of death, except on or about December 19, 1919, when she was seriously ill and made gifts causa mortis to some of her children and grandchildrden, which she subsequently expressly revoked, and had a will prepared which she never executed. As has been said, she seemed to fully recover from that illness and thereafter her health was as good and she was as active physically and as alert mentally as might be expected from one of her age, with no suggestion from her, nor conduct on her part, indicating that she was in contemplation of death.

On April 1, 1921, she appointed new trustees for six of her grandchildren under the trust which she had executed for them on November 25, 1919, the trustees named in the original declaration having resigned as to those beneficiaries. She had reserved the power in that declaration to fill any vacancy that might occur during her life. In that instrument of appointment of April 1, 1921, we find this statement over her signature:

"Being advised that, as said trust deed was executed by me while suffering from a severe illness, the said trusts were of the nature of gifts causa mortis and subject to revocation on my recovery, and, having fully reconsidered the same, I do hereby in all things confirm the said trusts, except," followed by a paragraph giving the new trustees for the six named grandchildren power to withhold from said six beneficiaries the net income or a part thereof that was to be paid to them under the original declaration and add it to the principal of the trust estate, or at any time thereafter release it to said beneficiaries. Some reliance is placed on the above excerpt to support the contention that the grandchildren's trust was in its nature testamentary. It will be noticed that Mrs. Hill did not say that these gifts were made causa mortis. Moreover, at that time Mrs. Hill had recovered from her illness of December 19, 1919, and was going about, taking automobile rides and calling at Mr. Toomey's office on business matters, and she says in the excerpt that she confirms the grandchildren's trust in all things except the modification which she then attempted to make as to the distribution of income to six of the beneficiaries. Mr. Mitchell drew that document and his testimony explains fully how it came to be made. Perhaps no one was better informed as to Mrs. Hill's intentions and purposes in making these gifts and her status of mind when she decided to do so than Mr. Mitchell. We therefore quote the substance of all of his testimony. He said:

"During the years 1919, 1920, and 1921, and for some time prior thereto, I acted as attorney for Mrs. Mary T. Hill, of St. Paul, widow of the late James J. Hill. In that capacity I drafted, as her attorney, all of the indentures of trust agreements executed by her during and after the year 1919, including the so-called grandchildren's trust, executed November 25, 1919, and the so-called children's trust, signed July 19, 1920. * * * the records and accounts of this office (his law office) show that, commencing May 19 and for a period of several days thereafter, I gave my entire time and attention to drafting the children's and grandchildren's trusts. From these facts I am able to say with certainty that the plan to create these trusts was conceived by Mrs. Hill prior to May 19, 1919, many months before her first serious illness. The first draft, made on May 19, 1919, covered both the children's and grandchildren's trusts, all of those being included in one document. It became evident later that more rapid progress could be made if these two proposals were treated separately as Mrs. Hill was undecided in the summer of 1919 as to the disposition to be made of certain remainder interests under the children's trust and, as she had definitely made up her mind during the summer of 1919 with respect to the provisions of the grandchildren's trust, the instrument relating to the grandchildren's trust was finally drafted and prepared for signature without waiting her decision with respect to the matters involved in the children's trust. Mrs. Hill, after examining the preliminary draft of the grandchildren's trust and certain revisions thereof which I prepared under her instructions during the summer of 1919, reached a final decision in the late summer of 1919 respecting all its provisions. The reason that the grandchildren's trust was not actually signed prior to November 25, 1919, was because in the late summer and early fall I was away on a vacation and was not here to complete the final draft until October or November.

"Mrs. Hill's decision as to the making of the grandchildren's trust and as to all the terms and provisions thereof and her final instructions with respect thereto were made and given more than two years prior to her death and prior to the inception of her first serious illness. The children's trust was not planned or conceived by her while ill or as a result of illness, but long prior to her first serious illness, and was merely interrupted by the first serious illness. In the spring of 1920, after her first serious illness, she again took up the matter of the children's trust and reached a decision as to all its provisions, and the same was executed in July of that year. In all my dealings with Mrs. Hill prior to her first serious illness in the early winter of 1919 nothing she said or did indicated that she was in apprehension of death or making these children's and grandchildren's trusts in

contemplation of death or that she had any apprehension of her decease occurring at an early date or within the period of expectancy of a woman of her age. On the contrary, during the period in 1920 and 1921 after her first illness and before her final and fatal illness, she was singularly free from any apprehension of this kind.

"With respect to the document signed by her April 1, 1921, attempting to amend the grandchildren's trust so as to authorize the trustees to withhold income from the beneficiaries in their discretion, the facts are as follows: As soon as the grandchildren's trusts were signed in November, 1919, copies were furnished to the parents of the grandchildren. Shortly thereafter and in the spring of 1920 Mr. John T. Toomey, Mrs. Hill's agent and business manager, informed me that two of Mrs. Hill's daughters had objected to the provisions of the trusts on the ground that they gave their children an independent income at an early age and freed them from parental control, and that they had expressed these objections to Mrs. Hill and that Mrs. Hill was disturbed and unhappy because they were not satisfied with the trusts and wanted to know if the trusts could not be changed to suit her daughters' ideas in this respect. I advised Mrs. Hill through Mr. Toomey at that time that no power of revocation was contained in these grandchildren's trusts and that Mrs. Hill had no power to change them without the consent of the beneficiaries, who were minors and could not consent to changes.

"Two or three times thereafter, during 1920 and the early part of 1921, Mr. Toomey again brought up this subject, and said that two of Mrs. Hill's daughters were still criticizing the trusts and expressing their criticisms to Mrs. Mary T. Hill, who continued to be disturbed and uncomfortable about the situation, and Mr. Toomey kept urging me to suggest some way that the matter could be fixed up so as to relieve Mrs. Hill's mind on the subject; and, finally, in the early part of 1921, I told Mr. Toomey that he might have Mrs. Hill sign an amendment to the trusts, changing the provisions respecting distribution of income, coupled with a recital that the trust was executed causa mortis. I told Mr. Toomey at the time that this amendment was made that it was my opinion the amendment was not legally effective because in truth and in fact, although Mrs. Hill was slightly ill at the time the grandchildren's trust was actually signed, it had been planned and decided upon before that and was not, in my opinion, intended by her to be revocable in case she recovered from the illness from which she was suffering when the document was signed. I also told Mr. Toomey that if the amendment was executed in this way it would probably be effective as the beneficiaries, when they became of age, were not likely to contest the validity of the amendment, and so this method of handling the situation was suggested to Mrs. Hill as a way out of the difficulty and in order to satisfy the criticisms made by her daughters. * * * That the children's trust was not planned or conceived by decedent while ill or as the result of illness, but long prior to her first illness, and was merely interrupted by the first illness, so called; that in the spring of 1920, after her first serious illness, she again took up the matter of the children's trust and reached a decision as to all its provisions, and the same was executed on or about July 19, 1920; that the children's trust, as originally discussed and drawn, was substantially the same in terms as the children's trust finally so executed, and that the only substantial difference therein was in the disposition of certain remainder interests after the termination of the life estates therein set forth; that in all of his dealings with decedent, nothing she said or did indicated that she made said children's trust or grandchildren's trusts in contemplation of death or that she had any apprehension of her decease occurring at an early date, or within or prior to the period of expectancy of a woman of her age; but, on the contrary, during the period in 1920 and 1921, after her first illness and before her final and fatal illness, she was singularly free from any apprehension of this kind. * * *

"In all my dealings with Mrs. Hill on the subject of these trusts she never by word or deed disclosed any desire or intention that the possession or enjoyment of the trust estates by the respective donees should be in any way dependent or conditioned upon her death, nor did she in any way disclose any purpose or intention to so draw the trust instruments that the possession or enjoyment of the trust property by the donees would be deferred until after her death. In the case of the grandchildren's trusts the provisions deferring the enjoyment of the income, or a portion of it, and of the principal of the trust estates until the grandchildren attain the ages specified, were devised solely in the interests of the grandchildren and with a view to giving them the use and enjoyment of the property at ages at which they were competent to receive and use it in a proper manner and at ages when they would probably find it useful. Never in my conversations or dealings with Mrs. Hill about these trusts was the question whether the beneficiaries would have the enjoyment of the property before or after her death mentioned or discussed, and never in any of such conversations or dealings did Mrs. Hill ever discuss or mention the question whether the property covered by these trusts or any other of the trusts would or would not be subject to estate or inheritance taxes, and in none of my conversations or correspondence with her did I ever raise the tax question or suggest or mention the problem whether by making these trusts she should or could relieve her estate from any transfer, inheritance or estate taxes, and I am very sure from my dealings with Mrs. Hill and knowledge of her intentions and character that neither of these trusts was devised or executed with any thought on her part of relieving her estate from any taxes; I am sure she did not have that problem in her mind and in planning these trusts had no thought of the operation of the tax laws, and her whole aim and purpose in the making of these two trusts was to make during her lifetime gifts to her children and grandchildren which would insure them a moderate income during their lives, and the possession and enjoyment of which would take effect in them at times and under conditions which would serve their best interests, without regard to whether she was living or dead."

We have noted that the greater part of the property placed in trust for 12 of the grandchildren, and substantially all for the 9 children, consisted of stock in banks that had come to Mrs. Hill from her husband's estate. Shortly after receiving her share she expressed a wish not to continue to hold these stocks. She thought she could not assume the burden of looking after them, and repeatedly said that Mr. Hill had told her bank stocks were not a good investment for a woman. At the time of Mr. Hill's death the only property she owned was the family home, its furnishings, some valuable jewels, and 29 shares in the Great Northern Railway Co. She had had no experience in or liking for business affairs.

Without further review of the facts it is our opinion that a reasonable and fair estimate of all the proof leaves no other rational conclusion than that none of the gifts under consideration were made in contemplation of death; that the ones made to the children and grandchildren had been determined upon by Mrs. Hill and formulated in general terms as early as in the spring of 1919, at a time when she had no thought of the approach of death; nor under the proof did she contemplate death when she executed any of the declarations of trust in 1919 and 1920. The three lesser trusts constituting gifts to other relatives, friends, and employees are all of small amounts, excepting one of $100,000 to a sister, the remainder are from $1,000 to $10,000 each, making a total of $60,000. They and the necklace which she gave to one of her daughters on July 8, 1920, of a stated value of $18,000, seem to be immaterial parts of her estate and thus are excluded from her taxable estate by the statute in terms.

The finding of the court quoted supra was without any basis in fact on the proof adduced to support it and contrary to the undisputed proof, and was, therefore, error in law.

(6) The plaintiff also sued to recover the $2,011,060.96 that was paid by the administrator as an estate tax on more than $10,500,000 in value of property which Mrs. Hill owned and possessed at the time of her death. As to that, it is argued that no estate tax had accrued upon Mrs. Hill's estate under the revenue act of 1918 (40 Stat. 1057) at the time of its repeal by the act of 1921 (42 Stat. 227), and that the repealing act saved only accrued taxes. This same question, under revenue acts in like terms, was considered and decided by this court in Page *v.* Skinner (D. C., 293 F. 468). We rejected the contention as unsound for the reasons there stated. We, therefore, think the court did not err in denying relief in that respect.

Defendant in error insists that under the procedure taken in the trial court the record here presents no issue for our consideration. Without repeating here the steps that were taken at the close of the testimony it is sufficient to say we think the plaintiff saved the point that the court's finding was wholly without support and contrary to proof.

We think the court erred in its finding that the gifts were a part of Mrs. Hill's taxable estate. In that respect the judgment is reversed.

Mr. SCHALL. I ask to print telegrams, letters, clippings, editorials, statements which pertain to this judiciary fight and to the contest against me to be filed—I understand to-day—and I also ask unanimous consent to print parts of the hearings before the Subcommittee of the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCHALL. Mr. President, I insert in the RECORD an exract from the hearings on the nomination of Gunnar H. Nordbye to be Federal judge in Minnesota, held before the subcommittee of the Judiciary Committee, as follows:

Mr. SCHALL. Mr. Chairman, the nomination and presentation to the Senate of Mr. Gunnar Nordbye's name for Federal judge in the United States District Court of Minnesota, I believe to be a personal affront to me by the Attorney General. The Attorney General knows him to be a violent, active political enemy of mine. The Attorney General, Nordbye, and ex-Governor Christianson were working hand in hand to defeat me at the last election.

Mr. Nordbye was appointed to the district bench by Governor Christianson and had Governor Christianson been elected to the Senate, Mr. Nordbye would have been named for this very judgeship. I defeated Governor Christianson for the Republican nomination in the last primaries by approximately 100,000 votes. Governor Christianson, with his entire political machine, which he had built up through six years as Governor, of which Mr. Nordbye was a powerful leader, opposed me. Governor Christianson, with the aid and help of such men as Mr. Nordbye and our Attorney General, Mr. Mitchell, and many other miscalled big men of our State whose names would not affect the question at issue here, succeeded in lining up the public-utility interests throughout my State and throughout the Nation for my Democratic opponent, Mr. Hoidale, who came out upon the radio and

announced that if he were sent to the Senate he would in all ways cooperate with President Hoover.

It seemed that my great crime for which I should be defeated was in standing by the farmers of my State, and it was carefully circulated sub rosa that I had failed the great interests in the tariff question and that especially I had been untrue to the administration in voting for the equalization fee and debenture plan in farm relief.

In carrying out their grand double cross of the Republican Party, they controlled the great Republican Minneapolis Journal and some 400 satellite newspapers who put on through their papers, the most vicious, lying, yellow journalism ever exhibited in my State and without parallel in savage cruelty in any State and it is still going on. In their abuse of me they hoped to defeat the lawfully chosen head of the Republican ticket and still elect the Republican candidate for governor. I was elected and the Republican candidate for governor defeated. The so-called Democrats were irritated because they lost. The so-called Republicans were angry because they won.

This combination of misnamed Democrats and so-called Republicans, headed by the governor and his wonderful public-utility machines, so manipulated the Republican State central committee, upon whom I had a right to rely for support as head of the Republican ticket, that it gave me that faint praise which is worse than open opposition. It billed the State with pictures of the entire Republican State ticket, my picture being carefully omitted. Everywhere men were being slipped into pivotal positions in the campaign who personally avowed they were Republicans but whose work was for the Democratic candidate.

The week before election, when it was too late for me to organize a committee to cover the vast territory of my State, the Republican chairmen of many county committees and captains of precincts came out openly and spoke and worked for the Republican candidate for governor and the Democratic candidate for the United States Senate. This public-utility gang with the chain banks, chain stores, chain newspapers, and chained politicians succeeded in betraying the voters of the Twin Cities which vote caused my Democratic opponent, early in the evening of election day, with an elaborate speech over the radio, to accept his election, but the farmers, God bless them, the small villages, Duluth and the range overwhelmed their millions, their manipulation, their slander, and villification, and elected me, despite the fact that I had no organization and but very few newspapers.

CORPORATIONDOM GOD

Now the Attorney General, because of my daring to oppose his dictatorship in judicial appointments, has so manipulated Democratic politics in the State of Minnesota through his former partner, Pierce Butler, jr., and his associates, that within the last few days they have replaced former Democratic State Chairman H. H. D'Autremont with their tool, J. J. Farrell. This is the same John J. Farrell, who was appointed food and dairy commissioner (agricultural commissioner) by Governor Hammond who was proven to be the packers' man Friday in farmers' clothing and let out. Farrell announced to the press within the last few days that he is going to file a contest against me in the United States Senate; that I am going to be charged with violating the State corrupt practices act and violating Federal regulations governing the use of postal franking privileges. This contest originates right here in Washington and is an attempted intimidation to cause me to abandon this judicial fight and allow our judicial dictator to continue to name judges whose "right-mindedness" and "right-thinking" qualifications correspond with what his corporation mind thinks should be. It was this same crowd that brought the farcical so-called contest of 1924. Will their persecution never end?

D'Autremont, the former Democratic State chairman, feeling that my frank might in some degree counteract the statewide newspaper opposition to me, before election charged openly through the newspapers that I was misusing the franking privilege. The matter was referred to the Post Office Department and the Post Office Department said that I was not. After election D'Autremont appointed a committee to search out whether there had been any discrepancies upon which a contest could be based. That committee, though they would have liked to have found something, were forced to report in the negative but now the Pierce Butler, jr., Democrats and some misnomered Republicans who have never stood for anything or anybody except themselves and the public-utility crowd in Minnesota are going to have another contest and have so ordered it through their special chairman and his committee. Mr. Farrell has appointed Mr. James O'Brien to head the committee to bring this contest. Mr. O'Brien is attorney for the Minneapolis Journal and in general a public-utility-corporation lawyer. His partner is attorney for the Northwestern National Bank and their group of branch banks. Mr. O'Brien is in the foremost rank to-day promoting the candidacy of Mr. Nordbye, securing names of lawyers to his petitions and his office is the headquarters of the Nordbye drive. Mr. O'Brien is a Democrat, the same as our Mussolini Attorney General, Mr. Mitchell. They and the people of Minnesota can rest assured that I am going on and do my duty as I see it whatever the cost to my peace of mind. If I would just keep still about Attorney General Mitchell and let Mr. Nordbye be appointed there would be no contest. If I oppose Nordbye because he is the candidate of the holier-than-thou Minneapolis Journal, the crafty Governor Christianson, the "right-minded," "right-thinking" Attorney General Mitchell and in fact all of that gang of the most unscrupulous pirates that ever scuttled a political party, they will teach me that there is a god in corporationdom.

Senator SHIPSTEAD and I, together with the entire Minnesota delegation, the governor of my State and all its State officials, a majority of the State senate, over 600 lawyers, a score of judges headed by the chief justice of our supreme court, recommended to the President, Ernest A. Michel for this judgeship. Through the advice of the Attorney General, the President rejected Mr. Michel. I attempted to get the true picture of the situation in Minnesota in regard to Mr. Michel to the President. I assured him that Mr. Mitchell and my opponents in the last primaries and election had made Mr. Michel an issue. The Minneapolis Journal and its 400 satellites had heralded to my State that in order to defeat Mr. Michel from becoming Federal judge it was necessary to defeat me and that if I were elected Mr. Michel would become a Federal judge. I accepted the issue and the people elected me and I was therefore loath to betray the people of my State and urged with all the understanding at my command that the President perceive the situation as it was. Unable to convince him over the objections of the Attorney General and Mr. Michel having released me from my pledge to the people in his behalf, I complied with the request of the President to send him 8 or 10 names from which list he promised me he would choose one. I sent him 10 names of worthy and able lawyers of my State. He replied that there was not time to look up the fitness of this list and with the advice and consent of his Attorney General, no doubt, sent to the Senate the name of Mr. Nordbye, the representative and helper of the very men who by their frantic efforts to defeat me succeeded in beating the Republican ticket in Minnesota. To ask me to indorse Mr. Nordbye is to ask me to betray the people of Minnesota who elected me and to place in the saddle my enemies. I have, therefore, no other course left to me in self-preservation than to declare that Mr. Nordbye is personally objectionable to me. The burden is on me to-day, Mr. Chairman. It will be no doubt upon you and our colleagues to-morrow. The Constitution declares that "the President shall nominate and with the advice and consent of the Senate appoint." I hope that the advice and consent of the Senate will be against this confirmation.

Mr. Chairman, I feel that I am entirely justified in making the fight that I have against the attempt of Attorney General Mitchell to put over on Minnesota as United States District Judge Gunnar H. Nordbye.

Mr. Nordbye is the antithesis of all I have fought for in this judgeship as is typified by the Minneapolis Journal, a Republican paper whose yellow journalism, falsification, slander, and belittlement of me is without parallel in the political history of Minnesota, while I was lawfully chosen by the people of Minnesota the Republican candidate for the United States Senate by approximately 100,000 majority.

I personally object to his confirmation, which would be obnoxious to me and place in the saddle in my State the belittlers and slanderers and defamers of my character. Mr. Nordbye is and has been my personal political enemy and has attacked my character, belittling and slandering me upon various occasions. Reports of such slanders, such belittlements, such villification, such attacks upon my character came to me by hearsay constantly during the recent campaign, so pursuant to the wish of the committee, I am herewith submitting three wires and a statement upon that point. I ask that the time-honored custom of the Senate be enforced and that your committee and the full Judiciary Committee reject his confirmation.

MINNEAPOLIS, MINN., *February 20.*

Hon. THOMAS D. SCHALL,
United States Senate:

Party named by President supported Magnus Johnson and Einar Hoidale, and often at Elgin Lunch said mean, unkind, nasty, and personal things about you.

E. T. JOHNSON.

MINNEAPOLIS, MINN., *March 1.*

T. D. SCHALL,
United States Senate:

My name is Clarence Rhodes; my address is 2616 Fifteenth Avenue South, Minneapolis, Minn. Sometime between September and October, 1930, I overheard a conversation at the Christianson Lunch, Sixth and Marquette, between Judge Gunnar Nordbye and two men who walked up to his table and sat with the Judge, who had been sitting alone eating lunch at noon. I was sitting within three or four feet and heard all that was said. These men said to Judge Nordbye: "Well, what do you think of the Senator's election, Judge." He smiled and said: "This is the end of TOM SCHALL. I have never voted a Democratic ticket, but this time I am going to. SCHALL is absolutely unfitted to represent the people of Minnesota. He is a demogogue, he is crooked, and his associates are crooked. I do not see how any respectable voter can support SCHALL against Hoidale." Another time at the Elgin Lunch, Second Avenue and Fifth Street, I heard Judge Nordbye ridicule Senator SCHALL in this language: "He is an unfit scoundrel and should not be Senator. I hope you can not support SCHALL, but will do what you can for Einar Hoidale." I will corroborate this by affidavit if committee wishes.

CLARENCE RHODES.

MINNEAPOLIS, MINN., *March 1.*

Senator THOMAS D. SCHALL,

United States Senate:

During the senatorial primary in June, 1930, I was secretary of the Schall Volunteer Committee with headquarters in the Dyckman Hotel, and my name was printed in the papers and on the stationery as said secretary. Sometime before the primary I met Judge Gunnar Nordbye on the street near the Dyckman Hotel and he said in substance: "Good morning, Mr. Leen. I see that you are in charge of the Schall headquarters. It is too bad that a young lawyer of your ability and future should link yourself with a man like TOM SCHALL. He is not the type of a fellow that a young Norwegian like yourself should be linked with. I hope you can get out of that mess and be for Governor Christianson, who is more your type of a fellow than that man SCHALL." I said to him that TOM SCHALL was an old friend of mine and that I believed he would defeat Governor Christianson in the senatorial primary, and Judge Nordbye answered: "A man of SCHALL's type can never beat a high-type officeholder like Governor Christianson." There was more to the conversation but I can not remember all the details. My general recollection is that Judge Nordbye was quite vindictive against Senator SCHALL's candidacy. Can send affidavit on this matter if requested.

ORELL R. LEEN,
Attorney at Law, 623 Plymouth Building.

My name is Michael Ferch. I have frequently gone to the Elgin lunch room for lunch during the past eight years and have frequently cashed my personal check at this lunch room. In this Elgin lunch room nearly everybody talks politics during a campaign. This lunch room is patronized principally by lawyers and courthouse officials.

I have frequently seen Judge Nordbye in the lunch room and heard him discuss politics.

During the primary campaign last year I heard him say, "I don't see how any decent man can vote for SCHALL. Christianson is a statesman and SCHALL is a fraud."

At this time someone suggested to Judge Nordbye that Christianson had appointed him judge and he said, "I don't care if he did or not. I would vote for anybody but TOM SCHALL."

It was generally known that Judge Nordbye was favorable to Christianson and personally bitter toward SCHALL. In the conversations I have heard in the Elgin lunch room in which Judge Nordbye participated, whenever the name of TOM SCHALL was mentioned Judge Nordbye always mentioned him in a vindictive and bitter manner. It is generally known in Minneapolis that Judge Nordbye was a violent and bitter opponent of TOM SCHALL both in the primary election and in the fall election, and if sufficient time were given, I believe I could bring forth at least a dozen persons who would verify this statement.

MICHAEL FERCH,
1816 Fifth Street SE., Minneapolis, Minn.

Senator BLAINE. Senator SCHALL, had you been led to believe from general report in Minneapolis that Judge Nordbye had used scurrilous language toward you during the campaign?

Senator SCHALL. Yes; it came to me.

Senator BLAINE. Such as exampled by the telegrams that you have filed this morning?

Senator SCHALL. It came to me constantly during the campaign through innumerable people what Judge Nordbye was doing and saying.

Senator BLAINE. I was going to ask you if it was general.

Senator SCHALL. I think it was very general.

Senator BLAINE. Now, to what do you attribute Judge Nordbye's personal antipathy toward you?

Senator SCHALL. Well, in the primary campaign I showed up Governor Christianson, the securities commission, and the crowd generally at the capitol, that had robbed the people of Minnesota of about $47,000,000, and through various speeches I made those statements. This muskrat farm and Foshay fraud was a part of it, and Judge Nordbye was very active in seeing to it that the grand jury did not investigate. He succeeded in doing it. I noticed a letter in there from Governor Olson, where he attempted to state Nordbye did his duty, but if you remember the Federal grand jury indicted both the muskrat proposition and Foshay later upon the very testimony that Judge Nordbye submerged.

Senator BLAINE. That is all in the evidence.

Senator SCHALL. Yes.

Senator BLAINE. Judge Nordbye was appointed by Governor Christianson?

Senator SCHALL. Yes.

Senator BLAINE. And during the campaign, as I gather from those who are present here, during these several hearings, this muskrat farm, fur farm proposition, including the issuing of securities and selling of muskrats which they did not own——

Senator SCHALL. About 230 muskrats they had in all.

Senator BLAINE. All became issues in the campaign?

Senator SCHALL. Yes.

Senator BLAINE. And in that way Judge Nordbye became involved.

Senator SCHALL. Yes; took a very strong hand in manipulating things to protect his friend, Governor Christianson.

Senator BLAINE. This campaign, this issue respecting the fur farm was a keen issue of the campaign?

Mr. SCHALL. Yes; 230 muskrats were used to mulch the people out of about $666,000.

Senator BLAINE. I was getting at how keen an issue it was, whether casually mentioned——

Senator SCHALL. No; it was a vital issue.

Senator BLAINE. On the street corners and in lunch rooms?

Senator SCHALL. Yes. And to defeat it it became necessary to attempt to destroy me.

Senator BLAINE. I want to find out if this issue was discussed in the newspapers, lunch rooms, street corners, and in political speeches.

Senator SCHALL. Yes.

Senator BLAINE. And it became of deep interest to the people of Minnesota?

Senator SCHALL. Yes.

Senator BLAINE. That is all.

Is there anything further, Senator?

Senator SCHALL. I shall put into the record some extracts of a speech, which goes to the point at issue here, delivered by me over radio on April 24, 1930, which Senator BORAH put into the CONGRESSIONAL RECORD in its entirety on May 12, 1930.

"The grand-jury investigation brought out that 6,000 units, 18,000 rats, had been sold to the public for over $600,000, where in reality they had only 230 rats to sell. The securities commission knew, because they had affidavits before them of farmers who lived upon these lakes that there was not a rat in the lakes, because in the winter there were no rat houses, and without such houses no rat could live through the winter. Yet the securities commission took the unsupported statement of the men interested. Would not you think that a just governor would be glad to have such skullduggery investigated instead of telling the grand jury that he had investigated and that everything was all right? Maybe the governor is blind.

"What would they do to me if I had such skeletons in my political closet? Hundreds of the most brilliant, ingenious, unscrupulous newspaper minds in the State, helped out liberally by eastern talent, are hired to manufacture daily clever poisonous columns of mud barrage. They are having a hard time to find material. It must give one a kingly feeling to know the highways of information can be closed at will. No wonder such security induces the Mussolini complex, which refuses to dignify any question, however pertinent, with a reply. But surely the governor must answer why he gave a letter used in photostatic copy in their stock-selling campaign recommending such investments when the slightest exertion upon his part would have informed him of the ratless condition of the Lakes. Were the governor and the members of his State securities commission asleep when this fraud was being perpetrated? Had the governor again gone blind? The governor said that the State securities commission were all right and that no investigation was necessary. Why did the governor feel that way? How do the victims feel? I consider these proper questions.

THE DIAMOND MOTOR PARTS CO. (INC.)

"The Federal authorities after six weeks' investigation have found that this company, another pet of the State securities commission, has taken millions of dollars from the people. Twenty-nine indictments have been found, but indictments butter no parsnips. Must the victims take their losses lying down? It can not be possible that the governor thinks that his State securities commission, being Cæsar's wife, can do no wrong? I should think it would be a proper question to ask him why, having their signed resignations, he has permitted appointees of his to remain in office when he has direct and certain knowledge that the people of this State had been robbed and mulcted out of millions of dollars as a result of their corrupt conduct. Maybe the real governor, W. I. Norton, will not allow him to do the things that so apparently should be done.

"I was informed just yesterday by a prominent lawyer of our State that this security commission had given a license to a corporation in Canada that they knew was bankrupt at the time. The license was granted with the understanding that no stock should be sold in Minnesota. Its express purpose was to aid the grafters to secure licenses in other States. I ask the governor if that kind of robbery shall continue to advertise the State of Minnesota to other States who may still believe that we have an honest blue-sky commission.

"The State is infested with these financial pirates and the governor's commission, whose resignations are in his hands this minute, fails to act, and says, with the pirates and grafters and bunco men, that everything is all right.

"Is it possible, Mr. Governor, that we can get no redress in this State against this piracy and looting outside of the Federal Government? I submit that the people of Minnesota are entitled to hear from the governor on these items. I am sure that all these questions are ethical; certainly, much more ethical than the conduct of his State securities commission. Would the governor, with his well-known opposition to investigations, had he been in the United States Senate, have voted against Teapot Dome, post-office contracts, and other frauds?

"Do you remember the early part of last February our governor went to New York, hobnobbed with and spoke upon the same platform as J. C. Penney, founder and president of the chain stores organization of the country? Do you think this trip had anything to do with the governor's friend, Mr. W. I. Norton, visiting New York a couple of weeks later? Does Mr. Norton think he can not only secure control of the State legislature of Minnesota but elect a governor and a United States Senator?

"The echo of the governor's and Chain Store Penney's brave words on law enforcement had hardly died away when news came of the

discovery of the lack of law enforcement on the part of his securities commission back here in Minnesota. Instead of going to the capitol when he arrived in the Twin Cities, he went straight to the courthouse in Hennepin County, and the newspapers informed us he visited the county attorney and his appointee the judge, who was handling the grand jury, who at that time were considerably worried about how 230 muskrats could possibly be sold as 18,000."

Mr. MONAGHAN. Wasn't the Cochran swindle involving $250,000 in the campaign also?

Senator SCHALL. Yes; and also Cochran, about a couple million dollars—Cochran, through the help of the governor, was manipulated out of the district courts, but the Federal courts took the matter up, and he was sentenced to 20 years, and Governor Christianson's friend, A. E. Nelson, a member of the governor's securities commission, was sent up for 20 years. I'll put into the Record at this point an extract of what I had to say in the same radio speech on the Cochran-Nelson frauds, which will show conclusively the issue in the election and why Judge Nordbye was so anxious to protect the securities commission and his friend, Governor Christianson.

THE COCHRAN GOLD-NOTE SWINDLE

"Nearly $2,000,000 were taken from the people by these promoters. The State securities commissioner, A. E. Nelson, his appointee, was sentenced to 20 years in the Federal penitentiary for participating in this fraud.

"Several different counties of our State brought indictments against Cochran. None of these indictments was ever tried, except in Stillwater, where Cochran pleaded guilty and was fined $1,000. It is rumored, had our State courts tried these cases evidence would have been competent that would have reached right straight back into the administration and shown that before you could get a license out of this securities commission you had to visit and get the approval of the governor's friend, W. I. Norton, who, as everyone knows, with the advice and consent of Backus and the public-utility crowd, is reputed to be virtually the governor of our State.

"The swindlers operated either by the license or the acquiescence of the State securities commission. The State authorities did not move as they should in the matter, and there would not have been any criminal prosecution but for Lafayette French, the United States district attorney, who convicted the whole outfit. Why did the governor keep A. E. Nelson in office 18 months after the charges had been launched against him, and why did he oppose any criminal prosecutions in this matter?

THE FOSHAY FLOTATIONS

"This concern operated under the license of the State securities commission. The governor in a public address described Mr. Foshay as the Alexander Hamilton of Minnesota. Alexander Hamilton was a financier, but of a different variety.

"Last September, when the Foshay Tower was being dedicated, our governor stood before a large audience and announced to the people of our State that Foshay had done more for Minnesota than any other man in many years. If the governor had used the preposition "to" instead of "for," he would have for the first time in all his six years as governor been serving the people of the State. What was the governor's State securities commission doing while Mr. Foshay was reaching down into the pockets of the people to the extent of many millions of dollars? Why did not the governor sound the tocsin and warn the people against this "Mississippi bubble," instead of selling himself as Foshay's head high-powered salesman? Why has he been so deeply silent ever since the bubble burst? Certainly these are fair questions.

"I will take time for just one illustration out of many that could be cited of this modern Alexander Hamilton's wizardry. He bought the power plant at Little Falls for $30,000, floated a corporation of a million dollars upon this property, and with the advice and consent of the governor's commission sold it to the people of Minnesota.

"Do not you think that now, since he has laid aside his executive robes and become a candidate for the United States Senate toga that the governor should "unlax" and take the people into his confidence and give some explanation concerning this leaning, or "tottering," tower fraud which he by his own personality and with all the dignity of the governor of our great State aided with the persuasion of his own golden tongue?

"If he feels that this would be condescending and destroy his quiet dignity, do not you think that he should require his commission to explain? I can not for the world see why such an honest man as Teddy should insist that his commission be not investigated.

"Do you suppose, if he should by mistake get into the United States Senate, he would persist in this peculiar mental slant and on a much larger scale permit conditions to afflict not only the people of Minnesota but of the hentire Nation?"

SPEECH OF TOM DAVIS BEFORE SUBCOMMITTEE OF THE JUDICIARY COMMITTEE ON HEARING ON NOMINATION OF GUNNAR H. NORDBYE

Mr. DAVIS. Mr. Chairman, this committee should know that to put over the present nominee is an effort to belittle Senator SCHALL and is done for political purposes and none other.

If this appointment is made it will be the first time that the Senate of the United States has surrendered its prerogative and allowed an Attorney General to disregard not only the interests of a United States Senator, but to seek to put across an appointment designed and intended to belittle him in the eyes of the people of his State.

In the campaign of Senator SCHALL for nomination and reelection not only the Attorney General but his friends were opposed to the reelection of Senator SCHALL.

The outstanding influence in Minnesota seeking to put over this nomination and thereby ruin Senator SCHALL is none other than the Minneapolis Journal, a paper which is known for its reactionary tendencies and which, in its mad desire to defeat Senator SCHALL in the recent election and in its bitter hatred and desire to limit his influence as a Member of the United States Senate, has continually misrepresented and falsified the position of Senator SCHALL upon practically every issue of interest to the people.

I call your attention to an editorial of Saturday evening, February 28, 1931, with reference to the matter before your subcommittee, which ought to convince you of the unfairness of the fight now being made to force this nomination.

This editorial of the Minneapolis Journal reads in part as follows: "* * * Thus fall the two screens behind which SCHALL and BLAINE and their ilk are blocking the confirmation of President Hoover's nominee for Federal judge in Minnesota. Nordbye is to be denied confirmation, not because he showed any bias in the fur-farms inquiry, not because he is not a progressive, not because of the last-minute character of his nomination, but solely because his appointment will not square any political debt that TOM SCHALL incurred during last year's campaign.

"That is the real reason and the only reason, and if SCHALL and BLAINE were not canting hypocrites they would frankly say so."

MINNEAPOLIS JOURNAL REPRESENTS EVERY VICIOUS INTEREST

No name is too sacred and no reputation too honored to escape the attacks of this paper and the interests it represents in an effort to force this nomination through. The Minneapolis Journal represents every vicious privileged interest in the State of Minnesota. It is known as the "sheet" which has always been opposed not only to the Democratic Party but to the progressive cause.

Back of this effort to force this nomination through is a hatred and an ill will never before equaled in the political history of Minnesota.

I call this editorial to your attention because it typifies and characterizes the nature of the miserable attacks which have been made for over six years against Senator SCHALL.

As a sample of such attacks I call your attention to an editorial appearing in the Minneapolis Tribune under date of October 14, 1930, which editorial typifies the kind of a dastardly fight being constantly waged against Senator SCHALL and in which the Minneapolis Tribune very fairly portrays to the people the hatred back of the fight on Senator SCHALL.

"The Dawson Sentinel, published and formerly edited by Governor Christianson, has for years had a quasi-administration prestige among Republican weeklies throughout the State.

"Naturally the nomination of Senator SCHALL over the governor by some 93,000 votes in the last primary gave the Dawson Sentinel no pleasure whatever. Since then it has been one of the most enthusiastic followers of the Journal in the interests of 'clean politics,' which is to secure its victory by the election of the Democratic candidate for the United States Senate. Animated solely by its idealistic yearning for 'clean politics' the Dawson Sentinel had the following to say editorially:

"'And now SCHALL'S son smashes his car into an oil truck at Washington. We expected something like that to happen about the time SCHALL reached Minnesota. The "Poor Blind Tom" racket is about worn out. A new sympathy gag must be played. But it won't work. He has fooled the people before, but he can not continually fool them, as he shall find out on November 4.'

"For sheer savagery, we don't know of anything in the annals of 'clean politics' that exceeds this. Even the desired end of 'clean politics' hardly justifies accusing a candidate of deliberately having his son's arm and leg broken for political purposes, and gloating over a 'new sympathy gag.'"

Senator SCHALL'S son has been continuously flat on his back in bed since the accident and I am informed by the doctors that he will no doubt be there for six months more, a weight of fifty pounds attached to his right leg and a lighter weight attached to his left arm, both leg and arm badly mangled.

This vicious attack upon Senator SCHALL appeared in the Dawson Sentinel, a paper owned by ex-Governor Christianson, who appointed Judge Nordbye to the district bench of Minnesota. It is known by the people of Minnesota that Judge Nordbye was a strong supporter of Governor Christianson in his effort to defeat Senator SCHALL and it is also known that Judge Nordbye has never been a friend or supporter of TOM SCHALL.

This committee is asked to tell Senator SCHALL that he must sit supinely by and allow the appointee of Governor Christianson to be confirmed to the Federal bench for life in a further effort to break down Senator SCHALL'S influence in his home State and to discredit him in the eyes of the people.

Would any Senator feel that he should be placed in such a situation and not realize that politics is being played with this judicial appointment? I want this committee to know that so far as I am concerned or the friends of Mr. Michel, my partner, that we have no regrets for the manner in which his name was presented to the President of the United States. He was vouched for and his appointment urged by both Senators from Minnesota, by every Congressman from our State, by the Chief Justice of the Minnesota Supreme Court and the Governor of Minnesota.

When Senator SCHALL called upon Attorney General Mitchell in December and again urged the appointment of Mr. Michel, the

Attorney General replied to him as follows: "Well, you have given me only one name, and it is my privilege to name the judge and not yours. All the Constitution says is 'with the consent of the Senate.'"

SCHALL answered: "No; you forget one word. It is 'with the advice and consent of the Senate,' and you have never advised with me and I have gone along with you. I did not oppose your appointment as Attorney General and yet you have never advised with me on any of your appointments for Minnesota. I want to get along with you if I can, but you must realize after the fight that has been made that the people of Minnesota in the primary election and in the general election have said by their votes that they want Michel for judge. I did not make it an issue in the campaign but my enemies and your friends made it an issue and the newspapers made it an issue, but those in favor of Michel did not bring the judiciary into politics and never answered these charges, and you know that this cost me votes and might have defeated me. I can't in good faith submit any other name because you admit you have nothing against Michel's character and ability, and why can't you go along with me and send in a report to the President, not that he is your choice but that he has been recommended by both Senators, by 10 Members of Congress, by the chief justice of the Minnesota Supreme Court and by over 600 lawyers in Minnesota, including 8 or 10 district judges, and that for that reason, while he is not your choice, you feel he should be appointed."

Mitchell replied, "No, I won't do it, and the bill never ought to have been passed, and if I had known that we were going to have this fight I would have blocked the passage of the bill."

The Minneapolis Journal and some 300 other newspapers in a campaign of slander and of villification sought to defeat Senator SCHALL, first with ex-Governor Christianson in the primary, and then with the Democratic nominee. This Democratic nominee did not represent the Democracy of Minnesota, for the Minneapolis Journal assured the people of the State that were he elected to this high position, "he would stay put and never forget that he represented Republican Minnesota."

During both of these campaigns the Journal and its allied papers made a direct issue of the appointment of a Federal judge in an effort to defeat Senator SCHALL, and on Sunday, November 2, 1930, two days before the election, in an appeal to the people, had the following to say:

"In the primary election, Davis aided materially in the nomination of SCHALL by asking in radio speeches that Davis's friends in the Farmer-Labor Party go into the Republican primary and vote for SCHALL.

"Davis is touring the State now, speaking for SCHALL, and is on the air several times each week in radio speeches.

"It is an open secret that Senator SCHALL has promised Davis that, if elected, he will press upon President Hoover the appointment of Mr. Davis's law partner for Federal judge, a life position.

"This proposed appointee, while a practicing attorney, is a man of no judicial experience. For years he has been actively associated with Mr. Davis in the prosecution of personal injury cases. Senator SCHALL sent his recommendation to the President last summer but the President refused to make the appointment.

"If Tom Davis succeeds in putting over the election of SCHALL, the appointment of Davis's law partner to be Federal judge in Minnesota is sure to follow. With SCHALL in the Senate for six years and with senatorial courtesy giving him veto power on any appointment not satisfactory to him, SCHALL can make good on his appointment promise to Davis by the simple process of sitting down and waiting. The President will have to send in the appointment recommended by SCHALL or there will be no judge."

I want to call your attention to a significant sentence in this article, and if it is true then the responsibility for this situation rests squarely upon the shoulders of the administration and of the Attorney General. It is this: "Senator SCHALL sent his recommendation to the President last summer but the President refused to make the appointment."

In justice to the administration I desire to say that my information is that this is not correct; but if it be correct, why should the administration now seek to force the Senate to surrender its rights and privileges and ask the Senators to confirm a nominee who is personally objectionable to Senator SCHALL and most of whose supporters for this confirmation are, have been, and always will be opposed to him.

In the face of the unfair attempt to inject the appointment of a Federal judge into politics it must be said to the credit of Senator SCHALL and those supporting the appointment of Mr. Michel that never once did they seek to answer such unjust charges and put the judiciary into politics. This appointment was put into politics by the enemies of Senator SCHALL and with the connivance of the Attorney General and his friends in Minnesota.

After hundreds of lawyers and a number of district judges had indorsed Mr. Michel for this position, certain lawyers in Minneapolis, headed by Arnold Guesmer, who was formerly attorney for the Illinois Central Railroad Co., and also formerly a partner of Rome G. Brown, who represented the water-power interests in Minnesota, arranged for a vote of the Hennepin County Bar Association, and Mr. Guesmer and his committee, many of whom represented privileged interests in Minnesota, proposed the name of Gunnar Nordbye to be submitted to the bar.

I offer to this committee as Exhibit 1 the letter sent out with reference to this vote, and call your attention to the fact that although Mr. Michel had received substantial indorsements his name was neither mentioned nor submitted to the members of the bar.

The total vote received by Judge Nordbye in this vote was 221, while 267 lawyers in Minneapolis, after this vote was taken, petitioned the Attorney General for the appointment of Mr. Michel, and this in spite of the fact that Judge Nordbye was a sitting judge in Hennepin County.

No sooner had Judge Nordbye been named by the President than a large number of lawyers in Minneapolis naturally and necessarily approved this appointment. I have no quarrel with the sentiment or judgment of these gentlemen but human nature and human motives are well known to this committee and no matter whose name was sent in were he a district judge of Hennepin County it goes without saying that scores of lawyers would immediately approve the appointment and not want to be placed in the embarrassing situation of opposing a judge before whom they might have to appear.

The matter under consideration is of more importance than the appointment of Judge Nordbye or any other individual. This matter goes deeper than the success or failure of any candidate for this position.

Among the lawyers who immediately sought to put the mantle of approval upon the name of Judge Nordbye was Charles Fowler, of Minneapolis, a man known throughout Minnesota as the representative of the power interests and one of the outstanding and successful lobbyists in the Legislature of Minnesota.

Personally I have for him a friendly feeling, but let me suggest to your committee and to the Senate of the United States that "the ox knoweth his master and the ass his master's crib."

It is because of the nature of this fight, because of the unjust and dishonest attempt to mislead the people in this matter, because of the arbitrary position of the administration, because of the assumption of superior virtue upon the part of the Attorney General, because of the fact that this committee must know that the privileged interests of this country had to bring tremendous pressure to bear in order to override the "advice and consent" of both of our United States Senators, the wishes of every Member of Congress from Minnesota, the support of over 600 lawyers and judges, that this nomination should not be confirmed.

Before any appointment is made in this matter, this committee should know what influences and what interests are able to prevail upon the administration and the Attorney General to disregard and flout the wishes of the people of Minnesota.

The Attorney General took upon himself the task of making an unprecedented and dishonest attack not only against Mr. Michel but against the speaker, and giving to this attack nation-wide publicity. Before doing so, he and his subordinates were consulted with reference to another vote to be taken by the Minnesota State Bar Association in which the only question submitted was: "Do you favor the appointment of Ernest Michel for Federal judge?"

There were more than 20 aspirants for this position, and as Senator SHIPSTEAD stated, "Mr. Michel was pitted against the field."

Such a method of voting is dishonest, unfair, and could only be approved by egotistical and "right-thinking" gentlemen.

Less than half the lawyers in Minnesota belong to the State Bar Association, because it is a known fact that the association is dominated and controlled by attorneys who represent the privileged interests.

This vote was taken in order to give the Attorney General some semblance of an excuse for overriding the wishes of the people of Minnesota. Upon the close of that vote, Senator SHIPSTEAD said that the indorsement of nearly 25 per cent of the vote of the bar of Minnesota was a remarkable indorsement of Mr. Michel.

Before the vote in this matter was taken, and for the purpose of controlling this vote, the Attorney General publicly issued in the press an attack of Mr. Michel and Senator SCHALL, stating that Michel would not be appointed. He did this with full knowledge that his high office protects him in this dastardly attack. He did so with the full knowledge that Mr. Michel and his friends were powerless to combat or refute such a palpable abuse of power.

I call these matters to your attention not merely because they are unjust but because they characterize the methods that have been adopted during all the time the question of a new Federal judge has been involved.

The administration waited until February 20 before submitting the name of Judge Nordbye for Federal judge. On February 19 Senator SCHALL, in response to the President's letter of the 18th, submitted the names of 10 lawyers and judges, any one of whom was a capable and competent lawyer and could fill this position.

The President, in his reply to Senator SCHALL'S letter of the 19th, said: "It would require a considerable period of time to investigate these men as to fitness and connections."

It is well known that the Department of Justice has at its command ample facilities for ascertaining the standing and fitness and connections of any proposed nominee in a very short time.

How can the Attorney General in good faith ask this committee or the Senate of the United States, which is a coordinate branch of the Government and whose "advice and consent" to any nominee is as vital if not more so to such an appointment as is the suggestion of the Attorney General, to investigate and pass upon the fitness of a nominee in the closing hours of this session with a very few days in which to make such inquiry.

DESIRE OF SENATOR SCHALL'S DEFEAT

This appointment was delayed until after the primary election in June, 1930, in the hope that Senator SCHALL would be defeated

for nomination. Failing in this, the appointment was held up, not by Senator SCHALL but by the Attorney General and the administration, until after the November election, also with the hope and desire that Senator SCHALL would meet with defeat. Such methods are a disgrace to American politics.

The railroads, the power interests, and the great financial interests are vitally interested in the appointment of a Federal judge. This is the first time that the people of Minnesota have taken an active interest in such an appointment. They have the right to take such an interest and should do so. The people have a right to know how Federal judges are appointed and created.

To allow this nomination to go through is tantamount to an admission by this committee and by every Senator of the United States that the Attorney General is entitled to exercise arbitrary power and shall become an autocrat in the selection of Federal judges.

Such a situation is unbearable in American politics. Such an abject surrender by the Senate of the United States would mean that henceforth the "advice and consent" of a Senator can be flouted and disregarded at the mere whim and fancy of any gentleman who ascribes to self the quality of "right thinking."

Confirmations rushed through in the closing days of the session and appointments made without ample opportunity to investigate the nominees for such offices have already cost the people of the United States millions upon millions of dollars.

REVALUATION OF RAILROADS

At the time the name of Pierce Butler was proposed for the United States Supreme Court and for some time previous thereto the firm of Butler & Mitchell, the latter now Attorney General of the United States, had represented the railroads of the West and I am also informed of other sections of the country in a fight to establish a principle of revaluation of railroads which was contrary to every progressive thought of the day and age.

Pierce Butler was confirmed for the Supreme Court of the United States, and I want to say to the credit of Senator SHIPSTEAD, who was then in the Senate, that he voted against such confirmation.

Soon afterwards, Mr. Mitchell, another member of this firm, was made Solicitor General, and with the advent of the present administration became Attorney General of the United States. It was either through him or his subordinates that the interests of the Government on revaluation had to be presented to the Supreme Court of the United States.

The principles laid down in the O'Fallon case, in which Justice Butler did not participate, and the principles laid down on the question of revaluation of other public utilities, in which I am informed Justice Butler did participate, have written into the law of this Nation a principle which this same firm of Butler & Mitchell, before they were confirmed for these high positions, contended for.

The issue before your committee and the United States Senate is far bigger than the fitness or unfitness of any proposed candidate. Gentlemen of this committee, this is the real and vital issue: Shall such judicial appointments be made "by and with the advice and consent of the Senate," or shall they be made in an arbitrary manner by the Attorney General?

Shall such appointments be made with an utter disregard for the feelings or the interest of a United States Senator, or shall they be made with some decent respect for the high office of United States Senator?

Shall such an appointment be made for the purpose, which now must be apparent to this committee, of injuring a United States Senator and limiting his influence, or shall it be made with an eye to the protection of the fundamental rights of the Senate?

The forcing through of this appointment may please the administration and salve the conscience of the Attorney General, but in the years to come this committee and every Member of the United States Senate will have to face a situation which can mean nothing more or less than an abject surrender to political machinations and to arbitrary and egotistical power.

This is the only opportunity I can ever have, either in behalf of myself or my partner, Ernest Michel, to refute the dishonest and unjust attacks made by the Attorney General.

It is true that I have tried personal injury cases for the last 25 years against the railroads of the Northwest and that Mr. Michel has been my partner during all of those years.

Twenty-five years ago a fatherless German boy came to my office, then but 18 years of age, and for three years he read law in my office at Marshall, Minn., and together we read Blackstone and Kent and Story and Parsons, and he developed into one of the ablest lawyers in the State.

He had and still has, in spite of the attack of the Attorney General, the respect and the confidence of the judges of both the trial and appellate courts of the State of Minnesota.

It was his hope and desire that he might serve his country as a Federal judge. To my mind, it is infinitely better that he never receive such an appointment if it have to be accomplished by the anointing of privileged interests.

FEDERAL EMPLOYERS' LIABILITY LAW

The Federal employers' liability law and safety appliance acts of Congress were enacted for the protection of railroad men in this country, and the railroads of this Nation have exerted every effort in obtaining judicial decisions in the Federal courts and in the State courts emasculating the wise and humane provisions of these laws.

During all these years Ernest Michel as an appellate-court lawyer has had no small part in combating the efforts of the railroads to destroy the salutory provisions of these laws and has had a large part in the appellate courts of 10 States, in the circuit court of appeals of the United States, and in the United States Supreme Court in protecting the interests of those who work for a living.

The firm of which he is a member, both the speaker and Mr. Michel, are members in good standing in the Supreme Court of Minnesota and in the Supreme Court of the United States.

If the railroads of the Northwest could have deprived Mr. Michel of the right to practice law, if there were ever any charges or honest criticism of his conduct as a lawyer or a man, he would have been disbarred years ago.

I am unalterably opposed to the proposition that a man who fights against the railroads and privileged interests can never hope to become a Federal judge. I am firmly of the conviction that a lawyer does not need to be approved and sanctified by the power interests and the railroads in order to serve his country.

A lawyer's capital is his reputation and his standing with his clients, and I would like to leave in the record, though perhaps not germane to the issues before this committee, the fact that in the 25 years the firm of Davis & Michel has fought privileged power and arrogant wealth, though they may not have the approval of the "right-thinking" Attorney General, they have the confidence, the faith, and the appreciation of thousands of men and women whose interests they have protected against the greed of railroads.

For the Attorney General to seek to charge Mr. Michel with being an ambulance chaser is a dastardly and dishonest thing. The lawyers of this country know how business is solicited, some of it openly and honestly and some of it surreptitiously and hypocritically by belonging to exclusive clubs and fawning before the representatives of privileged interests.

This attack of the Attorney General was given publicity in the magazine Time; and later on this same magazine printed the following letter, written by a representative Minnesota attorney:

"HENRY R. LUCE,

"*Editor Time, 205 East Forty-second Street, New York City.*

"DEAR SIR: In your issue of February 9, an article appeared relative to the proposed appointment of Ernest A. Michel as Federal judge in Minnesota. This article does a very grave injustice to one of the State's outstanding lawyers (not an ambulance chaser) who is the choice of both United States Senators, every one of the 10 Minnesota Congressmen, and who has received a more overwhelming indorsement than anyone who has ever aspired to such a position. Not only is your article incorrect; but it is, in my opinion, clearly libelous.

"It is true that the firm of Davis, Michel, Yaeger & McGinley specializes in appearing for injured railroad workmen. There is a vast difference between the shyster type, who use tricky methods, and the high type of lawyers (and they are too few) who are satisfied to let the lucrative corporation practice go by the boards and fight for justice to the worker.

"Your article, and the appellation "Chaser Michel," conveys the idea that Mr. Michel's work has been only that of a solicitor of cases. This is not correct and it does a gross injustice to a man whose entire work has been that of legal research, briefing, and trial work. So far as I have been able to learn, Mr. Michel has never personally solicited a case in his life. While he may be responsible for the conduct of anyone in behalf of his firm, nevertheless to convey the impression that he is a mere solicitor instead of one of the outstanding lawyers of the State is highly unfair.

"You undoubtedly were not informed that Mr. Michel had appeared in or briefed cases in causes in the supreme courts of probably a dozen States, that he has often appeared in and briefed cases for the Federal courts, including the circuit court of appeals and the Supreme Court of the United States.

"In fact, one of the cases Mr. Michel argued before the Supreme Court of the United States was argued with Mr. William D. Mitchell, the present Attorney General, on the other side. Mr. Michel represented the injured man and Mr. Mitchell the Canadian Northern Railroad Co. The case involved purely and only a question of constitutional law. (See Canadian Northern *v.* Eggen, 252 U. S. 554.)

"The firm of which Mr. Michel is a member has collected millions of dollars from railroads. Clients do not criticize their methods, fairness, or honesty. So successful has the firm been that the Brotherhood of Railroad Trainmen have retained them as regional counsel in 14 States.

"It is surprising to see a magazine of Time's liberal tendencies join the hue and cry against the so-called "ambulance chaser." In Minnesota, the supreme court sanctioned the solicitation of law business. (See Johnson *v.* Great Northern Railway Co., 128 Minn. 365.) In 1929 the legislature passed a law inferentially legalizing the solicitation of personal injury cases by lawyers, but barring laymen.

"So outstanding has Mr. Michel been in his profession that not only have the entire congressional delegation and both Senators called on the President personally to indorse him, but hundreds of lawyers, including Gov. Floyd B. Olson (Farmer-Labor), Chief Justice S. B. Wilson (Republican), Attorney General H. N. Benson (Republican), a dozen district judges, mayors of Minneapolis and St. Paul, President Hoover's Minnesota preconvention manager, Ivan Bowen, as well as many bankers and industrial leaders, with the solid ranks of organized labor, are

backing him for judge. Here in Minnesota we feel that Attorney General Mitchell is firmly set against Mr. Michel because he has never represented corporations but only workingmen.

"Mr. Michel has never been "cited" for ambulance chasing as stated in your article. The Nebraska case you refer to, 197 NW. 599, did not personally involve Mr. Michel nor was he ever before the court in that case or did the court ever claim any jurisdiction over him.

"There is much to be said for the lawyer who faces the brunt of trained claim agents and railroad lawyers. I personally know of many cases where claim departments isolate badly injured men, get statements from them while in bad physical and mental condition from shock, and try every available trick to avoid liability. It takes a specialist to outfight these men, backed by a railroad bank roll. So cleanly has Michel fought, that numerous railroad and corporation lawyers are among his written indorsers.

"When a man is permanently injured, his settlement check is his last railroad check. Generally he knows no other work. It is fair that these men or their dependents receive every dollar to which they are entitled. If there were not a few high-grade firms ready to take the stigma of so-called "ambulance chasing" (a term incidentally fostered by corporations most affected by their ability) it would be a sad day for the working men of America.

"For your information I am inclosing a clipping from the Minneapolis Tribune under date of January 4, 1931, containing a statement by Senator SCHALL relative to Mr. Michel.

"Do you not think that your libelous and unfair article, your comparison of a high-grade lawyer to a doctor who hangs around the corner waiting for accidents to happen, should be corrected? You have given very prominent space to the unjust, incorrect, and libelous article, and it seems to me that good sportsmanship would dictate that you give equally prominent space to the true facts.

"Sincerely yours,

"THOMAS B. MOUER.

* * * It was the Attorney General with his "right thinking" who connived and figured in every way to thwart the wishes of the chosen representatives of the people of Minnesota. It is now the Attorney General who seeks to force this appointment through in the closing days of the session in the hope and earnest desire that he may injure Senator SCHALL.

* * * * * * *

THREATENED CONTEST OF SCHALL'S SEAT

I want also to tell your committee that you should have the opportunity to know how the various attacks made against Senator SCHALL have been timed and given publicity in the press, all with the design and purpose of enabling the Attorney General to put this thing across on the United States Senate.

The proposed contest against Senator SCHALL'S second election by the people of Minnesota curiously but intentionally appeared in the papers at the very time the issue of the appointment of a Federal judge was paramount in the minds of the people.

I have been Senator SCHALL'S attorney in previous contests and am his friend, and it might be interesting to your committee to try to ascertain whether or not this most recent attempt to assassinate and ruin a Senator's character has not had the timely and "right-thinking advice and consent" of the Attorney General.

I hope that your committee will refuse to approve of this appointment.

LAST BULWARK

To-day, the Senate of the United States stands as the last bulwark in defense of the rights and liberties of the people against arbitrary power.

The miserable attacks made by unthinking men and by some of the press against the Senate of the United States is a disgrace to our Nation. The Senate of the United States has stood and is standing firm in the faith of our founding fathers in defense not only of the people's liberties but in defense of the constitutional right of the Senate of the United States to "advise and consent" with the President before any appointment is made. If this nominee should be confirmed the Senate must surrender its rights and become the object of the contempt and ridicule of the press of this Nation.

If this nominee is confirmed the Senate must say that no longer will it stand firm in its adherence to the fundamental rights of a free people.

[The Country Press, March 6, 1931]

A FAIR STATEMENT OF THE JUDGESHIP SITUATION

The refusal of the Judiciary Committee of the Senate to confirm G. H. Nordbye as judge of the Federal court for Minnesota will result in a vacancy in that office at least until Congress convenes in December. Minnesota already has three United States judges. Two of these are unable to attend to their duties for the greater part of the time due to sickness. If the judges all were well and able to do their work, Minnesota would not need another judge. And it was to remedy this condition that a law was passed by Congress last year providing for an additional judge.

Immediately upon the passage of the law creating this additional judgeship, Senator SCHALL sent to the President the name of Ernest Michel and recommended his appointment to this newly created office. Michel's appointment was also indorsed by Senator SHIPSTEAD and the entire Minnesota delegation in Congress and by hundreds of lawyers and judges throughout Minnesota, including Chief Justice Wilson and Gov. Floyd B. Olson. So that the President and Attorney General Mitchell have known that Senator SCHALL was going to insist upon the appointment of Michel during all that time.

In the political campaign last year this judgeship question was made an issue both in the primary and general election. SCHALL'S enemies, headed by the Minneapolis Journal and all its satellites, which includes all the powerful corporate interests of Minnesota, insisted that if SCHALL were elected Michel would receive this appointment, and insisted that it was necessary to defeat SCHALL in order to head off that very undesirable thing. The result was that in the primary election these interests stood solidly behind Christianson. But SCHALL was nominated on the Republican ticket by over 100,000 majority. And Hoidale was the Democratic nominee. In the general election in the fall these same interests stood solidly behind the Democrat, Hoidale, and against SCHALL, and this opposition included Attorney General Mitchell and all the influence of the administration at Washington. SCHALL was elected. And when the matter of this judgeship came up again at the session of Congress just closed, Senator SCHALL insisted that Michel receive the appointment to which he had previously recommended him. Attorney General Mitchell, to whom the President referred the matter, then said that SCHALL had given him only one name from which to choose. SCHALL refused to submit any other name.

Now, right here, it is proper to say that no one is objecting to Michel because he is not a good lawyer or a good man. They are objecting to him really because he is too good a lawyer. His practice has consisted largely in combating the efforts of railroads to destroy the salutary provisions of the Federal employers' liability law and the safety appliance acts of Congress, and his firm, Davis & Michel, have had a large part in protecting the interests of those who work for a living. He would be the judge, and as such would uphold the provisions of these laws as Congress intended they should be. The railroads do not want such a man on the Federal bench.

The result was that about the middle of February the President definitely stated that he would not appoint Michel. Michel thereupon released Senator SCHALL from further efforts in his behalf and SCHALL then, at the President's suggestion, sent in the names of 10 representative lawyers and judges either one of whom would have made a good judge. The President then said that he did not have time to examine into the fitness of these men and without consulting with Senator SCHALL, and at the suggestion of Attorney General Mitchell, appointed Judge Nordbye of Minneapolis and recommended that the Senate indorse his appointment. Who is Nordbye? He was appointed to the district bench in Minneapolis by Governor Christianson a few years ago, and if Christianson or Hoidale had been nominated and elected United States Senator from Minnesota, there is no doubt that Nordbye would have been appointed to the Federal bench and no questions asked. But the "best laid schemes o' mice and men gang aft aglee." Christianson was defeated and SCHALL elected. But the corporate interests of the State want their political program to go through regardless of the wishes of the people of the State. It is far better that this office remain vacant than that any such dirty political deal as that should be successful. We commend Senator SCHALL for opposing Nordbye's appointment. If he had not done so the people of this State would have the right to feel that he had surrendered to the corporate interests of the State. That he has not done so shows that we have the right man in the right place for United States Senator.

[The Tribune-Herald, an independent newspaper; W. B. Brown, editor, owner, and publisher]

THE FEDERAL JUDGESHIP

There is only one class of people in the State of Minnesota who are for TOM SCHALL, and that is the common people. There is a majority of the common people in this State, however, which accounts for the fact that TOM SCHALL was reelected United States Senator at the last election. His opponents, however, political and otherwise, are numerous and they certainly comprise an aggregation of die-hards.

These die hards were so confident that SCHALL would be eliminated at the primaries that they resorted to ridicule of him. Even his physical affliction, his blindness, was slightingly referred to by the aggregation of white collars who never have and never will accept TOM SCHALL. But SCHALL defeated the standard bearer who was saved over for two years to defeat SCHALL.

When the general election rolled around these good party men, the ones who are most wholly responsible for the persecutions which have been heaped upon TOM SCHALL all during his first term in the United States Senate, bolted their party, refused to accept TOM SCHALL as a senatorial candidate and by every means possible tried to throw the support of the Republican Party to a Democrat candidate. Even then SCHALL beat them, thanks to the vote of the eighth congressional district, but this crowd is not yet ready to concede the blind lawyer from Minneapolis as the Senator-elect from this State.

Senator SCHALL, some time ago, submitted to the President the name of Ernest A. Michel, of Minneapolis, for appointment as a Federal judge in this district. Last week William DeWitt Mitchell, Attorney General of the United States, himself a Minnesota man and a corporation lawyer, notified Senator SCHALL that he could not recommend Mr. Michel to the President and at the same time (January 27) he gave a statement to that effect to the press. The Attorney General also referred to the recommendation of

Senator SCHALL in behalf of Mr. Michel as the payment of a political debt.

Ever since Senator SCHALL mentioned Michel's name months ago SCHALL's enemies in Minnesota, have been very active in trying to discredit Michel. Sifted down this opposition seems to be that Michel is a poor man's lawyer and his "background" is not right. In other words he did not have the proper judicial experience. Funny talk this when seven of the nine judges of the United States Supreme Court never had any judicial experience before they entered upon their duties in the High Court.

Now comes the Attorney General of the United States and refers to the naming of Mr. Michel for a Federal post as the payment of a political obligation. Well what of it? What if it does pay a political obligation? Is that any reflection on Mr. Michel's integrity or ability any more so than the charge that was broadcast so freely in this State that Michel did not have the proper background?

It looks as though SCHALL's enemies are trying to embarass him at the White House and just how long President Hoover will stand for it remains to be seen. With the entire Minnesota delegation in the House and Senator SHIPSTEAD joining with Senator SCHALL in the recommendation of Mr. Michel and Senator SCHALL, the Senator-elect from this State, regardless of whether his enemies accept him as such or not, it hardly seems possible that the President of the United States is going to permit his views to be shadowed by a lot of poor losers in Minnesota who have an axe to grind. The people of Minnesota want a poor man's lawyer, and merely a lawyer, for Federal judge and we trust President Hoover will give us what we want.

[The Minneapolis Tribune, Minneapolis, Minn., Tuesday, January 27, 1931]

SCHALL-MITCHELL ROW ON JUDGE—ASSAIL EACH OTHER OVER NOMINATION—ATTORNEY GENERAL SAYS HE WILL NEVER APPROVE MICHEL, SENATOR'S CANDIDATE—CLASH SUGGESTS A COMPLETE BREAK OF MINNESOTA SOLON WITH ADMINISTRATION

By Arthur F. Authier, Tribune Washington correspondent

WASHINGTON, January 27.—Attorney General Mitchell and Senator THOMAS D. SCHALL clashed to-day in counter statements over the vacant Federal judgeship in Minnesota. The Attorney General, while the bar association is being polled in the State, served notice he would never recommend Ernest A. Michel, Senator SCHALL's candidate for the position, adding he thought he voiced the attitude of the right-thinking people.

To this Senator SCHALL sharply responds by saying:

"The protests to Michel are exclusively from those right-public-utility minded men, any of whom, should they be appointed, would not meet with the approval of the people of Minnesota."

COMPLETE BREAK SUGGESTED

The clash between the Republican elective representative of the State and the Cabinet officer from Minnesota, suggests a complete break between Senator SCHALL and the administrative forces. It is colored somewhat by the unexpected nomination, made yesterday, of former State Senator Edward E. Smith, campaign supporter of Senator SCHALL, as collector of customs.

The spirited statement by Attorney General Mitchell and the equally spirited counterstatement by Senator SCHALL, make the surface evidence of a break complete, rendering it seemingly difficult for the Senator to become an administration supporter, regardless of what solution may be made of the judgeship problem.

PUTS BLAME ON SENATOR

Attorney General Mitchell calls attention to the need of Minnesota for appointment of another judge and puts responsibility for failure to secure such a judge during the present session on the Senator. He does this on the ground that Senator SCHALL has submitted the name of only one man. The Attorney General insists that it is the responsibility of the Executive to make appointments and the function of the Senate is either to approve or disapprove. To this Senator SCHALL counters by saying the Constitution provides appointments shall be made with the "advice and consent" of the Senate, and that in this constitutional provision "advice" comes first.

INSPIRED, SCHALL SAYS

The Minnesota Senator assumes the Mitchell statement comes at a time when it will coincide with the bar association poll and claims it would be manifestly unfair in view of the manner in which the interrogation is made to judge the result as a disapproval of Michel in the event he should not have a majority of votes. He charges the poll has been inspired from Washington. His position is that to ask the lawyers of the State whether they are for Michel or for any one of the numerous other candidates is manifestly unfair to Michel. Relative to the right of the Attorney General to participate in the appointment of judges, Senator SCHALL maintains it is questionable practice in view of the fact the United States, through the Department of Justice, frequently is litigant before the very judges the Attorney General assists in naming.

Senator SCHALL admits there are many able lawyers who could be selected but he doubts if he could find another one who would meet with the approval of both the Senators and the entire House delegation as has been done in the case of Mr. Michel. Relative to the Attorney General's inference that the payment of political debts is connected with the recommendation of Mr. Michel, Senator SCHALL uses strong language and says it is an "inferential insult to the people of the State."

WILL CONTINUE FIGHT

In his reference to right-public-utility-minded men, Senator SCHALL raises the issue upon which he will continue his fight, apparently determined to go into the ditch with Mr. Michel if necessary, regardless of what work may be demanded of a wrecking crew afterwards.

The Mitchell statement, by implication, disposes of Mr. Michel as disqualified according to the standards which the Attorney General sets up. While the debate is pending, former Attorney General George T. Simpson, of Minnesota, is in Washington and is credited with being a "willing Barkus" if the Michel candidacy does not go through.

The statement is an appeal to the people of the State for an understanding of his position, and explains there is a way out for Senator SCHALL if he will recommend some one else than Michel for the place.

The Mitchell statement contains the remarkable assertion that some of the indorsers of Mr. Michel have privately explained why they did not intend their recommendations seriously. He intimates also, that lawyers are loathe to refuse a recommendation for a man likely to be appointed, suggesting that Federal judges sometimes might be swayed by private feelings of resentment or at least that lawyers fear they might be so moved.

THE SCHALL STATEMENT

The Schall statement follows:

"The statement of Attorney General Mitchell, which has been called to my attention through other sources than the Attorney General's office, undoubtedly has been issued at this time so that its publication will coincide and cooperate with the movement of the board of governors of the Minnesota Bar Association to take a vote of their membership through the mails, which vote is to be recorded not later than the 9th of this month. The movement of this board has been inspired from Washington.

"No doubt the Attorney General could name off a dozen fine lawyers of the State of Minnesota who would be satisfactory to him, but it seems to me that the entire membership of selected representatives of the people of Minnesota should have more weight than a Democratic attorney general who is the man who appears in the United States courts in behalf of an interested litigant—the Government of the United States—in civil and criminal proceedings. To permit the attorney of any litigant to pick the judge before whom such attorney may present litigation is contrary to all the principles and ideals of our American system of Government.

"CITES 'ADVICE' CLAUSE

"In the Attorney General's opinion the duty of selection rests with the President and the function of the Senate is to approve or disapprove such nominations. The Attorney General seems to deliberately overlook the word 'advice,' which is in the Constitution. The Constitution reads, 'With the advice and consent of the Senate.'

"The people of Minnesota, through their elected representatives, Federal and State, unanimously advises the nomination of Mr. Michel, but the Attorney General, unanimously advises anybody else, which is a wide field to put Michel up against and shows the unfairness of the proposition put out by the board of governors to the lawyers of the State. There are at least 20 able lawyers in the State of Minnesota with their lightning rods up for this appointment and the friends of these 20, no doubt, it is thought in the bar association vote, will outweigh the lawyer friends of Michel, for the question simply put to them is, 'Are you for Ernest Michel or against him for Federal judge?'

"I can't see why the Attorney General should assume this responsibility. There is no provision for it anywhere in the Constitution or in the law. In fact, since his client, the Government of the United States, is the most frequent suppliant for justice before these Federal judges, it would seem advisable that he should not have any such power as naming the judge.

"I too could pick 12 lawyers, any one of whom would be able and competent and any one satisfactory to me individually, but I doubt if I could secure for any one of those 12 the indorsement of the entire State officials of the State of Minnesota and the entire Minnesota delegation, Senate and House, which Michel has and which make him completely the choice of the people of Minnesota. My enemies, against my wishes, made his appointment an issue in the primaries and in the election.

"I am forced to the conclusion that the Attorney General displays less than good taste to say the least when he makes reference to the payment of political debts. It is an inferential insult to the people of our State to even intimate that they would consider political expediency rather than sound qualifications and integrity in their choice of a judicial appointee.

"On several occasions the Attorney General has made references to the necessity of appointing a right minded lawyer. I confess I am still at a loss to determine just what he means by that type of legal practitioner. I have yet to have been informed, and I believe the public shares that with me, of anything in the record of Mr. Michel which would eliminate him from being classed with the most ethical of his profession. The protests to Michel are exclusively from those right-public-utility-minded men, any of whom, should they be appointed, would not meet with the approval of the people of Minnesota.

DISLIKES THAT METHOD

"I dislike to believe that a man's qualifications for the important office of judge of the Federal court shall be determined by his

club affiliations, social classifications, of his alma mater, or the bank accounts of his associates.

"Ernest Michel began his practice of law at Marshall, Minn., and had the general practice of a country lawyer. About 10 years ago he moved to Minneapolis. He has either argued cases orally or prepared briefs in cases submitted to the supreme courts of the States of Minnesota, Michigan, Wisconsin, Indiana, Iowa, Nebraska, South Dakota, Montana, and Illinois. He has been educated in the school of hard knocks of a self-made lawyer. He has won his way up from the ranks of a poor farmer boy to be indisputably one of the best lawyers of the State, and his knowledge first hand of humanity makes it possible for him to understand that 'the quality of mercy is not strained.' It is the opinion of several hundred lawyers, a score of judges headed by a supreme court justice, that he would make an able and just judge. Ernest Michel is 43 years of age, the best part of his life is ahead of him. He is vigorous in health and has industrious habits. He has good ability, plus common sense and sound judgment. His character and integrity are beyond question; he has thorough knowledge of law; he has a well rounded professional experience. It is true he has never had any judicial experience, neither did the great Chief Justice John Marshall have any. Neither has Michel had any experience as a public utility corporation lawyer. However, his practice could not be described as that of a specialist. He represents high standards of professional conduct, not only commands the universal respect of the members of his profession but he enjoys the confidence of the people of the State generally.

"I admit Minnesota is in need of a judge. He should be confirmed at this session. If this is not done it will only be because Attorney General Mitchell refuses to accept the advice of the entire delegation of officials of the State of Minnesota, both State and National, who, it seems to me, represent the thought of the people of Minnesota and the people of Minnesota can better afford to await a time when such a judge can be named, than to have some one named who will not fill those specifications."

[Minneapolis Tribune, January 29, 1931]

SCHALL INSISTS HOOVER REVEAL MICHEL'S FOES—DEMANDS MITCHELL, PRESIDENT, DISCLOSE THOSE WHO WITHDREW BACKING—NEITHER SIDE ABLE TO BACK DOWN IN ROW OVER JUDGE APPOINTMENT

By George F. Authier, Tribune Washington correspondent

WASHINGTON, January 28.—Carrying on the fight for the appointment of Ernest Michel as Federal judge in Minnesota, Senator THOMAS D. SCHALL to-day called upon President Hoover and Attorney General Mitchell to make known the names of those indorsing Mr. Michel, especially those who, the attorney general claims, have withdrawn their indorsements secretly.

Likewise, he called upon the President and the Attorney General to make public the names of corporations and corporation lawyers opposing the appointment of Mr. Michel. Opponents to a judicial nomination, he says, are as important for public information and guidance as indorsers.

BASED ON HOOVER POLICY

The demand for publication of indorsers and opponents is based on a previous declaration of policy made by the President, that he would make public the names of those who have indorsed judicial candidacies. Senator SCHALL carries the policy further and insists that if it is important for the public to know who is favorable to a judicial appointment, it is logically as important for the public to know who opposes it. The Senator coupled this with the fighting declaration that so far as he has been able to find out, the opponents are those who are "right-public-utility-minded."

The SCHALL declaration is coincident with a realization that the Minnesota judicial fight has become a national issue, with the administration using it as a weapon in its continuing struggle with the Senate over powers and prerogatives. Senator SCHALL plans to discuss the issue on the floor of the Senate within a few days.

The battle has gone so far that, with declarations on both sides, it is assumed here neither side can withdraw. Neither will it be any solution of the difficulty, it is thought, for Mr. Michel to withdraw his candidacy, since that would put Senator SCHALL in the position of having secretly connived at the withdrawal in order to relieve him of a possible difficulty.

CLAIMS CONSTITUTION IGNORED

The claim made by Attorney General Mitchell, that some indorsers have secretly withdrawn their approval, likewise is seen as placing the Minnesota house delegation in a position where the members will have to stick to the last ditch. Any change on their part now, it is pointed out, would subject them to the suspicion of being among those who were willing to curry favor with a possible judicial appointee and then curry favor with some one else by saying they did not mean what they said when they said it.

"I observe," Senator SCHALL said to-day, "that it is claimed by those who assume to speak for the administration in a journalistic manner that the President is inaugurating a new policy of naming judges, namely, to assume the Constitution provides the functions of the Senate shall be confined to passing on the nominations after they have been made.

"This is a deliberate ignoring of the Constitution and I am sure so good a lawyer as Attorney General Mitchell has read and studied that document. The Constitution says appointments shall be made with 'the advice and consent' of the Senate. Naturally, advice must come before the nomination is made, and it means also the entire Senate shall act.

"The people of a State are interested in a Federal appointment and the people of a State are in better position to know the qualifications of a judge than some one far removed from the State either by residence or by location of interests elsewhere and the latter applies to Attorney General Mitchell. Mr. Mitchell's interests are now wrapped up with the administration to which he belongs and even during his residence in the State, his interests were circumscribed to some extent by the fact that he was the legal representative of the Great Northern railroad and other corporations.

NOT AN ELECTION ISSUE

"I did not make the appointment of Mr. Michel an issue in the election. Others who opposed me did that and newspaper organs inimical to my candidacy presented the issue to the public on the ground that if I were defeated, Mr. Michel would not be appointed and Mr. Mitchell's friends were diligently at work to defeat me. Naturally, that advertised the fact I was for Mr. Michel.

"Still, the people of the State voted for me, and if, as it was charged, Mr. Michel was an issue, then the people of the State definitely expressed their position upon the question.

"For the Attorney General to charge by insinuation or otherwise that Mr. Michel is not a suitable appointee is to insult the intelligence of the electorate of Minnesota, whether they voted for me or not.

"Mr. Mitchell claims certain indorsers of Mr. Michel have withdrawn their approval. That suggests a degree of mendacity that is difficult to comprehend. The President has stated he would follow the policy of making known the names of those who indorsed judicial candidates. I now call formally upon him and the Attorney General to make public the indorsements of Mr. Michel and to make known also the names of those who have undertaken, secretly, to appear on one side and in reality to be on the other. The charge places under suspicion every indorser of Mr. Michel of having done something that honorable men will not do. Every house member has indorsed Mr. Michel. Certainly the Attorney General does not want to insinuate they have played double.

RIGHT TO KNOW OPPONENTS

"The public has a right to know who indorses a judicial candidate. It is the right, also, to know who opposes a candidate and why.

"The Attorney General dwells on the attitude of 'right-thinking people' as indorsing his position. I call upon him and the President to let the public know who are these 'right thinking people' and to let the public know what corporations directly or through their representatives have opposed Mr. Michel's appointment. And this does not apply only to those who have made written representations. Let us have the names of those who, by word of mouth, have undertaken to show that Mr. Michel would not be a fit judge, something from which the public might gather the viewpoints of corporation lawyers relative to judicial appointments in this day of the power issue."

[Austin Daily Herald, Austin, Minn., Saturday, March 7, 1931]

STAR WITNESS IN SENATE FIGHT ON NORDBYE URGES CHOOSING OF JUDGE FROM RURAL AREA—TRUMAN PIERSON, INVESTIGATOR, SEES CHANCE FOR COMMUNITIES OUTSIDE TWIN CITIES TO GET REPRESENTATIVE ON BENCH—EXPLAINS OPPOSITION TO MINNEAPOLIS MAN

Whether by accident or design, the Herald does not know, but nevertheless it was in the same city where Truman Pierson, of Minneapolis, spent last night and to-day, is in possession of a statement with reference to the Federal judgeship which may or may not mean something. Mr. Pierson, who is an insurance salesman and promoter of highway construction programs, came to Austin last night from Slayton, Minn., on his way to Waukon, Iowa.

This is the same Mr. Pierson who testified at Washington last Saturday against the confirmation of Judge Gunnar Nordbye's appointment to the Federal bench in Minnesota. Alfred Steadman, Washington correspondent for the St. Paul Pioneer Press, wrote an extremely interesting story about Pierson's testimony at the time. The Minneapolis man appeared more anxious to make speeches against the jury system of meting out justice than about helping the committee with its probe of the Hoover appointee, and from time to time to Senator STEIWER of Oregon and other members of the committee reminded the witness that they merely wanted questions answered and not speech given.

ON INVESTIGATING JURIES

Both Pierson and his wife are members of investigating juries. Mrs. Pierson sat in on the Federal jury that recently brought in indictments against W. B. Foshay, and Pierson stakes his claim to fame on his part in the muskrat-farms investigation that recently sent W. W. Robbins to the Federal penitentiary.

Mr. Pierson declares that a candidate from the rural districts of Minnesota now stands a good chance of being named and appointed to the Federal bench as the result of the dismissal of Nordbye's appointment.

GIVES INSIDE SLANT

"A man from rural Minnesota for Federal judge may eventually be the compromise choice of the administration at Washington and the Senate, it appears," said Pierson. The situation is brought

about by realization of what actually apparently took place in the hurried and crowded last days of a hectic session of the United States Senate, an inside slant on which the Herald obtained from Mr. Pierson, who was said to be the key witness of the United States Senate forces opposed to the appointment of Gunnar H. Nordbye, of Minneapolis, and to the President for submitting it in the manner in which he did, which it was claimed was an attempt to stampede the Senate into action. Mr. Pierson returned from Washington Thursday night.

Mr. Pierson was called as a witness against Nordbye by Senator BLAINE, of Wisconsin, chairman of the Senate subcommittee on the judiciary, for appearance Wednesday, February 25, which BLAINE said was the only day left for a hearing. Pierson did not respond to the call, and then received a forthwith order to appear not later than Saturday morning, February 28, at 10 o'clock. Placed on the stand, he related in detail the attitude and actions of Judge Nordbye when he was in charge of the famous Muskrat-Foshay grand jury of January–February, 1930. It was the muskrat fur-farm case, where evidence showed muskrats, largely on paper, had been sold to the amount of over $600,000, and it was charged that involved in the shady transactions were a number of State officials and others. The Foshay concern had then crashed, depriving many people of several millions of dollars, and both of the cases, Pierson showed, were waiting at the door of the Hennepin County grand jury for action when Judge Nordbye delivered what is now regarded as his famous charge, inasmuch as it is this grand jury charge and his attitude throughout the session that apparently has deprived him of a place for life on the Federal bench.

LEADER OF GRAND JURY REVOLT

Pierson was the leader of a group of grand jurors, 19 of whom rebelled against the foreman who had been named by Judge Nordbye and who, it is said, was objected to by the jurors as standing in the way of an expeditious delving into the fur farms and Foshay cases. The jurors signed a round robin to Judge Nordbye asking for the appointment of a new foreman, which Nordbye refused. Then, too, Pierson informed the Senate that Mrs. Myra Griswold, executive clerk to Governor Christianson was drawn on the grand jury which had been asked to investigate the securities commission of Governor Christianson and named in connection with both Foshay and fur farm cases. This Pierson declared "handicapped and embarrassed" the jury and he declared that Judge Norbye should have removed both the foreman and Mrs. Griswold but neglected to do so. After two months' battle the grand jury, Pierson stated for the record at Washington, managed to dig up valuable evidence and was ready to proceed when its official life was up and Judge Nordbye was then asked to continue the jury for another two months to finish its work. Failing to have Nordbye do this Pierson filed a minority report to the grand jury which Pierson told the Senate committee Nordbye had suppressed and introduced an affidavit from George Hemperly, district court clerk at Minneapolis, to show this minority report had never been filed.

So with these and other serious details of charges filed by Pierson before it the Senate committee of the whole, consisting of about 20 Senators, decided to ignore the nomination and give it no attention whatsoever. This of course amounted to a virtual snub to the President and automatically killed the nomination not only for the session but for all time, according to reports.

OPPOSITION IS EXPLAINED

The Pierson opposition to Nordbye is separate and apart from senatorial objection, either on the part of Senator SCHALL or others. But the objection of Senator SCHALL is all powerful because it has back of it the natural traditional senatorial courtesy plus the strong feeling in the Senate against the administration. Pierson while here made it plain that he had no candidate he favored, had no idea of reversing his stand on Nordbye, even if Senator SCHALL had approved him, an impossibility however, so far as anybody can see because Nordbye and Christianson are in the anti-SCHALL camp.

All things considered, with serious charges having been made against Nordbye backed with proofs and records on file with the Senate, make of the Nordbye case a closed issue, it is said. Consequently there has begun a new campaign for a new judge and several sections of rural Minnesota are at work for their favorite candidate, working quietly. It is pointed out that of the three existing judgeships, St. Paul, Minneapolis and Duluth, the three big cities, each have one judge while the smaller cities and towns have none and that therefore here is an opportunity to assign to rural Minnesota the fourth judgeship. On top of this it is said that where the big cities can not agree on a fourth judge from any one of the cities they may compromise with one from the country and of course in this reckoning there must be taken into consideration that the Senate is likely to make certain that the new selection is favorable to Senator SCHALL. Meantime lightning rods of friends of candidates are going up in several counties. It looks as though President Hoover and Senator SCHALL must agree or there will be no judge named.

[Marietta News, Marietta, Minn., January 22, 1931]

"United States Senator THOMAS D. SCHALL is doing the right thing in standing pat on the Michel appointment for the Federal judgeship. Michel may not suit some corporations, for having been attorney for the common people, but he seems to be a real man, or he would not have received the indorsement of the entire Minnesota delegation of Senators and Representatives, as well as such men as Secretary of Labor Doak, Chief Justice S. B. Wilson of the Minnesota State Supreme Court, as well as many judges and attorneys over this and neighboring States. While we do not know Mr. Michel personally, we have heard his praises sung by many who do know him, and though many other friends would like the appointment we believe the representatives of our State in Congress should have to say so before the President in preference to the Attorney General who seems to oppose his appointment for some unknown reason, as the reasons advanced are without merit."—The Brainerd Tribune.

We would like to add to the above that the Attorney General most likely received one of the crowbars left over from the recent election to throw in the gearing.

[The Labor World, Duluth, Minn., Saturday, January 31, 1931]

MITCHELL FOULS MICHEL

It is refreshing to read of the stand taken by Senator HENRIK SHIPSTEAD in reply to the foul-blow delivered Tuesday by Attorney General Mitchell against Ernest A. Michel, of Minneapolis, recommended by Senator SCHALL for appointment as United States district judge for Minnesota. Driven into the open, Mr. Mitchell aimed to justify his opposition to Michel by attacking his standing as a lawyer.

Of the public men from Minnesota at Washington, Mr. Mitchell stands alone in his opposition to Mr. Michel's appointment by President Hoover. As the head of the Department of Justice he holds the key to the situation for the moment. Every Member of Congress from this State, including the two senators and the 10 congressmen have personally recommended the appointment of the Minneapolis lawyer.

Mr. Mitchell stated that "some" indorsements by Minnesota lawyers had been privately withdrawn. He failed, however, to explain the influence that was brought to bear to have them "withdraw" their indorsements. Senator SHIPSTEAD states that he has received indorsements for Michel from 400 lawyers and citizens, and not one has written him withdrawing his support from Michel.

The Attorney General then added, that "our file of protests against this nomination is more impressive than in any other case before the department for years past." And this doesn't surprise anybody who knows anything at all about the way the interests work that would oppose the nomination of Mr. Michel, or any other lawyer of his legal bent.

Mitchell said that a man for such a post "should have legal ability, plus common sense and sound judgment, and it goes without saying that his character and integrity should be beyond question," which, by innuendo may be interpreted to mean that Mr. Michel lacks legal ability, common sense, and sound judgment, and is of questionable character and integrity. Strong implication, that.

This leaves an opening. Who is Mr. Mitchell? Who is Mr. Michel? Before he became Attorney General, Mr. Mitchell was an outstanding Minnesota railroad company attorney. He is of the Frank Kellogg and Pierce Butler type of lawyer, partly political and partly legal. He is corporation-minded. His training has made him such. He could no more get away from it than could Mr. Kellogg or Justice Butler.

In legal cases Mr. Michel has opposed Mr. Mitchell. He has represented railroad employees and he has secured a number of very large judgments against railroad companies. It would seem that it takes a lawyer of ability to repeatedly win cases against powerful railroad corporations. Mr. Michel is publicly-minded. He knows the difference between the public and a private interest and through his life he has been found on the side of the people.

Judges of State courts before whom Mr. Michel has tried cases have urged his nomination. Surely they are in a better position to know of this lawyer's legal ability, common sense, sound judgment, character, and integrity than is Mr. Mitchell, who during all his professional life has been antagonizing Mr. Michel in the trial of lawsuits. If the Attorney General were a good sport instead of a foul-blow dealer, as his amazing statement of Tuesday would indicate he is, he would recognize merit, even in an enemy.

So after all is said and done, the truth is that Mr. Mitchell, the Attorney General of the United States, still thinks he is the attorney for the railroad companies he formerly represented. He is not a bit fair in his opposition to Mr. Michel, whose ability and character are not involved at all. Mitchell is afraid of Michel, who isn't of the Judge Parker sort. Michel has social vision. He has ideas of justice not in accord with corporation lawyers. And this tells the whole story.

[The Country Press, Moorhead, Minn.]

THERE CAN BE NO COMPROMISE

More than a year ago Congress passed an act providing for an additional judge for the United States Court for the District of Minnesota. This additional judge was needed because of the accumulation of business in the Federal courts of the State. Under the law Federal judges are appointed by the President with the "advice and consent of the Senate." For the position this created Senators SCHALL and SHIPSTEAD united in recommending Ernest A. Michel, of Minneapolis.

For a full understanding of the question a short history of Michel's career may be necessary. He was born and reared in the southern part of the State. His parents immigrated to this

country from Germany and settled on a farm near Appleton, where Michel first saw the light of day. As a boy and young man he experienced all of the hardships and struggles incident to farm life. He received the best education his parents could afford and shortly after graduating from high school he became acquainted with Tom Davis, then practicing law at Marshall, Minn. Mr. Davis was impressed with the eagerness of Michel to become a lawyer and at once took him into his office. He studied law, was admitted to the bar, and became a partner in the law firm of Davis & Michel. They had a large general practice all over the southwestern part of the State and a part of their business consisted in settling and adjusting claims of injured employees against railroad companies. This part of their business increased and it became necessary for the better transaction of their business for them to move their offices to Minneapolis, where the firm still continues along the same lines of work.

This brief statement gives a general view of the background of the man who has been recommended for this office by both of the United States Senators and to prevent whose appointment such a vicious fight has been waged. Michel's part in the work of the firm has consisted in preparing briefs, the argument of cases in the higher courts to which many have been appealed. He is a great student and possesses intimate knowledge of the law in all its branches and is an expert in suits brought by injured employees against railroad companies for damages. He is a man of fine character, who by the sheer force of his ability has attained a high place in the legal profession. He is recommended for this office by a higher percentage of lawyers and judges than any other man who was ever appointed to an office of this kind. Then why does he not get this appointment? Is it being opposed and held up by interests that are not seeking the appointment of a good judge but rather one who will be satisfactory to them?

Both United States Senators and the entire Minnesota delegation have requested the President that this appointment be made. But Attorney General Mitchell, who, prior to his appointment, represented large railroad and other corporate interests, to whom the President has submitted this matter, refuses to indorse Michel Mr. Mitchell says there is strong opposition to Michel for the office, but what that opposition is or who it is that is opposing him the Attorney General refuses to reveal. That it comes from the railroads and other large corporate interests there can be no doubt. The result is there is a deadlock with Attorney General Mitchell on one side and both United States Senators and the entire Minnesota delegation on the other.

Some Minnesota newspapers are now saying that there should be a compromise, that another name than Michel's should be presented for consideration. With this view we do not agree. On a matter of this kind there can be no such thing as compromise. The refusal to send in the name of Michel by reason of opposition that is obviously inspired if not openly advised by the interests at present in the control of the Republican Party would be one of the most dangerous precedents that could possibly be made. It would intensify the feeling that is in the minds of the common people of Minnesota, who are watching this case, that Mr. Michel does not get the appointment because he has not served his apprenticeship with the big corporations.

It is true that Michel has not had rich clients; he has not sought them. Perhaps if he wanted them they would have come to him and gladly availed themselves of his services and he could have basked in the smiles and bounty of the rich. But there are those who would rather have the favor and friendship of those who toil, of those who need help and can not help themselves than all the wealth of the world. Is such a man to be deprived of the right to hold office by reason of the opposition we have indicated? To this question there can be but one answer. And Senator SCHALL is taking the only position he can consistently take in this matter—standing firmly in the middle of the road.

[Minneapolis (Minn.) Star, Saturday, February 14, 1931]

SENATOR SCHALL'S MISTAKES

By L. T. Knowles

How easy it is to find fault with those in power. We can see where Senator SCHALL made two mistakes. No. 1 was when he flew from somewhere to Washington to be on hand to vote down the nomination of Judge Parker, the president's unpopular candidate for the United States Supreme Bench.

No wonder he is in bad. He might have taken a slow train and arrived too late for the vote. No. 2 was in connection with the appointment of a Federal judge in Minnesota. Here his procedure was very "unbusinesslike." Instead of sounding out the gentlemen who put up the big money for Republican campaigns and finding out which corporation lawyer they wanted, he goes and appoints a mere lawyer with no corporate training.

Methinks that if the great engineer drops a few more wrenches into the machinery the Government will be in a fair way to fall into the hands of the Democratic Party in 1932.

[Akeley Herald-Tribune, Akeley, Minn., February 12, 1931]

FEDERAL JUDGESHIP

There is no question but what a large majority of the people of Minnesota will indorse the firm and steadfast stand that United States Senator THOMAS D. SCHALL has taken in refusing to submit the name of any man for judge of the United States district court other than Ernest A. Michel, former Marshall boy.

The Herald-Tribune has implicit faith in President Hoover, but is convinced that the President is ill advised as to the real merits of Mr. Michel—and he is not the first man doing good among the common people to be crucified through misunderstanding, jealousy, prejudice, and selfish motives.

The people of Minnesota settled the question of this particular case at the polls last November when Senator SCHALL was reelected in the face of the opposition of the most powerful organization of fat boys that ever posed as a political organization. Compare carefully the vote of the Twin Cities with the rural districts of Minnesota, where the people are fairly free from coercion or influence of any slave-making corporations or their well-paid hirelings.

Certainly the people of this State should have a little something to say about its affairs—and they did instruct their two Senators and 10 Congressmen to present their compliments to the President and respectfully request him to send in the name of Ernest A. Michel to the Senate for confirmation as Federal judge. The congressional delegation has performed its mission. What will the voters say in 1932 if this appointment is not made? Why, Minnesota will go Democratic—and, presumably, Mitchell will "kill two birds with one stone."

[St. Paul (Minn.) Dispatch.]

SCHALL MORE SINNED AGAINST

To the EDITOR OF THE DISPATCH:

Don't you think it is high time to silence the continued abuse by your paper and others of Senator SCHALL? Senator SCHALL has been more sinned against than sinning. The people seemed to think a lot of him when, regardless of the newspaper-hammer racket, they elected him as Senator.

He has not been treated fairly in the matter of the judgeship, either. At the President's request SCHALL proffered 10 names, and without as much as looking over the list, the President named Judge Nordbye, of Minneapolis, for the job, probably after consulting Mitchell, the Attorney General. The law says that such appointments are made "by and with the consent of the Senate" and not by and with the consent of Mitchell or anyone else.

Ernest Michel, proposed by SCHALL, has been held up to scorn by the chorus of corporation knockers. So was Brandeis when he was proposed for Justice of the Supreme Court. The latter was called a socialist and an anarchist, but President Wilson appointed him and he is now regarded as one of the finest judges on the Supreme Bench. Senator SCHALL doesn't want Nordbye any more than Mitchell wants Michel. There are half a dozen splendid men offered for this post by Senator SCHALL and as a matter of right and courtesy his wishes should be respected. Personally, I cast my vote for Mr. SCHALL because of the mean and venomous attacks made against him. No doubt others did the same. It was this same kind of malevolence that was responsible for nominating Mayor Thompson in Chicago.

Stop knocking and let poor Hoover continue his blundering.

TOTE FAIR.

ST. PAUL.

[Henderson (Minn.) Independent, Friday, February 6, 1931]

Since Senator SCHALL was elected, in spite of the publicity given during the campaign regarding the promised appointment of Ernest A. Michel, of Minneapolis, to the Federal bench, that in itself is sufficient evidence that the voters approved of the appointment, notwithstanding the late protest of the State bar association. You reap as you sow.

[The Missouri Democrat, Kansas City, Mo., February 27, 1931]

A BLIND SENATOR WHO REFUSES TO BLINDLY FOLLOW PRESIDENT HOOVER

Because THOMAS D. SCHALL, the blind Senator from Minnesota, has not blindly followed President Hoover in all his foolish official acts, Hoover has refused to appoint Senator SCHALL'S selection for Federal judge at St. Paul, Minn. After the appointment hung fire for some weeks, Hoover suggested to the Minnesota Republican Senator that while he wouldn't appoint the Senator's personal choice, if the Senator would submit the names of 10 other Minnesota Republicans, he would name one of the number submitted by SCHALL for Federal judge at St. Paul. This the blind Senator did, as the President suggested, believing Hoover would keep his promise, and now it is announced from Washington that President Hoover has ignored the 10 names submitted by the Republican Senator and appointed a man objectionable to Senator SCHALL. Of course, Senator SCHALL will oppose the confirmation of Hoover's selection for the judgeship, and the fight is on to the finish between President Hoover and the Republican Senator from Minnesota and our sympathy is entirely with the blind Republican Senator. Is it any wonder that any decent, self-respecting Republican Senator can't support the President? The blind Republican Senator from Minnesota, who was reelected last November over Hoover's opposition, is not as blind mentally as Hoover appears to be. It is not strange that the Republican Senators have no respect for or confidence in their President, the engineer of the wrecking train of the Republican Party. This paper has the highest respect and admiration for the two blind Senators who will be in the new Senate, SCHALL, Republican, of Minnesota, and Gore, Democrat, of Oklahoma, who are giants as statesmen compared to the present President of the United States.

[Renville County Journal, February 26, 1931]

ERNEST A. MICHEL WITHDRAWS

While Ernest A. Michel has withdrawn his name as a nominee for the appointment to the Federal judgeship in Minnesota, the deadlock still continues with little prospect that it will be solved very soon. Under the circumstances, we believe that Minnesota can better afford to wait than to accept the dictation of President Hoover and his Attorney General Mitchell. The judgeship squabble involves more than the willfulness of personalities. It involves the principle of Property Rights versus Individual Human Rights. Property rights have been in the ascendancy in this country, and that school of thought has developed in exact ratio with industrial development. President Hoover is not a humanitarian. In the nature of his life profession he moves and acts in the atmosphere of property development. His present Attorney General is a born and bred puppet under that system. It is beyond the Attorney General's pale to understand that the individual human has any rights whatsoever. So we have this judgeship fight, which is not a fight between President Hoover and Senator SCHALL but a fight between the cold-blooded and ruthless brutality of corporation's as against the rising consciousness of the individual who under our system has been slugged into insensibility but who is coming out of his coma. The political revolt in Minnesota is evidence aplenty that there is an awakening.

The voters of Minnesota were solidly behind Ernest A. Michel because they felt that he understood and respected their rights. But the rights of the voters of Minnesota in this case do not extend beyond the State limits, and so we have the spectacle of President Hoover and Attorney General Mitchell dealing them this solar plexus, aimed not at Senator SCHALL but at the constituency of Minnesota. Senator SCHALL has made a great fight for the people of Minnesota. He has been abused and slandered by the metropolitan press of this State in a manner that has called for its every conceivable ingenuity. In this the city press has been supported by the entire rural "me-too press" of Minnesota. The fight is on and Senator SCHALL may lose this round in behalf of his constituency, but that does not end the battle.

[Watertown (S. Dak.) Public Opinion]

NONPOLITICAL POLITICS

The Minnesota Federal judgeship tug of war, with President Hoover on one end, and Senator THOMAS SCHALL on the other, continues interesting. The Senator finally decided to test the sincerity of the President by submitting a list of 10 available attorneys, as the White House had requested. Now President Hoover has passed the initiative back to the Senator by submitting a list of 10 from which SCHALL is asked to name a favorite.

Out of this exchange, the Senator issues with some advantage. At least he has fairly well established the intention of the executive department, including Attorney General Mitchell, to limit the availables to men whose views are known to be in rather close harmony with those of the administration. The original objection to Mr. SCHALL'S first choice was that politics dictated his candidacy, and that Federal judgeships should not be contaminated by anything political.

Mr. Mitchell interposed himself because of an alleged conviction that Ernest Michel was not qualified from the ethical viewpoint of the leading legal lights in Minnesota. Having exhausted every argument he could conceive to disabuse the Attorney General of his prejudice against Michel, Senator SCHALL finally consented to follow the request of the President.

Certainly in the list of the names the Senator chose there was at least one capable lawyer. However, the White House was unable to discover one notwithstanding it contained the names of some of the most successful barristers in the State. The submission to SCHALL of a counterlist, picked by Hoover or Mitchell, suggests that, after all, the political phases of the controversy were more important to the administration than the comparative qualifications of available aspirants.

The whole controversy undoubtedly turns upon the outlook which divides liberal from conservative. The President, himself a conservative, appears to have been willing to estop any man of known liberal views from gaining a seat on the Federal bench. It is difficult to understand how a determination to avoid any contact with politics in shaping the Federal judiciary can be harmonized and coordinated with this evident application of political fitness to the Minnesota situation. Senator SCHALL may not have been able to liberalize the bench by winning his point in the Michel case, but he has driven the administration into tactical acknowledgment there was something phooey about the original declaration that politics must be kept out of the judicial picture.

[New York Times, January 27, 1931]

WHO NAMES FEDERAL JUDGES?

In this era of ill feeling it is no wonder that Attorney General Mitchell has gone out of his way to pick a quarrel with the Republican Senator from Minnesota. Mr. SCHALL has recommended the appointment of a certain candidate for Federal judge who is approved by the other Minnesota Senator and by the whole House delegation from that State. Is not a Senator's recommendation, so buttressed, final? The formal act of appointment rests with the President. In practice the power of recommendation is that of appointment. The Attorney General says, with some heat, that he will not commend Mr. SCHALL'S choice to the President. He intimates that Mr. Hoover disapproves it.

He seems to blame Mr. SCHALL for submitting only one name. It has been the custom, he says, when a Senator's first selection has been received unfavorably at the White House, that the sponsoring Senator or Senators should offer additional names. Mr. Mitchell holds that the people of his Minnesota don't want appointments made "to pay political debts." He refers to the lofty position which Mr. Hoover has taken in regard to the bench:

"President Hoover has raised a standard of judicial appointments in which political 'usefulness' does not enter. He has refused repeatedly to be bent by such motives."

It is true that Mr. Hoover tried to make satisfactory nominations for judicial posts. He depended much on the suggestions of bar associations, excellent organizations but not always free from the influences of "State pride," personal association, and, in some cases, of partisanship. It is impossible to keep the political motive and origin out. A judge's office is patronage, like any other office. Respectable talents and character are supposed; but a judge, like a marshal or a postmaster, must be produced in the regular way and by the regular machine. Congress establishes or enlarges courts for political purposes. Mr. Mitchell knows very well that Mr. Hoover has not been able to remain aloof from considerations of political "usefulness."

What but that was the fount of the nomination of Judge Parker? In Pennsylvania and in Kansas nominations for Federal judges made by the Senator or Senators were firmly resisted by the Attorney General. Were any new names sent in? No. In the face of Mr. Mitchell's hostile report and Mr. Hoover's opposition, the nominations were forced through, forced upon the Attorney General and the Executive. Both had to eat their leek. All Senators are interested in maintaining their practical "right" of appointment. Mr. SCHALL charges Mr. Mitchell with "less than good taste." He might better be charged with lack of memory.

These high questions of office are independent of good taste, nor have they anything to do with "the people" of Minnesota, on whose bosom both the Attorney General and the Senator lay themselves tenderly. There is a certain system of making appointments. Mr. Mitchell may give advice as a technical expert. He can't hope to change the system. Least of all can he expect to interfere successfully with the distribution of judicial offices in his "home State." In a much larger and truer sense it is Mr. SCHALL'S home State. All Federal jobs in it, with whatever proper allocation to his colleague, Mr. SHIPSTEAD, and the House delegation, are not to be distributed without his advice and consent.

[The Minnesota Union Advocate, February 19, 1931]

FORTY-SEVEN LAWYERS

(Dedicated to the Ramsey County Bar Association, with apologies to Mother Goose)

News Item.—Forty-seven of the 250 members of the Ramsey County Bar Association, St. Paul, passed a resolution of commendation of Attorney General Mitchell.

Seven and forty lawyers,
Summoned to convene,
Meet in hurried session,
Sit with gravest mien.

Mitchell has been flouted,
Naughty TOMMY SCHALL
Scoffs at his pure ethics—
'Twill not do at all.

When the meeting's opened
Each begins to sing
Praises high to Mitchell,
Brave their voices ring.

Mitchell is requited
For the rude affront;
Thomas should apologize,
But it's odds he won't.

[Minneapolis (Minn.) Journal, Wednesday, February 18, 1931]

Supporting Senator SCHALL is the Alexandria Echo, one of the leading Farmer-Labor papers of the State. The Echo sees in the fight on Michel an effort to get a corporation lawyer on the Federal bench and thinks that the reason President Hoover has asked Senator SCHALL to submit a list of 8 or 10 men from whom the President is to make a selection is that, "out of that unheard-of number of names it is expected that surely there will be one corporation lawyer acceptable to Attorney General Mitchell." The Echo in another comment says, "The farther this Michel fight goes the more certain the public has become that it is only a fight to keep corporation-minded men on the Federal bench." The Olivia Journal, another Farmer-Labor paper, takes the same position as the Alexandria paper, and says that the fight against the man Senator SCHALL wants is to keep a man off the bench "whose sympathies are with the common people."

The Farmer-Labor Leader, organ of the party, supports Senator SCHALL in his demand for the Michel appointment and says, "the fight on Michel is a manifestation of conservative influence to keep the courts on the side of big business."





One of the few Republican papers in the State supporting Senator SCHALL in his position is the Brainerd Tribune. "Michel was named and it is now a question as to whether the corporations shall dictate the appointment or the common people be given consideration," it says.

[Minneapolis (Minn.) Journal, Tuesday, January 20, 1931]

PRAISE FOR MICHEL

The Wadena Pioneer Journal, edited by Congressman HAROLD KNUTSON of the sixth district, strongly approved the Michel appointment, basing its support on the ground of Mr. Michel's fitness and qualifications for the judgeship. The Pioneer Journal asks, "What Senator is better able to advise the President on judicial appointments for Minnesota than Senator SCHALL?" The Wadena paper praises Michel for his "human" qualities and says that "the Federal bench needs humanizing."

The Minneapolis Labor Review takes the same position as the Pioneer Journal and indorses the Michel appointment because of the humanizing effect upon the bench it would have. "Michel is qualified beyond question," says the Labor Review. "His heart beats in sympathy with the working people of the cities and the farms and, in failing to hasten Michel's appointment, President Hoover is only adding to his unpopularity and convincing the common people of Minnesota and the Nation that the appointees to the Federal bench must be considered aristocrats or they will not be appointed."

The Alexandria Echo, strong Farmer-Labor paper, vigorously indorses the Michel appointment and in a recent issue said: "Further delay can have only one result—distrust and dislike of those who are congesting the courts and hampering and hindering law enforcement and justice by denying this man the place on the Federal bench which he deserves and which he must eventually win."

[Minneapolis Tribune]

DEFENDS SENATOR SCHALL

To the EDITOR OF THE TRIBUNE:

For months Senator SCHALL has been the subject of severe criticism. During the discussion there has not been a charge made of any value. He used the franking privilege accorded to Senators. Some of his friends are said to have been overzealous in his interest during his campaigns for election. These charges are too insignificant for serious consideration.

It is time for his enemies to give the straight-thinking public some good reasons for all the clamor that they are making. I have noted carefully his votes in the Senate, and they have been generally correct. He voted against the Government going into business that would compete with the private citizen. He voted against the Government joining the World Court. He has voted at all times for legislation that would help agriculture. Like other Republican Senators, he has differed with the President on some public questions. I am at a loss to know what he has done or said that has caused so much political ballyhoo.

He nominated a man for judge who was well recommended by the best of our public men, and immediately the dogs of war were let loose. Where, then, lies the cause of so much political spleen?

I believe that I am correct in saying that the Republican Party in Hennepin County has become so degenerate that it consists of mugwumps, half-breeds, and whatnots. We can not blame Democrats for tearing the Republican Party into shreds, but we have nothing but censure for the political wobblies who of late years have been calling themselves Republicans. No man of character will condemn the Senator for standing loyally by his friends. He is to be commended for his courage and pluck in defending himself against a pack of wolves.

REPUBLICAN, *Minneapolis.*

[Grand Rapids, (Minn.) Independent, Friday, February 20, 1931]

BOUND TO GET A CORPORATION LAWYER

Ever since the Michel judgeship fight began Senator SCHALL has been lambasted for not submitting two or three names (instead of only one) so that the President would have some choice, not be forced to accept or reject the one man offered. Now comes the President and asks SCHALL to submit the names of 8 or 10 men. Asking for such an unheard-of number of names from which to pick a judge can mean only one thing: SCHALL is quite certain to recommend another "poor man's lawyer" if he can't have Michel, but if he must send in 8 or 10 names it is expected that out of that number there will surely be one corporation lawyer acceptable to Attorney General Mitchell.

It would have been better had SCHALL been openly and frankly ordered to agree to the appointment of a corporation lawyer as judge—none other need apply.—Alexandria Park Region Echo.

[Sioux City (Iowa) Journal, Wednesday, March 4, 1931]

ATTORNEY GENERAL HIT—SENATOR DECLARES CONTEST OF HIS ELECTION IS SPITE WORK

WASHINGTON (A. P.).—Senator SCHALL charged in the Senate Tuesday that Attorney General Mitchell, with whom he has been disputing the appointment of a Federal pudge for Minnesota, is "close" to those who are planning to contest his election.

"The so-called contest is a spiteful one and grows out of my fight for the appointment of a Federal judge who was the choice of the people of my State."

SCHALL said that through the influence of Mitchell's former law partner, Pierce Butler, jr., and his associates, H. H. D'Autremont was removed as chairman of the Democratic organization in Minnesota and J. J. Farrell was installed in office and immediately appointed a committee to investigate "the chances of bringing a contest against me."

Attorney General Mitchell refused to recommend appointment of Ernest Michel, recommended by the Minnesota Republican for the judgeship, and President Hoover instead nominated Gunnar H. Nordbye, whom SCHALL is opposing.

"The answer to my fight for justice for the people of Minnesota for a representative government in judicial matters as well as otherwise is that I am to have a contest, and it seems to me that the President and the Senate and especially the Judiciary Committee should know how close Attorney General Mitchell is connected with the men who started this contest upon the ground that I have misused my franking privilege and that I have broken some Minnesota law in securing my election," SCHALL asserted.

This action, SCHALL said, followed a letter he wrote to Attorney General Mitchell asking about appointment of the Attorney General's former law associates as special Government counsel.

In this letter, which SCHALL read to the Senate, Mitchell was asked if Butler had been appointed as special counsel in the Barnett Indian cases; if J. W. Bunn, father of a member of Mitchell's former law firm, was appointed special counsel in a boundary case; M. J. Doherty, a former law partner, a special counsel in the "wire-tapping cases"; and W. E. Rumble, another former partner, as special attorney in any cases. SCHALL also asked what fees they received, if employed.

He said he had received no answer to the letter.

[Harmony (Minn.) News, Thursday, February 19, 1931]

T. D. SCHALL, the blind radical Republican Senator from Minnesota, resents President Hoover's request that he cease recommending Ernest Michel, of Minneapolis, for a Federal judgeship and submit a list of "fit" candidates. He puts all the blame for the situation on Attorney General Mitchell, declaring that the latter's "corporation public-utility connections" have warped his judgment. SCHALL isn't letting the affair rest. He sent a letter calling to the attention of the President "some of the former corporation connections of his Attorney General," and also told the Senate all about these.

"As a Republican and a Senator," SCHALL wrote, "let me importune you, Mr. President, not to close your eyes to the lessons of recent political history. Taft wrecked his administration by trusting Ballinger; Harding wrecked his by trusting Fall, Daugherty, and others of lesser notoriety like Theodore Rush Holland.

"Are you going to wreck yours by further trusting your Attorney General? The answer is for you to make; but millions of loyal Republicans throughout the land are hoping and praying for a negative answer."

BROOKLYN, N. Y., *February 11, 1931.*

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your stand on the attitude of Attorney General Mitchell and President Hoover, relative to the appointment of a Federal judge for your district, deserves the hearty applause of all who appreciate the importance of an impartial judiciary.

In a government by political parties, we expect the recommendation to be made in favor of a member of the prevailing party. Every act on the subject provides that the President of the United States, by and with the advice and consent of the Senate, shall appoint, etc. This language follows the Constitution except the words "* * * he shall nominate" after which are the words, "and by and with the advice and consent of the Senate, shall appoint." But nowhere do we find any provision requiring or permitting the advice of the Attorney General. And every lawyer knows that to give the Attorney General such control over the judiciary would destroy its independence.

Every lawyers' association in the country should enter its protest against the intrusion on the constitutional rights of the people proposed by the administration. Otherwise the time will come when our Federal judges will be reduced to mere ancillary counsels to the Department of Justice. Those among us who have labored in that department and observed its rapid centralization culminating in bureaucratic control under Mr. Mitchell, know the dangers to the very basic protection of our civil rights and liberties which are bound to result and which, indeed, are already imminent under the present Washington administration.

I have been amazed to learn that the New York Times yesterday made light of your stand editorially and also committed the error of stating that you are seeking to force the approval of Mr. Mitchell. As I understand it, you are denying his right to interfere and drawing attention to the danger of giving the Government's attorney a voice in the nomination of a Federal judge when he is to practice in the very court in which he seeks to control the appointment. The attention of the Times should be drawn to this and that influential paper should admonish the President against such a dangerous policy.

Respectfully,

WM. A. DEGROOT.

BROOKLYN, N. Y., *February 14, 1931.*

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Many thanks for your letter of February 13. I wish I might have copies of the RECORD containing your discussions relative to the appointment of a Federal judge in your district.

Certainly you may use my letter of February 11, 1931, if you desire.

If you have occasion to use my printed circular, in answer to Mr. Mitchell, you are at liberty to do so.

I admire your courage; I know that you are right, and I hope that your splendid fight will result in drawing attention to the bureaucracy of this administration.

Yours truly,

WM. A. DEGROOT.

[Published July 16, 1929]

FORMER UNITED STATES ATTORNEY WILLIAM A. DEGROOT ANSWERS ATTORNEY GENERAL WILLIAM D. MITCHELL

FIRST PUBLISHED STATEMENT CHALLENGES WISDOM, TRUTH, AND MOTIVES OF NEW ATTORNEY GENERAL—CHARGES WASHINGTON ADMINISTRATION WITH POLITICS AND PROPAGANDA—SAYS HIS HONESTY AND DILIGENCE IN OFFICE ARE ADMITTED—PROVES HIS ADMINISTRATION ONE OF MOST EFFICIENT IN UNITED STATES—PROMISES FURTHER STATEMENT THAT WILL BE INTERESTING—AIMS TO CREATE PUBLIC SENTIMENT AGAINST MAKING OFFICE FOOTBALL OF NATIONAL AND LOCAL POLITICS

In deference to the wishes of my friends, I make the following statement at this time. By this and other articles I hope to contribute something to create a public sentiment against future attempts to make the important office of United States attorney a football of politics.

A United States attorney is appointed according to law as my certificate indicates:

"Know ye, that, reposing special trust and confidence in the integrity, ability, and learning of William A. DeGroot, of New York, I have nominated, and by and with the advice and consent of the Senate, do appoint him attorney of the United States, in and for the eastern district of New York, and do authorize and empower him to execute and fulfill the duties of that office, according to law, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said William A. DeGroot, for a term of four years, commencing with the date hereof, subject to the conditions prescribed by law."

This was duly signed by President Coolidge and Attorney General Sargent on December 14, 1925, after I had been in charge of the appeal and law department in that office for over three years, and had been recommended by judges and lawyers and many distinguished men, including Hon. Charles E. Hughes, under whom, as Governor of New York, I served in the State Assembly.

By a recent ruling of the United States Supreme Court, on a divided opinion, Justices Holmes, McReynolds, and Brandeis dissenting, that court recognizes the power of the President to terminate such appointments by an Executive order without the concurrence of the Senate in the case of a postmaster. It can not be used against a Federal judge, and it should not be used against a United States attorney who for all practical purposes is a quasi-judicial officer; especially while the Senate is in session and where the power is used to defeat the choice of a preceding administration, because the arbitrary and capricious use of such a power might easily defeat justice or serve the basest political ends. Both these evils were present in this case, as I shall show by a subsequent article, and to those acquainted with the facts it is most amazing that the President should lend the power of his high office to further the real purposes behind his unusual and drastic action. And in view of the widespread publicity given to the incident by the administration, no thoughtful mind can escape the conclusion that the part played by the new Attorney General is in furtherance of a stealthy political propaganda which, if followed to its logical conclusion, would prove a menace to our free institutions.

If the course the Attorney General has pursued and published so widely were not tainted with deception and clothed in official bravado and could be justified by a failure on my part of those attributes which might have changed since my qualifications were ascertained at the time of my appointment, such as lack of personal integrity or diligence and attention to public duty, I would not dare to question his action in the one case and would be ashamed to in the other. On a frank statement that a favorite was being groomed for the place at the end of my term, I would have surrendered the office cheerfully and with the same just pride that I now take in the achievements of my administration. But he could not wait until December 14, for that would not serve the purpose of the political opportunists acting under the pretense of public necessity. Indeed, I recall that he said I was "verbally" requested to resign by Attorney General Sargent, and that official gave me a hearing and did not have time to consider the matter; but it would be more appropriate to say the old inside gang in the department did not succeed in pulling the wool over the eyes of that astute New England lawyer. I will explain all that quite fully in my next broadside, and, in that respect, it will be interesting reading.

Mr. Mitchell asked me to resign within 30 days of his own much-heralded appointment, and said I could write my own explanation. He gave me no reason except that he desired a change. That, of course, would have served his purpose, and political capital would have been made of it just as in the cases of Cole, Cook, and Guber. But, knowing there was no intelligent reason why I should abandon my work under a four years' contract with the Government and stultify myself by signing my own official death warrant, I decided to throw the responsibility on the administration, and at least reserve the right as a free lance to revise the epitaph which a Democratic Attorney General would write for the official tombstone of a Republican United States attorney.

Since Mr. Mitchell sent his "inefficiency" ghost stalking through the land, I have read with interest the reaction of hundreds of newspapers to the publicity methods used by the Washington authorities. It is not a little surprising that many correspondents have taken the bait of the Attorney General and swallowed it whole; but some have not, and a mighty host of people in this district and wherever I have gone, are still asking the pertinent question, "Why should the President remove a United States attorney admitted to be 'honest and diligent' on the alleged ground of 'inefficient' service, without any charges, without a hearing, and without any reference whatever to the accomplishments of his administration?"

Well, my friends, all talk of "inefficiency" is simply an excuse and not a reason for the action of the administration. The fact is and the records show that our district had become one of the most efficient in the United States during my administration. I say this to the credit of a loyal and faithful staff and I will prove it.

It appears from the last published Report of the Attorney General for the year 1928, at page 67, that efficiency of United States attorneys is based primarily on three important considerations, the number of cases commenced, the number of cases closed, and the number of cases left pending each year. This report boasts that, although in the 91 districts throughout the United States there were 12,000 more cases commenced in the fiscal year ending June 30, 1928, than in the fiscal year ending June 30, 1927, to which the United States was a party, there were 5,083 cases cleared from the old dockets of the prior year. That is to say, at the close of the fiscal year 1927, the Government had left pending and not disposed of 56,857 old cases, but at the close of the fiscal year 1928, this number had been reduced to 51,774. And now, permit me to let you into a secret which an adroit Attorney General did not see fit to mention to the press when he gave nation-wide publicity to his talk of "inefficiency" in our district. Please note that of the 5,083 old cases disposed of in all the 91 districts throughout the United States for the year 1928, 2,540 of these were terminated in the eastern district of New York. In other words, our district alone contributed 50 per cent of the entire gain of the whole country in clearing the court dockets of old cases in the last fiscal year ending June 30, 1928; and this good work was progressing with similar commendable success for the ensuing year right up to the time I was flipped out of office. Does that look like "inefficiency"?

Then again, here are a few more pertinent items which the Attorney General did not deem advisable to mention in bringing about my official demise. In the fiscal year 1927 we had the highest number of criminal convictions of any district in the United States, 2,022. In the year 1928 we bettered this record by 331 cases, making a total of 2,353 convictions for 1928, and we disposed of 6,026 cases, criminal and civil, that year. During my term of office we averaged 40 convictions to 1 acquittal, which was 25 per cent above the average of 33 to 1 throughout the country. Ninety per cent of these were prohibition cases. The President's statement that only 8 per cent of felony cases resulted from the prohibition law is misleading to the average reader because most prohibition cases have been misdemeanors and fully 90 per cent of the criminal cases in the Federal courts have arisen under the prohibition law. And I may also add that 50 per cent of the civil cases to which the Government is a party have come under the prohibition law.

The last administration drew attention to some of these facts and complimented our district for its work and for its cooperation with the Prohibition Department during my administration. It showed that our collection of the fines imposed ranged up to 90 per cent, which placed us in the very forefront for efficiency, and asked for suggestions as to how we accomplished these results. Our suggestions were relayed to the delinquent districts and the income of the department was thus increased $250,000 last year. Attorney General Sargent personally wrote me that the income of my district was four times our expenses, which, he said, was "very good." Does that look like "laxity" in the prosecution of prohibition cases, or was I too zealous to satisfy the hypocritical minds of the boys who have injected this problem into their political manipulations?

When the new Attorney General essays to challenge my efficiency, he had better look to his own laurels. While he was Solicitor General I was in charge of a great law business in one of the largest and most rapidly growing districts in the United States and he was playing with a handful of cases which dwarfs into insignificance by comparison. He stepped into an office organized by one of the best constitutional lawyers in the country, Hon. JAMES M. BECK, and had power to go into the Supreme Court on cases won by the Government in the trial court and the Circuit Court of Appeals, and confess error and have the whole

success of the Government in the courts below brought to naught. Without any power and dependent upon the field official of the Attorney General for help and working tools, I stepped into an office in which the evidence of departmental neglect was patent to every one. My distinguished predecessor, Hon. Ralph C. Greene, was unable to secure help either professional or clerical or to obtain salaries sufficient to properly carry on the work of the office. Five experienced assistants had decided to resign and were dissuaded from doing so only until the end of Mr. Greene's term, and two more resigned shortly thereafter.

Thus, when I took over the Government law business in this district, our force of assistant attorneys had been reduced to a corporal's guard and we did not have a lawyer on the staff available to try a felony case. We had inherited nearly 6,000 stale cases with new ones coming in at the rate of about 4,000 per year. Our equipment was so inadequate that we had no set of the Federal Reporter and only half a set of the Supreme Court reports. We had no library room and insufficient office space where the Government law business had increased 521 per cent in the past few years. Our civil reports were six months in arrears. There were 1,145 criminal cases in default with no action taken on the bonds and no one to take charge of them. Our boat and automobile libels had accumulated and the Army base was filled with liquors, cars, and utensils awaiting libel proceedings to clean them up and our customs claims were neglected. Commercial fraud rings, alcohol rings, liquor warehouse rings, counterfeit rings, narcotic rings, bank defaulters, and rumor mongers and tattlers and tittlers fostered by the Department of Justice were rampant in this populous and rapidly growing district which had but three judges to man five parts of court with arrearages of private litigations fast mounting to its present staggering figure of over 8,000 cases awaiting disposition. The change since then so far as the Government business is concerned, should be a revelation to those of short memory.

I immediately bombarded the department for help, salaries, and equipment and showed the need of three more judges. It took nearly three months to get our first contingent of new men, who had to be trained for the service, and many more months to bring our allotment up to an adequate working force and provide for replacements of a number who voluntarily resigned or did not measure up to our standards. All talk of the department having to "force out seven men for gross irregularities" is a gross fabrication. As help became available, the office force was organized, deputized, and supervised and the work divided into departments which in turn were subdivided, and assistants and clericals were placed in charge and given all possible chance to study the law and procedure. Some subjects had never before been taken up in a systematic manner, notably customs claims, libels, bond forfeitures, and commercial frauds. We found some 200 customs claims tied in bundles and relegated to odd corners of the office. These papers were carefully sorted, separated, numbered, and filed, and a systematic correspondence resulted in the collection of small claims aggregating $5,000, $6,000, and $7,000, respectively, for the first three months, the work continuing until the old cases were closed and the business was brought down to date.

We established a commercial frauds bureau in charge of Morris Packer, which commanded nation-wide attention and approval by the National Association of Credit Men, and cleared the office files of this difficult class of cases, convicting 31 defendants and practically breaking up the commercial fraud rings in this district by sending their recognized leaders to jail. And this work was brought down to date.

We adopted a systematic and vigorous method in disposing of old cases and handling current work on boat, automobile, liquor, and food and drug libels, and that work was down to date so far as my administration was concerned.

The large work in arrears on bond forfeitures was taken up in conference with a representative of the department, Judge Campbell and myself, and we disposed of 900 of these cases in the criminal and civil sides of the court, and were taking care of the current bond forfeiture work which had never been done before my administration.

With the court several years behind on its civil calendars, we were working beyond the capacity of the court by effecting a great number of settlements with the approval of the Government departments affected.

All our criminal cases were disposed of without bargain days or $10 calendars, and in the last fiscal year, we averaged $80 per case in fines against $33 for the adjoining district and collected up to 85 per cent of the fines imposed against 67 per cent. We had broken the heart of the criminal rings and made the district a dangerous place for them to inhabit.

With two additional judges authorized and a skillful force of trained assistants and clerks, we had reached the highest standard of achievement in the history of the district with a splendid outlook for the future. The old dockets in all departments had been reduced to one-third their former burden and we were forging ahead with unprecedented strides when the stalking horse of politics and political propaganda took the center of the stage to fool the public with sensational newspaper talk, and the Government law business has been knocked flat and so crippled that it will not be restored to the standards we reached for many months to come.

The perpetrators of this hollow sham who have been handing out left-sided compliments to me for my "honesty and diligence," but shop talk about "lack of efficiency," "need of cleaning up," and "reorganization," with appropriate gestures to the voter relayed to every hamlet in the country, cast the die for control under false colors just at a time when I was about to investigate the investigators. My admonition to them is that they "can not fool all the people all the time."

It is my duty to say the Government law business is done by the hard-working, underpaid men in the field. The academics and political favorites gathered in the Department of Justice from all parts of the country and vouched for by Senators and Representatives who have votes in Congress on administrative measures, do not know much about our needs and care less. Many of them never faced a court and jury and opposing counsel. They are past masters in shifting responsibility, fostering their own preferment, and never allowing business to interfere with pleasure. They both fear and pander to the dispensers of patronage, but their knowledge of Government law business in big districts like this is so limited that their opinions frequently run counter to those of the practical lawyer in the field over whom they exercise authority which hinders and delays the administration of justice. And if the field official who works while they fish and play has the courage to call his soul his own, they can tag him for the scrap heap through the agency of departmental sycophants, itinerent investigators, moss-groping examiners, and keyhole spies whenever favored political bosses dictate.

Our first needs for the continued success and proper administration of the Government law business in this district are less interference from California, Minnesota, West Virginia, Louisville, and way stations through Washington; less bureaucracy there and more fearless initiative here with better compensation to secure and hold experienced, practical lawyers in the Government service in this great district, which includes three of the five boroughs of New York City with other territory in its bounds; and, finally less politics, national and local, less publicity propaganda and more sincerity and efficiency in Washington, with a real appreciation for honest, diligent, progressive work in this field. That reform can not come too soon for the public good, and I shall dedicate myself to it as I did before I was flipped out of the public service by the aces and deuces of superpower riding in the saddle of breezy talk of superefficiency in political parade of the new nationalism. O shades of our patriotic sires, save us from their folly!

WM A. DEGROOT.

[Bowbells (N. Dak.) Tribune, Friday, February 27, 1931]

HOOVER DISREGARDS SCHALL, NOMINATES JUDGE

WASHINGTON, February 20 (A. P.).—President Hoover to-day nominated Gunnar H. Nordbye, of Minneapolis, to be Federal district judge in Minnesota.

Mr. Hoover made his own selection after months of dispute with Senator SCHALL, of Minnesota, during which the President rejected the Senator's original nominee, Ernest Michel, and turned down 10 other men recommended by the Senator.

The issue brings a test of strength between the President and the Senate over the selection of members of the judiciary. How far the Senate will go in supporting SCHALL is unknown.

Generally, it has upheld a "personally objectionable" stand by a Senator against an appointee in that Senator's State.

Immediately after the President had nominated Nordbye SCHALL said he would oppose the choice.

"Nordbye has been a leader of the opposition," SCHALL said. "Under the circumstances I do not see how I can be expected to support him. I shall fight his confirmation."

After rejecting the name of Michel, upon the advice of Attorney General Mitchell, also a Minnesotan, President Hoover asked SCHALL to present the 10 names, which also were rejected.

Then the Chief Executive submitted eight names to the Senate. "I consider it desirable," the President said, "in the interest of the people of Minnesota that the man appointed shall not only have had judicial experience but shall be entirely free from any private connections which might have been challenged."

Mr. Hoover added that none of the men suggested by SCHALL had been proposed by citizens of Minnesota.

[St. Paul (Minn.) Dispatch, Wednesday, March 11]

RECESS NAMING OF NORDBYE POSSIBLE—HOOVER CONSIDERS APPOINTMENT—JUSTICE DEPARTMENT CITES PRECEDENT

WASHINGTON, March 11.—With legal opinions to support such a course, President Hoover is considering the possibility of making an interim appointment of Gunnar H. Nordbye as Federal judge in Minnesota, it became known to-day.

Members of the Senate Judiciary Subcommittee agreed at hearings on Nordbye that a recess appointment would not be legal because this is a new position never filled before.

Two precedents have been found, however, supported by the opinions of two former Attorney Generals, the Department of Justice disclosed, in which recess appointments have been made in parallel cases. There is no binding distinction in law between old and new vacancies, the department has found.

If appointed, however, Judge Nordbye would have to risk confirmation by the Senate, and in the event of failure would receive no salary for time he had served. The administration apparently is not informed as to whether he wishes appointment under these circumstances.

Senator SCHALL to-day said he expects to confer personally with President Hoover soon in an attempt to agree on some other nomination than Nordbye's.

Though there are several names on the list of eight submitted by the President which are not agreeable to him, with further

consideration he might be able to find one of the others who would be satisfactory, Senator SCHALL said.

He expects to confer with Hoover within the next week, as he plans to return to Minnesota about March 19, Senator SCHALL said.

[Milbank (S. Dak..) Herald-Advance, Wednesday, February 25, 1931]

CONSIDERABLE INTEREST IS MANIFEST IN THE ATTEMPT TO SELECT A MAN FOR THE FEDERAL JUDGESHIP OF MINNESOTA

Senator SCHALL recommended an attorney by the name of Ernest A. Michel, but Hoover refused to appoint him because Attorney General Mitchell, formerly a corporation lawyer, of Minnesota, would not indorse him.

The President suggested to SCHALL that he submit a list of names from which a selection might be made and SCHALL complied with his request. The President, however, went over his head and appointed Gunnar Nordbye, a Twin City attorney, who meets with the approval of the Attorney General. The Senate has not as yet confirmed the appointment and probably will not at this session.

To a man up a tree at this distance, it looks as though the Attorney General was usurping considerable authority as well as assuming the rôle of dictator.

[Plattsmouth (Nebr.) Journal, Wednesday, March 4, 1931]

ELECTION OF SCHALL IS BASIS OF CONTEST—NOTICE OF ACTION FILED IN SENATE—MINNESOTAN INFERS MITCHELL MAY HAVE PART

WASHINGTON.—Notice of a contest against the election of Senator SCHALL, of Minnesota, was filed in the Senate. The communication was signed by Einar Hoidale, Democratic senatorial nominee in the November election. It said a petition would follow which would charge illegal use of the mails; violation of the Minnesota corrupt practices act, and illegal and fraudulent voting in some of the polling places. Senator WALSH, Montana, presented the contest without comment.

The action came a short while after a statement by SCHALL inferring that Attorney General Mitchell might have a part in an election contest against him had been read in the Senate.

"It seems to me," SCHALL said in a statement read to the Senate, "that the President and the Senate and especially the Judiciary Committee should know how close our Attorney General, Mitchell, is connected with the men who are starting this contest upon the ground that I have misused any franking privilege and that I have broken some Minnesota law in securing my election."

"The so-called contest is a spiteful one," he added, "and grows out of my fight for the appointment of a Federal judge who was the choice of the people of my State."—State Journal.

[Sebeka (Minn.) Review, Friday, March 6, 1931]

Minnesota Democrats announced, through Chairman J. J. Farrell of their State executive committee, that they would try to unseat Senator THOMAS D. SCHALL, elected last November in a 5-cornered contest. Farrell said SCHALL would be charged with violating the State corrupt practices act and also with violating Federal regulations governing the use of postal franking privileges, and that the State elections committee would be asked to declare the seat vacant so that a new election may be called.

When Senator SCHALL was told of this in Washington he said only: "That does not deserve comment."

The blind Senator's dispute with President Hoover and Attorney General Mitchell over the appointment of a new Federal judge for Minnesota continues. After rejecting SCHALL'S choice for the post, Ernest D. Michel, of Minneapolis, the President named Gunnar B. Nordbye, now a Minneapolis district judge, and SCHALL immediately announced he would contest the nomination in the Senate. His course in this matter, it is said, has led some Hoover Republicans in Minnesota to support the ouster move.

[Bowbells (N. Dak.) Tribune, Friday, February 27, 1931]

PLAN FIGHT ON SCHALL SEATING—MINNESOTA DEMOCRATS WILL CONTEST BLIND SOLON'S ELECTION

ST. PAUL, February 21 (A. P.).—Decision to contest the election of Senator THOMAS D. SCHALL, Republican, last November, in an attempt to prevent his being sworn in on March 4 was announced here to-day by J. J. Farrell, chairman of the Democratic State executive committee.

Charges to be brought against Senator SCHALL, it was announced, will be twofold—that he violated the corrupt practices act of Minnesota and that he violated Federal laws by misusing his postal franking privilege.

[Ada (Minn.) Index, Wednesday, March 4, 1931]

If the recent move started by the State Democratic committee to contest the election of Senator SCHALL is no more successful than previous attempts to unseat the Senator a lot of energy and money are going to be wasted. Abuse of the franking privilege and violation of the corrupt practices act are the main charges brought against SCHALL in this latest move to unseat him, but it is going to be difficult to make these charges stick. The Postal Department has already ruled that there were no grounds for formal charges against SCHALL for abusing the franking privilege, this question being raised during the last campaign. As far as the violation of the corrupt practices act is concerned, SCHALL has successfully defended himself on this charge in former contests, and will likely be able to do so again in this latest contest in view of the fact that his conduct of the last campaign was no worse than any of the preceding campaigns on which his election was contested.

[Fairmont (Minn.) Sentinel, Saturday, March 7, 1931]

A lot of other Minnesota papers feel mighty peeved that Senator SCHALL gives the Minneapolis Journal all the credit for throwing mud at him.

[Hinckley (Minn.) News, Thursday, March 5, 1931]

The name of TOM SCHALL, United States Senator from the State of Minnesota, has been appearing in the headlines of the daily papers of the State for the last few weeks in regard to the appointment of a Federal judge for the State of Minnesota. Senator SCHALL just presented the name of Ernest Michel, an attorney of the Twin Cities, for nomination by the President of the United States. The Constitution of the United States provides that such appointments are to be made by the President, with the approval of the Senate, and it has been customary in the past for the President to nominate the man selected by the senior Senator from that State.

However, United States Attorney General Mitchell, who also hails from the Twin Cities, objected to Mr. Michel on the grounds that he was incompetent for the position, and that Senator SCHALL was merely paying a political debt by this appointment. Therefore, the President, taking the advice of the Attorney General, wrote Mr. SCHALL that he would not nominate Mr. Michel for this position, but that if Mr. SCHALL would send him a list of 10 other names, he might be able to pick one from the list for nomination, subject to approval of the Senate.

Senator SCHALL then presented the names of 10 others, but the President, ignoring this list entirely, sent to the Senate the name of Judge Nordbye, of Minneapolis. The Senate has always in the past favored the nominations of a brother Senator, and so Senator SCHALL succeeded in having the confirmation of the appointment held up until the adjournment of this session of Congress.

Mr. SCHALL opposes Judge Nordbye on the grounds that he is a political enemy, and had a large number of protests to Mr. Nordbye's appointment read into the CONGRESSIONAL RECORD. The backers of Judge Nordbye say that the appointment will stand and confirmation by the Senate will be sought at the session of Congress which opens next fall, while Senator SCHALL plans to submit the names of 10 other candidates whom he would prefer for the job. Senator SHIPSTEAD has been silent on the matter, except that he says he sees no reason for the nonconfirmation of either Nordbye or Michel.

After all is said, it seems to us that the people of the State of Minnesota should have something to say about who fills the position of Federal judge, and the people of the State of Minnesota certainly elected TOM SCHALL as their representative in the United States Senate.

Mr. SCHALL. Further discussion of this subject can be found on pages 3428 of the RECORD of January 29, 1931, 3673 of the RECORD of January 31, 3858 of the RECORD of February 3, 4117 of the RECORD of February 6, 4438 of the RECORD of February 10, 4780 of the RECORD of February 13, 5508 of the RECORD of February 20, and complete hearing of Judiciary Subcommittee.

CONSOLIDATION OF RAILROADS

Mr. COUZENS. I ask unanimous consent, out of order, to introduce a bill concerning the consolidation of railroads, and I ask to have the bill printed in the RECORD.

I do not subscribe to all the details of the bill, but it is the best we have been able to prepare at this short session.

I present and ask unanimous consent to have printed in the RECORD, following the bill, an article published in the New York Evening Post of February 28, 1931, by Prof. T. W. van Metre, of Columbia University, bearing on the question of railroad consolidations.

The VICE PRESIDENT. Without objection, it is so ordered.

(The article by Professor van Metre will be found in the RECORD following the bill referred to.)

The bill (S. 6276) to regulate the unification of carriers engaged in interstate commerce, and for other purposes, was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the interstate commerce act, as amended, is amended by inserting after the enacting clause thereof the following heading:

"TITLE I.—REGULATORY PROVISIONS—GENERAL"

SEC. 2. The interstate commerce act, as amended, is amended by adding at the end thereof a new title to read, as follows:

"TITLE II.—REGULATORY PROVISIONS—UNIFICATION OF CARRIERS

"DEFINITIONS

"SEC. 201. As used in this title—

"(1) The term 'interstate or foreign commerce' means commerce between any place in a State, Territory, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State or within the District of Columbia, but through any place outside thereof; or within the District of Columbia.

"(2) The term 'carrier' means (a) a common carrier engaged in the transportation in interstate or foreign commerce of passengers or property wholly by railroad or partly by railroad and partly by water, within the continental United States, subject to Title I of this act; (b) a railroad or terminal corporation, even though not engaged in such transportation, which owns property used or held for use in such transportation; and (c) a corporation organized to effect a unification under this title and for the purpose of engaging in such transportation; but does not include sleeping-car companies or express companies.

"(3) The term 'securities' includes shares of capital stock, bonds, or other evidences of interest or indebtedness issued by a carrier.

"(4) The term 'voting securities' means all outstanding securities having voting privileges.

"AUTHORITY FOR UNIFICATIONS

"SEC. 202. (1) The unification of carriers or of property of carriers, through any method or procedure provided for in this title, may be authorized by the commission where it finds that such unification will promote the public interest; that it will not substantially lessen existing carrier competition; and that existing routes and channels of trade and commerce will be maintained so far as practicable. In determining the public interest the commission shall give due consideration to the preservation of the transportation system of the Nation; to the preservation and improvement of the service afforded by necessary weak or short lines; to the interests of users of service of carriers, employees of carriers, communities, established industries, and seaports; to the balancing of carriers or carrier systems, so that so far as practicable such carriers and systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties; and to such other factors as may be in the public interest.

"(2) The unification of carriers or any of the railway properties of carriers, directly or indirectly, or the acquisition, directly or indirectly, through any agency of any right, title, or interest in any of the railway properties of, or any of the voting securities issued by any other carrier, shall after the approval of the railway consolidation act of 1931 be unlawful, unless such unification or acquisition is in accordance with the provisions of this title or with an order of the commission (entered before or after the approval of the railway consolidation act of 1931, under paragraph (2) of section 5); but the provisions of this title shall not be held to prohibit (a) the acquisition by a carrier of additional shares of capital stock issued by another carrier of which control has been previously lawfully acquired; or (b) the formation of a subsidiary corporation and the acquisition of all or any part of the securities thereof for the construction, operation, and ownership of branches, extensions, or terminals, or equipment or facilities to be used in connection with such branches, extensions, or terminals.

"(3) The term 'unification' as used in this title includes:

"(a) An acquisition by or transfer to one or more carriers, by purchase, sale, exchange, lease, or otherwise, of all or a part or the right to operate all or a part of the properties and franchises of one or more carriers.

"(b) A corporate merger of one or more carriers into any other carrier corporation.

"(c) A corporate consolidation of the properties, rights, and franchises of two or more carriers into a single corporation.

"(d) The acquisition by one or more carriers of securities issued by another carrier, by purchase, exchange, or otherwise, which effects an acquisition of control of such carrier by the carrier or carriers acquiring such securities.

"(e) The acquisition or exercise of common control of two or more carriers, direct or indirect, and whether accomplished by means of a holding company; by a voting trust; by the acquisition or exercise of control of a carrier by a person affiliated with another or other carriers, or by two or more such persons acting jointly; by the acquisition or exercise of control of two or more carriers by one person, or by two or more persons acting jointly; by the acquisition or exercise of control of a carrier by any person having control of one or more other carriers, or by all or any one of two or more persons having such control; by the acquisition or exercise of control of a carrier by any person, or two or more persons acting jointly, where the effect of such acquisition may be to place said carrier and one or more other carriers under common control, whether directly or indirectly exercised; or otherwise. The word 'person' includes corporations and associations. A person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier, the effect of the acquisition of control of another carrier by such person may be to create a common control of the carrier acquired and the carrier with which such person is affiliated.

"(4) The provisions of this section shall not apply to unifications effected prior to February 28, 1920, or to any control exercised between that date and the date of approval of the railway consolidation act of 1931 pursuant to any merger, consolidation, or acquisition of control lawfully effected prior to that date.

"UNIFICATION UNDER AUTHORITY OF THIS TITLE

"SEC. 203. (1) In order to bring about a unification, two or more carriers shall have power to agree on a plan therefor to be carried out under the authority of this title.

"(2) The plan may provide for one or more of the following:

"(a) An acquisition by or transfer to one or more of the petitioning carriers or a transfer to any other carrier, by purchase, sale, exchange, lease, or otherwise, of all or a part, or the right to operate all or a part of the properties and franchises of one or more carriers, and, if so desired, the disposition of all or a part of the remaining assets of any such carrier.

"(b) A corporate merger of one or more carriers into one of the petitioning carriers or any other carrier corporation.

"(c) A corporate consolidation of the properties, rights, and franchises of two or more carriers into a single corporation.

"(d) An acquisition of securities issued by a carrier, by purchase, exchange, or otherwise, or the approval by the commission of an acquisition of securities under the provisions of paragraph (2) of section 205.

"(3) Nothing in this title shall be construed to authorize or provide for the creation, directly or indirectly, of any Federal or national corporation; and all the powers, rights, privileges, and franchises granted by this act to any corporation now existing or hereafter created are, and shall be deemed to be, supplementary and in addition to or in modification of the powers, rights, privileges, and franchises of such corporation granted by its charter or existing under the laws by virtue of which it was or may be created.

"JOINT AGREEMENT AND PETITION

"SEC. 204. (1) Two or more carriers may petition the commission for the approval of a plan to be carried out under the authority of this title if the boards of directors of such carriers have authorized, and such carriers have executed under their respective corporate seals a joint agreement proposing such plan. The petition shall set out the plan in such detail as the commission may require. Any such petition or plan may be amended at any time by leave of the commission.

"(2) Such joint agreement shall set out—

"(a) The terms and conditions of the plan and the methods by which it is to be effected.

"(b) A statement of the financial plan and of the securities, if any, to be authorized and to be issued in carrying out such plan, the substantial rights, privileges, powers, and immunities granted or denied the holders of one class of shares that are not equally granted or denied the holders of any other class of shares, and the terms on which such securities are to be issued.

"(c) Such other provisions and details not inconsistent with this title as the boards of directors may deem necessary or appropriate, or as the commission may require.

"(3) Any such joint agreement shall be held to be authorized by the board of directors of any such carrier if a majority of the directors in office vote therefor.

"(f) A copy of the joint agreement, executed in accordance with the provisions of this section, shall be filed as a part of the petition.

"ACQUISITION OF SECURITIES—NO JOINT AGREEMENT

"SEC. 205. (1) Any carrier or carriers, in order to bring about a unification through the acquisition of securities, may petition the commission for the approval of a plan to be effected by the acquisition by such carrier or carriers of securities issued by any other carrier or carriers, if such plan has been adopted by the board of directors of the petitioning carrier or carriers. Such petition shall set out the plan, including the terms, methods, and purpose of the proposed acquisition and the issue of any new securities that may be involved therein, in such detail as the commission may require. Such plan shall be held to be adopted by the board of directors of a petitioning carrier if a majority of the directors in office vote therefor.

"(2) Any carrier shall have power to acquire at any time securities issued by a carrier classified during the preceding calendar year by the commission as a class 2 or a class 3 carrier if such acquisition has been authorized by the board of directors of the acquiring carrier and does not amount to a unification as defined herein; but the privilege of voting in respect to any securities so acquired shall not be exercised by the acquiring carrier, directly or indirectly, until the commission has by order approved such acquisition upon petition therefor by such carrier. Such petition shall set out the terms, methods, and purpose of such acquisition and such other details in respect thereto as the commission may require. In its consideration of said petition the commission shall be governed by the same considerations which obtain in the consideration of a petition for unification, in so far as they are applicable, and the provisions of this title as to procedure upon petitions for unification shall apply to petitions for approval of acquisition herein referred to. After hearing, the commission shall make its order granting or denying approval of said petition. If, after hearing, the commission refuses to approve any such acquisition, the securities involved shall be sold or otherwise disposed of by the carrier in such manner as the commission shall prescribe. Any such acquisition shall be held to have been authorized by the board of directors of the acquiring carrier if a majority of the directors in office vote therefor.

"(3) Any carrier desiring to acquire any right, title, or interest, in any of the railway properties of or any of the voting securities issued by any other carrier, except securities excepted in sub-

paragraphs (a) and (b) of section 202 (2) and securities referred to in section 205 (2), if said proposed acquisition does not amount to a unification as defined herein, and if such acquisition has been authorized by the board of directors of the acquiring carrier, may file with the commission a petition for the approval of such proposed acquisition. Such petition shall set out the terms, methods, and purpose of such acquisition and such other details in respect thereto as the commission may require. In its consideration of said petition the commission shall be governed by the same considerations which obtain in the consideration of a petition for unification, in so far as they are applicable, and the provisions of this title as to procedure upon petitions for unification shall apply to petitions for acquisition herein referred to. After hearing, the commission shall make its order granting or denying approval of said petition. Any such acquisition shall be held to have been authorized by the board of directors of the acquiring carrier if a majority of the directors in office vote therefor.

"NOTICE AND HEARING

"SEC. 206. (1) The commission shall give reasonable notice of the time and place for a public hearing to each of the carriers filing, or joining in the filing of, a petition under this title, to the governor of each State in which is located any part of the lines of any of such carriers and to the executive or administrative agency of each such State having jurisdiction over carriers by railroad. Such carriers and any governor and agency so notified, or any representative designated by any such governor or agency, and, subject to such rules as the commission may prescribe, any other person having an interest, shall be afforded a reasonable opportunity to be heard.

"(2) In any proceeding upon a petition filed under this title the commission may, in its discretion, without separate hearing, take any action which it is authorized to take under the provisions of section 20a of this act; and in any proceeding upon a petition filed under section 204 the commission may, in its discretion, without separate hearing, take any action which it is authorized to take under the provisions of paragraphs (18), (19), or (20) of section 1 of this act.

"(3) Prior to or at the time a petition is called for hearing, but not thereafter except for good cause shown, any carrier may file with the commission an intervener's petition praying that it be made a party to the proposed unification.

"ORDER OF THE COMMISSION

"SEC. 207. (1) If, after such hearing the commission finds that the proposed unification is in accordance with law; that existing carrier competition will not be substantially lessened; that existing routes and channels of trade and commerce will be maintained so far as practicable; that the proposed unification will promote the public interest; and that such provisions of this title as are conditions precedent to the entry of the order have been complied with, the commission may enter an order approving the plan. The commission may approve any such plan by the methods and upon the terms and conditions set forth in the petition, or with such modifications thereof, or by such methods or upon such terms and conditions (including, specifically but not exclusively, terms and conditions as to the joint or common use of terminal facilities and main-line tracks for a reasonable distance outside the terminal, subject to the provisions of paragraph (4) of section 3 in respect to compensation and damages), as it may prescribe in the public interest.

"(2) The commission is specifically authorized and directed to prescribe in its order approving and authorizing any proposed unification such terms and conditions as it may find are necessary to prevent the dismissal, lay-off, or demotion of employees, and/or uncompensated losses of rights, privileges, and conditions of employment, resulting from the anticipation or consummation of such proposed unification; and/or to compensate employees for all losses and expenses sustained by them (including losses and expenses sustained through change of residence, or disposition of home) as a result of the anticipation or consummation of such proposed unification, to the extent that the commission determines that such losses result from the proposed unification and not from other economic factors. The term 'employee' as used herein means a person defined as an employee in the railway labor act.

"(3) The commission is further specifically authorized to make it a condition of any consolidation or acquisition of control that existing through routes and channels of trade and commerce shall be maintained, and also to require as a condition precedent to its approval and authorization of such unification that the petitioning carriers shall make a party to the proposed unification and acquire control of, consolidate or merge with, or purchase the properties of any other carrier, not included within the application, which the commission finds should in the public interest be included and whether or not such carrier has filed an intervener's petition. In the event of such a condition precedent, the commission is also authorized in its discretion to approve and authorize the acquisition of control, consolidation, merger, or purchase specified in such condition precedent with or without other proceedings under this section. If the commission shall prescribe such condition precedent, the carriers filing the petition may report to the commission (at any time prior to the date upon which the holders of the voting securities consent to the adoption of the plan as approved, as provided in section 208) the efforts made by them to consummate any acquisition, consolidation, merger, or purchase specified in the condition; and if, after hearing, the commission is of the opinion that the carrier that is to be made a party is insisting on unreasonable terms, the commission may revoke or modify the condition if it finds that such revocation or modification is not contrary to the public interest; or, if requested to do so by such carrier, may prescribe the terms on which the carrier may be made a party to the proposed unification; or, if the commission determines that it is in the public interest, it may authorize one of the petitioning carriers to acquire by condemnation under section 213 the properties, rights, and franchises of the carrier that is to be made a party.

"(4) The carriers and the commission shall give due consideration to the inclusion in the plan of short and of weak carriers in the territory involved.

"(5) If the commission finds, upon objection of a holder of any security issued by a carrier a party to the plan, that any of the terms and conditions of such plan are unfair or unreasonable, then it may approve such plan upon such terms and conditions as it finds to be fair and reasonable.

"(6) The commission shall not approve or authorize any such proposed unification where, except for such approval and authorization, said unification would be in violation of any of the antitrust laws as designated in section 1 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, and acts amendatory thereof: *Provided*, That nothing herein or in the antitrust laws contained shall prevent the approval and authorization by the commission of the inclusion in any proposed unification of carriers owning and/or operating steam or electric railroad properties commonly classified as short-line railroads, required as a condition to any acquisition of control or other unification heretofore or hereafter approved and authorized by the commission; or of the inclusion in any proposed unification of any other carrier if the commission shall find that because of the financial condition of said carrier such inclusion is necessary to its preservation as a carrier; that it is an essential part of the transportation system of the Nation; that existing competition will not be unduly lessened, and that the inclusion of said carrier in the proposed unification is in the public interest.

"(7) The commission shall approve no plan for the unification of carriers or their properties under this act which does not require the continued operation of general offices and shops at such places as they have been located under contracts for value, or under bond issue, or by law, or under judicial decree, unless such plan shall provide for full and adequate and continuous compensation for such removal, which compensation may be furnished by the permanent location and maintenance at such place of other offices or shops by the carrier, its successors, receivers, or assigns, with at least as large pay rolls as the facilities removed.

"(8) The issue of securities, or the assumption of any obligation or liability in respect to any securities, shall be subject to all the provisions of section 20a, but such provisions may be administered as provided in paragraph (2) of section 206, except that in no case shall the commission authorize the issuance of securities based upon a capitalization of intangible values resulting from the proposed unification.

"CONSENT OF CARRIERS

"SEC. 208. (1) An order of the commission under section 207 shall not become effective unless the board of directors and the holders of the voting securities of each of the carriers designated therein, or, in the case of an acquisition of securities under section 205 or under subdivision (d) of paragraph (2) of section 203, the board of directors of the acquiring carrier, consent thereto.

"(2) The board of directors of a carrier shall be held to have consented thereto if a majority of the directors in office vote for the adoption of the plan, as approved.

"(3) The holders of the voting securities of any such carrier shall be held to have consented thereto if at least a majority of the votes of the holders of the shares of capital stock entitled to vote, are cast in favor of the adoption of the plan as approved, at a special meeting held for such purpose; unless, in case of bonds the holders of which have the right to vote, the trustee in the mortgage securing the same shall file with the carrier at such meeting a certificate showing that the holders of a majority of such bonds dissent from the proposed plan. In case of such dissent of bondholders as shown by a certificate thus filed, a vote shall be taken at such meeting and the holders of the voting securities of any such carrier shall be held to have consented if a majority of the votes to which the holders of all voting securities are entitled are cast in favor of the adoption of the plan as approved. Any such special meeting shall be held and conducted, and notice thereof shall be given, in any manner lawful for a special meeting of the stockholders of such carrier, except that personal notice of such meeting shall be served on the trustee in any mortgage under which the bondholders have a right to vote on the question to be determined. The right of the holders of any such bonds to vote and the number of votes that each is entitled to cast at such meeting shall be determined by and shall be in accordance with the provisions of the mortgage or other instrument conferring the power, and the right of any holders of the shares of capital stock to vote, and the number of votes which any such stockholder is entitled to cast upon any question at such meeting, and the method of voting, shall be determined in the same manner and subject to the same conditions and limitations as if such question were presented at a special meeting of such stockholders.

"(4) A certificate for each carrier under its corporate seal, signed by its president or one of its vice presidents, and attested by its secretary or an assistant secretary, and duly acknowledged

before a notary public by such president or vice president and secretary or assistant secretary, that its board of directors and, if required under the provisions of paragraph (1) of this section, the holders of its voting securities, have consented thereto, shall be filed with the commission and shall be prima facie evidence of the facts so certified.

"EFFECTIVE DATE OF ORDER OF THE COMMISSION

"SEC. 209. An order of the commission under section 207 shall become effective upon the expiration of 30 days from the date on which the commission certifies that the board of directors and, if required, the holders of the voting securities, of each of the carriers designated in such order (in respect to which consent is required under section 208) have consented thereto, in accordance with the provisions of section 208, except as such order is suspended or set aside, in whole or in part, by a court of competent jurisdiction upon suit begun prior to the expiration of such period.

"EFFECT OF ORDER OF THE COMMISSION

"SEC. 210. (1) On and after the effective date of the order of the commission approving a plan, each carrier designated in any such order, in accordance with such order, shall have authority and power necessary or appropriate to carry into effect, and to do any and all acts necessary or appropriate in order to carry into effect such plan as approved; to issue, sell, or exchange securities, in accordance with the terms and conditions and by the methods, if any, set forth in such order; to hold, maintain, and operate any properties acquired by it pursuant to such plan; and to exercise its franchises, and to carry on and to do any business authorized by its franchises, whether theretofore its own or acquired by it pursuant to such plan.

"(2) Any such carrier and its officers, directors, agents, and employees shall be relieved from all restraints or prohibitions of the laws or constitution of any State or any decision or order of any State authority, in so far as may be necessary or appropriate to enable such carrier and its officers, directors, and agents to enter into and carry into effect such plan, or in accordance with such plan to hold, maintain, and operate any properties and exercise any franchises, whether theretofore its own or acquired by it pursuant to such plan.

"(3) The entry of any order by the commission under this title approving a plan of unification and the certification by the commission under section 209 shall, from and after 60 days from the effective date of such order, be conclusive evidence that the carriers designated in such order, and their boards of directors and holders of voting securities, have complied with the provisions of this title which are applicable to such carriers, boards of directors, and holders of voting securities, and which are conditions precedent to the entry of such order and such certification.

"(4) The title to, or right or interest in, real estate, vested by deed or otherwise in any carrier designated in the order of the commission, shall not be held to revert or to be in any way impaired by reason of this title of this act or of anything done under the provisions of this title of this act or an order of the commission entered thereunder.

"EFFECT OF CORPORATE CONSOLIDATION AND OF CORPORATE MERGER

"SEC. 211. (1) Upon the effective date of the order of the commission in the case of a plan presented for a corporate consolidation of two or more carrier corporations (referred to in this title as the 'constituent corporations') into a single corporation (referred to in this title as the 'resulting corporation'), except as restricted or limited in the plan as approved.

"(a) The corporations shall be held to be consolidated;

"(b) The resulting corporation shall have all and singular the rights, privileges, powers, immunities, exemptions, and franchises of each of the constituent corporations, respectively, but only to the same extent as possessed or enjoyed by, and to be possessed and enjoyed only within the same territory as in the case of, each such constituent corporation;

"(c) All property, real and personal, and all debts due on whatever account, including stock subscriptions and other things in action, belonging to any of the constituent corporations shall be held to be transferred to and vested in the resulting corporation without further act or deed, as effectually as they were vested in the constituent corporation;

"(d) All debts, liabilities, and duties of each of the constituent corporations shall thenceforth attach to the resulting corporation and become and be its debts, liabilities, and duties and be enforceable against it to the same extent as if such debts, liabilities, and duties had been incurred or contracted by or imposed upon it.

"(2) Upon the effective date of the order of the commission approving a plan for a corporate merger of one or more carriers (referred to in this title as the 'merging corporations') into one of the petitioning carriers or any other carrier corporation (referred to in this title as the 'continuing corporation'), except as restricted or limited in the plan as approved—

"(a) The merging corporations shall be held to be merged into the continuing corporation;

"(b) The continuing corporation shall have all and singular the rights, privileges, powers, immunities, exemptions, and franchises of each of the merging corporations, respectively, but only to the same extent as possessed or enjoyed by, and to be possessed and enjoyed only in the same territory as in the case of, each such merging corporation;

"(c) All property, real and personal, and all debts due on whatever account, including stock subscriptions and other things in action belonging to any of the merging corporations, shall be held to be transferred to and vested in the continuing corporation without further act or deed as effectually as they were vested in the merging corporation;

"(d) All debts, liabilities, and duties of each of the merging corporations shall thenceforth attach to the continuing corporation and become and be its debts, liabilities, and duties, and be enforceable against it to the same extent as if such debts, liabilities, and duties had been incurred or contracted by, or imposed upon it.

"(3) In the case of any such corporate consolidation or merger, the rights of creditors and all liens upon the property of any of the constituent or merging corporations shall be preserved unimpaired, and the constituent corporations, or the merging corporations, as the case may be, shall be deemed to continue in existence so far as may be necessary to preserve such rights and liens.

"(4) Any action or proceeding pending, upon the effective date of the order of the commission, by or against any such constituent or merging corporation may be prosecuted to judgment as if such consolidation or merger had not been effected, but the resulting corporation or the continuing corporation, as the case may be, may upon motion become or be made a party thereto.

"DISSENTING STOCKHOLDERS

"SEC. 212. (1) The holder of a share of capital stock issued by a carrier a party to a plan approved by the commission may, in accordance with the provisions of this section, becomes a dissenting stockholder within the meaning of this title, if such plan provides (through a corporate consolidation, merger, sale, exchange, or lease, or in any other manner) for—

"(a) The disposition of all or substantially all the properties, franchises, and other assets of such carrier; or

"(b) The acquisition by such carrier of properties, franchises, or other assets; except that the provisions of this subdivision shall not apply to any person unless, if such plan were being carried out under State law, such person, if he did not consent thereto, would be entitled to obtain payment in cash for his share, and except that this subdivision shall not be held to limit the application of subdivision (a) of this paragraph.

"(2) The holder of any such share shall be held to be a dissenting stockholder only if—

"(a) He was registered as the holder of such share upon the date of the entry of the order of the commission approving the plan, and continued to be so registered until the closing of the books for the purpose of the special meeting at which the consent to the adoption of such plan was voted; and

"(b) He voted against the adoption of the plan at such meeting or prior thereto gave to the carrier of which he is a stockholder a written protest against the adoption of such plan; and

"(c) Within 60 days after such meeting he gave written notice to such carrier that he does not consent to the adoption of such plan (except that if at the time of such meeting any such registered stockholder is deceased or under a legal disability and there is no legal representative duly authorized to act for him, or if any such registered stockholder dies or becomes under a legal disability within such 60 days, then such notice may be given at any time prior to the expiration of 60 days from the date on which such disability is removed or the date on which a legal representative is duly authorized to act for such stockholder, whichever date is the earlier).

"(3). The petitioning carriers, upon notice filed with the commission at any time before the effective date of the order of the commission approving the plan, may withdraw and abandon their petition proposing a plan as to which there is a dissenting stockholder; but if not so withdrawn or abandoned, then on and after such effective date, every share of stock which was registered in the name of a dissenting stockholder prior to the entry of the order of the commission approving the plan and which continued to be so registered until the giving of the notice under subdivision (c) of paragraph (2) of this section shall be purchased by the acquiring or continuing carrier, or if not so purchased, taken by condemnation in accordance with the provisions of section 213.

"RIGHT OF EMINENT DOMAIN

"SEC. 213. (1) Any carrier which fails to purchase stock as required by section 212 shall institute proceedings, in the United States district court for a judicial district within a State in which the carrier which issued the stock is chartered, for the condemnation of such stock. In the case of a carrier chartered under an act of Congress, then such proceedings shall be instituted in the Supreme Court of the District of Columbia.

"(2) If such carrier fails to acquire such stock by purchase or condemnation any holder of such stock may, after the expiration of 90 days from the effective date of the order of the commission approving the plan, institute in his behalf proceedings for the condemnation of such stock by such carrier. Such proceedings shall be had in the court which would have had jurisdiction of such proceedings if instituted by the carrier.

"(3) Any carrier authorized by an order of the commission entered under this title to acquire any property (other than stock) held or enjoyed without power of assignment or transfer, or any right or interest in any such property, may, with the consent of the owner or holder thereof, institute proceedings in the United States district court for the judicial district in which such property is located, or of which the owner of such property, right, or interest is an inhabitant, for the condemnation of such property, right, or interest. If such property is located in the District of Columbia, application may be made to the Supreme Court of the District of Columbia.

"(4) Upon the institution of any proceedings under this section, the court shall transmit, under its seal, the petition in such

proceedings, or a copy thereof, to the commission for an inquiry and report to the court of the just compensation to be paid for the stock or other property or right or interest in property to be condemned in said proceedings. The costs of any proceedings under this section and, subject to the approval of the commission or the court (as the case may be), the expenses (including reasonable counsel fees) incurred in connection with such proceedings, shall be taxed against the condemning carrier.

"(5) The United States district courts and the Supreme Court of the District of Columbia are hereby given jurisdiction to hear and determine proceedings for condemnation instituted under this section and to enter appropriate orders of condemnation therein, and it shall be the duty of the commission, upon receipt of any such petition, or a copy thereof, from any such court, to ascertain the just compensation to be paid for any such stock, or any such property, right, or interest, and to report thereon to the court.

"(6) The practice, pleading, forms, and modes of procedure for proceedings for condemnation under this section (except proceedings by the commission) shall conform as nearly as may be to the practice, pleadings, forms, and modes of proceeding in suits in equity, and the powers of the courts of the United States to prescribe rules of proceeding shall apply to proceedings for condemnation under this section to the same extent as they apply to suits in equity; except that—

"(a) The holders of stock of any one carrier may be joined in one proceeding;

"(b) Notice of any such petition shall be given to the holders of the stock, or their legal representatives, or to the owners of the properties, rights, interests, or franchises, to be condemned, either by personal service, or, if for good cause shown permitted by the court, by publication at least once a week for four successive weeks in a newspaper published in the judicial district or in the District of Columbia (as the case may be);

"(c) Reasonable notice and opportunity to be heard shall be afforded each such holder or owner in such manner as the commission or the court (as the case may be) may prescribe; and

"(d) The report of the commission shall be treated by the court and proceeded on in the same manner as the report of a master in chancery in a suit in equity, and the court may, for good cause shown, hear and consider additional evidence or remand the proceedings to the commission for the taking of additional evidence and further consideration and report.

"(7) Upon the payment of the amount of the award, or in the case of refusal to receive the amount, then upon the deposit thereof with the clerk of the court, the stock or property or the right or interest therein shall be held to be transferred to the petitioning carrier and to have become its stock, property, right, or interest. In case of failure to pay the amount awarded within 30 days after the judgment or decree making the award has become final and upon the deposit with the clerk of the court of the certificate of such stock properly assigned or the documents properly transferring such property, right, or interest, final process to execute the award may be had by writ of execution in the form used by the court in suits at common law in actions of assumpsit.

"TAXATION

"SEC. 214. No tax shall be levied or collected under any revenue law of the United States, or by or under the authority of any State or any political subdivision thereof, in respect to any issue, sale, delivery, or transfer of any security, or any agreement to sell, or memorandum of sale of, any security, if in pursuance of an order of the commission under this title approving a plan. Gain from the sale or other disposition of property, or income from any distribution, in connection with any such unification shall not be subject to tax by or under the authority of any State or any political subdivision thereof, except to the extent that money is received from time to time from such sale, disposition, or distribution. Any such unification shall be held to be a reorganization within the meaning of that term as used in Title I of the revenue act of 1928.

"UNIFICATIONS UNLAWFULLY EFFECTED BY ACQUISITION OF SECURITIES

"SEC. 215. (1) The commission shall, immediately after the approval of the railway consolidation act of 1931, conduct an investigation and ascertain the securities of carriers owned, held, or controlled by other carriers, by persons affiliated with carriers as defined in section 203, by persons having control of carriers, by holding companies, and by other persons the owning, holding, or controlling of securities of carriers by whom may, in the opinion of the commission, result in a unification of carriers or their property.

"(2) Whenever the commission shall have reason to believe that the ownership, holding, or control of the securities, property, or franchises of any carrier by any other carrier, or by any other person, constitutes or may result in a unification, as defined in section 202, and that said unification has not been lawfully effected, it shall issue and serve upon such carrier or other person a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The carrier or other person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such carrier or other person to divest itself of the securities, property, or franchises of the carrier or carriers named in the complaint owned, held, or controlled by it. Any person may make application, and upon good cause shown may be allowed by the commission to intervene and appear in said proceeding by counsel or in person. Testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such hearing the commission shall be of the opinion that the ownership, holding, or control of the securities, property, or franchises of the carrier or carriers named in the complaint by the carrier or person complained of constitutes or may result in a unification, not lawfully effected, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such carrier or other person an order requiring such carrier or other person to divest itself of the securities, property, or franchises so owned, held, or controlled, in the manner and within the time fixed by said order. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"(3) All the provisions of section 11 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended, relating to the enforcement of orders of the commission by circuit courts of appeals and to applications to set aside orders of the commission, and the provisions of said section 11 as to the service of complaints, orders, and other processes of the commission are made applicable to proceedings under this section.

"APPLICATION OF EXISTING LAWS

"SEC. 216. (1) In the case of an application under paragraph (2) of section 5 pending at the time of the approval of the railway consolidation act of 1931 the commission shall if it is of the opinion that it is in the public interest, make it a condition of its further consideration of the application that further proceedings in respect thereto be in accordance with, and that the entry of any order therein be subject to, the provisions of this title.

"(2) Any of the evidence included in the record of the commission in its proceedings under paragraph (2), (4), or (5) of section 5 and any abstract or written materials made by the commission and based upon such evidence shall be preserved and shall be available to and may be used by the commission in its proceedings upon a petition filed under this title; but any such evidence, abstract, or materials so used shall, by reference or otherwise, be made a part of its record in such proceedings.

"SEC. 217. The remedies afforded by this title shall constitute the exclusive remedies of any of the stockholders of a carrier in opposition to the exercise of any authority or power under this title.

"SEC. 218. The commission is authorized to prescribe from time to time such rules and regulations as it may deem necessary for carrying out the provisions of this title.

"REPEALS

"SEC. 3. (1) Paragraphs (4), (5), (6), and (8) of section 5 of the interstate commerce act are hereby repealed.

"(2) Paragraph (2) of section 5 of the interstate commerce act is hereby amended by adding at the end thereof a new sentence, to read as follows: 'No application shall be made under this paragraph after the approval of the railway consolidation act of 1931; and the provisions of sections 202 and 207 shall apply to any order of the commission approving and authorizing an acquisition under this paragraph upon application made prior to the approval of the railway consolidation act of 1931.'

"SHORT TITLE

"SEC. 4. This act may be cited as the 'railway consolidation act of 1931.'"

[From the New York Evening Post, Saturday, February 28, 1931]

FOUR-PARTY RAIL PLAN HELD ILLEGAL AND BURDEN ON SHIPPER—COLUMBIA PROFESSOR CITES I. C. C. DECISIONS BARRING NEW PROJECT—NO RATE REDUCTIONS VISIONED IN MERGERS—HOOVER SCORED FOR FAILING TO GRASP INTENT OF TRANSPORTATION ACT

(By T. W. Van Metre, professor of transportation, Columbia University)

On December 30 last President Hoover issued from the White House a statement to the effect that the trunk-line railroad executives, after many weeks of deliberation, had reached an agreement upon a 4-system plan of railroad consolidation in eastern territory. The chief features of the agreement were made public, and it was said further details would be worked out in the near future and the entire plan submitted to the Interstate Commerce Commission.

The news that the trunk-line executives had finally agreed upon a mutually satisfactory plan of consolidation was received with keen interest, and the plan itself, as outlined in the published statement of the railroad officials, was given almost universal approval in the press. So strong was Mr. Hoover's indorsement of the proposed scheme of consolidation and so nearly unanimous was the favorable comment in the editorial and financial columns of the leading newspapers of the country that the few stray voices which were raised in criticism or objection went virtually unheard. It appeared that the plan would be swallowed whole without protest.

It was a noteworthy fact, however, that in hardly a single instance was editorial approval of the projected plan accompanied by an analysis either of the legal difficulties which might be encountered in the effort to give effect to the plan, or of the economic results which might follow the consummation of the plan, provided all legal difficulties could be overcome. It seemed to be taken for granted that the 4-system scheme was feasible and prac-

ticable and that it would, when carried out, be of great benefit to transportation, to industry, and to commerce.

CRITICISM IS STIFLED

It is probable that the President's unqualified approval of the 4-system agreement had the effect of stifling criticism. Senator COUZENS condemned the "ethics" of Mr. Hoover's taking it upon himself to announce the consolidation agreement, but even the Senator had little or nothing to say about the merits of the suggested consolidation program. It is somewhat difficult to see why the President should be censured for giving his approval to the plan. He has as much right to his opinion as anybody else, and he has a right to give expression to that opinion. But, on the other hand, there is no reason why one should hesitate to disapprove of the 4-system agreement merely because it receives the indorsement of Mr. Hoover, who happens to be President.

After all, it has not been an unusual occurrence for persons of unquestioned intelligence to disagree with Mr. Hoover on a wide variety of public questions, ranging from farm relief to tariff and prohibition. And as far as railway transportation is concerned, his continued and persistent advocacy of Government construction of inland waterways upon which the Government itself operates barges at a substantial financial loss in direct competition with important railway systems may well raise some doubt as to the fundamental soundness of any of Mr. Hoover's conclusions in the field of transportation economics.

BARGE STAND CITED

A compelling reason why there should be no reluctance to differ with the President in the matter of eastern railroad consolidation appears in the statement which he issued on December 30. For in this statement Mr. Hoover displayed an unawareness—one is tempted to say ignorance—both of the purposes of the consolidation legislation of 1920 and of the probable results of the proposed consolidation, which goes far to discount any value that might be attached to his remarks by reason of the eminent position which he occupies.

The opening paragraph of the President's statement reads:

"The transportation act passed by Congress in 1920 provides for a consolidation of railroads into a limited number of strong systems in order to maintain broader competition, more adequate service, simplification of rate structure, lower operating costs, and in the long run lower rates to the public."

Omitting any discussion of the strained construction which the President's doubtless hasty effort at composition imposed upon the word "maintain," it is sufficient to point out that anybody who is at all familiar with the legislative history of the transportation act knows that not a single one of the several objectives of consolidation enumerated by the President received the slightest emphasis in the debates and discussion preceding the enactment of the law.

Moreover, not a single railroad president has given the public the slightest reason to hope that these objectives will be attained in any substantial degree through consolidation. A number of railroad presidents have declared in pointed fashion that one thing which consolidation will not bring about is a reduction in rates to the public. Certainly nobody can honestly assert that the 4-system plan will broaden competition, providing, as it does, for mergers which are already under the condemnation of the Interstate Commerce Commission because in that body's opinion they would, if permitted to become effective, destroy competition.

DESIGNED FOR WEAK LINES

The consolidation clauses of the transportation act had but one important purpose. They were designed to save the weak railroads of the country from financial and physical disaster. Consolidation was really an adjunct to the new rule of rate making embodied in section 15A of the interstate commerce act. It was to effect the permanent salvation of the weak lines and put an end to the receipt of recapturable excess earnings by strong lines.

Whether because of a growing realization of a lack of soundness in the President's views on railroad consolidation, or because a few weeks of sober reflection have deepened the conviction that too much is at stake in this consolidation program to permit the 4-system plan to pass unchallenged, it is impossible to say, but it is an interesting fact that opposition to the 4-system plan of consolidation is beginning to make an appearance. Individual shippers and shippers' organizations, commercial bodies representing the interests of various communities, and investors in railroad securities are openly voicing their objections to the proposed plan. Those who have believed that the final plan, when presented to the Interstate Commerce Commission, will not be changed are doomed to disappointment.

In view of the fact that the plan, when laid before the Interstate Commerce Commission, is certain to meet with strenuous and bitter opposition, it may be worth while to examine the objections to which this program of consolidation may properly be subjected.

In the first place the 4-system scheme represents a gross and inexcusable perversion of the purpose of the law. The consolidation provisions of the transportation act were written into the law to bring about the absorption of the weak railroads of the country by the stronger and more prosperous systems. In this 4-system plan, as far as it has been revealed to public scrutiny, there is scarcely a mention of the allocation or disposition of weak railroads. Instead, the public is offered a plan for uniting a few great railroads of unquestioned financial stability.

LINES ALL STRONG

In the light of the well-known purpose of the law it is simply impossible to justify a scheme of railroad consolidation which provides for the merger of the Lackawanna with the New York Central, of the Lehigh Valley with the Chesapeake & Ohio and the Erie, and of the Reading-Jersey Central with the Baltimore & Ohio. Not one of these roads, by any possible stretch of the imagination, can be classified as a weak railroad, and yet, it is with these lines that the 4-system scheme of the eastern railroad executives is primarily concerned.

In fact it was the difficulty of dividing the Lackawanna, the Lehigh Valley, and the Reading-Jersey Central among the four major trunk-line systems in a mutually satisfactory manner that made it impossible for several years for the executives to reach an agreement upon an acceptable consolidation program. Even now, the plan, as published, provides that some features of this particular problem will have to be settled by "arbitration."

In the second place the legality of certain features of the 4-system scheme may well be questioned. It must be borne in mind that this scheme properly comes under the "consolidation" clauses of the transportation act. It should not be considered as a plan of "unification." The acceptance of this 4-system proposal by the Interstate Commerce Commission presupposes a modification of the commission's general "plan" of consolidation, which that body published in December, 1929.

The section of the transportation act requiring the commission to prepare a plan for railroad consolidation provides that in the division of the railways of the country into systems "competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained." A mere glance at the 4-system plan agreed upon by the trunk-line executives and indorsed by Mr. Hoover should convince anybody that the commission can not accept it and keep within either the letter or the spirit of the law.

LEGALITY IS QUESTIONED

If ordinary common sense did not indicate that this proposal, if carried into effect, would violate the law, we have a record of decisions and orders of the Interstate Commerce Commission, which raise grave doubts of the legality of the 4-system plan.

The commission has devised and published two general plans of railroad consolidation, the tentative plan issued in 1921, and the so-called complete plan, which was adopted and published in 1929.

During the preparation of both these plans the commission considered the advisability of establishing four large Eastern systems, and in both instances it definitely rejected a 4-system grouping in favor of a 5-system arrangement, basing its decision upon the theory that the 4-system plan would eliminate competition to a greater extent than was advisable or permissible under the terms of the law.

How can the commission reconcile its past attitude with an acceptance of this new plan?

If the commission's two rejections of the 4-system scheme were not enough to cast doubt upon its legality, we have the decisions which it handed down in connection with the unauthorized acquisition of the control of the Western Maryland by the Baltimore & Ohio, of the Wheeling & Lake Erie by the Nickel Plate, and of the Wabash and the Lehigh Valley by the Pennsylvania.

These acquisitions were condemned because they constituted violations of the Clayton law, in that their result would be a harmful suppression of competition. While it may be argued that under the terms of the transportation act a railroad may, if authorized to do so by the commission, acquire control of a competing line without being considered guilty of violating the antitrust laws, yet how can the commission assert that it is preserving competition "as fully as possible" when it approves of a merger which it has specifically pronounced to be so destructive of competition as to be illegal.

CITES FORMER DECISIONS

In other words, the commission's own decisions show that part of the 4-system plan for providing for the union of the Wabash with the Pennsylvania, of the Western Maryland with the Baltimore & Ohio, and of the Wheeling & Lake Erie with the Nickel Plate is probably illegal.

Conceding, however, for the sake of argument, that the commission, by giving a liberal interpretation of its powers under the law—and it must be confessed that the commission has in times past showed that it can be extremely liberal in its interpretations—will decide the 4-system plan not to be illegal, there still remains a legal hurdle to be surmounted before the plan can be carried into effect.

Here again it must be borne in mind that this scheme is a scheme for consolidation. It should not receive approval under the subterfuge that it represents a unification of lines "not involving * * * consolidation * * * into a system for ownership and operation." And if the plan does represent consolidation, then there must be a strict compliance with those clauses of the law indicating how consolidation shall be effected. Each system shall be owned by a single corporation and the "bonds at par of the corporation which is to become the owner of the consolidated properties, together with the outstanding capital stock at par of such corporation, shall not exceed the value of the consolidated properties as determined by the commission."

Now there should be no mistake about this. The 4-system scheme, if it means anything, is a plan for creating in the eastern region four of the "limited number" of systems into which Congress declared the railroads of the country might be divided. It was clearly the intention of Congress that the capitalization of these great consolidated systems should, at the time of their organization, be no greater than the value of their properties.

VALUATION QUESTION

Before the proposed consolidations can be carried out in the manner clearly intended by Congress, the troublesome problem of valuation must be settled, the commission must assign a final valuation to the eastern lines, and the properties must be capitalized on the basis of this valuation. Whoever believes that the problem of valuation will be settled in the near future, and that the eastern railroads will consent to a general recapitalization such as the law plainly requires, has a faith and an optimism that circumstances hardly justify.

While consideration of these legal problems is of undoubted importance in any attempt to forecast the outcome of this bold effort to remake the map of eastern railroads, they are really of less ultimate significance than the economic results which the proposed plan of consolidation will have, if carried to a successful conclusion. After all, if this 4-system scheme is economically advisable, but impossible of accomplishment by reason of legal obstacles, the legal barriers should be promptly removed. The matter of real significance is whether the 4-system plan, if carried out, would promote the welfare of business—would have a beneficial effect upon trade and industry and upon railway transportation itself.

What advantages, from the standpoint of public interest, can be claimed for this plan of consolidation? First of all, it may accomplish what Congress intended consolidation should accomplish—the preservation of certain weak railroads, though it must be confessed that at its present stage the 4-system plan betrays no interest on the part of its proponents in the so-called weak lines. Second, it is glibly asserted that it will result in certain economies of operation, reducing the costs of operation so as to enable the carriers to earn a higher net income, which in the dim future they may be induced to share with the public through the medium of reduced rates and fares.

WEAK ROADS ARE FEW

In connection with the first of these advantages—the elimination of weak roads which have too little traffic to be financially prosperous, but the continued operation of which is deemed to be necessary in the public interest—comparatively little objection has been raised, though there may be some question as to the strict morality of penalizing a successful business venture in one community for the purpose of preserving an unwise and improvident venture in another. Moreover, the weak railroad problem is of minor importance in the East, and there would be little or no objection to plan of consolidation, the purpose of which would be to merge the few existing weak lines with the stronger and more prosperous systems.

But the 4-system scheme is not a plan designed in the interest of weak roads. Its outstanding feature is the combination of strong roads with strong roads. If it can be justified at all, therefore, it must be upon the grounds of greater economy of operation. It is up to the advocates of this ambitious proposal to show that the combinations will result in operating economies of such a character as far to outweigh any possible disadvantages which might flow from such mergers.

It is a most interesting fact that no attempt has been made thus far to show wherein these combinations would result in any striking increase of operating efficiency. Even Mr. Willard, whose road stands to gain by far the most if this 4-system plan is ever carried out, asserts that virtually the only economy to be expected from consolidation will be that resulting from a decrease in employment. Not a few railroad executives have flatly proclaimed that the grandiose schemes of consolidation talked about during the past 10 years will result in no substantial savings whatever, and the experience of Great Britain with railroad consolidation would seem to demonstrate the correctness of their position.

The "advantages" of these mergers will be confined primarily to the improved position which some of the lines will have in competition with the others, and the great opportunity to effect savings by the reduction or suppression of service in communities which will no longer possess competitive routes.

BOLSTERS UP RAILROADS

For example, the Baltimore & Ohio will reach the New York metropolitan district just as it does now, but it will own the line from Philadelphia. If, by constructing a few miles of new road, the Baltimore & Ohio can establish for itself a shorter route between New York and Chicago, it will be in a position, perhaps, to take more traffic from the Pennsylvania, the Central, and the Erie, but that means only that the Baltimore & Ohio will be better off and the others not so well off. The Baltimore & Ohio will also get the Western Maryland, and forever put an end to the nightmare of another strong competitive line from Cleveland to Baltimore. But where the public will gain by the elimination of such a line as a competitive factor has not been clearly shown.

The Pennsylvania, by obtaining rights on the Nickel Plate, will be able to compete more effectively with the New York Central along the southern shore of Lake Erie, but here again it is merely a case of one railroad's gain being another's loss. No added facilities for public service are made available. The absorption of the Lehigh Valley by the Van Sweringen system, of the Lackawanna by the Central, and of the Wabash by the Pennsylvania would represent only a nearer approach to monopoly in certain regions, with the "advantage" all in favor of the monopolists rather than the public.

As far as the economy of this consolidation scheme is concerned, the chances are more than even that whatever limited saving the huge systems might be able to effect by virtue of changed operating conditions would be dissipated many times over because of the waste arising from the difficulty of administering enterprises of such enormous size. In any comparison of the operating efficiency of the prosperous systems of the East with that of the large systems, the smaller systems assuredly do not suffer. Any claim that the business of these smaller lines would be more efficiently conducted if they were merged with the large ones needs more to substantiate its validity than mere assertion.

DISADVANTAGES SEEN

Along with the "advantages" claimed for this 4-system program must be considered the disadvantage it may possess.

Most important, perhaps, of all these possible disadvantages is the elimination of competition which this plan threatens to accomplish.

In the past parallel railroads competed with one another in service and in rates. Rate wars between parallel lines no longer occur, but there has never been a time when competition in service did not prevail, and such competition has never been stronger than it is at the present time. That such competition is highly beneficial any shipper will freely testify, and so will anybody who has ever witnessed the introduction of a competing railroad into a community previously served by a single line. Under the 4-system plan much of the competition in service now existing would simply be wiped out and hundreds of communities which now have competitive routes would become noncompetitive points. They would soon discover that when competition in service disappears it takes with it the high quality of service which competition sustains.

The effect of the elimination of the competitive service of parallel lines would be less important, however, than the effect which many communities would feel because of the influence of these consolidations upon industrial and market competition. Such competition has been and still is the most important of the many factors affecting railway service and rates, and particularly railway rates. In the absence of the direct competition of a parallel line a railroad may be somewhat neglectful of some features of its service, but if it is to prosper financially it must maintain a scale of rates and a standard of service which will permit the industries which create its traffic to prosper.

Let such a railroad be absorbed into some great system with lines serving competing producing and marketing centers, and the competitive advantages enjoyed by the territory adjacent to the absorbed line by reason of its independence would at once be endangered.

PARALLEL COMPETITION

Railroads must meet the competition of parallel lines, and railroads serving restricted areas must maintain a watchful interest in the welfare of the regions they traverse to insure their own prosperity, but a huge system, sprawling over a wide territory in much of which there is no competition, may give scant attention to many districts without entertaining any fear of a diminished net income. It reserves its favors for competitive points and for the most highly productive traffic centers and lets its noncompetitive points and the less productive areas struggle along as best they may. The influence of competition or of the absence of competition on railroad practice is too old a story in American economic development to permit its lesson to go unheeded.

No better illstration of the enormous influence of competition—railway, industrial, and commercial—upon railway rates can be found than in the study of the rates between New York and the district west of the Appalachian highland, commonly referred to in railroad geography as Central Freight Association territory. The system of railroad differentials, under which New York has been able to retain her commercial supremacy in the face of the efforts of Boston, Baltimore, and Philadelphia to usurp her position, was established and has been maintained by reason of New York's competitive advantages in transportation. This competitive advantage has existed solely because New York has had rail routes to the West which have not served competing ports.

RATES ARE ATTACKED

The system of seaboard differentials has been under assault by the commercial interests of New York's rival ports for more than a generation. For many years the Interstate Commerce Commission refused to disturb the long-standing adjustment, solely on the grounds that competition, as well as distance and other elements of cost, should receive consideration in the determination of rate relationships. Recently, however, the commission began to weaken.

In its eastern class-rate decision it has ordered into effect a scale of class rates on domestic traffic, under which the differential in favor of Baltimore and Philadelphia will be substantially increased. The new rate relationships have been determined by distance instead of by competition. Should commodity rates and rates on exports and imports follow the course of domestic class rates, New York will find her commercial position greatly endangered.

Thus far the commission has not been disposed to alter the relationships of commodity rates or of export and import rates. But it probably would take only one change in the present situation to cause the commission to modify its stand. This change would be the establishment of a system of railroad control under which Philadelphia and Baltimore could successfully prosecute a charge that the present differentials constitute an undue prejudice against them and an undue preference of New York.

Now what has the 4-system plan of consolidation got to do with this? Everything. No charge of undue prejudice can be sustained, let us say, by Baltimore as against New York so long as New York has a railroad extending to the West which neither

serves Baltimore nor exercises an important influence in the establishment of joint rates to Baltimore. In other words, the continued independence of the Lackawanna and of the Lehigh Valley is New York's last and probably her only insurance against the disturbance of the railroad differentials applying to export and import traffic. The Van Swearingen system and the New York Central, while not reaching Baltimore, do share considerably in the traffic carried to and from that port under joint rates.

AFFECTION CHANGES

New York should not be deceived by the Baltimore & Ohio's anxiety to get to New York over its own rails, nor get greatly excited over the promise of the new short line to the West. New York is not the Baltimore & Ohio's chief interest. That road gets 3 cents a hundred pounds more for hauling export merchandise from Chicago to New York than for hauling the same merchandise from Chicago to Baltimore. The 3 cents does not begin to pay for the added haul. The Baltimore & Ohio would much prefer to take 3 cents less and stop the movement at the Baltimore piers, but it brings it to New York because the shippers order it done, and it can not charge more because competition forbids it. But let a 10-cent differential be given to Baltimore and the shipper may decide the difference in cost to be great enough to warrant sending his goods to that port. The Baltimore & Ohio will waste no time weeping for New York. It will get more business than ever—but it will go to Baltimore.

Neither the Baltimore & Ohio nor the Pennsylvania came to New York for the purpose of building up the commerce of that port. New York's magnificent trade was created before they came. For several years they tried their hardest to divert that commerce to Philadelphia and Baltimore, and it was only after their persistent efforts to divert it met defeat that they developed their present affection for New York.

It is difficult to see why the New York Central executives are willing to enter this 4-system agreement. Certainly if the plan worked out in its present form the Central will gain less and stand to lose more than its two chief competitors. But, even if the New York Central seems blind to its own interest and to the interests of the city which has contributed most of its prosperity, there is no reason why the commercial interests of New York should give their approval to a scheme which holds for them such possibilities of grave and irreparable injury.

TRANSFER OF FOREST LANDS TO SOUTH DAKOTA FOR PARK PURPOSES

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a report from the Department of the Interior on Senate bill 6092. The bill proposes to transfer certain forest land to the State of South Dakota for park purposes. The measure has passed the Senate, but it is before the House committee. There is embraced in the report a letter from Horace M. Albright, Director of the National Park Service, addressed to the Secretary of the Interior. That letter is transmitted here with a letter from Secretary Wilbur to the Senator from North Dakota [Mr. NYE], the chairman of the Committee on Public Lands and Surveys.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 2, 1931.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR MR. CHAIRMAN: I have your request for report on S. 6092, a bill to transfer certain forest lands to the State of South Dakota for public-land purposes and creating the Mount Rushmore Reservation.

The officers of this department have for many years taken a keen interest in the development of State parks and for that reason the Commissioner of the General Land Office and the Director of the National Park Service have prepared, by my direction, separate memoranda on this legislation relating to Custer State Park, copies of which are inclosed. These memoranda set forth general views on measures of this kind. Personally I have had the good fortune to be associated with the development of State parks in California, and I was a member of the State park commission of that State until I came to Washington.

In submitting these memoranda to you I am not unmindful of the fact that most of the lands affected are under the jurisdiction of the Department of Agriculture and I assume, of course, that the action of your committee will be governed largely by the views of the Secretary of that department.

Very truly yours,

RAY LYMAN WILBUR.

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, March 2, 1931.

Memorandum for the Secretary:

S. 6092 proposes to grant certain forest lands to the State of South Dakota for public park purposes, and to create the Mount Rushmore Reservation.

For the purpose of enlarging the Custer State Park, it is proposed to grant the publicly owned forest and other lands within parts of Ts. 2 and 3 S., R. 4 E., Ts. 2, 3 and 5 S., R. 5 E., and T. 2 S., R. 6 E., Black Hills meridian, specifically described in the bill by section numbers, as well as township and range.

I think State parks should be encouraged whenever their creation would not be inconsistent with good administration and protection of Federal holdings. If the lands affected by this legislation were not under the administration of another department I would favor their transfer to the State. I believe in the rapidly extending policy of State park creation, first because there is a growing demand for State parks to meet local recreational and educational requirements, and second, because State parks relieve the pressure on the Federal Government for national parks that do not measure up to the standards of the national park system.

Of the several classes of public reservation utilized for the preservation of scenic resources and the provision of outdoor recreation State parks are now recognized as the most important in point of numbers of persons served. Their importance in the outdoor recreation scheme is shown in figures recently collected by the National Conference on State Parks which show that the 3,000,000 acres of State parks in the United States last year were visited by some 45,000,000 persons.

Custer State Park is one of the most important of the State parks, with an attendance last year of 370,000 persons in a territory which, except for the Black Hills in which the park lies, is largely devoid of unusual and desirable recreation opportunities. The park has been in existence since 1919; its administration is well established and sound; and the State has made more than reasonable provision for its upkeep and development. The State has been very successful in its game conservation program, the park being well stocked with native mammals and birds, including wild turkey.

The transfer of land from the national forest to the State park apparently does not involve any complication of administration, since both national forest and State park administration have existed side by side since the park was created. It would, however, round out the boundaries of the park and thus simplify administrative control; it would protect the scenic values of roads to the construction of which the State has contributed very generously; it would make possible certain recreation developments of high value; and it would assure the permanent devotion to inspirational and recreational use of lands of exceptional beauty.

It appears to be the desire of the people of South Dakota to make sure that this area be maintained in perpetuity as a park, feeling that the land is more valuable for park purposes than for national forest purposes in that under fundamental policies governing the administration of national forests the recreational and inspirational park values may be impaired by economic development of some of the natural resources of the region.

Inasmuch as practically all of the lands in the area are within the boundaries of the Harney National Forest, and are therefore under the jurisdiction of the Department of Agriculture, it is assumed that this legislation has been taken up with that department.

It might be stated, however, that should the State of South Dakota desire to add the present Wind Cave National Park to the Custer State Park, legislation to accomplish this transfer would meet the approval of the National Park Service.

It might also be stated that in view of the unique geological formation of the Black Hills and the scenic qualities of this region, the whole area, including, of course, our Wind Cave National Park, could be considered for national park status if it were not for the existence of the present State park.

There is a precedent for this proposed transfer of lands to the State in the law covered by chapter 368 of the United States Statutes at Large, the act of April 13, 1928, an act granting certain lands to the State of California (45 Stat. 428). This act grants to the State of California certain lands in the Stanislaus National Forest for State park purposes, the Calaveras Grove of Big Trees State Park.

The bill provides, in the first section thereof, that the grant and conveyance shall be conditioned upon the State's maintaining the described lands in perpetuity for public-park purposes as an enlargement of its present State park, the consolidated park unit being described as approximately 105,000 acres, which shall include sections 17, 18, 19, and 20, township 3 south, range 7 east, Black Hills meridian, and further conditioned upon the State's maintaining a park unit of not less than 100,000 acres, and upon acquiring at least 90 per cent of the privately owned lands within the exterior boundaries of said park, inside of a period of not exceeding 10 years from the date of approval of this act. It would appear that these conditions properly safeguard the interests of the United States.

According to the CONGRESSIONAL RECORD of February 10, 1931, this bill passed the Senate on that date.

HORACE M. ALBRIGHT,
Director National Park Service.

TRUCKEE RIVER STORAGE

Mr. ODDIE. Mr. President, for many years past considerable conflict has existed between the various interests on the Truckee River system as to the nature of development which should be made to avoid the continuation of drought, which has caused severe loss and suffering, and to provide sufficient water for the irrigation settlers on the Truckee River system.

Last summer I had numbers of conferences with the leaders of these various interests, and am glad to report that

they have reached an agreement which provides for additional water storage and other developments on the Truckee River system.

For the purpose of making available the information concerning these conferences and the subsequent correspondence with these various representatives of the Nevada interests, the Secretary of the Interior, the Commissioner of Reclamation, and others, I herewith submit for the RECORD some of the principal correspondence and documents leading to the passage by the Senate on February 26, 1931, of the bill (S. 5172) which I introduced providing for upstream storage on the Truckee River system. This bill is substantially in the form recommended by the various Nevada interests I have referred to.

I ask unanimous consent that the correspondence may be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, March 5, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR ODDIE: In accordance with my talk with you when I left for Denver last month, I have discussed with Chief Engineer Walter the matter of storage on the Truckee, Carson, and Humboldt Rivers, and at my request the attached memorandum was prepared by Hydrographic Engineer E. B. Debler, of our Denver office, for your information.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

[Telegram]

WASHINGTON, D. C., *March 8, 1930.*

Hon. GEORGE WINGFIELD,
Reno, Nev.:

Bureau Reclamation has notified me that Newlands project and Truckee Meadows interests are gradually drawing together in a scheme to provide what will probably amount to joint storage, and that plan will also include a settlement of differences in matter of administering Lake Tahoe with regard to adjudication that has been under way for 17 years. Bureau states it would be unwise for them to take any action in matter at present time, but department will furnish advisers who might aid these interests in formulating a comprehensive plan to eliminate present difficulties and provide needed storage to augment present irrigation and permit moderate expansion, particularly in Truckee Meadows. Suggest you take matter up with interested parties and advise me as to their opinion and suggestions. Am not satisfied with bureau's statement and want some ammunition from home to use here. Best wishes.

TASKER L. ODDIE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, April 25, 1929.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Reference is made to your letter of January 7, 1929, to the Secretary of the Interior, inquiring as to the results of our investigations of storage possibilities on the Little Truckee River, and to his reply of January 14 stating that at that time the investigations were still in progress.

There has just been received in this office an advance copy of a report by our engineer, Mr. Debler, giving the results of our investigations, of Truckee River storage possibilities which have been in progress during the past two years. This report has received my approval, and authority has been given our chief engineer to furnish copies direct to the Truckee-Carson irrigation district, the Reno Chamber of Commerce, and the State engineer of Nevada.

The details of the report are extremely complicated and no brief synopsis can be furnished which would adequately present its conclusions. We expect to receive an additional copy of the report from Denver within the next few days and I shall be glad to loan this to you when it arrives, if you wish to see it.

Yours very truly,

ELWOOD MEAD, *Commissioner.*

Be it resolved, That Donner and Independence Lakes and pondage be selected as the most practical, feasible, and economical for upstream storage, from the information available, and it is also the belief of the directors of the Truckee-Carson irrigation district that the combination of Donner and Webber Lakes and pondage look attractive; and it is requested that the Bureau of Reclamation carefully investigate both of the above proposed developments.

I, L. V. Pinger, secretary of the Truckee-Carson irrigation district, do hereby certify that the above and foregoing is a full, true, and correct copy of an excerpt from the minutes of the regular meeting of said board held on June 2, 1930.

[SEAL.]

L. V. PINGER,
Secretary Truckee-Carson Irrigation District.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, June 6, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR ODDIE: Mr. Northcutt Ely of this department has made known to me your desire to secure again the loan of the report on Truckee River investigations by E. B. Debler, April, 1929. I am sending this to you herewith.

I have written our chief engineer at Denver about sending a man for further studies, and will keep you advised of developments in the matter as soon as reply has been received.

Very truly yours,

ELWOOD MEAD, *Commissioner.*

THE SECRETARY OF THE INTERIOR,
Washington, July 3, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: On May 26 you wrote me inclosing a copy of your bill, S. 4508, for the construction of a reservoir in the Little Truckee River, Calif., etc. This I acknowledged on May 29, with the statement that the matter was being referred to the chief engineer of the Bureau of Reclamation at Denver, and on receipt of reply I would communicate with you further.

Reply has now been received from Chief Engineer Walter, who states that the parties in interest have not reached an agreement on a plan of development, and until they do, the Bureau of Reclamation can be of no assistance in the matter. In this view the Commissioner of Reclamation and I concur.

Very truly yours,

RAY LYMAN WILBUR.

RENO, NEV., *July 26, 1930.*

Re Upstream Storage, Truckee River.

Mr. R. F. WALTER,
Chief Engineer, Denver, Colo.

DEAR MR. WALTER: I inclose herewith copy of letter from Commissioner Mead to Congressman ARENTZ, dated May 22, 1930, upon the above subject.

I am also sending you under separate cover by express, a completed report and supplemental report prepared by representatives of the Washoe County Water Conservation District (Reno Valley), the Truckee-Carson Irrigation District (Newlands project), the Sierra Pacific Power Co., and Mr. H. C. Dukes, Truckee River water master.

The report includes a study of Truckee River flow including its tributaries over the 10-year period from 1920 to 1929, inclusive, as well as storage possibilities in Donner, Webber, and Independence Lakes and the Little Truckee River Canyon site, when coordinated with Lake Tahoe, etc.

It is desired that you check up the same and send an engineer from your office to confer with the interested parties as well as make any field examinations that you deem necessary to the end that by December 1, 1930, you will be in a position to give your opinion as to the most feasible present development.

It is also requested that you forward to me a form of the contract proposed in Doctor Mead's letter to provide for expense of further investigation by your office.

Yours very truly,

GEO. G. DEVOE,
Secretary Joint Commission of Washoe County Water Conservation District, Truckee-Carson Irrigation District, and Sierra Pacific Power Co.

RENO, NEV., *August 17, 1930.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.:

Lake Tahoe and Nevada farmers trouble settled last night for three years, giving Government engineers chance to make survey of lake and Truckee River, which might prevent bitter and expensive litigation. In my opinion, upstream storage is the only thing that will settle matter and satisfy the Truckee Meadow farmers.

GEO. WINGFIELD.

FAIRBANKS, ALASKA, *August 18, 1930.*

Hon. GEORGE WINGFIELD,
Reno, Nev.:

I am much distressed over situation facing Nevada farmers because of water shortage, and am wiring Doctor Mead, Commissioner of Reclamation, to-day, urging speedy action in having stipulation enforced, and from correspondence with his bureau officials during last few days feel very hopeful that this will be accomplished. If matter not settled promptly and satisfactorily, will take it up with President. For many years I have worked and voted in the Senate for measures from which California has benefited in many ways and to the extent of many millions of dollars, and now when my State needs help from her for the

prevention of serious loss and suffering by our farmers, and which help can be given without loss to anyone, I expect California to do the right thing by giving this help in allowing the water to be pumped from Lake Tahoe without further delay. Have about completed my official work in Alaska; am leaving for home to-day. Kind regards.

TASKER L. ODDIE.

FAIRBANKS, ALASKA, *August 18, 1930.*

Hon. ELWOOD MEAD,
Commissioner of Reclamation,
Washington, D. C.:

Condition of Nevada farmers because of shortage of water in Truckee River is most serious and distressing and will result in heavy losses and disaster if condition not corrected immediately. I strongly urge you to use every possible means to expedite enforcement of stipulation providing for pumping of water from Lake Tahoe. Further delay will be most disastrous. Please advise my office of results. Kind regards.

TASKER L. ODDIE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D. C., August 19, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Upon my return to Washington this morning, I have your telegram of the 18th regarding water shortage in the Truckee River and the proposed pumping from Lake Tahoe. I have also been advised of the negotiations that have taken place during the last couple of weeks in this matter. It so happens that Secretary Wilbur is now in California and Mr. Stoddard of the Truckee-Carson Irrigation District, and others have had conferences with him and Mr. Ely, his assistant. Telephone message received from your secretary gives the cheering information that arrangements have now been completed whereby a limited quantity of water may be pumped from the lake. This, I hope, will be sufficient to meet the most urgent needs of the farmers and of Reno and Sparks.

Very truly yours,

ELWOOD MEAD, *Commissioner.*

AUGUST 21, 1930.

Mr. Lawrie, my secretary, talked to Mr. Dent, counsel of Reclamation Service, and was advised that no report has been made by the Reclamation Service on the upper Carson River since the last report made two years ago. Doctor Mead will be in Nevada some time shortly after the middle of September, when he will go into the matter of the upper-river storage on both Carson and Truckee Rivers with view to working out concrete plan of operation to increase the storage.

E. T.

IRRIGATION DISTRICT NO. 1, CARSON VALLEY UNIT,
NEWLANDS PROJECT,
Minden, Nev., August 22, 1930.

Senator T. L. ODDIE,
Washington, D. C.

DEAR SENATOR ODDIE: We are inclosing herewith copy of telegram sent to Doctor Mead this date, which is self-explanatory, and we will appreciate if you will get in touch with Doctor Mead, urging his favorable consideration of our request, also advising us of any developments in the matter that may come to your attention.

Thanking you, we are, respectfully,

H. F. DANGBERG,
President Board of Directors.

MINDEN, NEV., *August 22, 1930.*

Hon. ELWOOD MEAD,
Reclamation Bureau, Department of the Interior,
Washington, D. C.:

We are advised that you plan to hold conferences and personally investigate the necessity and feasibility of upstream storage on the Truckee River in the near future. We submit that in view of the fact the United States Government has joined the Truckee and Carson Rivers to store water for the Newlands project that the streams are largely interdependent and that any fair and just development of the system requires joint cosideration. Congress has taken this view in legislation appropriating money to investigate storage sites and other matters. We therefore request that the water users of the Carson River above Lahontan participate in all conferences and that a scheme be proposed to develop the entire area and avoid the probability of one section being advanced at the expense of another. We request your advices.

IRRIGATION DISTRICT NO. 1, CARSON VALLEY
UNIT TRUCKEE-CARSON PROJECT,
H. F. DANBERG,
W. F. DRESSLER,
LOUIS STODIECK,
Directors.

WASHINGTON, D. C., *August 25, 1930.*

Hon. H. F. DANGBERG,
President Board of Directors, Irrigation District No. 1,
Carson Valley Unit, Minden, Nev.

DEAR MR. DANGBERG: In Senator ODDIE'S absence in Alaska on important official business, it gives me pleasure to acknowledge the receipt of your letter of August 22 and copy of your telegram of the same date to Dr. Elwood Mead referring to water storage on the upper Truckee and Carson Rivers.

Doctor Mead expects to be in Nevada to investigate this some time shortly after the 15th of September, and, as Senator ODDIE expects to return to Reno on or about September 1, I am forwarding your letter and inclosure to the Senator, as I feel sure he will be able to take the matter up personally with Doctor Mead to better advantage.

If there is anything that I may be able to do here in Washington to assist at any time, please do not fail to call upon me.

Very truly yours,

H. N. LAWRIE.

[Telegram]

WASHINGTON, D. C., *October 29, 1930.*

Hon. TASKER L. ODDIE,
Reno, Nev.:

The Bureau of Reclamation has not yet prepared any recommendations on matters covered by Lake Tahoe agreement and probably will not be in a position to do so until hearings of interested parties have been held in the field. I will see that you are advised whenever there is anything specific to discuss with you.

JOHN H. EDWARDS,
Acting Secretary.

RENO, NEV., *September 4, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior,
(Care of Stanford University, Palo Alto, Calif.)

MY DEAR MR. SECRETARY: Following up my previous discussions with you on the questions of upstream storage on the Truckee River and its tributaries. I am anxious to talk over various phases of these problems with you as soon as possible. As I told you, I intend to introduce legislation in the Senate providing for this work at the beginning of the coming session. I know that many problems will have to be worked out before we will know exactly what steps to take.

I will attend the Boulder Canyon Dam commencement exercises in Las Vegas on September 17, and will be glad to discuss these problems at that time with you; also with Doctor Mead.

With my best wishes, and anticipating the pleasure of meeting you in Las Vegas, I remain,

Very sincerely yours,

TASKER L. ODDIE.

MR. KING'S PROPOSED FORM OF LETTER OF TRANSMITTAL

SEPTEMBER 10, 1930.

Hon. TASKER L. ODDIE,
United States Senator, Washington, D. C.

DEAR SENATOR ODDIE: Inclosed herewith is a report of cooperative committee appointed to investigate and study Truckee River water supply and upstream storage possibilities, with particular reference to:

(a) Supplemental water storage possibilities.

(b) The coordination of such storage with the upbuilding of the water surface level of Lake Tahoe.

(c) Regulative pondage on the Truckee River.

(d) Sufficiency of the water supply to relieve the periodic water shortages for lands irrigated directly from the Truckee River in the Truckee meadows and the Newlands project bench lands.

(e) A basis for the division of the flow of the river as between the Truckee River users, the Truckee-Carson irrigation district, and the Sierra Pacific Power Co.

The study herewith was conducted by engineers representing the Washoe County water conservation district, Truckee-Carson irrigation district, Sierra Pacific Power Co., and the Federal court water-master's office, at a cost in excess of $10,000. Much use was made of the Debler report in the study.

Your keen interest and valued assistance in this matter to date is very greatly appreciated, and we trust this report will bring to you a further understanding of the details of the problem which will hasten its solution.

We respectfully request your further assistance and cooperation in the solution of this very important problem of the Truckee River water users, in order that governmental funds may be acquired to put any plan finally adopted into operation.

Yours very truly,

GEO. G. DEVORE,
Secretary the Truckee River Joint Committee.

SEPTEMBER 10, 1930.

Hon. TASKER L. ODDIE,
United States Senator, Washington, D. C.

DEAR SENATOR ODDIE: Inclosed herewith is a report of cooperative committee appointed to investigate and study Truckee River water supply and upstream storage possibilities, with particular reference to:

(a) Supplemental water storage possibilities.

(b) The coordination of such storage with the upbuilding of the water-surface level of Lake Tahoe.

(c) Regulative pondage on the Truckee River for the following purposes:

First. To even out irregularities in the river during the irrigation season.

Second. To introduce fluctuations in the flow during the nonirrigation season to coincide with power demands.

Third. To make possible smaller drafts from Lake Tahoe.

(d) Sufficiency of the water supply to relieve the periodic water shortages for lands irrigated directly from the Truckee River in the Truckee Meadows and the Newlands project bench lands.

(e) A basis for the division of the flow of the river as between the Truckee River users, the Truckee-Carson irrigation district, and the Sierra Pacific Power Co.

The study of upstream storage possibilities has been the subject of investigation for many years, and was recently dealt with in considerable detail and reported upon by E. B. Debler for the Reclamation Service, under an appropriation by Congress of $50,000. Practically every possible storage site on the river was investigated and reported upon.

The study herewith was conducted by engineers representing the Washoe County Water Conservation District, Truckee-Carson irrigation district, Sierra Pacific Power Co., and the Federal court water-master's office, at a cost in excess of $10,000. Much use was made of the Debler report in the study.

It has been recognized for some time by the parties in interest that the full value of Lake Tahoe as a reservoir (with a capacity of 840,000 acre-feet) could not be realized unless a reserve supply of water could be built up in the lake. In order to raise the water level of the lake and build up a reserve supply, it is necessary to draw less water from the lake. This could be done under conditions existing for the past several years only by creating other storage from which water may be drawn while Tahoe is closed.

In order to prevent the releasing of more water from Lake Tahoe during the irrigation season than is actually required for irrigation it is necessary to have a uniform flow in the river during this season, which would conserve in Lake Tahoe the present regulatory losses. Furthermore, when the irrigation requirements are met the power requirements are also fulfilled as far as possible.

Also, it is desirable during the nonirrigation season to conserve water in Lake Tahoe by the reduction of drafts from the lake whenever it is possible without interfering with the water storage of Lahontan Reservoir.

It is proposed to create both of these conservations as far as possible by means of pondage, which in the irrigation season will be used to maintain a uniform flow in the river, and during the nonirrigation season will be used to fluctuate the river flow so as to correspond to the power demands and at the same time supply Lahontan with its required winter storage.

The report indicates that with these pondage reservoirs a material amount of water could have been conserved in Lake Tahoe over that actually conserved, and at the same time augment the supply for the requirements of storage in Lahontan and power generation.

While a number of plans of storage were studied, the study indicates that either of the three following plans may well be adopted, viz:

1. Lakes Tahoe, Little Truckee Reservoir, and regulatory pondage;

2. Lakes Tahoe, Donner, and Independence and regulatory pondage, or

3. Lakes Tahoe, Donner, Independence, and Webber and regulatory pondage.

The report shows that when these plans were tested by applying them to the recorded water supply for the past 10 years, 1920 to 1929, inclusive (including four years of extremely low water supply), that—

First. Either of the first two plans provided a fully sufficient water supply for the Truckee River lands and bench lands under the Derby Canal, also additional water for Lahontan Reservoir storage.

Second. The addition of Webber Lake in plan No. 3 provided additional protection (in excess of plans Nos. 1 and 2) in case the cycle of years of low water supply should continue, and made available still more water for storage in Lahontan Reservoir.

The report shows that if either of the first two plans had been in operation during the last 10 years, that—

(a) There would have been no shortage of water for irrigation purposes for the lands proposed to be benefited.

(b) Lahontan Reservoir would have been materially benefited.

(c) The amount of power generated would have been materially increased during the irrigating season and somewhat increased during the nonirrigating season.

(d) The water surface level of Lake Tahoe would at all times have been higher than under the actual conditions, varying from 8 to 26 inches above the recorded levels, a benefit not only to the irrigation and power interests, but also to Lake Tahoe shore owners.

(e) The necessity of pumping water from Lake Tahoe and the temporary purchases of water from Donner and Independence Lakes during the seasons of 1924, 1929, and 1930 for irrigation, power, and sanitary purposes would have been eliminated.

(f) The water supply would not only have eliminated the large expense of pumping and purchase of water but would have prevented the large losses of crops of the farmers and also the purchase of electrical energy from California power plants, that might better have been generated in Nevada, thereby providing more capital for the development of Nevada resources, without detriment to the irrigation interests.

The results of the study show that the assumptions upon which it was based were well founded, and should be adopted as a basis of stipulation in the Truckee River water adjudication suit now pending in the United States District Court for Nevada, thereby eliminating the principal objection to the proposed decree. Particularly it is proposed to pool the storage waters created by either development, as well as the Lake Tahoe waters and the natural flow of the Truckee River during the irrigation season, dividing the flow into equitable proportions between the Truckee River users and the Newlands project.

We respectfully request your hearty assistance and cooperation in the solution of this very important problem of the Truckee River water users in order that governmental funds may be acquired to put the plan adopted into operation.

Yours very truly,

GEO. G. DEVORE,
Secretary the Truckee River Joint Committee.

[Telegram]

RENO, NEV., *October 28, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

I will appreciate it if you will request the Bureau of Reclamation to make you a complete detailed report of the status of, and the bureau's recommendations regarding Lake Tahoe which will involve and set forth the respective interests and claims of the United States, the State of Nevada, the State of California, the Newlands project farmers, the irrigationists of the Truckee River, the Sierra Pacific Power Co., the cities of Reno and Sparks, and the Lake Tahoe littoral landowners with their respective rights as to the high and low water levels. It is essential that this report be submitted to you prior to the commencement of any hearings held by you or your representatives pursuant to the so-called Lake Tahoe agreement entered into between California and Nevada interests, respectively, on August 19, 1930. I request you to send me a copy of this report as soon as possible by air mail. Please wire me, Reno, when I can expect it.

TASKER L. ODDIE,
United States Senator for Nevada.

[Telegram]

RENO, NEV., *November 6, 1930.*

Hon. WILLIAM DEWITT MITCHELL,
Attorney General, Department of Justice,
Washington, D. C.

By agreement of parties, Secretary of Interior Wilbur will hold field hearings relative to conflicting claims of the United States, the State of Nevada, and the State of California, etc., to waters of Lake Tahoe. The United States is one of the principal parties interested in the lake as a reservoir and its waters by virtue of the rights to said lake previously held by the State of Nevada which were ceded to the United States Government for reclamation purposes by act of 1913, also because of Government Indian-reservation land, water rights in the lake, by agreement with the power company, Federal decrees, appropriations of water, and an expenditure of millions of dollars in connection with the Newlands reclamation project. The United States has sold water rights to project farmers in excess of three millions of dollars, which rights are largely predicated upon its rights in Lake Tahoe. I believe it to be of the greatest importance that all data relative to the rights and claims of the United States be gathered and fully presented by the United States Attorney for Nevada at the hearings, and that nothing be left undone that will jeopardize the rights of the United States. In view of the above will you authorize the United States attorney for Nevada to proceed accordingly and wire me of the action taken?

TASKER L. ODDIE,
United States Senator for Nevada.

[Telegram]

RENO, NEV., *November 6, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

Re Lake Tahoe controversy hearings and my wire October 28 and reply from Acting Secretary Edwards October 29. The rights of the United States, together with its claims and relevant matters are so manifold and complex as to make extremely difficult their presentation in any report on the Lake Tahoe agreement. I believe the rights and claims of the United States for its Indian and reclamation lands, together with its obligations, should be fully presented to you by the Department of Justice at the hearings you will hold on the Lake Tahoe controversy in order that you may be aided by having a presentation of the rights of all interested parties. I have wired the Attorney General to-day as follows:

"By agreement of parties, Secretary of Interior Wilbur will hold field hearings relative to conflicting claims of the United States, the State of Nevada, and the State of California, etc., to waters of Lake Tahoe. The United States is one of the principal parties interested in the lake as a reservoir and its waters by virtue of the rights to said lake previously held by the State of Nevada which were ceded to the United States Government for reclamation purposes by act of 1913, also because of Government Indian reservation land, water rights in the lake by agreement with the

power company, Federal decrees, appropriations of water, and an expenditure of millions of dollars in connection with the Newlands reclamation project. The United States has sold water rights to project farmers in excess of $3,000,000, which rights are largely predicated upon its rights in Lake Tahoe. I believe it to be of the greatest importance that all data relative to the rights and claims of the United States be gathered and fully presented by the United States attorney for Nevada at the hearings, and that nothing be left undone that will jeopardize the rights of the United States. In view of the above, will you authorize the United States attorney for Nevada to proceed accordingly and wire me of the action taken?"

I suggest that you confirm this action by notifying the Attorney General of your approval. Kindly wire me here.

TASKER L. ODDIE.

[Telegram]

WASHINGTON, D. C., *November 7, 1930.*

Hon. TASKER L. ODDIE,
Reno, Nev.

Am writing you with reference to Lake Tahoe matter.

RAY LYMAN WILBUR.

THE SECRETARY OF THE INTERIOR,
Washington, November 7, 1930.

Hon. TASKER L. ODDIE,
Reno, Nev.

MY DEAR SENATOR ODDIE: With reference to your telegram of the 6th, I am inclosing a memorandum submitted by Mr. Ely, who participated in the discussions in San Francisco between the Lake Tahoe interests and those representing the Nevada water users.

It will be some time before the Bureau of Reclamation studies are completed and no discussions in the field will be held until after that time. I will see that you are fully advised.

As to the participation of the Department of Justice, I believe you will find this matter covered in Mr. Ely's memorandum.

Very truly yours,

RAY LYMAN WILBUR.

NOVEMBER 7, 1930.

Memorandum for the Secretary.

Senator ODDIE's telegram, of November 6, suggests the Department of Justice's participation in the Lake Tahoe-Nevada matter. I see no objection if the Department of Justice wishes to participate on Senator ODDIE's request, but see no occasion for this department to ask that intervention, as the matter is not in litigation, and any hearings held by you or on your behalf will be for the collection of facts only, with a view to an ultimate amicable adjustment carried into a court decree. If, however, any of the local officials of the Department of Justice have particular knowledge of this situation possibly the Department of Justice would permit them to act unofficially on behalf of the Truckee-Carson irrigation district and the Indians. But as this is a nonlitigated settlement discussion the administrative responsibility should rest in the Bureau of Indian Affairs and the Bureau of Reclamation, rather than the Department of Justice.

As you know, your intervention in this dispute between the Lake Tahoe shore owners and the Nevada water users is at the request of all parties, transmitted to you through an agreement reached by them in San Francisco in August. This agreement provides a 3-year truce during which certain Lake Tahoe water levels will be respected. During that time it is requested in the agreement that the Secretary of the Interior investigate the whole situation and make recommendations for the establishment of ultimate lake levels and disposition of the other questions in conflict respecting the use of Lake Tahoe water. It is contemplated in the agreement that the recommendation of the Secretary will be introduced in a court proceeding whose decree, by consent or otherwise, will provide a final solution to the controversy.

I believe that you will not be in a position to hold hearings or have them held on your behalf until the studies of the Truckee River are completed. I am advised that the engineering investigation has been completed but the bureau's position on the economic questions, such as the proportion of contribution by benefited interests, has not been formulated. Nor has it been determined whether the proposed engineering work is economically feasible. Furthermore, it will require careful study to correlate the Lake Tahoe lake levels with the results of any engineering work effected.

Accordingly, I believe it will be a matter of months before you will be in a position to take any active steps to carry out the request of these parties for your recommendation.

NORTHCUTT ELY, *Executive Assistant.*

[Telegram]

WASHINGTON, D. C., *November 7, 1930.*

TASKER L. ODDIE,
Reno, Nev.

Interior Department advises no immediate prospect hearings Lake Tahoe matter. Will give your request prompt attention when date for hearings set. United States Attorney and Special Assistant Ward fully cognizant of Government's interest.

WILLIAM D. MITCHELL,
Attorney General.

[Telegram]

RENO, NEV., *November 7, 1930.*

Hon. WM. D. MITCHELL,
Attorney General, Department of Justice,
Washington, D. C.

Your wire to-day received. The United States should have its attorney gather data necessary for the proper presentation of the Government's case in order that it may be adequately prepared in ample time prior to hearings, otherwise the rights of the United States will be jeopardized. Proper preparation of Government's case will undoubtedly require weeks or months, hence imperative necessity for immediate action by Government attorney. Delay or insufficient preparation in this matter may result in inability of Government to fulfill its contracts and obligations and will imperil the rights of various Government lands and interests. This matter warrants independent and thorough investigation by your department. Please wire your decision.

TASKER L. ODDIE,
United States Senator for Nevada.

[Telegram]

WASHINGTON, D. C., *November 8, 1930.*

Hon. TASKER L. ODDIE,
United States Senator, Reno, Nev.

Am contacting United States attorney and the special assistant in the field and will report to you later.

MITCHELL, *Attorney General.*

RENO, NEV., *November 15, 1930.*

Hon. TASKER L. ODDIE,
Reno, Nev.

DEAR TASKER: I am inclosing herewith original letter from Secretary Wilbur to yourself dated the 7th instant, also original memo by Northcutt Ely, assistant to the secretary, together with a number of copies thereof which you desire to mail to Mr. Summerfield, Mr. Devore, and others.

Thank you very much for permitting us to make copies of the same, and all of the Nevada interests are very much pleased at the contents of both instruments as it indicates that an investigation and report will be made by the Bureau of Reclamation prior to the date of the hearings by the secretary in the Lake Tahoe matter.

I am leaving for Winnemucca to-morrow, Sunday, and will probably be gone most of next week so I may not have the opportunity of again seeing you before you leave for Washington. If not, good-bye and good luck to both Mrs. Oddie and yourself.

I will keep you fully informed of developments here as they arise.

Sincerely yours,

ROY W. STODDARD.

RENO, NEV., *December 5, 1930.*

Hon. T. L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: The board of directors of the Washoe County water conservation district (Truckee Meadows) and the board of directors of the Truckee-Carson irrigation district (Newlands reclamation project) have reached a tentative agreement as to basic principles involved in the entry of a final decree in the Truckee River adjudication suit. The final decree, when entered by stipulation, will, we believe, forever dispose of adverse interests or inharmonious relations between the parties.

Preparation of final and complete wording of a proposed stipulation is now in progress and will be speeded as rapidly as possible. The stipulation provides for the construction of upstream storage development by the Truckee Meadows and construction of two small regulatory pondage reservoirs by the Sierra Pacific Power Co.

The Truckee Meadows interests are not as yet prepared to designate the exact location of their proposed reservoir, but we believe it will facilitate matters if you will please immediately introduce a bill in Congress for the appropriation of $750,000 to cover the cost of the proposed construction, and, immediately upon further details being available, you will be promptly advised accordingly.

It is the wish and desire of the Truckee-Carson irrigation district to give whole-hearted support to the appropriation and construction and to that end will lend its name and give any assistance within its power to secure the appropriation, not only because of a direct benefit to the bench lands of the Newlands project but also because of its desire to continue the spirit as well as the letter of the present tentative agreement which disposes of all friction between the two interests.

The Sierra Pacific Power Co. has not as yet become a party to the agreement nor has it definitely signified its intention to become a party thereto or to oppose a proposed agreement and adjustment. However, it is felt that the agreement of the two irrigation districts is sufficient to proceed forthwith with the introduction of the bill, and should the power company elect not to become a party to the stipulation it is the intention of the two irrigation districts to proceed, nevertheless.

Your valued assistance in securing the appropriation and taking care of other matters in connection therewith will be greatly

appreciated and likewise will the support and assistance of Senator PITTMAN and Mr. ARENTZ, to whom we will forward copies of this letter and the proposed bill.

Should you require further detailed information as to present status, please wire, and both districts will forward from time to time further details as the situation progresses.

Thanking you for your many courtesies, we are

Yours very truly,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*
TRUCKEE-CARSON IRRIGATION DISTRICT,
By COOKE & STODDARD, *Its Attorneys.*

RENO, NEV., *December 5, 1930.*

Hon. S. S. ARENTZ,
House of Representatives, Washington, D. C.

DEAR MR. ARENTZ: We inclose copies of a letter to Senator ODDIE and a bill for introduction at this session of Congress. These papers, we trust, are self-explanatory.

In so much as Senator ODDIE handled this matter at the session of Congress last past and has been in attendance at many of the conferences leading to the stipulation mentioned, we have requested him to again introduce the bill.

May we count on your assistance in seeing the bill through to final passage? We shall be glad to furnish you with any possible help from this end that you may desire.

Thanking you for past courtesies, we are,

Very truly yours,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*
TRUCKEE-CARSON IRRIGATION DISTRICT,
By COOKE & STODDARD, *Its Attorneys.*

RENO, NEV., *December 5, 1930.*

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SENATOR PITTMAN: We inclose copies of a letter to Senator ODDIE and a bill for introduction at this session of Congress. These papers we trust are self-explanatory.

Inasmuch as Senator ODDIE handled this matter at the session of Congress last past and has been in attendance at many of the conferences leading to the stipulation mentioned, we have requested him to again introduce the bill.

May we count on your assistance in seeing the bill through to final passage? We shall be glad to furnish you with any possible help from this end that you may desire.

Thanking you for past courtesies, we are,

Very truly yours,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*
TRUCKEE-CARSON IRRIGATION DISTRICT,
By COOKE & STODDARD, *Its Attorneys.*

A bill for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to provide for the construction of a reservoir in the Little Truckee River, State of California, and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, for the irrigation of lands along the Truckee River in the State of Nevada and the Newlands reclamation project.

The Secretary of the Interior is hereby further authorized to acquire, by purchase, condemnation, or otherwise, such water rights, rights of way, and lands as may be necessary to carry out the provisions of this act.

SEC. 2. There is hereby appropriated from the special fund in the Treasury, known as the reclamation fund, the sum of $750,000 for the purpose of carrying out the provisions of this act.

JANUARY 6, 1931.

Hon. ELWOOD MEAD,
Commissioner of Reclamation,
Washington, D. C.

MY DEAR DOCTOR MEAD: Following up my conversation with you this morning, I herewith inclose a copy of my letter of to-day to Hon. JOHN THOMAS, chairman of the Senate Committee on Irrigation and Reclamation, with reference to the bill which I have introduced, S. 5172, providing for additional water storage for the Truckee River system.

In the inclosed letter I wish particularly to call your attention to the fact that all of the heretofore conflicting interests on the Truckee River system in Nevada are, for the first time, in agreement as to a plan of procedure and have united in support of the bill which I have introduced. It has taken a long while to bring this favorable condition about. Last summer I devoted much time in assisting these various interests in reaching an agreement.

The droughts on the Truckee River system result in great hardship and distress to the irrigationists and are bound to recur unless additional storage, such as called for in my bill, is provided. This drought condition also endangers the sanitary system of Reno and Sparks, Nev., thus threatening the health and life of their people.

Should this bill pass it will meet the serious drought condition which has prevailed for so many years on the Truckee River system and will make unnecessary the continued costly pumping of water from Lake Tahoe, which is being seriously attacked by the property owners around the lake. The passing of this bill will go a long way toward relieving the unemployment situation in the State of Nevada, which is extremely acute at this time.

I feel confident that an additional and ample appropriation will be made available in this session of Congress for carrying on the necessary work of the Reclamation Bureau.

Under these extreme emergency conditions which exist at the present time, I shall greatly appreciate your prompt report on this bill.

Very sincerely yours,

TASKER L. ODDIE.

WASHINGTON, D. C., *January 6, 1931.*

Hon. JOHN THOMAS,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR THOMAS: You have already received a copy of my bill S. 5172, copy of which I inclose for ready reference, providing for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, etc., and appropriating $750,000 for carrying out the provisions of the act.

I have been working on this matter for a number of years. Last year I introduced a similar bill, S. 4503, but I want the present bill to replace it.

For many years past there has been a lack of agreement between the Truckee Meadows water users, the Newlands reclamation project, and the power company, all of whom are interested in this question. I met frequently with the representatives of the various interests in Nevada this past summer, and have had much correspondence with the departments regarding steps leading to a settlement of the controversy. I have received a letter dated December 5, 1930, signed by Thomas R. King, engineer-manager of the Washoe County water conservation district, and Cooke & Stoddard, attorneys for the Truckee-Carson irrigation district, all of Reno, which reads as follows:

"The board of directors of the Washoe County water-conservation district (Truckee Meadows) and the board of directors of the Truckee-Carson irrigation district (Newlands reclamation project) have reached a tentative agreement as to basic principles involved in the entry of a final decree in the Truckee River adjudication suit. The final decree when entered by stipulation will, we believe, forever dispose of adverse interests or inharmonious relations between the parties.

"Preparation of final and complete wording of a proposed stipulation is now in progress and will be speeded as rapidly as possible. The stipulation provides for the construction of upstream storage development by the Truckee Meadows and construction of two small regulatory pondage reservoirs by the Sierra Pacific Power Co.

"The Truckee Meadows interests are not as yet prepared to designate the exact location of their proposed reservoir, but we believe it will facilitate matters if you will please immediately introduce a bill in Congress for the appropriation of $750,000 to cover the cost of the proposed construction, and immediately upon further details being available you will be promptly advised accordingly.

"It is the wish and desire of the Truckee-Carson irrigation district to give whole-hearted support to the appropriation and construction and to that end will lend its name and give any assistance within its power to secure the appropriation, not only because of a direct benefit to the bench lands of the Newlands project, but also because of its desire to continue the spirit as well as the letter of the present tentative agreement which disposes of all friction between the two interests.

"The Sierra Pacific Power Co. has not as yet become a party to the agreement nor has it definitely signified its intention to become a party thereto or to oppose a proposed agreement and adjustment. However, it is felt that the agreement of the two irrigation districts is sufficient to proceed forthwith with the introduction of the bill and should the power company elect not to become a party to the stipulation it is the intention of the two irrigation districts to proceed nevertheless.

"Your valued assistance in securing the appropriation and taking care of other matters in connection therewith will be greatly appreciated and likewise will the support and assistance of Senator PITTMAN and Mr. ARENTZ to whom we will forward copies of this letter and the proposed bill.

"Should you require further detailed information as to present status please wire and both districts will forward from time to time further details as the situation progresses."

I am most anxious to secure a favorable report from the Interior Department on this bill and will request you to give it your careful consideration as promptly as possible. I shall be glad to discuss the matter with you at your convenience.

With best wishes, I remain,

Very sincerely yours,

TASKER L. ODDIE.

STATEMENT BY SENATOR TASKER L. ODDIE ON THE NEED FOR AN EMERGENCY APPROPRIATION TO THE RECLAMATION FUND TO PROVIDE STORAGE FACILITIES IN POWER-PLANT DEVELOPMENTS TO RELIEVE THE DROUGHT CONDITIONS ON THE TRUCKEE AND CARSON RIVERS, BEFORE THE SENATE COMMITTEE ON RECLAMATION, JANUARY 6, 1931

For a number of years the waters of the Truckee and Carson Rivers of Nevada have, during periods of drought, run so low that there was an insufficient supply of water for the settlers on the Truckee-Carson Irrigation District, the Truckee Meadows water users, the power companies using said waters, and the water users on the Carson River system. In the low stages of the Truckee River, during drought seasons, the sewage disposal at Reno and Sparks, Nev., is also made difficult and, in the absence of pumping water from Lake Tahoe, the conditions would be a serious menace to health. In each of these drought years, the most serious being that of the season of 1930, it has become necessary to pump water from Lake Tahoe into the Truckee River in order to satisfy as far as possible the requirements of irrigationists and the cities of Reno and Sparks for sewage disposal. As each year has passed the property owners surrounding Lake Tahoe have protested on the ground that it was substantially lowering the level of Lake Tahoe and destroying the value of their property. Through the good offices and the able assistance of the Secretary of the Interior and the representatives of the irrigation districts and water users involved, a tentative agreement was entered into last summer which provides for a permanent solution of this problem by the development of a reservoir system at the headwaters of the Truckee River and by supplementing the present power plant at Lake Lahontan by a new power plant at a higher elevation which will permit the conservation of the winter water supply in Lake Lahontan.

Great losses have been sustained by the settlers using the waters of this river because of these drought periods which will undoubtedly continue unless these developments are made.

Early in this Congress I introduced S. 5172, authorizing an appropriation of $750,000 to provide for additional storage facilities on the upper Truckee River and the impounding of the waters of Webber, Independence, and Donner Lakes, which lie in California but which flow into the Truckee River system. The Chief of the Reclamation Service, Doctor Mead, has conducted a considerable investigation in the field and has much of the necessary information of an engineering character required to carry into effect the provisions of this bill. He has, however, sent a report opposing the same at the present time because of the insufficient balance remaining in the reclamation fund. Furthermore, he could not recommend the legislation that I introduced last year on this same subject because of the serious conflicts existing between the various interests involved in the system. I worked hard last summer with the representatives of these various interests in trying to bring them into agreement on a definite plan of development. This agreement has been effected and consequently the objections of the Reclamation Bureau have been completely satisfied. On the strength of this I desire a reconsideration of my bill, S. 5172.

Yesterday I introduced a bill providing for the construction of another dam in the Truckee River before it enters Lahontan Reservoir, the construction of which will cost about $200,000, and which will greatly conserve the winter waters behind the Lahontan Dam for the use of the settlers on the Newlands project. These two bills should be considered as one project in meeting the drought situation on the Truckee and Carson Rivers and in making it unnecessary in the future to pump water from Lake Tahoe, which reduces its elevation.

The situation is critical and it is imperative that something be done immediately to relieve the same. It has required a great deal of time and effort to bring the parties in interest to an accord as to what should be done in meeting the drought situation and now is the time to provide the necessary relief. Undoubtedly the reclamation fund is low because of the serious conditions confronting the agricultural industry in the past few years which has cut down the earnings of settlers on reclamation projects and postponed the repayments to the Government. In Nevada this situation has been rendered even more acute through the inadequate supply of water to irrigation settlers. If this work could be provided for promptly through an additional appropriation to the reclamation fund, it would also greatly assist in relieving the unemployment situation in a State where other forms of relief are most difficult to provide. Grave and disastrous results in severe losses and suffering have resulted from the shortages of water for a number of years, part of which have been caused by failure of the Government to live up to its agreements with the settlers in furnishing adequate water supplies.

I herewith supply copies of the bills to which reference has been made and a letter to the chairman of the committee referring to same.

TASKER L. ODDIE.

JANUARY 6, 1931.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, January 15, 1931.

Memorandum for the Secretary.

Attached letter of January 10 requests further report concerning S. 5172, a bill providing for additional storage on the Truckee River watershed.

In my memorandum of December 16 I pointed out as a prerequisite to construction of the desired storage works the necessity of securing an agreement among the various interests affected, particularly in the matter of determining the benefits to be received, allocation of costs, and kindred matters. I have been furnished with a copy of a letter dated January 6, 1931, written by Senator ODDIE to the chairman of the Senate committee, from which it appears that substantial progress has been made in composing the differences which have hitherto existed among certain conflicting interests. It is gratifying to note that a tentative agreement has been reached as to certain basic principles involved, although I do not understand that negotiations have yet reached the stage where it would be possible to make a definite determination of how the water to be developed would be divided, and by whom the costs to be incurred by the United States would be returnable. It is possible that these further details could be arranged without undue delay and difficulty.

In my former memorandum attention was also invited to the present depleted status of the reclamation fund. Unfortunately this situation has not improved since that memorandum was written, but, on the contrary, conditions are now considerably worse than then depicted. It has been necessary to curtail construction work now in progress under existing contracts, and it is possible that discontinuances of construction will be necessary within a short time. It is certain that construction must of necessity be confined to completing work of the most urgent character, such as that on the Gooding Canal, and even the discontinuance or curtailment of this work may become imperative. It is possible that the funds available will not be more than sufficient to cover the necessary operation and maintenance costs for a period.

These conditions make it plainly evident that no new construction work can be undertaken at this time, however urgent the character of it may be. This is regretable, but I can suggest no other course of action.

ELWOOD MEAD, *Commissioner.*

THE SECRETARY OF THE INTERIOR,
Washington, January 17, 1931.

Hon. JOHN THOMAS,
Chairman Committee on Irrigation and Reclamation, United States Senate.

MY DEAR SENATOR THOMAS: In response to your letter of January 10 addressed to Commissioner Mead, of the Bureau of Reclamation, requesting further report on S. 5172, there is transmitted herewith a supplementary memorandum of Doctor Mead on this subject. In this memorandum I concur.

I deeply regret the necessity of making this further unfavorable report.

Very truly yours,

RAY LYMAN WILBUR.

UNITED STATES SENATE,
COMMITTEE ON IRRIGATION AND RECLAMATION,
January 19, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR: I am inclosing herewith carbon copies of communications from the Department of the Interior covering your bill (S. 5172) providing for additional storage on the Truckee River watershed, the same being self-explanatory.

Yours very truly,

JNO. THOMAS.

JANUARY 20, 1931.

Hon. ELWOOD MEAD,
Commissioner of Reclamation,
Washington, D. C.

MY DEAR DOCTOR MEAD: In regard to my letter to you of January 6, 1931, in which I referred to the bill which I have introduced in the Senate, S. 5172, providing for additional water storage for the Truckee River system, and your reply dated January 15, 1931, to the Secretary of the Interior:

I note with gratification that you feel the importance of the tentative agreement which has been reached by the various interests on the Truckee River system which have been at variance up to a few weeks ago as to certain of the basic principles involved. I wish to assure you that if plans were perfected and appropriations made available for the construction of the reservoir system provided for in the bill which I have introduced, no complications would arise or time be lost in arriving at whatever legal understanding might be necessary.

I call your attention to the urgent necessity for this work because of the suffering from the serious drought conditions which have existed for a number of years along the Truckee River system and the acute unemployment situation existing in the State of Nevada.

It is impossible for me to harmonize the statements in your memorandum to the Secretary of the Interior with the President's policy on unemployment and drought relief. The President has consistently and wisely urged increased appropriations for river and harbor development, road construction, erection of public buildings, and development of other public works in order to make available more employment for American labor. Consequently, when in your report you say that the current construction work

of the Reclamation Service must be seriously curtailed or altogether discontinued, it seems to me entirely antagonistic to the President's well-chosen program for the relief of unemployment. To be consistent, it would be necessary not only to supply the reclamation fund with the necessary appropriations to carry on the current work but to increase that fund in order to include the necessary new construction, especially in the case of Nevada, where that construction would afford a long-needed drought relief and where failure to provide for this construction would bring untold suffering and distress.

I feel that this matter should be called to the President's attention in most emphatic terms, and that with his knowledge of conditions he will support an adequate appropriation to take care of not only current construction of the Reclamation Service work but to provide for those new works to overcome drought conditions existing in the State of Nevada.

Another reason for this work, to which I have heretofore called attention, is the necessity for providing ample water for the Truckee River in these drought years to carry the sewage away from the cities of Reno and Sparks. If this is not attended to promptly serious epidemics may occur which would jeopardize the lives and health of thousands of people.

It is not necessary for me to call to your mind the fact that the Government has been delinquent ever since the settlers were first brought into the Newlands project because of failure to live up to its sacred agreements to supply adequate water, which makes even more necessary that this obligation be no longer deferred.

The people of Nevada are not going to benefit by drought appropriations which have been made. They are not asking charity; but they do expect that the Government live up to its obligations to overcome these drought conditions by providing adequate drainage and irrigation works.

If the funds were made available for the construction of the reservoir system provided for in my bill on the Truckee River system it would go a long way toward alleviating the acute unemployment situation in Nevada. This is another reason why this work should be undertaken at this time in order that the President's program for the relief of unemployment be geographically distributed in an equitable manner.

I will appreciate your prompt and careful consideration of this matter and an early reply.

Very sincerely yours, TASKER L. ODDIE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, January 22, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Replying to your letter of January 20 relative to the Humboldt River, and your letter of the same date relative to developments on the Truckee:

I wish to assure you that the necessities of Nevada have never been lost sight of, and that within the near future the matters you mention will be given direct attention. You are, however, aware of the fact that unless we can get more money than is coming into the reclamation fund from the present sources, it will be impossible to provide for any construction work on either the Humboldt or the Truckee Rivers for some time to come. The money is not in the treasury to complete contracts already made, and of course we can not start any new construction until provision has been made for meeting our obligations to the workmen and the contractors on work now going on. I am, therefore, hoping that through your effort and the efforts of others familiar with the situation, we may be able to secure approval to use over again $5,000,000 of the money paid into the Treasury in the last five years, and also be relieved from continuing these payments for another five years. That would enable us to relieve very distressing situations in a number of States.

The right course seems to be to arrange for a conference with the interested people on the Humboldt and the Truckee as soon as weather conditions make it possible. Nothing can be gained, it seems to me, by trying to hold those meetings before the 4th of March, and it will be very difficult for us to do it because of the great pressure of work on all our staff at this time.

I leave to-day for California and I shall be very glad to meet anyone who would care to come to San Francisco where I will be at the Palace Hotel between January 26 and 29, or to Las Vegas, where I will be on the 4th or 5th of February. What is needed now is to have the views of the people on both the Humboldt and the Truckee Rivers as to what arrangements can be made for the repayment of construction costs. Can not you take up with them the preparation of a statement on the Humboldt that will show the value of stored water and where it should be used, so that it may be before me when I return here?

On the Truckee, if a storage is to be built there, there must be an agreement as to who is to pay for it. I am not informed as to what will be the attitude of the people on the Newlands project. They are meeting their payments, but whether they will be willing to have those payments increased is something about which I am not advised. One of the parties benefited will be the people of the Truckee Meadows. Will they be willing to form a district, or in some way that will be satisfactory to the Government and in accordance with the law, enter into an obligation to repay the cost of this development within 40 years? I shall appreciate it if you will inform the proper parties that I am anxious to have all the information which can be furnished as to how the repayment of new works for the conservation of the water of the Truckee is to be made.

I shall hope to take this matter up with you again on my return.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

JANUARY 22, 1931.

Col. ARTHUR WOODS, *Chairman,*
President's Emergency Committee for Employment,
Washington, D. C.

MY DEAR COLONEL WOODS: On January 15, 1931 Hon. Ray Lyman Wilbur, Secretary of the Interior, transmitted to me a copy of the report by Dr. Elwood Mead, commissioner of reclamation, on a bill which I introduced, S. 5172, providing for additional water storage for the Truckee River system, in which it was stated that there were insufficient funds to carry on the current construction work of the reclamation service and that it would be necessary seriously to curtail that work and possibly to discontinue some of it, which obviously would create additional unemployment in sections of the country which are now suffering acutely and to which other forms of relief are not available.

This seemed to me so inconsistent with the President's plan to increase public construction in the interest of lessening unemployment that I wrote a letter to Dr. Mead on January 20, 1931, calling attention to this matter and the serious drought conditions on the Truckee River system, which have created extreme hardships for the irrigation settlers. A copy of the letter to Doctor Mead is inclosed for your information.

I know you are familiar with the conditions prevailing and I believe that no more constructive results could be obtained in overcoming the unemployment conditions throughout the Western States than to make available, perhaps through a temporary loan to the reclamation fund to be returned from payments to the fund which will come due in the future, an amount sufficient not only to provide for the completion of the current construction work of the reclamation service but also to provide additional storage facilities on the Truckee River system in order to meet the emergency drought conditions.

The people of Nevada will not benefit through appropriations made available to the States in which droughts occurred last year and they are not now asking for charity but believe that the Government should meet its just obligation to supply adequate water to the settlers on the Truckee River system.

I shall greatly appreciate your consideration of this matter.

Very sincerely yours,

TASKER L. ODDIE.

THE PRESIDENT'S EMERGENCY COMMITTEE FOR EMPLOYMENT,
DEPARTMENT OF COMMERCE BUILDING,
Washington, D. C., January 30, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: I wish to acknowledge the receipt of your letter of January 22 and to thank you for sending a copy of your letter of January 20 to the Commissioner of Reclamation, as well as a copy of your bill S. 5172.

Very truly yours,

ARTHUR WOODS.

JANUARY 22, 1931.

The PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: On January 15, 1931, Hon. Ray Lyman Wilbur, Secretary of the Interior, transmitted to me a copy of the report by Dr. Elwood Mead, Commissioner of Reclamation, on a bill which I introduced (S. 5172) providing for additional water storage for the Truckee River system, in which it was stated that there were insufficient funds to carry on the current construction work of the Reclamation Service and that it would be necessary seriously to curtail that work and possibly to discontinue some of it, which obviously would create additional unemployment in sections of the country which are now suffering acutely and to which other forms of relief are not available.

This seemed to me so inconsistent with your plan to increase public construction in the interest of lessening unemployment that I wrote a letter to Doctor Mead on January 20, 1931, calling attention to this matter and the serious drought conditions on the Truckee River system, which have created extreme hardships for the irrigation settlers. A copy of the letter to Doctor Mead is inclosed for your information.

I know you are familiar with the conditions prevailing, and I believe that no more constructive results could be obtained in overcoming the unemployment conditions throughout the Western States than to make available, perhaps through a temporary loan to the reclamation fund, to be returned from payments to the fund which will come due in the future, an amount sufficient not only to provide for the completion of the current construction work of the Reclamation Service but also to provide additional storage facilities on the Truckee River system in order to meet the emergency drought conditions.

The people of Nevada will not benefit through appropriations made available to the States in which droughts occurred last year, and they are not now asking for charity but believe that the

Government should meet its just obligation to supply adequate water to the settlers on the Truckee River system.

I shall greatly appreciate your consideration of this matter.

Very sincerely yours,

TASKER L. ODDIE.

THE WHITE HOUSE,
Washington, January 23, 1931.

The Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of January 22. We have a number of instances of the kind you mention and we are endeavoring to set up some method which will deal with them all.

Yours faithfully,

HERBERT HOOVER.

WASHINGTON, D. C., *January 24, 1931.*

CHAS. W. MAPES, Esq.,
President Washoe County Water Conservation District, Reno, Nev.:

Have just sent important wire to Thomas R. King, engineer-manager, and Lester D. Summerfield, attorney, Washoe County Water Conservation District, regarding upstream storage on Truckee River and suggest your seeing them regarding matter and if possible joining them in trip to San Francisco to confer with Doctor Mead between January 26 and 29.

Kind regards.

TASKER L. ODDIE.

WASHINGTON, D. C., *January 24, 1931.*

THOMAS R. KING, Esq.,
Engineer-Manager, Washoe County Water Conservation District, Reno, Nev.

LESTER D. SUMMERFIELD, Esq.,
Attorney, Washoe County Water Conservation District, Reno, Nev.

ROY W. STODDARD, Esq.,
Attorney, Truckee-Carson Irrigation District, Reno, Nev.

DEAN STUVER, Esq.,
Care of Truckee-Carson Irrigation District, Fallon, Nev.

S. R. MAREAN, Esq.,
Care of Truckee-Carson Irrigation District, Fallon, Nev.

GEORGE DEVORE, Esq.,
Care of Sierra Pacific Power Co., Reno, Nev.

HARRY C. DUKES, Esq.,
Water Master, Truckee River, Reno, Nev.

I have recently taken active steps to expedite action on my bill, S. 5172, authorizing appropriation of $750,000 for upstream storage on Truckee River as per plan agreed upon by water users on Truckee River system which you helped bring about. On January 6 I wrote strong letter to Doctor Mead inclosing letter I had written to Senator THOMAS, chairman Senate Committee on Irrigation and Reclamation, outlining the situation in detail and insisting on favorable action. On January 15, Doctor Mead made report to Secretary of Interior on this bill, in which he referred to the composing of previously existing differences among certain conflicting interests on the river. He further stated: "In my former memorandum attention was also invited to the present depleted status of the reclamation fund. Unfortunately this situation has not improved since that memorandum was written, but, on the contrary, conditions are now considerably worse than then depicted. It has been necessary to curtail construction work now in progress under existing contracts and it is possible that discontinuance of construction will be necessary within a short time.

"It is certain that construction must of necessity be confined to completing work of the most urgent character, such as that on the Gooding Canal, and even the discontinuance or curtailment of this work may become imperative. It is possible that the funds available will not be more than sufficient to cover necessary operation and maintenance costs for a period. These conditions make it plainly evident that no new construction work can be undertaken at this time, however urgent the character of it may be. This is regrettable, but I can suggest no other course of action."

On January 20 I again wrote an especially strong letter to Doctor Mead, calling his attention to urgent necessity for this work because of the suffering from serious drought conditions which have existed for numbers of years along Truckee River and the acute unemployment situation existing in Nevada, as well as the danger of epidemic because of shortage of water to carry sewerage through Reno and Sparks. I then took matter up actively with the Secretary of Interior and insisted on prompt action. The result of this is a letter from Doctor Mead, dated January 22, from which I quote, as follows:

"I wish to assure you that the necessities of Nevada have never been lost sight of, and that within the near future the matters you mention will be given direct attention. You are, however, aware of the fact that unless we can get more money than is coming into the reclamation fund from the present sources it will be impossible to provide for any construction work on either the Humboldt or the Truckee Rivers for some time to come.

"The money is not in the Treasury to complete contracts already made and of course we can not start any new construction until provision has been made for meeting our obligations to the workmen and the contractors on work now going on. I am therefore hoping that through your effort and the efforts of others familiar with the situation we may be able to secure approval to use over again $5,000,000 of the money paid into the Treasury in last five years and also be relieved from continuing these payments for another five years. That would enable us to relieve very distressing situations in a number of States.

"The right course seems to be to arrange for a conference with the interested people on the Humboldt and the Truckee as soon as weather conditions make it possible. Nothing can be gained, it seems to me, by trying to hold those meetings before the 4th of March and it will be very difficult for us to do it because of the great pressure of work on all our staff at this time.

"On the Truckee, if a storage is to be built there, there must be an agreement as to who is to pay for it. I am not informed as to what will be the attitude of the people on the Newlands project. They are meeting their payments but whether they will be willing to have those payments increased is something about which I am not advised. One of the parties benefited will be th people of the Truckee Meadows. Will they be willing to form a district or in some way that will be satisfactory to the Government and in accordance with the law enter into an obligation to repay the cost of this development within 40 years?

"I shall appreciate it if you will inform the proper parties that I am anxious to have all the information which can be furnished as to how the repayment of new works for the conservation of the water of the Truckee is to be made." I have arranged for Doctor Mead to meet the various parties in interest at the Palace Hotel between January 26 and 29 and strongly suggest your meeting with him there. I have sent this same telegram to Thomas R. King, manager Washoe County water conservation district; Lester D. Summerfield, attorney Washoe County water conservation district; Roy W. Stoddard, attorney Truckee Carson irrigation district; Dean Stuver, Truckee Carson irrigation district; S. R. Marean, Truckee Carson irrigation district; George Devore, Sierra Pacific Power Co.; and Harry C. Dukes, water master Truckee River. Please keep careful record of conference and advise me promptly by wire, Government rate, collect, of developments and result. I have informed Doctor Mead of formation of Washoe County conservation district, including water users on Truckee meadows. I have taken matter up with the President and have shown him that insufficient funds in Reclamation Service will cause unemployment which is inconsistent with his wise policy of recommending additional appropriations for public works in order to decrease unemployment. He is trying to work out satisfactory plan for securing additional reclamation funds. Your cooperation in assisting in carrying out suggestions in this telegram and in keeping me advised by wire will be very helpful to him.

TASKER L. ODDIE.

JANUARY 24, 1931.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: In Doctor Mead's letter of January 22, he has requested conferences in San Francisco between January 26 and 28, 1931, with the settlers on the Humboldt and Truckee River systems. In order to facilitate these conferences I have sent telegrams to the following interested parties requesting that they meet Doctor Mead:

TRUCKEE RIVER SYSTEM

Thomas R. King, engineer-manager, Washoe County water-conservation district, Reno, Nev.

Lester D. Summerfield, attorney, Washoe County water-conservation district, Reno, Nev.

Roy W. Stoddard, attorney, Truckee-Carson irrigation district, Reno, Nev.

Dean Stuver, Truckee-Carson irrigation district, Fallon, Nev.

S. R. Marean, Truckee-Carson irrigation district, Fallon, Nev.

George Devore, Sierra Pacific Power Co., Reno, Nev.

Harry C. Dukes, water master, Truckee River, Reno, Nev.

HUMBOLDT RIVER SYSTEM

Hon. Morley Griswold, Lieutenant Governor of Nevada, Carson City, Nev.

Hon. H. J. Murrish, Lovelock, Nev.

George Banks, Battle Mountain, Nev.

Robert Krumbein, Winnemucca, Nev.

I will appreciate it very much if you will send a wire to Doctor Mead giving him the names of the parties I have requested to meet him so that he will be fully prepared.

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, January 26, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: As the upstream-storage question on the Truckee River appears to be closely tied in with the question of equation of Truckee River stream flow against Lake Tahoe water levels, I suggest that all interests will be desirous of having the upstream-storage question disposed of prior to any further action by the department toward fixing an equation between Lake Tahoe water levels and use of Truckee River water. I am pleased that you have taken the leadership in working out the upstream-storage problem and will be glad to have you keep me in touch with developments. As you know, the primary question is one of financial feasibility; the division of the cost as among the bene-

ficiaries is an essential point which must be disposed of at the outset and I trust that you will be successful in effecting an agreement.

Very truly yours,

RAY LYMAN WILBUR.

[Telegram]

JANUARY 26, 1931.

Hon. GEORGE WINGFIELD,
Reno, Nev.:

Have sent following telegram to Thomas R. King, engineer-manager, and Lester D. Summerfield, attorney, Washoe County water conservation district; Roy W. Stoddard, Dean Stuver, and S. R. Marean, Truckee-Carson irrigation district; George DeVore Sierra Pacific Power Co., and Harry C. Dukes, water master Truckee River, requesting them meet Doctor Mead at San Francisco between 26th and 29th. "I have recently taken active steps to expedite action on my bill (S. 5172) authorizing appropriation of $750,000 for upstream storage on Truckee River as per plan agreed upon by water users on Truckee River system which you helped bring about. On January 6 I wrote strong letter to Doctor Mead, inclosing letter I had written to Senator THOMAS, chairman Senate Committee on Irrigation and Reclamation, outlining situation in detail and insisting on favorable action. On January 15 Doctor Mead made report to Secretary of Interior on this bill in which he referred to the composing of previously existing differences among certain conflicting interests on the river." He further stated: "In my former memorandum attention was also invited to the present depleted status of the reclamation fund. Unfortunately this situation has not improved since that memorandum was written but on the contrary conditions are now considerably worse than then depicted. It has been necessary to curtail construction work now in progress under existing contracts and it is possible that discontinuance of construction will be necessary within a short time. It is certain that construction must of necessity be confined to completing work of the most urgent character, such as that on the Gooding Canal, and even the discontinuance or curtailment of this work may become imperative. It is possible that the funds available will not be more than sufficient to cover necessary operation and maintenance costs for a period. These conditions make it plainly evident that no new construction work can be undertaken at this time, however urgent the character of it may be. This is regrettable, but I can suggest no other course of action." On January 20 I again wrote an especially strong letter to Doctor Mead, calling his attention to urgent necessity for this work because of the suffering from serious drought conditions which have existed for numbers of years along Truckee River and acute unemployment situation existing in Nevada, as well as danger of epidemic because of shortage of water to carry sewage through Reno and Sparks. I then took the matter up actively with Secretary of Interior and insisted on prompt action. The result of this is a letter from Doctor Mead, dated January 22, from which I quote as follows:

"I wish to assure you that the necessities of Nevada have never been lost sight of and that within the near future the matters you mention will be given direct attention. You are, however, aware of the fact that unless we can get more money than is coming into the reclamation fund from the present sources it will be impossible to provide for any construction work on either the Humboldt or the Truckee Rivers for some time to come. The money is not in the Treasury to complete contracts already made, and, of course, we can not start any new construction until provision has been made for meeting our obligations to the workmen and the contractors on work now going on. I am, therefore, hoping that through your effort and the efforts of others familiar with the situation we may be able to secure approval to use over again $5,000,000 of the money paid into the Treasury in last five years and also be relieved from continuing these payments for another five years. That would enable us to relieve very distressing situations in a number of States.

"The right course seems to be to arrange for a conference with the interested people on the Humboldt and the Truckee as soon as weather conditions make it possible. Nothing can be gained, it seems to me, by trying to hold these meetings before the 4th of March, and it will be very difficult for us to do it because of the great pressure of work on all our staff at this time.

"On the Truckee if a storage is to be built there, there must be an agreement as to who is to pay for it. I am not informed as to what will be the attitude of the people on the Newlands project. They are meeting their payments; but whether they will be willing to have those payments increased is something about which I am not advised. One of the parties benefited will be the people of the Truckee Meadows. Will they be willing to form a district or, in some way that will be satisfactory to the Government and in accordance with the law, enter into an obligation to repay the cost of this development within 40 years? I shall appreciate it if you will inform the proper parties that I am anxious to have all the information which can be furnished as to how the repayment of new works for the conservation of the water of the Truckee is to be made."

I have arranged for Doctor Mead to meet the various parties in interest at the Palace Hotel, San Francisco, between January 26 and 29, and strongly suggest your meeting with him there. I have informed Doctor Mead of formation of Washoe County conservation district, including water users on Truckee Meadows.

Please keep careful record of conference and advise me promptly by wire, Government rate, collect, of developments and result. I have taken matter up with President and have shown him that insufficient funds in reclamation service will cause unemployment, which is inconsistent with his wise policy of recommending additional appropriations for public works in order to decrease unemployment. He is trying to work out satisfactory plan for securing additional reclamation funds. Your cooperation in assisting in carrying out suggestions in this telegram and in keeping me advised by wire will be very helpful to him. I suggest you send one or more of your representatives who have helped materially in bringing about the settlement of controversies among water users on Truckee River system and establishment of a national policy on which I am basing request for Federal aid. I have seen the President this morning personally about this, and have urged a loan or $5,000,000 for the Reclamation Service. In the Senate Appropriations Committee we have already approved a cancellation of the repayment to the Treasury by the Reclamation Service of $1,000,000 a year for five years. A personal appeal from you to the President will help materially. Best wishes.

TASKER L. ODDIE.

RENO, NEV., *January 26, 1931.*

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.:

Re your wire 24th. Many thanks for your most active interest and explicit wire. Have discussed in full with C. W. Mapes, president our district, who concurs in the following. Washoe County water conservation district, duly organized and functioning, will bear entire financial burden of initial supplemental storage on Truckee River and enter into necessary legal contracts for repayment of funds to the United States within 40 years. While the financial burden is assumed by the Washoe County district the ownership entitled to benefits accrue the substantial part to the Truckee-Carson district, which is now an incomplete bureau of reclamation enterprise. It is therefore believed by all parties that Government should aid in relieving the distressing conditions now existing by advancement of funds over 40 years without interest. Truckee-Carson irrigation district will not be called upon for financial assistance. All parties mentioned in your wire leave Reno for San Francisco to-night, though Doctor Mead has not yet arrived there. Will keep you fully advised of conference progress.

THOMAS R. KING,
Engineer-Manager W. C. W. C. D.

JANUARY 26, 1931.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: I am in receipt of your letter of the 26th instant regarding the questions of upstream storage and the equation of Truckee River stream flow against Lake Tahoe water levels.

I feel very hopeful that the meeting I have arranged with Doctor Mead, in San Francisco, between the various parties in interest in the State of Nevada on the Truckee River will be successful. The meeting is going on now, and I am looking for good results from it. I appreciate very much your cordial cooperation in this matter.

With my best wishes, I remain,

Very sincerely yours,

TASKER L. ODDIE.

SAN FRANCISCO, CALIF., *January 30, 1931.*

TASKER L. ODDIE,
United States Senate, Washington, D. C.:

Turrettin, Summerfield, Mapes, King, Devore, Dukes, Stuver, Marean, Harmon, and Stoddard conferred with Doctor Mead in San Francisco yesterday. His attitude believed favorable to Truckee River conservation. He advises that further action on 750,000 upstream reservoir and 200,000 additional Lahontan power-plant appropriations be deferred temporarily pending congressional enactment of bill for 5,000,000 and bill authorizing retention in reclamation fund of 1,000,000 annually for five years. However, we want immediate appropriation if possible, and if there is any way that the 5,000,000 and the 1,000,000 annual reclamation appropriations can be increased so as to take care of our two appropriations without jeopardizing the enactment of the five and one million dollar bills it would be highly desirable. Chances look good to secure appropriations with 40-year repayment contracts without interest providing 5,000,000 and 1,000,000 deferred payment bills can be increased or other reclamation funds made available. We also urge passage of Smith-Glenn bill as safeguard. Truckee River people would, of course, prefer reclamation funds without interest if not too long delayed. Mead advises that an amendment to act of December 5, 1924, referring to allocation of power revenues is contemplated by Congress. Please get in touch with Senators who have preparation of amendment and insist upon protection of additional Lahontan power-plant revenues to Truckee-Carson irrigation district. Definite arrangements have been made for Doctor Mead and others to visit Nevada personally next April to further investigate and check up on the Truckee River development so that Budget provision can be made by July next. This telegram has been read and approved by all of the above-named Nevada parties. Please send copies of Smith-Glenn bill (S. 4123) to above parties. Wire how situation develops.

ROY W. STODDARD
(For the above parties).

RENO, NEV., *February 2, 1931.*

The Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR TASKER: C. W. Mapes, president of the Washoe County water-conservation district, while in the office this morning ask

me to convey to you his appreciation of your most active interest in our Truckee River problem, and to advise you that he had received a copy of Senate bill 4123, and also a copy of the letter of Secretary Ray Lyman Wilbur addressed to you under date of January 26, 1931.

I also wish to express the same thoughts.

As I read the bill there occurs to me the question as to whether or not a project such as we propose, which has not yet incurred the indebtedness for construction purposes, might secure funds for same under the act as now worded. Would you be so kind as to secure for us an interpretation of the act as related to this particular question? I gained the impression at the conference with Doctor Mead in San Francisco on January 27 that it would be possible for us to secure our funds under the above-mentioned act, providing the requirements of the Department of Interior were satisfactorily met and the bill duly passed.

With kindest personal regards, I am,

Sincerely,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*

THE SECRETARY OF THE INTERIOR,
Washington, February 19, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: I believe that Mr. Ely discussed S. 5712 with you this morning. This is a bill introduced by you to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee, it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary and changes the bill from an appropriation measure to an authorization.

The department has consistently urged opposition to unnecessary bills authorizing new reclamation projects; as you know, special authorization is not needed in such cases and the problem is one of appropriation simply.

In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years; and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If you believe that this bill will assist in solving the Nevada part of the problem on which you have been effectively working and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

You of course understand that passage of this bill will not expedite construction of the project contemplated by the bill. The reclamation fund has no money now available, and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction and must be so used.

Very truly yours,

RAY LYMAN WILBUR.

Mr. ODDIE. The debate on the floor of the Senate at the time of the enactment of S. 5172 providing for upstream storage on the Truckee River system was very brief and in order to make a continuous record I herewith insert the same at this time.

RESERVOIR IN LITTLE TRUCKEE RIVER, CALIF., ETC.

The Senate proceeded to consider the bill (S. 5172) for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, which had been reported from the Committee on Irrigation and Reclamation, with amendments, on page 2, after line 7, to insert "No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act," and on the same page, line 13, after the word "hereby," to insert "authorized to be," so as to make the bill read:

"*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to provide for the construction of a reservoir in the Little Truckee River, State of California, and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, for the irrigation of lands along the Truckee River in the State of Nevada and the Newlands reclamation project.

"The Secretary of the Interior is hereby further authorized to acquire, by purchase, condemnation, or otherwise, such water rights, rights of way, and lands as may be necessary to carry out the provisions of this act.

"No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act.

"SEC. 2. There is hereby authorized to be appropriated from the special fund in the Treasury known as the reclamation fund the sum of $750,000 for the purpose of carrying out the provisions of this act."

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. JONES. Mr. President, I objected to the consideration of this bill once or twice before; but I have received a letter from the Secretary of the Interior which reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 19, 1931.

Hon. WESLEY L. JONES,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR MR. CHAIRMAN: I believe that Mr. Ely discussed S. 5172 with you this morning. This is a bill introduced by Senator ODDIE to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee, it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary, and changes the bill from an appropriation measure to an authorization.

I have been thoroughly in harmony with your consistent opposition to unnecessary bills authorizing new reclamation projects and appreciative of that attitude; as you know, special authorization is not needed in such cases, and the problem is one of appropriation simply.

In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years; and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If Senator ODDIE believes that this bill will assist in solving the Nevada part of the problem and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

Senator ODDIE will, of course, clearly understand that passage of this bill will not expedite construction of the project contemplated by his bill. The reclamation fund has no money available and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction, and will be so used.

Very truly yours,

RAY LYMAN WILBUR,
Secretary.

I know, as the department maintains, that the appropriation of the reclamation fund for particular projects by Congress is not encouraged, and we always take care of that in the general bill; and this special appropriation will not really amount to anything. If, however, it will help in bringing about the agreement that is referred to here, I am perfectly willing that that shall be done. I desire to have it understood, however, that I will not consider this as a precedent for legislation hereafter allotting the reclamation fund under separate measures.

Mr. KING. Mr. President, I call the attention of the Senator from Nevada to the fact that, as I read this bill, it in part provides for the irrigation of privately owned lands. I am not sure that it is a reclamation project. The language of the bill is so ambiguous that I can not tell; but if it be for irrigation of privately owned lands—and it refers to irrigation districts under the State law, from which I should assume that it refers to privately owned lands—then there ought to be some provision under the terms of which the owners of the lands should pay their share of the cost of the project, not in 40 years without interest, but within 20 years and a reasonable amount of interest.

Mr. ODDIE. Mr. President, there is a provision in the bill as follows:

"No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act."

Mr. KING. Let me say to the Senator that the representative of the Secretary of the Interior called to see me this afternoon, because I had objected to some features of this bill. I asked him with regard to the matter I have just mentioned; and he said that so far as he knew—and he was here representing the Secretary of the Interior—the owners of lands who were not on reclamation projects would have 40 years, without interest, for the payment of their share of the water. It seems to me it is unjust.

Mr. ODDIE. There is nothing in the bill to show that, Mr. President. The contracts will have to be satisfactory to the Secretary of the Interior, and an appropriation for this purpose will have to be approved by both Houses of Congress, before this work can be done. At that time he will see that proper contracts have been made. If the bill passes he will be able to take the necessary preliminary steps in carrying it into effect.

Mr. President, this will benefit the Newlands reclamation project, which was the first reclamation project of all. Former Senator Newlands, of Nevada, was a man of great ability and high integrity. He was one of the most brilliant and distinguished Members this Senate has ever had. He has been well called the "father of reclamation." This bill will save the Newlands project from a great deal of trouble, and will be a great benefit to it. I hope the bill will pass.

Mr. KING. Mr. President, I do not object to this bill, but I do think there ought to be an amendment under the terms of which those persons who were the beneficiaries of this Federal appropriation, who own lands of their own, would pay a reasonable proportion of the cost, and they ought to pay for it within 20 years. They ought to pay reasonable interest on the deferred payments,

instead of getting it for 40 years without interest at all, as those who live under the reclamation projects do.

Mr. ODDIE. Mr. President, I am satisfied they do not expect that much, and I do not believe the Secretary of the Interior would allow it in that way. I know he will see to it that this matter will be handled in a fair and businesslike manner. The passing of this bill will insure the successful carrying out of the agreement recently made between the various interests on the Truckee River watershed, namely, the Washoe County Water Conservation District, the Truckee-Carson Irrigation District—Newlands project—and the power company. These interests have for many years been in disagreement and after much hard and efficient work on the part of all these heretofore conflicting interests, in which I was privileged to take part, an agreement was reached recently, and this bill is based on and the result of this agreement. There will undoubtedly be funds in the reclamation fund available for this work when it will be needed to carry out the provisions of this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON, D. C., *February 27, 1931.*

The Senate last night passed my bill (S. 5172) for construction reservoir in Little Truckee River and for dams and other improvements in Webber, Independence, and Donner Lakes, etc., with amendment providing for repayment under contract with Secretary of Interior and authorizing payment of $750,000 for same. Adverse report from Commissioner of Reclamation on this bill published in committees report started strong opposition to bill in Senate, defeating my repeated efforts this last month to secure action by Senate. Have been worried over this matter and finally took it up personally with Secretary of Interior and had a showdown, with resulting favorable letter from Secretary to Senator JONES, chairman Appropriations Committee, who had opposed bill. Secretary's letter is as follows:

"I believe that Mr. Ely discussed S. 5172 with you this morning. This is a bill introduced by Senator ODDIE to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary and changes the bill from an appropriation measure to an authorization.

"I have been thoroughly in harmony with your consistent opposition to unnecessary bills authorizing new reclamation projects and appreciative of that attitude, as you know special authorization is not needed in such cases and the problem is one of appropriation simply.

"In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years, and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If Senator ODDIE believes that this bill will assist in solving the Nevada part of the problem and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

"Senator ODDIE will, of course, clearly understand that passage of this bill will not expedite construction of the project contemplated by his bill. The reclamation fund has no money available and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction and will be so used."

Secretary Wilbur sent me a similar letter which Irrigation Committee embodied in supplemental report. This letter helped to silence extended opposition and enabled me to get bill through Senate last night. This bill is the result of joint efforts of the representatives of the Washoe County conservation district, the Truckee Carson irrigation district, and the power company, who have worked hard and effectively in bringing about the settlement of the long-existing disagreements between them and the recent agreement which is embodied in the bill. Senator THOMAS'S $5,000,000 appropriation for reclamation fund was included in deficiency bill which passed the Senate yesterday. This appropriation, together with recent action of Congress in suspending repayments to Treasury Department by Reclamation Service of $1,000,000 per year for next three years, should relieve financial tension in reclamation fund. Furthermore, revenues to reclamation fund should increase with general improvement in business which is expected, and this should enable Reclamation Service to enlarge its construction to include Truckee development.

TASKER L. ODDIE.

WHAT WOULD LINCOLN DO?—ADDRESS BY DR. M. E. DODD

Mr. BROUSSARD. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Dr. M. E. Dodd, pastor of the First Baptist Church, and president Dodd's College, Shreveport, La., on February 12, 1931, entitled "What Would Lincoln Do?"

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT WOULD LINCOLN DO?

There are three or four things I want to say before beginning my address.

First, I wish to acknowledge with sincere appreciation the large number of responses that have come to me personally, and to this station, some appreciative, some critical, concerning my address last Thursday night. It is impossible to answer all of these personally, so I will ask all the friends to accept this acknowledgment as an expression of gratitude for whatever good the address may have accomplished.

Second, I will speak again at this hour Thursday night of next week on the subject, "What Would Washington Do?"

Third, the question has been raised as to what has a preacher to do with economic, political, and patriotic subjects. I would ask in reply, What did the Rev. John Witherspoon have to do with signing the Declaration of Independence? His name came close to Jefferson, Franklin, and Hancock. Preachers have had a lot to do with American principles and ideals from the very beginning and they will probably continue to do so to the end. The Rev. Richard Furman, pastor of the First Baptist Church, Charleston, S. C., which was the first Baptist Church established in the South, was an outspoken leader of the American patriots during the War of the Revolution—so much so that England put a price on his head. This was also true of scores and hundreds of other preachers during the Revolution and has been in every American crisis since. And unless the preachers do take more active and aggressive interest in social righteousness and justice, the day of doom can not be postponed much longer, and, I may say, unless the people join the prophets of righteousness in the support of all programs for the promotion of "equal rights to all and special privileges to none" the day of doom will come sooner than they think.

Fourth, I wish to reiterate that I am giving these addresses on Americanism solely and purely out of love for my country and a desire to promote her health and happiness, peace and prosperity.

Fifth, I have chosen for my topic to-night, "What Would Lincoln Do?" This topic is chosen because to-day is the anniversary of Lincoln's birth. If I had been speaking on January 19 I probably would have chosen the topic, "What Would Robert E. Lee Do?" or, if I should speak on June 3 my topic would be, "What Would Jefferson Davis Do?" Let me ask all who have heard the announcement of this topic for to-night and have written in to know whether I am a southerner or a northerner, whether I am a Democrat or a Republican, if I tell the truth and speak for the right what does it matter where I was born or what my political affiliations are? However, for the sake of those who might receive my message in a different spirit because they fear that I am a sectional partisan, I may say that I was born, reared, educated, and have lived practically all of my life in the South and I register my political affiliations as a Democrat.

I have had the privilege, however, for a number of years of being the honored guest of distinguished individuals and churches and assemblies throughout the East, North, and West, and I find, as you would, that there is little fundamental and elemental difference between the old American type of New England and the South or between the North and the Southwest. A distinguished gentleman in Boston said to me one time that the descendants of the original Americans, both North and South, East and West, should be affiliated politically instead of divided because their aims and ideals are so nearly alike.

It is time to be done with the hatreds and prejudices of a past war, many of which, as in all wars, were the result of propaganda for the purpose of producing fighters.

I may claim, also, to be one of that large and increasing number of southerners who are coming to appreciate more and more the outstanding personality worth of Abraham Lincoln and his ideals. Many of us feel that in many respects Lincoln was a genuine friend of the South and that if he had not been taken away so suddenly the period of reconstruction in the South would have produced less suffering and that fewer scars would have remained.

It was 122 years ago to-day that he was born of a cultured, refined Virginia lady and a rather crude, improvident backwoodsman, frontierman. The lengthening shadow of Lincoln casts itself farther and farther out as the years come and go. He is honored throughout the civilized world. His biography has been written in 17 different languages. Three thousand eight hundred different volumes have been written about him. He is more popularly known as "Honest Abe," "The Rail Splitter," but we might speak of him also as the "Wrestler," the "Fighter," the "Pioneer," the "Patriot," the "Peace Maker," or the "Believer."

However, it is not our purpose here to enter upon a study of Lincoln's life or character or work. It is rather our purpose to point out some of the Lincoln ideas, ideals, and attitudes and to discover what he would do with some of our present-day problems.

I might say, incidentally, that if Lincoln were now living and conducting a small store business in Salem, Ill., as he did at one time, I believe he would join Mr. Henderson's Modern Minute Men and help to stem the tide of that increasing menace, the centralized monopoly of all our business enterprises, commonly called the chain systems.

I might say again, incidentally, that if Lincoln were now living and were a member of the State legislature, a Member of Congress, or President of the United States, as he was, that he would also join Mr. Henderson in the fight for the preservation of our great railroad systems, for the protection of our good roads, and for the equalization of tax burdens upon the bus and truck lines.

I am quite sure again that if Lincoln were living he would resist with all his might and main every encroachment upon universal human rights. He believed strongly in constitutional government and especially in that part of our own constitutional rights which guarantees to every individual "life, liberty, and the pursuit of happiness." One of his greatest acts, of course, was the signing of the Emancipation Proclamation for the slaves. In doing this he felt that he was divinely guided and, having the approval of Almighty God and of his own conscience, he believed he was rendering the largest single service of his life.

It was in the greatest of all his speeches, the Gettysburg Address, that he declared uncompromising and eternal devotion to the principles that "government of the people, by the people, and for the people" should not perish from the earth. If he were living now, he would undoubtedly pledge himself in the present-day conflicts to the same thing and call upon the rest of us to follow him.

But I have more than these mere incidental suggestions concerning what Lincoln would do. There are great principles involved. Of course, none of us can say what any man, not even what we ourselves, would do under certain circumstances until the situation actually arises, except to say that a man like Lincoln would do the right as God gave it to him to see the right and would do it with all his might.

In one of Lincoln's earliest addresses he spoke of the eternal conflict that rages between right and wrong. Centuries before Lincoln, one greater than he, even that brainy Semite of Tarsus, had said, "We wrestle against principalities and powers, against darkness in high places." This conflict rages at different periods of the world's history around different issues, but it is always the same. It is the conflict between right and wrong, between good and bad, between truth and error, between light and darkness, between health and sickness, between freedom and slavery, between life and death, between heaven and hell, between God and the devil. On the one side is right, good, God, truth, light, health, life, liberty, and heaven. On the other side is wrong, evil, error, darkness, sickness, death, slavery, hell, and the devil.

The supreme question for every man is to decide on which side he will stand. Lincoln was one time urged by a committee to call a season of prayer that God might be invoked to the support of their side. Lincoln replied that he was vastly more concerned as to whether he was on God's side than whether God was on his side.

If we get on the side of human health and happiness, light, liberty, life, right, righteousness, and truth we will be sure that we are on God's side and will be guaranteed His support in whatever enterprise we may be engaged without having to pray for it.

The conflicts of the centuries have been battles of ideas. Men do not fight for mere things. They fight for ideas. The recent great World War was a war of ideas. The present economic, social, political, and religious conflicts are contests between opposing ideas.

In my last address I pointed out that the foundation of this Nation rests upon four corners. These four corners are the political ideal, democracy; the social ideal, equality; the economic ideal, independence in business; the religious ideal, freedom of conscience.

Now, George Washington and the other fathers of our Nation laid this foundation strong and substantial upon these four great principles. They had to fight for these principles. They offered the full measure of their resources in material possessions and the last drop of their blood to secure them to their posterity.

Those who have come after them have been building the superstructure of that temple of national glory.

And in each one of the corners of this temple conflicts have gone on between opposing ideas.

The fight did not come into the open again and cause the shedding of blood until Lincoln's day, and he took his stand unhesitatingly on the side of the American political, social, economic, and religious ideals, respectively, of democracy, equality, independence, and freedom of conscience.

The same conflict came into the open again in the day of Wilson, and he stood for the ideals of Washington and Lincoln.

To me there is a striking parallel between these three and three other great men of the past who had to do with the history and glory of another great race and nation.

Washington corresponds to Abraham, the founder of the nation.

Lincoln corresponds to Moses, the preserver of the nation.

And Wilson corresponds to David, the glorifier of the nation.

Another crisis is approaching in this Nation and we need another Moses or David, another Lincoln or Wilson. More than that, we need a universally enlightened and aroused people. Our present-day leaders are not leaders at all. They are politicians, with their ears to the ground and with their hands behind their backs, or they have selfish interests to serve, seeking through governmental control their own ends.

This present-day struggle is manifesting itself more especially in two of the corners of this temple of the Nation which we are seeking to erect upon that strong foundation. These two focal points of difficulty are in the economic and religious corners of this house.

The economic conflict is between the two clashing ideas of the centralized control of all wealth on the one hand or universal distribution of wealth on the other.

When I say that Lincoln would undoubtedly take his stand in behalf of the masses of the people and against the concentration of financial forces in the hands of a few and when I take my stand unhesitatingly at the same point, it must not be understood that what is said is spoken in condemnation of legitimate capital. Capital is necessary to the conduct of business, and all of us are capitalists of one kind or another. The only difference is that the capital of one is outside of himself in mere things like money, while the capital of others is within themselves in brain, brawn, or character. And it should be the ambition of every soul, especially those of the second type, to increase their capital as the days come and go.

When I speak of the great evil resident in the continued concentration of wealth into the hands of a few and call for the correction of this evil, I am speaking as much in the interest of those who now control this wealth as in the interest of the masses of the people. Because, when the day of doom, the hour of reckoning, the moment of judgment does arrive, those who now possess the power, together with their children and children's children, will be the first to suffer the horrible consequences of this evil. It was so in the French Revolution; it was so in the Russian Revolution; and just as certain as God is God and as the sun shines, it will be so in the next American revolution.

I would plead, therefore, with the controllers of concentrated coin, for their own sakes, to conquer their greed for gold, subdue their passion for power, and manifest the milk of human kindness in every direction. Refusing to do this, there can be but one consequence—revolution.

Selfishness and greedy grasping for personal gain, simply for the sake of having it, is the crowning sin of the centuries. "Selfishness is the negation of God, the abortion of time, the vagrant of the universe, the suicide of society, and the doom of the soul."

Nothing but death and destruction can come in the wake of the concentrated control of the wealth and resources of the Nation. It is like the circulation of the blood in the human body. It is pumped from the heart to the utmost extremities, carrying its health-giving vitality. Then it flows back to the center for purification to go again upon its mission of mercy. But if the heart should begin to hoard the blood for its own sake and refuse its free and universal circulation, it would mean death to the body, the heart included. It is like the circulation of water. When it is caught up by the warm rays of the sunshine and distributed in refreshing showers to all parts of the hungry land and produces fruit and food and fragrant flowers, it blesses the world and goes on its way back to the ocean to be caught up and carried out once more. But should the ocean hoard its precious drops of water, refusing to give them up, the land would become parched, and drought and famine and death would be the result.

So it is with the wealth of the Nation. As long as it continues in free, full circulation with equal right of all individuals to enjoy its blessings, then the body politic is healthy and happy, but when it becomes concentrated and is hoarded in the hands of a few for their selfish ends the body itself begins to die and this will mean the ultimate destruction of the centralized hoarders themselves. We have only to view our present terrible depression to discover a perfect illustration of this point right at hand.

In the opposite corner of this temple of the Nation being builded upon that four-cornered foundation another conflict is raging. It is between spiritual religion on the one hand and a paganized materialism on the other.

The strongest corner in the foundation of Abraham's nation was spiritual religion. Moses builded upon that and David builded upon it until the nation came to the peak of its glory. But other forces entered in and that temple fell, "and great was the fall of it."

Washington, and the founders of this Nation, recognized the same spiritual ideals as the chief corner stone, and Lincoln and Wilson followed after in their work of building. But if this corner stone is to be destroyed, great will be our fall, also.

Brilliant Rousseau said, "Never was any nation formed that did not have religion for its basis," and even sarcastic, critical Hume said, "If you find a people without religion rest assured that they do not differ much from brute beasts." Religion is the source of morality and morality is the source of national strength.

The French Revolution with all its blood and cruelty and horror was largely the result of atheism. The French Assembly passed a resolution declaring "there is no God." They abolished Sabbath, they unfrocked the ministers, they turned churches into places of business, and they enthroned a peasant girl as goddess to be worshiped.

Materialism and the greed for gold are now attacking, viciously attacking, this foundation of our American glory, and it behooves Jewish rabbi, Catholic priest, Protestant preacher, and Baptist minister to awake to the impending danger and to arise to the defense of the religion of the Bible which we profess.

The paganism which is now being driven on to conflict by a class materialism exalts dollars above dreams, coin above character, substance above the soul, the physical in preference to the psychical, and the temporal above the eternal.

One of the most arresting and absorbing books which I have read in some time is called Religion in a Changing World, by Rabbi Hillel Silver, of Cleveland, Ohio. He points out how certain groups have been disporting themselves by poking fun at orthodox religion and now they awake to find themselves confronted with an enemy of all religions, namely, materialism, and without any means of combating it because they have thrown away their own implements of warfare and have been making sport of those who did have something with which to fight.

Also the masses, who have been forsaking the places of worship, neglecting their daily devotions, and going out upon the mad

scramble for pleasure and profit, should awake to the fact that unless they put themselves on the side of God and right and truth and righteousness and light and life and liberty they need not expect God Almighty to come to their help in the day of their calamity.

THE PACKERS' CONSENT DECREE—ARTICLE BY PROF. HUGH G. GRANT (S. DOC. NO. 324)

Mr. BROCK. Mr. President, I ask to have printed as a public document a paper entitled "The Packers' Consent Decree," prepared by Prof. Hugh G. Grant, formerly of the faculty of the Alabama Polytechnic Institute, and based upon researches of documentary material relating to the legislative history of the packers' consent decree which was recently modified by the Supreme Court of the District of Columbia. The paper contains a summary of legislation leading up to the decree and subsequent thereto, and in addition a résumé of the various court decisions growing out of the decree.

The VICE PRESIDENT. Without objection, it is so ordered.

THE UTES' LAST STAND—ARTICLE BY MRS. C. W. WIEGEL

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the Ute Indians by Mrs. C. W. Wiegel, chairman Colorado State Indian Commission, of Denver, Colo.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

In the year 1848 and during a period of time prior thereto extending beyond the memory of man, the Ute or Utah Tribe of Indians * * * roamed over, occupied, and claimed and exercised the exclusive right of occupancy of all lands lying west of the continental divide of the Rocky Mountains in what is now the State of Colorado, together with portions of what is now the northern part of the State of New Mexico and the eastern part of what is now the State of Utah. * * * The natural resources of the territory they so claimed and occupied were adequate for their habits and wants. In the year 1848 the United States acquired sovereignty over and the fee simple title to all of said lands so claimed and occupied by these Indians and they then became, and their descendants still are, the wards of the United States. There being reserved for these Indians in said territory "designated and set apart for the absolute and undisturbed use and occupancy of said Indians" a portion of said possessions which has become known as "the Consblidated Ute Reservations."

Many later treaties confirmed this action. In 1880 the Tabeqyache, Muache, Weeminuche, and Capote Bands of Utes occupied this reservation. "By the act of Congress of February 20, 1895 (28 Stat. 677), provisions, among others, were made for allotments in severalty to the Southern Ute Indians of lands on the Southern Ute Reservation in Colorado, adjoining New Mexico, and for the settling on the west 40 miles of said Southern Ute Reservation of all those Indians not electing to take allotments in severalty." The Indians, principally the Weeminuche Band, electing to retain the tribal mode of living, retired to said 40-mile strip and that portion of the Southern Ute Reservation is now designated as the Ute Mountain Reservation but all functioning under one agency situated at Ignacio, Colo.

The Ute Mountain Indians are still of the same mind as they were in 1895, and desire to retain their tribal mode of living and to hold their entire reservation lands intact. This fact is well known in Congress. About five years ago a special committee consisting of Congressman CRAMTON, Congressman LEAVITT, Congressman TAYLOR, Mr. George Beam, and others visited this reservation, held an all-day council with these Indians and heard the headmen say they would not sell a foot of their ancestral lands. This reservation comprises about 500,000 acres of fine grazing sheep land and the owners realize it is increasing in value each year.

Considering the facts that the Ute Mountain Utes are natural sheepmen, that their holdings are ideal for the sheep industry, the Congress of 1928–29 appropriated $50,000 for a reimbursable fund with which these Indians were to buy sheep and enter into the sheep industry—each man to have his individual band of sheep but to hold and use the grazing lands in common as heretofore. Against their better judgment these Indians were eventually persuaded to borrow from this fund, being assured and promised that they would be assisted in every way by the Indian Bureau to make a success of the undertaking. Over $40,000 were borrowed, the sheep purchased by the superintendent, turned over to said Indians, and they are doing their best to "make good," but without, to date, any special instruction or guidance, as was promised.

The Ute Mountain Reservation lies between Mesa Verde and the Utah line and south to the New Mexico line with three townships extending into New Mexico. Adjoining on the south is the Navajo Reservation. The Navajo country is similar to the Ute Mountain Reservation, good for sheep raising, and the Navajos are also natural-born sheepmen. The Navajos are increasing in population by leaps and bounds, as is also their sheep industry, and their reservation is too small to hold them. They must expand. Provision is being made in various ways for this expansion; a large group is to be sent into southeast Utah; buying and exchanging of other lands in New Mexico and Arizona will adjust this overcrowded condition.

These three townships in New Mexico belonging to the Ute Mountain Utes lie to the north and east of the Navajo Reservation and west of Farmington and in the now famous gas and oil belt. This seemed a desirable area to buy for the Navajos, as the Utes are not occupying said land but have leased it to a white man for several years for grazing purposes. The Utes were approached by interested parties working for the Navajos. But the Utes refused to sell. Then it was proposed to leave this tract for the Navajos upon the expiration of the present lease. Again the Utes objected, saying they might as well sell as lease, because if the Navajos leased this land they never could be removed. Commissioner Rhoads asked the writer last month, "If the Utes do not need the land at the present time and it is to be leased, why not give other Indians who do need it the preference over whites?"

The answer is because when a white man leases ground for grazing purposes he throws his flocks or herds onto the land with sufficient number of men to look after them and when the lease expires he simply drives his stock off the land and gives up possession. It is a well-known fact that the women and children of the Navajos are the sheep herders and wherever the sheep go there goes the family and all the other possessions. If this tract was leased to the Navajos, many, many families would move onto the land and remain there. This is not a temporary measure for a temporary difficulty. The Navajos need more room and will increasingly need more room. They are looking for permanent holdings. What would be done with these families after the proposed lease expires, 5, 8, 10, or even 15 years from now, when the Utes will need this land for themselves? What could be done? Where could they find new homes? It seems as unfair to the Navajos as the Utes unless—

It looks to the friends of the Utes as if this might be an entering wedge, and when the first lease expires the land will be "legislated" over to the Navajos with or without the consent of the Utes, whose ownership of these lands has been acknowledged by solemn treaty between them and the United States, the latter guaranteeing their rights to "the absolute and undisturbed use and occupancy of same." Not for a day, not for a year, but for as long as a white man has title to his properties under the laws of our country. Not until some white man casts covetous eyes on the Indians' belongings, not until certain so-called white friends of one tribe wish to despoil another tribe, not until certain interests desire control and manipulation; but a perpetual, unceasing right to ownership and control of that which has always been his. Another angle to the situation is that this particular tract of Ute land is immensely rich in gas, oil, and coal.

And the profit eventually is to the white man.

If this plan is consummated, is it not a forerunner of other tracts being lopped off here and lopped off there from the Ute Mountain Reservation until the Utes have very little or nothing left of their estate?

The Indian Bureau persuaded the Ute Mountain Indians to borrow money, buy sheep, promising large increase, through its (the bureau's) beneficent cooperation, until their flocks would cover all their beautiful grazing grounds; the Indians to become, in course of time, free, independent, well-to-do business men in the sheep industry, owning their own grazing grounds, and real citizens of the State in which they reside.

Then within six months is advanced this plan to take away from them over a hundred thousand acres of their patrimony which will be needed in the very near future for their own flocks.

Are treaties, promises, agreements, acknowledgment of ownership, etc., again mere scraps of paper to be tossed aside when the white man begins to covet that which is the Indian's by every known right?

Are the Ute Mountain Utes to be dispossessed? They are making their last stand against the white invader. Who will enlist in their cause?

Mrs. C. W. WIEGEL,
Chairman Colorado State Indian Commission.

FEBRUARY 24, 1931.

C. H. PRICE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6072) for the relief of C. H. Price, which was to strike out all after the enacting clause and insert:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of C. H. Price, who is alleged to have suffered injuries to his eyes while in the performance of his duties as foreman in the drainage work for the Public Health Service in Lauderdale County, Ala., in 1918 and 1919: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. BLACK. I move that the Senate concur in the House amendment.

The motion was agreed to.

OSCAR R. HAHNEL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2811)

for the relief of Oscar R. Hahnel, which was, on page 1, line 6, to strike out "$150" and insert "$500."

Mr. HOWELL. I move that the Senate disagree to the amendment of the House.

The motion was agreed to.

THE SOVIET GOVERNMENT OF RUSSIA

Mr. BORAH. Mr. President, as we all know, Russia occupies about one-sixth of the earth's surface; she has a population of about 150,000,000; at the present rate of increase her population will number 300,000,000 in 35 years. Russia has a radio station 650 miles north of the Arctic Circle. Her southern boundary is upon a parallel with Richmond, Va. Her timber lands are more extensive than were the timber lands of the United States 60 years ago. Her cotton lands are more extensive than the cotton lands of the United States. Her wheat lands are equal in area to the wheat lands of the United States and Canada combined. This is the government and these are the people which our Government officially does not know exist.

I can see no real peace in Europe until the Russian problem is settled. It is my belief there can be no disarmament of any moment, particularly land disarmament, until Russia is brought into the family of nations and amicable relations and clear understanding with all other powers are established; that there can be no economic health or stability in Europe, or the world, so long as this gigantic power, stupendous and incalculable in her natural wealth and her man power, is writhing and struggling to escape her thralldom; and this will last so long as she is treated as an outlaw and denied an opportunity to enjoy the ordinary methods of credit and trade. I feel that all efforts toward peace and better understanding among the nations must be indefinitely retarded so long as one-sixth of the earth's surface, occupied by the third largest population in the world, is estranged and afraid.

The great question is: How can the problem be solved? My contention is that friendly relations between nations springing out of a tolerant practice of the usual amenities of friendly powers will heal rapidly the wounds left by the revolution, dissipate the fears—which are the basis of armaments—and harmonize the conflicting economic policies of the world.

I realize that there are serious problems connected with Russia and our relationship to Russia, but it is my feeling that these problems can better be dealt with if the ordinary relations between nations are established between Russia and all other governments. I do not feel that we can ever deal with Russia satisfactorily to ourselves or to Russia under the present program.

Mr. President, the present Government of Russia has been in existence now for 12 years. That Government is in complete control of Russia. There is no other government disputing its authority; there is no other government or organized force contending with it or assuming to contend with it for authority in Russia. It is performing all the functions and duties and obligations of government as viewed from the standpoint of the Soviet Government itself. Some of those views we will discuss before we close, but as a government it is operating and controlling all government affairs in Russia.

It has maintained that control under most extraordinary circumstances and most adverse conditions. It has resisted invasion from without and revolution from within. I do not know of any government in Europe which has maintained its existence under more trying and difficult circumstances or under greater or more severe attacks than has the Russian Government.

It will be recalled that on March 15, 1917, Czar Nicholas abdicated. The provisional government was immediately organized. March 22, 1917, we recognized that government. November, 1917, the Soviet Government was established. November 11, 1918, the armistice was signed. June 28, 1919, the treaty of Versailles was signed. Nevertheless, Mr. President, during the latter months of 1918 and during the year 1919 Russia was invaded by four powerful nations. War was carried on upon Russian territory within the Russian dominion for some months. It was, I think, conceded to be a distinct effort through force of arms to put down one form of government and to establish another form of government in Russia.

I am interested in this feature of it, Mr. President, only for the reason that I desire to show to what extent and under what circumstances the Government of Russia has been able to maintain itself and satisfy the most exacting terms of international law as to its right to exist.

The brilliant Winston Churchill in his book, entitled "The Aftermath," discussing this feature of the Russian history, says:

> Large sums of money and considerable forces have been employed by the Allies during the year—

The statement was made September 15, 1919—

> Britain has contributed the nominal value of nearly one hundred million; France between thirty and forty million; the United States has maintained and is still maintaining over one thousand strong in Siberia; Japan has an army of between thirty and forty thousand troops in eastern Siberia. Admiral Kolchak, equipped mainly with British munitions, reached in May a total of nearly three hundred thousand. General Deniken's armies aggregated at the present time—

That was in 1919—

> at nearly one quarter of a million combatants.

Further on in discussing the attitude of the Allies toward Russia he says:

> Were they (the Allies) at war with Soviet Russia? Certainly not; but they shot Soviet Russians at sight. They stood as invaders on Russian soil. They armed the enemies of the Soviet Government. They blockaded its ports and sunk its battleships. They earnestly desired and schemed its downfall. But war—shocking! Interference—shame! It was, they repeated, a matter of indifference to them how Russia settled her own internal affairs. They were impartial—bang!—and then—at the same time—parley and tried to trade.

We all know that Mr. Churchill is a severe critic of the Russian form of government, and was greatly opposed to the policy of his Government when the Government of Great Britain recognized Russia.

Under these conditions the Soviet Government was set up in Russia; and under these conditions it maintained itself and still maintains itself as the controlling power of Russia.

It has been said, and is constantly repeated, that the peasantry of Russia, constituting 85 per cent of the Russian people, are opposed to the Russian Government; that they are held in subjection and in control through sheer force; and that, if they had their way, they would overthrow the Russian Government.

I have no doubt that the peasantry of Russia are individualistic. I have no doubt that they are opposed to the communistic theory in a large measure, if not by a large majority. They evidenced that fact in 1921 when they compelled Lenin to modify his views with reference to communism. I apprehend that if they were entirely free to exercise their choice they would greatly modify, if not entirely change, the Russian form of government. Let that be conceded. But, Mr. President, as between the Russian Government as it now exists and has existed since it was organized 12 years ago and what the peasantry see in the future in case this Government is destroyed, the peasantry undoubtedly are for this Government. They feel that if the present Government is overthrown the old régime will be restored, that the peasantry will be separated from the land, that the old estates will be reestablished; they are, therefore, as against anything which can possibly be presented to them, in favor of the present Government of Russia.

This was well demonstrated in the great war which resulted from this invasion, the civil war in 1918 and 1919. It was through the power and influence and support of the peasantry that the Soviet Government was enabled to succeed against the invaders. It was by reason of the loyalty and support of the great mass of the Russian people throughout Russia that the Soviet Government was triumphant. I entertain no doubt but that if another condition such as that should arise, or if an attempt were made to overthrow the present Government of Russia, through the connivance of

powers upon the outside or otherwise, the peasantry of Russia would support the Soviet Government. It has given them their land. It has given them hope. It has given them aspirations; and while their conditions are poor in many respects, they are infinitely more desirable to them than those which they left, or those which they may have to encounter in case the present Government is destroyed.

Mr. GLENN. Mr. President, will the Senator yield for a question for information?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I do.

Mr. GLENN. Will the Senator state about what percentage of the people of Russia are included in the peasant class? I ask for information.

Mr. BORAH. About 85 per cent.

Mr. President, another and further discussion by way of preface: Every few weeks, or few months, at most, during the last 12 years it has been published far and wide that the Soviet Government of Russia had fallen, or was falling. When this news would go out there would be great rejoicing in certain quarters. There were those who seemed to feel with Soviet Government overthrown our Government was no longer in danger and that our institutions were secure against overthrow. A short time ago a dispatch was sent out to the effect that widespread revolt prevailed in Russia, that the Government was likely to be overthrown, and that Stalin had been assassinated. Four days afterward an extended interview was published in our papers from Stalin, who, according to the previous dispatches, had been several days dead. Such has been the information about Russia coming principally from Riga, the greatest manufacturing center of forgeries and of false information in the world to-day.

Mr. President, no one would rejoice more than myself to see the Government of Russia changed in many essential particulars. I entertain no doubt it will be changed, though probably not speedily. But who could wish for its overthrow and for an attempt to restore in some form the old régime and to reestablish old conditions? Are we interested in seeing the brutal system which for 300 years, exploited and oppressed the people of Russia again riveted upon the Russian people. For more than 150 years every popular movement in Russia has had its origin in an insatiable hunger for land. Are we interested in seeing the land taken from the peasants, in seeing the old estates restored, the schools closed, and all voice in government denied? Are we interested in seeing the incompetency, the corruption, the cruelty, the brutality of the old government restored?

But it is useless to speculate on whether we would like to see these things done, for they can not be done. An attempt to bring about old conditions would inaugurate an era of misery and bloodshed, of suffering, and decimation which no tongue could portray and no language could paint. The peasant of Russia will not go back. The youth that have come up with this new conception of life will not go back. Whatever may be the future of Russia, old Russia is dead. In that belief there is great comfort. Communism and the communistic theory of government may fail. But the revolution is an accomplished fact. Its work can never be undone. The present Government of Russia may be greatly modified, but the revolution has given us a new Russia, a people disenthralled from that hideous past, and no power on earth can bring back that past. For myself, I greatly rejoice in that thought. I wish that such things could have been brought about with less suffering and sacrifice, but it is worth all that it has cost to bring it about.

The present Government with all its faults—and they seem huge to us—is doing something which must ultimately redound to the welfare of the whole Russian people. The peasant is in possession of the land. In the short space of 12 years, much of which time Russia was engaged in driving out foreign foes who had no more right to be in Russia than the burglar has to be in my house, an educational system has been established which has elicited the commendation of the best educators of our land. Illiteracy has been reduced by 50 per cent. The common man has been made to feel he has a right to exist. The whole people of Russia entertain a new hope and are inspired by a new faith in the future. The present Government has done more for the people of Russia in 10 years than the old government of the Czars did in 200 years.

I have from the start sympathized with the Russian people as a people in their effort to escape from the cruel system of the past. I sympathize with them now. They are a people capable of the most exalted devotion to a cause. They are brave, and they are willing to sacrifice themselves for others. Their capacity for suffering is indicative of their capacity for endurance in a cause for which they are once enlisted. They are the same people who in the Great War mobilized 21,000,000 men, who furnished 14,000,000 men in arms fighting over a front of 3,500 miles, who stood at one time against one-third of the German Army, two-thirds of the Austrian Army, all of the Hungarian Army, who lost more than 2,500,000 men dead on the field of battle, who had 3,000,000 men wounded, 2,000,000 taken prisoners, 1,000,000 of whom died in prison, who captured 400,000 Germans, 1,000,000 Austrians, 300,000 Hungarians. These are the brave people who fought under the most adverse circumstances. Corruption and incompetency of the government had deprived them of the weapons and arms of warfare. A great English statesman has said it was not too much to say that the Russians at one time saved the Allied cause. These are the same people, with the same high and great qualities. I do not propose to let a few men, or a new and exceptional situation, blind me to their worth as a people. I repeat, I sympathize with them in their great struggle. I would recognize their Government and aid them in all proper ways to work out their problems and reach their ultimate goal.

When I think of Russia, therefore, and seek to determine a proper course to be pursued by this Government toward Russia, I do not think primarily of Lenin and Trotsky and Stalin, although they have been and some still are outstanding figures in that moving drama. I think of the 150,000,000 men, women, and children who are moved by the same passions and governed by the same virtues as other peoples. Thinking of them and their interests, and the United States and our interests, I seek to determine what our policy should be. These people are struggling in their own way and under the most adverse circumstances to work out their own salvation. It is for their aid and for their interests that I would act, and by which I would be governed. I can understand how one could loathe and abhor an individual leader, but I do not know how one could hate, or even be indifferent to, the welfare of a whole people. How can a whole people encompass within their wrath another people? These people are endeavoring to put behind them for all time their everlasting peonage and degradiation. They are traveling through fire in devious paths and over bloody roads. But they are striving to be an independent and powerful people. These people want freedom. They want security against old oppression. They may not see clearly, but they are reaching for better things and a better life. In the words of Edmund Burke, "The poorest being that crawls on earth contending to save itself from injustice and oppression is an object respectable in the eyes of God and man."

The younger Pitt, in dealing with the French Revolution, saw only Robespierre, Danton, Barere, and other leaders, and shaped his policy toward the French Revolution in accordance with his conception of these men. Washington saw the whole people of France, believed in them, even in the bloodiest hours of the revolution believed in them, and shaped a policy far different and far wiser. Leaders are here for a day. The people are here for all time. It is the people who will determine finally the policy of Russia and her place in the politics of the world. I prefer to keep in mind the Russian people, in whose ultimate success socially, economically, and politically I have unbounded confidence.

Their Government and their plans do not suit me, but their Government suits them. Quoting again from Burke:

If any ask me what a free government is, I answer that for any practical purpose it is what the people think so, and that they and not I are the natural lawful and competent judges of this matter.

The people of Russia, as there are abundant facts to prove, prefer this Government to the old government or to any government which the old forces could, or would, establish.

Mr. President, when I was discussing the recognition of Russia eight years ago a learned and able Secretary of State took the position that there was nothing in Russia to recognize, or about which we should be concerned. He referred to Russia as an economic vacuum. On one occasion he used language as follows:

It is manifest to this Government that in existing circumstances there is no assurance for the development of trade, as the supplies which Russia might now be able to obtain would be wholly inadequate to meet her needs and no lasting good can result so long as the present causes of progressive impoverishment continue to operate. It is only in the productivity of Russia that there is any hope for the Russian people, and it is idle to expect resumption of trade until the economic bases of production are securely established.

Mr. President, the gravest concern of the economic world to-day, and of the capitalistic nations of the world, is how to take care of that "economic vacuum," what to do with the vast exports coming out of Russia. The greatest economic disturbance in the world to-day arises out of the productive power as it is rapidly increasing in Russia. It is dangerous to prophesy concerning 150,000,000 people when devoted and consecrated to a definite object. What seemed an impossibility has become a startling reality. Russia is no longer an economic vacuum, she is a vast economic power creating concern in every capitalistic nation on the globe.

Our exports to Russia have increased about 214 per cent over the pre-war exports. Our imports from Russia are something like 24 per cent less than before the war. For the first six months of 1930, the Soviet Government spent nearly $7 in this country for every dollar's worth of goods they sold to us.

According to the report of the United States Chamber of Commerce for January–June, 1930, the Soviet Government was the sixth best foreign customer of the United States during that period.

According to the Department of Commerce Reports, August 25, 1930, the first half of 1930 gave Russia the first place as a purchaser of our agricultural machinery.

The Commerce Reports, April 28, 1930, showed that the Soviet Union was our third largest foreign customer for American industrial machinery.

The Commerce Reports, May 26, 1930, showed that they were our fifth largest customer for American mining and quarry machinery.

The Commerce Reports, 1929, show that they were our fourth largest foreign customer for electrical equipment.

The Commerce Reports, 1929, the same reports from which I have been quoting, showed that they were our fourth largest foreign customer for American metal-working machinery.

The same reports, May 5, 1929, showed that they were our second largest foreign customer for American construction machinery.

It is shown that for the first six months of 1930 they were our leading foreign customer for American air compressors.

During the last seven years Russia has purchased $262,700,000 worth of cotton from the United States.

Mr. President, I ask permission to insert in the RECORD at the close of my remarks some figures with reference to the exports and imports of Russia.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit A.)

Mr. BORAH. Mr. President, Mr. Knickerbocker, the New York Evening Post correspondent, who visited Russia, has given us a very full survey of the development of Russia under what is known as the 5-year plan. I have not the time, nor have I the desire to quote at length from his articles, but I desire to quote enough to illustrate what I am seeking to establish—first, the stability of the Russian Government, and, second, the success of its industrial plan thus far, so as to meet every condition which is ordinarily exacted with reference to establishing the ordinary normal relations between another country and this country.

This writer says:

Standing here in Cheliabinsk in the midst of the vast growing walls of the largest tractor plant in the world, one is irresistibly reminded of the remarks of Izvestia, official organ of the Soviet Government, that "the manufacturing of a tank and a tractor have a great many points in common. Even artillery, machine guns, and rifles could be manufactured successfully in the commercial factories.

The Urals have their own plan within the 5-year plan. This year they produced 800,000 tons of iron and steel and next year will produce 1,100,000 tons.

In 1933 six to seven million tons of steel and eight million of cast iron is the goal of the plan, revised several times upward.

Writing of the Stalingrad factory, he said:

There are 380 Americans at work in the Stalingrad tractor factory. This is the largest American colony in the Soviet Union. A few engineers. Most are highly skilled workmen. American workmen, here under a 1-year contract, receive from $200 to $300 a month paid into an American bank in dollars, plus 300 to 400 rubles a month paid in rubles in Stalingrad. Their breakfast, lunch, and dinner in the American restaurant cost them 3 rubles 50 kopeks a day, their rent from 22 to 32 rubles a month. Cognac, wine, and beer are plentiful and very cheap in the special cooperative store reserved for their use.

The Soviet Union is banking heavily on the help of American engineers and qualified workmen to make the 5-year plan a success.

Speaking of the great asbestos mine, he says:

Rukeyser is an excellent illustration of the American engineer successful in Russia. Graduate of Princeton '16, Columbia '18, and with an engineering experience that has touched nearly every continent, Rukeyser specialized in asbestos mining, invented a system of processing the mineral, was quoted in engineering handbooks as an authority, and in 1928 at the beginning of the 5-year plan was invited by the Soviet Government to come to the Urals and see what could be done toward putting the insignificant soviet production on a rational basis. "Rational" in this case, an instance typical of the dimensions of the plan, meant multiplying the production by 10 within five years.

To-day, two years after the first visit of the American engineer, "Uralazbest" is turning out more than twice the production of 1928, more than four times the production of 1913. By 1933 the total production of all the area controlled by the trust, a vast store of more than 12,000,000 tons of high-grade asbestos ore in a single deposit 36 miles long, probably will reach 250,000 tons yearly, valued at $25,000,000, one and one-half times the tonnage and twice the value of the whole production of the seven largest mines in Canada, now the principal source of this indispensable industrial product of the world. The production of asbestos in the whole Soviet Union in 1913—at the beginning of the year—was 13,762 tons; in 1927 it was 26,000 tons, and in the year just closed, "Uralazbest" turned out 56,000 tons.

Mr. President, I ask permission to insert the balance of this in the RECORD at the close of my speech.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit B.)

Mr. BORAH. Mr. Thomas D. Campbell, the great farmer and wheat grower of Montana, said a short time ago:

I have just returned from an investigation of agricultural and economic conditions in several European countries and in Russia, and I find that the biggest market in the world to-day for American goods is in Russia. There is enough business there to relieve our industrial depression almost immediately.

Col. Hugh L. Cooper says:

The marked success of American machinery and equipment, both thoroughly demonstrated in severe competition with those of other countries, has produced an opportunity for American trade that has immeasurable potentialities.

Ralph Budd, president of the Great Northern Railway, and one of America's leading railroad authorities who has been invited by the soviet to act as adviser on their railway development projects, reports that nearly $3,000,000,000 worth of equipment will be necessary for the modernization program if the 5-year plan is to be realized.

Mr. Budd anticipates that the bulk of initial orders, at least, will be placed in the United States, and that a staff of 160 or more American railway executives will be employed by the Russians to direct the huge program.

Whether we approve or disapprove, we are compelled to realize the fact that the mainspring of the Russian policy

is an inexorable determination to succeed. And they are calling into their service the best talent in this country and Germany and other countries to aid them in their enterprise.

With the greatest natural resources in the world, with a man power excelled in no nation in the world, harnessed by the talent and the genius of American engineers and American business men, together with those of Germany, we may well base our future program upon the proposition that they are going to succeed.

The London Economist, in a recent publication, said:

> The opening of this vast market means not only the eventual supply of the needs of the peasants as consumers. The peasants as producers constitute a still more important market. Indeed, this is likely to be the greatest market of all for the metal, the engineering, the wood-working, and the chemical industries. Among goods badly needed by the peasants one need only mention tractors, lorries, motor cars, ploughing, reaping, and threshing machines, utensils required for dairy work, and machines essential to various village industries, not to speak of petroleum and fertilizers. * * * And the peasants' market is not the only one. That furnished by the urban population must not be overlooked. This market is smaller, but big in possibilities of development.

A few days ago I received a letter from an engineer living in Philadelphia, who has just returned from Russia. He was in charge of a large construction program in Russia. I read a paragraph or two from his letter:

> My experience there, while in direct contact with the workers, convinced me that the people are contented and are making sacrifices in a patriotic manner to put through the 5-year plan; sacrifices such as we made during the World War. I am further convinced from what I have been able to observe that their plan will go through.
>
> It has afforded me much amusement to read some of the statements which have appeared in the press, so colored that it ceases to be humorous, and contrary to the spirit of fair play as we know it in America.
>
> What Russia asks for to-day is a chance to modernize itself so that it shall be upon an equal footing with the rest of the world, and it seems to me that we should not be jealous of so worthy an ambition.

In my opinion, the greatest potential, the greatest developing market in the world for American goods is in Russia. This market is ours under any reasonable policy. Our conditions, our great unemployed, ought to encourage us to seek foreign markets wherever they may be found.

Mr. President, there is one thing about the present policy with reference to Russia that I think we ought to take into consideration. It does not keep out of Russia those who have the ability of themselves and of their own means to go into Russia and exploit Russia and get whatever they may desire out of Russia. The disadvantage of the present program is that it militates against the man of ordinary means. Without consuls, without the ambassador, without the representatives of the Government, unless he is of sufficient affairs financially to finance his own proposition and to purchase his own protection from his own special agents, it is practically impossible for him to do business in Russia.

Only a few days ago a gentleman from California who was seeking a large contract in Russia came to my office and asked for a letter. He stated that the great difficulty of the man of limited means doing business in Russia was to form contacts, to get representation at the sources of power. He stated that he was seeking this great contract in competition with English individuals; that they had their ambassador, their consuls, and their representatives, and it was practically impossible for him to do business upon equality with them. Therefore he was seeking some means by which to get an introduction to Russia.

Mr. FESS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. FESS. Has the Senator gone into the character of labor that is employed? There is very much said about that.

Mr. BORAH. I am going to say something about it. I shall refer to it briefly at least. But I want to speak about this other matter first.

There are now something over 40 American corporations doing business in Russia and helping in a substantial way the Russians to work out their industrial revolution. There are over 2,000 experts from the United States employed as technical experts and as employees of American corporations. Those corporations extend credit running over four and five years. The Russian régime now owes America something over $175,000,000—that is, American corporations and individuals. All over Russia there are important enterprises conducted and directed by American engineers and American business men.

The result of the policy now obtaining with reference to Russia is to dedicate Russia to exploitation by powerful business interests and to withhold any advantage which might accrue to the ordinary business man in dealing with Russia. For instance, the Standard Oil Co. of New York and the Vacuum Oil Co. are dealing with Russia and have been for some time. They purchased from the soviet oil industry under various contracts oil products valued at $10,000,000 yearly. When Mr. Hughes was Secretary of State he declared that Russia was an economic vacuum and that it was dangerous to make contracts or undertake to do business in Russia. After he became attorney for the Standard Oil Co. upon his retirement his client felt perfectly safe, apparently, in making contracts in Russia.

The Standard Oil Co. of New Jersey vigorously protested against the Russian dealings of the Standard Oil Co. of New York. The Standard Oil Co. of New Jersey is said to be closely affiliated with the Royal Dutch interests. Sir Henry Deterding, of the Royal Dutch interests, attempted and failed in 1922 at Genoa to secure a monopoly of control of Russian oil.

The Russian Oil Products (Ltd.), a Russian company, undersold the Anglo-American Oil Co., an offshoot of the Standard Oil Co. of New Jersey, the Royal Dutch Shell, and the Anglo-Persians, and caused them a great deal of trouble. This aroused these companies and their friends to the great danger of bolshevism and to the possible overthrow of the Government of the United States by propaganda. They became deeply interested in religious freedom and free government, and in preserving them from overthrow by the Russian Bolshevists—after the oil controversy.

Mr. President, it has been interesting to study the new deluges of propagandism coming out against Russia and to observe how they synchronize with some refusal on the part of Russia to grant large oil concessions or other concessions with reference to their natural resources. All that has been particularly true with reference to the man who has been called the Napoleon of oil, Lord Deterding, seeking in the first instance to deal with Russia, to secure Russian oil concessions, and failing to do so he has been an open advocate since that time of the overthrow of the Russian Government, even by force if necessary. We can not disassociate the propaganda campaign entirely from the selfish interests of those who are dissatisfied with treatment which they receive at the hands of Russia in refusing oil concessions. Lord Nelson himself, upon the deck of his famous flagship going into action against the navies of the world, was not a more heroic figure than Lord Deterding going to the defense of families and religion and free institutions—after he was refused the concession of oil in Russia.

Mr. President, the International General Electric Co. sold technical apparatus and supplies to Russia valued at $25,000,000 over a period of six years. The International Harvester Co. have sold farm machinery valued at $20,000,000 during the past four years. The United States Steel Corporation have purchased soviet manganese ore valued at millions of dollars during the past six years. The Bethlehem Steel Corporation have purchased soviet manganese ore valued at millions of dollars during the past six years.

The Radio Corporation of America have sold soviet organizations $1,000,000 worth of commodities. The Ford Motor Co. have received orders from the soviet organization covering tens of millions of dollars. The du Pont de Nemours Co. have large contracts with the Soviet Government. The

Westinghouse Electric Co. have sold considerable apparatus to the Soviet Government.

The Caterpillar Tractor Co. has sold scores of millions of dollars in implements to soviet organizations during the last few years.

The Oliver Farm Equipment Co. has had the same scale of order as Caterpillar Tractor Co., as have the Allis-Chalmers Manufacturing Co. and Deere & Co.

Adolph Lewisohn & Sons (Inc.) have sold millions of dollars worth of nonferrous metals to soviet organizations. Albert Kahn (Inc.) has a contract for designing the Stalingrad tractor plant. The Freyn Engineering Co. are consulting engineers for the Soviet State Institute for the designing of steel mills and are working on construction contracts valued at over $100,000,000.

The Austin Co. is engaged in technical assistance on an automobile plant at Nizhni-Novgorod, to cost over $100,000,000. Arthur G. McKee & Co. are consulting engineers on the construction of the Magnitogorsk steel plant, which will cost over $400,000,000. Hugh L. Cooper & Co. are consulting engineers on the construction of the Dneiper River hydroelectric power plant, to cost over $100,000,000.

So the large business interests are carrying on business with Russia, possibly under some disadvantages, but not under controlling disadvantages, while the smaller business man is precluded practically from carrying on business under present conditions.

Let us say a word with reference to our imports from Russia. A few days ago I secured from the Department of Commerce some figures with reference to imports from Russia. Let us take first wheat. In 1929 Russia imported into the United States 12 bushels of wheat worth $17. In 1930 she imported no wheat whatever. Yet I venture to say that millions of farmers in the United States last summer were led to believe that large importations of wheat were coming into the United States. I read a public address by a man in public office who said "What is the tariff worth to the American farmer upon wheat when the Russian is laying down wheat in New York City for 38 cents?" There has been no wheat laid down in New York from Russia. There are no imports of that nature coming into the United States at all.

Let us take lumber. In 1929 the total imports of soft lumber were 37,936,000 board feet. In 1930 the imports were 70,760,000 board feet. The value in 1929 was $768,465. The value in 1930 was $1,544,212.

I noticed a few days ago that the Treasury Department had excluded under its rulings the importation of lumber on the ground that convict labor had been employed in its production. Five days thereafter the Treasury Department admitted the importations of manganese—excluding lumber upon one day and admitting manganese practically upon the next day. That may not be entirely the fault of the Treasury Department. I will undertake to show, if I can be given enough means, from the class of people from whom they take their testimony, that there is convict labor in the lumber camps or that there is not convict labor in the lumber camps. I will undertake to show from these émigrés and escapes and convicts that there is convict labor in the manganese camps or there is not convict labor in the manganese camps. We have no reliable evidence. We have no means of getting reliable evidence. Our whole policy of trade with Russia depends on proof which no court would consider worthy of credence.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. BARKLEY. During the recent summer when I, in company with other Members of the Senate, happened to be in Russia the question came up as to the type of labor that was being used in Russia for the production of manganese and in the lumber camps for the production of lumber.

The officers of the Russian Government offered to send us by airplane to the manganese mines and also to the lumber camps to enable us to make our own investigations, and to determine for ourselves in so far as we could, whether there was any enforced convict labor being used in either of those enterprises. We had to decline that invitation because of lack of time. I mention this merely as an evidence of what at least appeared to be the good faith of the Russian Government in undertaking to afford facilities to those of us who were there at that time to make an investigation of our own.

Mr. BORAH. Mr. President, so long as we undertake to conduct our affairs and to base our public policy upon the testimony which comes from the class of men who are prepared to sustain or defeat a contention in regard to this matter we will surely have a wobbly, uncertain, and unsatisfactory policy. I have no doubt, of course, Mr. President, that there is convict labor in Russia, but I think, compared with the amount of labor in totality, it is small.

And, of course, there is what is called enforced labor, if you accept the contention that every man in Russia is put to work for the Government. I have no doubt, if we accept that definition, that there is some enforced labor in Russia; that is to say, people who are not satisfied with the governmental situation and who work under the direction of the Government, but the amount of such labor is small compared with the entire amount of labor. Make no mistake, my friends, 150,000,000 people might be coerced against revolution, but they could not be coerced into doing a fit day's work if they were not willing to do so. The evidence shows, beyond question, that the great mass of the Russian people are interested in what they call the 5-year plan. They want to make a success of it and there is, aside from the fact that they are communists or working under a communistic government, a personal desire to have it succeed. It would naturally be so, for after 300 years during which they and their ancestors, their forbears, have been mere slaves, peons, mudsills, they feel that they are now, although slowly and at great sacrifice, working out their freedom. While there may be found in that country, as in all others, convict labor, it is so small compared with the totality of labor that it can have very little effect on the prices of products.

The Senator from Ohio [Mr. FESS] has asked about labor and labor conditions. Mr. Knickerbocker, in his articles, says:

> On this whole trip I observed but one troop of convict laborers, a road gang of the sort one frequently meets in Texas or any other of the Southern States still using convicts on highway construction.

Again he says:

> On the broader subject of the status of labor in general in the Soviet Union, it may be said that the evidence tends to the conclusion that, leaving the timber regions out of account, out-and-out convict labor is employed to no perceptible degree in the accessible industries of the Soviet Union. The assumption that all labor in the Soviet Union is forced labor is not borne out by the records of a labor turnover in all industry so extreme that it has caused severe financial losses and become one of the chief internal objections to successful accomplishment of the 5-year plan.

Mr. Duranty, the reliable, accurate, and I think impartial correspondent of the New York Times, in a very recent article, says:

> Despite the mobilization process here and the repressive measures against shirkers, however, it is untrue to talk of the Russian masses as a nation of slaves. In fact, the Bolsheviki are theoretically trying to transform a slave nation into a free, self-governing people by the dual means of education and discipline.

Colonel Cooper, the builder of the Keokuk Dam, of the Wilson Dam, and now the great Dnieprostroy project in Russia, has this to say:

> We hear a lot of loose talk about convict-made goods, dumping, and embargoes, and we haven't the facts upon which to base intelligent action. We are not going to stop Russia from progressing along paths the leaders have mapped out. We can make up our minds to that.

Again, quoting from Mr. Duranty, he says:

> Criminals, in the ordinary sense of the word, are better treated in the Soviet Union than in any other country—with due allowance for the universal shortage of living quarters and commodities. They work, but they get trade-union rates for their labor,

the produce of which is sold exclusively within the Soviet Union, and they have "parole" holidays yearly, which they almost never break.

Mr. President, I do not contend that there is no problem involved with reference to American labor and with reference to American industry. I do not contend that we should throw down the bars and leave our people, either producers or laborers, open to the economic attack which may come from Russia; but I do contend that we will never deal with it in a systematic, satisfactory, stable way until we establish the normal relationship which should exist between governments which have business with each other.

I have listened over the radio to and read discussions on Russia much of late, and I have been interested in some of the reasons for inveighing against Russia; some of the arguments which are advanced as to why we should refuse to recognize Russia or to even trade with Russia. It is urged in the first place that Russia is governed by a cruel dictator, that only a few ruthless rulers hold control. Suppose that is true. When has Russia been governed by other than a dictator? When have other than a few ruthless rulers had control of Russia? What kind of a government did Russia have before the present Government? How many people participated in the rule of Russia then? Who complained of the old dictatorship? Did we not recognize the old Russian Government? Did we not do business with the old Russian Government? Did we have societies and organizations inveighing against the old Russian Government? Furthermore, it is said that the people have no voice, that they are ruled through fear and force. What voice had the people in the old Russian Government? I maintain that the people of Russia are far better off under the present Government than they have ever been in their history. They are undergoing great hardships and are undoubtedly suffering greatly. But they at least have a future, their face is toward better things.

Let me read a paragraph from Humanity Uprooted, a profoundly interesting book by Mr. Hindus. Speaking of a public meeting which he attended and of how the people were taking part in the discussion, he said:

> I remembered him [the muzhik] so well in the old days, this lowly, miserable creature of a muzhik, how meek he seemed in the presence of officials, how humbly he would bow before a man in a uniform, or sometimes only in city clothes. But now, in this desolate village, I witnessed the extraordinary spectacle of a bedraggled, mud-spattered muzhik actually denouncing and haranguing officials—all government—with no more restraint or compunction than as if he were scolding his son or whipping his horse. It seemed so terribly unreal, so unbelievably heroic. At first I thought this was just an exceptional outburst of fury, a dash of gall on a surging billow of despair. But further experience in the village dispelled the supposition swiftly enough. It was the same everywhere I traveled. It would be impossible to overestimate the significance of this burst of audacity in the peasant. It implies many things, chief of all, an awareness of self which was alien to him in the prerevolution era. Clearly, the revolution has been blasting his passivity out of him and battering him into a pride, a self-respect, a dignity which he never had manifested in the old days.

Again he says, speaking of a peasant:

> In one other respect has the life of the peasant grown richer. He has a more abundant variety of social diversions than he ever had in the old days. Theatricals, for example, were scarcely known in the Russian village in the prerevolutionary times. They are widespread now. Wherever there is a village with a schoolhouse there one is likely to find a little theater. In villages far removed from centers of civilization I came on clubhouses equipped with extraordinary stage paraphernalia.

Again he says:

> Time will only continue to fan the new consciousness of the peasant and spur him into ever-increasing self-assertiveness, and make him constantly more demanding. It can not be otherwise.

There can be no doubt, Mr. President, that a new life, a new existence has been given to the peasant of Russia. There can be no doubt that he is a different human being with a different outlook. They may inveigh and propagandize and falsify the facts, but the truth is, that the revolution has released the Russian people from the old, dead, hopeless past.

Further, it is contended that Russia is antireligious. There is no doubt that the leaders of Russia, or some of the most important leaders, are antireligious. But how much of religion, of real religion, was in Russia when a vile, lascivious pervert like Rasputin could dominate and direct the religious affairs, as well as the civic affairs of Russia? How much of religion, save now and then an isolated and devoted follower of the Savior, existed in Russia when the Russian court was infested and dominated by this miserable, slimy creature who was not only a disgrace and a challenge to religion, but who was a disgrace to the most ordinary rules of decency, who had sunk to the dead level of total depravity? And what religious leaders in this country protested against recognizing the old régime while these conditions prevailed? And what religious leaders in this country would now like to return to such conditions as prevailed under the old régime?

It is also claimed that she has repudiated her debts and confiscated property. She did repudiate her debts and confiscate property. She has stood ready for eight years to pay her debts. She is willing to meet the United States at any time upon a basis of equality to compensate for the damages of confiscation if the United States will consider the damages of invasion. It is claimed also that Russia does not respect her contracts and her agreements. I have here upon my desk a list of some three or four hundred firms who have been, and still are, doing business in Russia. Has anyone heard of any violation of contract with these men? These firms have extended credit, they have made heavy contracts. Is not the very fact that they continue to do business with Russia a better evidence of Russia's keeping her contracts than the testimony of escapes and convicts and criminals and heated agitators? Russia has kept her contracts with our business men, and I have been advised by a number of these business men that she has kept her contracts most carefully and meticulously.

Mr. President, the three great and, I believe, imperishable instincts of the human race are religion, family, and property—something to believe, something to love, something to possess. Let us admit that those who now govern and dominate Russia, not the people of Russia, stand against them all. We stand for them all. Let us admit that it is an irreconcilable conflict. Let us concede that those who govern Russia, not the people of Russia, would uproot and destroy them all. Let us admit that they would summon them all to the bar of public opinion and would exile them from human affairs, if they had the power. We would foster and strengthen them all. Our whole civilization is built around them. But how deep and strong is our faith? Do we fear that capitalism will fall, will cave in, if brought in contact with communism? Are we afraid of the contest? My belief is that the closer the contact, the more certainly will communism be modified and ultimately disappear. In such a contest we have not only the experience of all time behind us, but we have the support of one of the most dominant and irresistible of human passions—the desire for property. Do we believe in our institutions? Do we doubt the intelligence and character of our own people? Are we fearful lest the family as an institution, around which our whole fabric of society has been constructed, will break in pieces if brought to the test by that cruel absurdity which would make the family hearthstone the casual meeting place of social derelicts? Is our religion of that feeble sort that we dare not meet face to face those who have said in their hearts there is no God? For my part, I have no fear. During the French Revolution there was a time when religion was disowned, property confiscated, and the great fundamental principles of ordered society rejected. But the French people came back. And the Russian people will come back. The vast majority of the Russian people are a deeply religious, law-abiding, home-loving people. It seems to me that our conduct is a sorry manifestation of an utter lack of faith in our own people, in our own institutions, and in our own professions. If you should empty all the communistic propaganda possible into the very lap of the American people, if you should preach against property until tongues were paralyzed with weariness, if you should inveigh against parliamentary government and free institutions, it would not move the American people from

their moorings or affect one-half of 1 per cent of our population. The safest security against all these things is the American people. The whole scheme as proposed in Russia would go to wreck upon the rock of American citizenship.

But let me assume I am in error in the belief that our Government and our people are secure against communism. What are we going to do about it? The American people are neither blind nor deaf nor dumb. They read, they see, they hear, they know what is going on. They know all about the communistic creed. Our newspapers and magazines tell of the teachings and the preachings of the Russian leaders. You can not put an embargo upon news or ideas in these days. The people do their own reading and their own thinking. I am glad it is so. The restlessness and the discontent in this country springs not at all from Russian literature or Russian teachings. We stand or fall not by what Russia does, but by what we do right here in our own country. We are slow about cleaning up our cities and making property safe and human life secure. We have failed to give work to those who are hungry and who would like to work. We have been unable to cleanse our system of corruption. We have tolerated a system which compels honest and clean business men to pay tribute to crooks and criminals for the protection which their government fails to give. These are the things which cause restlessness and discontent and discouragement among our own people. It is not Russian literature which is disturbing our people or which we need fear. It is not that which is happening in Russia nor what Russia is proposing that is bringing doubt and worry to our own people. It is the conditions here in our own land. These are the things which challenge the attention and arouse the anxiety of the American people.

Capitalism should turn its eyes inwardly and take an account of its own internal affairs. Capitalism must turn its eyes inwardly and take into consideration and solve its own internal problems. If we do not solve them, God only knows what will happen. If we do solve them, communism and all antagonistic "isms" will prove impotent in their tasks. We have in this country from five to seven million men and women unemployed, seeking something to do. What has communism to do with that, and what is our solution? There are in the capitalistic nations of the world some fifteen to sixteen million men and women unemployed. What has communism to do with that? The mechanization of modern industries has left millions of men and women in middle life, or later, to readjust their whole lives to wholly new conditions, to adapt themselves to wholly new environments. They want to know how. Capitalism has not answered. Communism has had nothing to do with that. Mass production, our boasted achievement, continues to pile up goods in the sight of those whose purchasing power is daily diminishing. What is capitalism's answer to that? And what had communism to do with bringing on that condition? We can not answer such questions by assailing communism. We hear about a surplus of food, a surplus of clothes, a surplus of fuel, and yet we know there are millions who are unable to secure enough of this surplus to keep them from hunger and cold. What is capitalism's answer to that? Can we meet the problem by assailing communism? I am not in the least disturbed about communism of itself. I am, I confess, disturbed about the unsolved problems of capitalism. And I am almost equally disturbed over the fact that the time which we ought to devote to solving these questions and to bringing about conditions which would help to solve them, are devoted to attacking some other theory and agitating against some other government. The time to stop building smoke screens ought to be near at hand.

Mr. President, if I had my way about it I would establish normal relations with the Russian Government. In doing so I would not assume I was indorsing the communistic theory; in doing so I would not indorse their method of carrying on their government; in doing so I would have no fear of their teachings or their propaganda undermining American citizenship. I would believe that as Russia is there, with her 150,000,000 people, occupying one-sixth of the earth's surface, that we have got to deal with her, and that it is better to deal with her in that way than in the abnormal and extraordinary way which leads to abnormal and extraordinary policies.

EXHIBIT A

Soviet purchases in the United States,[1] 1929–30 and 1928–29—Orders placed by the Amtorg Trading Corporation, the All-Russian Textile Syndicate, Centrosoyus-America (Inc.), and Selskosoyus-America (Inc.)

[In thousands of dollars]

	1929–30	1928–29	Change
			Per cent
1. Raw materials:			
Cotton	$16,437	$31,161	−47.2
Nonferrous metals	1,883	4,339	−56.6
Miscellaneous (rubber, etc.)	976	602	+62.1
Total	19,296	36,102	−46.5
2. Semimanufactured products (paints and dyes, chemicals, rosin, etc.)	1,845	2,690	−31.4
3. Industrial equipment:			
Metal-manufacturing industry	2,236	4,249	−47.3
Machine-building industry	18,279	5,748	+218.0
Mining industry	1,751	1,392	+25.8
Metallurgical industry	5,682	1,263	+349.1
Oil industry	8,154	9,824	−16.9
Electrotechnical industry	1,449	195	+643.1
Chemical industry	1,279	976	+31.0
Post, telegraph, and telephone industry	1,360	260	+423.1
Food industry	1,368	496	+175.8
Ship and marine equipment	1,419	1,416	+.2
Miscellaneous	3,073	4,518	−31.9
Total	46,050	30,337	+51.5
4. Power-plant equipment	4,338	3,717	+16.6
5. Automotive and transport equipment:			
Passenger cars	2,392	2,453	−2.5
Motor trucks	3,094	2,013	+53.7
Miscellaneous (motor cycles, motor boats, etc.)	204	809	−74.6
Total	5,690	5,275	+7.8
6. Agricultural machinery and supplies:			
Tractors, combines, and accessories	64,027	20,176	+217.3
Machinery and implements	2,387	7,092	−66.4
Miscellaneous	1,028	1,009	+1.9
Total	67,442	28,277	+138.5
7. Consumers' goods: Office accessories and machines	151	933	−83.8
8. Miscellaneous	4,411	320	+1,278.4
Total purchases	149,223,000	107,651,000	+38.6

[1] Including purchases in Canada in 1929–30 totaling about $4,000,000.

Soviet sales in the United States, 1929–30 and 1928–29 (actual deliveries)

	Fiscal year		Gain (+), decline (−)
	1929–30	1928–29	
			Per cent
1. Furs	$6,432,242	$8,299,215	−21.9
2. Lumber materials	4,632,379	1,387,944	+241.0
3. Anthracite coal	2,165,115	633,993	+241.5
4. Manganese ore	3,370,000	6,050,839	−44.3
5. Casings	2,896,658	2,675,595	+8.3
6. Fish products	1,763,829	1,873,559	−5.9
7. Waste products (rags and bones)	1,401,726	981,054	+42.9
8. Precious metals	1,375,186	3,617,464	−62.0
9. Flax, tow, and hemp	1,111,024	827,813	+34.2
10. Licorice root	629,540	511,695	+23.0
11. Bristles	614,042	897,296	−31.7
12. Matches [1]	383,983	282,395	+46.3
13. Dried mushrooms	345,558	479,012	−27.3
14. Rugs and art and handicraft products	273,220	72,088	+279.0
15. Miscellaneous [2]	3,572,443	2,179,083	+63.9
Total	31,017,045	30,749,045	+.9

[1] Matches are no longer imported from the Union of Soviet Socialist Republics.
[2] Includes confectionery, seeds, rugs, horsehair, santonin, motion-picture films, various minerals, foodstuffs, crude drugs, etc., and also Amtorg sales in Canada in 1929–30 totaling about $2,500,000.

EXHIBIT B

TANK AND TRACTOR

Standing here in Cheliabinsk in the midst of the fast-growing walls of the largest tractor plant in the world, one is irresistibly reminded of the remark of Izvestia, official organ of the Soviet Government, that "the manufacturing of a tank and a tractor

have a great many points in common. Even artillery, machine guns, and rifles could be manufactured successfully in the commercial factories."

BUILD FOR WAR, TOO

The Urals have their own plan within the 5-year plan. This year they produced 800,000 tons of iron and steel and next year will produce 1,100,000 tons.

In 1933 six to seven million tons of steel and eight million of cast iron is the goal of the plan, revised several times upward. Magnetogorsk will lead them all, but Nizhni-Tagil and Bakal plants will help to bring the Urals' share of soviet iron and steel production to 50 per cent of the output of the entire country. Coal from the Kuznetzk Basin, from Kizel, Chasavaya, Karagadar; copper from the Bogomolov smelters; aluminum from Alapaevsk; nitrates, sulphuric acid, potash, phosphates, from Bereznikov, Saldinsk, Solikamsk, and tractors from Cheliabinsk, are all elements in the Ural plan. All fall under Isvestia's remark that "we must plan all the metal industries in such a manner as to guarantee the production of the necessary amounts of arms and munitions."

Dimensions of the plant are impressive. The assembly building is the largest building in point of area in the world. Six hundred and forty-four yards long and 196 yards wide, covering an area of 26 acres, the assembly hall could contain 21 American football fields with enough room left over to provide dressing rooms for the players. The foundry, 336 yards long by 276 yards wide, would accommodate 14 football fields, while the forge, 295 yards by 184 yards would harbor 9.

PLANT TRULY IMMENSE

Even more impressive than figures is it to stand at one end of the assembly plant and look down toward the other end, along an uninterrupted line of concrete foundations a third of a mile long. "There," pointed John K. Calder, of Detroit, chief of construction at Cheliabinsk, "you see that horse and wagon crossing the road? That's the end of the building." The horse and wagon were mere specks against the brown earth of the excavation.

It is difficult to get a panorama of the Cheliabinsk plant, for its size is too great to be embraced by a single view, and there are no elevations from which it can properly be seen. To take it all in it is necessary to walk for an hour around the site, as I did with Calder, talking of the work in progress, its prospects, and his experiences in the Soviet Union.

Tall, mustached, tight-lipped, handsome, Calder is the sort of figure of an American that springs to mind when one thinks of picturesque feats of engineering in far corners of the earth. One of the first American engineers to come to the Soviet Union to work under the 5-year plan, he brought with him a rich experience in industrial construction in America. His first job was the Stalingrad tractor plant. He completed it in six and a half months, far ahead of schedule. This accomplishment, his candor and fearlessness were factors that have won him the distinction, shared among Americans only by Col. H. L. Cooper, of being one of the very few foreigners who are called to personal conferences with the inaccessible Joseph Stalin. His personality is worth dwelling upon as an example of the type of American engineer helping to put over the plan.

NEED 7,000 MORE MEN

Lack of labor has also played a rôle in obstructing progress. There are now at work on the whole project, including the construction of the workers' city, 12,000 workers, of whom 2,000 are working on the factory buildings. At least 7,000 more are needed. The same methods of recruiting are used by the Cheliabinsk tractor-construction company as are used at Magnetogorsk to get men. They send out agents to recruit hands from all over Russia, but the supply has not yet caught up with the demand.

Worker efficiency also is said to be not as high in Cheliabinsk as in Magnetogorsk, because Magnetogorsk is dry and Cheliabinsk very wet. It was possible for the authorities to impose prohibition on Magnetogorsk because the place is so isolated. In Cheliabinsk, a city that had a population of 90,000 before the tractor plant was started, prohibition was technically impossible. To-day 40 workers on one sector of the plant failed to appear, having enjoyed their rest day with vodka yesterday.

In writing of the Stalingrad factory on November 25, 1930, he further says:

There are 380 Americans at work in the Stalingrad tractor factory. This is the largest American colony in the Soviet Union. A few are engineers. Most are highly skilled workmen. American workmen, here under a 1-year contract, receive from $200 to $300 a month paid into an American bank in dollars, plus 300 to 400 rubles a month paid in rubles in Stalingrad. Their breakfast, lunch, and dinner in the American restaurant costs them 3 rubles 50 kopecks a day, their rent from 22 to 32 rubles a month. Cognac, wine, and beer are plentiful and very cheap in the special cooperative store reserved for their use. The food in the restaurant at the two meals I tried was quite the equal of any good middle-class boarding house at home.

DEPENDING ON AMERICANS

The Soviet Union is banking heavily on the help of American engineers and qualified workmen to make the 5-year plan a success. It is investing to that end an amount of money very considerable for Russia. It has already been mentioned that the total number of Americans at work on the plan is probably around 1,000. The engineers receive $5,000 to $10,000 a year apiece; most of them not under $10,000. The total American pay roll of the Soviet Union would probably equal $10,000,000 a year. And the plan calls for doubling, or tripling, the number of Americans now at work.

HUGE TRACTOR FACTORY

Elwood F. Riesing, conveyor engineer, took me over the plant. As the most famous new factory of the 5-year plan, the most-debated example of what soviet production will be under the plan, its outward appearance deserves description. To a layman, it was impressively big, modern, well equipped. Riesing assured me it could not have been better laid out, set up, and outfitted had it been erected in America.

The assembly building, bristling with an endless forest of lathes, drills, gear cutters, and a hundred machines that only a specialist could name, all of them bearing American trade-marks, stretched 446 yards long and 105 wide, inclosed by glass walls that let in light like a studio. Not all the machines were working. There still were lacking several, ordered but not yet delivered, and without which production could go forward only limpingly.

Riesing's own specialty, the conveyor, that one-time rock of dissension between capitalist and socialist, now band of union, is in this plant two city blocks long, with half a mile of chain. The motor conveyor, with a normal speed of 2 feet per minute, was working at 6 inches a minute, and at that had frequently to stop. Tractor No. 41 was on the belt at the moment we were there. The plant is geared to a capacity production of one tractor every five and a fraction minutes, 11 an hour, 50,000 a year. The International Harvester plant in Milwaukee has a capacity production of 128 tractors in 8 hours, the Stalingrad plant a program capacity of 88 in 8 hours.

PARTS ALL-SOVIET MADE

The tractor being produced here is a 2-ton, 15–30 horsepower wheel tractor corresponding to the 15–30 International Harvester machine. From raw metal to finished machine it is made of all-Soviet parts, with the exception for the time being of radiator, carburetor, magneto, and Timken bearings. These parts are now American. Factories for their production in the Soviet Union are promised under the plan.

The number of women at work in the shop was high. Nearly half of the machine operators were girls in their twenties. The average age of the men operators appeared also very low. This is a fixed policy of the Soviet industry—to train young workers in the new factories under American supervision. Among every group of twenty to thirty operators there was an American workman whose task it was to supervise and instruct, the system planned for a series of new Soviet plants. The Americans stay on the job until the Russians are capable of handling their machines efficiently.

(In Moscow, V. V. Ossinsky, president of the All-Union Automobile and Tractor Trust, gave me the following actual production figures achieved up to October 5: In the month of August, 20 tractors; September, 60; but in the five days, September 21 to 25, there were 12 produced; in the 5 days, September 26 to 30, there were 20 produced; in the 5 days October 1 to 5, there were 32 produced; and in these last 5 days, 80 were prepared for assembly. "In October," said Ossinsky, "I think we shall produce 200 to 400, against the plan of 1,000, and in November we shall do 1,000. After that progress should be very rapid.")

[New York Evening Post, November 28, 1930]

ROSTOFF ON THE DON

By R. H. Knickerbocker

Manager of the largest farm in the world, Jacob F. Bogomolkin sat in his office at Gigant, in the north Caucasus, and told me that the acres over which he presided numbered 642,000, a round 1,000 square miles.

His permanent laborers numbered 2,800, he said, their wages averaging 100 rubles a month, his farm implements and machines totaled 8,000 pieces, and the Government's investment in the farm had been 27,000,000 rubles. Three hundred thousand acres had been sown this year and there had been 4,000,000 bushels of wheat and rye produced, he said, at a cost of 54 cents a bushel, and this enabled such a profit he emphasized, that Gigant had already paid back the Government 20,000,000 rubles from this and last year's winnings. Profits next year would be 10,000,000 rubles. Gigant, he admitted, was an enormous success.

Speaking of the great asbestos mine at Azbest, an obscure town, November 20, 1930, he says:

GRADUATE OF PRINCETON

Rukeyser is an excellent illustration of the American engineer successful in Russia. Graduate of Princeton '16, Columbia '18, and with an engineering experience that has touched nearly every continent, Rukeyser specialized in asbestos mining, invented a system of processing the mineral, was quoted in engineering handbooks as an authority, and in 1928 at the beginning of the 5-year plan was invited by the Soviet Government to come to the Urals and see what could be done toward putting the insignificant soviet production on a rational basis. "Rational" in this case, an instance typical of the dimensions of the plan, meant multiplying the production by 10 within five years.

To-day, two years after the first visit of the American engineer, "Uralazbest" is turning out more than twice the production of 1928, more than four times the production of 1913. By 1933 the



total production of all the area controlled by the trust, a vast store of more than 12,000,000 tons of high-grade asbestos ore in a single deposit 36 miles long, probably will reach 250,000 tons yearly, valued at $35,000,000, one and one-half times the tonnage and twice the value of the whole production of the seven largest mines in Canada, now the principal source of this indispensable industrial product for the world. The production of asbestos in the whole Soviet Union in 1913 was 13,762 tons; in 1927 it was 26,000 tons; and in the year just closed "Uralazbest" turned out 56,000 tons.

The Russians are enthusiastic, the project is under way, and output is mounting at a pace that promises to put this forest city at the head of the world's asbestos producers. In 1923 Canada produced 273,865 tons, valued at $11,238,000; South Africa, 23,584 tons, valued at $1,965,000; Rhodesia, 39,000 tons, valued at $970,000, and Cyprus, 16,000 tons, valued at $350,000, a world total outside of Russia of 352,449 tons, valued at $14,523,030. If the 5-year plan for "Uralazbest" is realized it will mean that in 1933 these mines will have a production valued at nearly twice that of the entire world production in 1928.

Figures such as these sound fantastic. In Moscow it is easy to dismiss them as "Soviet statistics." Here in Azbest they are easy to believe. A day spent in a tour of the mines almost forced conviction. Thirteen thousand men working in 7-hour shifts the clock around are mining 10,000 tons of rock a day. Chasms like western American canyons sink deep into the ground, and in their depths steam shovels dig mountainous mouthfuls. From cable conveyors fall incessant streams of ore on cars. The mills run night and day. Fourteen new electric shovels are on their way, and 200 new 10-ton cars.

Forty million rubles are being spent in the next 12 months on plant and equipment. Three new mills, each larger than any other in the world, are scheduled. An electric-power plant of 36,000-kilowatt-hour capacity is under construction. The railroad is being converted into broad gage. A brick factory here is producing 5,000,000 bricks a year for the new buildings. With complete mechanization of the mines and mills, one-half the number of workers will turn out five times the production.

A hospital with 120 beds and a polyclinic with 60 beds, with a staff of physicians, have been installed for the people who once had to travel all the way to Sverdlovsk for a doctor. Their "House of Culture" has just been completed at a cost of 1,200,000 rubles. In Azbest they do not need to worry about fuel; there is enough for a century of winters at their backdoors, though Moscow freezes.

[New York Evening Post, December 5, 1930]

THE GREAT POWER DAM AT DNIEPROSTROY, UKRAINE—DAM MORE THAN MILE LONG

With Fifer I spent the day on the dam, now a little more than half completed, but already a most impressive achievement. Its dimensions satisfy even the Russian love of superlatives. A mile and a quarter long, 200 feet high, it will contain 1,150,000 cubic meters of concrete, a power house 820 feet long, operating under a head of 116.5 feet a set of 9 turbines of 85,000 horsepower apiece, but to render an ultimate total of 850,000 horsepower, and an annual production of 2,500,000,000 kilowatt-hours. This is a larger power production than any other single unit in the world, even of Niagara Falls. Muscle Shoals produces 620,000 horsepower. The turbines are larger than any other, the next largest being the 75,000-horsepower units in use at Niagara.

We watched them installing the water passages of the turbines, fresh from the American manufacturer. Twenty-eight feet in diameter, the huge snail-shaped steel structures dwarfed the men at work. It took us 30 minutes to walk across the mile-long caisson dam to the other side of the river. They were placing concrete at an average rate of 3,000 cubic meters a day.

There were more than enough machines to help. Thirty 40-ton locomotive cranes, 10 steam shovels, 50 locomotives, 80 dump cars, all American machinery, presented such a forest of equipment as could not be seen elsewhere on any single construction site in the world, according to the Americans here. The Dnieprostroy Dam, enjoying the particular favor of the Government, is more highly mechanized than any in America, and the 17,000 workers on the job, with their 5-day nonstop week, have been able to place more concrete per month than has ever been placed in engineering history before. In September were placed 88,000 cubic meters, against the highest record at Muscle Shoals of 53,000 in one month, and in October the Dnieprostroy record was 110,900 cubic meters.

The scheme holds out promises of business for American machine manufacturers, for, according to L. L. Rodert, chief soviet engineer, there will be spent abroad $150,000,000 and most of it in America, for the equipment of the factories planned. They include an aluminum plant by French engineers for 15,000 tons yearly; a ferro-alloy plant for 260,000 tons yearly; a metallurgical plant by American engineers for 1,150,000 tons of cast iron yearly; a coke plant, and a cement plant. For these factories all the plans have been received, and for the whole project sewers and water lines have been laid, and a brick factory put in operation. Fifteen million dollars have been spent this year on planning preliminary work and foundations and next year will be expended $80,000,000. Seven thousand workers are employed already on construction and 45,000 will be needed next year. The prospects for unemployment in the building trades in the Soviet Union appear to be remote.

[New York Evening Post, November 19, 1930]

THE FORD PLANT AT NIZHNI-NOVGOROD

At the time of the signing of the Ford contract, the plant's capacity was fixed at 100,000. A few months later it was jumped to 140,000. At the time of the Ford contract the time required for building the plant was fixed at two years. A few months later, when the contract for construction was let to the Austin Co., the time for building was shortened to 15 months. This is typical of 5-year-plan methods. The goal is constantly being pushed forward, always at a little beyond human capacity. The result is a terrific tension in every branch of national activity, and a rate of construction and production that, for Russia, is extremely fast. At the same time the setting of impossible tasks nearly always results in failure, sometimes by a good deal, sometimes by a few per cent, to reach the last revised goal. This is then seized upon by many unobservant critics as proof that the plan has failed, whereas in nearly every case the original figures have been attained, if not surpassed.

BEHIND PLAN SCHEDULE

This is the case here in Nizhni. "The First Model Communist City," as they call it, is going up at a speed that would do credit to a much less backward country than Russia. It is, however, behind the revised plan. Construction has been going on now for five months. During that time the foundations have been laid for the assembly plant, 2,000 feet long, a building that competes with the assembly plant in Cheliabinsk tractor factory for being the longest building in the world; the repair, tools, and maintenance buildings are up; the personnel employment bureau is about done; and enough permanent dwellings have been erected in the new city to accommodate several thousand of the working force.

The rest of the 10,000 building-trades workers are living in a city of barracks. They have their communal restaurants, where the food is considerably better than any to be had in Moscow; their movies and theater, clubs and reading rooms typical of construction camps all over Russia.

Beyond the plant lies the site of the new city, ideally situated near the river, with parks stretching down to its banks, and designed to provide the maximum of comfort and convenience. The blocks of apartment houses are arranged in such a manner that to go from any part of the dwelling center to any other part, or thence to the restaurant and schools, it will not be necessary to cross a street. This was done for the children.

VAST COMMUNITY PLANNED

Besides the dwellings there are being erected a "House of the Soviets," a "Palace of Culture," a museum, a polyclinic and hospital, hotel, shops, garbage-disposal plant, bathing beach, bakery, laundry, garage, railroad station, cold-storage plant, slaughterhouse, sport stadium, police and fire stations, a huge factory kitchen, schools, and a crematorium. Within the housing group are communal clubs, nurseries, and a kindergarten.

Of all this there have so far been completed two rows of apartment blocks. By December, 1931, the city is supposed to be complete for 25,000 inhabitants, and by December, 1932, it must be ready to accommodate 50,000.

RUSSIAN OIL SUPPLY NOVEMBER 29, 1930—OIL RESERVES LEAD WORLD

Few but professional oil men realize that the Soviet Union is possessed of oil reserves that are declared by nonsoviet as well as soviet expert sources to be larger than those of any other country. The soviet authorities are never backward about estimating their country's natural wealth, and they place the total oil reserves at 32,000,000,000 barrels, with 10,000,000,000 in the territory of Azneft alone. The United States Geological Survey estimates soviet oil reserves at 6,775,000,000 barrels. The Federal Oil Conservation Board gives the United States no more than 5,500,000,000 barrels. An estimate of Venezuela's reserves is lacking, but they are not believed to be as large as America's. Since the United States Geological Survey estimate of soviet oil resources was made there have been opened up rich new fields, as Maikop, with a huge gusher last year, that has led Azneft to fix a yearly production for that field alone of 14,000,000 barrels by the end of the 5-year plan.

None but professional oil men follow closely the results of soviet oil production, but the figures should be of interest to every layman conscious of their meaning: In 1913, pre-war Russia had a total production of 62,834,000 barrels. By 1926 soviet production had passed pre-war. In 1927 it was 79,682,000 barrels; 1928, 83,992,000 barrels; 1929, 98,851,000 barrels, and in the year just closed, 119,700,000 barrels. The 5-year plan had only called for a production of 113,400,000 barrels this year. It had originally proposed that by 1933 production should be 151,900,000 barrels but the probability that the industry would reach this figure by next year, in half the time proposed, led to the fixing of a new plan figure for 1933 of 280,000,000 barrels, or 341 per cent of the preplan output. Soviet production is now twice pre-war production and the Soviet Union has forged to third place among world petroleum leaders, ranking not far from Venezuela's 137,000,000 barrels, though with a production hardly more than one-tenth of America's 1,005,603,000 barrels.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 39) provid-

ing for the printing of a manuscript entitled "Washington, the National Capital."

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

The message further announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 182. An act for the relief of Daisy O. Davis;

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes;

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain; and

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions of the House were severally read twice by their titles and referred as indicated below:

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind; to the Committee on Appropriations; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926; to the Committee on Finance.

MUSCLE SHOALS—VETO MESSAGE (S. DOC. NO. 321)

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Senate:

I return herewith, without my approval, Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama; to authorize the letting of the Muscle Shoals properties under certain conditions; and for other purposes.

This bill proposes the transformation of the war plant at Muscle Shoals, together with important expansions, into a permanently operated Government institution for the production and distribution of power and the manufacture of fertilizers.

Disregarding for the moment the question of whether the Federal Government should or can manage a power and fertilizer manufacturing business, we should examine this proposal from the point of view of the probabilities of success as a business, even if efficiently managed. Such an analysis involves a consideration of the capital invested, the available commercial power, the operating costs, the revenue to be expected, and the profit and loss involved from this set-up. The figures and estimates given herein are furnished by the War Department upon the authority of the Chief of Engineers.

VALUE OF THE OLD PLANT AND FURTHER CAPITAL OUTLAY REQUIRED

The following properties and proposed extensions are embraced in the proposed project:

(a) Wilson Dam and its hydroelectric equipment, valued at $37,000,000, being the original cost of $47,000,000 less $10,000,000 applicable to navigation.

(b) The steam-power plant at Muscle Shoals, valued at $5,000,000, being a reduction for depreciation of $7,000,000 from the original cost of $12,000,000.

(c) Proposed further additions to the electrical plant at Muscle Shoals costing $9,000,000.

(d) Proposed construction of Cove Creek Dam, with hydroelectric plant with transmission line to Wilson Dam, $41,000,000, of which $5,000,000 may be attributed to flood control and improvement of navigation or, say, $37,000,000.

(e) Proposed construction of transmission lines for wholesale distribution of power within the transmission area, $40,000,000.

(f) Nitrate plants, quarries, and so forth, at Muscle Shoals which originally cost $68,555,000 but upon which no valuation is placed at present.

The total valuation of the old property to be taken over for the power portion of the project is therefore $42,000,000 after the above deductions from original cost. The new expenditures from the Treasury applicable to the power business are estimated at $90,000,000, less $5,000,000 which might be attributable to flood control, or a total of $127,000,000 of capital in the electrical project. This sum would be further increased by accumulated interest charge during construction. As shown later on, several millions further would be required for modernizing the nitrate plants. The total requirement of new money from the Federal Treasury for the project is probably $100,000,000, even if no further extensions were undertaken.

AMOUNT OF POWER AVAILABLE FROM THIS PROJECT

Assuming the additional power given by the construction of the Cove Creek Dam and the use of steam power for five months in the dry season each year, and taking the average load factor from experience in that region, about 1,300,000,000 kilowatt-hours of continuous power could be produced annually. Considered as a general power business a portion of this must be held in reserve to protect consumers, leaving a net of about 1,000,000,000 kilowatt-hours annually of salable power. This amount would be somewhat increased if a large proportion of 24-hour load were applied to fertilizer manufacture.

The secondary power for a period of less than seven months in the year is not regarded as of any present commercial value.

OPERATING COSTS

The following is the estimated annual overhead and operating cost of the electrical end of the project, including the steam plant, necessary to convert 7-month secondary power into primary power, as stated above:

Interest at 4 per cent per annum on capital of $127,000,000	$5,080,000
Amortization	1,890,000
Operating and maintenance cost of hydroelectric plant	775,000
Operating and maintenance cost of steam plant	850,000
Operation and maintenance cost of transmission lines	550,000
Total	9,145,000

The estimated cost of production and distribution is, therefore, about 9.1 mills per kilowatt-hour. If only part of the transmission lines were constructed it would decrease capital and operating charges but would not comply with the requirement of equitable distribution through the transmission area.

ESTIMATED GROSS INCOME

The purpose of the bill is to provide production and wholesale distribution of surplus power and to give preference to States, municipalities, and cooperative organizations. It

further provides that the policy of the Government must be to distribute the surplus power equitably amongst States, counties, and municipalities within transmission distance of Muscle Shoals and provides for the construction of transmission lines to effect this purpose. Such a transmission system for wholesale purposes only is estimated to cost $40,000,000. If it is proposed to sell power at retail to householders, then there would need be a great increase in the estimates of capital outlay and operation costs for such distribution.

The average gross income of the power companies in that territory, including retail as well as wholesale power, is about 12 mills per kilowatt-hour. This includes retail residential power averaging something over 50 mills per kilowatt-hour. Miscellaneous industrial power realizes about 10 mills per kilowatt-hour. The power sold wholesale to other companies and those engaged in municipal distribution averages about 7.2 mills per kilowatt-hour.

It is impossible to compute Muscle Shoals income under this project upon a basis which includes retail power sales, as this is a project for wholesale distribution only. It is impossible to compute it upon the basis of miscellaneous industrial rates as sales for industrial purposes from Muscle Shoals would presumably be mainly for manufacture of fertilizers and it would not be possible to average 10 mills per kilowatt-hour. A rate of not over 2 mills would be a large charge for such power. While the load factor would be improved by large use for this purpose, the net result, however, would be to diminish the gross income below the above rates from municipal and miscellaneous industrial services.

Assuming that the whole 1,000,000,000 kilowatt-hours should be sold to municipalities or other power distributors, it would on the basis of the realizations of the private companies of 7.2 mills yield a gross annual income to this project of about $7,200,000, or a loss upon this basis of nearly $2,000,000 annually. This territory is now supplied with power and to obtain such an income it would be necessary to take the customers of the present power companies. To secure these customers it would be necessary to undercut the rates now made by them. It is difficult to estimate the extent to which it would be necessary to go in such rate cutting in order to secure the business. In any event it would of course diminish estimated income and increase the losses.

It is obvious that any estimate of income contains a large element of conjecture, as the proportions of industrial and municipal load can not be foretold. But any estimate of the income of the project as set up by this legislation will show a loss.

FERTILIZER MANUFACTURE

The plants at Muscle Shoals were originally built for a production of nitrates for use in war explosives. I am advised by the War Department that the very large development in the United States by private enterprise in the manufacture of synthetic nitrogen now affords an ample supply covering any possible requirements of war. It is therefore unnecessary to maintain this plant for any such purposes.

This bill provides that the President for a period of 12 months may negotiate a lease of the nitrate plants for fertilizer manufacture under detailed limitations, but in failure to make such a lease the bill makes it mandatory upon the Government to manufacture nitrogen fertilizers at Muscle Shoals by the employment of existing facilities or by modernizing existing plants or by any other process. I may state at once that the limitations put upon lessees in the bill are such that this provision is of no genuine importance. Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease and they have replied that under the conditions set out in the bill it is entirely impractical for them to make any bid. The leasing provision is therefore of no utility; it may at once be dismissed. In consequence the project we have to consider under this bill is the manufacture of fertilizers by the Federal Government.

The Department of Agriculture reports that these plants are now more or less obsolete and that with power at even 2 mills per kilowatt-hour, with proper charges included, could not produce the products for which they are constructed as cheaply as these products are now being sold in the wholesale markets. Therefore, it would be necessary to modernize the equipment at an unknown cost in millions. There is no evidence as to the costs of nitrogen fertilizers by the newer equipment, and there is therefore no basis upon which to estimate the results to the Government from entering upon such a competitive business. It can, however, be stated with assurance that no chemical industry with its constantly changing technology and equipment, its intricate problems of sales and distribution, can be successfully conducted by the Government.

PROPOSED ADMINISTRATION

The first essential of all business is competent management. Although the bill provides for the management by three directors, the Congress must from the nature of our institutions be the real board of directors and with all the disadvantages to a technical business that arise from a multitude of other duties, changing personnel, changing policies, and regional interests. These three directors are to have political qualifications, as it is stipulated that not more than two shall be of one political party. They are to receive $50 per diem, but are limited to $7,500 each for the first year and $5,000 annually thereafter. The act provides that:

> All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

In other words, they are to say that they believe in Government manufacture of fertilizers, and that it can be made a success on this set-up. We are thus supposed to appoint business administrators on the basis of their beliefs rather than their experience and competency. These directors are manifestly to have a political complexion and apparently the entire working force is likewise to have such a basis of selection, as the usual provision for the merit service required by law in most other Federal activities is omitted. Three men able to conduct a $150,000,000 business can not be found to meet these specifications.

GENERAL CONSIDERATIONS

I am firmly opposed to the Government entering into any business the major purpose of which is competition with our citizens. There are national emergencies which require that the Government should temporarily enter the field of business, but they must be emergency actions and in matters where the cost of the project is secondary to much higher considerations. There are many localities where the Federal Government is justified in the construction of great dams and reservoirs, where navigation, flood control, reclamation, or stream regulation are of dominant importance, and where they are beyond the capacity or purpose of private or local government capital to construct. In these cases power is often a by-product and should be disposed of by contract or lease. But for the Federal Government deliberately to go out to build up and expand such an occasion to the major purpose of a power and manufacturing business is to break down the initiative and enterprise of the American people; it is destruction of equality of opportunity amongst our people; it is the negation of the ideals upon which our civilization has been based.

This bill raises one of the important issues confronting our people. That is squarely the issue of Federal Government ownership and operation of power and manufacturing business not as a minor by-product but as a major purpose. Involved in this question is the agitation against the conduct of the power industry. The power problem is not to be solved by the Federal Government going into the power business, nor is it to be solved by the project in this bill. The remedy for abuses in the conduct of that industry lies in regulation and not by the Federal Government entering upon the business itself. I have recommended to the Congress on various occasions that action should be taken to establish Federal regulation of interstate power in cooperation with State authorities. This bill would launch the

Federal Government upon a policy of ownership and operation of power utilities upon a basis of competition instead of by the proper Government function of regulation for the protection of all the people. I hesitate to contemplate the future of our institutions, of our Government, and of our country if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is to be devoted to barter in the markets. That is not liberalism, it is degeneration.

This proposal can be effectively opposed upon other and perhaps narrower grounds. The establishment of a Federal-operated power business and fertilizer factory in the Tennessee Valley means Federal control from Washington with all the vicissitudes of national politics and the tyrannies of remote bureaucracy imposed upon the people of that valley without voice by them in their own resources, the overriding of State and local government, the undermining of State and local responsibility. The very history of this project over the past 10 years should be a complete demonstration of the ineptness of the Federal Government to administer such enterprise and of the penalties which the local communities suffer under it.

This bill distinctly proposes to enter the field of powers reserved to the States. It would deprive the adjacent States of the right to control rates for this power and would deprive them of taxes on property within their borders, and would invade and weaken the authority of local government.

Aside from the wider issues involved, the immediate effect of this legislation would be that no other development of power could take place on the Tennessee River with the Government in that field. That river contains two or three millions of potential horsepower, but the threat of the subjection of that area to a competition which under this bill carries no responsibility to earn interest on the investment or taxes will either destroy the possibility of private development of the great resources of the river or alternately impose the extension of this development upon the Federal Government. It would appear that this latter is the course desired by many proponents of this bill. There are many other objections which can be raised to this bill, of lesser importance but in themselves a warranty for its disapproval.

It must be understood that these criticisms are directed to the project as set up in this bill; they are not directed to the possibilities of a project denuded of uneconomic and unsound provisions, nor is it a reflection upon the value of these resources.

I sympathize greatly with the desire of the people of Tennessee and Alabama to see this great asset turned to practical use. It can be so turned and to their benefit. I am loath to leave a subject of this character without a suggestion for solution. Congress has been thwarted for 10 years in finding solution by rivalry of private interests and by the determination of certain groups to commit the Federal Government to Government ownership and operation of power.

The real development of the resources and the industries of the Tennessee Valley can only be accomplished by the people in that valley themselves. Muscle Shoals can only be administered by the people upon the ground, responsible to their own communities, directing them solely for the benefit of their communities and not for purposes of pursuit of social theories or national politics. Any other course deprives them of liberty.

I would therefore suggest that the States of Alabama and Tennessee, who are the ones primarily concerned, should set up a commission of their own representatives, together with a representative from the national farm organizations and the Corps of Army Engineers; that there be vested in that commission full authority to lease the plants at Muscle Shoals in the interest of the local community and agriculture generally. It could lease the nitrate plants to the advantage of agriculture. The power plant is to-day earning a margin over operating expenses. Such a commission could increase this margin without further capital outlay and should be required to use all such margins for the benefit of agriculture.

The Federal Government should, as in the case of Boulder Canyon, construct Cove Creek Dam as a regulatory measure for the flood protection of the Tennessee Valley and the development of its water resources, but on the same bases as those imposed at Boulder Canyon; that is, that construction should be undertaken at such time as the proposed commission is able to secure contracts for use of the increased water supply to power users or the lease of the power produced as a by-product from such a dam on terms that will return to the Government interest upon its outlay with amortization. On this basis the Federal Government will have cooperated to place the question into the hands of the people primarily concerned. They can lease as their wisdom dictates and for the industries that they deem best in their own interest. It would get a war relic out of politics and into the realm of service.

HERBERT HOOVER.

THE WHITE HOUSE, *March 3, 1931.*

The VICE PRESIDENT. The question is, Shall the joint resolution pass, the objections of the President to the contrary notwithstanding?

Mr. ROBINSON of Indiana and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. The Senator from Indiana is recognized. Does he yield to the Senator from Nebraska?

Mr. NORRIS. I do not ask the Senator to yield. I want the floor in my own behalf.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. As I understand, the consideration of the presidential veto is a matter of high privilege; indeed, a matter of higher privilege than the conference report now pending before the Senate. I ask the Chair whether or not the consideration of the veto message will displace the pending conference report.

The VICE PRESIDENT. The Chair is of the opinion that it will not displace the pending conference report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate Nos. 1 and 3 to the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes, and that the House had disagreed to the amendment of the Senate No. 2 to the bill.

The message further announced that the House had passed a joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims, in which it requested the concurrence of the Senate.

THE SOVIET GOVERNMENT OF RUSSIA

Mr. ROBINSON of Indiana. Mr. President, I do not desire to delay any consideration of the question now before the Senate, either the question relating to Muscle Shoals or the conference report referred to by the Senator from Washington. I would like, however, much as the Senate is pressed for time, to say a few words in answer to the statements made by the distinguished senior Senator from Idaho [Mr. BORAH] on the question of possible recognition of the Soviet Government in Russia.

I have the greatest admiration for the eminent Senator from Idaho. I recognize his splendid talent and great ability, and I pay tribute to his earnestness, to his courage, and to his honesty. But I can not agree with him on certain positions which he at times takes with reference to matters before the Senate, and I find myself in entire disagreement with him on this question.

I do not see that the French Revolution has anything at all to do with the situation which obtains in Russia to-day. If I remember what transpired in those remarkable times, the French revolutionists were busily engaged almost from the beginning in consolidating the revolution. They did not seek to have that revolution spread throughout the world—that is, to the extent of deliberately planning against other

nations, sending incendiaries into other countries, sending emissaries preaching red rebellion into other lands—but rather they concerned themselves with making successful the great movement they had originated themselves.

Again, Mr. President, so far as I can remember, treaties entered into by the revolutionists of that day were kept. They were not violated.

In the next place at the time of the French Revolution we were very feeble among the nations of the earth. We were just starting on our new plan of government after a revolution. To-day we are the most powerful country on the globe. The Senator from Idaho seems to insist that because this country recognized the French Revolution it is incumbent upon us to do the same with Russia. He stated, among other things, that he had faith in the 150,000,000 people of Russia. That may be true, Mr. President, but if we recognize Russia we recognize the Government of Russia and not the 150,000,000 there. I am opposed to entering into any partnership of any kind with a government which seeks to destroy the one under which I myself live and have my being. I would not recognize a government which seeks to destroy this country which has done more for the average man than all the other governments in history put together.

The Russian Soviet has little faith in treaties. Treaties are scraps of paper to them. I want to read from a statement of Menjinsky. He is the head of the O. G. P. U. of secret police of Russia, a power in the councils of the Soviet Government, and the Third International, which are precisely the same. I quote from his statement:

> As long as there are idiots to take our signature seriously, and to put their trust in it, we must promise everything that is being asked, and as much as one likes, if we can only get something tangible in exchange.

There, Mr. President, is the notion of the present Russian Government with reference to treaties, showing the little faith they have in treaties and that they regard them practically as scraps of paper.

Everybody knows that the present Government in Russia ignored completely the terms of the Kellogg treaty in the Chinese situation, the Manchurian muddle, the railroad dispute. I go back again to what Zinoviev said on February 2, 1919, on the Princes Island proposal. I quote:

> We are willing to sign an unfavorable peace with the Allies. It would only mean that we should put no trust whatever in the piece of paper we should sign. We should use the breathing space so obtained to gather our strength in order that the mere continued existence of our government would keep up the world-wide propaganda which Soviet Russia has been carrying on for more than a year.

That again illustrates forcibly, I think, the little trust we may have in the present Russian Government so far as the sacredness of treaties is concerned.

Again Trotsky, before he was exiled and when he was a power in the present Government—and the same principles obtain to-day as when Trotsky was one of the Moscow masters—in his Peace Program, published at Petrograd in February, 1918, said:

> If in waiting the imminent proletarian flood in Europe, Russia should be compelled to conclude peace with the present-day governments of the central powers, it would be provisional, temporary, and transitory peace, with the revision of which the European revolution will have to concern itself in the first instance. Our whole policy is built upon the expectation of this revolution.

So, Mr. President, it seems to me it would be a travesty and only a travesty to sign a treaty and depend upon the plighted faith of a government which through its official spokesmen proclaims cynically to the world that it will observe these agreements, these treaties, if they turn out to their own advantage, but will repudiate them if they believe their own advantage would be served thereby. I can not at all agree with the Senator from Idaho [Mr. BORAH] when he says that this country would be advantaged by entering into an understanding with the present Russian Government. England tried it, France tried it, Mexico undertook to establish such relations, and all those countries were thoroughly disillusioned.

With reference to the Chinese experience the Washington Herald said editorially on July 25:

> History appears to have been repeating itself in China's recent experience with the Soviet Government of Russia. What China charges Russia's communist agents with doing in Manchuria, the United States, Great Britain, France, Germany, and Japan well know other communist agents of Russia have attempted to do in their respective countries.
>
> France was forced to demand the recall of the soviet ambassador from Paris.
>
> Great Britain was compelled to break off relations with the Soviet Government because of the discovery in London of the same sort of proof of the same sort of soviet plottings that China unearthed in Harbin.
>
> And Germany, Japan, and the United States have more than once been compelled to deport conspirators against their own peace and safety acting in the name, and apparently on behalf, of the organized tyranny that holds all Russia in its grip to-day.
>
> In the light of the proof that is piling up not only in the Far East but in other corners of the world that the Soviet Government of Russia is waging unceasing warfare against democracy everywhere, it begins to look as if the democracy of the world will finally be forced to take up this challenge and combat the tyranny of Russia.
>
> For the Soviet Government to-day is no less tyrannical in its treatment of the Russian people than was the Czar's government.
>
> And the tyranny in Russia to-day is no less a tyranny because it calls itself popular government.
>
> Under the communist Government of Russia freedom of speech, freedom of the press, freedom of worship, freedom of thought, freedom of conscience, freedom to work or not to work have one and all been taken away from the Russian people. * * *
>
> There is less popular liberty in Russia at this moment than in any other country on the face of the globe. And if the Soviet Government is permitted by the rest of the world to continue its plottings against the peace of the world, the tyranny of Russia will follow the soviet flag.
>
> There is no graver menace to democracy to-day than the yoke of tyranny which the Soviet Government has pressed down upon the people of Russia. And democracy in its own defense can not afford much longer to be blind or deaf or dumb in the face of the threats to the peace of the Pacific that are now coming out of Moscow.

Mexico had an interesting experience. The soviet influence in that country was considerable, but to-day the Government of Mexico, following the attempted assassination of President Rubio and the revelation of widespread red plots to overthrow the Government by violence, is fully alive to the menace of revolutionary communism, and the federal government is carefully watching red revolutionary activities and taking steps to protect the Government and people against them. The Mexican red insurrectionaries have been compelled to move their official headquarters from Mexico City to New York City. It is rather sad to note that here in this country we permit them to do pretty much as they please. When they are rooted out of Mexico or France or Great Britain they immediately come to this land of the free and set up their machinery to overthrow the Government of the United States, which means more to mankind than any government ever established through human genius.

Some time since the Cincinnati Enquirer published an editorial from which I quote the following:

> The United States, Canada, and the Governments of South and Central America are indebted to Mexico for the Mexican Government's refusal to continue in diplomatic relationship with the Mad Mullahs of Moscow. With customary insolent duplicity the Soviet Government long used Mexico as its chief vantage point on the American Continent from which to propagate and extend its poisoned philosophies, trampling upon all laws of comity and hospitality.

Those activities are now transferred to New York, where they are given free rein. I have been informed recently that there are more than 600,000 members of communist organizations working throughout this land and sowing seeds of dissention, insurrection, and revolution everywhere.

I would like to quote from Pravda, published in Russia, something with reference to the action of the Soviet Government and the Komintern in 1928, in connection with the world-wide effort of the communists to overthrow established governments and to bring about revolution everywhere:

> In the colonies where the proletariat does not exist the overthrow of the power of the imperialists must coincide with the organization of soviet (peasant) with the confiscation of the undertakings and foreign concessions and their transmission to the hands of the state. * * * Thus, the forward-moving revolution, by involving the workers of the home countries in the fight for the dictatorship of the proletariat, rouses also hundreds of millions of colonial workers and peasants for the fight against foreign imperialism.

That is the philosophy. First let it be understood that the Union of Socialist Soviet Republics of Russia after it was organized began immediately to finance the world-wide revolution under the Third International. Mr. President, the child is father to the man. The Soviet Government in Russia under domination of the Moscow masters created the Third International, dominates it, and the whole purpose of the Third International is to bring about world-wide revolution all over the globe. And the tragedy of it all is that they are largely succeeding, as I expect to show in a moment. I quote from a speech by Gourko-Kriakin, published in Pravda in 1927, the following:

"During my stay in Paris (1917)," wrote Pavlovitch, "I visited all oriental revolutionaries—constitutionalist young Turks, Persians, Hindu emigrants, Chinese officers, etc. There were often meetings at my house of Hindu revolutionaries, Persians, and Chinese, with whom I discussed revolutionary plans and action. I composed the proclamations and wrote for their newspapers and reviews."

Now, Mr. President, still further, in order that we may know something of their program, not as a result of propaganda, as suggested by the distinguished Senator from Idaho, but from the lips of their own leaders, I quote from the Commissariate of Commerce of the Union of Socialist Soviet Republics:

In the East, even more than elsewhere, the organs of this commissariate play an important part in Bolshevist penetration. An official outline of the activity of the Vladivostok section of the association for the scientific study of the Orient insists on the fact that this section, which plays a more and more important rôle in Bolshevik subversive action in the Far East, is closely linked with the economic organs of the Soviet Government. Further, the soviet press has announced that an important task falls to the "Russo-Oriental Chamber of Commerce as regards Bolshevik penetration in Asia."

Mr. President, the best reason, it seems to me, why all patriotic Americans should oppose recognition of the present Moscow Government is the fact that, by its own statements, it seeks to overthrow the Government of the United States. If we were to recognize that government at the present time, it would mean that a soviet embassy would be established here in Washington with many immunities, an official staff, with attachés of all sorts, committed to their program to destroy this Government. Their activities are inimical enough to us as it is at present. Why should we encourage them further by recognizing their Government which seeks to destroy us?

Mr. President, I make bold to say that if the United States should publish a program of destruction and announce to the world what it proposed to do, as has the Moscow Government, and then should undertake to send an ambassador to any other country with whom we had diplomatic relations, the previous statement of program made by us would be considered equivalent to a declaration of war. So the Moscow Government is practically at war with us under almost any fair construction of the hostile declaration published against us. The distinguished Senator from Idaho would have us recognize that government whose purpose in coming here would be chiefly to destroy the Government under which we live.

I should like to read a very brief statement, the words of Vera Simonton, an American writer, upon her return to Vienna from a tour of Soviet Russia.

RUSSIA OF TO-DAY

I have come from the soviet jungle, where it is every man for himself and the devil take the hindmost. The Russians have been leveled downward to the extent that all are serfs. They have just changed masters, that's all. The workers' paradise is in reality a human standardization at the bottom, with all initiative crushed, with hunger staring all in the face, with winter approaching and with no chance of buying enough food, let alone clothing.

Women have the hardest lot in Russia to-day. They bear the brunt of the suffering. They are herded indiscriminately into irregular and regular families. They do not enjoy a trace of privacy. Women stand for hours in line before the cooperative food shops, which are really government monopoly stores where one must have a book to purchase small rations. Often after waiting all night they are told that the supply is exhausted. The black bread sold privately in the street is twice the price of that sold in the cooperatives. The tea is bad. The Government dictates even how much one is to eat.

I do not see where the Soviet Government is doing much for the 150,000,000 Russian people. I fail to see the point of the able Senator from Idaho in insisting that the present Russian Government may change and that, in the end, the people will have their way. That may be true, but it does not necessarily follow. It was not so in France. After the French Revolution had run the course of a few years there came "the man on horseback"; Napoleon established the first Empire, and the ideals of the Empire were as far removed from those of the French Revolution as are the two poles from each other.

After the Empire, which was an absolutism, came again a Kingdom. Finally a Republic succeeded the monarchy and France has had three Republics in the course of a century. So, Mr. President, it may be a long while before the 150,000,000 people in Russia rule the 500,000 communists who have seized and now hold the governing power.

On January 18 an official ukase of the Soviet Government of Russia was issued, conscripting all labor needed in the railroad service. I have a statement to that effect here which I shall not read, but I ask that it may be incorporated in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

An official ukase of the Soviet Government issued on January 18 conscripts all labor needed in railroad service. All departments, enterprises, and administrations were ordered to report the names of all persons having railway experience within 10 days, and to dismiss such employes with two weeks' pay and orders to report to the soviet railway administration. Criminal proceedings, it was announced, would be taken against persons who try to evade such service, and employers who assist in such concealment. The entire mobilization must be finished by March 1. This order is printed in the soviet official press. Yet the soviet authorities and their mouthpieces in the United States who persistently attempt to conceal the true character of the Moscow despotism by impudent lying will continue to deny that labor is conscripted in Soviet Russia.

Mr. ROBINSON of Indiana. Again, Walter Duranty, the Moscow correspondent of the London Times—and may I say that these dispatches were subject to soviet censorship—placed the number of exiles at work in Russian concentration camps at 1,000,000, 200,000 of whom are in the northern timber camps. I ask at this point that the statement may be incorporated in the RECORD in full.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

Walter Duranty, Moscow correspondent of the London Times, whose attitude toward the Soviet Government is not unfriendly, and whose dispatches are subject to soviet censorship, in a special cable to the New York Times under date of February 2, places the number of exiles at work in Russian concentration camps at 1,000,000, 200,000 of whom are in the northern timber camps. Exile, Duranty states, is not only a form of punishment, but a method of disarming opponents of the Soviet Government. In addition to the exiles in concentration camps are more exiles forbidden to live in cities or other specified localities. The total number of people sentenced to some form of exile during the past two years Duranty places at 2,000,000.

Mr. ROBINSON of Indiana. And finally, Mr. President, the soviet official press records political executions, and rather incompletely, for the months of October and November, as follows:

Kulaks (property-owning peasants)	147
Enemies of the Soviet Government	39
Religious activity	32
Specialists and sabotageurs	25
Contrabandists and spies	3
Total	246

Yet, Mr. President, those who openly and those who secretly sympathize with the Russian system of government and with Russian activities in the United States attempt to deny that there is persecution in that country.

Again I desire to read from a report made to the economic section of the League of Nations.

Alvin E. Johnson, Geneva correspondent of the New York World, I am informed, Mr. President, has conducted an exhaustive official inquiry which proves that the soviet dictators are carrying forward an ambitious plan for world-wide dumping as a means of economic disturbance leading

to revolution in noncommunist nations. I read from his statement:

This is being pushed forward through constantly increasing enslavement of the workers and farmers, with wholesale conscription of labor, and unbelievable conditions prevailing in the timber camps and fisheries of eastern Russia. Here many scores of wretched men, half starving, are held in slavery and driven to their tasks insufficiently fed and clothed.

I read further from his statement:

Wholesale seizures of people have been made on trumped-up charges, and they have been condemned to a living death as slaves of the dictatorship, because of inability to get free labor to submit to the iron discipline imposed by the Moscow masters. The aristocrats, bourgeoisie, and kulaks, numbering millions, are disappearing from the face of Russia; where they have gone is a mystery, but it is apparent that most of them have been exterminated. The officials of the economic section call attention to the fact that enlightened statesmen in noncommunist countries have become aroused to the reality of the menace involved in the enslavement of millions of people to a ruthless political and industrial machine, inspired by hatred for the rest of the world, and moved by a fanatical purpose to destroy all noncommunist nations.

Again, with reference to the labor situation in Russia, I should like to quote from Matthew Woll, vice president of the American Federation of Labor. Everybody knows that Mr. Woll and the American Federation have, so far as they could, violently opposed the penetration of Bolshevism into this country with all of the terrifically dire effects it has occasioned wherever it has been permitted to operate. Mr. Woll states:

ENSLAVE LABOR IN SOVIET RUSSIA

America's wage earners are not frightened by the bombast of the Soviet 5-year plan. But we are concerned at the enslavement as political convicts of countless thousands of Russian and Finnish peasants whose only offense is, that after a lifetime of hard labor, they have shown enough efficiency to own half a dozen cattle. These are the people that are being forced to cutting down the timber, mining the coal, and producing the materials being shipped into and dumped upon our market now.

The method by which these innocent and hard-working agriculturalists are converted into convicts is very simple.

A decree forbidding all retail merchants to sell any goods in any part of the country to any individual not possessed of a collective card has been issued by the Soviet Government. But those cards are delivered only to farmers who have consented to abandon their lands and stocks of grain to the community.

Some farmers have tried, and try yet, to resist the compulsion and to live on the products of their farms. Then the "shock brigade" intervenes.

The stubborn village is surrounded by armed bands; the peasants are seized under the threat of guns; they are tied up, stripped, horsewhipped; 1 out of 10, if no more, is shot; the rest are deported to remote provinces and never heard of anymore.

This process of enslavement of the peasants is being systematically and openly extended to Russia's entire agricultural population.

The system of state slavery applied to the industrial workers necessarily takes a somewhat different form.

On October 11, last, Soviet Russia issued a decree abolishing all relief whatever for their unemployed and forced them not only to work under orders or starve but to work under orders or be blacklisted by the soviets who have a monopoly of employment. Here are the exact words of this newest law. I quote from the New York Times dispatch of Duranty, the most ardent and reliable of pro-soviet correspondents:

"Unemployed persons must accept work, not only in accordance with their own specialty but also, if necessary, work requiring no special qualification.

"No reasons for refusal of such proposed work will be accepted except illness supported by a medical certificate. Refusal to accept work will involve removal of such persons' names from labor exchange files."

In other words, the unemployed must accept the work offered by the Government on its own terms or be officially blacklisted. As the soviet is the sole employer and does not permit its victims to leave the country, this new soviet law can only mean that all soviet labor has become forced labor, as defined by our law.

Mr. President, there is much along this line that I might mention; but I go back again to the economics section of the League of Nations, which has had laid before it an official report summarizing the results of a long and authoritative inquiry into the menace of Soviet Russia's operations.

Summarizing the findings, which go into great detail, the report said:

From what has been shown it is quite clear that the use of compulsory labor plays a large part in the work connected with Russian exports. Even if the output of starving, ill-treated men is much below that of workmen living in decent conditions, it must be admitted that the work done by men whose lot is little better than that of slaves and whose life does not seem to be valued very highly, is very cheap for the employer. To this fact must be added the low cost of raw materials in Russia, where everything belongs to the State.

Russian exports can thus easily win foreign markets in spite of all competition and customs protection. That the Union of Soviet Socialist Republics is following a conscious and considered policy is evident when we consider that Russia is suffering from considerable shortage of most of the commodities which it exports.

Russia's purpose, says the report, is twofold: One to insure the success of the 5-year plan—

May I say right there that this is the most ambitious plan for arming and mobilizing an entire nation—the same 150,000,000 people mentioned by the Senator from Idaho—that ever was undertaken in the history of the world by any people in peace time. If we are feeling that every effort should be made to bring about peace on earth and good will toward men, why should we lend any encouragement to a government that is deliberately planning for a world-wide war and revolution and that has, as the foundation of this planning, this very 5-year plan?

Russia's purpose, says the report, is twofold: One to insure the success of the 5-year plan; the second, indirect and insidious, is the aggravation of unemployment and industrial depression in all parts of the world.

Indeed, Mr. President, they do not deny this. Officially, Russia admits—the present Russian Government, which is not the Russian people, but which is the government we are asked to recognize—this government which we are asked to recognize officially has stated time and again, as I think I shall show before I get through, that the whole program of the Third International, backed by the Moscow masters, is to bring about world-wide revolution, in order that communism may rule and govern mankind everywhere.

The second, indirect and insidious, is the aggravation of unemployment and industrial depression in all parts of the world through disorganization of markets in order to destroy the "capitalist system." The Moscow government officially admits the former; the Third International, which dominates the Moscow government, confesses the latter.

Of course, the whole purpose is, as far as possible, definitely to hamstring industry in this country, and to bring about as much discontent as possible among all the people of the country, to the end that we may have chaos here and in the very near future—and the earlier the better, from their standpoint—that is their third objective—a communist government set up here among our own people.

There are those who undertake to differentiate between the Soviet Government of Russia and the Third International. The Soviet Government is, of course, the Union of Socialist Soviet Republics in Russia that rules the 150,000,000 people referred to by the able Senator from Idaho; but the Third International covers the world, and they work right together. There is no difference between the two.

I have been informed that 49 pages of documentary information bear out the following statement by the head of the Division of Russian Affairs to the United States State Department, as shown in a printed document issued from the United States Government Printing Office. I quote. It is brief, and I will read it:

The Communist Party is a member of the Third or Communist International, having in fact organized it, and the leaders in the party are also the chief executive officers of this world revolutionary bureau. The leaders of the Third International are also officials of the soviet institutions. The propaganda literature of the International is printed in the soviet printing establishments and included in the official organs of the soviets.

The interrelation of the Bolsheviks, the Russian soviets, and the Third International is such, in fact, that while the three may be distinguished theoretically, in practice they represent a single movement, backed by the administrative machinery and the resources of Soviet Russia. This is important, especially from an international viewpoint, because the aim of the Communist or Bolshevist Party is world-wide revolution and the purpose of the Third International is to propagate revolution and communism throughout the world.

America included.

Mr. President, I do not suppose anybody will deny that the Moscow masters have undertaken to abolish both religion and the family; and again we have the language of their leaders for this statement.

Back in 1923, in a speech before the department of education in Russia, Lenin—and Lenin, of course, is worshiped as a god in Russia—made the following statement:

Give us the child for eight years, and it will be a Bolshevist forever. We have struck the kings from the earth * * * now let us strike the King from the skies.

Referring, of course, to Almighty God.

We must hate—hatred is the basis of communism. Children must be taught to hate their parents if they are not communists. If they are, then the child need not respect them, need no longer worry about them.

Those are not the words of an American propagandist against Bolshevism. Those are not the words of Deterding. Those are the words of Lenin himself, the founder of this philosophy, or at any rate the man who put it into practice on the largest scale the world has ever known.

Izvestia, official organ of the central executive committee of the United Soviet Socialist Republics, under date of August 1, 1929, makes the following statement relative to the armament of the soviets and the disarmament of other nations:

While the defense of one's fatherland is not to be tolerated in imperialistic countries, in the country of the proletarian dictatorship it is one's first revolutionary duty. Here in the United Soviet Socialist Republics the armed proletariat is the defender. The defense of the Soviet Socialist Republics is in harmony with the class interests of the international proletariat and is its foremost duty.

Again, Lunacharsky said, at Moscow:

We hate Christianity and Christians; even the best of them must be regarded as our worst enemies. They preach love of one's neighbor and mercy, which is contrary to our principles.

Christian love is an obstacle to the development of the revolution. Down with the love of one's neighbors. What we need is hatred. We must know how to hate; only thus shall we conquer the universe.

Mr. President, this is not a propagandist. These are the words of Lunacharsky in Moscow.

Let me quote Lenin still further:

Religion must be abolished. The best country is a godless country. If religion will pass out quietly, our attitude will be one of benevolent tolerance. But if it resists we will hasten its exit by violence proportioned to its resistance.

Mr. President, already atheistic organizations have sprung up in this country, especially among our young people, to foster this philosophy, and thoroughly to distribute and disseminate this propaganda. Here are two of the institutions in which we believe perhaps the most deeply; both are sacred to us—religion, the worship of Almighty God, and the family, the home. Both of these institutions have been destroyed, or are well on the way to destruction in Russia today—under this communist government it is suggested here we ought to recognize.

One of the greatest authorities on Russia, I suppose, is Sir Paul Dukes. He made the following statement, with which I think all of us can agree:

The central tragedy of the bolshevist régime of Russia, an organized effort to subvert and corrupt the minds of children.

Mr. President, the Daily Worker is the organ of the Third International, published in New York City. I have several editorials from that journal. I shall not take the time to read them; but that the Senate and the country may know something of the program of the organization here and in the world, I do desire to read a brief statement from this journal.

The red army of the Union of Socialist Soviet Republics is the international army of the workers and peasants of the entire world. In the whole world there is not one member of the working class, not one hard-working, exploited farmer, who can not truthfully say: "The red army is my army, which has but one single motive—the liberation of the toilers of all countries from capitalist slavery!"

More than ever before it is necessary to drive this truth home to the working class and toiling farmers of all countries, and to the hundreds of millions of exploited colonial victims of imperialism. For war is coming. Imperialist war is only a short time ahead of us. Again the whole world will flame with fire and drip with blood in the struggle of the imperialist governments among themselves to seize the greater portion of the world for exploitation, and against the Union of Socialist Soviet Republics to destroy the hope of emancipation from capitalist-imperialist exploitation and slavery.

In that cataclysm it will be necessary to transform the imperialist armies into the opposite of imperialist armies—into red armies. It will be necessary for the class-conscious workers in each imperialist country and in each imperialist army to struggle fearlessly and ably to bring about the defeat of their "own" imperialist government as a part of the work of transforming imperialist armies into armies of liberation of our class. It is necessary for the working class of the whole world to be mobilized in defense of the socialist fatherland of all the workers and its Red Army.

It will be necessary for workers and farmers, mobilized in the United States imperialist forces facing the red army of the Union of Socialist Soviet Republics, to go over en masse to the side of the red army.

Therefore it is necessary to show the workers of all countries that the red army is our international working class army.

Mr. President, I should also like to have incorporated in the RECORD at this point a statement which has been furnished me, I think, from the National Republic on the subject of marriage in Soviet Russia. I shall not take the time to read it.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Marriage in Soviet Russia may be contracted in two ways—by registration and by free consent. Both have binding legal validity. Registration calls for the following procedure: The parties appear before a magistrate (no previous notice is necessary) and make a declaration of their desire to be married. The only question asked by the authorities, writes Anker Kirkeby in Politiken, Copenhagen, is: "Do you know if your prospective husband (or wife) is sound in health?" The answer being satisfactory, the marriage is registered and is ipso facto an accomplished fact. "Free" marriages are entered into without official registration. The parties simply declare themselves married. But both the man and woman have the same legal responsibilities as in the case of a registered marriage. Proof of their union can always be secured; it can be shown that they have lived together as man and wife, or a third party can be found to whom they have represented themselves as being married. A marriage may be dissolved whenever one of the parties wish it; no cause or reason need be given. But the husband is obliged to provide for the support of his wife for six months following the separation; if she is in poor health or otherwise unable to support herself, he must continue to provide for her for a full year. Every woman more than 45 years old is included in this latter category. When the woman is the one who earns the most, it is she who must pay for his support during the prescribed period following a divorce. No difference is recognized between the children of registered marriages and those of a free marriage. There are no "illegitimate" children in Russia—all are equally legitimate.

Mr. ROBINSON of Indiana. I also want to have inserted in the RECORD a statement from the Daily Worker, the soviet journal published in New York, with reference to the part the Communist Party and the red army played in the Manchurian matter with the Chinese.

Also another statement from the same source on Building Socialism in the Soviet Union, where Joseph Stalin, head of the Soviet Government and of the Third International, gives certain directions to the communists in America.

Another statement I ask to have inserted is taken from the Daily Worker, the issue of September 18, 1918, with reference to the growth of the communist movement.

The VICE PRESIDENT. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

In reporting the victory of the Soviet Union over the Chinese Government in the recent Manchurian Railroad dispute, the Daily Worker, national organ of the Communist Party of America, says among other things: "The Red Army did not gain its victory by iron and blood alone, but also by its revolutionary kindle-light. * * * The Russian Red Army seized all the foodstuff and distributed it among the people in order 'to get their favor.' There were airplanes carrying Chinese propagandists and distributing leaflets in Chinese vernacular language. In these leaflets the conditions of the workers, peasants, and soldiers in Soviet Russia were contrasted with those in China. Leaflets written in the name of 'our' soldiers who went over to the red army, and pictures of our soldiers together with the red army, were also widely distributed.

"This helps to explain the complete demoralization of the Chinese army.

"The influence and effect of the victory of the red army was not limited to Manchuria. It spread like fire everywhere in China.

"The Chinese under the leadership of the Communist Party of China, have made gigantic headway in their struggles."

American defenders of Soviet Russia attempt to differentiate in their public utterances between the Third International and the Soviet Government in their false claim that revolutionary agitation in the United States is not under the direction of the Soviet Government. The central editorial in the Daily Worker, official Russian communist organ in the United States, is by Joseph

Stalin, head of the Soviet Government and of the Third International. Stalin directs American communists to read two books: Building Socialism in the Soviet Union, which present working plans whereby the communists in the United States may lay the groundwork for the communist revolution here; second, The Trade Unions of the Union of Socialist Soviet Republics, suggesting ways in which the working trades of the United States may be subverted to communist revolutionary purposes. It is fair to say that those who pretend there is a distinction between the Moscow Government and the Third International know better. It is not ignorance but cunning which causes them to take this position.

The following paragraph is from the report of Comrade Kussinen at the tenth plenum of the executive committee of the Komintern, governing body of the communists of the world, as printed in the Daily Worker, official revolutionary communist organ, New York, issue of September 18:

"If we think of the mass fights which have taken place during the short period since the Sixth World Congress, we may truly say: The world army of the active class fighters is growing at a tremendously rapid pace. The miners in the Ruhr and in Scotland, the textile workers in Poland and in France, the barricade fighters of Berlin, the Bombay strikers and demonstrators, the plantation strikers in Colombia, the rebellious negroes in the Congo, the striking agricultural laborers in Czechoslovakia and in Poland, the revolutionary trade-unions and the peasant guerrilla warriors in China, the rebellious tribes in Morocco, and hundreds of thousands of other fighting groups—this is a gigantic active army. It shows how the revolutionary movement is growing throughout the world. If it goes on at this rate, all will be well. Yet the Communist International should and will bring together even greater masses of the millions for the fight against the world bourgeoisie and for the proletarian world revolution."

Mr. ROBINSON of Indiana. Mr. President, we hear our friends say from time to time that the way to kill communism in this country is to pay no attention to it; that we should have nothing to do with it; that we should not discuss it, place no obstacle in its path. That is largely the plan we have been following, and the movement has grown by leaps and bounds.

I have here some clippings from a newspaper which I ask to have inserted in the RECORD, illustrating to some degree the remarkable growth of the membership of the organization in the United States. I ask to have three clippings on that subject inserted at this point.

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

GROWTH OF COMMUNISM IN THE UNITED STATES

"The way to kill communism," declare the camouflaged press agents of revolutionary radicalism, is to ignore it; repression will only promote it. The policy of indifference has been followed in this country; the communist vote of 48,000 in 32 States in 1928 has risen in an off year to more than 130,000 in 25 States. In Germany the same policy has resulted in a growth of communist strength from a few thousand to four and a half million. The most useful assistants of revolutionary radicalism are those who attack and ridicule all those who believe that the Government has no right to tolerate the preaching and plotting of the overthrow of the American Government by violence through organization directed from abroad by a dictatorship which has sworn the destruction of the American Government. The professions of nonsympathy with communism accompanying most of these arguments in favor of a hands-off policy toward communism are palpably insincere.

Incomplete returns from the November election indicate that at least 130,000 votes were cast for communist tickets in the 24 States of the Nation, as compared to 48,288 in 32 States in 1928, showing an increase of more than 80,000 red votes. In Cleveland, Ohio, where reds had to vote by using stickers, 5,400 stickers were made use of by communists and sympathizers. Cleveland daily newspapers ridicule the idea that there are that many revolutionary reds in the United States, and local politicians permit these insurrectionaries to use municipal auditoriums. The total vote so far reported from Ohio totals 9,478, as against 2,884 in 1928.

Communist Foster polled, according to incomplete returns, approximately 25,000 votes in New York City, while incomplete returns from Minnesota give Roine for lieutenant governor 13,847, against 5,100 in the previous election. In Connecticut incomplete returns give 1,500, as compared with 750 in 1928. Incomplete returns from Massachusetts give Hoffman for State treasurer 6,019, as against 3,225 in 1928; from South Dakota, 7,000, etc.

Over 170,000 names of legal voters appeared on petitions which were filed to put the communist ticket on the ballots of 24 States. While communists were piling up a new record vote in the United States, their big brothers, the socialists, who are paving the road to Bolshevism also polled a huge vote in New York State for governor, and claim approximately 175,000 votes as compared to 88,329 in 1928. In California, Upton Sinclair is said to have polled 50,000 or over as compared to 30,000 in 1928. It is estimated that the total vote of socialists and communists will be approximately 650,000, to which can be added the votes cast for "friendly" candidates running beneath other banners to fool the dear public.

SNIPPING AT FACTS DOES NOT DESTROY FACTS

During the last campaign 170,000 signatures of legal voters were attached to petitions for placing the communist ticket on the ballot in 25 of the 48 States of the Union; 130,000 communist ballots were cast this year in these 25 States. The Fish committee estimates that three-fourths of the communists in the United States are unnaturalized aliens. Many more are migrants or under age. From all this may be derived an idea of the reasonableness of the theory of only 40,000 communists in the United States. The communist press has a paid circulation of more than 200,000 in the United States, exclusive of hundreds of shop papers and local publications. The Daily Worker, national official organ of the Moscow-directed Bolshevists, has paid circulation in 1,118 American cities and towns. The cost of maintaining this one communist publication is $172,000 a year. The communist ticket received more than 6,000 votes in the last municipal election in the single city of San Francisco. In the single small city of Springfield, Ohio, at the last municipal election, the number of communist votes was in excess of 1,000.

In New York on October 21, over 20,000 persons paid admission to the communist rally in Madison Square Garden, arranged in honor of the release of William Z. Foster and other communist leaders from the penitentiary on conviction of inciting to riot. Five thousand more people were unable to gain admission. A collection of $3,000 was taken up from among those who had already paid to get into the meeting, and $900 worth of communist literature was sold. Twelve hundred Young Pioneers, communists but not voters, paraded.

There are subsidiary communist organizations in the United States, openly proclaiming communist control, to the number of about 40, and comprising a membership of several hundred thousand people. No showing of facts, however, will affect the attitude of those who are urging the American people to adopt no repressive measures toward the conspiracy to overthrow the American Government by violence. The fact that they so grossly underestimate communist strength in the face of known facts, however, has significance.

Mr. ROBINSON of Indiana. Mr. President, I am trying to be as brief as possible, and therefore I shall not take the time to read another statement I have, but I ask that there be inserted in the RECORD at this point in my remarks a news story containing an article published in the socialist newspaper, L'Ere Nouvelle, of Paris, prepared by Senator Victor Dalbiez, of France, with reference to conditions there at the present time, and the program of the Soviet Government in dumping Russian commodities in other lands, in an effort to bring about chaos, and to destroy the industrial systems of those countries.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Senator Victor Dalbiez, of France, in an article published in the socialist newspaper L'Ere Nouvelle, of Paris, sets forth the fact that Soviet Russia is employing her exports to foment world revolution through the creation of an economic crisis in noncommunist countries. This statement is of special importance coming from Senator Dalbiez, since he was president of the economic section of the Franco-Soviet Congress which for four years sought to reestablish French commercial relations with Soviet Russia.

M. Dalbiez says that Russian exports, now becoming formidable in quantity because of the help given by foreign capital, and in cheapness because they unite stolen property and slave labor, "is being used by Stalin to facilitate the export of soviet products below the world price with the object of preparing a world revolution and increasing propaganda funds for communist groups in other countries which obey Moscow's orders."

M. Dalbiez continues: "The directors of the Soviet Union, as M. Caillaux recently showed, have organized a system of dumping by which they are seeking to throw on the world markets foodstuffs and materials obtained by insufficiently paid workers and even by forced, unpaid labor, so as to create unemployment and grave economic disorders in other countries which will be propitious to their communist propaganda. Thus one sees how the government of the Soviet Republics and the Third International make a kind of division of labor. The government seeks to create economic disturbances which the Third International exploits. * * * Stalin himself showed in a recent speech how much he was counting on the system to help create difficulties in capitalistic countries. His words breathe the hope that by it communism will be victorious over the rest of the world. * * * We must set up in the face of the foreign commerce monopoly of Russia control exchanges which will protect our manufacturers and merchants and prohibit the importation into France of foodstuffs or merchandise of which the sale price is fixed in Russia not on the basis of cost but with the avowed political aim of ruining nations which permit this commerce while at the same time the unfortunate workers and peasants who produce it are starving."

These words of Senator Dalbiez help explain the recent fight by the biggest financial interests in this country, now in profitable partnership with Bolshevism, to prevent the enactment of effective tariffs against the products of Soviet Russia, such as timber, oil, anthracite coal, and manganese, and their more recent battle,

aided by the radicals generally and by the metropolitan newspapers and newspaper syndicates, which are the mouthpieces of predatory international capital, to prevent the entry into this country of commodities produced by enslaved or convict labor, for the displacement of free labor in the United States and Canada.

The country is inundated with speakers and publications propagandizing for the joint program of the international bankers and socialists to bring the economic level and standard of living in the United States to that of the cheap labor countries of the world, the bankers being prompted by the prospect of profits as toll takers and the socialists by their desire to produce a proletarian class which will accept European socialism. Antioch College, Yellow Springs, Ohio, is the seat of the "League for the Organization of Progress," which prints and circulates a monthly periodical called Records of Progress. This publication was originally published in London, Paris, and Berlin, and printed in six languages. Later it was printed as a European weekly under the name Call of Humanity. It is now reestablished at Antioch. Those signing the statement of republication in the first American issue include M. Livitnoff, Assistant Commissary of Foreign Affairs of Russia, the Government sworn to the destruction of the American Government by violence. Much of the material printed is propaganda for the World Court and League of Nations, for the cancellation of European debts to the United States and especially the razing of the American tariff behind which the United States maintains a higher standard of living for the masses than is maintained in European and Asiatic nations.

Mr. ROBINSON of Indiana. Mr. President, I would like at this point also to have inserted what purports to be one month's record (May, 1930), of revolutionary activities in this country, as published in the National Republic, as well as an article on the 5-year plan.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RECENT REVOLUTIONARY ACTIVITIES

May Day, heralded throughout the world by the Moscow dictatorship as a day for Red revolutionary demonstrations, passed off rather quietly in the United States, due to the firm measures taken by the authorities in many cities when "the battle for the streets" was attempted on March 6. It is understood that the reaction from the March 6 demonstrations was so unfortunate from the Red standpoint that organizations sympathetic with the communists, such as the American Civil Liberties Union, advised against further lawlessness on the second demonstration date. July 4 is fixed as the next day for concerted revolutionary demonstrations in the United States.

The May Day demonstrations resulted in 300 arrests and a number of casualties as a result of clashes with police. In New York 87 Red revolutionaries were arrested during the day.

Arrests during the month of April amounted to 600 or more. There were several deportations ordered by courts, and the courts ordered the citizenship of one communist revoked. Many of those arrested were imprisoned, but the majority are yet to be tried. In most instances those arrested have been employed as revolutionary speakers and organizers, and the total of nearly 2,000 arrests this year evidently affected the operations of the party on May Day. This, however, is only a temporary lull during which the ranks will reorganize. Reports by cities follow:

Chicago, May 1: Over 10,000 paraded to Union Park, and 23 arrests on sedition charges and 50 for distribution of literature was the police record for the day. A meeting was held in Ashland Auditorium where Lucy Parson and Gebert spoke. Nels Kjar was chairman of the meeting.

Indianapolis, May 1: Over 800 marched to the State capitol in Indianapolis and later held a meeting in the city auditorium.

Trenton, May 1: Three hundred or more marched in Trenton and speakers held forth at Monument Park. Two arrests were made.

Washington, D. C., May 1: The announced demonstration of communists at the White House did not materialize. A night meeting was held at 78 P Street NW., where Red leaders spoke under police protection.

New York City, May 1: Eighteen thousand police were ready to cope with any possible rioting in New York City, where 20,000 or more communists, shouting defiance at the police, the press, and the "bosses' government," marched on Union Square, which an hour before had been the scene of an anticommunist demonstration. Fifty Reds were arrested, most of the charges covering distribution of communist handbills. Eight were arrested when the police clashed with 200 Reds at Fifth Avenue, while 5 men, 2 women, and a boy were arrested in a third demonstration.

Oakland, Calif., May 1: Thirty Oakland police charged 50 men and women Reds who were attempting to parade, and dispersed them. Four paraders were taken to the hospital and several were arrested.

Los Angeles, May 1: Twenty-four arrests were made as crowds of Reds gathered at the City Hall Plaza in an attempted May Day demonstration and resisted efforts of policemen to keep the sidewalks clear. Half of those arrested were schoolboys and girls under the age of 17. Singing communist songs and jeering the police, they were escorted to the police station. Two police officers were beaten severely.

Kansas City, May 1: Accused of circulating red literature, three men were arrested here. The literature called for a demonstration in the afternoon and urged workers to throw down their tools in protest against "American capitalism."

Cincinnati, Ohio, May 1: Over 1,800 took part in the May Day demonstration here which police broke up. Six were arrested.

Pittsburgh, May 1: Two thousand four hundred communists gathered in Pittsburgh and vicinity. Speakers addressed the crowds, and about 75,000 pieces of communistic literature were distributed. Seven arrests were made.

Baltimore, May 1: Several hundred communists celebrated May Day here while the police kept an eye open to prevent any possible disturbances as Reds marched through the streets with banners.

Columbus, Ohio, May 1: Several hundred communists took part in the Red May Day demonstration here. Saul Jagoda and D. Watson were the speakers.

Cleveland, May 1: Over 1,000 Reds massed in Public Square and paraded the downtown section, carrying banners with the slogans "Work or Wages," "Against Imperialist War," "For the Defense of the Soviet Union."

Wilkes-Barre, Pa., May 1: Slinger and Pershing, speaking to 100 reds here, were arrested. The International Labor Defense is taking legal action to gain their release.

New Haven, Conn., May 1: Four reds were placed under arrest here when a crowd of communists met in a May Day demonstration. Vincent, Jacobsen, Patterson, and Curry were those arrested.

Los Angeles, April 26: Five members of the Communist Party were placed under arrest here following a battle with police and high-school students. The battle began when students gave chase to communists making speeches and distributing literature from the Roosevelt High School grounds. One student was injured.

El Centro, Calif., April 15: Horiuchi, asserted leaders, and 85 followers were arrested here after a raid throughout the Imperial Valley. Literature seized revealed widespread ramifications of a plot to take armed possession on April 20 after destroying the cantaloupe crop valued at millions of dollars.

Chicago, April 12: Twelve girls and four boys, participating in a demonstration of 300 young communists in front of the board of education offices, were placed under arrest. They represented themselves as members of the Young Pioneers of America and protested the board's attempt to wreck their organization.

Cleveland, April 14: Mounted police broke up a demonstration of communists here. One policeman was hit on the head with a pop bottle when he charged the crowd. Several hundred had a few hours previously marched on the Cleveland County fund headquarters demanding $4,500,000 cash for unemployment.

Philadelphia, April 18: Eight hundred or more communists gathered in front of the city hall on a call of the International Labor Defense to protest the conviction of Foster, Miner, Amter, Lester, and Raymond, the five members of the New York unemployment delegation.

Gregori T. Grinko, finance minister of the Soviet Government and vice chairman of the "Gosplan" which evolved the 5-year plan, says on page 30 in his book entitled "The 5-Year Plan of the Soviet Union—A Political Interpretation," just off the press of the International Publishers, publishing soviet propaganda books in the United States: "The 5-year plan is a program for the further extension and consolidation of the great October revolution. Nor should the great international significance of the plan be underestimated. For the first time in history, a vast country with inexhaustible natural resources and a population of 150,000,000 free people faces the world with an elaborate plan for upbuilding a socialist economy and culture—a socialist society. We fully share the view expressed in the editorial of the Pravda of August 29, 1929: 'The 5-year plan is an important part of the offensive of the proletariat of the world against capitalism; it is a plan tending to undermine capitalist stabilization; it is a great plan of world revolution.'" This confirms officially the statement repeatedly made by the National Republic that the exportation system of the Soviet Government is a part of the plan to foment world revolution

Mr. ROBINSON of Indiana. Mr. President, there is much more I would like to say on this subject, but I shall not detain the Senate longer. It seems to me, in conclusion may I suggest, that it would be utterly foolhardy for us to recognize a government, and to some degree at least, go into partnership with that government, whose announced purpose is to destroy the country in which we ourselves live. Certainly we should not do so unless we can see some advantage in it for us, and I confess, after studying it as carefully as I can, with whatever feeble ability I may possess, that I can see no single advantage in any direction to the American people from a recognition of the Soviet Government.

Mr. President, I believe in the system of government under which we live. In this country, and under our Constitution, every child, regardless of the circumstances of birth, has an equal opportunity with every other child to carve out for himself a career, to aspire to the heights of glory in every line of human endeavor.

In Russia, under the present system, there is no such opportunity afforded anyone. All human life is standardized. All are on the same level, and the level is low. No one may

aspire to go higher than his neighbor, it makes no difference how much talent, how much brain power, how much physical energy he may possess; he is held enthralled by that system of government, which undertakes to do even the thinking for the 150,000,000 people in that benighted land.

Germany followed the same system we have followed to some degree. There it was argued, too, that things should be permitted to drift so far as communism was concerned, that there should be a spirit of laissez faire. It was said, "It will not grow, it will not increase its membership, but if we pay too much attention to it, or undertake to drive it out, then it will thrive and grow and flourish."

Mr. President, what was the result there? What has been the result? This movement which would abolish our system of government, would abolish the home, would abolish God, would abolish religion, has grown to such an extent in Germany that I am informed that in the general election held there some few months ago the Communist Party cast more than 2,000,000 votes and elected upwards of 40 members of the Reichstag, the governing body of that land.

China, with more than 400,000,000 people, a fourth of the population of the entire globe, is in utter chaos and has been for the past two years or more, and human life, to say nothing of property, has not been safe on a single foot of ground in that great country.

We have seen the workings of communism in Mexico, in France, in Great Britain, in India, in Egypt. All over the world, wherever communism has undertaken to gain a foothold, the results have been precisely the same, revolution. It has been spreading in South America, where in six or seven or possibly more countries there have been rebellions in the past few months against governments that were stable but a year ago.

Mr. President, it is seriously proposed that we recognize that system here, recognize this government which has brought so much misery into the world already, and, to a degree at least, go into partnership with it, permit it to establish an embassy here in Washington, which would distribute and disseminate the poison of the system throughout our land.

I say that that would be the greatest mistake, in my judgment, this Government could make. It would be a mistake so far as the Government is concerned; it would be a mistake so far as labor is concerned, so far as children are concerned, so far as men and women everywhere throughout the length and breadth of the land are concerned. I trust that no such action may be contemplated by our Government.

Mr. President, there is much more to be said on this subject, but I shall not detain the Senate any longer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended; and

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress.

The message also announced that the House had agreed to the amendment of the Senate to the following bills and joint resolution of the House:

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson; and

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

The message further announced that the House had agreed to the amendments of the Senate to the following bills of the House:

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 11368. An act to fix the annual compensation of the secretary and the Governor of the Territory of Alaska;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watersheds supplying water to the city of Los Angeles, Calif., and for other purposes;

H. R. 12063. An act to amend section 16 of the Federal farm loan act; and

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel and others.

The message also announced that the House had passed a bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh; and

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

REGULATION OF BROADCASTING

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of bills introduced in Congress relating to the regulation of broadcasting. This work has been done by Mr. John Nicolson, a member of the bar, who has been a deep student of the various phases of the radio problem.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

BILLS AND RESOLUTIONS INTRODUCED

Radio bills and resolutions introduced in the Fifty-eighth to the Seventy-first Congresses, inclusive, 1903 to 1931, presenting their titles, by whom introduced, to what committees referred, and their subsequent legislative history, including references to debates, compiled by John Nicolson.

This is printed in the CONGRESSIONAL RECORD because it is a consolidated index of items distributed through the 33 volumes involved, thus giving more direct access to material, including debates, which may be of value in further legislation on a subject still in its formative state.

The matter referred to is as follows:

H. R. 17744 (58th Cong.), by Mr. Ketcham. Title: "To promote the efficiency of the Revenue-Cutter Service by providing for the equipment of the vessels of that service with approved wireless telegraph apparatus for communication between vessels of the Coast Guard and coast wireless telegraphic stations." Referred to Committee on Interstate and Foreign Commerce (vol. 39, p. 890).

S. 5949 (60th Cong.), by Mr. Hale. Title: "To regulate the use of wireless telegraphy." Referred to Committee on Naval Affairs (vol. 42, p. 2959).

S. 9279 (60th Cong.), by Mr. Frye. Title: "To require radio-telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on Commerce (vol. 43, p. 2120).

H. R. 17719 (60th Cong.), by Mr. Sheppard. Title: "Prescribing penalties for interference with official wireless messages." Referred to Committee on the Judiciary (vol. 42, p. 2322).

H. R. 18979 (60th Cong.), by Mr. Peters. Title: "Prescribing penalties for interference with official wireless messages." Referred to Committee on Naval Affairs (vol. 42, p. 3114).

H. R. 21689 (60th Cong.), by Mr. Beall of Texas. Title: "To promote the safety of employees and passengers upon steamships engaged in interstate, coastwise, or foreign commerce by requiring their equipment with wireless telegraph apparatus." Referred to Committee on Interstate and Foreign Commerce (vol. 42, p. 5902).

H. R. 27145 (60th Cong.), by Mr. Burke. Title: "To require radio telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on the Merchant Marine and Fisheries (vol. 43, p. 1454).

H. R. 27318 (60th Cong), by Mr. Peters. Title: "To require radio telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on Interstate and Foreign Commerce (vol. 43, p. 1555).

H. R. 27480 (60th Cong.), by Mr. McCall. Title: "Requiring ships to be equipped with wireless telegraph apparatus." Referred to Committee on Interstate and Foreign Commerce (vol. 43, p. 1709).

H. R. 27672 (60th Cong.), by Mr. Burke. Title: "To require radio telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on the Merchant Marine and Fisheries (vol. 43, p. 1887). Subsequent history: Reported back with amendments (H. Rept. 2086), page 2115; amended and passed House, pages 2495–2501. Referred to Senate Committee on Commerce, page 2545.

S. 7021 (61st Cong.), by Mr. Bourne. Title: "To require apparatus and operator for radio communication on certain steamers." Referred to Committee on Commerce (vol. 45, p. 2898). Subsequent history: Reported back (S. Rept. 421), page 3339; debated, pages 3533, 5601, 5764; passed Senate, page 5764; referred to House Committee on the Merchant Marine and Fisheries, page 5867; reported with amendments (H. Rept. 1373), page 6580; debated, amended, and passed House, pages 8558, 8559; Senate concurs in House amendment, page 8627; examined and signed, pages 8755, 8788; approved by the President (Public, No. 262).

S. 7061 (61st Cong.), by Mr. Depew. Title: "To regulate the use of radio communication." Referred to Committee on Commerce (vol. 45, p. 2991).

S. 7243 (61st Cong.), by Mr. Depew. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 45, p. 3270). Subsequent history: Reported with amendments (S. Rept. 659), page 5872; amended and passed Senate, page 8222; referred to House Committee on the Merchant Marine and Fisheries, page 8447.

H. R. 12384 (61st Cong.), by Mr. Peters. Title: "Prescribing penalties for interferences with official wireless messages." Referred to Committee on Naval Affairs (vol. 45, p. 9).

H. R. 19560 (61st Cong.), by Mr. Burke of Pennsylvania. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on the Merchant Marine and Fisheries (vol. 45, p. 1136).

H. R. 21757 (61st Cong.), by Mr. O'Connell. Title: "Requiring all vessels under the control of the Government excepting torpedo boats, torpedo-boat destroyers, and submarines to be equipped with wireless-telegraph apparatus." Referred to Committee on Naval Affairs (vol. 45, p. 2376).

H. R. 22558 (61st Cong.), by Mr. Burke of Pennsylvania. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on the Merchant Marine and Fisheries (vol. 45, p. 2939).

H. R. 23595 (61st Cong), by Mr. Greene. Title: "To regulate radio communications." Referred to Committee on the Merchant Marine and Fisheries (vol. 45, p. 3835). Subsequent history: Reported back (H. Rept. 924), page 4146.

H. J. Res. 95 (61st Cong.), by Mr. Roberts. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on Naval Affairs (vol. 45, p. 246). Subsequent history: Reported back and House Joint Resolution 182 substituted, page 3987.

H. J. Res. 182 (61st Cong.), by Mr. Roberts. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on Naval Affairs (vol. 45, p. 3987).

S. 3815 (62d Cong.), by Mr. Hitchcock. Title: "To amend an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers.'" Referred to Committee on Commerce (vol. 48, p. 365). Subsequent history: Reported with amendment (S. Rept. 680), page 5542; debated, pages 5317, 5528, 5595; amended and passed Senate, page 5595; referred to House Committee on the Merchant Marine and Fisheries, page 5677; reported with amendment (H. Rept. 734), page 6736; debated, amended, and passed the House, pages 7575–7577; Senate disagrees to House amendment and asks for a conference, page 7593; House insists on its amendment and agrees to a conference, page 7801; conferees appointed, pages 7593, 7801; conference report (No. 1007) made in House, page 9189; conference report debated and agreed to in House, pages 9189, 9190; conference report made and agreed to in Senate, pages 9229, 9230; examined and signed, pages 9310, 9386; approved, June 24, 1910 (Public, No. 238), page 9586.

S. 5455 (62d Cong.), by Mr. McLean. Title: "To establish a system of wireless telegraphy in the Philippine Islands." Referred to Committee on Philippine Islands (vol. 48, p. 2434). Subsequent history: Reported with amendment (S. Rept. 703), page 5994; debated, page 8228.

S. 6412 (62d Cong.), by Mr. Bourne. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 48, p. 5013). Subsequent history: Mr. Bourne; report from Committee on Commerce (S. Rept. 698), pages 5013, 5959; debated, pages 5317, 6015–6018; amended and passed Senate, page 6018; referred to House Committee on the Merchant Marine and Fisheries, page 6099; reported back (H. Rept. 741), page 6851; debated, pages 7572–7574, 8296, 8297, 8535, 8536, 8667, 9078, 9249, 9255, 9821, 10502–10518, 10591–10596; amended and passed House, page 10596; Senate concurs in House amendment, page 10644; examined and signed, 10745, 10748; approved by the President (Public No. 264), page 11045.

H. R. 15357 (62d Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 48, p. 220). Subsequent history: Reported with amendment (H. Rept. 582), page 5081; debated, pages 8677, 9249, 10596; bill S. 6412 substituted, pages 7572, 9255.

H. R. 23716 (62d Cong.), by Mr. Berger. Title: "To provide for Government ownership of wireless telegraphs." Referred to Committee on Interstate and Foreign Commerce (vol. 48, p. 5307).

H. R. 24025 (62d Cong.), by Mr. Alexander. Title: "To amend sections 4400 and 4448 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operator for radio communication on certain ocean-going steamers." Referred to Committee on the Merchant Marine and Fisheries (vol. 48, p. 5721). Subsequent history: Reported with amendment (H. Rept. 657), page 5911; debated, pages 6833, 6834, 9249, 10689–10691; amended and passed House, pages 10690–10691; referred to Senate Committee on Commerce, page 10706.

H. J. Res. 300 (62d Cong.), by Mr. Evans. Title: "To create a joint commission to investigate the use of the air for the purpose of communication and report what regulation, if any, is desirable." Referred to the Committee on Interstate and Foreign Commerce (vol. 48, p. 5010).

S. 720 (63d Cong.), by Mr. McLean. Title: "To establish a system of wireless telegraphy in the Philippine Islands." Referred to Committee on the Philippine Islands (vol. 50, p. 161).

H. R. 3981 (63d Cong.), by Mr. Cary. Title: "Providing for equipment of apparatus and operators for radio communications at all life-saving stations." Referred to Committee on Interstate and Foreign Commerce (vol. 50, p. 357).

H. R. 12172 (63d Cong.), by Mr. Steenerson. Title: "To authorize the Postmaster General to establish an experimental radio-communication service." Referred to Committee on the Post Office and Post Roads (vol. 51, p. 2218).

H. J. Res. 172 (63d Cong.), by Mr. Moss of West Virginia. Title: "Directing the Secretary of War to investigate and report to Congress at the earliest practicable time the advisability of the establishment of wireless telegraph stations along the Ohio River." Referred to Committee on Military Affairs (vol. 51, p. 939).

S. 2377 (64th Cong.), by Mr. Sheppard. Title: "For the establishment of a medium-power radio station at Galveston, Tex." Referred to Committee on Naval Affairs (vol. 53, p. 312).

S. 3776 (64th Cong.), by Mr. Jones. Title: "Providing for the establishment of a radio station on Unga Island, Alaska." Referred to Committee on Naval Affairs (vol. 53, p. 1424). Subsequent history: Reported with amendments (S. Rept. 449), page 8140; amended and passed Senate, page 11238; referred to House Committee on Naval Affairs, page 12982.

S. 7478 (64th Cong.), by Mr. Fletcher. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 54, p. 539).

H. R. 9821 (64th Cong.), by Mr. Nolan. Title: "To prohibit the employment of any person who is not a citizen of the United States as radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce; and to establish the age of radio operators." Referred to Committee on the Merchant Marine and Fisheries (vol. 53, p. 1409).

H. R. 9823 (64th Cong.), by Mr. Cary. Title: "Providing for equipment of apparatus and operator for radio communication at all life-saving stations." Referred to Committee on Interstate and Foreign Commerce (vol. 53, p. 1409).

H. R. 9914 (64th Cong.), by Mr. Kahn. Title: "Making appropriation for a radio station on Unga Island, Alaska." Referred to Committee on Naval Affairs (vol. 53, p. 1481).

H. R. 13842 (64th Cong.), by Mr. Wickersham. Title: "Making an appropriation for the establishment of a radio station at Seward, Alaska." Referred to Committee on Appropriations (vol. 53, p. 5055).

H. R. 19350 (64th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 54, p. 782).

H. R. 21098 (64th Cong.), by Mr. Lewis. Title: "To secure to the United States a monopoly of electrical communication for hire; to provide for the acquisition by the Post Office Department of the telephone and telegraph network; and to license certain telephone lines, radio and telegraph agencies." Referred to Committee on the Post Office and Post Roads (vol. 54, p. 4856).

S. 1733 (65th Cong.), by Mr. Fletcher. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 55, p. 621).

S. 5235 (65th Cong.), by Mr. Sheppard. Title: "To amend a joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and operate the same in such manner as may be useful or desirable for the duration of the war, and to provide just compensation therefor,' approved July 16, 1918." Referred to Committee on Interstate Commerce.

S. 5287 (65th Cong.), by Mr. Kellogg. Title: "To provide for the control, supervision, and operation of telegraph, telephone, marine cable, and radio systems." Referred to Committee on Interstate Commerce. Subsequent history: Debated, pages 1080, 1081.

H. R. 2573 (65th Cong.), by Mr. Padgett. Title: "To further regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 55, p. 504).

H. R. 4042 (65th Cong.), by Mr. Nolan. Title: "To prohibit the employment of any person who is not a citizen of the United States as a radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce, and to establish the age of radio operators." Referred to Committee on the Merchant Marine and Fisheries (vol. 55, p. 1723).

H. R. 4189 (65th Cong.), by Mr. Gould. Title: "Authorizing the use of radio stations under the jurisdiction of the Navy Department for commercial purposes between the United States and Hawaii, Guam, and the Philippines." Referred to Committee on Naval Affairs (vol. 55, p. 1843).

H. R. 13159 (65th Cong.), by Mr. Alexander. Title: "To further regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 56, p. 11669).

H. J. Res. 427 (65th Cong.), by Mr. Greene of Massachusetts. Title: "Directing the Secretary of the Navy to instruct the United States representative to the Inter-Allied Radio Conference that they shall not commit the United States to any policy of government ownership or operation of commercial radio stations." Referred to Committee on Naval Affairs (vol. 57, p. 3406).

H. Res. 577 (65th Cong.), by Mr. Greene of Massachusetts. Title: "Directing the Secretary of the Navy to furnish forthwith to the House of Representatives the originals or copies of all papers, documents, or correspondence on file in the Navy Department relating generally to the subject of an interallied radio conference, and other facts relative to the origin and purpose of such conference." Referred to Committee on Naval Affairs. Subsequent history: Committee discharged; agreed to, page 4245.

S. 120 (66th Cong.), by Mr. Kellogg. Title: "To repeal chapter 154 of the act of the second session of the Sixty-fifth Congress, being the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war and to provide just compensation therefor,' approved July 16, 1918." Referred to Committee on Interstate Commerce (vol. 58, p. 56). Subsequent history: Reported with amendment (S. Rept. 4), page 636; debated, pages 746, 857–859, 915–922; amended and passed Senate, page 922; referred to House Committee on Interstate and Foreign Commerce, page 1006; reported with amendment (H. Rept. 45), page 1199; debated, pages 1337–1365, 1393–1395; passed House, page 1396; Senate asks for conference, page 1427; House agrees to conference, page 1448; conferees appointed, pages 1427, 1448; conference report made in the House (H. Rept. 71), page 1776; conference report made in Senate and agreed to, pages 1720, 1906–1907; conference report agreed to in House, pages 1924–25; examined and signed, pages 2047, 2102; approved by the President (Public, No. 9), page 2532.

S. 154 (66th Cong.), by Mr. JONES, of Washington. Title: "Providing for the establishment of a radio station on Unga Island, Alaska." Referred to Committee on Naval Affairs (vol. 58, p. 57). Subsequent history: Reported back adversely and indefinitely postponed, page 4994.

S. 2523 (66th Cong.), by Mr. Calder. Title: "To amend section 3 of an act entitled 'An act to regulate radio communication,' approved August 13, 1912." Referred to Committee on Commerce (vol. 58, p. 2696).

S. 3172 (66th Cong.), by Mr. Lodge. Title: "To authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication." Referred to Committee on Foreign Relations (vol. 58, p. 6484).

S. 3177 (66th Cong.), by Mr. Poindexter. Title: "Authorizing commercial service by naval radio plants." Referred to Committee on Naval Affairs (vol. 58, p. 6484).

S. 3309 (66th Cong.), by Mr. McNary. Title: "Authorizing the use of radio stations under the control of the Navy Department for commercial purposes, and for other purposes." Referred to Committee on Commerce (vol. 58, p. 8114).

S. 4038 (66th Cong.), by Mr. Poindexter. Title: "To regulate the operation of and to foster the development of radio communications in the United States." Referred to Committee on Naval Affairs (vol. 59, p. 4001). See Senate Document 248.

S. 4487 (66th Cong.), by Mr. Calder. Title: "To amend section 1 of the act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, as amended." Referred to Committee on Commerce.

S. 4681 (66th Cong.), by Mr. Fletcher. Title. "To further regulate radio communications." Referred to Committee on Commerce (vol. 58, p. 7521).

H. R. 9822 (66th Cong.), by Mr. Rogers. Title: "To authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication." Referred to Committee on Foreign Affairs (vol. 58, p. 6659). Subsequent history: Reported with amendment (H. Rept. 387), page 7044; debated, amended, and passed House, pages 7329–7349, and 9212–9214; referred to Senate Committee on Foreign Relations, page 7355; reported back, page 267; passed Senate, page 267; examined and signed, pages 386, 389; presented to the President, page 469; approved (Public, No. 100), page 769.

S. J. Res. 130 (66th Cong.), by Mr. King. Title: "Proposing a plan for the adjustment of claims made by citizens of the United States for indemnification for losses suffered in Mexico not otherwise redressed." Referred to Committee on Foreign Relations (vol. 59, p. 111).

S. J. Res. 170 (66th Cong.), by Mr. Poindexter. Title: "To authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public." Referred to Committee on Naval Affairs (vol. 59, p. 3865). Subsequent history: Reported with amendment (S. Rept. 466), page 4112; debated, amended, and passed Senate, pages 4112–4117; referred to House Committee on the Merchant Marine and Fisheries, page 4258; reported with amendments (H. Rept. 1003), page 7324; debated, amended, and passed House, pages 7709–7711; Senate concurs in House amendment, pages 7874–7875; examined and signed, pages 8156, 8160; approved by the President (Public Resolution No. 48), page 8620.

H. R. 421 (66th Cong.), by Mr. Esch. Title: "To repeal chapter 154 of the act of the second session of the Sixty-fifth Congress, being the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, and to provide just compensation therefor.'" Referred to Committee on Interstate and Foreign Commerce (vol. 58, p. 21).

H. R. 3075 (66th Cong.), by Mr. Nolan. Title: "To prohibit the employment of any person who is not a citizen of the United States as radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce, and to establish the age of radio operators." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 272).

H. R. 7007 (66th Cong.), by Mr. Britten. Title: "To require the installation of wireless equipment on all passenger-carrying ships measuring more than 150 feet in length." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2303).

H. R. 7283 (66th Cong.), by Mr. Mapes. Title: "To require the installation of wireless equipment on all boats or ships carrying passengers for fare and going out of sight of land." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2574).

H. R. 9822 (66th Cong.), by Mr. Rogers. Title: "To authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communications." Referred to Committee on Foreign Affairs (vol. 58, p. 6659). Subsequent history: Reported with amendment (H. Rept. 387) page 7044; debated, amended, and passed House, pages 7329–7349, 9212–9214; referred to Senate Committee on Foreign Relations, page 7355 (see same bill continued in vol. 59).

H. R. 10631 (66th Cong.), by Mr. White of Maine. Title: "To restore to private ownership and operation certain radio stations, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 59, p. 100).

H. R. 10888 (66th Cong.), by Mr. Hilliard. Title: "To acquire military control, by eminent domain in the form of a lease, of the marine cable, wireless, and telephone and telegraphic agencies of communication, providing for their unification to release large numbers of operators and artisans for the military service, and providing for just rentals to the owners, pending their ultimate purchase." Referred to Committee on Military Affairs (vol. 56, p. 3813).

H. R. 11779 (66th Cong.), by Mr. White of Maine. Title: "To restore to private ownership and operation certain radio stations, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 59, p. 1602).

H. R. 12305 (66th Cong.), by Mr. Britten. Title: "To acquire site for distant-control radio station in Porto Rico." Referred to Committee on Naval Affairs (vol. 59, p. 2482).

H. R. 12647 (66th Cong.), by Mr. Padgett. Title: "To regulate and control the manufacture, distribution, storage, use, and possession in time of war of apparatus used in radio communication, and for other purposes." Referred to Committee on Naval Affairs (vol. 56, p. 8661).

H. J. Res. 217 (66th Cong.), by Mr. Greene of Massachusetts. Title: "To direct the Secretary of the Navy to remove the restrictions on the use and operation of amateur radio stations throughout the United States." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 6013).

H. J. Res. 218 (66th Cong.), by Mr. Greene of Massachusetts. Title: "To direct the Secretary of the Navy to open certain naval radio stations for the use of the general public." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 6013).

H. J. Res. 304 (66th Cong.), by Mr. Greene of Massachusetts. Title: "To authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public." Referred to Committee on the Merchant Marine and Fisheries (vol. 59, p. 3651).

H. Res. 283 (66th Cong.), by Mr. Greene of Massachusetts. Title: "Requesting information of the Secretary of the Navy." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 4952).

H. Res. 291 (66th Cong.), by Mr. Greene of Massachusetts. Title: "Requesting information of the Secretary of the Navy." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 5479).

S. 31 (67th Cong.), by Mr. Poindexter. Title: "To regulate the operation of and to foster the development of radio communications in the United States." Referred to Committee on Naval Affairs (vol. 61, p. 143).

S. 1627 (67th Cong.), by Mr. Kellogg. Title: "To regulate the operation of and to encourage the development of radio communication in the United States." Referred to Committee on Interstate Commerce (vol. 61, p. 1097).

S. 1628 (67th Cong.), by Mr. Kellogg. Title: "To regulate radio communication and foster its development." Referred to Committee on Interstate Commerce (vol. 61, p. 1097).

S. 2290 (67th Cong.), by Mr. Calder. Title: "To amend section 3 of an act entitled 'An act to regulate radio communications,' approved August 3, 1912." Referred to Committee on Commerce (vol. 61, p. 4156).

H. R. 163 (67th Cong.), by Mr. Curry. Title: "Authorizing the use of radio stations under the control of the Navy Department for commercial purposes, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 61, p. 90).

H. R. 4132 (67th Cong.), by Mr. White of Massachusetts. Title: "To regulate the operation of and to encourage the development of radio communication in the United States." Referred to Committee on the Merchant Marine and Fisheries (vol. 61, p. 418).

H. R. 13773 (67th Cong.), by Mr. White of Massachusetts. Title: "To amend an act to regulate radio communication, approved August 3, 1912, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 64, p. 1617). Subsequent history: Reported back (H. Rept. 1416), page 1865; debated, pages 2328–2355, 2781; amended and passed House, page 2796; referred to Senate Committee on Interstate Commerce, page 3238.

H. R. 14169 (67th Cong.), by Mr. Sinclair. Title: "To secure to the United States a monopoly of the electrical means for the transmission of intelligence for hire; to provide for the acquisition by the Post Office Department of the telephone and telegraph network; and to license certain telephone lines, radio and telegraph agencies." Referred to Committee on Interstate and Foreign Commerce (vol. 64, p. 2924).

H. J. Res. 278 (67th Cong.), by Mr. Brennan. Title: "Providing for the installation and operation of radiotelephone transmitting apparatus for the purpose of transmitting the proceedings and debates of the Senate and of the House of Representatives, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 62, p. 3130).

H. J. Res. 287 (67th Cong.), by Mr. Brand. Title: "Directing the United States Department of Agriculture to investigate feasibility of furnishing market prices of cotton by radiophone to the farmers of cotton-growing States." Referred to Committee on Agriculture (vol. 62, p. 3888).

H. Res. 357 (67th Cong), by Mr. Brand. Title: "Directing the United States Department of Agriculture and the Post Office Department to investigate the feasibility of furnishing market prices of cotton, corn, wheat, livestock, and dairy products by radiophone to the farmers." Referred to Committee on Agriculture (vol. 62, p. 7937). Subsequent history: Reported with amendment (H. Rept. 1064), page 3138; debated, page 8986.

H. Res. 525 (67th Cong), by Mr. White. Title: "Requesting the Federal Trade Commission to investigate and to report to the House the facts relating to the ownership of radio patents, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 64, p. 3536).

H. Res. 548 (67th Cong.), by Mr. White. Title: "Requesting the Federal Trade Commission to investigate and report to the House the facts relating to the ownership of radio patents, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 64, p. 4212). Subsequent history: Reported back (H. Rept. 1686), page 4341; considered and agreed to, page 5544.

S. 2930 (68th Cong.), by Mr. Howell. Title: "Reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes." Referred to Committee on Interstate Commerce (vol. 65, p. 4915). Subsequent history: Reported back (S. Rept. 311), page 5055; debated, page 5733; passed Senate, page 5737; referred to House Committee on the Merchant Marine and Fisheries, page 5907; reported with amendment (H. Rept. 719), page 8496; referred to the Committee on the Merchant Marine and Fisheries (vol. 66, p. 2361).

S. J. Res. 175 (68th Cong.), by Mr. Jones of Washington. Title: "To amend section 2 of the public resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes,' approved April 14, 1922." Referred to Committee on Commerce (vol. 66, p. 2501).

S. J. Res. 177 (68th Cong.), by Mr. Jones of Washington. Title: "To amend section 2 of the public resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes.'" Referred to Committee on Commerce (vol. 66, p. 2613). Subsequent history: Reported back (S. Rept. 1104); passed Senate, page 3559; referred to House Committee on the Merchant Marine and Fisheries, page 3740; passed House, page 3876; examined and signed, pages 3990–3998; presented to the President, page 4101; approved (Pub. Res. No. 56), page 5090.

H. J. Res. 311 (68th Cong.), by Mr. Free. Title: "To amend section 2 of the joint resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes.'" Referred to Committee on the Merchant Marine and Fisheries (vol. 66, p. 756).

H. J. Res. 317 (68th Cong.), by Mr. Free. Title: "Extending the time limitation authorizing the use of Government-owned radio stations for certain purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 66, p. 1501). Subsequent history: Reported back (H. Rept. 1133), page 1718.

H. J. Res. 334 (68th Cong.), by Mr. Free. Title: "To amend section 2 of the public resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes,' approved April 14, 1922." Referred to Committee on the Merchant Marine and Fisheries (vol. 66, p. 2550). Subsequent history: Reported back (H. Rept. 1345), page 2743; laid on the table (see S. J. Res. 177), page 3876.

S. 2328 (69th Cong.), by Mr. Dill. Title: "To amend section 1 of an act entitled 'An act to amend and consolidate the acts respecting copyright,' approved March 4, 1909, as amended, by adding subsection (f)." Referred to Committee on Patents (vol. 67, p. 1807).

S. 3968 (69th Cong.), by Mr. Borah. Title: "To provide for the regulation of radio communications, and for other purposes." Referred to Committee on Interstate Commerce (vol. 67, p. 7341).

S. 4057 (69th Cong.), by Mr. Dill. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on Interstate Commerce (vol. 67, p. 7948).

S. 4156 (69th Cong.), by Mr. Dill. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on Interstate Commerce (vol. 67, p. 8574).

S. J. Res. 125 (69th Cong.), by Mr. Dill. Title: "Limiting the time for which licenses for radio transmission may be granted, and for other purposes." Referred to and considered in the Committee of the Whole and passed Senate (vol. 68, p. 12959). Subsequent history: Debated, page 13067; passed House, page 13046; examined and signed, pages 12, 38; presented to the President; approved, page 93 (Pub. Res. No. 47).

S. J. Res. 132 (69th Cong.), by Mr. Copeland. Title: "Authorizing the Secretary of Commerce to regulate radio broadcasting stations, and for other purposes." Referred to Committee on Interstate Commerce (vol. 68, p. 279).

S. J. Res. 165 (69th Cong.), by Mr. Copeland. Title: "Authorizing the Secretary of Commerce to regulate radio broadcasting stations, and for other purposes." Referred to Committee on Interstate Commerce (vol. 68, pp. 4108, 4148).

H. R. 5589 (69th Cong.), by Mr. White. Title: "For the regulation of radio communications and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 67, p. 901). Subsequent history: Debated, pages 5474, 5485, 5585.

H. R. 9108 (69th Cong.), by Mr. White. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 67, p. 3660). Subsequent history: Reported back (H. Rept. 404), page 4729; debated, pages 5473, 5474, 5485; laid on the table (see H. R. 9971), page 5716.

H. R. 10987 (69th Cong.), by Mr. Vestal. Title: "To amend the copyright act of 1909, with respect to radio and broadcasting." Referred to Committee on Patents (vol. 67, p. 6935).

H. R. 9971 (69th Cong.), by Mr. White. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 4956). Subsequent history: Reported back (H. Rept. 464), page 5130; debated, pages 5473–5505, 5555–5586, 5645; amended and passed House, page 5647; referred to Senate Committee on Interstate Commerce, page 5688; reported with amendment (S. Rept. 772), page 8960; debated, pages 11436, 12000, 12230, 12335, 12480, 12497, 12614, 12617, 12630; amended and passed Senate; Senate insists upon its amendment and asks conference, page 12618; conferees appointed, pages 12618, 12778; House disagrees to Senate amendment; agrees to conference, page 12778 (see S. J. Res. 125), page 12959.

H. R. 15909 (69th Cong.), by Mr. Underhill. Title: "Granting authority to the Secretary of Commerce to regulate radio communications." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 1152).

H. R. 16867 (69th Cong.), by Mr. Bloom. Title: "To prevent the radio broadcasters from charging the public for listening in." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 2744).

H. J. Res. 294 (69th Cong.), by Mr. Dickstein. Title: "Authorizing the Secretary of Commerce to regulate radio broadcasting stations, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 16).

H. J. Res. 296 (69th Cong.), by Mr. White. Title: "Prohibiting the issuance of radio broadcasting licenses within the United States until otherwise prohibited." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 16).

S. 2317 (70th Cong.), by Mr. Watson. Title: "Continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 69, p. 1161). Subsequent history: Reported with amendment (S. Rept. 226), page 2405; debated, pages 2533, 2544, 2562; amended and passed Senate, page 2563; referred to House Committee on the Merchant Marine and Fisheries, page 2692; reported with amendment (H. Rept. 800), page 3823; made special order (H. Res. 132), page 4486; debated, pages 4473, 4486, 4500, 4508, 4562, 4590; amended and passed House, page 4589; Senate disagrees to House amendments and asks conference, page 4608; conferees appointed, pages 4610, 4662; House insists upon its amendments and agrees to conference, page 4662; conference report submitted in House (H. Rept. 992), pages 4989, 5113; debated, page 5113; agreed to, page 5120; conference report submitted in Senate, page 5155; debated, pages 5155, 5288; agreed to, page 5304; examined and signed, pages 5408, 5413; presented to the President, page 5414; approved (Public, No. 195), page 5557.

S. 2853 (70th Cong.), by Mr. Dill. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 69, p. 2116).

S. 4675 (70th Cong.), by Mr. Dill. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 70, p. 54).

S. 4929 (70th Cong.), by Mr. Watson. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927." Referred to Committee on Interstate Commerce (vol. 70, p. 564).

S. 4937 (70th Cong.), by Mr. Watson. Title: "Continuing the powers of the Federal Radio Commission under the radio act of 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 70, p. 3109). Subsequent history: Reported back (S. Rept. 1715), page 3109; debated, page 3746.

S. 5550 (70th Cong.), by Mr. Jones. Title: "To authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes." Referred to Committee on Commerce (vol. 70, p. 2276). Subsequent history: Reported back (S. Rept. 1602), page 2658; passed Senate, page 3147; referred to House Committee on Public Buildings and Grounds, page 3414; passed House (in lieu of H. R. 16608), page 3684; examined and signed, pages 3745, 3805; presented to the President, page 3812; approved (Public, No. 793), page 4120.

S. Res. 351 (70th Cong.), by Mr. Dill. Title: "Requesting the Federal Radio Commission to formulate a schedule of fees." Considered and agreed to, page 5058.

S. Con. Res. 29 (70th Cong.), by Mr. Dill. Title: "Recommending the prosecution by the Department of Justice of certain companies for alleged violation of the antitrust laws in connection with the manufacture of radio apparatus and radio communication." Referred to Committee on Interstate Commerce (vol. 70, p. 1521).

H. R. 8825 (70th Cong.), by Mr. White. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 69, p. 1146).

H. R. 13750 (70th Cong.), by Mr. White. Title: "To amend an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, as amended by the act approved July 23, 1912." Referred to Committee on the Merchant Marine and Fisheries (vol. 69, p. 3678).

H. R. 13931 (70th Cong.), by Mr. James. Title: "To authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C." Referred to Committee on Military Affairs (vol. 70, p. 9420). Subsequent history: Reported with amendment (H. Rept. 2136), page 1946; debated, page 2776; amended and passed House, page 3670; referred to Senate Committee on Military Affairs, page 3712; reported with amendment (S. Rept. 1863), amended, and passed Senate, page 4111; House concurs in Senate amendments, page 4615; examined and signed, pages 4697, 4812; approved (Public, No. 875), page 5226.

H. R. 14467 (70th Cong.), by Mr. Huddleston. Title: "To amend the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 15).

H. R. 14819 (70th Cong.), by Mr. Davis. Title: "To amend an act entitled 'An act for the regulation of radio communication, and for other purposes,' approved February 23, 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 121).

H. R. 15430 (70th Cong.), by Mr. White. Title: "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 710). Subsequent history: Reported back (H. Rept. 2396), page 2963; made special order (H. Res. 321), pages 3764, 3766; debated, pages 3766, 3777; amended and passed House, page 3787; in Senate, read twice and ordered to lie on the table, page 3812; debated, pages 4848, 4872; passed Senate, amended, page 4885; House agrees to Senate amendments, page 5070; examined and signed, pages 5170, 5217; presented to the President, page 5230; approved (Public, No. 1029), page 5229.

H. R. 15572 (70th Cong.), by Mr. Darrow. Title: "To amend the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 907).

H. R. 15922 (70th Cong.), by Mr. Crowther. Title: "To provide for not less than 50 clear channels of radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 1237).

H. R. 16608 (70th Cong.), by Mr. Elliott. Title: "To authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for the use as a constant-frequency monitoring radio station, and for other purposes." Referred to Committee on Public Buildings and Grounds (vol. 70, p. 2255). Subsequent history: Reported back (H. Rept. 2293), page 2506; laid on the table (S. 5550 passed in lieu), page 3684.

H. Con. Res. 47 (70th Cong.), by Mr. Davis. Title: "Requesting the Federal Trade Commission to transmit to the Attorney General evidence taken under complaint charging monopoly in radio, and requesting Attorney General to consider and take such action as may be warranted." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 1609).

H. J. Res. 317 (70th Cong.), by Mr. Porter. Title: "Authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels in 1928." Referred to Committee on Foreign Affairs (vol. 69, p. 9518). Subsequent history: Reported back (H. Rept. 1876), page 10045.

S. 2276 (71st Cong.), by Mr. Dill. Title: "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, as amended." Referred to Committee on Interstate Commerce (vol. 72, p. 30). Subsequent history: Reported with amendment (S. Rept. 56), page 434; debated, page 706; passed Senate as amended, page 715; taken from Speaker's table and passed House, page 761; examined and signed, pages 804, 811; presented to the President, page 838; approved (Public, No. 25), page 1044.

S. 3448 (71st Cong.), by Mr. Johnson. Title: "To amend the act of February 21, 1929, entitled 'An act to authorize the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes.'" Referred to Committee on Commerce (vol. 72, p. 3136). Subsequent history: Reported back (S. Rept. 195), page 3965; passed Senate, page 6579; taken from Speaker's table and passed House in lieu of H. R. 9483, page 6720; examined and signed, pages 6766, 6816; presented to the President, page 6822; approved (Public, No. 123), page 7056.

S. 3849 (71st Cong.), by Mr. Keyes. Title: "To authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations." Referred to Committee on Public Buildings and Grounds (vol. 72, p. 5027).

S. J. Res. 176 (71st Cong.), by Mr. Dill. Title: "Transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission." Referred to Committee on Interstate Commerce (vol. 72, p. 6711). Subsequent history: Reported with amendment (S. Rept. 694), page 9190; amended and passed Senate, page 9356; referred to House Committee on the Merchant Marine and Fisheries, page 9485; reported with amendment (H. Rept. 1633), page 9520; debated, page 11523.

S. Res. 36 (71st Cong.), by Mr. Dill. Title: "To provide for the equipment of the Senate Chamber for broadcasting the proceedings of the Senate." Referred to Committee to Audit and Control the Contingent Expenses of the Senate (vol. 71, p. 343).

S. Res. 38 (71st Cong.), by Mr. Dill. Title: "Requesting the Federal Radio Commission to hold hearings on the radio corporations application for wave lengths." Referred to Committee on Interstate Commerce (vol. 71, p. 343).

S. Res. 60 (71st Cong.), by Mr. Couzens. Title: "To investigate certain matter relating to power and communications in interstate and foreign commerce." Referred to Committee on Interstate Commerce (vol. 71, p. 2161). Subsequent history: Reported back with an amendment; referred to the Committee to Audit and Control the Contingent Expenses of the Senate, page 2312; reported back, considered, amended, and agreed to, page 2575.

H. R. 1911 (71st Cong.), by Mr. Darrow. Title: "To amend the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 71, p. 503).

H. R. 4499 (71st Cong.), by Mr. French. Title: "To prohibit the announcement, conduct, and advertising of lotteries by means of radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 71, p. 4187).

H. R. 5637 (71st Cong.), by Mr. White. Title: "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, as amended." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 10). Subsequent history: Reported back (H. Rept. 35), page 634; passed House, page 741; proceedings vacated and laid on the table, page 823; S. 2276 passed in lieu.

H. R. 5716 (71st Cong.), by Mr. Celler. Title: "To provide for the regulation of the transmission of intelligence by wire or wireless." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 12).

H. R. 9483 (71st Cong.), by Mr. Elliott. Title: "To amend the act of February 21, 1929, entitled 'An act to authorize the purchase by the Secretary of Commerce of a site and the construction of a building thereon for use as a constant-frequency monitoring radio station, and for other purposes.'" Referred to Committee on Public Buildings and Grounds (vol. 72, p. 3061). Subsequent history: Reported back (H. Rept. 772), page 4337; supplemental report filed (H. Rept. 772), page 4827; passed House, page 6630; then indefinitely postponed and S. 3448 passed in lieu, page 6720.

H. R. 10473 (71st Cong.), by Mr. White. Title: "To amend the radio act of 1927, approved February 23, 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 4757).

H. R. 10652 (71st Cong.), by Mr. Elliott. Title: "To authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio-research investigations." Referred to Committee on Public Buildings and Grounds. Subsequent history: Reported back (H. Rept. 934), page 5660; debated, pages 6978, 7356; passed House, page 7357; referred to Senate Committee on Commerce, page 7395; reference changed to Committee on Public Buildings and Grounds, page 7792; reported back (S. Rept. 1598) February 12, 1931; passed Senate February 17, 1931; approved February 20, 1931 (Public No. 700).

H. R. 10967 (71st Cong.), by Mr. Henry T. Rainey. Title: "To amend section 13 of the radio act of 1927, approved February 23, 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 5782).

H. R. 11635 (71st Cong.), by Mr. White. Title: "To amend the radio act of 1927, approved February 23, 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 7051). Subsequent history: Reported back (H. Rept. 1179), April 15, 1930; passed House, April 30, 1930; referred to Senate Committee on Interstate Commerce, February 11, 1931; reported back (S. Rept. 1578), amended, and passed Senate February 17, 1931.

H. R. 12599 (71st Cong.), by Mr. Lehlbach. Title: "To amend section 16 of the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 9521). Subsequent history: Reported back (H. Rept. 1665), page 9694; debated, page 11924; amended and passed House, page 11529; referred to Senate Committee on Interstate Commerce, page 11553; reported back (S. Rept. 1105), page 11749; passed Senate, page 11881; examined and signed, pages 11596, 11598; presented to the President, page 12019; approved (Public, No. 494), page 12510.

H. R. 12903 (71st Cong.), by Mr. Britten. Title: "To provide for the removal of the Otto Cliff's radio station." Referred to Committee on Naval Affairs (vol. 72, p. 10539).

H. R. 12948 (71st Cong.), by Mr. Sirovich. Title: "Transferring the function of the Federal Radio Commission to the radio division of the Department of Commerce." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 10690).

H. R. 14074 (71st Cong.), by Mr. Denison. Title: "To regulate radio equipment on ocean-going vessels using the ports of the Canal Zone." Referred to Committee on Interstate and Foreign Commerce. Subsequent history: See House Report No. 2819.

H. J. Res. 102 (71st Cong.), by Mr. Wood. Title: "Making an appropriation for expenses of participation by the United States in the meeting of the international technical consulting committee on radio communications to be held at The Hague in September, 1929." Referred to Committee on Appropriations (vol. 71, p. 2629). Subsequent history: Passed House, page 2677; referred to Senate Committee on Appropriations, page 2718; reported with amendment (S. Rept. 32), page 2758; passed Senate, amended, page 2940; House concurs in Senate amendment, with amendment, page 3218; Senate agrees to the amendment of the House to the amendment of the Senate, page 3091; examined and signed, pages 3130, 3286; presented to the President, page 3286; approved (Pub. Res. No. 17), page 4006.

H. J. Res. 217 (71st Cong.). Subsequent history: Reported from Committee on Appropriations (H. Rept. 549), January 28, 1930; makes appropriations for the Radio Commission; passed House, January 29, 1930; Passed Senate, January 29, 1930; approved, February 1, 1930; Public Resolution No. 35.

H. J. Res. 334 (71st Cong.), by Mr. Reid of Illinois. Title: "To amend the radio act of 1927, by providing for three Government broadcasting frequencies, one for the Department of Agriculture, one for the Department of the Interior, and one for the Department of Labor." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 8707). Subsequent history: Remarks, page 9184.

H. J. Res. 337 (71st Cong.), by Mr. Sirovich. Title: "Transferring the function of the radio division of the Department of Commerce to the Federal Radio Commission." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 9188).

RADIO BILLS, LISTED BY NUMBERS AND CONGRESS UNDER COMMITTEES TO WHICH ASSIGNED

(Number of Congress is in parentheses)

I. House Committee on Interstate and Foreign Commerce: Bills—17744 (58th), 21689 (60th), 27318 (60th), 27480 (60th), 23716 (62d), 3981 (63d), 9823 (64th), 421 (66th), 14169 (67th). Resolution—300 (62d).

II. House Committee on Merchant Marine and Fisheries: Bills—27145 (60th), 27672 (60th), 19560 (61st), 22558 (61st), 23595 (61st), 15357 (62d), 24025 (62d), 9821 (64th), 19350 (64th), 2573 (65th), 4042 (65th), 13159 (65th), 3075 (66th), 7007 (66th), 7288 (66th), 10831 (66th), 11779 (66th), 163 (67th), 4132 (67th), 13773 (67th), 5589 (69th), 9108 (69th), 9971 (69th), 15909 (69th), 16867 (69th), 8825 (70th), 13750 (70th), 14467 (70th), 14819 (70th), 15430 (70th), 15572 (70th), 15922 (70th), 1911 (71st), 4499 (71st), 5637 (71st), 5716 (71st), 10473 (71st), 10967 (71st), 11635 (71st), 12599 (71st), 12948 (71st). Resolutions—217 (66th), 218 (66th), 283 (66th), 291 (66th), 304 (66th), 278 (67th), 525 (67th), 548 (67th), 311 (68th), 317 (68th), 334 (68th), 294 (69th), 296 (69th), 47 (70th), 334 (71st), 337 71st).

III. House Committee on the Judiciary: Bill—17719 (60th).

IV. House Committee on Naval Affairs: Bills—18979 (60th), 12384 (61st), 21757 (61st), 9914 (64th), 4189 (65th), 12305 (66th), 12647 (66th), 12903 (71st). Resolutions—95 (61st), 427 (65th), 577 (65th), 182 (61st).

V. House Committee on the Post Office and Post Roads: Bills—12172 (63d), 21098 (64th).

VI. House Committee on Military Affairs: Bills—10888 (66th), 13931 (70th). Resolution—172 (63d).

VII. House Committee on Appropriations: Bill—13842 (64th). Resolution—102 (71st).

VIII. House Committee on Foreign Affairs: Bill—9822 (66th). Resolutions—317 (70th), 357 (67th).

IX. House Committee on Agriculture: Resolution—287 (67th).

X. House Committee on Patents: Bill—10987 (69th).

XI. House Committee on Public Buildings and Grounds: Bills—16608 (70th), 9483 (71st), 10652 (71st).

XII. Senate Committee on Naval Affairs: Bills—5949 (60th), 2377 (64th), 3776 (64th), 3177 (66th), 154 (66th), 4038 (66th), 31 (67th). Resolutions—170 (66th).

XIII. Senate Committee on Commerce: Bills—9279 (60th), 7021 (61st), 7061 (61st), 7243 (61st), 3815 (62d), 6412 (62d), 7478 (64th), 1733 (65th), 2523 (66th), 3399 (66th), 4487 (66th), 4681 (66th), 2290 (67th), 5550 (70th), 3448 (71st). Resolutions—175 (68th), 177 68th).

XIV. Senate Committee on Philippine Islands: Bills—5455 (62d), 720 (63d).

XV. Senate Committee on Interstate Commerce: Bills—5287 (65th), 5235 (65th), 120 (66th), 1627 (67th), 1628 (67th), 2930 (68th), 3968 (69th), 4057 (69th), 4156 (69th), 2317 (70th), 2853 (70th), 4675 (70th), 4929 (70th), 4937 (70th), 2276 (71st). Resolutions—132 (69th), 165 (69th), 29 (70th), 176 (71st), 38 (71st).

XVI. Senate Committee on Foreign Relations: Bill—3172 (66th). Resolution—130 (66th).

XVII. Senate Committee on Patents: Bill—2328 (69th).

XVIII. Senate Committee on Public Buildings and Grounds: Bill—3849 (71st).

SENATOR HEFLIN AND HIS PUBLIC SERVICE

Mr. HEFLIN. Mr. President, I ask unanimous consent to print in the RECORD some excerpts from a few of the many letters that I have received regarding me and my service.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"Permit me to say that there is one Senator who has had the courage to stand for Americanism while in the Senate Chamber. I will always think of you as a real American and allow me to thank you for the good that you have tried to do for your country." (E. Schoeneman, New York.)

"Your usefulness is not at an end as I see it, but is just beginning, as we have a fight on our hands to preserve Americanism and Protestantism." (C. B. Helms, Philadelphia, Pa.)

"I would like to let you know, sir, that I was following your campaign with very much interest, and I was hoping strongly that you would win in your fight for reelection to the United States Senate. I feel it is no fault of your own, but instead was the result of a concerted attack and persecution against you by





the forces of evil and booze of the Roman Catholic group. I want you to know that I agree with you and in your stand, always have and always will." (Ellis P. DeWitt, New York, N. Y.)

"We have done all in our power for you though our means are small and wish I could have cast 1,000 votes for you instead of 1, but so long as 'the 27' are in control, I don't think I will ever vote the supposed-to-be-straight Democratic ticket." (B. Freeman Cosby, Selma, Ala.)

"God bless you, and I hope he will use you for the good of the common people. We made a fine vote here considering the old liners. I am still for you and the great Democratic principles you stand for." (P. M. Bradford, Warrior, Ala.)

"I am still a TOM HEFLIN man. The principles for which you and I stand will be living after the other side is dead and forgotten." (T. D. Hawkins, Alabama.)

"I admire and love your loyal American spirit. You are a man that money and the devil can not buy." (Frank Hilburn, Pollard, Ala.)

"I feel that when you opposed Al Smith you did what every true American should have done, and when Tammany, Rome, and rum read you out of the primary because of your fearless stand for Americanism I became more anxious than ever for you to win." (J. W. Searcy, Bremen, Ala.)

"I feel that we have been bought out in this county or have been double-crossed." (Ben J. Kirk, Parrish, Ala.)

"Your many friends are standing with you to hold up your hands. We know the election was not fair and those who were elected got the office dishonestly." (Mrs. J. P. McAdory, Bessemer, Ala.)

"I see by the papers that you have been defeated in this race for United States Senate and words fail me to express my regrets in the matter. One thing I feel sure of and that is the millions of old John Raskob did the trick. Senator, it is hard for me to believe there has not been fraud practiced in the election, and I still hope that in the near future it will be counted correct and the count will find you far in the lead." (C. F. Vaughn, Glen Allen, Ala.)

"I feel sure you are not downcast after the fight you made in the greatest political fight ever waged in Alabama. Your friends are still with you. You fought so grandly while the foulest thrusts were 'struck below the belt.' You know, dear Senator, that 'truth crushed to earth will rise again.' You are not whipped, but will be heard from again." (S. A. Ellis, Birmingham, Ala.)

"Your friends are still all with you and still have the utmost confidence in you and in your ability to win. Senator, let our enemies know that the fight has just started." (J. D. Moore, Nashville, Ark.)

"I never have believed you would be defeated, nor I do not believe yet you have been. The fraud and corruption which Tammany and that crowd have used is what I expected, as they could not defeat you in any other way. So I say again I hope you will have the facts brought to light, and I am sure you will." (Daly Smith, High Point, N. C.)

"Many threats were made to the breadwinners that they would lose their jobs if they didn't support the ticket. That very thing went on all night Friday and until election day. The street-car employees were forced to let their wives and babies go hungry or vote the ticket." (Mrs. W. H. Bachelor, Wetumpka, Ala.)

"Senator, you are greater in defeat than in victory, and you are now in a position to 'beard the lion in his den.' Keep on fighting in the cause that you upheld so nobly in your recent campaign. Protestant America needs you." (J. H. O'Neill, Morgan City, La.)

"I have never been so surprised or disappointed over an election as I am over the election in Alabama. I was in Alabama during most of the campaign. It looked like you would win by a landslide. I voted for you and did all I could for you. I hope this is not the last of you and that you will live to help give the Democratic Party a much-needed house cleaning." (L. M. Thomas, Hamburg, Ark.)

"Congratulations on your noble fight. Your enemies belied you. That you met with foul play in the last days of the campaign there can be no doubt, much of which I believe will sooner or later be uncovered and brought to light, and when done will restore you to the favor of the people of Alabama and the Nation. Deception, if nothing more, was perpetrated, and defeat thereby is not defeat and gain thereby is not gain." (W. W. Williams, Gordo, Ala.)

"Raskob's money brought about the result in the November election. I want you to know that you have a host of friends here. I believe with all my heart the election was stolen. Don't give up. Truth crushed to earth will rise again. A neighbor just returned from Kentucky says that all the people there, Democrats and Republicans, wanted you to be reelected." (Mrs. F. K. Hewlitt, Decatur, Ala.)

"In victory or defeat you have the knowledge that those who are your friends honor, love, and trust you, and we know that this morning in your heart you hold the truest principles of Democracy, guarding them against those who, sitting, in their estimation, in lofty places, would barter them, as men have always bartered the most precious things of earth. Wherever you are this gloriously beautiful day just thank God that you can look the world serenely in the face and say, 'I played fair.' I just felt that I wanted to tell you that it is a privilege just to call you my friend." (E. M. Cannon, Opelika, Ala.)

"I have wanted to write you since the election, but was so hurt to know you were defeated that I have wondered if I could say something to help you in any way to forget the treacherous way you have been treated." (Mrs. E. Granger, Montgomery, Ala.)

"Let me assure you of my faith in you and in the principles for which you so valiantly fought. The fight has just begun for the year 1932. You will be a 'thorn in the flesh' of the wet Raskob bunch." (W. A. Bates, Brownsville, Tenn.)

"Please allow me to heartily congratulate you on the grand, noble, and fearless battle you put up in the last election against the crooked, rum-soaked forces of Raskob." (L. T. Carter, New York.)

"I have no words to express my feeling over the election and I am so glad you are attempting a contest. You have won enough laurels to rest on the remainder of your life, but you have stood between us and our enemies so many years, you don't want to rest while the Government is plundered." (Mrs. J. Russell, Glen Allen, Ala.)

"What hurts me and almost 100,000 more is that you stepped down from the greatest office Alabama could give and fought so hard to free or save our country, and then after you won the victory and every Democrat in Alabama was glad of it, then they turned their backs on you, and with their thousands of money set up 27 men that took your right from you in an open primary. That is what makes my heart bleed, but thank God you are another Stonewall Jackson and are standing like a mountain for justice, and for God's sake don't flinch. We are with you until death." (J. S. Daw, Castleberry, Ala.)

The Senate has unearthed some very slimy political deals, and the end is not yet. Senator NYE, of North Dakota, is as fearless as he is honest, and we are convinced that he will not let up until he has purged the national political fights of the debauchery which has attended them in the past.

"The Senator is fighting in the interest of the whole people, and for that reason he has the strongest kind of following.

"Right here let me say that your following is no stronger in Alabama than it is in the whole United States. A big movement follows a big leader and the Protestant people of the United States. 'The fight is on, O Christian soldier,' and there is no ples which you represent have found voice in Arkansas, Idaho, Nebraska, Wisconsin, North Dakota, Iowa, and doubtless in other States. 'The fight is on, O Christian soldier' and there is no retreat and no bridges over which we may return for there is no returning until a common enemy has been defeated and permanently subdued." (Dr. and Mrs. M. A. Taylor, Waterloo, Iowa.)

"I am writing you to tell you that in the hearts of loyal Alabamians you are still enshrined. I do not yet know the particulars of this tragedy that has overtaken Alabama. The election was bought, paid for, and delivered.

"Well, my dear friend, we love you and we are not licked. I do not know what our next move will be, but you can always count on me and mine." (Mrs. O. N. Bird, Dothan, Ala.)

"No one regrets more than I that you are to cease being the Senator for a season. You have fought a good fight, a bit like John the Baptist." (Rev. W. R. Yeakel, Philadelphia, Pa.)

"It gives me great pleasure to write to a man who has the American red blood rushing through his veins and pluck and spunk as you. I hope that you can get a recount on the last election. I want to see you get a square deal." (Claude Tribble, Clinton, Ind.)

"In these few words I wish to personally congratulate you on the noble fight you are making for clean politics in this Protestant America." (Chas. G. McIntyre, Niles, Mich.)

"I have just read in the CONGRESSIONAL RECORD your speech recently delivered in the United States Senate. I have just one word to say, you are not going down, you are going up. I predict that you will be our President some day." (Charles Price, Baraga, Mich.)

"I am with you, heart and soul, if you care to immortalize yourself by taking up the pure-blooded Americans' fight, and I am willing to proclaim from the housetops that I am for HEFLIN and Protestantism and will back it up with my money, time, and vote." (C. L. Seat, Dallas, Tex.)

"I congratulate you on your stand on public questions and wish to say that I hope you will be successful in getting a real investigation in the Alabama senatorial election." (J. G. Simpson, Mulberry, Fla.)

"I want to thank you for the great work you are doing in Congress toward relief for the farmers in the drought-stricken area of our country." (J. B. Tyler, Hawley, Tex.)

VERBENA, ALA.

Am indeed sorry the election turned out as it did, but I feel like it was stolen from you in most of the counties. Anything I can do for you in any way any time, don't fail to call on me, and I certainly hope there will be some way for you to find the tricks that have been pulled in this election.

L. DEWEY HUGHES.

MOBILE, ALA.

I admire a man of your caliber. A real crusader of medieval stamp. I have only recently become a resident of Alabama and as a result know little about Alabama's politics, but if the many tales of corruption in politics heard by the average citizen are true, we certainly need a reorganization of the Democratic Party. We either need a reorganization of that party or the establishment of a new party.

L. M. FILLYAW.

CITRONELLE, ALA.

Some voters of our State have learned not to be led by the voice of "the 27" or any other set who clamors to run so great a State as Alabama. In the offing I see a clearer horizon and surely look for cleaner politics. The rottenness of both the last primary and general election was awful, and pray that we may never see another like it.

E. B. COVERSTONE.

YOUNGSTOWN, OHIO.

I am so sorry they defeated you. I hope it's all a mistake and that you will yet find you have won when they recount the votes. You have been so faithful in every way to your country and your people.

GRACE W. AIKEN.

EVANSVILLE, IND.

I can not express in words our appreciation to you for the fight you are waging for Americanism. If it were only appreciated by the millions of Americans who call themselves Protestants, and if that were the case the battle would be won. I want you to accept these words of encouragement knowing that we realize that your battle is our battle, your defeat our defeat, and your victory our victory.

HAROLD KISSEL.

PATTONSBURG, MO.

They can't keep a good man down and you will yet come out on top with a great victory. I was hoping and praying for your reelection to the Senate, and that you would win by a great and wonderful majority, for we need true patriotic men in the House and Senate, both men and women, that are true patriotic Americans that stand for clean and honest politics, and for the preservation of free government in America.

JAMES G. JOLLY.

GARY, IND.

Your stand for pure Americanism and clean government is admirable. Your fearlessness in voicing your honest convictions has won you many friends and admirers, as well as a number of hatreds. Here's hoping that a recount will yet proclaim you victor.

O. A. JORDAN.

MONTEVALLO, ALA.

I wish to thank you for the brave fight you have made against great and untold thousands of dollars spent to defeat you. Yet I don't believe you have been defeated—just counted out. It is common talk here that you were treated that way here, and that is my belief.

B. B. PEETE.

PHILADELPHIA, PA.

The writer was dreadfully sorry to know you were not returned to the Senate after making such a gallant fight for the South.

M. E. GRENARD.

FORT BENNING, GA.

I had the pleasure of hearing you speak just before the past election, in Florence, and I must say that I enjoyed it very much. What we need is more men like you.

HOWARD F. KERBY.

MEANESVILLE, GA.

You have many friends down here in middle Georgia who regret your defeat. We are thankful for the great and noble work you have done in our lawmaking bodies the past 25 years, and the stand you took against vice and crime, and I think of you our much-loved friend, true soldier for humanity and the common people that worked and labored for us so long.

W. M. FORTNER.

TELFORD, PA.

We congratulate you for what you did, for no other man could have received the votes you did, in spite of the ring politicians and the rum and Rome crowd opposing you, and deceiving the voters. On November 4 when I went to the poll I was sorry I could not vote for you.

Mr. and Mrs. H. N. LANDES.

BUFFALO, N. Y.

For some time I have watched your efforts in Washington and the efforts you have put forth, in the interests of the vast majority of the American people.

From this distance it is hard for me to see why the people of Alabama have not had the proper appreciation of the work you have been doing in their behalf, and I am taking this opportunity of writing you to say that there are many voters in this district who sincerely regret that you were not returned to office.

It may possibly seem far in the future, but time may correct the matter and at a later date you may be again returned to office to continue your noble work.

JAS. L. KIRK.

EL PASO, TEX.

I am very sorry of your defeat. The State Democratic committeemen, in my opinion, were unfair in refusing to let you run as a Democrat. I know that you have given Alabama many years of faithful representation. And what I admire most about you is that no interests could control you. You were absolutely independent and always tried to vote for the welfare of the people. In your many years of service you have gained fame throughout the world. You will be missed in the Senate by your many friends.

FRANK FLYNN.

HOUSTON, TEX.

The more good men that are crucified like you, SIMMONS, and Congressman Box, of Texas, the more material we will have to form a new political party that may revolutionize and purify the political affairs of our country. You are greater and dearer to me than ever now. If I can be of service to you, don't hesitate to call on me.

E. J LEBEN.

SEATTLE, WASH.

I have admired your sterling qualities and marvelous fighting spirit displayed from time to time in governmental affairs and otherwise during the time of your incumbency. I wish we had a man of your caliber and stamina in this "neck o' the woods."

I have never had that great pleasure of meeting you, however much I would like to, to tell you that you have a stranger friend "out west" who has been interested and pulling for you right along and I still have faith in the fact that you will "come back" in a bigger and greater capacity than ever. "You can't keep a good man down." So, don't give up the ship. Some day, if you ever decide to take a trip from the grand and glorious old South to this Pacific coast of ours, stop off a while in Seattle. You'll like it here.

F. H. JENNINGS.

ROSSVILLE, GA.

You have never heard of me but I have known you a great many years, and been your champion against all odds, and will be as long as I live. Please advise if I can be of service at any time.

JAMES H. ABBOTT.

PHILADELPHIA, PA.

Your patriotic Protestant leadership in the Senate of the United States of America has been a lighthouse to the sleeping Protestant American people who can thank God for your fearlessness in speaking the truth in 1928.

EUGENE H. TABBUTT.

PORTLAND, OREG.

You are finishing as you began—loyal ever; and you have given us another proof by your defense of Major General Butler. You may feel that you are not appreciated, but such is not the case. This morning while at breakfast we talked about your courageous defense of Butler. There were perhaps 60 men in this dining hall, composed of all political beliefs. It would have gladdened your heart to have heard the tribute they paid to you.

D. T. COLLIVER.

MARBLEHEAD, MASS.

It is with great pleasure to notice in Boston papers your recent speech on the most vital issue of recent times. Thank God for your courage in the matter. More power to you. I well recall the last time I heard you speak at Brockton, Mass., and the pleasure it gave me.

H. E. HOWARD.

CAPE GIRARDEAU, MO.

I have admired your courageous course in political life and deeply regretted the failure of the people of Alabama to return you to public life. I notice that you are making a brave fight for more relief to starving farmers and that in your speeches you referred to the assistance the Government has been giving the shipbuilders. I should be thankful if you could send me some data on the gifts, subsidies, and loans that have been and are still being handed out by the Government to shipping interests.

L. R. JOHNSON.

MOUNDS, ILL.

You are to be complimented for your introduction of bills Nos. S. 5162 and S. 5163. They should duly receive unanimous support, and I can think of nothing that would be more immediately and genuinely effective in affording speedy remedy for the unemployment condition and general financial distress than the forthwith passage of these two bills.

Here's hoping you are the next President of the United States. You richly deserve the position, and the people would for once have a friend in the White House.

J. KELLY-SMITH.

ALLENTOWN, PA.

The Vare investigation by the Senate should enlighten every Senator as to the general existing conditions. That certain class that injects corruption in elections always is found in our industrial and thickly inhabited centers.

THOMAS R. LICHTY.

GALENA, ILL.

I want to write and tell you how proud I was to read in the CONGRESSIONAL RECORD of your speech made on the Senate floor in praise of your and our friend Major General Butler.

I am getting a box of clothing ready to send to the drought sufferers. Would like to send it to Alabama needy people. Would you kindly give me an address where it would be of most good.

Mrs. ELIZABETH KOHLBAUM.

CROCKETT, TEX.

If the Democratic Party even nominates a man from New York in 1932 it will be defeated. It matters not who he is. The manly thing for the Democratic Party to do is to cut entirely loose from Wall Street and advertise it to the world; rely on the solid South, the Middle States, and the West for votes; and it will be swept into power. But as sure as it even caters to Wall Street in any way, it will be defeated and will deserve to be, as people have enough.

Governor Roosevelt in staying away from Tammany Hall's entertainment should not be permitted to fool anybody.

This country needs a real patriotic, God-loving, God-fearing party. And if you can weed out the satanic element it will be swept into power in the next presidential election.

By far the Democratic Party had better go bankrupt than to bow to the forces now seeking to control it.

THOS. SELF.

SONNET ON SEVENTY-FIRST CONGRESS

Mr. WHEELER. Mr. President, I ask leave to have printed in the RECORD a sonnet entitled "In Finer Scales," by George Sanford Holmes.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

IN FINER SCALES

By George Sanford Holmes

Good-bye, old squabbling Seventy-first! Your race
Is run at last; now you must face the facts
And let your record rest upon your acts.
Ten billion dollars was the giddy pace
You set; on drought relief you turned 'bout-face
And compromised your soul, but raised the tax
You label "tariff"; gave us new peace pacts
And held the stage till final gasp of grace.
But in the end your record will be weighed
In finer scales than politicians heed;
And wanting shall be found, if on your head
There rests the blood of but one child unfed,
One innocent, who cries to you in need
And still shall die by bureaucrats betrayed!

THE TARIFF

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD a paper on the tariff, by H. E. Miles, chairman of the Fair Tariff League.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE TRICKS IN TARIFF REVISIONS FOR 60 YEARS—A PROTECTIONER'S VIEWPOINT—MANUFACTURERS ONLY WISH TO MAINTAIN THEIR PREVAILING AND DISHONEST RATES—FARMERS DUPED LIKE INFANTS—COSTING THEM BILLIONS OF DOLLARS

Substantially speaking, even since our Civil War, those manufacturers who make billions of dollars from the tariff annually, have simply run a bluff in each new revision. The tariff of 1913 excepted, the manufacturers have known since 1867 that their rates were from 20 to 60 and 100 per cent higher than honest protection justifies.

The writer knows this because, himself a manufacturer, he has been close to them in all revisions for 30 years.

They know perfectly well that wage costs in our standardized industries are about as low (sometimes lower) as anywhere in the world. Said Secretary Mellon, "In many lines, we more than meet foreign competition." In a June issue of the Saturday Evening Post, Henry Ford says that "all American prices are too high except wages, which are too low." From 1910 to 1930, Mr. Ford quadrupled his wages and in the same period halved the cost of his product and gave a far better product to boot. His minimum wage of $7 per day is far cheaper now than one-fourth that wage in 1910.

Around Chicago, with a not expensive machine, one man shapes 50,000 brick per hour at a wage cost of 2 cents per thousand brick. This nets him $10 per day. The brick manufacturers tell of the $10 per day, and conceal the only fact that concerns the tariff, the 2 cents per thousand.

A man makes a spark plug in 6 seconds. What difference does it make whether his wage is 70 cents per hour or 30 cents as in Europe with only a fraction of the output per hour.

As many glass bottles are now made at a wage cost of 3 cents as at $1 a few years ago. The tariff on bottles is fifteen times this wage cost. It is five times more than Alexander Hamilton's tariff when bottles were blown by mouth. The cost of common window glass, and plate glass has been reduced 30 per cent in 10 years, and yet the manufacturers whose tariff rates have been wickedly high for 40 years, got big increases above the last tariff, because their sales prices were so extortionate that some glass was imported and this was made an excuse for increases. The tariff had nothing to do with it.

This is the story for a thousand products.

The public is befooled like a sentimental old lady by a cunning beggar. There is no lie so hurtful to our economic life as this statement that American wages are high and that the tariff must therefore be higher. It is not the wage per day that concerns the tariff, but the wage cost of each particular product. The American woman who weaves 12,000 yards of cotton cloth per week for $16 is cheaper than the European weaver at $6.50 weaving 4,000 yards or less. Our weavers average 70 to 90 automatic looms each, and the foreign weavers from 4 to 12 looms, mostly not automatic.

There is less than 20 cents of wages in $1 of silk, cotton, or woolen cloth at factory prices; but the manufacturers' tariff grant in woolen goods is 50 per cent to 60 per cent, not including the protection on raw wool. In silk woven fabrics the tariff is 55 per cent to 65 per cent. It is from 110 per cent to 120 per cent of the foreign makers' total cost of conversion and profit. The duties on fine cotton cloths are as bad.

While factory wages are higher than pre-war, the output per worker averages 55 per cent more than pre-war.

In 1920, in India, the average weekly wage of cotton-mill operatives was $1.25 per week; but India was buying denims and drills in the United States because they cost less there.

A new automatic machine makes 73,000 electric-light bulbs every 24 hours, displacing 2,000 hand operatives.

In St. Louis recently 70 men digging sewers with machines did the work of 7,000 men with pick and shovel.

In harvesting wheat with the sickle, still used in some countries, 45 to 50 hours of labor are required per acre of 15 bushels. The hand cradle, common in Europe, requires 35 to 40 hours. The horse-drawn harvester requires 3 to 4 hours, with an accompanying thresher charge of 10 cents per bushel. The new "combine," harvester and thresher, takes from three-fourths to 1 hour at a total cost of 3 cents to 5 cents per bushel. With four and one-half million less people on our farms than in 1909 the output of our farms has increased 50 per cent in the last 30 years and 20 per cent in the last 10 years. Agriculture keeps step with manufacturing.

This is the miracle of American production—an extremely low wage per unit of product and the highest day wage in the world.

Our profiteering manufacturers control tariff legislation and will not permit their Congressmen to require the disclosure of these facts, knowing that their disclosure would reduce the tariff 30 per cent to 60 per cent and still leave it amply protective.

Our farmers are the ultimate sufferers. Everyone else gets his wage and other income on a basis of this tariff dishonesty. Otherwise, he or she could not live in comfort. Thus, the tariff graft is mostly passed on to that 28 per cent, or 27,000,000 of our people, who live on our farms, who can not pass it on because farm products are sold in Europe in vast quantities at free trade or world prices, and those prices determine domestic prices, which are Liverpool prices less the heavy freight charges to Liverpool. Thus, our farmers pay the bulk of the tariff graft and are sinking from bad to worse with a certainty of no considerable improvement till they learn the truth about the tariff and make it right. It is much the same with the 23,000,000 residents in our rural communities dependent upon the surrounding farms—a total of 50,000,000 people desperately hurt by the tariff.

THE TARIFF ON FARM PRODUCTS ALMOST WORTHLESS

The other trick in the tariff is in quieting our farmers by giving them substantially any rates they want, however high, on farm products. The manufacturers know that these farm rates are almost worthless except on wool, sugar, and flaxseed, and a few lesser items, of which we produce only a fraction of our requirements. On these, our producers have only to meet the prices of the imports that we must have upon which the duty is paid. The tariff benefits on them cost our farmers in their purchases many times what they gain in the tariff rates.

The new tariff adds $950,000,000 to the face value of 19 of our general crops, including all the big ones—wheat, corn, potatoes, rice, hay, tobacco, cattle, hogs, eggs, and cotton; but in fact, it adds only $12,500,000 of actual value to come through increases in prices. Was there ever such dishonesty as this giving, apparently, of $950,000,000 on which farmers will realize only $12,500,000? The former tariff gave in cash $91,100,000, or 1 per cent average increase in price on all these crops, though it pretended to give $269,000,000. It pretended to give 30.3 per cent to be added to farm value. It did give, as stated, $91,100,000, or 1 per cent. It was worth one-thirtieth of its face value. The new tariff pretends to give on these 19 crops $3,640,800,000,000, or 41 per cent. It does give $103,700,000, or 1.2 per cent. It is worth one thirty-fourth of its face value.

If our farmers will stand for this, they will stand for anything, and why worry about them. If they elect Congressmen who won't give satisfactory pledges for tariff reform, why should anyone strive for farm relief?

For instance, the old and the new tariffs seem to promise $379,300,000 on wheat. They give $17,600,000. Note the difference.

The old tariff promised $426,000,000 on corn, and the new tariff $710,000,000. Neither tariff is worth anything in normal years to corn prices, because the only imported corn is Argentine flint corn, lacking in starch, and good only for poultry feed as compared with our corn.

The old tariff promised $67,500,000 on hogs, and the new tariff $269,900,000. Neither is worth anything because we sell up to

$200,000,000 of pork and pork products abroad at free-trade prices and are the world's reservoir for these products. Exactly the same on tobacco, on which both tariffs promised $480,700,000 and gave only about $3,400,000, and that on the special type of shaded Sumatra only, and under protest of our general growers, because it makes our cheap cigars too expensive.

All these and similar figures are made by Federal experts and others who are complete masters of the agricultural tariff and its effect, and everywhere accepted.

How long, O Lord, how long will our farmers stand for this double-crossing, dishonest rates for manufacturers, and bunko rates to farmers?

H. E. MILES,
Chairman Fair Tariff League.

REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 325)

The VICE PRESIDENT laid before the Senate a communication from the Administrator of Veterans' Affairs, transmitting the Tenth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund under the provisions of law, which, with the accompanying papers, was referred to the Committee on Civil Service.

Mr. DALE. Mr. President, I ask that the report may be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. REED. Mr. President, a number of routine Army nominations have just come from the President. None of them is for a general officer. All of them are routine promotions of colonels or officers in lesser grades. I ask unanimous consent, as in executive session, that they may be confirmed.

Mr. KING. Mr. President, no new positions are created?

Mr. REED. No new positions are created.

The VICE PRESIDENT. Is there objection? Without objection, the nominations are confirmed.

PREVENTION OF UNEMPLOYMENT

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD an address by John P. Frey, who is secretary-treasurer of the metal trades department of the American Federation of Labor, delivered in the city of Washington on January 26, 1931, entitled "The Function of Wages and Hours of Labor in Permanently Preventing Unemployment."

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

From the day when it was organized the American Federation of Labor has been profoundly interested in establishing permanent preventives of unemployment.

On many occasions it has been forced to adopt policies to deal with the acute human and economic problems created by involuntary idleness during periods of industrial depression.

While recognizing that the unemployed must be housed and fed, trade-unionists have resented the thought that wage earners eager for work should be subjected to bread lines, cots in warehouses or armories, and the widely advertised public charity for their relief.

While the human suffering caused by widespread unemployment has gripped their heartstrings, American trade-unionists have been primarily interested in removing the basic reasons of unemployment. As a most practical and soundly economic method they have steadily and consistently advocated higher wages. We have believed that higher wages increase the volume of employment, while lower wages operate to decrease employment and the volume of manufactured goods.

The American Federation of Labor has been forced by necessity to study the economics involved in production and distribution and to search for a clearer understanding of the economic facts involved. At the Atlantic City convention of the American Federation of Labor, held in 1925, a declaration relative to wages was adopted which will bear restatement, for it has become the generally accepted position of our organized wage earners. In substance it was:

"That American industry and commerce must suffer serious injury unless the wage earners' real wage, the purchasing power of their wages, increased in proportion to industry's increasing capacity to produce."

It is evident from this statement, that in addition to insisting that the wage earner should receive a wage rate to which his labor entitles him, it is essential for the health of industry and commerce that these wages should increase in proportion to the wealth being created by industry and commerce, and that any failure to maintain such an economically sound wage must result injuriously to the wage earner, and disastrously to industry and commerce.

We will grasp the economic soundness of the American trade-union position by examining the industrial, commercial, and financial experience of recent years.

Whatever differences of opinion there may be as to the causes for the existing industrial depression, there will be agreement with the statement that a most serious industrial depression affects our country at the present time, and that similar depression varying in degree, is at present affecting practically every nation of the earth.

Many reasons for this world-wide depression have been advanced. Among the most important, apparently, are the diversion of wealth for military purposes in Europe and Asia; a world agricultural crisis; a fall in the value of silver; political unrest; burdensome taxation to pay off war debts; speculation, and overproduction or underconsumption. In our country the principal reasons are probably lowered agricultural prices and so-called overproduction.

The term "overproduction" is as unsatisfactory as it is misleading. We use it only because it has appeared so frequently in connection with statements relative to the causes for the unhappy industrial situation which now exists.

We are informed that there has been an overproduction of agricultural products; yet, in addition to the bread lines now to be seen in the industrial centers of the world, we find ourselves called upon to feed starving farmers in our own country, and witness the failure of hundreds of banks in the agricultural districts.

It is said that there has been an overproduction of manufactured goods; yet, nothing is more evident than that mankind is eager to own and use even more manufactured goods than have ever been produced. The problem is not in the capacity of our industries to produce but of the peoples of our country and of the world to find the means for purchase.

Since the World War manufacturing industries have been rapidly developed in countries which had previously depended largely upon others for manufactured goods. Processes of manufacture have been greatly improved. As a result, the wealth created by these industries has increased more rapidly than at any previous time in the world's history. Yet, we find the purchaser's market so unable to make use of this new creation of wealth and of industry's capacity to produce, that millions of wage earners in our own and many other countries are unemployed and many of them dependent upon private and public charity.

We can not reach sound conclusions as to the economic steps which are essential, if we are to prevent permanent unemployment, unless we have some understanding of the marvelous changes which have taken place in the creation of wealth by industry, agriculture, and through the enormously increased per capita productivity of labor.

Federal statistics for the 5-year period ending 1927 indicate that approximately 2,000,000 wage earners had been eliminated from the production and transportation industries; over 900,000 from our manufacturing establishments. Approximately 240,000 from our railway transportation service (and this does not include the railway shopmen), and some 800,000 from agriculture.

Yet, with the elimination of these 2,000,000 wage earners during a 5-year period, we find that in 1927 our manufacturing industries were producing more in volume and value than in 1922; that the number of ton-miles and passenger-miles hauled by our railroads was larger than ever before, and that the volume of our agricultural products had materially increased.

This 5-year period was practically a normal one. There had been no artificial stimulation to industry. There had been no serious depression. While we would not attempt to forecast, the experience of this 5-year period would justify the conclusion that during normal times in the future, if scientific and technical methods continue to be applied to industrial processes, that there will be a further elimination of wage earners required to produce an equal volume of goods which some now hold created an overproduction which caused the present industrial depression.

Industry's capacity to increase the volume of per capita production has been so rapid as to be revolutionary in its effect upon our civilization. Power and machinery in a most extraordinary manner have replaced the workman's brawn and skill. In 1869 there was 1.14 horsepower per wage earner applied in our American industries. The increase in the volume of power developed slowly, for in 1899 it was but 1.90. Beginning with the present century the development was rapid. In 1927 it had increased to 4.65 per wage earner, and at the present time it is assumed that it amounts to over 5 horsepower per capita.

This power has been applied to machinery, iron and steel carrying the strain formerly resting upon human backs. Much of this machinery performs operations which would be physically impossible to accomplish by human beings regardless of their physical strength or their manual skill.

To power and machinery have been added the application of chemical and other technical and scientific processes which have greatly increased industry's capacity to produce. Yet, with this enormous increase in productive capacity, we seem to be only beginning the application of industrial processes which will, to an even greater extent, increase the volume of per capita production in our manufacturing industries.

We are informed by Federal authority that if all of our blast furnaces were as efficient as the most efficient, the volume of production of pig iron at the close of 1929 could be secured by the employment of 3,000 men instead of the 28,000 then employed.

If our sawmills were operated as efficiently as the best, 45,000 men would do all of the work then being done by 292,000.

If our coal mines were operated on the basis of the most efficient, 420,000 men would produce the coal then requiring 750,000.

If our boot and shoe factories were all operated as efficiently as the best equipped, 28,000 boot and shoe workers would produce the same number of pairs of shoes then being turned out by 196,885.

Equally astounding statistics have been compiled relative to agriculture. We are informed that if agriculture was carried on as efficiently in all of the States as it was in Illinois in 1929, 3,500,000 farmers and farm laborers would produce what then required the labor of 8,100,000 men and women on our farms. Yet, the production of farm products per capita in Illinois is not as great as in Iowa.

Why is it that with this astonishing capacity to increase production we should find ourselves in the grip of so serious an industrial depression?

Are we to assume that increasing the Nation's wealth tends to create unemployment and stagnation of business? Are we to believe that the increasing productiveness of our farms necessitates the application of charity to keep many farmers from starvation? Are we to believe that increasing the wage earner's capacity to produce must result in increasing the number permanently unemployed?

If we are to believe these things, it will be because of our failure to understand the principal cause of our present economic unbalance, the failure to distribute the wealth created by industry and commerce so that the mass of the people can make use of the abundance of goods produced. In other words, we must interpret the present industrial depression by comparing the amount of wages paid to the new wealth created by industry.

It will then be found that primarily industry is staggering, and an army of unemployed are clamoring for work because industry and commerce, particularly since the war, have been paying wages which were economically unsound. The wage rates have been altogether too low.

Nothing could be more revealing than the cold, stark figures of the census of manufactures for 1929 as compared with the census for 1927. During these two years there was an increase of 393,006 in the number employed. The additional wages paid in 1929 over 1927 amounted to $572,828,522. This was a material increase in the wage earner's capacity to consume, but the value of the products increased so enormously during this 2-year period that the wage earners in industry were in reality much less able to purchase the output.

In 1927 the total value of our manufactured products was $62,718,347,289. In 1929 it was $69,417,515,929. In two years the value of these products had increased by $6,699,168,640.

To appreciate the full significance of these figures, we should compare them with those submitted by the census of manufactures for 1925 and 1923.

In 1923 the value of products for all manufacturing industries was $60,529,574,115. In 1925 it was $62,668,259,591. The increase in 1925 over 1923 was almost $2,000,000,000, but the increase of 1927 over 1925 was but a trifle over $50,000,000.

How does this compare with the total of wages paid? In 1923 the total of wages exclusive of salaries was $11,007,851,450. In 1925 it was $10,727,337,625. In 1927 it was $10,848,802,532.

The total value of products in 1923 was $60,529,574,115, while the total paid out in wages was $11,007,851,450.

In 1929 the value of products was $69,417,515,929 while the wages for that year were $11,421,631,054.

While the increase in the wages paid in 1929 over 1923 amounted to $413,779,604, the value of manufactured products increased from $60,529,574,115 to $69,417,515,929, an increase of $8,887,941,814.

It will be seen from these figures that although there was a rapidly widening gap from 1923 between the value of products and the volume of wages, that this gap was widened much more rapidly in the years 1928 and 1929.

We have not attempted to break down the figures for value of products into consumers and producers' goods. For the purpose of indicating the trend this is unnecessary. Even if these figures were broken down to an even greater extent, the outstanding feature would be the accelerating speed with which the value of products have outstripped the volume of wages.

Additional evidence of this widening gap is found in the Federal statistics which give the percentage of wages paid to the value added by manufacture. In 1849 the wage earner received in wages 23.3 per cent of the value of the finished product, and 51.1 per cent of the value added to the raw material through his labor. In 1929 the wage earner received 16.5 per cent of the value of the finished product, and but 36.2 per cent of the value added by labor.

As the principal market for our manufactured products is the home market, it is not difficult to understand why this enormous increase in the value of products as compared with the increase in the total wages paid, resulted in a collapse of the consumer's market, which, more than any other factor, or all of the other factors combined, is responsible for our present industrial and commercial stagnation.

The comparatively small increase in the total wages paid as compared to the enormous increase in the value of products manufactured, created a rapidly increasing undercapacity to consume.

Industry during these two years had more successfully than ever before demonstrated its capacity to produce, but had to an equally demonstrable degree failed to provide for a distribution of the wealth created, which would enable the mass of the people to maintain a consumer's market which would permit industry and commerce to function normally and healthfully.

In view of the rapidly widening gap between wealth created and wages paid between the years 1927 and 1929, it is of interest to note some of the financial results which followed.

Wages and salary payments in manufacturing industry for the first half of 1930 were approximately $815,000,000 less than for the first half of 1929. Yet, dividend payments for the first half of 1930 were $350,000,000 more than for the first six months of 1929.

Wage and salary payments to railroad employees for the first half of 1930 decreased $91,000,000. Yet, during the same period, railroad dividend payments increased $39,900,000.

During the first 11 months of 1930 all corporations paid out in interest and dividends $7,494,627,000. For the same 11 months of 1929 all corporations paid out $6,881,101,000, an increase of $613,526,000 over the same period of 1929.

It has been impossible to secure any such complete data relative to agriculture, though in this group we know that enormous suffering and financial loss has been caused because of the farmers' purchasing capacity return for their contribution to national welfare. It should be noted, however, that modern and more scientific methods have enabled the agriculturist to increase his per capita output, so that it has fully kept pace with industry's increasing capacity to produce.

The statistics relative to value production and total wages paid, with their staggering implications, make it evident that one main cause for the existing national depression has been the failure of those directing industry and commerce to understand certain simple economic facts. Industry can no more continue to produce without a market than it can check money out of the bank without having first made sufficient deposits.

Our production experts have astounded us with the results which they have secured in industry, and we are now staggering industrially because of their utter failure to stabilize production, or to establish an economically sound relation between the wealth produced by industry and the amount of wages paid to the workman.

Unless the real wage paid increases in proportion to industry's capacity to produce, there can be no permanent prevention of unemployment. It is a realization of this fact which led the American Federation of Labor to adopt the wage philosophy which it announced in 1925. It is not merely a question of what labor may be entitled to. It is largely a question of the volume of wages which must be paid unless industry and commerce desires to strangle itself, for dividends and interest will not continue to be paid unless the real wage is materially increased.

The American trade-union movement has steadily advocated a shortening of the hours of labor. The first trade-union effort was to establish a 10-hour day, then slowly the hours were reduced to 9, and then to 8 by the organized workers.

Our efforts met with the employers' active opposition. They held that shortening the hours of labor involved higher costs of production; that it retarded industry in the production of wealth, and increased the cost of products to the public; that shortening the hours of labor was unsocial as well as uneconomic.

Time and experience have proved that they were wrong, for as the hours of labor decreased, the output per capita increased while the labor costs of production decreased, although the dollar and cent wage were advancing.

The 9 and in some instances the 8 hour day had been established before present methods of industrial production had fully demonstrated their revolutionary effect.

The increased use of power, the introduction of new types of machinery, of chemical and other technical processes, the more intelligent direction of production, has created an entirely new economic condition.

HOURS OF LABOR

The justification and advisability of shortening the hours of labor are not entirely those of 50 years ago. It is no longer necessary that men should work as many hours as formerly so that all might live in comfort and abundance. The use of power to replace human brawn, and of machinery to replace the skilled craftsman, should give the mass of the people a much greater opportunity to enjoy the recreations and the opportunities which modern civilization affords.

If the industrial era which we are now entering was not so revolutionary in its results, we might not be justified in advancing the thought that the wage earner should have more leisure so that he would become a larger consumer by spending more money. Yet, unquestionably, many of our industries and business enterprises must depend in the future largely upon supplying those products which will be principally purchased in connection with the wage earner's leisure time.

The thought has been advanced in some quarters that reducing the hours of labor would reduce unemployment. We can not bring ourselves to advocate a reduction in the hours of labor with the belief that it would of itself reduce unemployment. If our assumption that the present industrial depression is due principally to the failure of industry to pay an economically sound wage, then reducing the hours of labor could not improve the situation except temporarily.

If one-half of our wage-earning population were idle and the other half working full time and those employed would agree to

work half time so that the other half would have employment and the total wages paid were not increased, then the only thing accomplished would be that everyone would be employed part time, but the total amount paid in wages would in no way increase the capacity of the wage earners as buyers.

The American trade-union movement believes that the hours of labor should be materially reduced. Humane, social, and economic facts justify such a reduction. But we are equally convinced that this is in no way a remedy for unemployment unless the wages are increased until they reach the point where the total real wage is balanced with the volume of wealth created by industry.

We have presented and considered the statistics and economics of the problem created by the relationship of total wages to total value of manufactured products. We have refrained from any expression of opinion relative to the moral, the social, and the political problems which these economic facts have created.

We have endeavored to present the data with the sole object of bringing out the facts. For our present purpose the facts brought out are so staggering in their implications that we have left them to speak for themselves. We have endeavored to restrict ourselves to the subject assigned to us—the part played by wages and hours of labor in the permanent prevention of unemployment.

The data to which your attention has been called should be sufficient to compel those occupying directive positions in industry and commerce to realize the vivid dangers which have been created through their failure to pay an economically sound wage.

COMMERCIAL ACTIVITIES IN SOUTH AND CENTRAL AMERICA

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD a statement regarding commercial activities of South and Central America, by Victor M. Cutter, president of the United Fruit Co.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

STATEMENT REGARDING COMMERCIAL ACTIVITIES OF SOUTH AND CENTRAL AMERICA

By Victor M. Cutter, president United Fruit Co., address at annual meeting, Wednesday, February 18, 1931

In common with other industrials, results for the past year indicate that the United Fruit Co. suffered to some extent from the world-wide business depression. Your management is not wasting time in mourning over the past, nor bewailing present conditions; its efforts are directed toward the future.

Our fundamental problem is that which it always has been: To produce, transport, and sell the highest quality products at the lowest possible price in such increasing quantities as will insure stable and permanent profits, compatible with reasonable prices to the consumer, fair wages to labor and management, and a just return to stockholders.

MEETING CHANGING CONDITIONS

Business depression not only requires more economy, careful planning, conservative production, and more aggressive selling, but with increasing insistence it demands careful research into ways and means for increasing volume and profits. It also demands open-mindedness and willingness to change company policy when found necessary to meet rapidly changing economic conditions.

Your management is aware that the trend of the times for the past few years has been toward increasing production and competition, not only in our own business but in industry in general. To meet this condition our operating expenditures five years ago were more closely budgeted than ever before and a plan was formulated for logically meeting increased production and competition as well as for increasing our own business. Our plan covered operations from production to sale and all the products in which we trade. It was realized that more facts about products and operations, together with closer forecasts of the future, were necessary to enable us to carry out this plan intelligently.

THE GREAT VALUE OF RESEARCH

Intensive research has been carried on as to varieties of our various products, methods of cultivation, irrigation, drainage, and agricultural practice. The result has been that research more than paid its cost in each year in improvements, which will, of course, continue throughout the years to come, and the unit cost of our produced products has dropped steadily each year for the past five years, with reasonable expectation that further reductions in cost can be made.

Sales research has largely increased our knowledge of our markets, has made possible the closer estimating of our requirements, and added to our ability to place a perfect product on the table of the consumer.

PLENTY OF GOOD BANANA LAND

1. Production: It was realized that our business required primarily sufficient reserves of land to enable it to be certain of a supply of lowest-cost, highest-quality products. Consequently, we have purchased during the past few years what we believe to be the best available lands, both cultivated and uncultivated, from the point of view of quality production, as well as location with respect to markets.

ECONOMIES IN TRANSPORTATION

2. Transportation: Intensive study has been carried on as to size of units, types of construction, methods of heating and refrigeration in our fleet, as well as research in transportation by mules, motors, tramways, cableways, and railways in the Tropics, and in the transporting of fruit after its arrival in the country of destination. Notable economies have been effected in all forms of transportation and great improvements in methods of handling have resulted in delivering more uniformly clean and well-ripened fruit to the consumer. Economies in ship operations and particularly in refrigeration have been notable.

INCREASING OUR SALES EFFORT

3. Sales: With production and transportation well cared for, it was realized that the greatest volume of business consistent with reasonable returns would furnish the broad base necessary for establishing permanency in our business. Our reorganized and strengthened sales forces were knit together so that we were in a position not only to serve our present markets but to expand into new markets until all temperate countries were properly supplied with our products.

Our operations have been unified so that we are in a position through our permanent supply of fruit, our adequate fleet, and our sales organizations to supply any shortage in any market and to some extent to relieve distressed and overloaded markets. All estimates and forecasts are made jointly by our production, transportation, and sales departments, coordinated through our statistical and forecasting service.

A SQUARE DEAL FOR EVERYONE

We have rigidly adhere to a policy of fair dealing in sales, without recourse to dumping, price cutting, rebates, advertising allowances, commissions, and unfair trade practices. On the other hand, we have increased our service to wholesalers, jobbers, and retailers by greatly amplifying our advertising and our sales promotion activities.

THE VALUE OF ADVERTISING

Advertising has been more largely employed than ever before and most effectively, not only institutional and educational advertising but direct mail as well. Educational work has emphasized the dietetic value of our products through the indorsements of doctors, dietitians, nursing schools, health centers, camps, and cooking schools. Moving-picture films have been utilized not only for development of our passenger and freight traffic but in visualizing to the public, and particularly our dealers and retailers, the banana industry from start to finish.

SMALLER CAPITAL DEMANDS

The completion of our 5-year plan and careful calculations for the future indicate the probability of smaller capital demands during the next few years than in the immediate past. Nevertheless our cash position has been kept strong in continuance of our conservative policy. The rigid economies effected in our operations will probably enable us to produce the best fruit, sugar, and cacao at the lowest known costs and to meet effectively any competition which may arise.

COST OF PURCHASED FRUIT TOO HIGH

It always has been our policy to purchase a large proportion of our fruit in the countries in which we operate, to pay the highest contract price for purchased fruit, and to require from our contractors in return the highest possible quality. This policy will be continued, in so far as possible, but bananas are now selling at below pre-war prices, and it is improbable that contract prices can be maintained at double the pre-war level for this product when all other agriculture is in extremity. It is certain that independent planters, free from heavy overhead charges, should be able to profitably sell their fruit to us at prices approximating our own production costs. Any expansion in planting tropical products under present conditions requires careful calculation as to quality and cost of production, as well as accurate forecasts of the probable demand and price trend over the next few years. Conservation of cash resources with moderation in production are therefore indicated at present for ourselves as well as other agriculturists.

BANANA WEIGHT RECORD WAS HIGH

In 1930 world shipments of bananas totaled about 103,000,000 stems of bananas, of which your company shipped approximately 65,000,000. In weight sold a new record for volume was established. Prices for sugar and cacao made a new low record for 30 years or more. Fruit prices were somewhat lower than during the preceding year. Passenger and freight traffic and our merchandise business suffered, due to the general depression, but somewhat less in the Caribbean area than elsewhere in the world.

OUR WORK IN THE TROPICS

After due allowance for depreciation the United Fruit Co. owns fixed properties in the Tropics valued at $126,000,000. During 1930 the company paid in taxes and duties, exclusive of the United States, nearly $5,000,000 to the governments of the various countries in which it operates; it bettered communications by increasing the number of stations and the scope of its radio operations; in owned and leased lands it has over a half million acres under cultivation, and it operates more than 1,700 miles of railways. It plays a useful part in furnishing employment to the nationals of the countries in which its plantations are found and the diversity of employment, coupled with the size of its pay rolls, has a tendency to stabilize economic conditions and to increase the purchasing power of the individual.

Last year in wages and for purchased fruit and sugarcane the company spent $42,610,416.86, an amount slightly larger than that expended in 1929.

Spent for pay rolls, purchased fruit and cane

Colombia	$7,643,933.60
Costa Rica	4,272,452.24
Cuba	5,184,106.30
Guatemala	3,083,223.95
Honduras	11,917,129.11
Jamaica	6,461,114.12
Panama	4,048,457.54
Total for 1930	42,610,416.86

COLOMBIA

During the year Mr. Enrique Olaya Herrera was elected to the Presidency. His country called him from his Washington post for this higher honor. Colombia has not escaped the economic depression due to low prices for all of her products, including coffee, the principal export. The Government program of public works will require careful and economical planning. Arrangements must be made for interest payments on substantial foreign loans effected in times of prosperity. Appreciable progress in balancing the Government budget has already been made. It appears of great importance to avoid additional heavy taxation and to settle pending questions of relationships with foreign oil, industrial, and railway companies. It is believed that President Enrique Olaya Herrera, with the background of many years' service in the interest of his country abroad and the support of the legislative branch, will be able to solve these problems so that Colombia may make the progress which her potential resources would indicate as possible.

COSTA RICA

The revenues of Costa Rica have shown a sharp decrease, due to low prices for its principal products and a heavy reduction in imports due to low purchasing power of the population caused by the depression. President Cleto Gonzalez Viques, with the approval of Congress, during the year definitely settled the banana tax, discussions of which had been carried on for some time previous. Settlement of this question was necessary in order to place this important industry on a proper basis. The appointment of Dr. Tomas Soley Guell as secretary of the treasury is significant because of his international reputation as a financier. Already there is evidence that progress is being made in balancing the national budget.

HONDURAS

Economic conditions are unsatisfactory in Honduras, as in other countries, but its obligations have been punctually met and under President Mejia Colindres a program of economy in governmental administration has had preferential attention. Governmental program of highway construction has been continued and notable progress has been made in education by the opening of new schools.

GUATEMALA

Guatemala is suffering from drastic reduction in price of coffee as well as sugar. Efforts are being made to balance revenues and expenses and the Government has recognized its obligations in the financial depression and will undoubtedly adjust her program to conform with the situation. The political changes which have occurred during the year have not affected industrial progress.

PANAMA

Panama has not suffered to the same extent as the other countries in which we operate. Progress has been made in the development of communications. The Government continues to encourage private initiative and enterprise.

NICARAGUA

President Moncada is giving Nicaragua an orderly administration. There have been occasional instances of banditry in isolated sections, but the country at large has been peaceful. Nicaragua has continued to reduce her bonded indebtedness. The development of the national guard, with consequent efficient police protection, will encourage industrial development. A boundary treaty has been signed with Honduras which will be helpful to both countries in their mutual relations.

SALVADOR

Salvador, although a populous and industrially well-developed country, has suffered severely through low prices for its products. Railway connections have been established through Guatemala, connecting Salvador with the Atlantic seaboard by rail for the first time in its history. This will give the country quick access to world markets.

JAMAICA

Jamaica is very nearly a 1-crop country, almost entirely dependent on the prosperity of the banana industry. Last year Jamaica had a record banana crop, due to favorable growing conditions, as well as extension of plantings. The prices realized by producers in the island have been steadily dropping for the past five years, as was to have been expected in view of the increased world production. The declining price trend for bananas and serious danger from hurricanes will lead the farsighted planter to consider greater diversification of crops.

DEVELOPING INTERNATIONAL COOPERATION

The most impressive development of the year, in the Republics of the Caribbean area, is the increasing evidence of their willingness to cooperate internationally. They have not escaped the consequences of low prices for their major products, yet their first concern has been to continue the service of their foreign obligations. This has meant radical curtailment of operating expenses—something which is never popular, yet the thoroughness with which the statesmen of these countries have met this problem constitutes the best assurance for a successful future.

Worthy of mention in this same connection is the conclusion of treaties providing for the friendly arbitration of boundaries—matters which have been pending solution for many years.

Last year marked the centenary of the death of Simon Bolivar—the Great Liberator of the five republics in northern South America. The event was marked by appropriate observance all over the world and it served to focus interest anew in the history of our southern neighbors. It is a source of satisfaction to witness this trend toward a better understanding of these same neighbors by our people in the United States.

MORE COMMON SENSE AND HARD WORK

It is evident that the prosperity of our own country can not in future be accomplished by splendid isolation. The recovery from the world-wide business depression will not be accomplished by means of local spending, tariff walls, or by artificial stimulants. Prosperity will return through carefully planned, progressive business policy, and with common sense and hard work. Production of agricultural and manufactured goods has been effective in great volume. The first step in the return to prosperity may well be found in more economical and wider distribution of products and the development of world markets. The United Fruit Co. has always strongly favored foreign trade and closer relations with other countries, both as regards production and markets. Our interest lies largely in Latin America, and it has been our policy to conduct our business in accordance with the highest ethical principles and business standards and to make it clear that we are interested in permanent development and not at all in temporary exploitation.

OUR EFFORTS TO BE HELPFUL

Our medical department has continued its efficient work and research, with special attention to sanitation and preventive medicine. The result has been freedom from any epidemics in the districts in which we operate. Malaria is more nearly under control in these districts than ever before. Mortality and sick rates now compare favorably with those prevailing in temperate climates.

We have continued to encourage and aid archæological, medical, and other research in the countries in which we operate. We have assisted in the development of the Caribbean area, not only as a winter playground but as an increasingly attractive all-the-year-round attraction. Honor students of schools in Latin America have been encouraged to visit our country, and we have aided honor students from our own country in visiting Latin America.

Our radio telegraph department has greatly increased its communications and has started broadcasting service in Latin America.

In short, our company has steadily followed its policy of improving communications, and fostering cultural and social relations, as well as increasing our business, in the territory throughout which it operates.

THE NEW YORK WORLD

Mr. COPELAND. Mr. President, I think everyone who has read the New York World for many years is interested to know about its status. There is a very interesting signed article by Mr. William A. Griffin, publisher of the New York Inquirer, being rather a fascinating account of the career of the New York World, which I ask may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Telegram, March 1, 1931]

INSIDE STORY OF PULITZER FAILURE—20 YEARS OF BLUNDERING, PETTINESS, AND ARROGANCE MARKED PULITZER DECLINE—POLICY OF NEWSPAPERS TOTALLY OUT OF SYMPATHY WITH SENTIMENTS OF FORMER SUPPORTERS—STRENGTH WASTED INDORSING UN-AMERICAN ATTITUDE IN FOREIGN AFFAIRS AND BECOMING COMMON SCOLD OF CITY, STATE, AND NATION

The cause of decent journalism sustained a loss this past week when two of the long-established World newspapers passed out of existence forever and the third one, the Evening World, was merged in the Evening Telegram. They should have been revived and made into spokesmen for American and Democratic ideals instead of passing into oblivion. From an historic point of view in the newspaper field, the passing of the New York World is a tragic event. It marks the death of a journal which for 50 years has claimed a national leadership in the morning field.

With all its faults, and it had many, the morning World had come to be considered by millions of people as the great organ of liberal thought and the great champion of the rights of the plain people.

CARVED NAME FOR ITSELF

Under the leadership of Joseph Pulitzer it had carved for itself, in spite of his strong prejudices and bitter personal enmities, a position which it took 20 years of blunders and weakness upon the part of his successors to destroy. In the early days of Pulitzer he made many fights for good causes and endeared the paper to a great following by the audacity and frankness and courage of his assaults upon corruption and entrenched privilege in many fields of activity.

Because of this his narrowness and intolerance on many questions were overlooked and he acquired for the paper a reputation for devotion to the best traditions of American Government and business that made the World a great power throughout the land.

But with success came the inevitable weakness that has followed so many self-made men in democracies. The paper gradually ceased to be American and became international in its policies and its adherence. It ceased to be Democratic and became the great modern organ of mugwumpism. It no longer thought the rights of the plain people to be of value compared with the privileges of the socially well-placed minority. It set aside its policy of trying to persuade its opponents in favor of one of scolding its friends and it came toward the close of his days to be the common scold of everything with which it disagreed and of everybody whom it could not control. The end was inevitable!

BECAME COMMON SCOLD

With the great sense of humor which has come to be the outstanding quality of Americans, the public will put up for a time with the eccentricities of one who has rendered to it some outstanding services. But we are easily bored and that which is continuously censorious presently becomes ridiculous. The tradition of success which had grown up under the adventurous father became a fixed obsession with the softly reared sons. Because of their belief that the father was infallible in the office of the World, arose the conviction that all courage and knowledge and capacity were centered there under the sons.

Presently they were not content with attempting to run the city or the State, or even the Nation; but they wanted to direct the affairs of mankind. On Friday came the end of such vainglorious dreams. The Pulitzers have passed into newspaper history and where Joseph thundered in the index, most of the remaining pages of the book were only blank paper. The people of New York have shown definitely once more their power to control those who pretend to make the sentiment of the community. We are a patient and long-suffering people, but we will not support with our patronage or our money a newspaper which advocates the establishment of the League of Nations or the World Court; a paper which would destroy the American Navy, our first line of defense; a paper which would transfer to the sorely tried shoulders of the American taxpayer another $10,000,000,000 by the cancellation of the foreign debts.

TRADITION BECAME OBSESSION

Add to these things the hysterical attacks constantly made on the elected public officials of the city, upon the leaders chosen for party purposes by the great majority of the citizens, the continual effort to point out the occasional blemish on the greatest city in the world without a word as to its manifold virtues and achievements and you have the reasons why there is no longer a morning or a Sunday World and why the Evening World has sunk its identity in the paper formerly the evening edition of James Gordon Bennett's New York Herald. Sic transit gloria mundi, and with it into the limbo of "soon to be forgotten" things have gone the little sons of a violent father.

A last-hour effort to save these papers in order to restore them to the service of the people of our Nation and State and city was made by the owner of these newspapers. Had we bought the papers we would have made them what Joseph Pulitzer pretended to make them, papers loyal to the finest ideals of our country and devoted to the best traditions of American journalism. But it was not to be. The process of failure had advanced too far to leave reasonable time for negotiation. A sudden sale was necessary and was arranged.

We trust that under the enterprising guidance of the Scripps-Howard syndicate the growth of the former James Gordon Bennett paper may be increased by what remains of the Joseph Pulitzer foundation. We wish for them clarity of judgment and increase of influence along any lines that make for service to our country, our State, or our city. We print in another column our offer to purchase these papers while they were still going concerns.

WILLIAM GRIFFIN,
Publisher Griffin Newspapers.

DETAILS OF GRIFFIN BID TO SALVAGE THE WORLD—PROPOSED TO CONTINUE OPERATING WITH EXISTING STAFF—COMPLETE POLICY REVERSAL ON WORLD COURT, FOREIGN AND LOCAL AFFAIRS CONTEMPLATED

FEBRUARY 26, 1931.

PRESS PUBLISHING CO. AND TRUSTEES UNDER THE LAST WILL AND TESTAMENT OF JOSEPH PULITZER, DECEASED.

GENTLEMEN: I hereby make you the following firm offer:

For the plant, machinery, equipment, good will and all tangible and intangible assets of the World, the Evening World, and Sunday World, $5,250,000, upon terms and conditions of payment to be mutually agreed upon.

The foregoing proposal is made subject to the following conditions:

That the policies of the papers referred to shall be unrestrictedly determined by me from my entry into possession without regard to any traditional attitudes or policy.

I shall conduct the papers with a decent respect for the opinion of others, but always retaining the right to have convictions and opinions of my own to be advanced without apology and advocated without loss of humor or good temper.

They will be dedicated to advancing and preserving, undeterred by any consideration of expediency, the fundamental principles of Americanism and Democracy, as exemplified by Washington, Jefferson, and Jackson.

They will enter upon and pursue resolutely these policies free from bias or prejudice against any individual or organization, whether political or other in character.

They will express the conviction that it is the privilege and the right of a great newspaper not alone to champion causes and principles but to support candidates and political leaders who are worthy of support.

They will be alert to oppose vice and corruption wherever found, and in that opposition they will not be bound by geographical or partisan lines.

They will champion the principle that personal rights are sacred and that property rights are entitled to the protection dictated by sound, progressive, social and economic principles under the law.

They will be devoted to the preservation of American institutions first and foremost.

They will champion adherence to the Monroe doctrine and all that that doctrine logically implies.

They will oppose the entrance of the United States into the World Court or participation in any entanglements in Old World politics as being subversive of the best interests of our people and of the unfettered sovereignty of this Nation.

In short, this proposal is submitted in contemplation of and with insistence upon the right of the proposer to conduct and manage these journals in accordance with his concept of the proper functions of progressive, liberal, humanitarian, and decent journalism—informing the public mind—but with no undue effort to control it—and untrammeled by the claims of any individual or group of individuals to special privileges.

Holding these views, as I do, I am persuaded that these newspapers may be brought to the high position to which they should belong and from which they have fallen by reason of their departure in various ways from the standards hereinbefore set forth.

Their present condition, in my opinion, follows upon a disregard of the national views and political philosophy of the greatest number in the community. The foreign policies of these papers in the past, I am convinced, have been opposed to what the vast majority of our citizens conceive to be the true interests of America.

Their position upon many internal affairs—sociologically and politically has done violence to the instinctive and reasoned convictions of the readers to whom they were addressed.

It is further contemplated that the stock ownership of these papers shall be vested in the employees of the papers in the largest measure consistent with the voting control by me.

I make known my position frankly to you, so that in the event of purchase there may be no claim made by you as to any right of direction as to the policies of any of the papers; or any claim that they have unknowingly departed from the policies or plans of the late Mr. Pulitzer. Moreover, it is upon these lines that I am now successfully conducting my own newspapers.

My attorney, Judge Daniel F. Cohalan, advises me that this offer must be conditioned upon your ability to pass unquestioned title to the properties forming the subject matter hereof.

Judge Cohalan and I will be pleased to confer with you, or your designated representatives, concerning this proposal at your early convenience.

Very truly yours,

WILLIAM GRIFFIN,
President Griffin Newspapers.

NO HINT GIVEN WORLD STAFF OF IMPENDING LOSS OF JOBS—MOST OF 3,000 EMPLOYEES LEFT STRANDED BY SUDDEN SCRAPPING OF NEWSPAPERS HAD SEVERAL UNEASY MONTHS—RUMORS THAT PULITZERS WERE TRYING TO SELL WERE NOT CONFIRMED UNTIL CASE WAS TAKEN TO SURROGATE'S COURT TUESDAY

The major tragedy of the sinking of one of the Nation's most famous papers and aspirant to the title of the American counterpart of the Manchester Guardian was the continued uneasiness in which the employees were kept ever since the rumors of the sale of the Pulitzer newspapers were circulated several months ago until the final death knell was rung and turned 3,000 highly specialized men into the street in search of new jobs.

Many of the men affected have served the World organization over long periods of time, some of the employees having records approaching the 40-year mark. The first official intimation they had that the many rumors were true was when the hearing was held before Surrogate Foley for the purpose of breaking the clause in the will which forbade the sale of the newspapers, which was reported to the Evening World by the news service.

The decision of the surrogate early Friday morning and the news that the Scripps-Howard contract for the sale of the newspapers had been completed was brought to James Barrett, veteran city editor, while he was at his desk getting out his editions, informing him that he and his colleagues were in the position of the crew of a sunken ship floundering on the heavy seas in flimsy lifeboats.

The final blow was preceded by a 2-day warning and the employees were more or less prepared, though hoping against hope that their bid to buy the newspapers and to be allowed to continue them, or that the bid of some other person who would continue them, might be accepted. Only a few months before when the rumor that the Times had bought the Pulitzer papers was current, they had the reassurance by an official bulletin from the executive office that no such move was contemplated.

As late as last Tuesday morning World employees were in utter darkness as to the status of their paper. Many of them, assailed by questioners, scoffed at the suggestion. They pointed out that the World, Evening World, and Sunday World all had substantial circulations and that such a pusillanimous surrender was unthinkable under the circumstances. The previous mergers in

New York City's newspaper history all came at logical times, or in response to attractive bids from a purchaser, like the late Frank A. Munsey, seeking to build up a powerful organization out of weaker journals.

The idea that anyone would voluntarily step out in search of a purchaser for the newspapers founded by the late Joseph Pulitzer under existing conditions was inconceivable to them. The scrapping of the morning and Sunday Worlds, and the absorption of the Evening World will hit from 80 to 90 per cent of the employees for whom there will be no openings in New York's newspaper circles. Editorial writers, men on the news staff, feature writers, compositors, stereotypers, pressmen, circulation, and advertising men are thrown on the employment market at a time when most staffs in the city have already been pared down to the bone. It has been pointed out that there are men in New York City to-day, former employees of James Gordon Bennett's Herald, who have not worked a day on a newspaper since it was merged, and who have managed to drag along on odd jobs since that time. Similar fates are expected for many of the World men.

This situation has aroused a considerable undercurrent of criticism for the sons of Joseph Pulitzer who were so indifferent to the welfare of their employees who had served them faithfully. The abject surrender is compared to the abandonment of a seaworthy ship on the high seas because of fancied fears on the part of the captain.

PROHIBITION

Mr. SHEPPARD. Mr. President, I ask permission to have published in the RECORD an article entitled "Signs of Drought in the Workers' Speak-Easies," by Whiting Williams, which appeared in the Literary Digest of February 14, 1931.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Literary Digest of February 14, 1931]

SIGNS OF DROUGHT IN THE WORKERS' SPEAK-EASIES

By Whiting Williams

He was able to get the gang's quart bottle of "smoke" up to his lips—but no further.

He just couldn't down it, once he discovered that the thin, milky, smokelike stuff was nothing but gasoline and denatured alcohol stolen from a near-by garage.

It was embarrassing, too, for in Chicago's jungle—only two blocks from the Union Station—his inability to gulp down the "smoke" led to the suspicion that he was not one of the gang, but a Government undercover man.

Nevertheless, as he tells us in the Survey Graphic (New York), Whiting Williams was able to get in and be accepted in the workers' speak-easies, and the results of his investigation will be rather surprising to those who believe that two speak-easies grow where one saloon grew before, and that there is more drunkenness and more money spent in liquor than prior to prohibition.

As he has done before in his investigation of labor problems and conditions, Mr. Williams, an employer, moved about in disguise and under an assumed name. He is not here attempting to settle the vexed question of prohibition, but to set down facts as he discovered them among groups of idle men, "whether found at plant gate, private or public employment office, the workers' speak-easy, the hobos' 'jungle,' or what have you."

Considered in conjunction with the Wickersham report, Mr. Williams's findings are doubly interesting.

Putting together all the hours and all the days in all the "wetter-than-average" places, the fact remains, says Mr. Williams, that—

"In the old days more intoxicated men than I discovered this year could have been encountered in two or, possibly, three saloons within a few blocks in a single one of the whole list of communities visited."

He recalls a winter's morning in Homestead in 1919, when the workers from a 13-hour night shift shoe-horned themselves into any one of the five or six saloons to get 1, 2, or 3 editions of "Blacksmith and his Helper"—a big whisky helped down by a huge beer—before they turned in to bed. But last summer Mr. Williams was prepared to defend this conviction:

"All the speak-easies of Homestead are not handling in a whole average day of 1930 as much of either alcohol or money as crossed a single average saloon bar in Homestead during a single morning of 1919."

The reason is plain, says this experienced investigator, and he points to the difference between the old saloon, with its bright lights and inviting comforts, and the modern speak-easy, dark and grimy, with the threat of the "law" always hanging over it. Much less money, too, is being spent for the manufacture of home-brew, finds Mr. Williams, and it has a constantly lowering percentage of alcohol. Other factors are working against the flow of liquor, for, as Mr. Williams sees it:

"Related undoubtedly to all this significant combination of greatly increased cost and danger, with decidedly decreased lure and sociability, is another surprising development—I mean the way every industrial district discloses nowadays hustling truckload after truckload of soft drinks, alongside still others of bottled milk!

"No one can observe these signs of industry's changing mores without being prepared to learn that carbonated beverages, mainly at a nickel a bottle, will total 15,000,000,000 half pints this year, and are increased each year steadily to the tune of a cool—in fact, an ice-cold—billion.

"This development, along with the several others mentioned, has doubtless behind it other changes than the eighteenth amendment alone.

"Certainly in Homestead, for instance, a huge blow was undoubtedly delivered against the 'Blacksmith and his Helper'—and all his other sweating Polish and Lithuanian acolytes—the very morning after that ungodly 13-hour night shift was assassinated, along with steel's 12-hour day.

"The same blacksmith was also, of course, given a cruel wallop by low-priced flivvers, inexpensive movies, and installment radios, as also by all the various constructive efforts of more intelligent labor leaders and more socialized employers."

Whatever the cause of its demise, finds Mr. Williams, it is plain that the saloon is dead, and its soul "is not marching on in the speak-easy," which leads to his third conviction: "That our present effort to control John Barleycorn has provided a cushioning of vast proportions against the impact of current unemployment."

Replying to the argument that the law is not enforced, Mr. Williams writes his fourth conviction that "anything like a loyally backed, efficiently organized and ably staffed effort at nation-wide enforcement is not yet two years old."

Interviews with Federal judges, district attorneys, and prohibition agents brought the same story. Ex-barkeeps and thugs have been weeded out; the enforcement agency represents not jobs but careers. "And one result is that when to-day we corner a bunch of 'leggers' and answer their query by assuring them that we're 'Federals,'" Mr. Williams was told, "they tell us, 'Don't shoot. We'll come down'—and they don't try bribes on us, either."

Conviction is becoming easier, says Mr. Williams, and he recites several instances of big bootleggers being convicted by high-calibered agents; though he admits that even the new policy will take time to get down to the small distillers in stable and garage who furnish liquor, bottles, labels, and even the cobwebs to deceive the trusting into believing that they are getting good Canadian liquor.

Mr. Williams's article was evidently written before the Wickersham report came out, for he says, "in the light of these recent administrative changes it is to be hoped that the Wickersham Commission will think it worth while to counsel longer trial of present efforts." The commission did counsel exactly that.

Any continuation of hard times, believes Mr. Williams, will quite likely be an increasingly forceful argument against any substitute for the speak-easy. "For surely," he writes, "as long as we are anxious to conserve to the utmost the productive power of the mass citizen, then we'd best be at least careful about monkeying with a plan which, whatever its faults, has undoubtedly transferred during recent years, and especially recent months, more than a few hundred millions of dollars from alcohol to gasoline, shoes, and bathtubs."

Without attempting to weigh the moral aspect of the problem of prohibition against the economic aspect—an aspect which doesn't affect some opponents of prohibition—Mr. Williams tells us a story that illustrates the difference in point of view between the prosperous "ritualists" and the hard-fisted "escapists." He was talking to a steel-worker friend in Pueblo, Colo.:

"'What the hell right have you got to write about that?' he exclaimed when I said I wanted to get up an article on the worker and prohibition.

"'I'll betcha a dollar,' he replied to my protest, 'you was never in a saloon a dozen times, and I'll betcha $4 you was never good and lousy drunk.'

"'Me,' he went on, 'I used to take 18 shots o' hard liquor every day—come in here and sweat it out before this furnace, and it didn't do me no harm. I mean physically. 'Course, we never had no money. So just lately, since the State went dry, the old woman and I was figurin' how we'd paid for the house, and would soon own the car. And then we got mad athinkin' how in all the big clubs, seems like, the rich people sit and talk about how Percy This and Reginald That are drinkin' more 'n before. And then they end up by saying, "Ain't prohibition hell?"

"'Reminds me how Jim Slavins and I went up to Denver one Sattiday night on a bat. We reckoned we'd drink up all the good liquor in Denver, and we'd 'a done it, 'ceptin' they run in a fresh supply on us about 4 in the mornin'.

"'Well, next day Jim ordered some ice water, and when it come he gulped it down with both hands on the pitcher. And when he set it down he says, "Damn these temperance guys," he says, "that tries to talk about water. They make me sick. W'y damn their eyes," he says, "they ain't got the faintest idea what a wonderful thing water is."'"

BOOKS FOR THE ADULT BLIND

Mr. SMOOT, from the Committee on Appropriations, reported back favorably without amendment the joint resolution (H. J. Res. 528) making an appropriation to provide books for the adult blind, which was considered by unanimous consent, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That to enable the Librarian of Congress to carry out the provisions of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year 1932, the sum of $100,000.

PROFFER OF ARTICLE ON "TWO YEARS OF HOOVER"

Mr. McNARY. Mr. President, the Sunday Star, published in the city of Washington, in the issue of March 1, contained a very able and interesting article by Hon. SIMEON D. FESS, chairman of the Republican National Committee, entitled "America Forges Ahead—Two Years of Hoover," which I ask unanimous consent to have inserted in the RECORD.

The VICE PRESIDENT. Without objection——

Mr. BARKLEY. Mr. President, reserving the right to object, is not that the same article to which the Senator from Arkansas [Mr. ROBINSON] objected earlier in the day?

Mr. McNARY. I did not know that objection was made.

Mr. BARKLEY. The Senator from Arkansas objected earlier in the day to the insertion of an article by the Senator from Ohio [Mr. FESS].

Mr. McNARY. Under those circumstances I will withhold the request.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. BLACK obtained the floor.

Mr. JONES. Mr. President, I have a conference report on the second deficiency appropriation bill which I desire to call up at this time. Will the Senator from Alabama yield for that purpose?

Mr. BLACK. I prefer not to yield for that purpose at this time, because I do not expect to talk very long. The Muscle Shoals matter has come up, and since it has come before the Senate the subject of Russia has been discussed at great length.

Mr. JONES. May I say to the Senator that it is quite important?

Mr. BLACK. Very well; if it does not take any time.

Mr. JONES. I do not think it will, because it is a complete agreement. May I say that the principal item in dispute was with reference to Charleston, S. C. That has been very satisfactorily arranged with the Senator from South Carolina [Mr. SMITH]. The Secretary of the Navy has money available that he can use, and he will use it. That is taken care of. This is a complete report.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. There is a conference report now pending before the Senate. If another conference report is presented and taken up for consideration, does not that supersede the first one?

The VICE PRESIDENT. Not if it is done by unanimous consent.

Mr. JONES. I ask unanimous consent that that may be done.

Mr. KING. I object.

The VICE PRESIDENT. Objection is made.

Mr. JONES. Very well; I withdraw the conference report for the time being.

MUSCLE SHOALS—VETO MESSAGE

The Senate resumed the consideration of the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes, returned to the Senate by the President without approval.

The VICE PRESIDENT. The question is, Will the Senate pass the joint resolution, the objections of the President of the United States to the contrary notwithstanding?

Mr. BLACK. Mr. President, the people of Alabama and the people of the South particularly have received a very great shock to-day. Bearing in mind the statements made by Mr. Hoover when he was a candidate for the high office of President and when he came to the South and sought the votes of the people of the South, they had believed that the present measure relating to Muscle Shoals would receive his signature. Thousands of people in the South voted for Mr. Hoover as the presidential candidate because he came into their midst and made statements which would have led any reasonable man to believe that he would sign a measure such as he has to-day vetoed. He has to-day vetoed a measure which would have placed thousands of people at work in Alabama, which would not have injured the business of the Nation, and which would have brought untold benefits to the people of the country.

Unfortunately, Mr. President, I am irresistibly led to the conclusion by the statements in the message that he has vetoed the bill with a thorough and complete misconception of the facts in the case. Either the facts as stated by the President in his message are incorrect or the facts as stated by the Army engineers in their report to this body, which was filed on March 24, 1930, were not correct. Which one of the two statements is correct it will be the duty of the public to determine.

It is unfortunate, Mr. President, that after 10 long years of delay the people of the Nation are to be denied a solution of this controvery as the first blast of the campaign of 1932 is turned loose upon them. It is to be regretted that for political advantage the people of the Nation shall longer suffer, as the wheels remain idle at Muscle Shoals, as the farmers of the Nation continue to pay tribute to the Government of Chile and to the foreign nitrate producers of the world, in order that the political advantages of the administration may be furthered.

It is true that the veto message which came to this body to-day will bring joy and gladness into the hearts of those who will contribute in most substantial amounts to the campaign in 1932, but it is likewise true that it will bring sadness and sorrow into the hearts of thousands of men and women who have been anxiously awaiting the time when the President elected by the people of the Nation would give to them that which they believed he had promised when he spoke at Elizabethton, Tenn., in the campaign of 1928.

Before I proceed further, and in order that there may be no misunderstanding when I say the veto message has been signed upon a misconception of facts, I invite attention to page 1 of the veto message, upon which this statement appears. In stating the value of the plant and the further capital which will be required it is said:

(e) Proposed construction of transmission lines for wholesale distribution of power within the transmission area—$40,000,000.

Note the expression "for wholesale distribution of power." Then I turn over to page 2, and I find a prepared itemized statement of the operating costs of Muscle Shoals, and I find thereafter this plain, blunt statement:

The estimated cost of production and distribution is therefore about 9.1 mills per kilowatt-hour.

The Senate will bear in mind that this is a plain unequivocal statement by the President of the United States, a statement which has now been heralded over the wires into every section of the country to the effect that it would cost 9.1 mills per kilowatt-hour for the production and distribution of power at the Muscle Shoals plant.

I now invite attention to the report filed by the Army engineers. We were told a few days ago that this is "a cold engineering proposition." The country was told it is not a political, but a cold engineering proposition. Bearing in mind that the veto message coming from the hand of the great engineer states that it will cost 9.1 mills per kilowatt-hour to produce and distribute power, I now invite attention to the signed statement of the Board of Engineers with reference to this particular project, which is a public document, House Document No. 328, Seventy-first Congress, second session, dated March 24, 1930, and I read from page 16, as follows:

22. Since the Government-owned hydro plant at Muscle Shoals has been in operation the power developed has amounted to only about 20 per cent of the available power which may be economically developed at the site, while the remainder has gone to waste. This has been a serious loss. It is due to the fact that the final disposition of the Muscle Shoals power and nitrate plants has not been decided upon and no long-term contract for the development and sale of this power could be made. The district engineer states that if the installation at this plant were increased to 340,000 kilowatts it could produce about 2,000,000,000 kilowatt-hours of primary and secondary power in an average year without the further development of storage.

With interest at 4 per cent on the investment, and proper charges for depreciation, amortization, maintenance, and operation, but no taxes or insurance—

And no taxes or insurance are included in the itemized statement of the veto message—

the cost of production of this entire amount is estimated at 1.36 mills per kilowatt-hour.

As a "cold engineering" fact by the very department which it was given out to the press would pass upon the bill, the country is told that it would cost 1.36 mills to produce the power. Oh, but, some one says, "What about the distribution?" Let us go a little further. It will be noted that the figures in the veto message refer to the wholesale distribution of power. It was estimated according to my understanding on a 250-mile transmission line. I now read further from the engineer's report:

The district engineer estimates that this power could be transmitted for use in conjunction with existing steam plants within a radius of 350 miles to give firm hydrosteam power at a cost of 4.16 mills per kilowatt-hour if it could all be sold.

It can be produced at Muscle Shoals for 1.36 mills and transmitted 350 miles, the engineers say, at a cost of 4.16 mills per kilowatt-hour. If this be a cold engineering proposition and not a political proposition, and if the veto message be not an argument in order to justify the present high rates of electricity throughout the country, I ask who is right—the engineering department, whose report was not made for the purpose of furnishing data to be used as a basis for vetoing Muscle Shoals legislation, or the veto message which has been received in this body to-day?

Why was this statement made? What is the object and purpose of attempting to mislead the country into believing that it will cost more than 9 mills to produce and distribute this power? Let us go a little further into the argument. A little further on we find that from some source—of course, it is not revealed in the message—there has been obtained certain information with reference to the wholesale prices of power in the Southern States. We find the statement made that electric current is sold at wholesale at 7 mills. That, of course, is most interesting information to the people in that section, many of whom pay as much as 10 cents.

But, going further, the argument is set forth that it is impossible to do anything on a paying basis at Muscle Shoals because the cost of the power is too high.

The statement is made that Muscle Shoals can not compete with power sold by the power companies at an average rate of 7 mills. But, Mr. President, the engineering department, after an exhaustive study, which has been reported to this body in two great volumes, has stated that it can be produced at 1.36 mills per kilowatt-hour and that it can be transmitted 350 miles at a little more than 4 mills; and yet the astounding statement comes to this body from the President of the United States in the face of the report of the engineering department of our Government, that it will cost more than 9 mills to produce and distribute electricity.

Let us proceed. The argument is made in the veto message that it will cost more by reason of the fact that the Government will expend more money at Cove Creek Dam. Let us see if that is in line with cold engineering facts. Remember that it is not a political issue but is a cold engineering question which faces the country. In the words of the President:

This is less than the present cost of generating equivalent power in modern steam plants. This power could be developed somewhat more economically with the aid of Cove Creek storage but this storage is not essential to the economic development and sale of much of the available potential power at Dam No. 2, Muscle Shoals.

Mr. President, if it be true that we are to consider this from a cold engineering standpoint, the question immediately arises, Shall we take the statement which has been sent to this body by the engineering department when there was no question involved of relieving the people of this Nation from the throttle-hold of the power interests and the fertilizer companies?

I state to-day, as I have previously stated here, that there are two interests that benefit by the delay of Muscle Shoals legislation. Yea, I might say there are now three. The two interests to which I have previously referred are the fertilizer interests and the power companies. It might be said now that it must be thought that political parties can also benefit by further holding up the settlement of this 10-year-old program.

Mr. President, that is but one of many such statements which appear in the veto message. I find in the message, on page 4, this statement:

The plants at Muscle Shoals were originally built for a production of nitrates for use in war explosives. I am advised by the War Department that the very large development in the United States by private enterprise in the manufacture of synthetic nitrogen now affords an ample supply covering any possible requirements of war.

I deny that statement, and I claim that it can be disproved by the facts in the War Department, by the figures in the Commerce Department, and by the facts that appear in every magazine in this Nation which has collected facts with reference to the production of nitrogen. If we have enough nitrogen to take care of explosives for war purposes, it will be necessary at the same time to have enough nitrogen to take care of our agricultural sections. How could we fight a war without food? It would be impossible. And we know at the outset that in case of war we can not withdraw the nitrogen which now must be used on the farms in order to utilize it for explosives. If we should do that, agriculture would suffer; food could not be supplied to our people; and our ability to defend this Nation would be seriously curtailed.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I yield.

Mr. NORRIS. Before the Senator from Alabama leaves the power proposition, I want to ask him if it is not true that the engineers' estimate of the cost of 1.36 mills for power was based upon Muscle Shoals without Cove Creek Dam?

Mr. BLACK. That is correct.

Mr. NORRIS. It must be apparent, then, that with Cove Creek Dam everybody admits that power can be produced at a cost very much below 1.36 mills. Is not that true?

Mr. BLACK. That is true, except as to the statement that everybody admits it. Everybody admitted it until to-day. Until to-day it was admitted by everyone, so far as I know, who has ever said anything about Muscle Shoals or known anything about Muscle Shoals.

Mr. NORRIS. The only place where the Senator finds it is not admitted is in the President's veto message.

Mr. BLACK. That is correct.

Mr. NORRIS. But the school child knows that if we should increase the flow of the Tennessee River at Dam No. 2 in times of low water and decrease the flow in times of high water, which Cove Creek Dam would do, there would be a very material increase of primary power at Muscle Shoals Dam; and if without the equalization that Cove Creek Dam will bring about the engineers are right when they say that power can be produced for 1.36 mills per kilowatt-hour, it would follow that if the primary power should be practically doubled it would pretty nearly cut the cost in two.

Mr. BLACK. I fully agree with the Senator from Nebraska, and until to-day I did not know that that proposition had ever been questioned. As a matter of fact, although I have given some study to the proposition, although I have received many estimates from the engineering department, although they have given out many statements concerning it, so far as I know, until to-day no individual has ever denied, expressly or by inference, that it would not reduce the cost of the production of power at Muscle Shoals to build Cove Creek Dam.

Mr. President, I referred a few moments ago to the statement in the veto message that the War Department had advised—

That the very large development in the United States by private enterprise in the manufacture of synthetic nitrogen now affords an ample supply covering any possible requirements of war.

It is a well-known fact that we would need no less nitrogen for fertilizer purposes in time of war than in time of

peace. As a matter of fact, it is necessary. It would be essential that the farmer should have fertilizer in order to feed the armies and to feed the people.

I now call attention to the fact that in the year 1929 there were used in this country a total of 513,300 tons of nitrogen. There were imported into the country a total of 239,500 tons. Without that 239,500 tons of nitrogen, even in a time of peace when we were not called upon for explosives in order to protect our country, it was necessary to import 239,500 tons of nitrogen. In the next year, 1930, with the depression on, there was a total consumption of nitrogen of 485,000 tons, and the total imports were 180,000 tons. Suppose that we should be cut off from the nitrogen of the world and should be compelled suddenly to replace that 180,000 tons of nitrogen with the additional amount which would be required for war purposes, is there anyone who is foolish enough to believe that the Secretary of War, under those circumstances, would say that we have all the nitrogen that we need for war purposes?

Mr. President, this is the only civilized country in the world, except Russia, that is not independent of other countries for its nitrogen, and it is because of the same interests that have worked year in and year out against a bill which would provide for the operation of the nitrate plants at Muscle Shoals.

In view of the fact that the Secretary of War has made the statement that we need no nitrates from abroad, I desire to read a part of the hearings before the Committee on Foreign Relations with reference to the naval disarmament treaty.

No one would say, I presume, that the naval officers who appeared and testified before the Foreign Relations Committee were testifying with an idea that their evidence would have anything to do with Muscle Shoals, yet we find this statement in the testimony. Remembering that the Secretary of War says, according to the veto message, that we do not need any nitrogen from abroad. Let me read the statement that was made by Rear Admiral W. H. Stanley, United States Navy, found on pages 311 and 315 of the hearings before the Foreign Relations Committee, a document printed by the United States Government Printing Office:

Admiral STANLEY. Commerce protection, of course, becomes necessary when we engage in a war with some enemy. The necessity for commerce protection comes from the fact that this country is not self-supporting in a war.

Note that:

This country is not self-supporting in a war.

Now, let us see why he said it was not self-supporting:

We must obtain raw materials from other countries to carry on a war.

Senator JOHNSON. For instance?

Admiral STANLEY. We must have rubber, we must have nitrates, we must have manganese—

And so forth.

Then, on page 315, bearing in mind that he had made the statement that we must build ships and spend money at the rate of from twenty-five to forty-five million dollars per ship to protect our commerce, I return to the subject:

Senator BLACK. Returning to the subject of the commerce which you say we have to protect, or need to protect, you mentioned nitrates. Where do those nitrates come from?

Admiral STANLEY. They come from Brazil and Chile.

Senator BLACK. Do you recall whether or not it is a fact that the first naval engagement of the World War was fought off the coast of Chile?

Admiral STANLEY. Yes.

Senator BLACK. In order to protect nitrates?

Admiral STANLEY. Yes; I think that was it.

And yet, in spite of that the Secretary of War holds that we are independent, according to the veto message, we imported last year 180,000 tons, or practically 40 per cent of the total amount that was used; and if this country should become involved in war to-day it would send its $40,000,000 battleships down to protect the coast of Chile.

But what difference does that make? The operation of the nitrate plants will interfere with the Guggenheims. The Guggenheims have a half control of the nitrate beds in Chile. The southern farmer pays 25 per cent of the entire taxes of the Chilean Government. The farmers of the States of Alabama, Louisiana, Georgia, Mississippi, North Carolina, and South Carolina pay practically 25 per cent of every dollar of revenue that goes into the Chilean Government's treasury. Why is that? It is because we are afraid, as alleged, that if we provide for a lease to be made of Muscle Shoals it will interfere with private initiative and destroy individualism in America.

The Secretary of War says, according to the veto message, that we need no nitrogen from abroad. Let the Secretary of War and the others who make that statement explain to the country where this 180,000 tons of nitrogen would come from if war should be declared against this Nation. Let them, before they herald abroad throughout this land the misleading information that we are producing as much nitrogen as we need, explain, if they can, what will replace that 40 per cent of nitrogen which was used in this country last year in peace times.

It is well known that if war should be declared we would need more nitrogen, not less nitrogen. What difference does it make if we train our boys, if we call them from their homes and take them away from their parents to fight our battles, if we spend $40,000,000 in building battleships—what difference does it make if, after those battleships are built and after those boys are taken away from their homes and their firesides, we do not have the necessary elements to provide explosives to be used in war time? Why do we not have them? It is because the chemical interests and the power interests have a throttle-hold upon the government of this Nation.

Let there be no mistake. If that had not been true, these plants would have long since been in operation. This issue is as plain as it can be. It is an issue between those who seek, as best they can, to represent the best interests of the plain people of this Nation, as against those who depend upon the untold wealth, the incalculable millions of the beneficiaries of special privilege and predatory greed to stifle the voice of the people and defeat legislation intended for their benefit.

If that is to be the issue in 1932, if this is to be the opening battle, let there be no mistake. Let each man place himself where his conscience and his political philosophy entitle him to be.

Those who oppose this measure belong on the side of special privilege and greed. They belong on the side of those who have gained immense wealth by extracting it from the pocketbooks of the poor people whom they have had under their heel through the years of their oppression. If the issue can be carried to the people, if the press will give the message as it is and let it speak for itself, if the news flashed abroad over the wires reaches into the remote country precincts, be not deceived. The people will know, and the issue will be plain.

This Muscle Shoals measure is dying at this session of Congress because the power companies and the fertilizer companies and those who control the wealth of this Nation want it to die. It is dying because it is known that if it should be signed and become a law the farmers of this Nation would have for one time the privilege and opportunity of buying fertilizer at a reasonable rate. It is dying because of the fear of those who sit in the high places and who extract their millions from the pockets of the people of this country who pay an extortionate price for the electric current which turns the washing machine, which illuminates the humble home, which revolves the wheels of industry, and which operates the great business of this Nation.

Never before in all the history of the world have more fabulous fortunes been made than have been accumulated in this Nation by the beneficiaries of special privilege and greed. I make no exceptions. They are not even willing to give to the plain, average, everyday citizen the crumbs that fall from their tables. In an age when wealth has been concentrated in the hands of a few in this country with their immense wealth, they stand like a giant colossus, and they show their power when the time comes that it is to be made manifest; and it has been shown in the Muscle Shoals veto.

Mr. President, when the admirals were talking for a big Navy, when the admirals desired to dig down into the pockets of the taxpayers in order to build a navy to protect the commerce of this Nation, they said, "We must build big ships in order to protect the nitrate deposits in Chile." To-day, however, the shoe is on a different foot. The question is, Shall there be the slightest opposition to and competition with the huge chemical companies that have created their fabulous wealth over night, some of them making as much as 500 per cent in a year? Shall there be any competition with the huge power companies, one of which was shown by the investigation before the Federal Trade Commission to have made more than 3,000 per cent on the investment in one year?

The battle is on. The people will not be fooled.

Now, let us go a little further with reference to these statements in the President's message.

The statement is made that the leasing provision should be dismissed as if by a snap of the finger because it is of no importance. The statement is as follows:

> I may state at once that the limitations put upon lessees in the bill are such that this provision is of no genuine importance.

Of course, the limitation was that they should make only 8 per cent profit. I am willing to admit, in this day when huge fortunes are built overnight, when 3,000 per cent is common, when such huge profits are welcomed by the great, that a mere matter of 8 per cent is not worth the snap of a finger.

Promoters are not accustomed to a limitation of profit to 8 per cent. Let us go a little further.

> Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease and they have replied that under the conditions set out in the bill it is entirely impractical for them to make any bid.

The President was given a year, under the joint resolution, to find a lessee. In five short days the investigation is sufficient to enable him to say that no lessee can be obtained. Of whom were those inquiries made? Let us see:

> Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease.

Who were they? People engaged in the same business, of course. A search would not be made among those who were not engaged in the same business. The inquiry was evidently made, "If I sign this bill, will you bid, and instead of making the huge profits you have heretofore made on account of a prohibitive embargo tariff, accept 8 per cent?"

Naturally there are few of us who would have anticipated that under those circumstances the possible bidders would have fallen over themselves to say they would bid. Naturally they might also have wanted to know the terms of the lease. They might also have wanted to know the price of the power.

It would be interesting to know whether they were told that this power would cost them 9 mills, when the engineers say they could buy it there on the spot, if they bought it at cost, for 1.36 mills. It would be interesting to know whether these people were offered that power at 2 mills, the price which the Alabama Power Co. pays to-day.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator.

Mr. McKELLAR. Would it not also be very interesting to know to whom the inquiries were addressed?

Mr. BLACK. It would be interesting to know whether the Guggenheims, who are engaged in the nitrate business, were queried. It would be interesting to know whether or not the du Ponts, who are engaged in the chemical business, were asked about it. It would be interesting to know whether the Carbide Co. was asked anything about it.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. NORRIS. I will ask the Senator if it would not also be interesting to know why a great business man, a great engineer, should sell power to the Alabama Power Co. for 2 mills a kilowatt-hour, when he says it costs over 9 mills to make it, when Florence and the other cities there are willing to pay what it does cost, and he will not sell it to them?

Mr. BLACK. Of course, it costs less to make it when it is to be sold to the Alabama Power Co. than it would to make it for sale to a municipality! That is manifest, of course!

Mr. McKELLAR. Mr. President, that is an engineering fact.

Mr. BLACK. That is a cold engineering proposition. There is nothing political in that.

Is it not interesting to imagine that where eight or ten million dollars is to be invested, without any terms of the proposed lease having been set forth, without any statement having been made as to the price which the lessee would have to pay for power, without outlining what form the lease was to take, that the position should be assumed that because no one comes forth and says, "We will invest this eight or ten million dollars," it necessarily follows that nobody would make an offer?

I make the statement, and I challenge contradiction from any man who knows anything about the situation which faces the people of this country and who knows anything about the chemical business and this lease provision, that there is not the slightest shadow of doubt on earth but that if this measure had been signed, a lessee would have been promptly obtained. Let us see.

> The leasing provision is therefore of no utility; it may at once be dismissed.

This leasing provision is dismissed in six lines by the President. In order that we may get some idea of what it is, let me call attention to the leasing provision. Language to the contrary notwithstanding, it is as clear and unambiguous as any statement that was ever written. He who runs can read it and understand it if he has average intelligence.

Mr. McKELLAR. Mr. President, can an engineering intelligence understand it?

Mr. BLACK. Of course, this is a cold engineering proposition. The inference is left in this veto message that it is proposed to put the Government into the fertilizer business. For four years I have been in this body, and I think it will be remembered that in the first remarks I ever made on this floor I said I thought the best way to operate this plant so as to produce fertilizer was by a lease properly safeguarded. That is the position I have held. That did not mean I was not willing to have the Government operate the plant if it could not be operated under a lease.

Let me call attention to this leasing provision. A lessee could go there and buy all the power he wanted at a price fixed as fair and reasonable by the President. Is there anything wrong about that? I think the lessee probably would have to obtain the approval of the board appointed by the President, but it would be his board. Is there anything wrong about that? Are there any limitations in that? That was up to the President.

The lessee starts out by buying all the power he needs to manufacture fertilizer or fertilizer ingredients exclusively, except that he can manufacture the necessary by-products. That is the first part of the lease. It was up to the President to set out the terms, to fix the prices of power, and there at Muscle Shoals, if his engineers knew what they were talking about, he could have sold it for 2 mills or less, not 9 mills.

That is the first part of the leasing provision. After they had manufactured all of the fertilizer they could manufacture, it is provided that the lessee would have a preference in a certain amount of additional power for manufacturing purposes. Naturally the rate would have been attractive, because of the fact that the power would be produced there at 1.36 mills, and it would cost them probably five or ten times that much to buy it from the Alabama Power Co.

Going a step further, they could get all the secondary power they wanted to utilize in the manufacture of other products. So there it was.

On the fertilizer they sold they were given the privilege of making an 8 per cent profit, but on the other independent products there was no limitation of profit. That made it attractive. It was equivalent to saying to the prospective lessee, "We want you to manufacture fertilizer. You come

in and manufacture fertilizer and we will give you only 8 per cent profit, but every time you use 100 kilowatts for manufacturing fertilizer and passing the benefit on to the farmer, we will sell you 15 additional kilowatts to manufacture other products, with no limitation of profit, and we will likewise sell you all the secondary power you want if we have it."

That is a very attractive proposition to chemical companies, but it guarantees that they must manufacture fertilizer, and that they must sell it at 8 per cent profit. It is an automatic guarantee, because if they did not manufacture fertilizer and use power for that purpose, they could not buy power to use in the manufacture of other commodities and obtain more than an 8 per cent profit.

The fly in the ointment is that if they manufactured fertilizer, they would be competing with the American Cyanamid Co.'s plant at Niagara Falls. This company imported 50,000 tons of that product into this country last year. The total capacity of the cyanamide plant at Muscle Shoals, when built, was 40,000 tons.

They would compete with the nitrate of Chile, which is largely owned to-day by the Guggenheim interests. It would have placed thousands of people to work in a section where they were most severely injured by the drought, and where the Red Cross has been compelled to go and take food to the starving people. It would have carried real farm benefit to the farmers of this Nation, and it would have accomplished this by competing, not with American nitrogen, but by employing American labor, whereas the fertilizer which we use to-day is produced by the labor of people in Chile and in Canada.

According to the iniquitous tariff bill which was signed, this is supposed to be an administration which believes in a tariff. Yet we are not accorded the privilege of operating for the benefit of our people our own property, paid for by the hard-earned dollars of the toilers of this Nation. Why? Because the Fertilizer Trust and the Power Trust object to it.

If that issue is to be carried to the people, let it go squarely. Let it be known that the issue is whether the people want representatives in this Government who stand for the interests of all, or representatives who stand for the interests of the specially privileged few, who can make the largest contributions in campaign years.

Mr. NORRIS. Mr. President, I want to make a suggestion to the Senator from Washington. I presume he knows it better than I do, but there are some indications from what I have heard that there is a filibuster on the conference report on the maternity bill. Everyone ought to have the right to debate everything fully. I think that matter has been fully debated. A determined filibuster can prevent the passage of anything between now and noon on the 4th of March. But I want to suggest to the Senator from Washington that there is only one way to fight fire, and that is to fight it with fire. If there is a filibuster on the maternity bill I think he ought to object to anything and everything and fight it out on that bill and not grant unanimous consent for anything for friend or foe.

Mr. REED. Mr. President, I have not supplied any fire. I have not talked five minutes to-day.

Mr. NORRIS. I am not charging the Senator from Pennsylvania with anything. I am not thinking of him or the proposition he has made. If we have a filibuster to fight we can not let our friends get in and have a lot of measures passed, because that will end the filibuster.

Mr. REED. Of course, that is true. The Senator from Washington is up against what no other Member of the Senate is. As chairman of the Committee on Appropriations he is charged with responsibility for a vast amount of legislation. We are all trying to get the business of the country done. This poor little Army bill that I am trying to get considered now has no connection with the other matters referred to and I hope it may be agreed to.

Mr. BLACK. Mr. President, the statement is made in the veto message that the Department of Agriculture reports that these plants are now more or less obsolete. I desire to invite the attention of the Senate to the fact that that would not be material in so far as the bill is concerned. A lessee could construct other plants which would not be obsolete if these plants are obsolete. But it is a little bit remarkable, if these plants are obsolete that we should have imported into this country last year 50,000 tons of fertilizer manufactured by a plant similar to the plant at Muscle Shoals. Of course the Secretary of Agriculture may be right and the plant at Niagara Falls may be obsolete. It may be that they are shipping that fertilizer here and competing with fertilizer which is manufactured in an obsolete plant; but it is a little remarkable that on an open market on open competitive bids the farm bureau of Alabama purchased the exact kind of fertilizer manufactured by this process and is using it now in the year 1931. Therefore if the Secretary of Agriculture is right and if the plant is obsolete, an obsolete plant exactly like it is competing with all the modern up-to-date plants in the world and is taking their business away from them in progressive America.

This is the next statement in the veto message which shows a misconception of the facts. I shall later call attention to the fact that although on page 4 of the veto message the plant is said to be obsolete, yet on page 7 the conclusion is reached that there is a great possibility at Muscle Shoals for the farmer.

The statement is also made, ostensibly on the faith of a statement by the Department of Agriculture, that fertilizer could not be manufactured at Muscle Shoals as cheaply as it is sold to-day on the wholesale market. Chilean nitrate is bringing $39 per ton at the port, or it was a few days ago. Thirty-nine dollars per ton at the port is 13 cents a pound wholesale. In a test run at Muscle Shoals immediately after the project was completed, valuing the power at 4 mills when it only cost 1.36 mills to produce it, nitrogen was manufactured at a cost of 8.75 cents per pound. Ten years ago, without the new and modern improvements, with a test run at 4 mills per kilowatt for the power, nitrogen was produced at 8.75 cents per pound, and Chilean nitrate is selling to-day wholesale at the port for 13 cents per pound.

It is also undoubtedly true that if fertilizer should be manufactured down there according to new and up-to-date methods it could be manufactured at from 3 to 5 cents per pound. Its cost wholesale to-day at the port is 13 cents per pound. Yet the Secretary of Agriculture, famous because of his fear that we were recently advancing perilously near to a dole, doles out the information that fertilizer can not be produced to-day at Muscle Shoals as cheaply as it is sold wholesale in this country.

What reason is there to think that if it could be manufactured 10 years ago, valuing power at 4 mills per kilowatt-hour, so as to sell at 8.75 cents per pound, that it should cost more than 13 cents per pound to-day, if the power were valued at 1.36 mills? It is but another of the glaring inaccuracies and misconceptions that appear in the message from the first to the last page of this veto message. Having no case to build upon facts, it became necessary to send to the departments to obtain information which could be exploded in the records of these departments.

What is the proposition for solution of this 10-year old problem? What great thought has been evolved in the contemplation of the "cold engineering" problems involved to settle this age-old controversy? What new thought is projected out into the world from the mind of the great engineer to settle the Muscle Shoals problem? A commission—another commission! Commissions have been piled upon top of commissions until it is difficult to find one's way through the bureaus in the city of Washington. There are commissions to determine everything imaginable from the cradle to the grave, commissions to determine the kind of food we shall eat, the kind of clothes we shall wear; commissions to determine our foreign relations—commissions and commissions at every turn. And now there is projected another commission—and what a commission!

And what is the latest commission? Here it is: It is proposed that the States of Alabama and Tennessee should set up a commission. Do we recall how readily Arizona agreed with California and how Colorado and Arizona rushed into each other's loving embrace in order to settle a power controversy? Quite to the contrary. Is it likely that Alabama and Tennessee would act in a different manner to settle the Muscle Shoals controversy? Now isn't that a wonderful suggestion? It might have sprung from the brains of the high officials of the great power companies who bid fair to control the destinies of the Nation.

Let us see who is going to be on the commission besides the representatives of the two States.

A representative from the national farm organizations.

Where have the national farm organizations been for the past few weeks when the fight has been raging in Washington in an effort to obtain cheap fertilizer for the American farmer? Where have the leaders of these farm organizations been while the fight was on to reduce the price of fertilizer to the American farmer? Where were the "generals" of agriculture employed by the farmers of the Nation to come to Washington to look out for their interests? Have their voices been raised in an appeal to the President of the United States? Have their voices been heard aiding those who seek really to benefit the American farmer? Yes, Mr. President, it is fitting and appropriate that these gentlemen, who have been as silent as the tomb, whose voices have not been audible in Washington in the past two weeks, who have not come here to fight the battles of the farmers of the Nation, should be added to the commission.

Who constitutes the other part of this commission that will solve this problem as though by magic? Let me quote from the veto message:

The Corps of Army Engineers.

Now, which Army engineer will we get? Will we get the Army engineer who reported that power at Muscle Shoals cost 9 mills or will we get the engineer who reported that power at Muscle Shoals cost 1.36 mills? Which one of these Army engineers will be added to this commission? Who will appoint this Army engineer, and who will approve him before his name comes for appointment to this body?

Yes, Mr. President; another great argument has come forth, a new thought has been born into the world. A commission must solve the problems of the universe. With commissions, why should poor, struggling humanity worry any more over its ills? Are political philosophers troubled? Are they distressed? Are they torn between conflicting emotions? Are they doubtful as to the course to pursue upon some delicate governmental problem? Appoint a commission; let a commission decide it. Why not let a commission decide this controversy as to Government operation and private operation if commissions are so all-powerful and infallible?

O Mr. President, this is but another suggestion longer to retard the hopes of the people who have looked with longing eyes toward Muscle Shoals as a place where the price of their fertilizer could be reduced, and they could see instead of starvation the hope of food and clothes for themselves and for their children. But what hope is there? Shall it become enmeshed in a commission? No, Mr. President; it is manifest that there is only one remedy. That remedy is not in a commission; it is in the sovereign voice of those who should be sovereign in this Nation. It rests with the people of America. Thank God, the power interests have not yet been able to take away their sovereignty. They may poison their minds with false propaganda; they may enter the sacred precincts of the public schools; they may invade the sanctity of the colleges of this Nation; they may employ college professors to instill false doctrines into the minds of the youth of the land; but as yet the people still have the right to vote and the people still have the right to elect their officials. Thank God for that.

Of course, this right would be taken away from them. One sees in the reactionary press the hope expressed day by day of a coming change. Here and yonder one finds expression given to the idea of degeneration in the lawmaking bodies of this land because the people have been selecting them. Mr. President, I admit, in so far as the service of the special privileged is concerned, that that class would be benefited by taking away the right of suffrage; but the people of this country will not yield it. By a slow and tedious process they obtained for themselves the right to name their officials in this and other bodies; it has been an age-old struggle and every inch they have gained as they marched forward has been acquired after toilsome labor and sacrifice.

I do not stand here as an exponent of Government operation in business; I favor the operation of private business by private initiative whenever it can be accomplished. I would not break down a single one of the traditional principles underlying American achievement; but, Mr. President, the time is coming in this Nation when something must be done in order to curb the growing power of those who themselves seek to destroy the private initiative and competitive business system upon which this Nation has been built. They want no competitive business system; they desire a government of monopoly for monopoly and by monopoly; and I predict that when this bill passes at the next session of Congress, and passes over the veto of the present President, as I believe it will, the people will obtain great benefits in every section of this land.

The farmers in Alabama last year went out under the burning sun and toiled from sunrise until sundown to raise cotton, which was manipulated by the same shrewd minds that control to such a large extent the affairs of this Government to-day, and every pound of cotton raised cost those farmers one-fourth of the price received for it through the fertilizer he put into his soil. It is a problem which involves the difference between starvation for the southern farmer and that reasonable prosperity which every American citizen is entitled to have.

And so, Mr. President, I could not permit a paper so filled with misconceptions and with statements that can not be supported by facts to go unchallenged in this body when the ultimate aim and end and effect of that paper is to take away from the people whom I try in part to represent their rights and privileges under this Government.

Mr. President, just one further thought and I am through. The statement was made that after this great commission should be appointed it could lease the nitrate plants to the advantage of agriculture. Is not that a wonderful statement? How does that compare with the statement on page 4 that the nitrate plants are obsolete? How does that statement compare with the statement on page 4 that fertilizer can not be manufactured at Muscle Shoals as cheaply as it is sold now on the market? One of the statements is not correct; they can not both be true. Let me read them to you, Mr. President:

The Department of Agriculture reports that these plants are now more or less obsolete.

Mr. BINGHAM. Mr. President, may I ask from what page the Senator is reading?

Mr. BLACK. I am reading from page 4.

The Department of Agriculture reports that these plants are now more or less obsolete, and with power at even 2 mills per kilowatt hour, with proper charges included, could not produce the products for which they are constructed as cheaply as these products are now being sold in the wholesale markets.

Bear in mind that the engineers' report states that power costs only 1.36 mills.

Let us go over now to page 7—I refer the Senator from Connecticut to page 7, the seventh line from the bottom:

It could lease the nitrate plants to the advantage of agriculture.

How could it lease the obsolete plants to the advantage of agriculture? What benefit could any American farmer re-

ceive from leasing plants that are out of date and useless? What hope is there to American agriculture from the operation of plants which can not produce fertilizer as cheaply as it is sold wholesale?

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Connecticut?

Mr. BLACK. I yield to the Senator.

Mr. BINGHAM. May I ask the Senator what print of the President's message he is using. I do not find what he has referred to in the place he has indicated.

Mr. BLACK. I am using the print which is headed—

Message from the President of the United States to the Senate, returning without approval Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at or near Muscle Shoals in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes.

March 3, 1931.

United States Government Printing Office, Washington, 1931.

Mr. BINGHAM. Yes; I am aware of the caption, but the print I have in my hand is headed "Senate Document No. 321." Is that the same thing which the Senator has?

Mr. BLACK. I am reading from a copy of the message that came up to-day, one of the first messages which was delivered here.

Mr. President, the President in the latter portion of the message objects to the bill because of the building of transmission lines. There is a recognized difference of opinion as to whether or not transmission lines should be built by the Government. It strikes me that the President would have been fairer if he had rested his case upon the question of the building of transmission lines.

Now, Mr. President, I desire to read to the Senate a statement Candidate Hoover made when he went into the section of the South where Muscle Shoals is located, pleaded for the votes of the southern people, and stated his position on Muscle Shoals, a statement which obtained for him the support of many good men and women who entertained the belief that he meant what he said and would do what he said. I quote:

There are local instances where the Government must enter the business field as a by-product of some great major purpose, such as improvement in navigation, flood control, scientific research, or national defense, but they do not vitiate the general policy to which we should adhere.

When asked to interpret the above statement, Mr. Hoover said:

You may say that means Muscle Shoals.

In a subsequent statement he amplified his position still further when he said:

There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and nitrate plants.

We agreed that he might lease the nitrate plants. He told the people down there there was no question about that, because the Government already owned them. He said further:

The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers in addition to its national-defense reserve.

Did the President go down into Tennessee and elsewhere in the South and tell those people that Muscle Shoals was useless for national defense? He was a candidate then. He was in the vicinity of Muscle Shoals. There were people from Florence, Sheffield, and Tuscumbia, Ala., who made the trip all the way to Elizabethton, Tenn., to hear Mr. Hoover express his views. There were people, life-long Democrats who came back from Elizabethton and subsequently supported Mr. Hoover because they believed that when elected President of the United States he would settle the Muscle Shoals controversy, as indicated by his utterances at Elizabethton.

He did not tell them he would appoint a commission. He did not tell them he would suggest another method which would prolong for 10 more years the interminable delay. He did not say, "I will appoint a Farm Bureau man, and a man from Tennessee, and a man from Alabama, and a member of the Engineer Corps, to work it out." He led them to believe that he possessed that mentality and that statesmanship which was sufficient to enable him to make suggestions as to a proper settlement of this controversy. Now, after he has been here two years, after he has made more equivocal statements which it would take a soothsayer to understand, he comes to this body at last with a "solution"; and the solution is, "I can not do it. I do not know how to handle this problem. I confess my inability. Although I admit that I am a great engineer, I can not solve this problem. I will have it done by a man from Tennessee, a man from Alabama, a member of the Engineer Corps, and an officer of the farm organizations," and bear in mind the farm organizations have been strangely silent for the past few weeks while this fight has been raging in the Capitol.

Mr. President, who is benefiting? The Alabama Power Co. and the fertilizer companies. The Alabama Power Co. continues to buy at 2 mills this power that the President says costs 9 mills to produce. Have you stopped to think that if those figures are correct, the Alabama Power Co. has received a bonus running up into the millions and millions and millions of dollars during the past few years that they have bought this power at Muscle Shoals? And yet, if this statement is true, it is the duty of the President of the United States, before the sun rises in the morning, to issue an order to the War Department to cancel this contract with the Alabama Power Co., and no longer sell them at 2 mills power which it costs the people of the United States Government 9 mills to produce.

I maintain that if it costs the United States Government 9 mills to produce that power, and they continue to sell it for 2 mills, Al Capone and his bunch of racketeers and buccaneers never picked a pocket or robbed a man any more successfully than the people of the United States are being robbed to-day to benefit the Alabama Power Co.

If it is to be an issue, let the challenge be accepted. Do the people of this Government want their public officials to sell to special beneficiaries for 2 mills power that costs 9 mills to produce.

Personally, Mr. President, I do not believe it is possible. I recall those halcyon days when it was pictured from one end of this country to the other that the poorhouse was vanishing from among our people. I recall the days when it was said that the best thing to give to a man was employment, and money in his pocket; and that all that was necessary to bring happiness and joy to the people of this Nation was to elect Mr. Hoover, who would continue the policies which had been inaugurated by his predecessor, and the "great engineer" would put his hand on the throttle and carry the people on to a higher prosperity and progress.

Now, Mr. President, two years have elapsed—two fateful and eventful years. Bread lines mark the streets of the cities of this Nation. Gaunt poverty stalks abroad in the agricultural sections of our land. Hunger and want is the common companion of the people of this Nation. The Secretary of Agriculture, appointed by the "great engineer" with his hand on the throttle, is so fearful of a dole that he balks. He is willing to put in jail a man who dares to spend for food for himself and his children a dime of the money borrowed to relieve him from starvation.

Mr. President, I believe a day of reckoning is coming. On March 4 this Congress passes out of existence. On March 4 a new Congress comes in. It is too late now to secure a special session. Of course, the hand that signed the veto of Muscle Shoals legislation never would call that Congress into session until it comes here by operation of law. They come, and we hope that there will be a liberalization of rules in one of the bodies in this Capitol that will remove the shackles against free speech. The people have risen en masse and protested against a system which leaves



them in hunger and in want, and they have sent new men here, replacing many who have followed this administration.

Do not be deceived. They will send more in the next election. Let us hope that in 1932 no false issues will present themselves to obscure the sane and sober vision of the people of America. Let us hope that in 1932 the "great engineer" will march forth from the White House a sadder but a wiser man.

Mr. BINGHAM. Mr. President——

Mr. BLACK. I yield to the Senator from Connecticut.

Mr. BINGHAM. I have been told that the present fertilizer plants at Muscle Shoals are obsolete and could not produce fertilizer in a manner successfully to compete in the market with other synthetic fertilizer. Is that correct, Mr. President?

Mr. BLACK. I regret that the Senator from Connecticut was not here, because I brought out the facts and showed that if the machinery there is obsolete, we shipped into this country last year 50,000 tons of fertilizer manufactured in a plant exactly like it, which competed with the product of every fertilizer company in the world; that the people of Alabama, the Farm Bureau, bought on the competitive open market, from the lowest bidder, fertilizer manufactured by exactly the same process that could be used at Muscle Shoals.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I do.

Mr. NORRIS. I hope the Senator from Alabama will not permit the Senator from Connecticut to have him go over that ground again. The Senator realizes that time is very important.

Mr. BLACK. I am not going to.

Mr. BINGHAM. Mr. President, notwithstanding the gentle protest of my dear friend from Nebraska, will not the Senator from Alabama tell us whether he knows of any organizations that are prepared to lease the fertilizer plants at the present time?

Mr. BLACK. I might state to the Senator that we gave the President a year in which to find a lessee. It was not supposed that one would be found in four days. I have not the slightest shadow of doubt but that if this bill were signed a lease would and could be obtained, and that the plants would be operated to their full and complete capacity; and any man who studies the proposition will reach the same conclusion, in my judgment.

Mr. BINGHAM. Does the Senator know of any concern that is willing to lease?

Mr. BLACK. I am not in as close touch with the big chemical companies, perhaps, as the Senator is, or as President Hoover is.

Mr. BINGHAM. I am not in touch with them at all; but I assumed that the Senator, who has been such a sincere advocate of the use of this great plant so long, must have been in touch with people who are interested in it. I remember that at one time Mr. Ford was willing to lease it. Is he still willing to lease the plant?

Mr. BLACK. No; Mr. Ford is not.

Mr. BINGHAM. For what reason? Does the Senator know?

Mr. BLACK. The Senator will have to find that out from Mr. Ford. I do not know. It was some years ago when he bid. He was a younger man then than he is now. I doubt if Mr. Ford would want to embark on a new undertaking at this time of his life.

Mr. BINGHAM. It is not so long ago that he embarked on the production of a new type of car.

Mr. BLACK. That was not embarking on a new business; was it?

Mr. BINGHAM. It cost him a good deal of money—I have been told about $50,000,000.

Mr. BLACK. I do not know. It does not cost me much. I run one of them, and I get along pretty well with it.

Mr. President, I do not care to go into this matter any further, because in a previous part of my remarks I have answered the questions which the Senator asked. The fact remains that Muscle Shoals is still unsettled; that it could have been settled by President Hoover; that he has declined to do it. The farmers of this Nation are suffering from it. The people who are entitled to buy power at a reasonable rate are suffering from it. The power companies and their stockholders are growing richer from it. The fertilizer companies and their stockholders are growing richer from it.

That is the reason why the joint resolution was vetoed. Let there be no mistake. This measure does not provide for the manufacture of commodities at Muscle Shoals by the Government. It provides for a lease, which could have been obtained, and would have been obtained. Those who are coming to the new Congress were elected in the main by a different party. I hope that when the next Congress meets there will be passed in this body within the first week a Muscle Shoals bill which will protect the rights of the American people, that it will swiftly go through the other House, and when it shall return here again from Mr. Hoover's pen that both bodies will let him know by two-thirds vote that at last the people have come into their own, and that no longer is this Nation controlled by the interlocking directorates of the fertilizer companies, the power companies, and the huge predatory interests of this Nation.

Mr. BROCK. Mr. President, the amount of power consumed by four of the largest cities in Tennessee, and the population of those cities, are as follows:

	Kilowatt-hours	Population 1930 Census
Power consumed during 1929:		
Chattanooga	226,950,000	119,798
Nashville	114,160,000	153,866
Memphis	160,175,000	253,143
Knoxville	91,925,454	105,802
Total	593,210,454	632,609
Population of State, exclusive of the four cities mentioned above		1,983,947
Total population of State		2,616,556

Muscle Shoals at present, on basis of 50 per cent load factor, would supply for general distribution 512,270,000 kilowatt-hours. This would lack 80,940,000 kilowatt-hours of supplying the four cities mentioned above. With Cove Creek Dam completed, there would be an excess amounting to 175,189,000 kilowatt-hours after supplying the four cities.

In other words, if Tennessee got all the power from Muscle Shoals and Cove Creek, there would only be 175,189,000 kilowatt-hours left to supply the remainder of Tennessee's population of 1,983,947 after supplying the four cities above mentioned, to say nothing of what Alabama and other interested States would be entitled to.

For instance, the Alabama Public Service Commission advised that the gross receipts of the Alabama Power Co., from sales of electrical energy in Alabama during the calendar year 1929, were $1,099,000,000.

The average amount of power consumed per person in the four cities is 941 kilowatt-hours per annum or 78⅓ per month. Amount of Muscle Shoals power left, even with Cove Creek Dam completed, would give to each inhabitant of the State of Tennessee, outside of the four cities, 88 kilowatt-hours per year, or 7¼ per month, which is not enough to make toast for breakfast.

The amount of power consumed per inhabitant in the State of Alabama is 439 kilowatt-hours per annum or 36.5 per month. If all power at Muscle Shoals, with Cove Creek Dam completed, were sold for distribution on basis of 50 per cent load factor, each of the 12,000,000 persons residing within a radius of 300 miles of Dam No. 2 would be entitled to 64 kilowatt-hours per annum or 5⅓ per month. Compare this with the consumption per capita in the four cities.

I ask to have printed in the RECORD a table showing the power developed on various dams.

Without objection, the table was ordered to be printed in the RECORD, as follows:

Cove Creek Dam used for the low-flow regulation of the Tennessee River will increase the primary power at all downstream power projects as shown below

[Basis for estimate obtained from House Document 185, Seventieth Congress]

	Primary power from present low flow of river	Primary increase from storage	Total primary after Cove Creek Dam is completed
	Horsepower	*Horsepower*	*Horsepower*
White Creek Dam	14,190	42,560	56,750
Chickamauga Dam	32,276	63,840	96,116
Hales Bar Dam	23,856	44,809	68,665
Guntersville Dam	24,897	42,560	67,457
Dam No. 3	42,000	62,000	104,000
Dam No. 2	84,000	112,000	196,000
Pickwick Dam	46,608	62,717	109,325
Aurora Landing Dam	67,200	67,200	134,400
Total	335,027	497,686	832,713

The six unconstructed main-stream dams are not economical power projects without upstream storage. Example: The construction cost per horsepower of Chickamauga Dam without Cove Creek storage figures $777; with Cove Creek storage, $262.

FEDERAL ESTATE TAX

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution for reference to the Committee on Finance.

The joint resolution (H. J. Res. 529) to amend section 302 of the revenue act of 1926 was read twice by its title and referred to the Committee on Finance.

Mr. SMOOT. Mr. President, the Committee on Finance has authorized me to report the joint resolution, and to ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read, as follows:

Resolved, etc., That the first sentence of subdivision (c) of section 302 of the revenue act of 1926 is amended to read as follows:

"(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, including a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of, or the income from, the property or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth."

The VICE PRESIDENT. Is there objection to the immediate consideration?

Mr. BINGHAM. Mr. President, I make the point of order that there is not a quorum present.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Shipstead
Barkley	Frazier	La Follette	Shortridge
Bingham	George	McGill	Smith
Black	Gillett	McKellar	Smoot
Blaine	Glass	McMaster	Steck
Blease	Glenn	McNary	Steiwer
Borah	Goff	Metcalf	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Broussard	Hale	Norbeck	Thomas, Okla.
Bulkley	Harris	Norris	Townsend
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Carey	Hatfield	Partridge	Vandenberg
Connally	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Dale	Johnson	Pittman	Walsh, Mont.
Davis	Jones	Reed	Waterman
Deneen	Kean	Robinson, Ark.	Watson
Dill	Kendrick	Robinson, Ind.	Wheeler
Fess	Keyes	Sheppard	

Mr. BLACK. Mr. President, I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is absent on account of illness.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. NORRIS obtained the floor.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I will yield if it will not take up much time.

Mr. SMOOT. I simply want to make a statement, and I hope Senators will listen to my explanation of what this joint resolution would provide.

Mr. COPELAND. Mr. President, I think I must object.

Mr. SMOOT. I will ask the Senator not to object until I can make a statement. I am quite sure he will not object after he hears what I have to say.

Mr. COPELAND. I withhold my objection.

Mr. SMOOT. Every member of the Finance Committee has approved of the joint resolution, it passed the House without a single word of objection, and it relates to a decision of the Supreme Court handed down only yesterday afternoon. I want to make a brief statement about it.

Mr. COPELAND. I shall be glad to hear the Senator.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. I yield, with the understanding that the time to be taken will not be great.

Mr. SMOOT. Mr. President, yesterday afternoon the Supreme Court of the United States handed down decisions in three cases—Burnet against Northern Trust Co., Morsman against Burnet, and McCormick against Burnet—in which the court held that where an owner of property had made a transfer in trust reserving the income of the property or the right to dispose of the income therefrom, to himself for his life with remainder to others after his death, the value of the property should not be included in the estate of the donor for purposes of Federal estate tax upon his death.

Section 302 (c) of the revenue act of 1926 provides as follows:

SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible wherever situated—

* * * * * * *

(c) To the extent of any interest therein of which the decedent has at any time made a transfer by trust or otherwise in contemplation of or intended to take effect in possession or enjoyment at or after his death except in a case of a bona fide sale for an adequate and full consideration in money or money's worth.

It had generally been considered that this provision of the statute covered cases such as those referred to above. The Treasury Department had so construed the statute since the first Federal estate tax law in 1916 and its regulations so provide. If, for example, the owner of property transferred the title to his house to a trustee for the benefit of his children after his death, but in the meantime reserved the use, income, and enjoyment of the house to himself during his own lifetime, it was supposed that the value of the property at the date of his death should be included in his estate for purposes of the estate tax. Under the decisions rendered yesterday, the property would not be included in computing the Federal estate tax.

It is entirely apparent that if this situation is permitted to continue, the Federal estate tax will be seriously affected. Entirely apart from the refunds that may be expected to result, it is to be anticipated that many persons will proceed to execute trusts or other varieties of transfers under which they will be enabled to escape the estate tax upon their property. It is of the greatest importance, therefore, that this situation be corrected and that this obvious opportunity for tax avoidance be removed. It is for that purpose that the joint resolution is proposed.

Mr. ROBINSON of Arkansas. Mr. President, as I understand the statement just made by the Senator from Utah, and the joint resolution to which the statement refers, it is proposed to prevent the evasion of liability for estate taxes by the passage of this measure, and there is nothing to indicate that the collection of the taxes might not be entirely defeated by the process to which the Senator has referred, namely, of transferring property in trust in the way suggested.

Mr. SMOOT. That is correct. The decision of the Supreme Court came almost like a bombshell, because nobody ever anticipated such a decision. The first estate-tax law

that was ever enacted contained the section to which I have called attention; but when a case went to the Supreme Court, the Supreme Court held that the property would not be taxable.

Mr. ROBINSON of Arkansas. It is desired to have the law apply to a trust indicating an express intention to evade the inheritance tax.

Mr. SMOOT. Yes. Everybody thought the law was perfectly plain.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I happened to be in the Supreme Court when the court handed down the opinion referred to.

I entertain very grave doubt whether, in view of the decision of the court, it will be possible to make taxable estates thus conveyed in trust with a remainder over to the donor, but I can conceive of no reason why anyone should object to the effort to make the estates so taxable.

It may be said in this connection that the opinion was by a divided court, 5 to 4; so that the view entertained at the time the act was passed by the Congress, that estates of this character would be within its provisions was a very reasonable assumption, because it has been sustained by the view of four of the members of the court.

I can scarcely think that anyone would countenance this obvious effort to evade the effect of the estate tax.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska further yield?

Mr. NORRIS. I yield.

Mr. ROBINSON of Arkansas. I did not understand the declaration by the Senator from Montana that in view of the court's decision it is doubtful whether it is possible to make the property taxable as prescribed in the bill.

Mr. WALSH of Montana. Mr. President, the question was presented with respect to the validity of a statute of the State of Massachusetts quite similar to our own statute. The argument proceeded upon the line that while the property had passed, the interest of the grantor had passed at the time he executed the interest, and not at the time of his death, that as the estate tax could be made applicable only to the property at the time of the death of the former owner, and that to make it taxable would be to make taxable the conveyance which had taken place long prior to his death, and that that was forbidden by the provision of the Constitution against statutes which deprived persons of their property without due process of law.

Mr. ROBINSON of Arkansas. If the transfer be resorted to as a device to escape liability for the tax, there would be no question about it, I take it, if it were made in anticipation of death.

Mr. WALSH of Montana. Exactly. It was intended, however, to eliminate that feature, and the transfer is supposed to have been made in perfect good faith.

Mr. SMOOT. Mr. President, I am informed by the Treasury Department——

Mr. NORRIS. Mr. President, are we not ready to vote on it? I have not heard any opposition to it.

Mr. FLETCHER. Mr. President, I just want to say that I do not believe in the Federal estate and inheritance tax law at all. I believe the Federal Government ought to retire from that field of taxation and leave it wholly to the States. But I will not raise any objection.

Mr. COPELAND. Mr. President, while I have no enthusiasm for the estate tax, I am impressed by the arguments which have been presented, and I withdraw my objection.

The VICE PRESIDENT. Is there objection to proceeding to the consideration of the resolution?

Without objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed.

JOHN E. ROSS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1640) for the relief of John E. Ross, which was, on page 1, line 9, after the word "depot," to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. SWANSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

G. ELIAS & BRO. (INC.)

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4334) for the relief of G. Elias & Bro. (Inc.), which were, on page 1, line 6, to strike out "$35,000," and insert "$20"; and on the same page, in line 13, after the figures "1924," to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COPELAND. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THOMAS L. LINDLEY

Mr. CAPPER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield.

Mr. CAPPER. Mr. President, I move that the House of Representatives be requested to return the engrossed bill, Senate bill 1696, for the relief of Thomas L. Lindley.

The VICE PRESIDENT. Is there objection?

Mr. COPELAND. Mr. President, would this affect in any way the pending business?

The VICE PRESIDENT. It would not. Is there objection? The Chair hears none and it is so ordered.

OCEAN MAIL CONTRACTS (S. DOC. NO. 326)

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed as a Senate document certain articles taken from the CONGRESSIONAL RECORD and certain other articles by the Shipping Board and by Mr. John Nicolson in reference to ocean mail contracts. There is a collection of material as to these mail contracts, all of which is here put together, which I desire to put in the Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

IMPORTATION OF MANGANESE ORE

Mr. ODDIE. Mr. President, I ask unanimous consent that the Committee to Audit and Control the Contingent Expenses of the Senate be relieved from further consideration of Senate Resolution 484, to investigate the merger and relationship of certain steel companies and the activities of certain Government officials in connection with the importation of manganese ore from Soviet Russia. I have been expecting a decision in this matter from the committee as the chairman informed me this afternoon that he expected the committee to act to-day on the resolution.

The PRESIDENT pro tempore. The Chair is compelled to rule that the motion will have to go over for one day, it being a motion to discharge a committee, unless unanimous consent may be granted. Is there objection to the request of the Senator from Nevada?

Mr. BLAINE. Mr. President, reserving the right to object, I want to express myself in accord with the Senator from Nebraska [Mr. NORRIS]. Under these circumstances and in the absence of our leaders on both sides of the Chamber and in the absence of a quorum I must object.

The PRESIDENT pro tempore. Objection being made, the motion goes over for one day.

THE NEW YORK WORLD AND RALPH S. KELLEY

Mr. GLENN. Mr. President, I ask unanimous consent to have inserted in the RECORD two documents relating to the oil-shale controversy.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The documents are as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 27, 1931.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR MR. CHAIRMAN: Documents furnished by the former management of the New York World and introduced in your RECORD this morning show that Ralph S. Kelley, who tendered his resignation on September 29, 1930, and made sensational charges of maladministration of oil-shale lands, which were later published by that paper, had actually been under contract with that newspaper since September 11, and that he had been negotiating with it since July 29, two months before he tendered his resignation, and while he was in Government pay. The contract of September 11 provides specifically that Kelley should write his articles before resigning. During much of this time he was absent without leave. He had made at least one trip to New York while on Government pay at the expense of the New York World (August 7), without permission. On other occasions he was in conference in Washington with representatives of the World while "actually physically disabled for the performance of his official duties" according to sick-leave applications which he filed. On other occasions (August 20, in particular) he was conferring with the paper's managing editor in Washington without asking any leave at all.

Your attention is specifically invited to the fact that Kelley on July 25 was ordered to take charge of all-oil shale matters in the United States; that after leaving Denver and before reporting for duty in Washington he had offered his story to the New York World (July 29); that he remained in Government employ for two months thereafter while he was negotiating with and writing for the World; that his contract specifically provided that if he should be discharged prior to tendering his resignation his compensation should be cut to $6,000; and that at least 10,000 words must be submitted to the World "by September 16, 1930, and prior to the resignation of the party of the first part."

In consequence of these negotiations Kelley failed entirely to perform his official duties during a large part of the time, and refrained from rendering to the Secretary of the Interior the report to which he was entitled.

I returned to Washington on September 25; Kelley broadcast his letter of resignation with its charges on September 28, a Sunday, without making any attempt to see me and in accordance with a prearranged plan with the newspaper.

A question of public policy is thus squarely presented, whether a newspaper for its own profit can, with impunity, pay a Government employee to write for it disclosures of confidential Government records and to remain in Government service while he is doing so, so that the newspaper may have the benefit of his use of those documents and of his supposedly voluntary resignation.

Your committee can perform a genuine service if it will draft and sponsor legislation to make a repetition of this sell-out impossible. A simple statute penalizing the sale of Government papers or information contained therein without permission of the head of the department would be effective.

As the newspaper in question has changed hands and stopped publication I have no wish to personalize any issue between that paper and myself. I do not know whether anything is to be gained by demanding a personal examination of the members of the old management, contemptible as their conduct has been. I do strongly ask, however, that your committee devote itself to the constructive job of rendering a repetition of such a job impossible.

Very truly yours,

RAY LYMAN WILBUR.

CHRONOLOGY OF EVENTS DURING NEW YORK WORLD'S TRANSACTIONS WITH KELLEY

World officers referred to are F. D. White, general manager; Walter Lippmann, editor; Ralph E. Renaud, managing editor; Herbert Pulitzer, president Press Publishing Co.; F. B. Knapp, manager, and Messrs. Moyer and Williams, New York World Syndicate; Foster Gilroy, promotion manager; Elliott Thurston and H. E. C. Bryant, of the World Washington office.

July 7, 1930: Kelley ordered to Washington by Secretary Wilbur.

July 23, 1930: Kelley left Denver for Washington. (He did not report for duty until August 5.)

July 25, 1930: Commissioner Moore wrote Kelley at Washington, "Under the Secretary's letter to you of July 7, 1930, you were assigned to this office for work on oil-shale claims. It is desired both by this office and the department to expedite final action on cases involving oil shale. You are therefore directed to take charge of such work in this office under the supervision of myself and my staff and take such steps as will bring about the desired results."

July 25, 1930: 4.40 p. m., Kelley arrived in Washington. Did not report.

July 28 to August 4, 1930, inclusive: Kelley off duty; applied for sick leave for this period on August 11, accompanied by certificate of Dr. George R. Huffman that "I treated him on July 28, 29, August 8 at my office and during eight days he was actually physically disabled for the performance of his official duties." Kelley did not work until August 5.

July 29, 1930: Lippmann says—Ralph S. Kelley, in Washington, telephoned Lippmann, in New York, stating that he had an urgent confidential matter connected with the news department, "Mr. Kelley finally consented to talk with a member of the Washington Bureau. I thereupon requested the news department to instruct the bureau to see Mr. Kelley and report on what he had to say." (NOTE.—Kelley was on sick leave this day.)

July 29, 1930: H. E. C. Bryant, of World Bureau, in Washington, wrote Lippman, "I saw the man Kelley to-day, but got very little out of him. He said that you had given him a fright by saying that if he would tell the World man his story, then we could check up on it, and get the information in a way not to involve him. This is not what he wants. I told him that if he wanted to sell his information that he should see you or some one else in the New York office who would have the authority to deal with him. That seemed to interest him. He asked me to communicate with you. My suggestion is that you invite him over, and go over the matter with him. He is very nervous, lest he lose his job. (NOTE.—Kelley was on sick leave this day.)

July 29, 1930: Moore wired Hathaway, Denver, asking where Kelley was.

About July 30, 1930: Renaud says, "About a week before," August 7, Lippmann had told Renaud that Kelley "had held a position somewhat similar to that held by Glavis" under Ballinger.

July 30, 1930: Lippmann wrote Bryant offering to pay Kelley's fare to New York, asking that he bring samples with him.

July 30, 1930: Kelley first reported at General Land Office. Left at 12.30.

August 1, 1930: Kelley wrote Lippmann, asking a conference for Monday next, asking "several hours." (Kelley was on sick leave August 1 and on "Monday next," August 4.)

Undated: Telegram, Lippmann to Kelley, stating Monday is impossible.

August 1, 1930: Moore and Havell called at Kelley's hotel; out.

August 2, 1930: Kelley phoned office. Was told that shale work needed attention. Said he would come for mail but could not work (Moore's diary).

August 4, 1930: Lippmann to New York World in Washington to tell Kelley that "we would like to see him at my office Thursday, 2.30."

August 4, 1930: No report from Kelley (Moore's diary).

August 5, 1930: Kelly at work (Moore's diary).

August 6, 1930: Commissioner Moore's diary contains a notation, "Kelley is working."

August 6, 1930: Telegram, Kelley to Lippmann, "As you suggest, I will meet you to-morrow at 2.30 p. m."

August 7, 1930: Commissioner Moore's diary contains the notation, "3 p. m. Obenchain reports that Mr. Kelley absent to-day. No cause. Perhaps sick." (NOTE.—Kelley filed no leave slip and accepted Government pay for this day. On this day he was in New York (Renaud's statement) and received $25 expense money.)

August 7, 1930: Lippmann says, "Kelley, Renaud, and Lippmann held a conference in Lippmann's office at 2.30, hearing an hour's outline of his story." Lippman "left the matter entirely in the hands of the managing editor, who is in charge of the news," and had no further communications with Kelley except casual meetings in Renaud's office.

August 7, 1930: Renaud says, "Kelley came to Renaud's office and 'showed me a number of documents which he declared were copies of papers filed in the Interior Department and all matters which had passed through his own office in Colorado.' I told him at that time the World would consider his material, and that I would give him an answer as to the series he proposed to write as soon as possible. My first step was to read the documents he had left with me." Renaud wired T. H. Walker, of the Denver Post, as to Kelley, and received a "highly satisfactory" answer. "At the next council meeting (undated) I reported on Mr. Kelley's story and offered for perusal the documents he left with me."

August 7, 1930: Kelley signed a receipt in New York for $25 for "advance payment to be accounted for on editorial pay roll for week ending August 9, 1930." Kelley applied for no Government leave for this day and drew Government pay for it.

August 8, 1930: Commissioner Moore's diary contains the notation, "Kelley reported in office working."

August 8, 1930 (Friday): Kelley took one hour's annual leave, 3.30 to 4.30.

August 9, 1930: Kelley returned to duty, 9 a. m.

August 11, 1930: Lippmann says, "I was present at the council meeting on August 11, at which Mr. Renaud presented his report on Kelley's material, and I voted with the other members of the council in favor of printing the material if it could be purchased

at a price satisfactory to Mr. Pulitzer. I then left on a month's vacation." A policy was agreed to for the editorial writers that the paper would not support Kelley's contentions but would take a position that his record entitled him to a hearing and the World would "ask only that his charges be impartially examined by a Senate committee, and that the World would consistently decline to anticipate the verdict of such a committee."

August 11, 1930: Renaud says, "* * * It was voted to accept Mr. Kelley's series, provided that a satisfactory price could be arranged and if he resigned voluntarily from the Department of the Interior coincident with making public his charges concerning the administration of the oil-shale lands."

August 11, 1930: Renaud wrote to Kelley that Pulitzer was examining the material and would take several days for it. "When he has finished you will probably see me in Washington." Kelley was on duty.

August 11, 1930: Kelley filed with the commissioner his only report on work while in Washington; it is on status of pending cases. (See Richardson, Exhibit 9.)

August 16, 1930: Kelley wired Renaud, urging prompt action "upon the matters the subject of my trip to New York."

August 16, 1930: Telegram, Renaud to Kelley: "Will see you Tuesday or Wednesday. Decision favorable. Regards."

August 16, 1930: Renaud wrote Kelley, "The reaction on your material here is very good. I expect to get in touch with you some time next week, Tuesday or Wednesday, probably."

August 19, 1930: Renaud telegraphed Kelley, "Will be in Washington at Mayflower Wednesday afternoon and Wednesday evening. Will be glad to see you. Regards."

August 20, 1930: Renaud says he saw Elliot Thurston, head of the Washington Bureau, in Washington, "Discussed Kelley's story at length, and thereafter asked Mr. Kelley to my room, where Mr. Thurston and I went over the matter with him in great detail. Both Mr. Thurston and myself were quite convinced of the value of the material. I offered Mr. Kelley $12,000 for his story, specifying, however, that he should work with Mr. Thurston in the preparation of it. At the time of this interview I saw no one and talked to no one regarding Mr. Kelley's story except Mr. Kelley and Mr. Thurston. At no time have I ever discussed the matter with anyone in political life in Washington or anywhere else." * * * "Thereafter, Mr. Kelley made several trips to New York, the dates of which I do not recall, on which we discussed the scope and limits of his story and his approach to it." (NOTE.—Kelley made no leave application for August 20, and drew Government pay for this day.)

Undated: Renaud telephoned Kelley and says he "wrote him directing him to have Mr. Thurston rewrite the series, though Mr. Kelley was to be (and was) the final arbiter of all factual matter."

September 1 and 2, 1930: Kelley filed annual-leave application for these days; was on pay, however.

September 4, 1930: Kelley's last day at work.

(Undated:) White says: "Some weeks after this date (August 11) Mr. Renaud reported that he had made a compensation agreement with Mr. Kelley, and later called me to his office where Mr. Kelley was present for the purpose of putting the verbal agreement in written form. When this was done, it was forwarded to Mr. Kelley at his Washington address. He suggested some unimportant addition which was made and the amended contract was signed."

September 5 to 15, 1930, inclusive: Kelley applied for sick leave for this period on September 28 (received September 30) accompanied by Dr. George D. Huffman's certificate that "I personally attended Ralph S. Kelley in my professional capacity from September 8 to 26, 1930; that during said period I treated him on September 8, 12, 15, 19, 23, 26, and during 21 days he was actually disabled for the performance of his official duties."

September 8, 1930: Kelley to P. G. White, general manager of the World. (Kelley was absent without leave; later, September 26, applied for sick leave, September 5 to 15.) "Receipt is acknowledged of two copies of proposed contract. May I offer the following suggestions," stating that he did not wish to be obligated to prepare more than 20,000 words. "I am sure you would not want me to manufacture material in order to make up a certain number of words. * * * I am inclosing a paragraph containing suggested changes for paragraph 3 to follow the word 'thereafter' on the seventh line. * * * I would also suggest the elimination of the phrase about taking leave of absence as there are special reasons why it is inadvisable to place this in the contract." (NOTE.—This draft and White's letter of transmittal not furnished.)

September 9, 1930: Obenchain phoned Kelley, who told him he was under doctor's orders and unable to work.

September 10, 1930: White to Kelley: "I send herewith revised copies of the contract. * * * Mr. Renaud consents to make the balance 12,000 words, or even 10,000, if that is all you need to fully present the facts. I have made the changes accordingly in the contract and initialed them on the margin * * *."

September 11, 1930: Contract signed. (Kelley was absent without leave; he later applied for sick leave for September 5 to 15, but was on pay until September 1.) This contract, in six articles, provides:

Preamble: "Whereas Ralph S. Kelley, now Chief of Field Division, Department of the Interior, * * * feeling it to be his duty to advise the public, * * * proposes to resign from the service September 21, 1930 * * *."

"Whereas the Press Publishing Co. * * * proposes to cooperate with the party of the first part so that the public may be fully informed * * *."

I. "This agreement shall be effective on the date of the resignation of the party of the first part from the Department of the Interior, now contemplated as of September 21, 1930, but only if the matter submitted by the first party on or before September 16, as provided hereafter, is accepted by the second party. If that is not accepted, this contract shall be null and void whether the first party resigns or does not resign his position."

II. "The party of the first part agrees to furnish to the party of the second part a complete statement of his 'contentions and investigations * * * as verbally outlined to it and to supply to it on request any letters, documents, plats, or copies thereof which he may legally supply, and not subversive of the public interest, for the information of the party of the second part and through it the information of the public * * *.'

"The party of the first part agrees to hold himself and his proofs referred to at the service of the party of the second part, or any court or congressional investigation in any proceedings growing out of such publication."

III. The World "guarantees" to Kelley the sum of $12,000, "one-half to be paid on publication of the first 10,000 words of the series and the balance on the publication of the last article or not later than 15 days after the first payment." At least 10,000 words to be submitted to the World "by September 16, 1930, and prior to the resignation of the party of the first part; also a brief summary of the balance of the series, and if found satisfactory to the party of the second part accepted by it within four days thereafter. And upon such acceptance and the receipt of the balance of the series, which shall consist of at least an additional 12,000 words * * * at least 10,000 words on or before September 23, 1930, the balance on or before September 30, 1930, the party of the second part shall, subject to the provisions of Article V of this agreement, become obligated to the party of the first part for the full amount provided herein, even though such additional 12,000 words shall be in whole or in part rejected." * * * Kelley agrees that he will not furnish or sell any articles of a similar nature prior to March 15, 1931.

"It is understood that the essence of this contract is the granting to the party of the second part under the terms aforesaid of the first and exclusive use for newspaper and/or periodical publication of the aforesaid articles and that if this condition be violated by the party of the first part all obligations to the party of the second part hereunder shall forthwith terminate and be at an end."

IV. In addition, the World will pay Kelley "50 per cent of the net of the syndication revenues in excess of" $12,000.

V. "If the party of the first part (Kelley) is discharged from the service before his resignation is tendered or his resignation requested before he voluntarily submits it, the value of the series shall be revised pro rata by mutual agreement to a figure not to exceed $6,000. If, however, it is established that his discharge prior to resignation is the result of any employee of the party of the second part (World) directly or indirectly communicating to the department the plans of the party of the first part, then and in that event this revision shall not be made."

VI. The World may submit the articles to counsel for advice, and Kelley will be guided thereby. The World "shall have full and uncontrolled right to edit, eliminate, or change said articles as it shall deem best, subject, however, to the right of the party of the first part to pass on the factual presentations under his name that are published by the party of the second part."

Contract is dated September 11, 1930, signed Ralph S. Kelley and Press Publishing Co., by F. D. White, vice president.

September 11, 1930: Kelley wrote White, inclosing signed contracts in duplicate. "As I understand it," Kelley is to furnish 10,000 words by September 16, an additional 10,000 by September 23, and the additional by September 30, to bring the total up to 22,000. (NOTE.—$12,000 for 22,000 words is over 54 cents a word.) "With regard to the clause concerning my resignation, it is slightly changed from the wording in the first contract. * * * It might well be that the Secretary, after receiving my resignation, would not accept it and would fire me, in which event Article V would not protect me. Can you not insert the following phrase after the word 'service' in Article V, 'before his resignation is tendered'?" (Done.)

September 16, 1930: Kelley to White, acknowledging receipt of signed contract.

September 16, 1930: Kelley to Renaud—"I am inclosing herewith draft of another article which I have designated 'Disclosure of Confidential Evidence.' I shall transmit to you this week draft of another article of perhaps 5,000 words discussing attempted destruction of public records. I believe the article inclosed, with the one which will be forwarded to you within a few days, together with those previously forwarded, comprise something like 25,000 words. Other articles will follow next week." (NOTE.—Other letters of transmittal not furnished. It is apparent from the date of this letter that much of the material was written during the period when he was drawing Government pay, ending September 15.)

September 18, 1930: Renaud to Kelley, accepting.

September 18, 1930: Moore and Obenchain called at Kelley's hotel. Out.

September 18, 1930: Kelley later phoned Moore, was told that work was accumulating, and said he was under doctor's care, but expected to be back at work soon.

September 23, 1930: Copy of letter, Kelley to Renaud, confirming understanding in Renaud's letter of the 18th. (Copy bears notation, "Original letter given to Mr. Renaud February 7, 1931, F. D. White, per L. V. S.")

September 25, 1930: Secretary Wilbur arrived in Washington.

September 25, 1930: Renaud to White—"Here is a copy of my letter to Kelley and Kelley's letter to me confirming the contract."

September 28, 1930: (Sunday) Kelley to Secretary Wilbur, resigning and making charges. Delivered to all press correspondents and press associations. Secretary Wilbur first heard of it from the World that day.

September 29, 1930: New York World Syndicate telegraphed identical telegrams to the Rocky Mountain News, Denver, and the Denver Post: "Kelley has written 15 articles for World, which will be released beginning next Monday, telling amazing story of Colorado oil scandal. See news story from Washington to-day. It will be a news sensation and will lead to congressional action. Will sell you exclusive State rights at $500. Giving you first chance, so please reply. Keep fact Kelley has written articles confidential." (Both papers refused.)

September 29, 1930: Knapp says Renaud summoned him (F. B. Knapp, manager, New York World Syndicate) and told him that the World "had purchased an important series of articles by Ralph S. Kelley and that the syndicate department was expected to sell these articles to newspapers throughout the country and derive therefrom whatever revenue possible."

Thereafter the series of Mr. Kelley was offered to "all important papers in the country," but the "total sale was disappointing." The papers accepting were:

Philadelphia Record	$500
Camden Courier-Post	50
St. Louis Post-Dispatch	350
Syracuse Herald	150
San Diego Union	100
Scranton Times	100

September 29, 1930: Secretary Wilbur received Kelley's letter, called it nonsense, refused the resignation, suspended him, demanded his facts, said Kelley was being exploited, and demanded a full investigation.

September 29, 1930: New York World Syndicate telegraphed 90 newspapers offering a series of 15 articles for prices ranging from $100 (Long Beach Press-Telegram) to $500 (Los Angeles Examiner; Times).

September 30, 1930: Secretary Wilbur to Attorney General Mitchell asking a complete investigation.

September 30, 1930: Kelley's application for sick leave, September 5 to 15, dated September 26 received, accompanied by doctor's certificate that "during 21 days he was actually physically disabled for the performance of his official duties," but period of attendance stated is September 8 to 26, inclusive, or 19 days. (NOTE.—During this period Kelley has written 25,000 words; see Kelley's letter, September 16.)

September 30, 1930: Knapp, World Syndicate, to Perrin, St. Louis Post-Dispatch—"No one in Washington knows that these articles are coming out, and they will undoubtedly make a sensation as they are full of dynamite for certain people. Naturally, we have paid Kelley a big price. There will be some illustrations, and I will see that you get them, but they will probably have to come by air mail. There will probably be some corrections in the proofs because of possible libel. There are one or two points that our lawyers have not cleared up yet, and if they make any corrections I will see that you get them before you start publication."

September 30, 1930: World Syndicate mailed corrected proofs to 18 papers.

October 1, 1930: World wired again to certain newspapers offering story.

October 1, 1930: Williams, at Buffalo, to Knapp, New York—"Papers here refuse oil story at any price. Consider it too dull and lacking in public interest * * *."

October 1, 1930: Kelley cashed United States check No. 82804, dated September 15, 1930, for $144.75 for "services."

October 1, 1930: Knapp to Williams, Chicago—"At 4 o'clock this afternoon Knox's secretary phoned me that Hearst was not interested in the oil series so I wired you to go ahead to Detroit, Chicago, etc. Inclosed are 6 sets of corrected proofs. These proofs are all corrected for libel and can be left with papers for publication."

October 2, 1930: Richardson to Kelley inviting testimony and cooperation, offering stenographer and facilities.

October 2, 1930: Knapp to Williams, Chicago—"I am afraid it is going to be a terrible flop. Hearst turned it down, so Wheeler tells me, because he thought it was not worth paying the price and he could get all he wanted out of the news."

October 2, 1930: Knapp to Moyer, Pittsburgh, "I am here doing my best to hold the bag and have not as yet passed the bad news around. Bill reports that papers say the stuff is too deadly dull and they do not want to attack the administration."

October 2, 1930 Knapp to numerous newspapers offering story, "* * * The World has contracted with Mr. Kelley for this story, which will be full of dynamite for certain high officials and will certainly lead to a congressional investigation and probably some important resignations * * *."

October 2, 1930: New York World Syndicate telegraphed to St. Paul Pioneer Press and others, "Kelley, who resigned in new oil scandal, has written 15 articles exposing theft of oil lands that will rival Teapot Dome * * *."

October 3, 1930: Knapp to Post-Dispatch, St. Louis, "Air mailing to-night proofs first eight articles corrected for libel and some illustrations."

October 3, 1930: Kelley to Richardson, declining to testify, and charging prejudice on Mr. Richardson's part.

October 3, 1930: Knapp to Moyer, Pittsburgh, "The Kelley series is almost a complete flop but things have happened that I think show we are not blamed. Bovard of the Post-Dispatch rang me up to-day and said he would not print the articles if he were paid to do so but if he could print a digest of about four columns, covering one week, he would pay $350 to help us out. I put this up to Mr. Pulitzer and he agreed to let the Post-Dispatch do as they wanted. I also told him in detail all that we had done and the same thing that happened in St. Louis had happened in all other cities where we had failed to make sales. I also told the story to Mr. White and they acted very nicely about the matter and I do not think blame us in the slightest. They realize it was a hopeless story to sell but will be a good thing for The World. I wired you not to try to sell to any other paper in Washington as Mr. Pulitzer would like to push the sale of The World there now that the Post has declined * * *. I wanted you to get this letter so that it would relieve your mind, as I was bothered myself, but after my talk with Mr. Pulitzer and Mr. White, I think they understand we were up against an impossible task."

October 3, 1930: Advertisements were run in The World and the Evening World on the Kelley series, starting October 6. On the same day ads were also run in 136 suburban papers.

October 4 and 5, 1930: The World printed front-page advertisements of the forthcoming Kelley series under the headline, "Kelley's Own Story of Oil Graft Will Begin in the World Monday."

October 4, 1930: Knapp to San Diego Union, "* * * Your attention, however, is specifically directed to articles 4 to 8, inclusive, which must be substituted for those which you already have. Please destroy the copy you have now."

October 4, 1930: Williams, Chicago, to Knapp, New York, telegram, "Both Chicago and Milwaukee papers refuse Kelley's story positively and emphatically. Too long and too dry and devoid of public interest."

October 6, 1930: Publication began.

October 6, 1930: Kelley submitted an expense account for $69 and signed receipt No. 18837 for that amount, "Advance payment to be accounted for on editorial pay roll for week ending October 11, 1930, expenses in connection with oil-shale articles." Dates covered by expenses not given.

Railroad fare	$44
Taxis	3
Telephones	1
Tips	1
Room, 4 nights	20

October 6, 1930: Knapp to Bovard, St. Louis Post-Dispatch: "Of course, this is rather a meager list, but it is the result of a week's intensive effort of air mailing the letters, telegraphing, and two men on the road. You will be interested to know that your opinion of the series that you told me over the phone is the same opinion that we are getting from the leading newspapers. While the story is on a very important subject and may lead to interesting developments at Washington, the reaction of most editors was that the articles were dry and uninteresting and much too wordy. Of course—and I am speaking to you confidentially—I knew this when we started to sell it, but I had nothing to do with the preparation of the copy except that it was handed to me to put out. Your opinion certainly helped me in convincing our people that the syndicate department had done everything possible to sell the stuff and that we were not responsible for the failure to place it with more newspapers."

October 6, 1930: During publication the World published colored advertising placards, of which six have been furnished: "Oil-company dummies used to get hold of Government lands, says Kelley in the World to-day"; "Washington helped money barons get valuable oil lands, says Kelley"; "False facts accepted as basis for oil-land grab, says Kelley"; "Congressman seeks legislation giving away oil lands, says Kelley"; "Secretary Wilbur advised of Colorado oil situation, says Kelley"; "Twenty billion for oil companies by Interior Secretary's decision, says Kelley."

October 8, 1930: Check No. 222402, for $6,000, payable to Ralph S. Kelley, drawn on the American Exchange Irving Trust Co., American Exchange Office, New York, canceled October 14, 1930, indorsed Ralph S. Kelley, Elliott L. Thurston. Paid through the Commercial National Bank, Washington, D. C. (This was an "accepted" check, acceptance dated October 11, 1930, by Irving Trust Co.; similar to a certification.)

October 9, 1930: Knapp to Bovard, St. Louis Post-Dispatch: "Inclosed please find two sets of revised proofs of the first columns of the Kelley series, articles 7, 8, and 10. Important changes have been made in these three columns by our lawyers, and please use these for copy in place of the proofs that have been previously sent you."

October 10, 1930: Publication ended; 14 articles instead of promised 15.

October 24, 1930: Attorney General Mitchell transmitted Richardson's report holding Kelley's charges to be baseless.

October 27, 1930: Editorial in the New York World on the Richardson report: "Further evidence of bias appears at the very beginning of the report, where Mr. Kelley is stated to have been absent from the department without permission; during last Sep-

tember, when, according to Mr. Kelley's statement published in to-day's issue of the World, he was on sick leave, attested by a doctor's certificate, and communicated to the supervisor of the General Land Office." (He did not apply for leave until September 28; during the period covered by the certificate, September 8 to 26, he had been writing for the World. See his letter of September 16.)

October 28, 1930: Secretary Wilbur dismissed Kelley as of September 29.

October 29, 1930: Editorial New York World, "To the best of our knowledge the facts with respect to the Kelley articles are these: The articles were prepared by a Government servant who has an honorable record of more than a quarter of a century behind him in the Department of the Interior. The articles were written, Mr. Kelley informed the World and the readers of the World, because Mr. Kelley believed that only a public protest on his part could put an end to methods which he regarded as a scandalous betrayal of the public interest."

October 29, 1930: President Hoover issued a statement on the Kelley-World matter.

October 29, 1930: Press Publishing Co., check No. 222684, payable to Ralph S. Kelley, drawn on American Exchange Irving Trust Co., American Exchange Office, New York, certified October 25, 1930, canceled October 27, 1930, indorsed by Ralph S. Kelley, and the "Chase National Bank, city collection."

October 30, 1930: Editorial, New York World—"* * * He therefore asked as payment for his articles the equivalent of two and a half years' pay in order that he might have time to establish himself in a new career." * * * "The World investigated Mr. Kelley in Denver and in Washington as thoroughly as it could." (Investigations in Denver consisted of writing to a man on the Denver Post; (Renaud's statement); investigations in Washington not stated.) * * * "The most conclusive proof of Mr. Kelley's good faith was found in the public records." (Quoting joint letter of attorneys to Obenchain, April 23, 1930.) (NOTE.—When did the World find this? Before or after hearing Kelley?) (And the balance of Obenchain's report is not very helpful to the World.) "The President, moreover, has forgotten one vital fact; that is, that the official at the department who would have answered these inquiries is the same gentleman who covered himself with such glory in the matter of the Harding oil leases" (Finney).

October 30, 1930: Senator GLENN demanded to know how much the World had paid Kelley.

October 31, 1930: Editorial World—"We refer Senator GLENN to the editorial printed in the World yesterday, October 30, which describes our relations with Mr. Kelley. As stated in that editorial, the amount paid Mr. Kelley was the equivalent of two and a half years' pay, the exact sum being $12,000, and no further promises or engagements of any kind were made except that Mr. Kelley is bound by contract to hold himself and his proofs at the service of any congressional investigation." (NOTE.—Kelley's salary was $3,600; 2½ times $3,600 is $9,000; he was paid $12,000.) As to "no further promises or engagements of any kind" see the Kelley-World contract, article 4, which promises "50 per cent of the net syndication revenue in excess of the above sum of $12,000." Also, the World failed to answer Senator GLENN's demand about dates.

November 1, 1930: Knapp to San Diego Union, Scranton Times, Pittsburgh Press, Syracuse Herald: "Please mail clippings any editorial comment you ran on Kelley since Thursday."

November 1, 1930: Pittsburgh Press wrote: "As I told you when you were here, we accepted these articles subject to the approval of our attorney. He has turned thumbs down on their publication in the Press; in view of the developments on this situation we feel it is out of the question to take a chance by overriding his judgment." (Acknowledged November 3.)

November 6, 1930: Secretary Wilbur wrote House and Senate Public Lands Committee asking review of oil-shale matters looking toward legislative clarification of uncertainties in existing law.

December 23, 1930: Secretary Wilbur wrote the World asking a statement.

December 25, 1930: The World printed a statement "that it has never believed or implied that in all these complicated transactions he did any dishonorable thing."

LITTLE ROCK (ARK.) AIR DEPOT

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate numbered 1 and 3 to the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes, and disagreeing to the amendment of the Senate numbered 2 to the said bill.

Mr. REED. Mr. President, this is a case in which the Senate agreed to the House bill, but added two amendments, one providing for moving the railway track which runs across the middle of Bolling Field, and the other an amendment providing for the removal of the old Aqueduct Bridge next to the Key Bridge in Georgetown. The House agreed to the Bolling Field amendment and disagreed to the other one, and I move that the Senate recede from its amendment numbered 2.

Mr. JONES. Mr. President, I do not believe in retaliating in reference to these various measures; I think each measure should be dealt with on its own merits. Yet we hear that there is no reciprocity along that line.

Mr. REED. If the Senator will yield, I am sure he knows I tried to get the second deficiency conference report taken up right now.

Mr. JONES. I know the Senator did.

Mr. REED. And the Senator who objected had nothing to do with the conference report which I am asking to have considered. I do not want anything more than reciprocity.

Mr. JONES. I know that. The Senator has always acted along those lines, and I am going to treat him in exactly the same way. But I am not sure how I may act in reference to other matters. I do not believe in retaliation myself. I believe, as I said, in acting upon every measure on its own merits, letting every measure stand on its own bottom, as the common expression is. Yet it seems sometimes that in order to accomplish things we have to use different sorts of methods. I shall not do it unless I feel that I am absolutely forced into it, but I thought I would make this suggestion.

Mr. REED. I thank the Senator.

Mr. NORRIS. Mr. President, it is perfectly evident that there is a filibuster against the conference report on the maternity bill which is in charge of the Senator from Washington [Mr. JONES], and that the veto message of the President, being highly privileged, necessarily displaces the conference report while it is being considered. It is also very evident that at this time in the session, even if the vetoed bill could be expected to pass through the Senate and the House, it would be a physical impossibility for that course to be pursued unless it was done by unanimous consent. We only have presented to us another illustration that is coming day after day and hour after hour, that where a definite time is fixed for the adjournment of a session of Congress, that matters can be held up at any time and no business transacted. I am not complaining of the men who aid in the filibuster. Under the Constitution of the United States they have a right to do it because we are going to adjourn to-morrow at noon.

Some important legislation which a large majority of the Senate favors hangs now in the balance. I think the bill which is vetoed by the President is more important than any of those things and if, by continuing the consideration of the veto message, we could bring about the passage of the bill over the President's veto, I would of course never take the step that I am about to take. But inasmuch as that bill can not become a law and we know it, and all of the time taken on it only delays the conference report and other bills that are behind it, I am going now to ask unanimous consent that the veto message of the President be laid aside.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. I object.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. NORRIS. Oh, no, Mr. President, I have not yielded the floor.

Mr. BINGHAM. Mr. President, can the Senator hold the floor after submitting a unanimous consent agreement?

The VICE PRESIDENT. The Senator can hold the floor. The Senator from Nebraska has not yielded the floor. He is recognized.

Mr. REED. Mr. President, will the Senator from Nebraska yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. I yield.

Mr. REED. There is great merit in what is said by the Senator from Nebraska. The Muscle Shoals matter has reached the President after years of work and consideration in the Senate and House. There is no reason why we should avoid a decision upon it.

Mr. NORRIS. I am not claiming there is a filibuster on the President's veto message.

Mr. REED. I know the Senator is not.

Mr. NORRIS. But all the time taken up on it, of course, helps the filibuster just that much.

Mr. REED. I understand that the Senator thinks debate on the Muscle Shoals matter is to some extent being used to defer action on the maternity bill. There is no reason why both matters should not be settled. Every Senator knows his own mind on the Muscle Shoals matter. I am going to suggest—of course, I am not trying to take the floor away from the Senator from Nebraska—a unanimous-consent agreement that at 10 o'clock this evening the Senate shall without further debate proceed to vote upon the veto message of the President on the Muscle Shoals bill.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I yield.

Mr. JOHNSON. I ask the Senator from Pennsylvania if he will not change his request so the order will be appropriate, to provide that at 10 o'clock we shall vote upon the conference report on the maternity bill?

Mr. REED. No; I will not.

Mr. JOHNSON. I knew the Senator would not.

Mr. REED. No; I would not agree to that.

Mr. NORRIS. We can not get either agreement now.

Mr. JOHNSON. Of course, the Senator would not change his request.

Mr. REED. I am trying to settle one vote at a time.

Mr. JOHNSON. The Senator will settle it by a filibuster on the maternity bill.

Mr. REED. Mr. President——

Mr. NORRIS. I decline to yield further, except for a vote on the motion of the Senator from Pennsylvania to recede from the amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington; and

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and joint resolution, and they were signed by the Vice President:

S. 1640. An act for the relief of John E. Ross;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.);

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6072. An act for the relief of C. H. Price;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims was read twice by its title, and referred to the Committee on Rules.

PROVIDING BOOKS FOR THE ADULT BLIND

Mr. SMOOT. From the Committee on Appropriations, I report back favorably without amendment the joint resolution (H. J. Res. 528) making an appropriation to provide books for the adult blind. I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was ordered to a third reading, read the third time, and passed.

MUSCLE SHOALS—VETO MESSAGE

The Senate resumed the consideration of the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes, returned to the Senate by the President without approval.

The VICE PRESIDENT. The question is, Will the Senate pass the joint resolution, the objections of the President of the United States to the contrary notwithstanding?

Mr. NORRIS. Mr. President, I have in my desk a large number of documents and papers referring to Muscle Shoals. If it were not for the parliamentary situation which I have just briefly described, I would like to take some of them and review the legislation somewhat. But, much as I am tempted to do that, I am not going to stand in the way of a speedy vote on the conference report on the maternity bill. I want to call the attention of Senators to the fact that there are two conference reports yet to be considered. One of them is a conference report that has to be agreed to by the House on the second deficiency appropriation bill, which contains hundreds of items and which will seriously affect the Government if it is not approved, and which, incidentally, will seriously affect a lot of Senators who have items in it.

Notwithstanding that fact, it seems to me it is my duty, at least it has been suggested to me by several Senators that they think it is my duty, to discuss briefly the veto message of the President. I am not going to discuss it longer than 10 or 15 minutes.

Of course, I am very much disappointed that the President has taken this course. I think he is entirely inconsistent with his own conduct, inconsistent with his own pledges, with his promises that he made to the American people, particularly those promises referred to and read again to-day by the Senator from Alabama [Mr. BLACK], which he made in a speech in Tennessee when he was a candidate for office, and in the interview which he gave to the papers after that speech. His message to-day is a flat contradiction of the promises that he made then to the American people. Everybody, of course, has a right to change his mind, and to do that even after election, but at least the facts ought to be laid before the American people.

Mr. President, the veto message contains a large number of misstatements, as I understand the facts. It is because I think I ought briefly to call attention to some of those inconsistencies that I have taken the floor and shall trespass for a few moments upon the time of the Senate.

For the first time the President proposes a new solution of the Muscle Shoals problem. During all the time that it has been debated during the time of his predecessor, he was in the Cabinet. For two years he has been the Chief Magistrate. While he was in the Cabinet, because he was an engineer of great reputation, he had a great deal to do, or was supposed to have a great deal to do, and I think did have a great deal to do with the ideas of President Coolidge upon an engineering matter like this. So the President has been officially and closely connected with the Muscle Shoals question for a large number of years, practically ever since we have had it before Congress. For the first time he proposes a new solution.

What is that new solution? In this message he says, "Turn Muscle Shoals over to Alabama and Tennessee." He first had said that the Government could not operate the property; that the Government could not operate Muscle Shoals, because it would cost the Government to produce power such an enormous rate that it could not be sold in competition with other power produced by private citizens. He said the Government could not manufacture fertilizer at Muscle Shoals, so he discarded that idea.

According to the first part of the President's message the Government has nothing to do with the matter and ought to get rid of it. Then he turns around and says the solution of the problem is to turn it over to Alabama and Tennessee, and he tells us what they can do. He says that the com-

mission which he suggests should be appointed "could lease the nitrate plants to the advantage of agriculture." In the first part of his message he said the nitrate plants are of no account whatever and of no value. He then says the commission "could lease the nitrate plant to the advantage of agriculture." The power plant is to-day earning a margin over operating expenses. Such a commission could increase this margin without further capital outlay and should be required to use all such margin for the benefit of agriculture.

It is a useless, worthless property that the Federal Government can not operate and get anything out of, but he proposes to turn it over to Alabama and Tennessee and tells them that they have a great thing in it, that they can help agriculture, that they can make some money out of it and use it to help agriculture. I wonder if the President of the United States can be so cruel to some of the States in our Union as to give them what he has just said is a gold brick? He said it is worthless for the Federal Government, but it is valuable for a State government to operate it. I presume under his theory if he could turn all of the Federal Government property over to a State, that it would be a burden for the Federal Government, but it would be a joy and a pleasure for the State. Either the Federal Government is incompetent—and he is at the head of it—or he is blackmailing the States, one or the other.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. Aside from the economic issue involved, will the Senator give us the distinction in principle between the Federal Government operating the plant and a State government operating it?

Mr. NORRIS. The proposition is just the same even as he puts it. We provided in the bill for a board to handle the property. The President proposes to have a commission that will handle it in behalf of the States. In another part of his message he said the bill is really making of Congress a board of directors, and yet it has the same principle involved, so far as the management of the property is concerned, as does the Federal Farm Board which was created in an act that was passed for him in his farm-relief program, where he had his own way, where he turned down every proposition of Congress, and where he got the bill he wanted, appointed the board he wanted, and it is now operating. But when it comes to Muscle Shoals this kind of a board would be a failure. If it makes as big a failure—but I will not say that. I do not think the Federal Farm Board can possibly succeed because it is circumscribed by the law, and I think its members have been trying to enforce it as well as they can.

But what I am calling attention to is that when it comes to a power problem, when the Power Trust is interested, this proposal is a vicious thing, but when it comes to something else where he appoints the board, the same as he would appoint this board, it is a beautiful thing.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. The President said in his message that he is opposed on principle to Government operation in competition with individual enterprise.

Mr. NORRIS. Yes.

Mr. GLASS. I want the Senator to point out the distinction between Federal Government operation of an enterprise and State government operation of the same enterprise.

Mr. NORRIS. There is none. The same principle is involved.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. The President said, as the Senator from Virginia has well stated, that he is opposed to Government operation.

He is opposed to creation of a board; but the farm-relief measure, his own law, provided for the same kind of a board. So it depends on whether it is the farmer who is to be affected or the Power Trust that is interested.

Mr. BINGHAM rose.

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, I am wondering if the Senator from Virginia [Mr. GLASS] has read the veto message?

Mr. GLASS. Oh, yes; I have read every word of it. Why should the Senator from Connecticut propound that inquiry to me?

Mr. NORRIS. Mr. President, I did not yield to have a question asked to some one else.

Mr. BINGHAM. Will the Senator yield for a question?

Mr. NORRIS. I will yield for a question to myself.

Mr. BINGHAM. My question to the Senator from Nebraska is this: Does the Senator from Nebraska understand that the President's suggestion that the States of Alabama and Tennessee set up a commission of their own representatives, together with representatives of the national farm organizations and the Corps of Army Engineers, to lease the plant at Muscle Shoals in the interest of the local community and agriculture generally involves Government operation?

Mr. NORRIS. The suggestion is for a lease.

Mr. BINGHAM. Exactly; to lease, not to operate the plant.

Mr. NORRIS. And that is what we have provided for in this bill. We have provided for the leasing of the nitrate plants for the benefit of agriculture.

Mr. BINGHAM. If the Government can not lease the plant it will have to operate it.

Mr. NORRIS. Of course, if the board provided in the bill could not lease the plant, Tennessee and Alabama could not get a commission that would be able to lease them.

Mr. BLEASE. Mr. President, will the Senator permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. BLEASE. Does the Senator from Nebraska not think that this measure violates every principle of State rights?

Mr. NORRIS. No; I do not think so.

Mr. BLEASE. I do.

Mr. NORRIS. Well, the Senator from South Carolina has a right to think so.

Mr. President, further on in the message the President bemoans the fact that these plants are proposed to be operated by a Government board, a corporation, and that no taxes are going to be paid. I regret that evidently the President has not read the bill, because the bill provides for the payment to Alabama and to Tennessee of a 5 per cent commission on all the power that is sold from Muscle Shoals and from Cove Creek, which would amount to more in lieu of taxes than would be paid if the same property were owned by a private individual; I do not think there is any question about that.

There are very few private corporations, generating and distributing and selling power in the United States, that pay as taxes as much as 5 per cent of their gross sales. Some of them pay less than 2 per cent. So the President evidently did not read that part of the bill. That is one place where the engineer referred the matter to somebody who was not an engineer to get advice so that the engineer could act on an engineering proposition.

There are some other figures. The Senator from Alabama [Mr. BLACK] pointed out some. It is not going to cost 9 mills to make electricity at Muscle Shoals, especially when the plant shall be completed. I think it will be made for less ultimately than 1 mill per kilowatt-hour. The President's own engineers, the Senator from Alabama pointed out, have shown and have testified before the committees of Congress that at Muscle Shoals power would cost 1.36 mills. If the entire plant were completed, if Cove Creek Dam were in operation, and the flow of the Tennessee River were adjusted, as that dam would adjust it—and perhaps later additional flood-control dams will be constructed—there could be produced at Muscle Shoals some of the cheapest water power in the world.

The power is there; all that has to be done is to regulate the flow of the Tennessee River. The President bases his calculation again upon some erroneous figures. He estimates $41,000,000, as I recall, as the cost of Cove Creek Dam, and allows only $5,000,000 of that to be charged up to flood control, when everybody who knows anything about the subject knows that Cove Creek Dam is a flood-control proposition; that power is only incident. We were anxious to provide for its construction in the bill because it would be an economic sin to let any private party build Cove Creek Dam.

If private parties built it, they, of course, would want to make all the money they could out of it for power; they would let the reservoir fill up and would never let the water out, because, as water was allowed to flow out of the reservoir, the power generated would decrease, until, when all the water was out, there would be no power; but when the Government owns it, it is a flood-control proposition. It could let out that water or a great share of it, perhaps all of it in some years. After the experience of a few years it would be possible to determine just how much ought to be let out. When the water was let out the power generated there would decrease very materially. A private party would not let it out. So the chief value of Cove Creek and Cove Creek Reservoir is flood control; its next value is for navigation purposes, and power comes third.

One reason the Government can afford to build Cove Creek Dam is that, since it owns Dam No. 2, when it let the water out in seasons of low water at Cove Creek it would increase the power which may be developed at its property. So it is not so great a loss after all, and it would not be nearly so much as leaving the reservoir full of water and letting the stream run over and get the benefit of over 200 feet fall of water. So when the President only charges off about one-eighth, according to his figures, or a little less than one-eighth of the cost, he is not fair. He ought to charge off at least three-fourths of it for flood control and navigation.

The Tennessee River is one of the largest streams in the country, but sometimes in the neighborhood of Chattanooga and between Cove Creek and Muscle Shoals the water gets down so low that there is no navigation in the river. When it gets down that low navigation ceases, and power at Muscle Shoals decreases. However, by the use of Cove Creek Dam the power at Muscle Shoals would be increased, and the navigability of the stream would be increased for 300 miles.

Mr. President, that is not all. Cove Creek is valuable as one of the ways of controlling the flood waters of the Mississippi River. I want to tell you, sir, that the time is coming when wherever God made a basin that will hold back the flood waters of the tributaries of the Mississippi River we are going to build dams at those places and hold the waters back. That, in the main, is how we are going to prevent the damage that is done in Mississippi and Louisiana by overflows in the Mississippi River. The basin in the vicinity of Cove Creek is the largest basin on the east side of the Mississippi River. It will hold 3,500,000 acre-feet of water. That is a large volume of water. The impounding of that water alone would have a very material effect upon the flood waters of the Mississippi River. So the President is not fair when he says we will charge up all of this flood control and this navigation proposition to power.

Of course, it is an engineering proposition, and if the great engineer had referred it to an engineer instead of to somebody else, he would have obtained better information. He himself ought to know better. If he remembers what he read when he went to school, and studied engineering, he ought to know that the prime reason for the construction of Cove Creek Dam is flood control and navigation. I never would advocate the Government building a dam at Cove Creek for power purposes. Power is the third consideration when it comes to the construction of the Cove Creek Dam. So the President, when he arrives at the figure of 9 mills a kilowatt-hour, is figuring on an exorbitant price for Cove Creek Dam, and is figuring on an unfair distribution of that cost. Nobody else would figure it in any such way.

Let us take another item that is included in his estimate of what the whole thing will cost and what he wants to bring returns on. He says in his message that $40,000,000 will be used to build transmission lines. Mr. President, we have had this bill several times before the Committee on Agriculture and Forestry; we have gone into every detail of it, every sentence of it, every line of it. No one ever proposed, no one ever thought, no one ever believed for one moment that the corporation which it was proposed to create would spend $40,000,000 in order to build transmission lines. The President and others, including the Power Trust interests, were opposed to putting this provision in the bill. Why did we put it in, and what is the language when it is in? If Senators will look at the bill they will find it says:

In order to place the board—

That is, the governmental board which would operate the property—

upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant.

If they did not have that power, they would be helpless; if they did not have that power, the Alabama Power Co. would through all time, as it has now, have a monopoly upon the power generated in that plant, which is owned and has been paid for by the taxpayers of the Nation. We wanted to give the board an opportunity to say to municipalities and farm organizations, "If you do not build this transmission line, we will." We wanted to give the people of municipalities the right to build it, and we gave them in the bill an incentive to build it.

If municipalities or States or farm organizations provided for in the bill will build their own transmission lines, the bill authorizes a better contract to them than though the Government should build it. We offered them an inducement to encourage them to build it.

What would happen if this provision were not in the bill? I do not suppose there is a municipality in Tennessee or Alabama that has authority now to build transmission lines outside of its own corporate limits through Tennessee, Mississippi, Georgia, and Arkansas. If municipalities have the right to build transmission lines within the State they could not build them outside the State. The State legislatures even by a constitutional amendment could not give them authority to build transmission lines in another State, and in order to get to Muscle Shoals they would have to cross a State line. How helpless they would be; they would not get there or they would have to go to some private party; they would have to go to some unit of the power trust and say, "Bring it here and we will buy it of you." That is what would happen if we had not put this provision in the bill.

I do not anticipate that this board, if the bill had become a law, would ever, in a hundred years, spend $10,000,000. They might spend that much because they would build a line connecting the two plants, but, outside of the connecting line between Muscle Shoals and Cove Creek, which is a matter of business, the Government would want to undertake when it constructed the Cove Creek Dam in order to get cheap power for the building of Cove Creek Dam, probably in a hundred years the board would not spend $10,000,000, perhaps not $5,000,000, perhaps not $1,000,000.

Yet if they did not have that authority, the people would be helpless. Knowing that the Government could come in and do it, there would be no reason why the power company or any other private corporation would try to hold up a municipality by way of giving them a transmission line in order that they might get some of this electricity.

There is another instance where our President has not been fair; and these things he has added together, and computed, and he says we must make 4 per cent on them.

Mr. President, it seems to me that anyone who knows what the facts are, and who reads this message, can see that

these figures are wrong. They are not only wrong but they are unfair. It does not cost, and it will not cost, 9 mills to make electricity at Muscle Shoals. It does not cost that much at other places where they have the same advantages, where they have the same natural resources that exist there. Nobody can tell in advance just what the cost will be. There will be a lot of secondary power there, not salable, as a rule, not very valuable; and yet, if you can get a customer to buy it, it is all clear gain. There will be a large amount of it there. When the Cove Creek Dam is finished, and the steam plant provided for in the bill is finished, and the machinery is put in the dam that is there now, waiting for the machinery, we will have perhaps 500,000 horsepower owned by the Government for sale to municipalities and counties and individuals.

Mr. President, it is not a question of putting the Government into the power business. It is there now. We own it. It is not like going into it as a power proposition. We have not gone into it as a power proposition. We went into it as a matter of national defense. If we had war to-morrow, we would start up that nitrate plant the next day. We would build up the fires in the steam plant and operate it. Nobody would destroy it any more than they would go out with dynamite and blow up a battleship. The only difference is that it has a peace-time use and the battleship does not.

It is not a question of Government operation. It is a question of whether the Government should keep its own property.

Mr. BINGHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. I yield to the Senator.

Mr. BINGHAM. The Senator, of course, is much more familiar with the joint resolution than I am. I have been looking at the joint resolution since the Senator told me that it does not require Government operation; and, while I find it is true that there is a provision for leasing the nitrate plants, I do not find any provision for leasing the power plant.

Mr. NORRIS. Oh, no; and, if I had my way, the provision for leasing the nitrate plants would not be there. It was not there when the committee reported the joint resolution. It was not there when I introduced the joint resolution. It was not there when the joint resolution passed the Senate. It was put in by the House.

I am going to take that up now, since we have gotten to it. Before I do, so that the Senator from Connecticut will understand, let me say that nobody claims that we are providing for leasing the power. I have not contended such a thing.

Mr. BINGHAM. I beg the Senator's pardon. I thought the Senator from Nebraska and the Senator from Virginia [Mr. GLASS] both stated that the President recommended that the States of Alabama and Tennessee should do exactly what the joint resolution provided for the Federal Government to do.

Mr. NORRIS. Ah, the President recommends that they shall lease the nitrate plants to Tennessee and Alabama. That is on page 7.

Mr. GLASS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. Yes.

Mr. GLASS. May I make an inquiry of the Senator from Nebraska or the Senator from Connecticut?

Mr. NORRIS. The Senator will have to make the inquiry of me, because the Senator from Connecticut has not the floor, and he can not get it.

Mr. GLASS. May I inquire just exactly how this quasi Federal-State commission is to acquire possession of the plant?

Mr. NORRIS. Why, we shall have to give it to them. If the President has his way, we shall have to pass a law turning the Government property over to the States or the States' commission. That is the only way they can get it.

Mr. GLASS. Inasmuch as the State of Alabama paid into the Federal Treasury last year only $7,000,000 and the State of Tennessee but $16,000,000, and the State of Virginia $96,000,000, I would not vote for a proposition to give away our property on any such basis as that.

Mr. NORRIS. Why, Mr. President, I can not conceive of anybody in the Senate who would do it, either. It is a proposition that I think can not command the respect of anybody who can think out what is fair and what is square. Nobody on earth, so far as I know, has ever proposed this except that great engineer; and he got his advice from somebody who was not an engineer.

The President says in the veto message that he could not lease these nitrate plants. He may be right; but, lease them or not, if they are not leased they are operated under the Senate joint resolution; and I want to tell you what that would mean. It is in the law now. The Senate joint resolution is unchanged, excepting that we added the leasing authority for the nitrate plants, and provided that if they were leased the operation of the nitrate plants by this Government corporation should cease while the lease was in effect. If the lease for any reason is canceled, or no lease is made, then the measure goes on just exactly as it passed the Senate, and all the other provisions put in by the House become null and void. That is what the joint resolution provides.

Suppose the nitrate plants are not leased. Then this corporation operates them; and, Senators, after a consideration of years by the Agricultural Committee, they unanimously reached the conclusion contained in the provision for the operation of the nitrate plants. We did not provide that this corporation had to operate the cyanamide-process plant that is down there, or any other plant that is there. We tried to give this corporation just as much authority as an individual would have if he owned the property.

There is a disagreement as to whether this plant is out of date or whether it is not. Some think it is. Some think it is not. So we provided that this corporation could operate the plant, could change the plants, could improve them and bring them up to date, or could build an entirely new plant; and that is what I think they would have done. I have not any doubt on earth about it; and if anybody would have leased it, that is what he would have done. He would have built a new plant, modern and up to date, on a different system of getting nitrogen from the air.

But we were confronted with a propaganda that President Hoover's friends were spreading over this country, headed by Chester Gray, who has misrepresented more farmers in Washington than he ever properly represented. That propaganda was, "Lease this property to private parties and they will make fertilizer that will cut the price in two in the middle"; and we just called their bluff. Those men, without a single exception, were men who used to come from the White House to the committee to advocate that very thing, and from the White House to the newspapers, where they spread the propaganda all over and deceived millions of farmers by making them believe that such cheap fertilizer could be made there. I think it was entirely exaggerated; but we who did not believe that could be done said to them, "We will lease this property to you. We will only ask that you do one thing—make fertilizer. Make fertilizer and we will let the President lease it on any terms he wishes as to price or rental. He can let you have it for a dollar a year. Make fertilizer. That is all we ask you to do"; and they backed out, and we had that for weeks before the conference committee.

Really, these chemists, these people who wanted to establish a big chemical factory down there, wanted to get a bonus big enough so that they could pay losses; and they had "jokers" in every bill that has ever come here before this one, which would relieve them from manufacturing fertilizer if they could not sell it at a profit of 8 per cent. So they said, "We must have something else"; and we gave them something else.

I never thought we ought to have done it, although I agreed to it. It was only because it was necessary to com-

promise to get any bill at all that I agreed to it; and I think the other conferees agreed with me fully. We agreed to give to the lessee a preferential right for power equaling 15 per cent of the power that he used in making fertilizer; and so we had to provide that he could not use that power to process a by-product of the power that he got with his lease. In other words, he did have an advantage over any other purchaser of power. He could get it for 50 years, and nobody else could. He could get it in advance, and nobody else could. Everybody else who took power had to agree that on two years' notice, if a community, a farm organization, a municipality, or a county wanted the power, and there was not enough to go around, they were to have the preference; and after notice of two years they could take it away from an ordinary corporation or individual. This lessee was excluded. This preference was given to whoever was the lessee, and it stands there in the measure.

Now the President says he can not lease the plant. He has tried for two or three days to lease the plant that he would have had a year to lease under the law if he had signed the bill and let it become a law. If he can not lease it, there is no harm done. Then the Senate joint resolution commences to operate.

Now let me tell you what is in the Senate joint resolution on that score. It is the greatest experimental plant, the greatest experimentation that ever has been undertaken in the history of the world to cheapen fertilizer on a large, broad scale. We provided that the income should be used for experimentation with fertilizer. We provided that they could lease lands and make contracts with farmers to try out any new fertilizer.

What do we need in this country, as far as agriculture and the consumers are concerned, more than any other one thing? It is to cheapen fertilizer. The consumers of America are interested, just as much as the farmers are, in making cheaper fertilizer. We know that chemists all over the world have been experimenting. They have been improving it. It is true that it is getting a little bit cheaper; but nobody has ever gone into the experimentation of cheapening fertilizer on as large a scale as is provided for in the Senate joint resolution.

No private party could do it. I am not complaining at all, because, when you perform experimentations, more often than otherwise they prove to be failures. You try a thousand times, and you would be glad if the next time would bring you success; and you lose your money, you lose your time, and so forth.

A private party could not afford to do it. The Government could do it. It is a proper expenditure of money to cheapen fertilizer. We have been doing, in a small way, that very kind of work ever since I have been in Congress, and I think for a good many years before. Nobody complains that it is not right to use public money to experiment, to see if we can not cheapen the cost of fertilizer.

That is not all, however. If a private party learns a new process and cheapens fertilizer, what does he do? He has it patented, and he has a monopoly under the patent until it expires. Under this measure if the Government had cheapened the cost of fertilizer it would have been open to the world; and, Mr. President, I want to say that I think it is an honor to America that in the study of getting nitrogen from the atmosphere, one of the greatest inventions in cheapening that ever was made, was made by an American citizen, an official of the American Government. He was not working for a private party. He was not working for a private corporation, where the splendid incentive of efficiency always exists. He was working for the Government, under the "dead hand" of the Government. He developed a new process for the extraction of nitrogen from the atmosphere that has gone all over the civilized world. It did not cost anyone a cent. He is here now in the Bureau of Mines.

Mr. President, I think that the people of the United States, if not of the civilized world, must before long cheapen fertilizer. It is a very peculiar thing that it has not been cheapened before. Freight alone will make it impossible to ship cheap fertilizer to any distance so as to supply an extensive territory. There is more dirt and sand in fertilizer than actual fertilizing ingredients.

There is a world unknown in chemistry. The book is being gradually opened, and our scientists, and the scientists of the world for years have been studying the chemical methods by which the ingredients of fertilizer can be made.

Not many years ago it was so expensive to get nitrogen from the atmosphere that it was of no practical value. The old arc process was used. There had to be power, and a vast amount of it, gotten at a low rate, in order to make it profitable, so the process was almost worthless.

Scientific men discarded that. They invented the cyanamide process. That was known when we got into the war, and we built a large cyanamide plant at Muscle Shoals. At the time it was built it was as modern as any cyanamide plant in the world. But since that time it has been found that Germany discovered a new method during the war. She would have been conquered long before she was if she had not discovered that method, because she could not get nitrogen from Chile. She was shut off from the usual supply.

When the war was over we discovered what she knew. We have improved the process. Plants have been built employing the synthetic or Haber process which is much cheaper in my judgment. It takes much less power than does the cyanamide process.

I think if this bill had been signed and become a law, the lessee who would have taken this property over would have built a new plant which would have taken more power, and would have cost less money to produce more nitrogen than can be produced under the old system.

The first plant to be built was up at Syracuse, a plant built since the war, and every plant that has been built was better than the one before. There is one at Hopewell, in the State of Virginia, and another in West Virginia, where nitrogen can be produced from the atmosphere with the modern method much cheaper. That would be one of the things we would have done in the experimental plant, and we would have paid for it out of the sale of power. That is what was provided in the bill.

Mr. President, we would have had this bill passed 10 years ago if it had not been for the Power Trust. Every step we have tried to take we have found right across the road of human progress this octopus. It was from some of the developments which came out of the consideration of the Muscle Shoals proposition that we provided by resolution for the investigation of the Power Trust which has been going on for more than a year, and if Senators will read the evidence that has been produced almost daily, and has been for more than a year, before the Federal Trade Commission, it will cause them to blush for shame at the dishonorable, the reprehensible methods which have been pursued from the Pacific to the Atlantic, from the Lakes to the Gulf, by the Power Trust, and the Power Trust has stood between the American people and the development of Muscle Shoals. I am sorry to say that our President—perfectly conscientious in his belief, I think—is with the Power Trust.

This is a great victory for the Power Trust. If we had had our way and this bill had gone into effect, Muscle Shoals would not only have been beneficial to all of the South, new factories would not only have sprung up, not only would new towns have sprung up, but, in addition to that, it would have been a yardstick for the whole Nation. The Power Trust would be unable to pull the wool over the eyes of the people, as they have been pulling it over their eyes in the past.

It would have developed the natural resources which God gave to our people. God did not intend that they should be given away to the Power Trust or to any other monopoly. It would have turned the falling water into electricity, which would have gone into the homes, thousands of homes, all through the South, and brought comfort and blessing and happiness to millions of people, besides, as I have said, setting the example all over the United States. But the President has killed the bill. He has vetoed it, and to-night the Power Trust are in high jubilee. They are happier than

they have been at any time since we commenced to investigate them through the Federal Trade Commission. They have won a great victory.

The President said that if this bill had become a law we would have been putting the power question into politics. My friends, it could not be gotten into politics any further than it is in politics now. The Power Trust is in politics, down in the school district, in the Boy Scout meetings, in the women's clubs, in all the municipalities of the land, before all the Members of Congress, in the campaigns for Senators, in the campaigns for governors, in the campaigns for State commissioners, and last, but not least, in the campaign for President of the United States.

There is not a place in the political firmament where the Power Trust has not its servants, its faithful servants, stationed to-night, right now, living off the fat of the land, taking their toll from the poor people of the land, taxing every home, taxing every factory, taxing every citizen, and doing it out of property which belongs to the people, the streams which flow down hill, which God intended should be a blessing to people rather than to the power interests.

That is what this meant, that is what was in this measure, and that is what the President of the United States has taken away from the American people by his wicked, his cruel, his unjust, his unfair, his unmerciful veto.

Mr. BINGHAM. Mr. President, may I ask the Senator from Nebraska a question before he takes his seat?

Mr. NORRIS. Certainly.

Mr. BINGHAM. Does the Senator agree with the President's statement that—

> This bill raises one of the important issues confronting our people. That is squarely the issue of Federal Government ownership and operation of power and manufacturing business not as a minor by-product but as a major purpose.

Mr. NORRIS. No; I do not believe in the Federal Government going out and developing power. I have never advocated that. We own this property. We ought to make it as valuable as possible. We ought to improve it. We can not operate it ourselves. The people's money has paid for it, and it ought not to stand there idle. It ought to be doing its work for the American people and showing its lesson to all the American people.

Mr. GLENN obtained the floor.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. GLENN. I yield.

Mr. REED. I want to appeal to the Senate to vote on this matter. The President's message speaks for itself. It needs no support. It needs no argument. I think the President is entitled to have an expression of the views of the Senate upon it.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. NORRIS. Without intending to take the Senator off the floor, I would like to submit a unanimous-consent agreement, so that everybody will know when the vote is coming, and all about it.

I ask unanimous consent that at 11 o'clock to-morrow we vote on the Muscle Shoals proposition.

Mr. GLENN. Mr. President, may I suggest an amendment?

Mr. NORRIS. If I thought the debate was going to keep up until 11 o'clock to-morrow, I would not agree to that myself, but the debate would be exhausted, and if this were agreed to, everybody would know when the vote was coming, and Senators could be here.

Mr. GLENN. May I suggest an amendment?

Mr. NORRIS. Certainly.

Mr. GLENN. I suggest that the request be amended to make the hour of voting 9.30 o'clock to-night.

Mr. REED. I hope the Senator from Nebraska will agree to have the vote at 9.30 to-night. Then we will not use it for a filibuster against anything else.

Mr. NORRIS. Very well; I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, I could not agree to that without a quorum being present.

The VICE PRESIDENT. The Senator from Illinois did not yield for that purpose.

Mr. BINGHAM. Mr. President, a unanimous-consent agreement was submitted, which requires a quorum call.

The VICE PRESIDENT. The unanimous-consent agreement has not been submitted yet.

Mr. McKELLAR. Mr. President, when it is submitted I am going to object for the present.

Mr. GLENN. Mr. President, if it is to be objected to, I will not submit it.

Mr. WATSON. Mr. President, will the Senator from Illinois yield?

Mr. GLENN. I yield.

Mr. WATSON. I would like to ask the Senator from Tennessee at what hour he would agree that a vote might be taken?

Mr. McKELLAR. I want to make an address of about 10 or 15 minutes. I do not know exactly how long the debate will last. I do not know who is to be recognized. I want to have an opportunity to make that speech. I come from a State which is very deeply interested in this matter, and I want to say something about it.

Mr. WATSON. At what time would the Senator from Nebraska be willing that a vote should be taken on the proposition?

Mr. NORRIS. The only anxiety I have about it is that all Senators may be notified.

Mr. WATSON. Certainly.

Mr. NORRIS. As far as I am concerned, I am ready to vote now or at any other time that may be fixed that would give reasonable time so that Senators could be notified. I will not object.

Mr. GLENN. Mr. President, I suggest 10 o'clock.

Mr. WATSON. Would the Senator from Tennessee object to that?

Mr. McKELLAR. Let us go along. I do not know that there is anyone to speak except the Senator from Illinois. I am going to ask for recognition when he gets through.

Mr. GLENN. Mr. President, I believe that, irrespective of political or factional or bloc feeling of the Senate, or affiliations in the Senate, every Member of this body honors and respects the sincerity and good motives of the senior Senator from Nebraska [Mr. NORRIS], who has for so long a period, and with so much energy and ability and honesty of motive, fought for the enactment of this legislation.

It may be true, and it is true, that his attitude of mind toward this and other governmental questions is not in accord with that of many of the others here, but I believe it is only fair to say to him that we all recognize that he is actuated only by a most sincere desire to serve his country in this fight.

It may be true that the Senator from Alabama has been actuated more by the impulses of his locality and of his individual State, but I certainly attribute to him nothing but the best of motives in his active and hale and intelligent endeavors in cooperation with the Senator from Nebraska.

Of course, the real question in dispute is not so much as to whether or not this project will pay, will be of economic advantage to the territory which it serves, will carry its operating costs and maintenance, and not be a drain upon the taxpayers of the entire country, but the really important, fundamental question involved in this controversy is the ever-present fight between private initiative and private enterprise, and Government ownership of the business of this Nation. Upon that question we differ radically and materially.

I thought the remarks of the Senator from Nebraska were in good temper except toward the end of his remarks I think he made one which was hardly justified by the facts when he spoke of the veto message of the President of the United States as being an "unfair and vicious veto." "An unfair and vicious veto" is rather strong and rather intemperate language, it seems to me, to be used in connection

with an official act of the highest officer of our Government, exercising the prerogative granted to him not as a privilege but as a duty by the Constitution of the United States. I think the imputation is unfair and unwarranted and unworthy of the Senator from Nebraska.

I have heard it said frequently by our friends among the opposition to the administration upon both sides of the aisle, in speaking of the President of the United States, that "as a President he is a great engineer." To-night, my friends, when I read the veto message involving this great important matter of our Nation, and noted the care and the intelligence and the ability with which he has handled the situation, I say that in the matter now pending before the Senate the President as a great engineer is eminently qualified to be and is a great President. In this time, when the President is being attacked as a tool of the Power Trust, while voices loud are being raised against him among advocates of municipal and Government ownership and the other socialistic doctrines upon which he is attacked throughout the country, it is well that we have a President equipped with the qualifications of an engineer to ferret out the defects in the plan and call them intelligently to the attention of the Congress and of the country.

The Senator from Nebraska said that the facts in the Muscle Shoals matter should have been referred to an engineer; that the figures in the veto message should have been referred to an engineer. The Senator from Alabama [Mr. BLACK] said in effect the same thing. My answer to them is that the facts and the figures were referred by the President of the United States to an engineer, so the plan which the Senator from Nebraska and the Senator from Alabama would have followed by the President was followed by our President.

In all the history of the Presidency I think it will be agreed to-night that as a fact-finding investigator, anxious to seek out and obtain real facts involved in any governmental proposition, there has been none more diligent, more studious, more able, more unremitting in his efforts than Herbert Hoover, President of the United States.

When the Senator from Nebraska asks why was not this matter referred to an engineer, I say it was referred to an engineer, the greatest engineer in the United States Army, not a tool of the Power Trust, not a tool of private enterprise or of great, grasping, greedy corporations about which we have heard to-night as they stamp upon the faces of the prostrate people of our land; but a man who has served his nation in time of peace and in time of war for 34 long years—Maj. Gen. Lytle Brown, Chief of Engineers. How fortunate it is, when it is claimed that the President of the United States is seeking to destroy the States in this beautiful valley of the Tennessee in Alabama, Georgia, and Tennessee, that the man who made up the figures and checked the figures is not only a servant of our country for 34 long years and the head of a great Engineer Corps of the United States Army, but he was born and bred in Tennessee—thus a Democrat—the distinguished son of a distinguished father.

Mr. BLACK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. GLENN. I yield.

Mr. BLACK. Does the Senator mean that Gen. Lytle Brown was responsible for the figure of 9 mills or for the figure of 1.36 mills?

Mr. GLENN. I mean that Gen. Lytle Brown is responsible for the figures upon which the President based his veto message and to him were referred the figures in the matter.

Mr. BLACK. Does the Senator know who is responsible for the figures which Gen. Lytle Brown sent to Congress on March 24, in which he stated that the cost of production of this power was 1.36 mills?

Mr. GLENN. General Brown sent a volume of one thousand one hundred and odd pages involving different theories and different financial set-ups and different engineering set-ups for the proposition, but when the Muscle Shoals bill which passed the Congress was referred to him—this identical bill with propositions in it upon which he had to pass—he passed upon them, and this is what he said. Understand, he was a Democrat from Tennessee and the son of a distinguished Confederate general—not a tool of Hoover or of the Power Trust, or of anybody else.

Mr. BLACK. Does the Senator deny that Gen. Lytle Brown is responsible for the figures which we have here?

Mr. GLENN. I have not read all the figures. There are 1,100 pages of the report. I read a part of one page and there are 1,100 pages in the report. I have no doubt but what General Brown considered that statement and upon a review of the whole situation he reached this conclusion. If he did not do it, then he is false to his trust and an unreliable and unworthy man to serve the country whose uniform he has worn for more than three decades.

Mr. BLACK. May I ask the Senator if he has a statement from Gen. Lytle Brown that he is responsible for the figure of 9 mills as the cost to produce power at Muscle Shoals?

Mr. GLENN. Mr. President, I have answered that question three or four times. I think it should even penetrate the intellect of the Senator from Alabama, and I decline to answer the same question again. I want to read the statement of Major General Brown, of the United States Army, the Chief of the Engineers, dated February 26, 1931, as follows:

MEMORANDUM FOR THE SECRETARY OF WAR

MY DEAR MR. SECRETARY: Now that the Muscle Shoals bill is before the President, I believe that I should give you voluntarily, in a very general way, my views concerning it. I have been connected with United States work from since before the war, and Tennessee, so vitally affected, is my home State. The interests of the people there I take to heart.

Let me say now that there is no monopoly on the part of a few Members of the Senate of all good motives, of a desire to see the interests of the common, the ordinary, the average people of our country prosper. Those motives are not confined to Alabama or Nebraska or Tennessee or to any other State or section of the Nation.

I continue reading from General Brown's statement:

All that the people there have is a result of private enterprise carried on under the law and policy of both Federal and local Government since the days of the first settlement. They have been anxious all the time for private enterprise to come and develop their natural resources and to assist through proper taxation to support the local government. Anything that will drive away private enterprise and private capital will be against the entire scheme of things, so long fostered, and which has enabled that section to overcome past disaster.

I am of the opinion that the proposal to have the United States Government to go into that section and to enter into competition with private enterprise will in the long run destroy the foundations on which the people there have built their prosperity in the past, and on which their prosperity in the future will rest securely. And I therefore suggest to you the propriety of advising the President to this effect. If this evil is encouraged there, it will be encouraged elsewhere to the injury of all and to the injustice of many who have pinned their faith to the principle of private enterprise in business.

I think that this is an occasion to instruct our people again in lessons that they have learned and profited by in the past by a vigorous veto of this measure.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

On March 1, he gave the figures, as follows:

Subject: Power under Senate Joint Resolution 49 at Muscle Shoals-Cove Creek.

To the SECRETARY OF WAR.

MY DEAR MR. SECRETARY: 1. Resulting from various discussions with you as to the business possibilities at Muscle Shoals under the provisions and limitations of Senate Joint Resolution 49 of the present session of Congress, I would inform you as follows:

2. Cost of facilities contemplated under the bill:

Present facilities at Wilson Dam, less $10,000,000 charged to navigation	$37,000,000
Present steam plant, less depreciation since 1918 of $7,000,000	5,000,000
Cove Creek reservoir and power plant (estimate)	35,000,000
Transmission line, Cove Creek to Muscle Shoals	6,000,000
Additional installation, Muscle Shoals	5,000,000
Additional steam unit, Muscle Shoals	1,000,000
Transmission lines for distribution, 3,500 miles	40,000,000
Total	132,000,000

3. Power available, primary: The continuous average daily power of the entire Muscle Shoals-Cove Creek combination is 233,600 kilowatts. This would afford a total of 2,000,000,000 kilowatt-hours per annum. The estimate peak capacity available by pondage is 466,000 kilowatts. With an estimated available factor 33 per cent, the available output for sale is about 155,000 kilowatts, or 1,300,000 kilowatt-hours per annum. Allowing for transmission losses and reserve the total amount of power that may be sold in business is taken at 1,000,000,000 kilowatt-hours per annum.

4. The cost of production: To arrive at the cost of production of salable power, there is made the following estimate:

Interest on investment at 4 per cent	$5,280,000
Depreciation and amortization depending on life of various elements and interest at 4 per cent compounded annually	1,890,000
Operation	1,175,000
Maintenance	1,000,000
Total	9,345,000

Compared to salable power available, this gives a cost per kilowatt-hour delivered wholesale at 9.34 mills.

The President, in order to be conservative, deducted certain elements, an item of $5,000,000, which reduced the amount to $9,100,000, or thereabouts. Out of the Cove Creek project of $40,000,000 he deducted that amount, reducing it to $30,000,000 So his figure is a little more conservative than the figure of General Brown on that account only.

5. Probable sales returns: Under the measure as passed sales will be limited to classes that may be termed municipal and industrial. The average rate actually realized in 1929 by the large power producing service is from 1.02 to 1.10 cents per kilowatt-hour. However, the lowest rate for the sale of a considerable amount of power at wholesale to other electric companies in that vicinity (one of which I am advised serves the city of Birmingham) has varied in recent years from 0.6 to 0.72 cent per kilowatt-hour.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

Further, after the veto message was prepared, it having been asked here whether these figures had been submitted to an engineer, the President submitted his veto message to the Chief of Engineers of the United States Army in order to make sure that the figures were correct so far as the engineering staff of the United States Army could determine. Here is the original letter, if you please, addressed to the Hon. Patrick J. Hurley, dated March 2, 1931.

MY DEAR MR. SECRETARY: I have checked over the figures in the President's veto message on Senate Joint Resolution 49 and have found them to be correct.

Respectfully yours,

LYTLE BROWN,
Major General, Chief of Engineers.

Approved.

PATRICK J. HURLEY,
Secretary of War.

So this "vicious" President has not acted hastily; he has acted only after care and most cautious and thorough investigation of this problem, seeking not the "minions, the tools of the Power Trust" as the source of information, but seeking the high-ranking engineer officer of the United States Army, a lifelong resident of Tennessee, a Democrat, the son of a valiant and distinguished Confederate general.

Some suggestion has been made about the President's campaign speech at Elizabethton, Tenn., when he was a candidate for the Presidency. That, perhaps, is what caused all the furore among those who say that this is a "vicious and unfair" message. It is said that he has violated his promise to the people of Tennessee and to that section of the land and the Nation at large; that he made a statement then, as a candidate, in order to obtain votes, that he is violating now. What was the language?—

I do not favor any general extension of the Federal Government into the operation of business in competition with its citizens.

That is what he says now, and that is what we who believe in him and in his policies say now.

It is not the system of Lincoln or Roosevelt. It is not the American system. It not only undermines initiative but it undermines State and local self-government. It is the destruction of State rights.

There is the answer to the question which was propounded by the distinguished Senator from South Carolina [Mr. BLEASE] a short time ago to the Senator from Nebraska [Mr. NORRIS].

The President in that speech continued:

There are local instances where the Government must enter the business field as a by-product of some great major purpose such as improvement in navigation, flood control, scientific research or national defense, but they do not vitiate the general policy to which we should adhere.

I say, instead of violating his campaign speech and his campaign promise, he is, in his courageous veto of this measure, standing by the statements he made when he was a candidate for the Presidency, which statements were made in the very vicinity of this project.

There was at that time no suggestion of Cove Creek; there was no suggestion of an additional expenditure of $40,000,000 for transmission lines; there was no suggestion of the Government operating the fertilizer works. The discussion then was about leasing those works. There was no discussion of enlarging the electrical equipment.

Something has been said here about nitrogen. It happened to occur to Mr. Hoover, as President of the United States, that he should look into that situation, and he had a report submitted to him upon the nitrogen situation. It is a rather lengthy report but this man, as Commander in Chief of the Army and the Navy, did not overlook his duty. He did not intend to destroy the national defense, and he has not done so. So from the Acting Chief of Ordnance of the United States Army he received a report as to the necessity of the operation and maintenance of this plant for war purposes. As I have said, the letter is rather long, and I shall not read it all, but I will ask that it may be incorporated in the RECORD. This, however, is the conclusion:

Therefore, so far as the needs of national defense are concerned, the Muscle Shoals plants are not now necessary.

W. H. TSCHAPPAT,
Acting Chief of Ordnance, United States Army.

He goes into detail and, as I have said, I will not read further, but I ask that the letter be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection it is so ordered.

The entire letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 21, 1931.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF WAR

Subject: Information required for Senate Joint Resolution No. 49 concerning needs for fixed nitrogen.

1. In reply to your memorandum of February 21, 1931, asking for information upon the supplies of nitrogen now available in this country and also as to whether the Muscle Shoals plants are now necessary as a matter of national defense for the supply of nitrogen, the following information is given:

2. The situation in nitrogen in the United States in the calendar year 1930, so far as can be estimated at present, is as shown in the following table:

Production (estimated short tons):	1930
By-product (coke and gas works)	165,000
Synthetic (ammonia)	140,000
Total production	305,000
Imports	180,000
Total supply	485,000
Exports	32,000
Apparent consumption	453,000

3. It will be noted that deducting the exports the apparent consumption is 453,000 tons as nitrogen (short tons). The estimated potential production capacity for inorganic nitrogen in the United States in short tons of nitrogen for the year 1931 is as follows:

By-product (coke and gas works)	200,000
Synthetic (ammonia)	290,000
Total capacity	490,000

4. It should be noted that by the end of 1931 the nitrogen industry could, if forced, meet the probable demand for domestic consumption plus exports. Actually, the industry will not operate at capacity owing to the dependence of the by-product industry upon iron and steel production and the impracticability of forcing

abrupt reductions in imported nitrogen. It will be noticed that the estimated potential production capacity in 1931 is 37,000 tons more than the apparent estimated consumption in 1930.

5. In 1929 the United States consumed 327,000 short tons as nitrogen of inorganic nitrogen for fertilizer purposes. Different opinions as to the practicability of curtailment of fertilizer consumption are held, but the Department of Agriculture has stated that in its opinion the elimination of inorganic nitrogen from fertilizer for two years would not seriously affect the country's food supply. The war needs of the United States for nitrogen, based upon our present plans, are, for two years, about 224,000 tons, or far less than one year's demand for fertilizer use. However, as the art of nitrogen fixation is now well known and practiced in the United States, new facilities can be installed, if necessary, as rapidly as the rest of the munitions program can be developed, such that, if advisable, even the fertilizer demands need not be reduced.

6. Therefore, so far as the needs of national defense are concerned, the Muscle Shoals plants are not now necessary.

W. H. TSCHAPPAT,
Brigadier General, Acting Chief of Ordnance.

Mr. GLENN. Mr. President, the Senator from Alabama [Mr. BLACK] said, as I understood him, in answer to an inquiry by the Senator from Connecticut [Mr. BINGHAM], that the present machinery and facilities for the manufacture of fertilizer were adequate, and that the Muscle Shoals plant could compete with any factory or plant on this whole continent, calling attention to one near Niagara Falls. Am I not correct in that?

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. GLENN. I yield.

Mr. BINGHAM. The Senator from Alabama said some 50,000 tons had been imported last year manufactured by that very process.

Mr. GLENN. How strange it is, Mr. President, if the machinery in the plants at Muscle Shoals is adequate and complete and modern, and fully able to compete with any plant in all North America, that the very bill which the Senator from Alabama advocates so strenuously, and which the Senator from Nebraska praises here so highly, should itself contain this provision on page 4:

The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants)—

The bill which they praise provides for the modernization of the machinery, and the equipment, which they say is now able to compete with any and all plants in North America—the finest in all the world.

They say that it is important now that fertilizer be furnished to farmers. Of course, everyone knows that; the veto of the President says that we can not compete at Muscle Shoals in price with private enterprise in that line, and he is opposed to spending $100,000,000 or more of the people's money—the money of the taxpayers—for this project.

Those in favor of this measure now say that power is only an incident. The Senator from Nebraska said a few moments ago that power was only an incident; that there were three great important factors in this project, and that power was the third and the least. First came flood control; second, navigation; and, third, and merely as an incident, power. How simple and foolish and deaf the Senator from Nebraska must think we are who have been sitting around here, some of us for only a few months, some for only a few years, and some for more than a decade, listening to the fight the Senator from Nebraska has been making for Muscle Shoals. How many of them have heard anything about flood control from the Senator from Nebraska, or how much have they heard about navigation from the Senator from Nebraska, who is the father of this legislation? They have heard hours and hours and hours of talk about the Power Trust; about how the Power Trust is striking at the common people; how it is filching the pockets, picking the pockets of the poor, the common, and the downtrodden people. The Senator from Alabama used that choice expression this evening. He intimated that the methods employed by the Power Trust are worse than those of pickpockets. We have heard about power and the Power Trust, about its iniquities, its damnable practices, and all those things; but how much time has the Senator from Nebraska devoted to what he now says are the major features of this legislation, namely, navigation and flood control? I am glad he reminded me to-night there were such features in the bill. I have heard him speak so many, many times without even mentioning those two major objectives.

We all know that there is not anything in that at all. We know that what the Senator from Nebraska wants is a curb upon the Power Trust. He believes sincerely it is necessary for the interests of the people that there should be such a curb; there is no doubt about that; no one questions it; but he is not anxious to see any steamboats cruising up and down those creeks, swamps, and bayous in the region of Muscle Shoals, nor is he worrying much about flood control on those little river bottoms down there. He is worrying about the Power Trust; that is what he wants to strike at. He thinks it has the President of the United States by the throat; he thinks the President is its tool—perhaps not its corrupt tool but its tool and it is going to destroy the country. So the real object of this bill, as we all know, is to operate the plant at Muscle Shoals at the expense of the taxpayers of the country.

At that point there comes the Senator from Alabama. I do not criticize him. He is representing his State here and he hopes to continue to do so. He is having a little controversy about that, perhaps, and so there was put into this bill this great provision. The United States having spent millions and millions and millions of dollars in his State on this plant, which is now a failure, he wants us to spend a hundred million dollars down there. Of course, it would not all be spent in his State, but most of it would be spent there; and it would be spent in order to build a greater plant, a larger plant, and to provide for its operation at the expense of the people of the country. After we have built the plant for them, after we have maintained the plant for them, if it should not carry its own burdens, for every dollar expended in Alabama from the sale of power at Muscle Shoals, he wants the Congress of the United States to give his State 5 per cent out of it, and make that State rich and powerful.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. GLENN. I yield.

Mr. BLACK. Do I understand the Senator objects to Alabama getting that 5 per cent in lieu of taxes?

Mr. GLENN. Yes; I object to Alabama getting 5 per cent of the gross receipts of a business that may be losing money.

Mr. BLACK. May I call the attention of the Senator to the fact that in his veto message on page 6, the President says:

This bill distinctly proposes to enter the field of powers reserved to the States. It would deprive the adjacent States of the right to control rates for this power and would deprive them of taxes on property within their borders and would invade and weaken the authority of local government.

Do I understand the Senator is disagreeing with the President? [Laughter.]

Mr. GLENN. I do not think that is a very difficult question to answer. I am not disagreeing with the President at all. I do not see where he says he is in favor of giving you people, after we have spent scores and scores of millions of dollars down there in your State to operate a plant at our expense, if it does not carry itself, 5 cents out of every dollar that is taken in, no matter if we lose money on every dollar that is taken in. I do not think anybody believes in that. I do not think the President believes in it.

Mr. BLACK. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from Illinois further yield to the Senator from Alabama?

Mr. GLENN. Yes.

Mr. BLACK. I call the Senator's attention to the fact that the President objects to this measure specifically on the ground that it deprives us of our taxes. Of course, it gives us that much; but, since it does not give all, that is one of his grounds of objection.



Mr. GLENN. Oh, he does not say anything of the kind. The Senator knows he does not.

Mr. BLACK. He says:

It * * * would deprive them of taxes on property within their borders.

Mr. GLENN. Yes; it would deprive you of taxes. That is the reason I am against it.

Mr. BLACK. The Senator says he is against it because it would pay us our taxes. That is exactly what it does.

Mr. GLENN. No; if we spend a few hundred million dollars down in your State, take down a few thousand people and build up your State, which you say yourself is in terrible condition, I think you should be willing to take the ordinary tax which the Federal Government does not pay anywhere, you know. We do not expect the Federal Government to pay taxes on the buildings they build for our use in Illinois; but it is not at all unusual for the Senator from Alabama to ask us to build buildings down there for him, and pay taxes on them.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. GLENN. No; I do not think I will.

Mr. BLACK. Has the Senator voted against any of the bills that have been put in here to give the Western Republican States payments in lieu of taxes on their public lands? Has the Senator voted against them?

Mr. GLENN. I think Alabama was a Republican State last fall, if we had had an honest count.

Mr. BLACK. It was not, and it will not be.

Mr. GLENN. The Senator's colleague says it was. I do not know. There is a difference of opinion between the two Senators.

Mr. BLACK. The certificate speaks for itself; does it not?

Mr. GLENN. Oh, not at all. We are investigating that now.

Mr. BLACK. The Senator is on the committee. Of course he will not prejudge that matter.

Mr. GLENN. I am not prejudging it one way or the other. Of course, they desire to build transmission lines; and this measure provides that they can take all the money that comes in, if they desire, for that purpose. Every dollar that comes in, except the 5 per cent they pay to Alabama and Tennessee, they can take and use to build transmission lines. The joint resolution does not say how far they shall go. They may go 25 miles; they may go 50 miles; they may go 350 miles, which is the distance mentioned here by some one in their calculations; or they may run to New York, or Florida, or Illinois, or Montana, or anywhere, just go wild, and take all the money that comes in. There is no limit on it—to build transmission lines.

If they can furnish this power at a third or a fourth of the rate at which the Power Trust furnishes power to us, we shall want transmission lines built as far as Chicago, and they will want them in Maryland, and they will want them in Idaho, and I am sure the Senator from California will want them in San Francisco; and what will we have here?

This is the beginning of a great movement to drive out and destroy private enterprise and private property all over the United States. The idea is to get just a foothold here and extend it not only into electricity but into gas and water and transportation and finance and manufacturing and all the other things in which the American Nation indulges and prospers and progresses.

That is the whole theory back of this measure. That is the whole intent back of it; and the Senator from Alabama says defiantly, bringing politics into it, "Let the issue be made now. Let it be made clear. They want an issue. Let us make it an issue for the 1932 campaign."

I know there are many Democrats, as there are many Republicans, who do not believe in Government ownership of business and Government operation of business. I say I do not believe that the great Democratic Party, through its wise leaders—and they do have wise leaders amongst them—will adopt, as their battle cry in this campaign, public ownership and operation of the business of America. But if they do, and if the Senator from Alabama prevails in the great convention of the Democratic Party—and I suspect that he will not prevail there—if he makes this the issue, I can say that I believe the Republican Party will continue to be, as it always has been, the party of construction rather than the party of destruction; that the party that stood out against soft money in 1879, for the resumption of specie payments and for sound money from 1876 to 1880, against free silver in 1896, and against free trade all the time, is willing to meet the gage of battle thrown down by the Senator from Alabama; and that if that be the issue, we will await with confidence the verdict at the polls.

Mr. President, I ask leave to have inserted in the RECORD at this point some correspondence to which I referred during the course of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 21, 1931.

MEMORANDUM FOR THE CHIEF OF ORDNANCE

Subject: Senate Joint Resolution No. 49.

1. The following is a request received by the Secretary of War from the President:

"3. It is stated in this legislation that national defense in the production of fixed nitrogen is one of the purposes of the bill. I would be glad if you could secure for me from your authorities a statement as to the supplies of nitrogen now available in the country. I should be glad to know whether this equipment is now necessary as a matter of national defense in this particular."

2. The Secretary of War desires this information furnished in writing by 2 p. m. to-day.

By direction of the Assistant Secretary of War:

IRVING J. CARR,
Colonel, Signal Corps Executive.

MEMORANDUM FOR THE SECRETARY OF WAR

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 26, 1931.

MY DEAR MR. SECRETARY: Now that the Muscle Shoals bill is before the President, I believe that I should give you voluntarily in a very general way my views concerning it. I have been connected with the United States work there since before the war, and Tennessee, so vitally affected, is my home State. The interests of the people there I take to heart.

All that the people there have is a result of private enterprise carried on under the law and policy of both Federal and local government since the days of the first settlement. They have been anxious all the time for private enterprise to come and develop their natural resources and to assist through proper taxation to support the local government. Anything that will drive away private enterprise and private capital will be against the entire scheme of things, so long fostered, and which has enabled that section to overcome past disaster.

I am of the opinion that the proposal to have the United States Government to go into that section and to enter into competition with private enterprise will in the long run destroy the foundations on which the people there have built their prosperity in the past, and on which their prosperity in the future will rest securely. And I therefore suggest to you the propriety of advising the President to this effect. If this evil is encouraged there it will be encouraged elsewhere, to the injury of all and to the injustice of many who have pinned their faith to the principle of private enterprise in business.

I think that this is an occasion to instruct our people again in lessons that they have learned and profited by in the past by a vigorous veto of this measure.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 1, 1931.

Subject: Power under Senate Joint Resolution 49 at Muscle Shoals-Cove Creek.

To: The Secretary of War.

MY DEAR MR. SECRETARY: 1. Resulting from various discussions with you as to the business possibilities at Muscle Shoals under the provisions and limitations of Senate Joint Resolution 49 of the present session of Congress, I would inform you as follows:

2. Cost of the facilities contemplated under the bill—

Present facilities at Wilson Dam, less $10,000,000 charged to navigation	$37,000,000
Present steam plant, less depreciation since 1918 of $7,000,000	5,000,000
Cove Creek reservoir and power plant (estimate)	35,000,000
Transmission line, Cove Creek to Muscle Shoals	6,000,000
Additional installation, Muscle Shoals	8,000,000
Additional steam unit, Muscle Shoals	1,000,000
Transmission lines for distribution, 3,500 miles	40,000,000
Total	132,000,000

3. Power available, primary: The continuous average daily power of the entire Muscle Shoals-Cove Creek combination is 233,600 kilowatts. This would afford a total of 2,000,000,000 kilowatt-hours per annum. The estimated peak capacity available by pondage is 466,000 kilowatts. With an estimated power factor 33 per cent, the available output for sale is about 155,000 kilowatts or 1,300,000 kilowatt-hours per annum. Allowing for transmission losses and reserve, the total amount of power that may be sold in business is taken at 1,000,000,000 kilowatt-hours per annum.

4. The cost of production: To arrive at the cost of production of salable power, there is made the following estimate:

Interest on investment at 4 per cent	$5,280,000
Depreciation and amortization depending on life of various elements and interest at 4 per cent compounded annually	1,890,000
Operation	1,175,000
Maintenance	1,000,000
Total	9,345,000

Compared to salable power available, this gives a cost per kilowatt-hour delivered wholesale at 9.34 mills.

5. Probable sales returns: Under the measure as passed, sales will be limited to classes that may be termed municipal and industrial. The average rate actually realized in 1929 by the large power-producing service is from 1.02 to 1.10 cents per kilowatt-hour. However, the lowest rate for the sale of a considerable amount of power at wholesale to other electric companies in that vicinity (one of which I am advised serves the city of Birmingham) has varied in recent years from 0.6 to 0.72 cents per kilowatt-hour.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

WAR DEPARTMENT,
Washington, March 2, 1931.

Hon. PATRICK J. HURLEY,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I have checked over the figures in the President's veto message on Senate Joint Resolution 49 and have found them to be correct.

Respectfully yours,

LYTLE BROWN,
Major General, Chief of Engineers.

Approved.

PATRICK J. HURLEY,
Secretary of War.

Mr. KEAN. Mr. President, I hold in my hand a bill which I drew three or four weeks ago, which gives to the States of Alabama, Georgia, and Tennessee, the Muscle Shoals plants. It provides that the United States shall receive 3 per cent upon the present value of such plants as estimated by the United States engineers. It provides that the governors of those States shall appoint a commission of three from each State to operate the plants. It provides that the engineers shall have authority, in case of war, to take back the plants either by paying damages to the lessee or by making reimbursement for any money that has been spent on the plants.

I ask unanimous consent that the bill may be introduced and referred at this time, and that it may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received, printed in the RECORD, and appropriately referred.

The bill (S. 6278) to provide for the disposal of the Muscle Shoals properties by the United States was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the title and the exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto, the fixed nitrogen research laboratory, the Waco limestone quarry in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof, are hereby transferred to a joint commission to be composed of nine members, three each to be appointed by the Governors of the States of Alabama, Georgia, and Tennessee, subject to the following conditions and limitations:

(a) The joint commission shall annually pay to the United States an amount equal to the interest at 3 per cent per annum on the present fair value of the property, determined by the Chief of Engineers as provided in section 2, such amount to be charged to the States of Alabama, Georgia, and Tennessee in such proportions as the proper authorities thereof may agree upon.

(b) Upon the requisition of the Secretary of War the joint commission shall allot and deliver without charge to the War Department so much power, produced by means of the Muscle Shoals properties, as in the opinion of the Secretary of War will be necessary for use in the operation of all locks, lifts, or other facilities in aid of navigation.

(c) The Government of the United States reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war or emergency purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by reason thereof by any party, after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

SEC. 2. The Chief of Engineers, United States Army, is authorized and directed to appraise the property transferred to the joint commission under the provisions of section 1. The value of such property and all parts thereof, as determined by the Chief of Engineers, shall represent the present fair value of the property and shall be final for all purposes under this act.

SEC. 3. In case of failure of the joint commission to comply with any of the conditions and limitations set forth in section 1, the title and the exclusive use, possession, and control of the property transferred to the joint commission shall immediately revert to the United States.

SEC. 4. (a) The consent of Congress is hereby given to the States of Alabama, Georgia, and Tennessee to negotiate and enter into compacts or agreements for carrying out the purposes of this act, and for such purpose may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

(b) Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

(c) No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Mr. McKELLAR. Mr. President, the people of my State certainly were disappointed to-day when they learned of the President's veto. I was somewhat prepared for what happened, of course, by the newspaper stories; and yet, even when it came, I felt tremendously disappointed.

Mr. President, for more than 15 years the building of this project down on the Tennessee River in the interest of the people of my part of the country has been very much in my heart and mind. Away back yonder in 1916 we passed the law that authorized the building of this great project. It was almost completed when the war was over, and then it was stopped for a year. Then Mr. Ford made his celebrated offer for it, and then the Government completed it.

That project, Mr. President, was built under an act of Congress, from which I quote the following short paragraph:

The plant or plants provided under this act shall be constructed and operated—

Listen to the language:

Constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

Nothing could be more specific; but, as we all remember, when the plant was completed there had been a change in the political complexion of our Government. Those in power did not want to carry out the terms of that act, and they never have carried out its terms, because ever since this project was completed, in violation of the act under which it was built, the President has turned it over to private companies that have operated it only to a limited extent.

For more than 10 years this project has been in the hands of what is known as the Alabama Power Co., the Government merely getting a small rental that would not pay, I suppose, one-quarter of 1 per cent on the money invested. It has been operated solely for the benefit of that company ever since; and I want to call attention to this statement of the President's. Listen to this:

Congress has been thwarted for 10 years in finding solution, by rivalry of private interests and by the determination of certain groups to commit the Federal Government to government ownership and operation of power.

Why, Mr. President, we know that during those 10 years, instead of groups retarding the settlement of this question, the consummation or disposition of the plant has been constantly retarded by the great power companies and the great fertilizer companies of this country, aided by the three administrations that have come—President Harding's, President Coolidge's, and President Hoover's. Those are the facts. There is not a Senator here who does not know that those are the facts. The President is entirely mistaken in his assertion.

Every effort has been made not to operate that plant in the interest of the people as provided in the original law, but in conjunction with private concerns. During the whole time a private concern has not only operated it, but absolutely controlled it. So, Mr. President, I say that the President is wrong in his facts when he says that private groups have thwarted the disposition of this plant. It has been the football of politics, perhaps; yes, politics of three administrations; but who made it the football of politics? Let us see, lest we forget.

What does the record show? It was Mr. Hoover himself who last played politics with it.

In 1928 Mr. Hoover was a candidate for President. He went to Tennessee in the progress of his campaign. It was one of the few Southern States that he visited. He went down to East Tennessee, very near where Cove Creek exists and where the Cove Creek Dam is to be built under the terms of this measure; and what did he do? Did he take the position that he now takes? No, no, Mr. President.

He took a wholly different position. What was the position which Candidate Hoover took? Let us see what he said. At Elizabethton he said this:

> There are local instances where the Government must enter the business field as a by-product to some great major purpose such as improvement in navigation, flood control, irrigation, scientific research, or national defense. But they do not vitiate the general policy [of private ownership] to which we would adhere.

Mr. President, our people were intensely interested in what Candidate Hoover had to say about Muscle Shoals. So the newspaper men, two of the most brilliant newspaper men in our State, publishers of great newspapers, Mr. Meeman of the Knoxville Sentinel, and Mr. George Fore Milton of the Chattanooga News, undertook to find out whether that language of Mr. Hoover pertained to Muscle Shoals, and I want to read what they said, and what Mr. Hoover said at the time.

> During the afternoon of October 6—

That was the day he was at Elizabethton, following the Elizabethton celebration—

> Edward J. Meeman, the editor of the News-Sentinel of Knoxville, asked Candidate Hoover if the statement just quoted did not particularly refer to Muscle Shoals.

That is the one I have just read. This was his answer:

> You may say that that means Muscle Shoals.

That is what Mr. Hoover told the Knoxville editor. Then my young friend, George F. Milton, one of the most brilliant men we have, the publisher of the Chattanooga News, called upon Mr. Hoover. Mr. Milton was not even satisfied with what Mr. Hoover told Mr. Meeman, but he interviewed Candidate Hoover himself, and this is what took place.

> The publication of the interview occasioned some little storm in the Republican committee headquarters, causing Mr. Hoover to issue a statement on October 9 confirming and clarifying his remarks to Mr. Meeman. In this statement Candidate Hoover declared definitely that the Scripps-Howard editor—

Meaning Mr. Meeman—

> had correctly quoted him in using the words "You may say that that means Muscle Shoals." Then Candidate Hoover added—

I call attention to this language. This is Candidate Hoover speaking:

> There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and the nitrate plants. The major purposes—

And I want Senators to remember this language, because I am going to tell them what he says about major purposes now.

> The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers, in addition to its national defense reserve.
>
> After these purposes are satisfied, there is a by-product of surplus power. That by-product should be disposed of on such terms and conditions as will safeguard and protect all public interest.
>
> I entirely agree with these proposals.

That was the language of the President in 1928, when he went to Tennessee for votes, and he got the votes on that statement. Tennessee, having the most wonderful natural power resources in this country, perhaps, from three to five million horsepower of electrical energy, intensely interested in it as her people are intensely interested in having these plants developed, heard these words of Candidate Hoover and voted for him, and Tennessee cast her electoral vote for Mr. Hoover upon the pledge—upon the distinct and express pledge—that Muscle Shoals was to be operated substantially as this bill provides.

What does the President say now? Does he talk about scientific research, navigation, and national defense as the major purposes? Oh, no. He has changed. They are no longer major purposes with the President. National defense is no longer a major purpose. Scientific research is no longer a major purpose. Navigation is no longer a major purpose. This is what he says in his message to-day:

> I am firmly opposed to the Government entering into any business the major purpose of which is competition with our citizens.
>
> * * * * * * *
>
> But for the Government deliberately to go out to build up and expand such an occasion to the major purpose of a power and manufacturing business is to break down the initiative and enterprise of the American people; it is destruction of equality of opportunity amongst our people; it is the negation of the ideals upon which our civilization has been based.

In 1928 these purposes were minor purposes. In 1928 power was a by-product with the President, and ought to be disposed of by the Government. But in 1930, after he is elected, he changes his whole position and says that power is the major purpose, and that these other purposes are but the minor purposes—a complete change of front.

I suppose he has a right to change his opinion. I think he ought to have acknowledged it when he changed it, but he did not seem to do that. I want to ask those who have been here so long at this session and at the prior session, Is the President accurate when he says he is opposed to Government going into business and competing with its citizens? Let us see whether he is or not. He now says he is opposed as far as power is concerned. Yes, he does not want to interfere in the power business. Two years ago power at Muscle Shoals was a by-product, and the Government ought to dispose of it just as Senator NORRIS's bill provided that it should be disposed of. But now he says if the Government operated the Muscle Shoals plant it would be competing with its citizens, and he is opposed to it. Let us see whether he is opposed to Government engaging in business in competition with its citizens or not.

We all remember the farm relief bill written by the President, or substantially written by the President, because he took out everything that was obnoxious to him, as he said, and got the kind of a bill he wanted. He struck out everything we more or less progressive groups on both sides of the Chamber wanted to have go into it, and what did he do? He recommended a $500,000,000 revolving fund, he placed it under the control of the Farm Board, and that board went into the cotton business. We had hearings not long ago, and what did the chairman of the board admit? He admitted that the Government was in the cotton business, competing with other cotton dealers; that the Government was doing 15 per cent of the business; that the Government was operating and controlling 11 cooperative associations with a part of the $500,000,000 fund, in competition with other cotton dealers, with other private cotton interests fighting for business, with the Government backing these cooperative associations, fighting for business all along the line. They already had 15 per cent, and, of course, Mr. Legge was hopeful that if the Government appropriated this last hundred million dollars they might get a little more

business; the Government fighting for business in competition with other citizens of its own—with the other cotton interests of this country; and I suppose it is the same with wheat. The Government is in the cotton business up to its very eyes, in competition with its own citizens, all recommended by the same President who says he is opposed now to the Government going into business.

The President is very inconsistent on the Government going into business in competition with its own citizens. I do not see how he can say he is opposed to going into business when the institutions which have been created by him, the board that was created under his bill, the cooperative associations which are backed by his measure and by the Government's money, are now running 15 per cent of the cotton business. I do not know how much of the wheat business.

Going into competition? This cotton business of the Farm Board is the very flower of competition, absolute competition with private business. Yet the President gives as a reason why he vetoed the Muscle Shoals legislation the fact that he was opposed to the Government going into business! Talk about the Government going into business! He sent a recommendation down here the other day for the appropriation of $35,000,000, and it was passed, too, for aiding a shipping fund, the Government going to the shipping business in competition with private interests.

So, Mr. President, I want to say that the President is wholly inconsistent, and I regret it. I have no doubt that he now feels, or has been advised, that it is not wise to do what we have urged. As far as I am concerned, I think the President has made a tremendous mistake in vetoing this bill. The Government owns this shoals property, it owns the plant, it owns the dam, it owns the current generated there, and there is no reason in the world why the plant can not be operated for the benefit of those people down there. There is every reason in the world why it should be.

I greatly regret that my good friend General Brown takes the position he does take about this matter.

I think he is wholly incorrect about it. I think he is wholly in error. He is a splendid man, but I do not agree with his view as expressed in his letter. He does not, in my opinion, represent the prevailing opinion in Tennessee.

Mr. President, listen to this, after seeing the President's recommendation about going into the cotton business; the President says further:

> This bill would launch the Federal Government upon a policy of ownership and operation of power utilities upon a basis of competition instead of by the proper Government function of regulation for the protection of all the people. I hesitate to contemplate the future of our institutions, of our Government, and of our country if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is to be devoted to barter in the markets. That is not liberalism, it is degeneration.

Mr. President, no country has ever degenerated by the application of lawful processes. The lawful processes which existed as to Muscle Shoals command the President and all others in executive authority that this plant shall not be operated by private control.

We all know what it means. Unless Congress passes some such measure as this, the great power interests will gobble the power up at Muscle Shoals, and all the power in Tennessee, and make it so that it will do the people of that State, who ought to enjoy it, very little good.

Mr. President, something has been said in criticism of the Senator from Nebraska [Mr. NORRIS]. I have been connected with the purpose to develop Muscle Shoals, I believe, quite as long as the Senator from Nebraska. I have seen him tried in this long contest in every possible way. They have tried to euchre him, they have tried to impose on him, they have tried to "swat" him, but he has pursued the even course of his way and has never deviated from his course in the true interests of the people. By his great ability, by his great learning, by his splendid honesty, he has kept up this fight. His fight is not over. The President may win this time. We may not even get a two-thirds vote in this body to-night and, of course, we will not get a two-thirds vote in the other body, but we will yet pass this bill in substance, and we are going to try out that project down there at Muscle Shoals. I believe it will be manifestly to the the best interests not only of Alabama and Tennessee but of the entire country. I want to take this occasion to express my great confidence in Senator NORRIS and thank him for what he has done for the people of my State.

I have nothing to say about motives. I just regret with all my heart these attacks upon the Senator from Nebraska whose motives I know have been of the most patriotic and genuine kind. I regret the attacks made upon my own part of the country. We have these great natural resources down there, and if we ever get them developed we will have a wonderful section of the country which will invite manufacturers from all over the world. But if we let the great power combinations of the country get hold of these splendid resources, the people there will have to pay the same prices for current that are paid in other parts of the country where there are no such natural resources.

Mr. President, I am profoundly regretful that the President has changed front on the question, that he has shown in his present inconsistent attitude. I am sorry that he takes the view that it is better to see that this great institution falls into the hands of the great combinations of wealth in the country rather than to have it utilized for the benefit of all the people of the country. In my judgment it is the people's property. They own it. They have developed it. The Government is merely their agent. The Government has no moral right to turn it over to exploiting companies for the benefit of the special interests that exploit it.

Mr. President, I leave the matter to the Senate. I shall vote to pass this bill the veto of the President notwithstanding.

Mr. SMITH. Mr. President, this matter has been discussed so exhaustively and for so long a time that I think it is a pretty good idea for those of us who represent the Southern States to have once more stated to this body the purpose of the measure upon which all this property has been developed, the act authorizing the development of all this property.

In 1916 the original act was passed. I want to read to the Senate the terms of that act and call attention to one section of it which was incorporated in the organic act by a Member on the other side of the Chamber. It is not a question of the veto message of the President. It is not a question of what we may think now. It is a question of common honesty to the American people for us to try this experiment. We have obtained goods under false pretenses and are not honest if we make a promise to the American people that we want them to contribute $150,000,000 for a specific purpose under specific conditions, and when that is completed deceive the people and go about trying to divert it to other purposes.

Listen to the wording of the original act:

> The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.
>
> The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation, materials, minerals,

and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

Now listen. Here is the provision that was put in the act by a distinguished Republican:

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

As I had the honor to introduce the original measure I know that the purpose of it was for the Government, as the act provides, to own and control and operate the property. For fear the language was not strong enough former Senator Kenyon of Iowa, now Judge Kenyon, said he would not vote for the bill unless there was a provision which was so unequivocal in its terms and language as to preclude the possibility of private industry having anything to do with it whatsoever.

It is enough for me to say that the Senate and the House have acquiesced in appropriations for this plant until the original $20,000,000 grew to $150,000,000. Then when it was equipped and ready for operation, the trusts and combines of the country got in their work and we have been haltered and hamstrung from that day to this.

Mr. President, the thing to which I want to call especial attention is that there has been quite a good deal of discussion about whether fertilizer can be made at Muscle Shoals and at what cost power can be generated.

There is not a man on the floor of the Senate who knows; even the President himself does not know; and no one will know until the experiment is tried. We have no right to take the $150,000,000 worth of Government property and begin to try to lease it or otherwise dispose of it until we have ascertained by experiment what can be done and can not be done, so that if in the wisdom of this body we see fit to dispose of it, to discredit the idea of Government operation, we would at least know the value of the plant for the purposes for which it was created.

The President said in his message that it will cost 9.1 mills per kilowatt-hour to produce power there. His engineers say it will cost 1.36 mills per kilowatt-hour. He does not know. The engineers do not know. It is our property, and if we are honest with ourselves we would operate until we found out what it would produce in the form of power and what it would produce in the way of fertilizer and fertilizer ingredients. It is not honest for us to divert this plant belonging to the people from whom we have taken $150,000,000 on the promise that fertilizer would be made for them. We went out and got this money and put it into the plant on the specific and definite promise that fertilizer and fertilizer ingredients during times of peace should be made for them. We have breached the contract with the American taxpayer. We are here side-stepping the purpose for which it was dedicated.

What is the influence that is forcing me and you into a dishonest act? Who can tell whether or not this plant can be made to produce nitrogen or can be made to produce phosphoric acid or potash? Has the experiment been tried? The Government dedicated this plant for that purpose. I do not know that I am committed to Government ownership, but, thank God, I am committed to common honesty. I would demonstrate at this plant what can be done along the lines of its dedication and then leave it to the American people whether or not they desire to carry on after the demonstration has been made. Suppose the Government, carrying out the purposes of the act, were to develop power and it was demonstrated that power could be produced at a certain cost which would be acceptable to the people? Their money was used in erecting the plant; so it should be left to them to decide whether or not they desire it for the purpose of developing power and using it themselves.

Talk about the Government going into business! The Government has gone into business in this case to the extent of $150,000,000, by an expenditure not of corporation money, not of money borrowed from a corporation, but of the taxpayers' money. In common honesty to the people who paid the taxes, we should demonstrate to them whether or not the purposes for which it was expended can be accomplished. What Senator on this floor can rise in his place and say whether or not fertilizer and fertilizer ingredients can be economically manufactured at Muscle Shoals for the benefit of agriculture? Who can rise here and say—the President himself dares not say—whether or not that can or can not be done? Who can say what will be the cost of power? We have the plant there; it is ready to operate. Why not, in common honesty, at least, operate it to the extent of demonstrating what its capabilities are? Then if we desire to lease or dispose of the plant, we will know the value of the property, and if we elect to dispose of it we can get back for the people the money which was put into it.

However, until we shall have demonstrated whether or not it can achieve the purpose to which it was dedicated, we are dishonest if we do not carry out in full faith the object for which we took the money.

I am not here pleading for Government ownership; that plea would now be inappropriate, for the plant at Muscle Shoals is already owned by the Government. I am simply pleading that the Government shall in this case carry out its part of the contract with the American people. If time permitted, I should like to discuss the necessity for conducting an experiment to determine the possibility of producing fertilizer and fertilizer ingredients at Muscle Shoals. I should also rejoice to see the experiment undertaken to determine what power could be produced there. Even though the Government did not continue to operate the plant after such a demonstration should have been made, it would be worth while to make the experiment for the enlightenment of the American people.

It may be that fertilizer can not be produced economically, but we are entitled to know that. Under the terms of this measure it may be that power could not be produced as cheaply as it could be produced elsewhere; but it is our duty, as honest men, to demonstrate the fact. When we have demonstrated the capabilities of the plant to the American people, who built it and who own it, we should leave it to them to determine whether or not we shall continue its operation. It does not lie in the mouth of the President or of any Senator on this floor to say whether or not the American people are opposed to the operation of the plant at Muscle Shoals along the lines for which it was dedicated when it was erected.

Mr. President, some one has said how great an amount of conjecture can be gotten out of a very meager array of facts. We have a plethora of conjecture; we have also the testimony of experts. I do not propose to define, as some one has done in modern terms, what an ordinary expert is. He said he was a "blamed fool away from home." [Laughter.] Some of us have come to the conclusion that that definition comes mighty near being correct; but when the plant at Muscle Shoals shall have been operated there would need be no speculation about its capability. However, if it shall be leased to a private corporation, not a Senator here will ever know what the actual cost of the production of either power or fertilizer will be and what will be the measure of the success of the plant. It is the duty of every Senator here—it is my duty—to insist on the operation of the plant at Muscle Shoals until we shall have demonstrated whether or not it can accomplish the purpose for which it was dedicated. I do not feel that we would be honest with ourselves if we should lie down supinely under the veto message of the President in reference to a matter that so vitally concerns ourselves and the welfare of the people of this country. The mere demonstration of what could be done at the plant would be worth while.

In this day rapidly increasing and expanding trusts and combines are in accordance with the logic of events. I

have never hoped, nor need anyone else ever hope, to oppose or destroy combinations. They are the logic of modern conditions. Facilities for transportation, communication, mass production, concentrated wealth, are all eliminating individualism. We are in the midst of collectivism. The farmer can not do for himself; he is incapable of organizing and combining; so we have made an effort to substitute by Government enactment a combination in the form of the Federal Farm Board for the sale and disposition of the farmers' products. In the production of the ingredients which are essential for the farmer in order that he may fertilize his land, we had hoped to try the same experiment in the nitrate plant at Muscle Shoals, but before we have ever produced a pound of fertilizer or a kilowatt of power, we propose to turn that priceless opportunity over into the hands either of a power company or a fertilizer company and abort the whole aim and object for which the plant was dedicated.

I for one shall welcome the opportunity to vote to carry out in good faith, in justice to those who have paid the bill, the joint resolution which is now under consideration. It did not suit me; but it was the nearest approach I could get under the circumstances to what did suit me. I wanted the Government solely and alone to experiment with this plant until it had passed the empirical stage and its worth had been proven. Of course it is a forlorn fight. I know the influences that have been at work; I know the voice that has been sounded throughout this Hall and throughout the country. Muscle Shoals will never produce a pound of fertilizer solely in the interests of the farmer at the expense of the Government, nor will there ever be a kilowatt of power produced by the Government as a demonstration for the benefit of citizens as to what can be done there. I wish it were in my power to voice the sentiment and to put in the heart of each one here the feeling that I have as to our duty toward those for whose benefit the plant at Muscle Shoals was dedicated and from whom we took the taxes to pay for it.

SEVERAL SENATORS. Question.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass, the objections of the President of the United States to the contrary notwithstanding? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BROOKHART's name was called). I am requested to announce the unavoidable absence of the Senator from Iowa [Mr. BROOKHART]. If he were present he would vote "yea." He is paired in favor of the passage of the bill over the President's veto with the Senator from Alabama [Mr. HEFLIN], who is also absent, and who, if present, would vote "yea." These two Senators are paired with the Senator from Colorado [Mr. WATERMAN], who, if present, I am advised, would vote "nay."

Mr. VANDENBERG (when Mr. COUZENS's name was called). In the unavoidable absence of my colleague the senior Senator from Michigan [Mr. COUZENS], I am asked to announce that, if present, he would vote "nay."

Mr. BLACK (when Mr. HEFLIN's name was called). My colleague the senior Senator from Alabama [Mr. HEFLIN] is absent on account of illness. As stated by the Senator from Wisconsin [Mr. LA FOLLETTE], my colleague and the Senator from Iowa [Mr. BROOKHART] are paired with the Senator from Colorado [Mr. WATERMAN]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. SHEPPARD. The Senator from Missouri [Mr. HAWES] is detained by illness. If present, he would vote "yea."

Mr. GILLETT. I have a pair with the Senator from North Carolina [Mr. SIMMONS]. As this is a two-thirds vote, I have also been furnished with the Senator from Missouri [Mr. HAWES] as a pair. I transfer those pairs to the Senator from Michigan [Mr. COUZENS], and will vote. I vote "nay."

Mr. HATFIELD. I have a general pair with the Senator from North Carolina [Mr. MORRISON]. As he would vote as I intend to vote, I vote "yea."

Mr. SHEPPARD. I desire to announce that the Senator from Massachusetts [Mr. WALSH] is necessarily absent. If present, he would vote "yea."

I desire further to announce that the Senator from South Carolina [Mr. BLEASE] is paired on this question with the Senator from Massachusetts [Mr. WALSH] and the Senator from North Carolina [Mr. MORRISON]. If the Senator from South Carolina were present he would vote "nay," and if the Senator from Massachusetts [Mr. WALSH] and the Senator from North Carolina [Mr. MORRISON] were present they would vote "yea."

The roll call resulted—yeas 49, nays 34, as follows:

YEAS—49

Ashurst	Cutting	Kendrick	Smith
Barkley	Dill	La Follette	Steiwer
Black	Fletcher	McGill	Stephens
Blaine	Frazier	McKellar	Swanson
Borah	George	McNary	Thomas, Okla.
Bratton	Glass	Norbeck	Trammell
Brock	Harris	Norris	Wagner
Broussard	Harrison	Nye	Walsh, Mont.
Bulkley	Hatfield	Pittman	Wheeler
Capper	Hayden	Robinson, Ark.	Williamson
Caraway	Howell	Robinson, Ind.	
Connally	Johnson	Sheppard	
Copeland	Jones	Shipstead	

NAYS—34

Bingham	Goldsborough	Moses	Steck
Carey	Gould	Oddie	Thomas, Idaho
Dale	Hale	Partridge	Townsend
Davis	Hastings	Patterson	Tydings
Deneen	Hebert	Phipps	Vandenberg
Fess	Kean	Ransdell	Walcott
Gillett	Keyes	Reed	Watson
Glenn	Metcalf	Shortridge	
Goff	Morrow	Smoot	

NOT VOTING—13

Blease	Heflin	Pine	Walsh, Mass.
Brookhart	King	Schall	Waterman
Couzens	McMaster	Simmons	
Hawes	Morrison		

The PRESIDENT pro tempore. Less than two-thirds of the Senators voting having voted in the affirmative, the bill does not pass contrary to the objections of the President of the United States.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor; and

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington.

The message returned to the Senate, in compliance with its request, the engrossed bill, and House amendments thereto (S. 1696), for the relief of Thomas L. Lindley, minor son of Frank B. Lindley.

The message also announced that the House had passed with amendments the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 532) authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 11368. An act to fix the annual compensations of the secretary and the Governor of the Territory of Alaska;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others; and

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The PRESIDENT pro tempore. Pursuant to the provisions of section 5581 of the Revised Statutes, the Chair appoints the Senator from Arkansas [Mr. ROBINSON] a member of the Board of Regents of the Smithsonian Institution to fill the vacancy that will occur on March 4 next by reason of the expiration of his term of service.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 3, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 155. An act for the relief of Jesse J. Britton;

S. 181. An act for the relief of James H. Roache;

S. 182. An act for the relief of Daisy O. Davis;

S. 351. An act for the relief of John Donahue;

S. 401. An act for the relief of Claude J. Church;

S. 543. An act to increase the pay of mail carriers in the village delivery service;

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1244. An act for the relief of Capt. Christian Damson;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 1918. An act for the relief of Irene Strauss;

S. 2068. An act for the relief of Lester L. Wilson;

S. 2106. An act for the relief of John Baba;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3050. An act for the relief of James M. Booth;

S. 3184. An act to permit the county of Solano in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;

S. 3206. An act for the relief of Rebecca Green;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5;

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton;*

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928;

S. 5516. An act for the relief of E. G. Mason;

S. 5353. An act for the relief of Mrs. Herman M. Warr; and

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, was read twice by its title and referred to the Committee on Finance.

SENATOR FROM MINNESOTA—NOTICE OF CONTEST FILED BY HON. EINAR HOIDALE

Mr. WALSH of Montana presented a letter addressed to him by N. E. Pardee, Esq., of Minneapolis, Minn., inclosing a notice of contest of the election of Hon. Thomas D. Schall as Senator from the State of Minnesota for the term commencing March 4, 1931, which, with the accompanying notice of contest, was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, *February 28, 1931.*

Hon. THOMAS J. WALSH,
Senator from Montana,
Washington, D. C.

DEAR SENATOR WALSH: Please find inclosed herewith, a notice of contest of the election of Thomas D. Schall as Senator, signed by Mr. Einar Hoidale of this city, who was the Democratic nominee for Senatorship.

At Mr. Hoidale's suggestion, I am sending this to you with the request that you please file the notice with the proper officer of the Senate, who, I presume, is the Secretary.

It is our understanding that in the case of a contest of election, it is an advantage for the contestant to file notice before the contestee is sworn in and that in case the contestant establishes his claim, the election can be declared void by a majority vote, whereas if the contestee is sworn in, a two-thirds vote is necessary to oust him. It is for this reason that we file the notice at this time and if, in your mind, there is any good ground why the notice should not be filed, any action you take will meet with Mr. Hoidale's entire approval.

We are writing to Mr. George B. Leonard of Minneapolis, who is at present attending the hearing on our Federal judgeship and shall request him to confer with you about this.

Thanking you for your help in this matter and with our esteemed regards,

Yours very truly,

N. E. PARDEE.

To the Senate of the United States:

Comes now Einar Hoidale and files notice with this honorable body that he will contest the avowed election of Thomas D. Schall on November 4, 1930, as a United States Senator from the State of Minnesota.

That hereafter a petition will be filed herein, setting forth the grounds upon which this contest is instituted and that among other charges to be alleged in the petition will be specific charges that the election of Thomas D. Schall was accomplished through illegal use of the United States mails, violation of the corrupt practices act of the State of Minnesota, the casting of illegal and fraudulent votes in certain voting precincts, and other violations of law, and that all such charges will be specifically set forth and enumerated in form of petition when filed.

Minneapolis, Minn., February 28, 1931.

EINAR HOIDALE.

SENATOR FROM NORTH CAROLINA—NOTICE OF CONTEST FILED BY HON. GEORGE MOORE PRITCHARD

The VICE PRESIDENT laid before the Senate the petition of Hon. George Moore Pritchard filing his contest for a seat in the Senate as Senator from the State of North Carolina contesting the seat claimed by Hon. Josiah W. Bailey for the term commencing March 4, 1931, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

PETITION OF GEORGE MOORE PRITCHARD

To the Senate of the United States:

Comes now George Moore Pritchard and files this, his contest, for a seat in the United States Senate as Senator from the State of North Carolina, and contests the seat claimed by Josiah W. Bailey for the term beginning March 4, 1931, and as grounds for this contest shows to this honorable body the following:

That heretofore the said George Moore Pritchard was duly nominated as the Republican candidate for United States Senator from North Carolina for said term, and that the said Josiah W. Bailey was nominated for said office and term on the Democratic ticket.

That there are in said State of North Carolina 100 counties, divided into 1,811 election precincts or districts; that the election for said office was held on the 4th day of November, 1930; that by the laws of the State of North Carolina the votes cast in the various precincts or districts are canvassed and counted by the judges, inspectors, and clerks of election in the districts in which cast; that said various election precinct or district officials certify the results thereof to authorized officials to receive such results in the counties in which the various precincts are situated; that thereafter each county board of canvassers scrutinizes said returns and, in accordance with the laws of the State, an abstract of the return is made and certified to the clerk of the superior court of the county, and said clerk of the superior court certifies the chairman of the State board of elections. The returns so received are opened by the board of State canvassers, after the same have been abstracted, the result is declared and certified to the secretary of state.

That as a result of the canvass of the returns as certified to the secretary of state of North Carolina, it was found that the said Josiah W. Bailey was shown by the returns to have received 324,393 votes for said office of United States Senator at said election and that the said George Moore Pritchard had received a total of 210,761 votes for said office, the difference thus giving the said Josiah W. Bailey an apparent plurality of 113,632 votes.

For the purpose of this complaint, the said Josiah W. Bailey is hereinafter described as the claimant and the said George Moore Pritchard is hereinafter described as the contestant.

Contestant avers that all of the present registrars of North Carolina are members of the Democratic Party (the Republican Party having no representation whatsoever), and upon information and belief, that many of said registrars illegally placed upon the registration books of the State the names of nonresidents, minors, unsworn persons, and other disqualified persons, totaling many thousands; that many other thousands were illegally voted under the guise of and through the fraudulent manipulation of the absentee ballot law; that in numerous cases, such as that of the Cherokee Indians of Jackson and Swain Counties of North Carolina and otherwise, legally qualified members of the Republican Party in large numbers were refused the right to register and vote, and that by reason of said illegalities and such frauds as the willful mismarking and miscounting and fraudulent and deficient distribution of ballots, and also by coercion, intimidation, and failure to see that the spirit and letter of the election law, such as it is, were carried out, your contestant, as he is informed and believes, was deprived of enough votes to have elected him to the United States Senate; and that there were such illegal practices, gross frauds, and irregularities committed in said election that a correction thereof would show this contestant to have received a majority of the votes legally cast in said election and to have been duly elected United States Senator for said term.

More specifically, the contestant alleges, on information and belief:

1. That in many election precincts registrars entered on their books names of voters who did not in fact register and take the oath required by law and that such voters thereafter, although illegally and unlawfully registered, cast their votes for the claimant, and said votes were counted in the total number certified as cast for said claimant.

2. Registrars in many precincts entered on their registration books names of voters who did not in fact register and take the required oath as fixed by law and thereafter, at said election on November 4, 1930, votes were cast in the names of such persons and included in the total votes certified to have been received by the claimant.

3. That during the period of registration, registrars traveled throughout their precinct and registered Democratic voters but did not register Republican voters, thus insuring the registration of all Democrats and making it almost impossible to register the Republican vote. This practice constituted an unlawful disregard of the duties of said registrars, who were sworn to discharge their duties in an impartial manner.

4. Many thousands of illegal and fraudulently obtained absentee ballots were cast in behalf of the claimant and included in the total votes certified to have been received by the claimant. Included in such illegal and fraudulent absentee ballots were the following:

(a) Ballots based upon absentee affidavits and certificates executed by officers and physicians to be used illegally by workers, in many cases without the knowledge of the voters.

(b) Ballots in the names of voters who failed to vote in person, but who were neither sick or absent as contemplated by law.

(c) Absentee ballots not accompanied by affidavits or certificates as required by law.

(d) Absentee ballots not indorsed by the voters.

(e) Absentee ballots cast in the names of nonresident and unqualified persons.

5. In violation of law, many persons employed as markers forced their assistance upon voters and exercised duress and undue influence in persuading said voters to cast their ballots for the claimant and in many cases actually marked said ballots contrary to the wishes and directions of the voters, all of which said ballots thus obtained were included in the total number of votes certified to have been received by the claimant.

6. There was a general interference by political workers with voters in the election inclosure and in the booths, such interference being in violation of law, under which it is required that a 50-foot space around the ballot boxes be kept free and clear. Such interference resulted in undue and improper influence and persuasion upon many voters who, because of same, were deprived of the exercise of their own free will and whose votes as a result of said interference were cast for and included in the total certified as having been received by the claimant.

7. Many persons employed as markers, with intent to defraud, marked only the top ballot in the hands of the voters, which resulted in voiding all but the top ticket, thereby partially disfranchising many thousands of unsuspecting voters.

8. Many persons employed as markers deliberately mismarked the ballots, contrary to the instructions of the voters.

Said contestant therefore comes to your honorable body not only in his own behalf, but on behalf of the electorate of North Carolina, and the people of the United States of America. It is his belief, and he alleges, upon information and belief, that upon a fair and lawful recount of the ballots legally cast and on the elimination of fraudulent returns, he will be shown to be the duly and lawfully elected United States Senator from the State of North Carolina; and that for all the purposes of truth and justice he therefore prays that your honorable body will so decide.

GEORGE MOORE PRITCHARD, *Contestant.*

DISTRICT OF COLUMBIA, *ss:*

George Moore Pritchard, being first duly sworn upon oath, deposes and says:

That he is the contestant named in the foregoing petition; that he has read said petition and knows the contents thereof; that the facts stated therein as upon his personal knowledge are true and those stated upon information and belief, he believes to be true.

GEORGE MOORE PRITCHARD.

Subscribed and sworn to before me this 3d day of March, 1931.

[SEAL.] HERBERT G. ROSBORO,
Notary Public, District of Columbia.

Commission expires October 19, 1933.

ADDITIONAL BILL INTRODUCED

Mr. METCALF introduced a bill (S. 6277) to authorize the Secretary of Agriculture to further enforce the game laws of the United States, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

DIVERSIFIED FARMING

Mr. NORBECK. Mr. President, I have a letter from C. W. Croes, manager South Dakota Wheat Growers' Association, Aberdeen, S. Dak., enclosing copy of a letter he wrote to the Argus-Leader, a newspaper published at Sioux Falls, S. Dak. I ask that his letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CROES WRITES OF DIVERSIFICATION

EDITOR, THE ARGUS-LEADER: We were interested in your editorial comment in the Argus-Leader of December 27, in which you say, "A pleasant note in the Argus-Leader yesterday was the news item about John Janza who has rented a farm near Canistota for 21 years. In that period the dispatch explains that he has been too busy in piling up wealth from his farm operations to worry about farm relief. Mr. Janza is a strong believer in diversification, practices it extensively, and the result has been profit."

One of our farmer friends dropped in just about the time we read this editorial and after reading it to him and the story the previous day copied by your paper from the dispatch, as Uncle Josh Weatherby would say, "He was so doggoned mad right then that if he would have bit himself he would have had hydrophobia."

We were at loss to know whether the story indicated that its author intended to make light of the farmers who seriously thought of farm relief, whether his conviction was that if all farmers would diversify that the farm problem would be solved, or whether the fact that a farmer had been found who was making

money was a news item worthy of a front-page story and editorial comment.

Anyway the story reminded us of another story that the Argus-Leader carried in one of its issues of March, 1929, copied from another local paper within the State. We will not quote the name of the paper or the name of the man except that his first name was Albert, that his local paper wrote a glowing story of Albert's accomplishments, the substance of which was that Albert had arrived here an immigrant from Sweden about 42 years ago with 25 cents in his pocket. He obtained a job on the section at a dollar a day and after working a few years, saving his money, bought a piece of land on which he built a home and gradually acquired more land, always following the diversified route in his farming program. The story told that last year, that is, in 1928, that Albert had sold some $3,000 worth of fat cattle, some $2,600 worth of hogs, $600 worth of cream, $400 worth of poultry; that he now owned 1,008 acres of land; that he had always believed in diversification, and hence, his success; and wound the story up by saying this was ample evidence that no man needed to wear rose-colored glasses to see that there was ample opportunity for farmers to make money in South Dakota.

The story was so good that it was copied from the Argus-Leader by the Department of Agriculture and sent out in its news bulletin all over the United States to inspire farmers along the sure road to success via diversification.

Now we had read so many of these stories, in fact have tried for the last 20 years to operate one of these diversified farms with somewhere near the success pictured by most of these stories. Frankly, experience has made us a little dubious of the facts in some of these and like the good old southerner, we wanted to see the coons.

About the time we read this story about Albert as distributed by the Department of Agriculture at Washington, one of Albert's neighbors happened into the office and we asked him how well the story fitted the facts concerning Albert. "Well," he replied, "Albert is a good farmer; he is a good feeder; a hard worker; he hires cheap help and works the daylight out of them. He knows how to feed cattle, raise hogs, and get good crops." "Well," we asked, "how is he getting along financially?" "Well," the neighbor replied, "I don't know for sure, I know he had quite a little trouble a year or so ago fixing up the encumbrance on his farm."

Well, this only whetted our curiosity a little more, so we sat down and wrote the register of deeds' office in Albert's home county and got an abstract of his chattel indebtedness and also his real estate loans. Through that we located a complete financial statement showing the cold facts. It was true that Albert started buying land about 40 years ago, his first quarter at $10 an acre, second at $12. In the 40 years he had accumulated a thousand and eight acres, for which he had agreed to pay a purchase price of approximately $26,000. Mortgage records show that he had mortgages against the land of $33,600 at the time this glowing story was printed of his success. He had about $10,000 worth of chattel property and owed about $10,000 on the chattels. In other words if the author of the story had taken off his rose-colored glasses and looked into the cold facts with clear ones, it would have shown him that if Albert would have had to pay up his indebtedness at that time, instead of the wonderful pictures of prosperity that these stories had painted for him, that all he would have to show would have been 42 years of hard work for him and his family; his wife who had gone to her reward, his son and wife who were still helping him in operating the farm. The 25 cents that he brought with him would not even have been left in cash assets.

In checking this up again to-day we find that Albert died last fall and the foreclosure on Albert's farm has already been completed and the time of redemption will soon be run.

Now, Albert was a good farmer, better than the average, was a graduate of the Agricultural College in Sweden, we are informed, and came of splendid stock. From 1890 to 1920 he made steady progress and prospered. From 1920 to 1930 he apparently met only the conditions that the average farmer has met. Made no outstanding errors. The victim of an error in the national policy of his adopted country.

Because of the rather tragic picture that the above facts reveal we have not used Albert's full name nor given the identification of the local paper. To anyone, however, desiring and justly entitled to this information we would be glad to give verification. We do not tell this story for the purpose of criticism; or if so, at least only constructive criticism, for we are aware that your paper, and undoubtedly most of the press of the State, is anxious to give its readers the uncolored truth as much as possible; anxious, of course, to add a cheerful note whenever one can be found, but stories such as this are disheartening to the man who has been honestly trying, but trying in vain, to accomplish what he has been led to believe some other men have accomplished.

Added to this every such story furnishes ample and ready argument to the opponent to the farmers' plea for equality. It convinces the innocent readers of the eastern press that the farmer who is complaining of distress conditions is wholly responsible, and inexcusably so. It weakens his case when the truth would strengthen it. We do not take the position that there are no bright spots but we do maintain that they are altogether too few, and in the past eight years we do believe that there has been altogether too much tendency on the part of our writers to try to look through rose-colored glasses on the farmers' situation when, had they thrown away their rose-colored glasses and used the gray matter that the Creator gave them to fight for the truth—not for charity but for equal rights for the land which gives them their livelihood—not only the farmers' distress would have been lightened but a great deal of the industrial depression that is now upon us could have been avoided. The man who maintains that the agricultural industry can not be helped or injured as a result of legislation exposes an ignorance that is pathetic, wholly inexcusable, when we live in a nation where three-fourths of our industry depends almost wholly upon legislation to provide its profits.

For eight years past industrial leaders and statesmen have dodged the truth and insisted on believing the rose-colored picture of Albert's farming experience was the true picture of American agriculture. The present depression was the inevitable, as they could readily have seen had they thrown away their rose-colored glasses. Too late to remedy that now, but if we can begin now to look facts squarely in the face we should in another year or two find ourselves well launched in an era of progress and prosperity to all. Not an unbalanced and unhealthy one that gives a transient and extreme prosperity to a portion of our people while taking the homes from the rest.

C. W. CROES.

ECONOMIC INVESTIGATION IN THE OIL, COAL, LUMBER, AND OTHER INDUSTRIES

Mr. ODDIE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. ODDIE. When the joint resolution is laid before the Senate I propose to call up this amendment.

INVESTIGATION OF THE MOTION-PICTURE INDUSTRY

Mr. DILL submitted the following resolution (S. Res. 495), which was referred to the Committee on Interstate Commerce:

Resolved, That a special select committee of 5 Senators, to be appointed by the President of the Senate, 3 from the majority political party and 2 from the minority political party, is authorized and directed to conduct an investigation of the motion-picture industry (hereinafter referred to as the industry), with particular regard to the activities of Will H. Hays and the Motion Picture Producers and Distributors of America (Inc.) (hereinafter referred to as the said parties), with a view to determining—

(a) The relations of the said parties with public-welfare agencies, churches, women's clubs, educational institutions (especially the Harvard Graduate School of Business Administration), the Department of Commerce, and the press, for the purpose, among other things, of disseminating industry propaganda of questionable factual accuracy, together with the explanation for the failure of the Department of Commerce to disclose the true financial condition of the industry in its annual trade survey thereof.

(b) The relations of the said parties with bankers, brokers, and others for the purpose of selling industry securities totaling many millions of dollars, and ultimately entailing great loss to the purchasers thereof.

(c) The relations of the said parties (1) with the censorship boards of the several States and (2) with national and State political organizations, particularly in so far as the said parties seek to influence the election to public office of candidates sympathetic to the industry and opposed to State or Federal regulation thereof.

(d) The explanation for the immunity of the said parties since 1922 from effective prosecution by the Department of Justice for violating the antitrust laws, notwithstanding the unlawful character of the business activities of the said parties, and particularly as to whether such immunity has any relation to the fact that the successful negotiations by the industry for the services of Will H. Hays and George Akerson took place while the former was Postmaster General and the latter secretary to the President of the United States.

(e) The relations of the said parties (1) with the State Department and the Department of Commerce in connection with the settlement of acute problems of the industry in several foreign countries, and (2) with the League of Nations, and the several committees thereof officially interested in the industry, including the International Educational Cinematographic Institute of the League of Nations at Rome, in which a representative of the said parties is a prominent member.

(f) The explanation for the policy pursued by the said parties in the employment in the industry of persons formerly affiliated with the State Department or the Department of Commerce, and the financial interest, if any, of Hon. Julius Klein, Assistant Secretary of Commerce, with any company in the industry.

(g) The participation of the said parties or other members of the industry in the patent pool agreement between the leading American and German electrical companies entered into at Paris, France, in June and July, 1930, whereby the world trade in audible-film apparatus and theater equipment was apportioned among the major companies represented, together with the activities of representatives of the State Department and Department of Commerce in accelerating such agreement and in inform-

ing the President of the United States of the agreement and the loss suffered by nonparticipating companies of the industry as a result of the agreement.

(h) The relations, if any, of the said parties with the Federal Trade Commission and the Department of Justice in connection with the failure of the department to vigorously prosecute the said parties for violating the Federal antitrust laws.

(i) The probable effect on the unlawful activities of the four members of the industry prosecuted in 1928 by the Government under the antitrust laws in the event decrees in favor of the United States in those cases.

(j) The activities of the Copyright Protection Bureau, operated under direction of the said parties, in so far as the bureau exacts large sums of money from independent exhibitors under color of the penalty clause of the Federal copyright laws.

The committee shall report to the Senate, as soon as practicable, the results of its investigations, together with its recommendations, if any, for legislation requesting the Attorney General to institute proceedings against the members of the industry presumably guilty of unfair or unlawful trade practices or combinations.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-second and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and go take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ISLE ROYALE NATIONAL PARK, MICH.

Mr. VANDENBERG. Mr. President, the Senate has completed this morning the legislation to create a national park at Isle Royale, Mich. It will be the greatest national park in the system if and when the plans are perfected. It is the only national park in the Great Lakes area. I predict for it a tremendous popularity when it finally has been taken into the national system. Perhaps the most remarkable and enthusiastic indorsement ever given to a national-park project is contained in the report of Secretary of the Interior and the Director of the National Park Service upon the so-called Cramton-Vandenberg bill. I ask unanimous consent that these reports be printed in the RECORD.

There being no objection, the memorandum of Director Albright, of the National Park Service, was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1931.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR MR. CHAIRMAN: In compliance with your request of February 24, for a report on S. 6221, which is a bill that would provide for the establishment of the Isle Royale National Park, in the State of Michigan, I transmit herewith a memorandum on the subject that has been submitted by Director Albright of the National Park Service.

After a review of the proposed measure, I agree with Mr. Albright.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, February 25, 1931.

Reference is made to letter, dated February 24, from the chairman of the Committee on Public Lands and Surveys, United States Senate, inclosing for report a copy of S. 6221, Seventy-first Congress, third session, entitled "A bill to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes."

Isle Royale is the largest island in Lake Superior, located just inside the international boundary about 25 miles north and west of Keweenaw Point in Michigan. It lies in Keweenaw County of that State. It is approximately 44 miles long, with an average width of 5 miles. Its area is estimated at approximately 205 square miles. Twelve square miles of this area are composed of inland lakes, 24 in number, leaving 193 square miles, or approximately 123,520 acres net of land area. To this may be added about 2,000 acres on the immediately surrounding smaller islands which should be included in the project. It is accessible by boat from about May 1 to November 15. For the remainder of the year it is ice bound. During the open season boats from Duluth, Minn., Houghton, Mich., and Port Arthur, Ontario, provide transportation. A good many people now fly over the island. It has no telegraph or telephone connections with the mainland. The last census indicated only 23 registered voters, mostly trappers, fishermen, or miners, who live scattered throughout the area. It is used on a very small scale for summer resort purposes, a small lodge being available at Rock Harbor on the eastern end.

The topography of the island is quite broken, and can perhaps be best described as a moss and forest covered mass of gigantic rocks, the result of a volcanic upheaval. It has the appearance of being almost entirely in its primeval state, for, due to the rugged formation, lumbermen have left its tree growth alone. The island is said to have burned over in the remote past, and evidences of such fires can be seen in places. However, in such instances nature has restored conditions well. There are many marvelous beauty spots in their primitive condition, thus offering perfect examples of nature's textbooks for the study of scientists and student. Especially is this the case on the smaller islands surrounding the main Isle Royale. The exquisite, rugged beauty of the cliffs of the shore lines, indented with countless small bays and mouths of trout streams that may be enjoyed by sailing along the narrow deep fiords or channels, constitutes a particularly fascinating contribution to the scenic offerings of the park.

Due to the peculiar combinations of inland lakes and forested terrain, these factors may be held accountable for the preservation and increase of the wild life of the island. Without this sheltering cover of balsam, spruce, beech, birch polar, and pine, Isle Royale to-day doubtless would not be the home of moose, woodland caribou, beaver, deer, and other wild life. It is considered no exaggeration to estimate 2,000 moose and 400 woodland caribou on the island, the latter an animal not encountered elsewhere within the confines of the mainland of the United States. Moose may now be seen with little effort by any visitor. This in itself will present an unusually fine wild-life spectacle. Botanists report a wealth of flora, equaling in season the finest flower displays of the other national parks. The flora and fauna of the island, said to be entirely foreign to the neighboring shores of the lake and to be sub-Arctic in character due to the perpetually cold waters by which Isle Royale is surrounded, have long been the object of scientific curiosity. The waters of the island and the surrounding lake abound with fish so that the sport of fishing would be one of the outstanding attractions of the park. The island group are considered the greatest breeding grounds for the herring gull in the Great Lakes. The proposed park thus offers large opportunities for study and enjoyment to the lover of bird, animal, and fish life under most favorable conditions.

Another most interesting feature of the island is the archæological remains. In two remote sections—one on the northern shore and the other in the south Siskiwit Bay district—extensive mining operations of ancient days have been uncovered. How far back into our history these go has not yet been definitely determined. On the old Minong workings, near McCargoes Cove, great piles of stone hammers, crude large stone steps leading to the water's edge and other stone implements have been uncovered. Whether these represent the operations of ancient white men or began with their Indian antecedents is unknown. However, there are remains of literally thousands of open pit mines from which, in aboriginal times, the early inhabitants of these regions obtained practically all of the copper that was used in aboriginal America. From here and the adjacent mainland where all of this copper was obtained, it found its way by the trade routes into other parts of North America, and all of the copper, so far as can be determined, which has been found in mounds in the South and elsewhere, was originally obtained from this immediate vicinity. Here at and near the head of McCargoes Cove, therefore, may be said on good authority to be the real seat of this great ancient mining industry.

It is, therefore, evident that from a scenic, recreational, scientific, and educational standpoint, here is presented one of the outstanding opportunities for the establishment of a great island national park, unique of its kind in the system, and measuring up to the high standards that have been prescribed for such establishment. Its type of scenery, utterly distinct from anything now found in our national park system, its primitiveness, its unusual wild life and interesting flora, its evidences of possible prehistoric occupation, all combine to make Isle Royale and its neighboring islands of national park caliber.

It is this very unusualness which will also present unusual problems for development, if and when created as a national park. Complete protection, of course, is the prime object aimed at. The island appears peculiarly adapted for the building of a simple system of horse and hiking trails from one end of the island to the other, following ridges or partly at lower elevations near the shores with other trails, crossing over and connecting the longer parallel trails. From these pathways unending and everchanging scenes of marvelous beauty would be unfolded, without disturbing the wilderness character of the area or the wild life. Such development of the inner section of the park would be paralleled by the boat routes through the channels surrounding the island.

The matter of establishing this national park was first seriously brought to the attention of the department in 1924 through the interest of Michigan conservation associations which were actively pushing the matter and exerting themselves toward securing the private holdings on the island in order that they could be offered to the Federal Government. The area was carefully inspected in 1925 by former Director Mather, of the National Park Service, who gave it his unqualified approval. He was much impressed and very enthusiastic over the possibilities. It has been visited and reported on by other outstanding men of authority, notably this past summer by Harlan P. Kelsey, of Salem, Mass., a botanist and conservationist, as collaborator for the service, and Dr. Frank R. Oastler, of New York City, outstanding in conservation circles and a member of the advisory board on educational problems in national parks, both of whom were high in their praise of the

area from a scenic and scientific standpoint. The area was also studied in 1930 by Senator WALCOTT, chairman of the Special Committee on the Conservation of Wild Life Resources of the United States Senate, and other members of that committee. In all discussions of the possible creation of this park, the department and the service, while being favorable to the project, have taken the stand that the only condition under which the project would be acceptable under established policies would be that all the area required should be conveyed to the Federal Government without cost, as was the policy approved by Congress for the establishment of the three proposed southern Appalachian parks.

It may be pertinent to observe at this point that, while all except 9,121 acres of the island, which are public land, are in private or State ownership, the head of one of the large copper companies owning considerable acreage on the island has indicated that some 21,000 acres of their holdings would be turned over to the park project without cost, in the event of the establishment of the park, and that this gift may be increased to 45,000 acres. The Conservation Commission of the State of Michigan stands ready to deed 2,240 acres of land under its jurisdiction toward the project. Altogether commitments have been made to turn over approximately 56,000 acres of the total required for the park, leaving the rest still to be acquired by local authorities.

Under the provisions of S. 6221, the actual establishment of this national park is based upon the condition that the land deemed necessary be turned over to the United States without cost for acquisition.

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HORACE M. ALBRIGHT, *Director.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Hawlins; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 101. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes;

S. 5546. An act to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the seige of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes"; and

S. 5724. An act authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington.

The message further announced that the House had passed the bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes; and

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

HOUSE BILL REFERRED

The bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

ECONOMIC INVESTIGATION IN THE OIL, COAL, LUMBER, AND OTHER INDUSTRIES

Mr. SMOOT. Mr. President, the Finance Committee met to-day and considered the joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, I am authorized as chairman of the committee to report it to the Senate and ask unanimous consent for its immediate consideration.

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. Objection is made.

MINING EXPERIMENT STATION, COLLEGE PARK, MD.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., which were, on page 1, line 11, after the word "site," to insert "of not less than 20 acres"; on page 2, line 2, after the word "donated," to insert "and conveyed by deed conveying absolute title," and on the same page, line 3, to strike out all after the word "purpose" down to and including the word "indicated" in line 4.

Mr. TYDINGS. In the absence of the chairman of the Committee on Mines and Mining, I move that the Senate concur in the amendments of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

THOMAS L. LINDLEY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill

(S. 1696) for the relief of Thomas L. Lindley, minor son of Frank B. Lindley, which were on page 1, line 6, to strike out "$5,000" and insert "$2,500"; and on page 1, line 10, after "1929" to insert:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. CAPPER. I move that the Senate recede from its disagreements to the amendments of the House and agree to the same.

The motion was agreed to.

MEMORIAL TO DOVER PATROL

The PRESIDENT pro tempore laid before the Senate the joint resolution from the House of Representatives (H. J. Res. 532) authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War, which was read twice.

Mr. COPELAND. Mr. President, this joint resolution carries no appropriation; but certain foreign citizens have contributed money which is now in the Treasury, and under the rules of the Comptroller it can not be disbursed without this action. Therefore, I ask unanimous consent that the bill be placed upon its passage.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Allow the joint resolution to be read.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Chief Clerk read the joint resolution.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL REPORTS OF COMMITTEE

Mr. MOSES, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims, reported it without amendment.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it without amendment.

MEMORIAL TO STEPHEN T. MATHER

Mr. NORBECK. Mr. President, I introduce a bill which I ask to have read and given immediate consideration.

The PRESIDENT pro tempore. The bill will be read.

The bill (S. 6279) was read twice, as follows:

A bill to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather

Be it enacted, etc., That the National Capital Park and Planning Commission be, and is hereby, authorized and directed to provide, in connection with the park and playground system of the National Capital or the George Washington Parkway, a suitable memorial in memory of the late Stephen T. Mather, the first director of the National Park Service and formerly ex officio member of said National Capital Park and Planning Commission, as in the judgment of said commission shall be appropriate, in recognition of his distinguished service to the Nation.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the bill was considered by the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

INDEBTEDNESS OF RAILROADS TO UNITED STATES

Mr. HOWELL. Mr. President, I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 494) was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to report to the Senate on or before December 1, 1931, respecting the indebtedness of each railroad debtor upon any notes or other claims on account of loans made under the provisions of section 210 of the transportation act of 1920, as follows:

First. Financial condition of railroads;
Second. Class of security held by the Government;
Third. Prospects of payment;
Fourth. What efforts are being made to collect; and
Fifth. Recommendations as to disposition of debt.

The PRESIDENT pro tempore. Without objection, the resolution will be received. The Senator from Nebraska asks further unanimous consent for the present consideration of the resolution. Is there objection?

Mr. FESS rose.

Mr. SMOOT. Mr. President, I hope the Senator from Ohio will not object to the consideration of the resolution.

Mr. HOWELL. It merely calls for information.

Mr. REED. Mr. President, the information is given on the back of the quarterly Treasury statements anyway, and in the financial reports that are published every month.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The resolution was considered by the Senate and agreed to.

PHILIPPINE INDEPENDENCE AND THE FEDERAL CONSTITUTION

Mr. PITTMAN. Mr. President, at the request of the Senator from Missouri [Mr. HAWES], who is detained from the Senate by illness, I ask to have published in the RECORD an article entitled "Philippine Independence and the Federal Constitution," by Mr. Everette C. McKeage, of San Francisco, Calif.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREWORD

At the outset of this argument and for the purpose of acquainting the reader with my personal political views on the subject of Philippine independence, let me say that I believe in benevolent imperialism and would not favor the granting of independence to the Philippines if our Government had not, in my opinion, by its unmistakable attitude and policy toward that subject, led the Philippine people to believe that independence would be granted. To now say to the Philippine people, after a period of 30 years under our rule, that we will grant them independence when, in our opinion, they are capable of self-government, yet taking no definite step in that direction, is just the same as saying that we will grant them independence when it suits our convenience, the only difference being that in the latter case we would be aboveboard in our statement and in the former we would be only trying to create a favorable impression without ever committing ourselves to definite action.

The above remarks are for the purpose of demonstrating that I do not approach my subject with a personal bias, in view of the legal stand which I will hereafter take on the purely constitutional power of Congress to grant independence to the Philippine people.

THE GOVERNMENT OF THE UNITED STATES HAS ALL THE INHERENT POWERS OF INTERNATIONAL SOVEREIGNTY

That the United States are a sovereign Nation none will deny. That the Constitution of the United States and laws made pursuant thereto do not constitute all the body of national law is elementary. The common law of England forms a great part of our law and so far as the National Government is concerned the accepted practices of nations in their international relations at the time of the adoption of the Federal Constitution have been held to be rules by which our Government may be guided in exercising its powers of sovereignty.

The Supreme Court of the United States held (quoting from Syllabus) in the case of Fong Yue Ting *v.* United States (149 U. S. 698, 37 L. Ed. 905):

"The United States are a sovereign and independent Nation, and are vested by the Constitution with the entire control of international relations and with all the powers of government necessary to maintain that control and to make it effective."

Again, in the case of Church of Jesus Christ *v.* United States (136 U. S. 1, 34 L. Ed. 478) that court held that "the power to make acquisitions of territory by conquest, by treaty, and by cession" was possessed by the United States, not from any express or otherwise implied power, but because these are "an incident of national sovereignty." In the Legal Tender cases

(12 Wall. 457, 20 L. Ed. 287) Mr. Justice Bradley, in a concurring opinion, said:

"The United States is not only a government, but it is a national government, and the only government in this country that has the character of nationality. It is invested with power over all the foreign relations of the country, war, peace, and negotiations and intercourse with other nations, all of which are forbidden to the State governments. * * * Such being the character of the General Government, it seems to be a self-evident proposition that it is invested with all those inherent and implied powers which, at the time of adopting the Constitution, were generally considered to belong to every government as such and as being essential to the exercise of its functions."

Section 8 of Article I of the Federal Constitution, in enumerating the powers granted to Congress, provides in part as follows:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

It need only here be affirmed that the Supreme Court of the United States has uniformly held that Congress has the implied power to pass all laws and establish all rules and regulations necessary to carry out the powers granted to it by the Constitution. This is an elementary rule of judicial interpretation placed upon any grant of power.

The argument that there is nothing specific in the Constitution giving to Congress the power to alienate sovereignty over national territory demonstrates the weakness of such argument. The Constitution by its very nature contains broad grants of power. The fathers refused to degenerate into meticulous specification, and therein lay the wisdom of their genius. (See McCulloch *v.* Maryland, 4 Wheat. 316.) They made the Constitution so that it could live with the people and the people could live with it and that it would retain its equipoise and inherent wisdom, unassailable by changing conditions and the fickleness of fortune and remain unimpaired by the march of time and events.

Since the decision of the Supreme Court in the famous case of McCulloch against Maryland we have been presented time after time with the judicially determined fact that the United States have under the Federal Constitution implied powers of the greatest magnitude, although not specifically enumerated in that great charter. The presumption has always been that the fathers committed no idle act when they framed the Constitution, and therefore the Nation which they founded must have been intended by them to be a sovereign nation in fact, and being such must be endowed with all those powers and attributes of sovereignty which civilized nations have usually possessed.

It is not necessary, in supporting my view of the express and implied powers given to Congress and the Executive by the Constitution over territory of the United States, to contend that the Federal Government has all the inherent powers of sovereignty as those powers were understood to exist in European governments at the time of the adoption of the Federal Constitution, although there is respectable authority in support of this contention. (Julliard *v.* Greenman, 110 U. S. 421, 28 L. Ed. 204, right of United States Government to issue legal tender inherent in sovereignty. European governments had such power at time of the adoption of the Constitution; United States *v.* Arizona, 120 U. S. 479, 30 L. Ed. 728, holding that if the States did not have the power that it would be presumed that the National Government did. Counterfeiting of foreign securities.) That admission, however, does not negative the contention that the Federal Government, of necessity, has and must have all the attributes and incidents of international sovereignty in order that she may properly take her place as a member of the family of nations.

CONGRESS AND THE EXECUTIVE HAVE THE POWER TO DISPOSE OF TERRITORY OF THE UNITED STATES, EVEN TO THE RELINQUISHMENT OF SOVEREIGNTY OVER SUCH TERRITORY

If the Federal Government has the power to acquire territory, why has it not power, in like manner, to dispose of it? The Supreme Court of the United States has definitely held—and the question is not now debatable—that the Federal Government has the inherent power to acquire territory, either by conquest, cession, annexation, or purchase, although there is not one word in the Federal Constitution about such power? Upon what premise did the Supreme Court base its holdings? Obviously upon the premise of common sense and reason. Which reminds me that the layman has often been told that law is only common sense as applied to the particular facts in dispute, which is not always true, as lawyers will attest; but the above holding of the Supreme Court is one of the instances in which that statement is true. When Seward spoke of a higher law than the Constitution, he came perilously near to the truth; in fact, nearer than he himself cared to admit. The organic law of any government must, of necessity, be modified by three important rules of natural law, viz, the rule of reason, the rule of convenience, and the rule of necessity. These rules are as fundamental as the idea of justice itself. In interpreting the Constitution it is well to bear in mind that the Constitution was made for man, and not man for the Constitution.

We have the right to acquire and govern territory even to the extent of maintaining a colonial system, although not one word exists in the Constitution about acquiring additional territory. Bearing this fact in mind, we shall presently see in what a ridiculous position this fact places those who argue against the power of Congress to dispose of national territory.

Section 3 of Article IV of the Federal Constitution provides in part as follows:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Could language be plainer? The above provision is one that would be expected to be contained in the organic law of any nation, but did our Constitution not contain it, common sense and necessity would supply it on the very reasonable ground that it is an implied and inherent power and attribute of sovereignty just as the Supreme Court has held that the acquisition and governing of territory is an incident of sovereignty. Can it be doubted that such would be the holding of that court in view of its previous decisions. But we do not have to support this argument on that ground alone for the reason that the power to dispose of territory is specifically given to Congress by the Constitution.

But those who deny the power of Congress to alienate sovereignty over territory, say, when presented with this specific constitutional provision, that it does not mean what it says; that it does not give to Congress the power to alienate sovereignty over such territory. That contention reminds me of the soldier—who was then the dealer—who contended in a black-jack game that the dealer won if he turned a black-jack, irrespective of how many other black-jacks may have been turned in the same deal, even though turned previously to the one turned by the dealer. In other words, they win by placing their own interpretation upon the law, irrespective of how ridiculous such interpretation may be. The constitutional provision does not say "dispose of" with sovereignty nor does it say "dispose of" without sovereignty, but it is an incontestable rule of law that a power to dispose of anything carries with it all the implied and inherent powers to make such disposition effective. The power to dispose of anything carries with it the power to make a complete and effective relinquishment of the thing to be disposed of. These rules are axiomatic and require no citation of authority.

Being most charitable with those who contend that Congress has not the power to grant independence to the Philippine people, I must say that their argument that the above-constitutional provision does not include a case of alienation of sovereignty, is based upon the ridiculous premise that they are forced to so contend because to not do so would make their case, in the words of the poet, stand:

"Like the lovely rainbow's form,
Evanishing amidst the storm."

They must, of sheer necessity, so contend else their argument would be no argument at all.

Let us see what the Supreme Court has to say about this particular constitutional provision. In the case of United States *v.* Gratiot (14 Pet. 537, 10 L. Ed. 573), wherein this constitutional provision was under consideration, that court held as follows:

"And Congress has the same power over it (Territory of the United States) as over any other property belonging to the United States; and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial government rests."

This holding was substantially reaffirmed in the cases of Downes *v.* Bidwell (182 U. S. 267, 45 L. Ed. 1088) and De Lima *v.* Bidwell (182 U. S. 1, 45 L. Ed. 1041).

Here we have, first, a constitutional provision specifically giving Congress the power to dispose of territory, and, second, a common-sense interpretation of that provision by the Supreme Court. What else need be said? All that would be legally and practically necessary to grant independence to the Philippines is for Congress to pass a joint resolution declaring such to be the case on certain conditions, which conditions could be doubly secured by the Executive through the treaty-making power. Texas and Hawaii were annexed by a joint resolution of Congress, although several Senators, in the case of Texas, contended that such annexation should be carried out under the treaty-making power, which was provided for in the joint resolution of Congress as a double security, but which was never availed of. Why could not independence be granted to a Territory in like manner? To ask the question is to answer it.

Legally, I contend that the Executive, under the treaty-making power, could, by and with the advice and consent of two-thirds of the Senate, grant effectual independence to the Philippine people, although I do not consider that a desirable way to proceed from the standpoint of policy. The leading authorities on constitutional law agree that this power to alienate sovereignty over territory of the United States is given under the Constitution to the Executive under the treaty-making power and when we consider the holding of the Supreme Court in the case of Missouri *v.* Holland (252 U. S. 416; 64 L. Ed. 641) it can hardly be doubted that the Supreme Court would hold likewise if presented with this question. In that case the Supreme Court used the following significant language:

"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention. We do not mean to imply that there are no qualifications to the treaty-making power, but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with, but that a treaty followed by such an act could, and it is not lightly to be assumed that in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found.

(Andrews v. Andrews, 188 U. S. 14; 47 L. Ed. 366; 23 Sup. Ct. Rep. 237.)"

And in this connection it is significant to note that no treaty has ever been held unconstitutional which has been made under the authority of the United States.

In the case of Lattimer v. Poteet (14 Pet. 4) the Supreme Court held that the Federal Government, under the treaty-making power, had the power to cede territory of a sovereign State to a foreign nation in adjusting boundary disputes between the United States and such foreign nation. Observe that the Supreme Court did not restrict that power to territory not incorporated in a State, but held that the territory of a sovereign State—one of the thirteen original States—could be so ceded without the consent of such State, the State in question being North Carolina. The controversy arose out of a dispute as to the validity of a treaty of the United States with an Indian tribe whereby there was ceded to the Indians an area claimed by the State of North Carolina as its own. The court said:

"It is argued that it was not in the power of the United States and the Cherokee Nation by the treaty of Tellico in 1798 to vary in any degree the treaty line of Holston so as to affect private rights or the rights of North Carolina. * * * It is a sound principle of international law, and applies to the treaty-making power of this Government here exercised with a foreign nation or an Indian tribe, that all questions of disputed boundaries may be settled by the parties to the treaty. And to the exercise of these high functions by the Government, within its constitutional power, neither the rights of a State nor those of an individual can be interposed."

It seems evident that this holding should settle the question of the power to alienate sovereignty under the treaty-making power. It is no argument to say that this power might be abused, because power may always be abused. The objection could only be to the abuse of and not to the existence of the power. The power to alienate territory and sovereignty thereover must reside somewhere in our national scheme. Is it reasonable to believe that such power resides in the people or the States as against the United States? The very necessities of governmental function refute such a contention. One of the reasons for establishing a national government was for the purpose of delegating such national functions to it.

In a representative form of government such as ours the representatives whom we elect to represent us are the people in political significance. Our Government is not a democracy as that term is used in its purely political sense, and therefore the acts of our representatives are the acts of our people unless prohibited by the Constitution. The people of the United States can have no intent nor can they make any promise other than an intent expressed or a promise made by their legal representatives, and this applies even to the ratification of constitutional amendments, because by law such amendments can not be voted on directly by the people but only by the people's representatives, either in the State legislatures or in State conventions called especially for such purpose.

The people, therefore, have no way of expressing their opinion, other than through their legal representatives, and when those representatives have spoken it is conclusively presumed that such is the voice of the people; and if it is not, in fact, the only alternative is a resort to the ballot box when the time comes for electing their successors in office. The words of Chief Justice Marshall, of the Supreme Court, in the famous case of Gibbons v. Ogden (9 Wheat. 1, 6 L. Ed. 23 at p. 70) support this contention:

"The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at election, are, in this, as in many other instances, as that, for example of declaring war, the sole restraints on which they have relied, to secure them from abuse. They are the restraints on which the people must often rely solely in all representative governments."

See also Downes v. Bidwell, supra.

The people have, by the Constitution, intrusted to Congress the formidable and exclusive power to declare war, the unwise exercise of which might involve our very national existence; the exclusive power over appropriations, upon which our national existence depends; and also the exclusive power to suspend the writ of habeas corpus, the bulwark of the freeman's rights and many other powers of almost equal magnitude, as, for example, the power to lay and collect taxes to the extent of the destruction of private property rights. Is it reasonable to believe that the power to alienate sovereignty over national territory is of such magnitude that Congress has not been intrusted with it, when we realize what infinitely greater powers have been delegated to Congress?

Chancellor Kent, one of the greatest, if not the greatest, authority on American law, says:

"The better opinion would seem to be, that such a power of cession of the territory of a State without its consent does reside exclusively in the treaty-making power, under the Constitution of the United States, yet sound discretion would forbid the exercise of it without the consent of the local government who are interested, except in cases of great necessity, in which the consent might be presumed."

Observe that he says nothing about getting the consent of the other States of the Union or the people thereof. This view is supported by Mr. Justice Story, another leading authority on constitutional law, who stated that Chief Justice Marshall also shared this view. Mr. Charles Henry Butler, in his excellent work on the treaty-making power, squarely supports this view. I am mindful of the fact that his work has been severely criticized, but it is submitted that it stands to-day as the greatest and most authoritative work on that subject. I believe that it can be said that Daniel Webster held this view. The last word on this subject is the able discussion by Prof. Westel Woodbury Willoughby, in his recent work on the Constitution, wherein he maintains the stand herein enunciated and also specifically maintains that Congress, exclusive of the treaty-making power, has the power to grant independence to the Philippine people. (Vol. 1, pp. 421–425 and 572–576.)

It is contended by some that the Federal Government would be required to enter into treaty arrangements with the Philippine people in order to accomplish the grant of independence to them, and they further contend that the Federal Government has no power to negotiate any treaty with these people because they do not constitute a foreign nation, but, on the contrary, are subject to our jurisdiction. Those contentions have no support because the Supreme Court has many times held that the Executive, under the general treaty-making power, was empowered to conclude treaties with the Indian tribes, even though such tribes were subject to our Government and its jurisdiction. (Holder v. Joy, 17 Wall. 242, 21 L. Ed. 523.) In fact, the Federal Government controlled the Indians by this method until after the Civil War, when Congress substituted legislation for treaty provisions. And the only provision in the Constitution, which grants the power to make treaties with the Indian tribes, is contained in section 2 of Article II, and is not a special provision relating exclusively to the Indians as some believe. If the Federal Government wanted to, it could make a treaty with the Philippine people to-day.

It is erroneously believed by some that an act of Congress is inferior to a treaty and that such an act is not obligatory in the same way as a treaty, and by this parity of reasoning contend that the stipulations of the Jones Act regarding Philippine independence have no binding effect on the United States. I assume that they would contend that, did there exist a treaty between the Federal Government and the Philippines, its stipulations as to independence would be binding. The fact is that an act of Congress and a treaty stand upon an equal footing. An act of Congress abrogates a prior treaty provision, inconsistent therewith, and a self-executing treaty abrogates any provision of a prior act of Congress inconsistent therewith. In support of this statement see: Chinese Exclusion Cases (130 U. S. 581, 32 L. Ed. 1068); Prigg v. Pennsylvania (16 Pet. 619, 10 L. Ed. 1060); Foster v. Neilson (2 Pet. 313, 7 L. Ed. 415); Missouri v. Holland (252 U. S. 416, 64 L. Ed. 641); Carey v. South Dakota (250 U. S. 118, 63 L. Ed. 886); The Constitution and the Courts (vol. 2, pp. 43 and 317). So far as the Federal Government can bind us we are committed by the Jones Act legally to grant independence to the Philippine people. It is also contended that one Congress is not obliged to carry out the promise of a predecessor, and therefore the promise in the Jones Act is not binding. This is true. One Congress is not obliged to carry out the promise of another; but the same is also true of treaties. Congress may abrogate any treaty, and has done so on at least two different occasions. Oh, yes; we may do those things, but that does not say that such acts on our part are legal and always just. But, mind you, those very people who contend that we may flout with legal impunity all the promises made regarding Philippine independence, also contend with an all-consuming passion that it would be downright perfidy on our part to forget that promise we made to the Moros about never placing them under the control of the northern Filipino. Of course, we may overlook this slight inconsistency because that argument, they believe, seems to support their cause.

COURTS WILL NOT INTERFERE WITH STRICTLY POLITICAL QUESTIONS

At least, since the case of Luther v. Bordon (7 How. 1, 12 L. Ed. 581) it has been an accepted rule of law that courts will not interfere with or take jurisdiction of purely political questions. In the case of Wilson v. Shaw (204 U. S. 24) the Supreme Court enunciates this rule as follows:

"The people of what may be called the Isthmian, or Canal Zone, which at the date of the act was in the Republic of Colombia, passed by the act of secession to the newly formed Republic of Panama. The latter was recognized as a nation by the President. A treaty with it ceding the Canal Zone was duly ratified. Congress has passed several acts based upon the title of the United States. These show a full ratification by Congress of what has been done by the Executive. Their concurrent action is conclusive upon the courts. We have no supervising control over the political branch of the Government in its action within the limits of the Constitution."

The above rule has always been law in all governments fashioned along the lines of our own. The question of granting independence to the Philippine people is purely a political one and the action of Congress and the Executive to that end would be binding on the courts as a matter of established law. The question being purely a political one, the Supreme Court would not take jurisdiction of any controversy where that question alone was involved and in any controversy where such question was involved with other matters it would either not pass upon such question or the action of Congress and the Executive would be accepted as binding upon the court.

CONCLUSION

That it has always been the intention of the United States to grant independence to the Philippine people is conclusively shown by the particular manner in which those people have been governed. They have never been admitted to United States citizen-

ship, as have the people of Porto Rico, and no thought of doing so has ever been entertained. They are citizens of the Philippine Islands, and their legal status flows from that particular citizenship and no other. The Philippines are not a part of the United States. (Downes *v.* Bidwell, supra, and Balzac *v.* Porto Rico, 258 U. S. 298, 66 L. ed. 627.) (See also Porto Rico *v.* Tapia, 245 U. S. 639, holding that rights guaranteed by the Constitution might be withheld by Congress from an unincorporated territory even though Congress had granted United States citizenship to its inhabitants.) Acts of Congress do not apply to them unless specially so provided. In a word, the consistent attitude of Congress toward these people has been such as to make the eventual granting of independence to them as simple and as expeditious as possible.

The argument and theories advanced in opposition to the power of Congress to grant independence to the Philippine people reminds one of the sophistical arguments put forth by both the Federalists and the Republicans during the early part of our national life whenever a construction of the Constitution was advocated that would interfere with their own pet political theories. If the Federalist theories had been adopted, the acquisition of the Louisiana Territory would have been declared null and void for verily they contended that no power resided in the General Government to acquire additional territory; and if the Republican theories had been followed we would, doubtless, have had no national banking system; and if the theories of both had been forced upon the Supreme Court, it would have meant anarchy and national paralysis. Wisely, the Supreme Court kept to the middle of the stream; however, always resolving all doubts in favor of a construction of the Constitution that would make for a strong National Government and for national solidarity.

The theory—and to be most charitable with it, no other term would fit—that Congress has not the power to grant independence to the Philippine people, is nothing new; it is the old blown-up theory of strict construction of the Constitution, with less to justify it in this particular instance than in any previous case. Because there is nothing in the Constitution which specifically says that the power of disposition of territory of the United States by Congress includes the power to relinquish sovereignty over such territory, it is contended that the power to do so, perforce, does not exist. This is the most extreme case of strict construction put forward to my knowledge. It would certainly put to shame those stalwart Republican editors, who so passionately supported the strict construction theory in the early life of the Republic. Beginning with the decisions of the Supreme Court in the great cases of McCulloch *v.* Maryland, Cohens *v.* Virginia, and Gibbons *v.* Ogden, the theory of strict construction received mortal blows and with the surrender of the immortal Lee at Appomattox Court House the coup de grace was finally administered and that theory passed away as a serious argument. Since the close of the Civil War the Supreme Court has never seriously questioned the immortal principles of liberal construction laid down by the great Marshall. At this late date it seems rather factitious to bring forth this hoary, sterile, and blown-up theory. Reverting to what the delegates to the great Constitutional Convention may have said, is like asking aid from the dead because the voice of the Supreme Court has silenced forever any sentiments spoken in that convention which conflict with its decisions. To argue contrarily would be a mere toying with words and to now seriously contend that the strict construction theory should be adopted is only for those who would amuse themselves with abstract theory.

The statement that the ownership of the Philippine Islands resides in the American people is a mere figure of speech. So does the title to all property of the United States reside in the American people, but their legal representatives are, by law, charged with its complete control, administration, and disposition. This proceeds from the very nature of a representative form of government. If the contrary were true, we would be a pure democracy and an impossibility as a functioning Nation. In nearly all legislative bodies their action is taken in the name of the people—"The people of the State of ——— do enact as follows:"—but such statement in the enacting clause of laws is a mere figure of speech, if it be contended that the individual sanctions of the people of that particular political subdivision are necessary to its validity. Such argument is a mere seizing upon fleeting shadows.

In closing, let me say that I fear the wish is father to the thought of most of those who contend that Congress has not the power to grant independence to the Philippines. In fact, the majority report of the Senate committee recommending the passage of the Hawes-Cutting bill providing for Philippine independence shows that this statement is true, and goes further in stating that all those who made such contention before the committee were opposed to Philippine independence on any ground. Let the report speak for itself, which is in part as follows:

"We will not in this report discuss the constitutionality of an act of Congress withdrawing sovereignty over the Philippine Islands. This point is greatly overemphasized by certain interests, and the attack on the right of Congress to alienate the Philippines comes exclusively from those opposed to independence.

"In the records of the present session of Congress and in the hearings before your committee there are able, carefully prepared, and comprehensive briefs sustaining the constitutionality of such an act of Congress.

"One may be found in the hearings on page 32; another on page 2698 of the CONGRESSIONAL RECORD of January 29; another on page 2799 of the CONGRESSIONAL RECORD of January 30.

"Furthermore, the office of the Attorney General of the United States in 1924 stated that Congress had the power to grant complete independence to the Philippines, and Justice Malcolm, of the Supreme Court of the Philippines, is of the same opinion."

Being only human, it is natural that those who oppose Philippine independence should seek some way to support their wish, and so, not being able to overcome the sentimental angle—our fight for independence during the Revolutionary War—of this question, they have adopted the age-old trick of trying to involve the problem in a maze of uncertainty; and what more fertile field could they have turned to than the law? There is no way of compelling a man to agree with you as to what the law is, even though it is as plain as the light of the noonday sun; and therefore we may expect to have with us forever those who contend that Congress has not the power to grant independence to the Philippines, and even after independence shall have been granted they may, I seriously fear, contend that those acts were unconstitutional. Of course, you can not prevent a man from disagreeing with you if he is determined to do so. And in conclusion let me remind you of the deplorable truth Lord Macaulay spoke, when he said:

"If it were to the interest of any considerable financial group, there would not be wanting arguments against the laws of gravity."

INVESTIGATION OF BUREAU OF MINES

Mr. BROUSSARD. Mr. President, yesterday I offered Senate Resolution 490. A number of Senators have asked me to call up the resolution. I ask unanimous consent that it be considered at this time.

Mr. COPELAND. Mr. President, I will say to my friend that I am compelled to object.

The PRESIDENT pro tempore. Objection is made.

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana. Mr. President, in my absence a moment ago I understand that the Chair handed down House bill 17262.

The PRESIDENT pro tempore. The Chair did so; and it was referred to the Committee on Pensions, of which the Senator from Indiana is chairman.

Mr. ROBINSON of Indiana. I am authorized by the majority of the members of the Pensions Committee to report that bill out for passage. Since it includes a number of individual bills, some five in number, passed by the Senate at different times during the session, and those bills now have been included in one passed by the House as an omnibus bill, I ask unanimous consent for the immediate consideration of the House bill.

The PRESIDENT pro tempore. Is there objection, first, to the reception of the report? The Chair hears none.

Is there further objection to the present consideration of the bill.

Mr. WHEELER. I object, Mr. President. I objected twice.

The PRESIDENT pro tempore. The Senator from Montana having objected twice, both to the introduction of the report and to the present consideration of the bill, the bill goes to the calendar.

Mr. TYDINGS. Mr. President, as I understand it, the maternity bill is now before the Senate.

The PRESIDENT pro tempore. That is the business before the Senate, but it has intervened in the consideration of the unfinished business.

Mr. TYDINGS. I would like to address myself to that measure.

The PRESIDENT pro tempore. The Senator is recognized for that purpose.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Washington?

Mr. TYDINGS. I yield.

Mr. JONES. I am going to make another request with reference to the deficiency bill conference report. This bill carries about $75,000,000 to provide for public buildings, I think, in every State in the Union. It will furnish employment to thousands of men who may be out of employment now. Unless the bill is gotten through the Senate very soon we are not likely to be able to put it in shape for the House. It will have to go to the House and be acted on there. We are acting first on the conference report in the Senate.

It seems to me it is very important that we get this bill through now. I do not think it ought to be held up because of any one bill or another.

Mr. TYDINGS. Mr. President, I have the floor now and desire to discuss the bill, but I will be glad to relinquish the floor in order that the Chair many recognize the Senator from Washington.

Mr. JONES. That is very kind of the Senator. I ask unanimous consent that the conference report on the second deficiency bill, which is unanimous and complete, be considered now.

The PRESIDENT pro tempore. Does the Senator from Washington think that by unanimous consent two conference reports can be brought before the Senate at the same time?

Mr. JONES. The other one is not before the Senate by unanimous consent.

The PRESIDENT pro tempore. Upon motion?

Mr. JONES. On motion. I am now asking unanimous consent in relation to the conference report on the second deficiency bill.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator whether this is a complete and final agreement?

Mr. JONES. It is a complete and final agreement.

The PRESIDENT pro tempore. Is there objection to the consideration of the report?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 45, 46, 59, 66, and 82.

Amendment numbered 25: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 25, with the following amendment: In lieu of the matter inserted by such amendment of the House insert the following:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by floods imposing a public charge against the property of the State beyond its reasonable capacity to bear, $80,307: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

And the House agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: After the word "approved," in the matter inserted by such amendment insert the following: "March —"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment strike out "the amount herein appropriated shall not exceed $500,000" and insert in lieu thereof the following: "then there is hereby appropriated for the Employment Service, Department of Labor, fiscal year 1932, the sum of $500,000 to be immediately available, for the same objects and purposes specified under this head in the act making appropriations for the Department of Labor for such fiscal year, and of such sum not to exceed $17,650 shall be available for personal services in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.: For the erection of a suitable monument on the site of the Pioneer Cemetery at Harrodsburg, Ky., commemorating the first permanent settlement west of the Allegheny Mountains, 'The Cradle of the Old Northwest,' where Gen. George Rogers Clark and his heroic associates at old Fort Harrod planned and inaugurated the campaign carried on by General Clark and his associates in the conquest of the Northwest Territory during the Revolutionary War, as a result of which that vast territory was established as a part of the United States of America, fiscal years 1931 and 1932, $100,000, to be expended under the direction of the Secretary of War: *Provided*, That the plan and design of such monument shall be subject to the approval of the National Commission of Fine Arts: *Provided further*, That the Secretary of War is hereby authorized to enter into an agreement with the State of Kentucky or any subdivision thereof, or any appropriate organization existing therein, for the care of such monument."

And the Senate agree to the same.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

WILL. R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. SMITH. Mr. President, I would like to ask the chairman of the Committee on Appropriations if he will not state what became of the amendment in reference to the navy yard at Charleston.

Mr. JONES. Mr. President, I made a statement in regard to that when I had the matter up before.

While the Senate conferees receded from that amendment, a very satisfactory arrangement was made through the Navy Department, because they reported to the committee that they have money on hand which they could use to put the yard in the shape contemplated by the Senate amendment. That was not in excess of $150,000.

Mr. ROBINSON of Arkansas. The amount is equivalent to the amount carried in the amendment?

Mr. JONES. Yes.

Mr. SMITH. Mr. President, I wanted that statement made for the RECORD, to show that the amount which would be given by the Navy Department would be equal to the amount carried in the amendment.

VETERANS' LOANS

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The PRESIDENT pro tempore. The Senator from Maryland having yielded so that the bill referred to by the Senator from Kentucky might be brought up, the bill will be read for the information of the Senate.

The Chief Clerk read the bill (S. 6269) relating to the making of loans to veterans upon their adjusted-service certificates.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SMOOT. I object.

The PRESIDENT pro tempore. Objection is made.

EMLOYEES AND PAY ROLLS OF MANUFACTURING FIRMS

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. TYDINGS. I yield.

Mr. LA FOLLETTE. Will the Senator yield to me to present a unanimous consent request? If it leads to any debate, I shall withdraw it.

Mr. TYDINGS. I yield for that purpose.

Mr. LA FOLLETTE. Mr. President, on January 26, I introduced a resolution (S. Res. 430), and it has since been lying over under the rule, there having been no routine morning business in the meantime. I will say for the information of the Senate that the resolution merely seeks to obtain information from the Department of Labor concerning the turnover and pay rolls in the business and manufacturing concerns reporting to the Department of Labor.

I ask that the resolution may be modified as indicated, and that it may be reported for the information of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution as modified will be reported for the information of the Senate.

The resolution was read, considered, and agreed to, as follows:

Resolved, That the Secretary of Labor be directed to report to the Senate of the United States on or before April 30, 1931, the following:

1. The percentage change for each month in the number of employees and in the size of pay rolls from June, 1929, to December, 1930, of the manufacturing firms and/or plants employing less than 50 persons which report such information either directly or indirectly to the Department of Labor.

2. Similar information for firms and/or plants employing (a) 51 to 100 persons; (b) 101 to 300 persons; (c) 301 to 500 persons; (d) 501 to 1,000 persons; (e) 1,001 to 5,000 persons; (f) 5,001 to 10,000 persons; and (g) over 10,000 persons.

DELAWARE, PENNSYLVANIA, NEW JERSEY TUNNELS

Mr. HASTINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Delaware?

Mr. TYDINGS. I yield.

Mr. HASTINGS. Mr. President, there are two tunnel bills in which the Senators from New Jersey, Pennsylvania, and Delaware have been interested. Those bills have been referred to the Committee on Commerce, but we can not agree, and they have not been reported. I have talked with the chairman of the committee, and I desire to move for the discharge of the committee with respect to Senate bill 4640, and then ask for its immediate consideration.

The PRESIDENT pro tempore. That may not be done until to-morrow. The committee can not be discharged upon a single motion on the same day on which the motion is made.

Mr. REED. Mr. President, I suggest that the Senator ask unanimous consent that the committee be discharged.

Mr. HASTINGS. I ask unanimous consent that the Committee on Commerce be discharged from the consideration of Senate bill 4640.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSON. Mr. President, I have no particular familiarity with these tunnel bills, but I am perfectly willing that the committee shall be discharged.

Mr. WHEELER. Mr. President, I am going to object unless we know something about the measures. I do not think this is the correct way to pass legislation at this late date in the session. As I understand it, the committee has disagreed with reference to these bills. Now the proponents of the bills come in and ask that the committee be discharged and the bills be passed. I am going to object.

The PRESIDENT pro tempore. Objection is made.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, was read twice by its title and referred to the Committee on Appropriations.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. What is the official bill or matter before the Senate?

The PRESIDENT pro tempore. The conference report on the so-called maternity bill. Everything that has transpired since is being done by unanimous consent.

Mr. NORRIS. I would like to inquire of the Senator from Washington if he does not intend to proceed with the maternity bill?

Mr. JONES. I want to do so. That is the business before the Senate.

The PRESIDENT pro tempore. The Senator from Maryland has the floor, and everything is being done by his yielding, and by unanimous consent. The Senator from Montana has objected to the request made by the Senator from Delaware.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I wanted to inquire of the Senator whether he would not yield to me to move that the Senate proceed to the consideration of the bill to which the Senator from Utah objected?

Mr. TYDINGS. Mr. President, I would not be willing to yield for that purpose now, because I have yielded for many other purposes, and this would take some time. The Senator may get it up later.

The PRESIDENT pro tempore. The Senator from Maryland has the floor, and the question is on agreeing to the conference report upon the so-called maternity bill.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. COPELAND. May I say to my friend the Senator from Montana that there was no difference in the Committee on Commerce regarding the bills referred to by the Senator from Delaware. There was a difference of opinion among the Senators from the three States involved. They have now adjusted their differences, I am sure.

Mr. NORRIS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. Has the Senator from Maryland the right to yield the floor to another Senator to make a speech?

The PRESIDENT pro tempore. The present occupant of the Chair thinks he has not.

Mr. TYDINGS. I did not yield to the Senator to make a speech.

Mr. NORRIS. That is what he is doing.

Mr. TYDINGS. Mr. President, in order that there may be no misunderstanding, I would like to say at the start that in speaking of a State responsibility, or, as it is popularly called, State rights, I do not mean to say that a State has a right to be disloyal to the laws of the United States or to secede from the Union. All of that is in the limbo of the past. What I do hope to show the Senate is that there are two distinct spheres of government in the United States—one the national sphere, where national matters are handled by a national legislature on the one hand, and a local sphere,

where State and local and community matters are handled upon the other.

My objection to the bill is that the Federal Government is trying again to nationalize a local matter, to take over the functions properly discharged in the communities of the land, and to make the Congress of the United States a glorified city council for the whole country.

If it were necessary to make any argument at all in support of the logic of the division of governmental authority in this country, the population of the States alone would show that further argument is unnecessary. Mr. President, the State of Arizona, which I respect, has a population, according to the 1920 census, of 334,000, but it has two Senators in this body. The State of New York, according to the 1920 census, has a population of 10,385,000 souls, and it has but two Senators in this body. The very complexion of the body shows that our Government is one of State's accurate geographical subdivisions, historical in their background and formation, which have come through the years to the present time. All during that time, regardless of geographical extent, regardless of population, every State in the Union has had two votes in this body. The little State of Delaware has just as much representation here as the great State of New York, or Pennsylvania, or Illinois. If we are not going to have State governments, if we are going to have this division of authority between the National and the State or local governments, let us do away with the conception of representation, and divide or subdivide these United States so that the little State of Delaware, for example, may not have equal representation with the great State of New York.

What good are the States? Why keep them? Why perpetuate them? Why not adopt a constitutional amendment and say that from this hour onward there shall not be 48 States in the Union but 48 political subdivisions, all looking to the President and the Congress for power, guidance, and authority? Why have these 48 States? Why not eliminate them? What use are they? The answer comes with the question. We have 48 States because in the very nature of the complexities of climate, industry, avocation, background, seacoast or inland, as the case may be, it is necessary that the people in their respective communities should have a general scheme governing their local affairs, such as suits their own peculiar needs. If we were to wipe out the States and have one law on everything enacted by the National Congress, the result would be untold hardships upon the people who make up our complex population.

The purpose of the bill before us is to enable the Federal Government to reach its long arm of authority out into the domain of local affairs, to tell the people at Spokane, Wash., Aberdeen, Md., and Amarillo, Tex., how the good ladies of those three localities can bring their babies into the world with the approval of our great National Government. Without the approval of our great National Government these people can not do that for themselves. They are not really self-reliant, although before the days of railroads and bridges and wireless and the telegraph they went in covered wagons across the plains, they fought the Indians, they swam their horses through swollen streams, camped in lands where no white man had ever gone, and settled the great empire of the West. Although they did all that and raised a sturdy race of sons and daughters to carry on the Government after they had discovered the new land, we find in the good year 1930 that the poor, ignorant, unsubstantial, unpatriotic perchance, descendants of those great pioneers are no longer able to have young boys and young girls born in lawful wedlock without the sanction or the benediction of a little bureau sitting down here in Washington composed of about nine ladies who are going to tell all the millions of women in this land how a child should be properly born.

To digress a moment, I heard the Senator from Michigan [Mr. COUZENS] the other day, as Chairman of the Committee on Interstate Commerce, discussing railroad consolidation. That was a big problem, a problem which this body could discuss for six months to the exclusion of every other problem if the best interests and the prosperity of the country were to be considered. But we have no time to take up that subject now. I have heard other Senators mention kindred subjects—bus control, proper regulatory legislation for interstate companies of all kinds, treaties with foreign lands, such as the World Court perchance, the Navy, the Army, how to finance the Government to the best possible advantage, and to translate its laws governing the mass of the people in such a way that happiness and not hardship will result therefrom. But we have not time for that now. Here we are in the closing hours of a 90-day session of Congress, with the hour of permanent adjournment but 13 hours away, taking up the time of the Senate with a matter that the city council of Amarillo, Tex., could settle better for itself than can all the Senators in this and all subsequent Senates who may sit and pass upon the question.

What does it mean? It means that the Senate and the House of Representatives, aye, the Government, whether it be Democratic or Republican, is chip by chip, chip by chip whittling away the division between State and national affairs. As we do that we set up one by one a bureau here, a commission there, a board here, a department there, until not one man in this body has the slightest comprehension of what is taking place in all of the commissions and boards and bureaus put together. I venture to say that if a committee of business men were turned loose upon this big problem of making these divers boards and bureaus more efficient and if they had the power to carry their recommendations into effect, savings of millions and millions of dollars would result from the curtailment of this octopus, this bureaucracy which has grown up by leaps and bounds until the Congress has delegated to some one almost all the power which it has.

We have now a chance to cut off one of these little delegations of power. We now have a chance to relinquish something which is not national in its concepts, but which is local in its particular substance, by discontinuing this Federal business of going into every hamlet and home throughout the Nation and telling the good people who live therein how children should be born, just as if there were not doctors and schools and common sense and a long line of heredity going back to Adam and Eve to justify the lack of necessity for such a course.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. TYDINGS. I yield.

Mr. WALSH of Massachusetts. We not only have a chance to suspend the present activity of the Federal Government which the Senator argues should be a State function, but the bill includes a new activity, does it not, namely, rural sanitation, and provides for the expenditure of millions of dollars in a new Federal activity?

Mr. TYDINGS. The Senator is correct.

Mr. President, where are we going to be 50 or 100 or 150 years from now if this thing goes on and on and on, and Congress forever sets up new boards, new commissions, new bureaus, new departments—job holders, job holders! All the taxpayers of the United States will soon be working about one day a week to support the national army of employees which we will have if this thing goes on and on and on.

No one wants to deprive any proper department of the Government, which is dealing with a subject national in its scope of all the employees, of all the assistance, financial or otherwise, which it deserves; but when we come here to the Capital and, under the guise of doing something for the people of the United States, take over these local affairs and try to nationalize them, we are doing nothing more nor less than pulling the very foundation stones, not only from under the State governments but from under the National Government as well.

I would be the last one in the world to want to take from the small States their representation in this body. It is a part of our historical development that every State had at the start two Senators and has kept them through all the years which our Government has endured. But why keep them? If we are no longer to have State governments in the degree in which they were originally envisioned, then we had better reapportion the representation in this body and

give to the teeming millions of New York State more representation than we give to the fine little State of Delaware with its three or four hundred thousand souls. We ought to take the one horn or the other of the dilemma.

A few days ago the Senator from Nebraska [Mr. HOWELL], speaking on a bill then pending before the Senate, used this expression—and mark the words: "In the District of Columbia and the other political subdivisions of the United States." "In the other political subdivisions of the United States!" To me that presented a National Government with States not as sovereign States, but as districts or provinces, subject to the divine ruler who rules here in Washington, subject to the dictates of the National Congress in all its aspects, in all its undertakings, without regard for the wishes of each State or the people who reside therein.

If the National Government shall keep on taking charge of these local matters, I can see no use for the existence of the States. If we are going to settle the intimate and local problems of the people here in Washington, let us do away with the State governments, because they will be of no use whatsoever. There is no use retaining them unless they are to exist for some purpose, and every Senator knows the purpose for which State governments exist is to handle, as a sovereign right, all of the local affairs of the people who comprise the commonwealths.

Bad as that feature of this bill is, it contains a double iniquity, because by it we are confronted with one of the so-called 50-50 appropriations. That means a sum of money is appropriated out of the Federal Treasury and is divided amongst the States according to population, provided that the State itself raises a sum to match the sum which it receives from the Federal Government. If the State does not do that, it gets none of the Federal money. If it does match the sum received by the Federal Government, the State is permitted to expend the total sum in accordance with regulations and decrees which are issued from a Government department at Washington. It is really legislative bribery. If a State refuses to take any part in this iniquitous program, it does not get its share of the Federal money. The State has to conform; otherwise it will lose its prorata of the appropriation.

There may be some general purposes as to which that system may not be subject to sound criticism. The Constitution of the United States provides, for example, for the establishment of post offices and post roads; and so, in my judgment, Federal road appropriations are in a different class from appropriations contemplated by the pending measure, for the Constitution clearly gives the Federal Government the right, delegated to it by the States, to cooperate in road construction. However, there is no delegation of power, so far as I know, either direct or indirect, concerning maternity matters in this country. If there be such a delegation in the Federal charter, no one as yet, in this or in any other body, has ever been able to point it out.

Is the authority derived under the power to coin money? Is it derived from the power to build post offices and post roads or to punish piracy on the high seas? Does it come under the power to regulate interstate and foreign commerce? Does it come under the power to establish courts inferior to the Supreme Court? Does it come under the power to borrow money on the faith and credit of the United States? Does it come under the power to provide an Army and a Navy and to call out the militia in time of war? Where is the power, where is the concession to the National Congress to take jurisdiction over these local community and State affairs? It is not found in the Constitution.

We are told it is found in the general-welfare clause, written in the preamble to the Constitution. Well, Mr. President, give me the judges who sit upon the Supreme Court of these United States and I defy you to tell me a single thing that can not be passed in the name of the general welfare. There is either no limit upon the power of the National Government or there is a limit, and certainly if the general-welfare clause in its broadest aspects is to be the limitation upon congressional authority, then given the judges, and there would be no bill in this world which we could not pass and which would not be held to be constitutional.

Mr. TRAMMELL. Mr. President, will the Senator from Maryland yield for a question?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. TYDINGS. I yield for a question.

Mr. TRAMMELL. The Senator from Maryland seems to be at a loss to know under which provision of the Constitution this bill is covered. I want to ask him if he does not think that the provision in the Constitution in regard to the Army and the Navy authorizes the passage of such legislation as this, because we want to grow children who will be strong and healthy and vigorous for service in the Army and the Navy?

Mr. TYDINGS. Mr. President, that is the most logical argument I have heard in support of the bill up to date; is the *n*th degree of logical argument in support of the bill.

Mr. President, the tragedy of this proposed legislation lies in the fact that the Federal Government is really doing something which every State financially can do for itself. It is not a case where we are dealing with the drought-stricken farmers who are crying for bread which the local communities can not provide; it is not a case of the poor who are out of work and who are hunting for jobs, with no jobs to give them; but here is a matter for which every State is able to appropriate all the money that it should have or need.

There is absolutely no justification for the passage of this bill. Indeed, in my judgment, there is not as much justification for it as there would be for a national system of education under which all school courses, all the regulations affecting education would be decided for us by a board of men sitting in Washington.

It so happens that 19 States of the Union, where the colored population is very numerous, have decided that it is in the public interest to have the colored children in one school and the white children in another school. However, in the remaining States, so far as I know, there is no racial discrimination; indeed, in many of the States colored children and white children go to school together. If any State wants that dispensation, if it desires that arrangement, I say they ought to have it. On the other hand, I should accord to the other States the same right to solve their local problems in their own way. Under a national system of education, however, all those different systems would be eliminated. Under a national system of education it would make no difference what suited the people of Virginia or Georgia or Louisiana or Texas or California, they would have to take the system of education provided by the National Government whether the State government wanted the system or not.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. TYDINGS. I will yield with the understanding that I do not lose the floor, Mr. President.

Mr. McKELLAR. Mr. President, I desire to make a request for unanimous consent. Several days ago——

Mr. LA FOLLETTE. Mr. President, I think that we should not have any more unanimous-consent agreements and that Senators who are discussing this bill should conform to the rules.

The VICE PRESIDENT. The Senator from Wisconsin objects.

Mr. TYDINGS. So, Mr. President, were we to have a national system of education, one system for the whole country in place of the 48 State systems which we now have, first of all we would have a stalemate, because under the one system there would be a lack of competition and rivalry, which we have under the 48 systems, with each State examining the educational system of the others, and if it finds good therein, adopting it for itself. No one now advocates the establishment of a single system of education for the whole country. Yet when we come to this more detached local matter than is education—namely, motherhood—an attempt is made to make it subject to national

decree and to operate the entire system under a national board set up in Washington. Where will it end?

I venture to say that since the Department of Agriculture was organized any number of bureaus have been set up to take care of some emergency at the time existing which, with the passage of the emergency, continue to exist as subbureaus of the great Department of Agriculture even after the need has passed. So we see great office buildings going up to take care of the expansion here and there and everywhere into all manner of man's activities.

We now appropriate for governmental expenses in this country about $4,000,000,000 a year. We are rich enough to do it with ease compared to other countries which are heavily burdened with taxation and without productive sources of revenue. Yet because we can do it with ease is no reason why we should squander sums of money out of the National Treasury to do things which can best be done by the cities, the counties, and the States for themselves.

There is no national problem here. In the State of Kentucky there are expended about $300,000 a year on the health of women and children. In my State we appropriate hundreds of thousands of dollars—and I am glad we do it—in order to take care of the health of the men, women, and children who comprise the citizenship of the State of Maryland. We have our department of health; we have our city health officers and their assistants; we have our county health officers; and we have our nurses. Any expectant mother may call the county seat upon the telephone and the county nurse will come and be of assistance and give her any advice which is necessary in the circumstance. Now, however, the Federal Government at Washington is to come over into my State, where we are minding our own business and are perfectly competent without Federal assistance to take care of our own matters, and are told that if we will raise a small sum of money to match the Federal appropriation money the whole may be spent by our people under the direction and supervision of the National Government.

PROPOSED INVESTIGATION OF FEDERAL BUILDING CONTRACTS

During the delivery of Mr. TYDINGS's speech—

Mr. SHIPSTEAD. Mr. President, will the Senator from Maryland yield to me for a moment to make a request for unanimous consent?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. TYDINGS. I yield for that purpose.

Mr. SHIPSTEAD. The Senator from New Jersey has now withdrawn his objection to the resolution which I submitted this morning, being Senate Resolution 493. I ask unanimous consent for its immediate consideration. If it involves debate I will withdraw the request.

The VICE PRESIDENT. Let the resolution be reported.

The Chief Clerk read Senate Resolution 493, submitted by Mr. SHIPSTEAD March 2, 1931, as follows:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price-fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or corporations engaged in the production, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work, and (b) whether or not there is or has been any custom or practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department, in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

Mr. REED. Mr. President, has the Senator agreed to strike out the latter part of his resolution? I have no objection to its passage as I understand it has been modified.

The VICE PRESIDENT. Is there objection to the resolution as modified?

Mr. REED. Reserving the right to object, I ask an opportunity to examine the resolution.

Mr. REED subsequently said. I have examined the resolution. I think it is all right. I have no objection.

Mr. BLAINE. Mr. President, my colleague [Mr. LA FOLLETTE] is absent at this time. He announced just a few moments ago that he would object to further unanimous-consent agreements.

Mr. COPELAND. I hope the Senator will let this particular matter be acted upon.

Mr. BLAINE. Let the resolution be read. I have not read it.

The VICE PRESIDENT. The resolution will be again read, if the the Senator yields for that purpose.

The Chief Clerk read the modified resolution, as follows:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price-fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or corporations engaged in the production, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work, and (b) whether or not there is or has been any practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department, in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

There being no objection, the resolution, as modified, was considered by the Senate and agreed to.

OCEAN MAIL CONTRACTS

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. TYDINGS. I rely on the Chair to protect me. I am glad to yield, Mr. President.

Mr. McKELLAR. Mr. President, several days ago I offered a resolution for an investigation of certain air and ocean mail contracts. That resolution went to the Committee on Post Offices and Post Roads, and received a favorable report almost unanimously. It then went to the Committee to Audit and Control the Contingent Expenses of the Senate, and that committee reported that they did not have the money for the investigation.

Since that time we have appropriated an additional $50,000 for the contingent fund. I therefore ask unanimous consent at this time that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the consideration of the resolution and that the resolution be agreed to.

Mr. COPELAND. I object, Mr. President.

The VICE PRESIDENT. Objection is made to the request of the Senator from Tennessee.

Mr. McKELLAR subsequently said: Mr. President, will the Senator from Maryland yield to me?

Mr. TYDINGS. I yield to the Senator from Tennessee.

Mr. McKELLAR. On the 23d of last April, nearly a year ago, a resolution was passed to make an investigation of ocean mail contracts. Thereafter the Senator from New York [Mr. COPELAND] made a motion to reconsider, and that motion has been pending ever since.

I now move that the Senate proceed to the consideration of the motion to reconsider made last April.

The VICE PRESIDENT. The Chair would hold that that motion could not be made on a yielding of the floor for a question without unanimous consent.

Mr. TYDINGS. Mr. President, I am afraid, if the motion is going to lead to a discussion, that I shall lose the floor; and while I desire to do anything I can to assist the Senator from Tennessee, I do not feel like losing the floor.

Mr. McKELLAR. I first ask unanimous consent; and if the Senator from New York objects, I desire to notify him now that I am going to continue to ask for it.

The VICE PRESIDENT. Does the Senator from Maryland yield for that purpose?

Mr. TYDINGS. Mr. President, I refuse to yield.

The VICE PRESIDENT. The Senator declines to yield.

CONFERENCE ON LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. JONES. Mr. President, if the Senator will permit me, House Joint Resolution 531 has just come over from the House, making an appropriation for the convention at Geneva, in Switzerland, on narcotic drugs. My committee reports it favorably without amendment, and I ask for its immediate consideration.

The VICE PRESIDENT. Let it be stated.

The Chief Clerk read the joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, as follows:

Resolved, etc., That for the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931, as provided by the public resolution approved March 3, 1931, including travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper, to be expended under the direction of the Secretary of State, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, which shall remain available until June 30, 1932.

Mr. REED. Mr. President, what is the amount of the appropriation?

Mr. JONES. Thirty-five thousand dollars.

Mr. REED. All right.

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed.

THE TARIFF

Mr. NORBECK. Mr. President, I offer for insertion in the RECORD a very interesting statement, with tabulations, prepared recently by the Fair Tariff League, relating to customs tariff rates as compared to production, wages, trade extension, and cost of living, which cover 34 general industries of the country, under the tariff acts of 1909, 1913, and 1922.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FAIR TARIFF LEAGUE

40 Rector Street, New York City

H. E. Miles, chairman; E. F. Ludwig, statistician

Purpose: A just tariff, adequately but not excessively protecting American industry and labor, lowering the cost of living, considerate of our changed position in world affairs.

The league consists of representatives of 1,500,000 farmers and wage earners, manufacturers, leading women, merchants, and others. It opposes the misuse of protection at the behest of great and selfish interests. It desires the cooperation of all who are so minded.

PROTECTION AND THE MIRACLE OF AMERICAN PRODUCTION—HIGH DUTIES AND NO REVENUE—FARMER AND WAGE EARNER DEFRAUDED

THIRTY-FOUR GENERAL INDUSTRIES ANALYZED IN THE ORDER HERE LISTED

Cotton manufactures.	Salt.
Silk manufactures.	Chocolate and cocoa.
Wool and manufactures.	Confectionery.
Hosiery and knit goods.	Glucose and corn sugar
Shirts, men's.	Starch.
Collars and cuffs.	Paints and varnishes.
Corsets, brassières, etc.	Linseed oil.
Clothing.	Oilcloth and linoleum.
Wool carpets and rugs.	Asbestos manufactures.
Gloves, leather.	Motor vehicles and parts.
Furs.	Medicinal and pharmaceutical preparations.
Buttons.	
Umbrellas, parasols, canes, etc.	Perfumery, cosmetics, and toilet articles.
Trunks, valises, suit cases, etc.	
Rubber goods.	Explosives.
Earthen, stone, and china ware.	Photographic goods.
Glassware and related products.	Athletic and sporting goods.
Toys and games.	Musical instruments.

Tariff allowance to manufacturers (to be added to prices as far as possible)	$3,942,000,000
Revenue to Government (customs duties)	146,925,080
Cost to consumers (tariff additions if added to prices)	7,884,000,000
For each dollar the Government collects	$1
Manufacturers may collect	27
Consumers pay, in higher prices	54

There is only one reason for continuous tariff agitation. Every tariff made in the old way has been bad in important respects, bad the day it was made and every day thereafter until succeeded by another, also bad. We are compelled to agitate as against error and misuse. Make a tariff right and agitation will be impossible as well as unnecessary and unjustifiable.

NATIONAL ASSOCIATION OF MANUFACTURERS, 1908.

WASHINGTON, D. C., *March, 1931.*

TARIFF PROTECTION—HONEST OR DISHONEST

The analyses of 34 industries in this leaflet and of 26 metal industries elsewhere presented (see CONGRESSIONAL RECORD, January 23, 1930) have been made in the belief that national prosperity and public morals require that American voters inform themselves regarding customs tariffs and the theory of protection to American industries.

These analyses are based upon the findings of many experts, including some of the best in the Government service. The tabulations of production and wages were made by the Bureau of the Census, some of them for the first time and upon request of the Fair Tariff League. They disclose the motives, methods, and results of tariff making in the United States now and for a generation past.

These analyses are here prefaced by general considerations for those who have not studied the tariff.

FREE TRADE NOT AN ISSUE

There is no organized group of practical consequence promoting free trade in the United States.

The principal, or only, organized free-trade group in the United States in 1922, when the tariff issue was at fever heat, consisted of 391 persons, of whom 354 paid dues of $1 each and 37 paid $5 each. These in a population of 110,000,000, casting 27,000,000 votes in 1920. Until these 391 persons win over a considerable part of the 27,000,000 voters we can leave free trade to philosophers. Until then we should challenge the judgment or the integrity of politicians who use free trade as a bugaboo for vote getting.

The United States is committed to the elevation of the average citizen, through good wages, good living, and whatever else conduces to this end, including protection. It will take no chance on overturning a policy approved from the beginning of our Government's existence when, on July 4, 1789, as its first legislative act, it adopted a protective tariff.

As between the political parties, it is only a question of the adequacy of the respective rates.

A free-trade tariff would tax only tea, coffee, and other articles not produced here or so different in design or quality as to be virtually noncompetitive. It would put textiles, steel, sugar, wool, cutlery, and all other competing products on the free list. Only this method would give us free trade in competing products and bring us to the price level of other countries. Neither Democrats nor Republicans would do this.

When voters realize that the issue is not protection versus free trade, but protection, honest or dishonest, then protection will be scientifically applied and the public mind will be free for other problems. Legislation will be cleaner.

THE PRINCIPLE OF PROTECTION

The principle of protection is simple. It requires that upon such merchandise as should be produced in the United States, and is now produced abroad at lower cost than here, there shall be levied a customs tax or duty upon competing imports to bring the foreign cost of production plus the duty, up to our cost.

If an article costs 80 cents to produce abroad, and $1 here (the benefit of the doubt to be given our producers), the duty should be 20 cents. Otherwise, low-priced importations will put our manufacturers out of business, and if this is extensively done, our industries, wages, and standards of living will be demoralized.

This 20-cent tax increases by this amount the cost to the wholesaler of every article of the kind, whether made here or abroad, above the price that would prevail under free trade. The 20 cents goes to the domestic manufacturer on everything he produces, and to the Government on imports only.

As the tax is a part of the cost, the wholesaler and retailer add to this their usual percentages for expenses and profits. This doubles the 20 cents, making it 40 cents to the consumer at retail. It is trebled and quadrupled on many novelties, such as adorn our homes and as women buy freely.

Disinterested, competent public servants in the Government tariff service say that these greater increases are reasonable on articles bearing high duties and subject to changing fancies. These apparently excessive increases give the importer only one-third, and the retailer one-half of his selling price as gross margin, which they say is necessary, as the cost and risk of handling this merchandise are great.

Whether we agree with them or not, Congress must not promote such high retail prices by excessive duties.

DO MANUFACTURERS ADD THE DUTY TO THEIR PRICES?

The question whether domestic manufacturers add the duty to their prices is answered by the other question, Can they? If they are operating under severe competition, they can not and do not. When, however, Congress provides that nothing competitive shall enter this country until domestic prices are greater than foreign prices by the amount of the duty, almost inevitably, being in business for profit, manufacturers join in price agreements or by winks and nods beyond the cognizance of the law restrict or eliminate competition. As shown in the accompanying analyses, they add from three-fourths to nine-tenths of the duty but not enough to make importations generally profitable. They thus get enormous tariff profits for their own use and disbursement and

leave the Government with almost no revenue because little is imported, and that little is mostly novelties in design or quality differing enough from domestic products to bring higher prices.

A comparative list of 75 chemicals 10 weeks after the enactment of the act of 1922 showed that all but one had added all or most of the rate increases to their prices.

Indian Head cotton sheeting had advanced 22½ per cent and Fruit of the Loom muslin 12½ per cent—both famous brands in common use. Cheap sateens for women's wear and for men's sleeve linings had advanced nearly one-half. Cottons generally advanced from 20 per cent to 25 per cent. Advances in raw cotton accounted for about one-fifth of these advances, the rest was mostly tariff.

Alexander Hamilton and his associates knew that duties would raise prices. Said Henry Clay in 1833, "In general, it may be taken as a rule that the duty upon an article forms a portion of its price." Said John Sherman in 1869, a great protectionist Secretary of the Treasury, "As a general rule, the duties upon imports operate as a tax upon the consumer." Chairman Fordney said, "Whatever duty you put on is for the purpose of bringing the foreign value [price] up to our value." Said Chairman McCumber in pleading for a duty on wheat for his State, "We want higher prices."

THIRTY-FOUR INDUSTRIES ANALYZED

The following analysis of 34 industries, with an output of over $16,000,000,000, retailing for about $32,000,000,000, of the kinds that fill our department stores and of a factory value in 1927 of $16,250,000,000, textiles of all sorts, wearing apparel, glassware, chinaware, hosiery and knit goods, carpets and rugs, furs, rubber goods, perfumes, medical preparations, musical instruments, and other commodities, shows that under the relatively low tariff of 1913 and for the years 1920 and 1921, just before the tariff of 1922 was enacted, imports were only 1.2 per cent of domestic production in the last previous census year, 1919. Allowing for price declines between 1919 and these latter years, the imports in those years were approximately 1.5 per cent of 1919 production. In 1927, the last census year, imports were 1.8 per cent of production.

In these 34 industries the Government collected duties on $299,353,570 of imports. It collected $148,353,059. The duties averaged 50 per cent.

As against this $148,353,059 the industries were invited and encouraged to collect for themselves, by adding the tariff to their prices, $3,791,000,000.

For each dollar that the Government got the industries got $26, so far as they were able to add it to their prices, and we know they added aplenty. Indeed many prices advanced from 10 to 20 per cent in the two months immediately following the enactment of the present tariff.

Domestic competition used to keep prices down. In competition was the consumer's protection. With competition weakened or gone, he has no protection, except in the scientific and honest application of tariff rates at the lowest point consistent with adequate protection.

THE MIRACLE OF AMERICAN PRODUCTION

Machinery and buildings, fuel, and the incidental expenses of production, though costly, cover such great quantities of product during the period of their use that when they cost more here than abroad the difference is so little when applied to the yard or pound of output that it is often almost impossible to estimate it.

Our raw materials are more abundant, more easily worked and conveniently located than those of any other country. Wages, therefore, constitute the essential difference in costs here and abroad. Their relation to the tariff must be understood.

A comparison of English and American governmental statistics shows that the average American wage earner produces from two to three times more output in money value than the English wage earner, and uses from two to three times more horsepower. In the manufacture of boots and shoes, five times more horsepower and three times more output in money value; in cotton goods, one-half more horsepower and one-half more value; in cutlery and edge tools, five times more horsepower and twice the value; in gloves, hosiery, paints and varnishes, firearms and ammunition, and soap, twice the horsepower and from two to three times the value. In silks, one and one-third times more horsepower and two and one-half times more in value.

At double the daily wage American labor would therefore be cheaper than the English in these industries and other of like character. They are now about 60 per cent higher.

American labor, supported and directed by American genius for invention and organization, is the cheapest labor in the world in the production of many of the common requirements of mankind.

This is not a new situation. William M. Evarts, Secretary of State and a protectionist, in his report of May 17, 1878, on the state of labor in Europe, said, "The average American workman performs from one and one-half to twice as much work in a given time as the average European workman." In proof he quoted at length from consular reports.

In 1883 Charles S. Hill, protectionist, statistician of the Department of State, reported to the Tariff Commission of that time that our manufactures amounted to $8,000,000,000, made by 5,250,000 workmen, while England's was $4,000,000,000, made by 5,140,000 workmen. Said he, "Here is the positive proof that American mechanics in the aggregate accomplish exactly double the result of the same number of British mechanics. They are therefore very justly paid double in wages." To-day our manufactures total $63,000,000,000.

About two-thirds of the 9,000,000,000 yards of cotton goods made in the United States, being print cloths and coarser fabrics, should be on the free list with shoes because our costs are minimum. They now carry from 12 to 40 per cent duties.

A woman or young girl runs from 70 to 90 looms (compared with 6 to 18 looms in England). She weaves 12,000 yards of these cheap cottons per week, for $17 in the North and $14 in the South. She gets these wages, not because she is in the United States, but because she weaves more yards for this money than any other worker in the world.

India has well-equipped cotton mills, with cotton growing at their doors. She pays cotton mill workers an average of $1.75 per week. She sends to the United States for denims and drills because our $17 worker makes them cheaper per yard than her $1.75 worker. Our spinners run three or four times as many looms as the English.

These cotton mills could have paid higher wages. They have always paid the lowest possible, and to-day pay less than is paid in any other industry in the United States of like character, says the National Industrial Conference Board, a representative body of cotton and other manufactures.

A single machine makes 50,400 glass pint bottles in a day of 24 hours, with no labor except to keep it oiled. Of 1-dram bottles it makes 165 per minute. Congress makes the duty 50 per cent. A hundred years ago, when they were made by hand, the duty was 10 per cent. By recent inventions 97 per cent of the wage cost of making glass bottles has been eliminated. A single new machine now makes eight thousand 5-gallon bottles (carboys) in 24 hours. It can make all that are used in the United States.

A machinist running 3 machines makes a spark plug every 6 seconds, 600 per hour, with 2 diameters inside and many shapes outside. He gets 60 to 80 cents an hour. What is the wage cost per plug? Duty 40 per cent—on the material, the overhead, the wage, and the foreigner's profit; to be doubled, possibly quadrupled, at retail. Is it right?

A new automatic machine makes 73,000 electric-light bulbs every 24 hours, displacing 2,000 hand operatives.

An American worker shapes 50,000 bricks per hour with a not expensive machine for 2 cents per thousand bricks. He shapes so many that he earns $10 per day.

A woman knits 1,800 pairs of good cotton socks per day for one-sixth of 1 cent per pair, and earns $3 a day and three or four times the European wage.

In St. Louis recently 70 men digging sewers with machines did the work of 7,000 men with pick and shovel.

In harvesting wheat with the sickle still used in some countries 45 to 50 hours of labor are required per acre of 15 bushels. The hand cradle, common in Europe, requires 35 to 40 hours. The horse-drawn harvester requires 3 to 4 hours, with an accompanying thresher charge of 10 cents per bushel. The new "combine" harvester and thresher takes from three-fourths to 1 hour, at a total cost of 3 cents to 5 cents per bushel. With 4,500,000 less people on our farms than in 1909 the output of our farms has increased 50 per cent in the last 30 years and 20 per cent in the last 10 years. Agriculture keeps step with manufacturing.

Mr. Ford is said to predict a $24 daily wage, a 5-day week, and a 9-month work year, with the remaining time for leisure, enjoyment, and culture. However nearly this is achieved, the prediction is prophetic and sane.

Automatic and semiautomatic machinery is in its infancy, with apparently nothing that it can not do. As Mr. Edison says, our great need is for training places to multiply the number of inventors of these machines.

Europe can not use them as we do because she produces mostly for export and gets only small orders of great variety to meet the strangely varied requirements of various countries.

The average Scotch tweed mill has 70 looms and 8,400 different patterns and color combinations. America's greatest woolen maker has 10,000 looms, with relatively few patterns. The best silk mill in Lyons, France, has about 40 looms and is constantly changing its patterns. America's larger producers have from 1,000 to 2,000 looms each. In Bradford, England, men's suitings are made in eight different widths to meet the fixed requirements of foreign markets. American producers make almost exclusively a single width that finishes at 52 to 54 inches. Yorkshire steel mills almost never see an order for 500 tons. They will make 25 tons at a time. Orders for 10,000 and 40,000 tons are not unusual in the United States.

These are typical examples, paralleled on every hand. Machines are more than human. With exhaustless energy, they neither think nor tire, and therefore are free from error. They make the 5-day week and the 8-hour day possible, as against the 14-hour day of long ago. Automatic and other machines make labor to-day so small a part of production costs as to require only about half the duties of 40 to 60 years ago. The public, not the profiteer, should get the benefit.

A tariff putting these necessaries where they should be will lower the costs of living and of production and satisfy the public with fair prices of articles costing more abroad than here. Our farmers will be enriched, for they now produce too expensively in an artificial market, burdened with false costs and false prices, and sell in the low, unprotected, competing markets of the world. They are in distress for want of a fairer chance.

CONGRESS HAS NOT WANTED THE FACTS

Congress is as much the trustee of the property and rights of each citizen as is a court-appointed trustee for a widow or a minor.

In common honesty it is necessary that this trustee, Congress, shall require proof to the last decimal place of the right of any industry to privately tax any consumer by act of Congress through the tariff. "No proof, no protection," should be the rule.

On the contrary, as said Speaker Cannon, who appointed the Ways and Means Committees of the House for many years and named the committee that framed the tariff of 1909, "Tariff hearings, why, they are nothing but a grandstand play." For 60 years the committees of Congress have carefully avoided the procurement of exact information.

About 1913 the Taft Tariff Board had a world of information on the wool and woolen schedule, with samples of men's suitings and the like, showing duties of from 75 to 130 per cent. This information was known to Members of Congress and others. A request was made by Speaker Champ Clark to get it, but it was withheld, it was said, upon the insistence of a member of that board, appointed upon requirement of Senator Aldrich, the chairman of the Senate Finance Committee.

In 1909 the writer was shown by an Assistant Secretary of State many tariff exhibits from Germany under official seal, with the comment, "Senator Aldrich will not let us send these to the Finance Committee."

This past summer the Ways and Means Committee listened to the pleas of the Hudson River makers of common brick, who make their brick largely by hand as in the days of the Pharoahs. On this plea the committee took common brick from the free list with a tariff of $1.25 per thousand. One who knows the personnel of the committee understands why.

It seems strange that, despite the committee's desire to avoid facts, it was not disclosed that in up-to-date brickyards one operative with a not-expensive machine shapes 50,000 brick per hour at a wage cost of 2 cents per thousand. This 2 cents is the essential fact. That the man amasses a total of $10 per day is delightful; but it has nothing to do with the tariff.

When the tariff of 1922 was enacted many manufacturers of five of the necessaries of life, cast-iron pipe, tile, and terra cotta for farmers' drains, for city sewers, and hollow walls and floors in fireproof buildings, the makers of sanitary ware for bathrooms, etc., of window glass, and of linseed oil were under indictment of Federal courts for arbitrary and excessive prices determined by mutual agreement contrary to law. These were all convicted or compromised with the courts. Some were fined. Some were sentenced to prison.

The capable and respected Tariff Commission of those days had advised Congress with full proof that these products needed no protection; that they were made as cheaply here as anywhere substantially.

What did Congress care for court indictments or proof of minimum costs? It largely increased the duties of each of these law breaking and profiteering industries.

WAGES AND THE TARIFF

The following table illustrates the relation of wages to tariff rates in important industries in the Democratic act of 1913 and in the Republican act of 1922:

What labor gets from each dollar of product and the corresponding tariff rates

Product (1)	Act of 1913, tariff on each dollar imported, year 1919 (2)	Act of 1922, tariff on each dollar imported, year 1927 (3)	Wage per dollar of product, 1927 (4)
	Cents	*Cents*	*Cents*
Cotton manufactures	34	47	24
Silk manufactures	43	58	19
Wool manufactures	32	56	21
Hosiery and knit goods	38	64	23
Corsets, brassières, etc	27	50	16
Clothing	52	52	17
Furs	26	27	17
Rubber goods	10	28	16
Earthen, stone, and chinaware	47	58	39
Glassware, etc	38	53	29
Confectionery	22	40	15
Paints and varnishes	11	34	8
Motor vehicles and parts	35	31	15
Medicinal, etc., preparations	18	24	7
Perfumery, cosmetics, etc	54	47	7
Musical instruments	32	41	27

The tariff rates, columns 2 and 3, are far higher than the wages, column 4. Tariffs like these, especially the act of 1922, are not written for wage earners but for stockholders.

Although machinery, by replacing labor, has lowered the percentage going to wages, our tariff rates have risen instead of dropped. In 1860 the average tariff on all manufactures was 24 per cent and the wage was 25 per cent, or equal to the duty. In 1870 duties on manufactures averaged 34 per cent, or one-third more than the average wage, which was 23 per cent. In 1880 the duty was 46 per cent, or double the average wage, which was 22 per cent. In 1927, as shown above, the duties are often several times the total wage in the industry.

It behooves wage earners and the public to require that the tariff is better related to wages, and that manufacturers earn their profits with the least help from special taxation that can reasonably be given them. Also that the tariff shall measure, not the total American wage rates, but the difference in the wage cost and other costs here and abroad.

LABOR USUALLY LESS THAN ONE-HALF THE TOTAL COST OF THE PRODUCT

A century ago when things were made by hand without machinery and steam power there was reason in the old phrase, "Everything is 98 per cent labor." To-day the experience of many authorities indicates that manufactured articles generally are not more than half labor. Usually in each industry by itself the proportion of labor runs from one-tenth to one-fifth of the factory selling price. To this wage is to be added the labor in preparing elsewhere the materials that constitute the raw material of the factory in question. These cruder materials, however, are usually produced as cheaply or more cheaply here than elsewhere.

For instance, wages in shoe factories are about 27 per cent of the factory selling price. To this is to be added 10 per cent for tanning the leather, and other small additions for the wages in the fuel and other accessories, making the total from the hide on the steer's back to the finished shoe less than 50 per cent of the factory selling price. A few silks and cottons are 60 per cent material as it comes to the mill, 10 per cent wages, and 10 per cent overhead.

FARMERS AND THE TARIFF

The depression of our agriculture in colonial days and the difficulty of exporting its products because of the high tariffs against them in foreign countries was a principal reason for the adoption of our first protective tariff. To-day our farm prices are depressed by our own excessive and overprotective tariffs on manufactured products that keep out imports that would pay for our farm exports.

Said Hamilton in 1791, "The restrictive regulations which in foreign markets abridge the vent of the increasing surplus of our agricultural produce serve to beget an earnest desire that a more extensive demand for that surplus may be created at home."

In those days and down to about 1842, England, our principal market, either refused to receive or assessed almost prohibitive duties on imports of breadstuffs. Thousands upon thousands of natives in Jamaica, one of her colonies in the West Indies, starved to death with our near-by wheat forbidden to them. The people of England were underfed. Not till after the population of Ireland was decimated by starvation from the successive failures of its potato crop did England admit foodstuffs upon payment of nominal duties, and that in 1849. Other countries were as inhospitable as England.

Said Henry Clay in 1810 of our breadstuffs, "For the latter we have scarcely any foreign demand."

Our farmers must export their products at prices below costs of production and on such a basis of price compromise as compels their unwilling purchase and their payment by means not easily foreseen. Every purchase makes more impossible the payment of already existing foreign governmental and private debts to us, aggregating some $24,000,000,000 and increasing by $800,000,000 annually.

In the tariff of 1922–1929 our farmers demanded and got high rates for themselves, thinking they could get rich like tariff-profiteering manufacturers; but these rates were about as worthless as counterfeit money, because so much of our farm products are exported that export prices become domestic prices. Our tariff can not raise prices in Liverpool and Hamburg.

In the 1930 agricultural tariff rates were further increased by $950,000,000 in face value, and on their face promised to raise farm prices above the international level by $3,640,000,000, or 41 per cent. Instead, under normal conditions the increase is only $12,500,000, or seven-tenths of 1 per cent. The total cash value of the duties is only $103,000,000; this on 19 major crops—the cereals, hay, cattle, hogs, tobacco, etc.—of a total value of about $9,000,000,000. For particulars see CONGRESSIONAL RECORD, November 22, 1929, page 6290. Sugar and wool are not included in these figures, because each is a special story, with the tariff losses to farmers many times their gains. If only for the farmers' sake these schedules require alteration without decreasing the protection.

The above calculations are by the best Federal experts and on the basis of the year 1928 and other normal years. They do not consider the utterly unusual year 1930, the worst for farmers in this century despite the new Farm Board's endeavors and its losses, estimated in January, 1930, as high as $200,000,000 on wheat and cotton alone, but eventually more or less than this, as may eventuate. The board is wonderfully helped by the 1930 shortage of 700,000,000 bushels of corn (the greatest shortage in 30 years), which causes the feeding of all of the usual "export surplus" of wheat. With the surplus thus providentially removed, the board in January, 1931, pegged the wheat price 30 cents above the export basis and showed the great advantage of high farm duties in years of great shortage. Even if under the circumstances the tariff and the Farm Board win out, it will be no criterion for normal years. Every like endeavor in governmental control and price fixing has failed—witness, Brazil in coffee and Great Britain in rubber.

Our farmers get $2,400,000,000 less for their 1930 crops with the high tariff than for 1929 crops with their lower tariff rates. They get $229,000,000 less for their livestock. Their cereals sold for 25 per cent less than pre-war. The average for all farm products was only 3 per cent above pre-war, while the prices of the things the farmers bought were 49 per cent above pre-war. The farmer's dollar was worth only 69 cents in exchange value for his purchases. It was short 45 per cent, while the cereal and cotton grower's dollar was short 49 per cent.

Will our farmers endure this situation and remember their continuous bad fortune since the war and allow a relatively few tariff-profiteering manufacturers to longer exploit the tariff to the farmers' loss of one and one-fourth billions of dollars annually over and above its needs of honest protection?

COMPETING IMPORTS OF SMALL VOLUME UNDER ALL TARIFF LAWS

A study of the final tables of this leaflet is informative in this and other respects.

They show that of highly finished products such as fill our retail stores only $1.80 were imported for each $100 produced in this country in 1927. These imports, moreover, were mostly different in design or quality and not strictly competitive.

It is interesting to note that although excessive duties often add greatly to the profits of retailers, they vigorously opposed the tariffs of 1922 and 1930 as extreme and injurious even to themselves.

THE REASONS FOR OUR LOW COSTS

The United States produces ordinary things at marvelously low costs because it has the largest, most conveniently located, and easily worked deposits of raw materials in the world; its population is homogeneous in its requirements, and is twice as numerous as that of any similar country. Devoted to standardized quantity production, its skill, inventive genius, and energy have made its people the greatest earners and the greatest consumers on earth.

It leaves other more densely populated countries, with their scant raw materials and abundant labor, to make the smaller quantities of luxuries and other things used by relatively few consumers. These products require more of individual labor, patience, and artisanship than we like to give. Even here, however, we share in products of excellence.

THE COSTS OF PROTECTION AND GOVERNMENT REVENUE DERIVED

The disparity between the millions of dollars which Congress invites manufacturers to add to their prices and the pittances collected by the Government in revenue is indicated in the table following.

The "tariff allowance to manufacturers" (column 6) is the sum which Congress invites them to add to their prices above the prices of foreign competitors. They do not always add this. Where competition is keen, as in automobiles, they add little or nothing, because they can not. What they can not do to-day they may do to-morrow. Sometimes they add more than the total duties. The point is that Congress puts consumers at the mercy of manufacturers to this extent.

Protectionists are willing to pay enough above foreign prices to maintain high domestic standards of wages and living. But they must not, under this excuse, be made liable to excessive prices, unjustified either by the theory of revenue or of protection.

Federal and State governments will struggle for a generation under the burden of war taxes, for pensions, soldier rehabilitation, interest and amortization on some twenty billions of dollars of public debts and current expenditures. The public meantime must pay annually some $5,000,000,000 of super-protective taxes to private interests by compulsion of the present tariff law. How much better, by a fair tariff, for the Government to pay its obligations as it goes along and incidentally to reduce its long-time obligations by using some of the billions of dollars annually now going wrongfully to these private interests through this super-protection.

The futility of the tariff as a revenue producer (except to private interests) is shown by comparison of columns 5 and 6. Column 7 shows, in a different way, how much more profitable the tariff is to the manufacturer than to the Government, and what the ultimate consumer has to pay, in added cost at retail, for his share in the tariff game.

Note especially the following: For each dollar the Government collects, the tariff allows the manufacturer to collect:

In men's shirts	$7.966
In corsets, etc	3.658
In glucose and corn sugar	159.091

And others in lesser amounts. In each case the consumers have to pay, in added tariff costs about double the above.

This table is for the latest census year 1927 only; the other years (1914 and 1919) shown on the big final table show similar conditions.

It does not answer to say that the $3,791,000,000 allowance is an impossible sum, never realizable. It is indeed impossible in respect to its full amount. It is, however, the act of Congress, to be made effective to the fullest extent that opportunity offers. And whatever the industries add to prices is doubled to consumers in added retail prices.

The cost of protection and Government revenue derived

1	2	3	4	4a	4b	5	6	7	
Domestic production, census, 1927	Imports for consumption, 1927	Per cent imports to production	Industries	Per cent wages to production	Average ad valorem rates of duty, 1927	Tariff revenue to Government imports, 1927	Tariff allowance to manufacturers (act of 1922), 1927 [1]	For each dollar of revenue to Government—	
								Manufacturers get	Consumers pay
		Per cent		*Per cent*	*Per cent*				
$1,655,984,792	$47,905,817	2.9	Cotton manufactures [3]	24.3	46.6	$22,333,247	[3] $261,000,000	$12	$24
750,291,792	32,236,291	4.3	Silk manufactures [2]	18.7	59.1	18,693,545	266,000,000	14	28
859,873,143	39,634,583	4.6	Wool manufactures [2]	21.0	55.8	22,113,554	311,000,000	14	28
787,508,822	14,449,367	1.8	Hosiery and knit goods	23.0	64.0	9,250,533	288,000,000	31	62
241,649,939	21,693	0.009	Shirts, men's	17.8	39.4	8,536	68,000,000	7,966	15,932
13,264,207	77,179	0.6	Collars, men's	22.4	25.6	19,734	3,000,000	152	304
77,218,202	14,355	0.02	Corsets, brassières, etc	16.1	49.5	7,107	26,000,000	3,658	7,316
2,574,789,719	19,281,908	0.7	Clothing, except knit goods	16.6	61.6	11,856,467	981,000,000	83	166
164,709,290	21,668,280	13.0	Wool carpets and rugs	25.2	52.8	11,441,384	57,000,000	5	10
36,662,053	10,645,085	29.0	Gloves, leather	24.0	50.2	5,346,683	12,000,000	22	44
426,271,958	14,416,624	2.9	Furs	16.6	26.7	3,846,934	88,000,000	23	46
29,130,168	1,443,656	5.0	Buttons	32.4	42.3	462,112	9,000,000	19	38
23,156,400	428,044	1.8	Umbrellas, parasols, canes, etc	14.7	40.0	171,217	7,000,000	41	82
59,958,681	3,684,212	6.1	Trunks, valises, suitcases, etc	21.8	33.0	1,214,803	15,000,000	12	24
1,226,479,128	1,886,354	0.2	Rubber goods	18.2	28.3	532,092	165,000,000	310	620
437,246,629	22,366,016	5.1	Earthen, stone, and china ware	28.6	59.6	13,016,942	140,000,000	11	22
363,271,917	18,494,410	5.1	Glassware and related products	28.0	52.6	9,730,673	123,000,000	13	26
91,963,619	4,609,731	5.0	Toys and games	25.3	70.9	3,226,988	38,000,000	12	24
34,329,233	167,675	0.5	Salt	20.7	18.4	30,868	5,000,000	162	324
122,723,229	1,510,181	1.2	Chocolate and cocoa	6.0	17.9	270,744	19,000,000	70	140
391,027,343	886,339	0.2	Confectionery	14.5	40.0	354,367	112,000,000	316	632
100,730,700	545	0.0005	Glucose and corn sugar	7.8	8.0	44	7,000,000	159,091	318,182
33,679,369	1,154,879	3.4	Starch	7.8	43.7	505,028	10,000,000	20	40
519,009,842	3,759,734	0.7	Paints and varnishes	7.7	33.8	1,269,420	131,000,000	103	206
73,367,776	432,415	0.6	Linseed oil	3.9	48.5	209,889	24,000,000	114	228
99,185,468	1,162,087	1.2	Oilcloth and linoleum	13.7	34.9	405,383	26,000,000	64	128
44,156,388	2,179,186	4.9	Asbestos manufactures	19.0	25.4	553,972	9,000,000	16	32
4,997,639,017	2,349,365	0.06	Motor vehicles and parts	15.3	30.7	720,079	[4] 470,000,000	653	1,306
388,552,068	5,672,413	2.7	Medicinal and pharmaceutical preparations	7.4	30.9	1,369,105	92,000,000	55	110
161,245,659	6,935,989	4.3	Perfumery, cosmetics, and toilet preparations	6.8	63.4	3,255,478	63,000,000	16	32
72,489,668	961,056	1.3	Explosives	11.2	36.8	354,129	20,000,000	56	112
90,827,737	5,660,701	6.2	Photographic goods	20.2	28.7	1,624,854	20,000,000	12	24
44,863,839	2,281,065	5.1	Athletic and sporting goods	25.8	32.9	750,177	11,000,000	15	30
225,881,856	4,861,434	2.2	Musical instruments (including phonographs)	26.8	40.7	1,978,992	65,000,000	33	66
16,220,039,652	293,218,758	1.8	Total 34 industries	18.0		140,925,080	3,912,000,000	27	54
			Per cent of protection		24.3				

[1] Tariff allowance to manufacturers represents the amount domestic manufacturers are permitted to add to selling prices by reason of the duty added to foreign competitive products. Whatever he adds is doubled to the consumer at retail.

[2] Not including carpets, handkerchiefs, and wearing apparel, but including laces, fabrics, and other manufactures.

[3] Only one-half the nominal allowance is shown for cottons and motor vehicles as the tariff is not fully effective in these industries.

ANALYSES OF DATA IN FINAL TABLE

In the large table at end of leaflet the relation of the tariff to domestic production, domestic exports, imports for consumption, domestic wages, and protection to manufacturers and their interrelations are shown in a comparative way.

The three most recent tariffs are treated, the act of 1909 (high), the act of 1913 (low), and the act of 1922 (high). (The act of 1930, enacted since these tables were prepared, has, with its greatly increased rates, added enormously to the tariff burdens already borne. How much it is too soon to estimate. One of its devastating effects has been an appalling slump in exports.)

Production is shown for the census years 1914, 1919, and 1927 (the most recent) and the wages for the same years.

Exports and imports for the fiscal year 1914 (the nearest available year to the census year 1914) and the calendar years 1919 and 1927, corresponding to the census years.

The imports of the fiscal year 1914 were partly under the act of 1909 and partly under the act of 1913, but the ad valorem rates are estimated as though entirely under the act of 1909. The imports of 1919 were under the act of 1913 and those of 1927 under the act of 1922.

The tariff allowance to manufacturers (protection) is estimated on the assumption that the full amount of the tariff duty is added to and forms a part of the value of products at factory selling prices (domestic production).

These tariff rates are supposed to be, and usually are, largely or wholly effective, as is proven by the extremely small amount of imports as compared with domestic production. In many industries the duties are added in full, as in heavy metal products, aluminum, glucose, fine cottons, all woolens, etc. In others most of the rates are added. In some, competition causes little or no additions.

Indeed, the tariff beneficiaries, in their pleas now commonly disclose that they want their rates for the sole purpose of increasing their prices. It is therefore a crime against consumers for Congress to give any higher rate than just protection requires, and the responsibility of Congress is the same whether the beneficiaries succeed in adding all or only a part of excessive rates to their prices.

As said the Republican Governor of Massachusetts, Curtis Guild, in 1908:

"If the friends of protection do not themselves correct admitted excrescences in the tariff and modernize it to meet changed conditions, the enemies of protection will. The situation is in many ways similar to that in regard to great public-service corporations. The choice on that question is between regulation and revolution. The choice on the tariff question is between rational revision and ruin. In neither case can we stand still. The country that does not go forward goes backward."

Thirty-four general industries, under three tariff acts: 1909 (fiscal year 1914), 1918 (year 1919), and 1927

	Industries	Domestic production, manufacturers' sales prices			Domestic exports, value			Imports for consumption, value			Per cent of exports to production		
		1914	1919	1927	1914	1919	1927	1914	1919	1927	1914	1919	1927
	Cotton manufactures (not including carpets, handkerchiefs, and wearing apparel):										*P. ct.*	*P. ct.*	*P. ct.*
1	Woven goods (including plain and fancy cloths and pile fabrics including tapestries).	$498, 728, 054	$1, 487, 723, 000	$1, 183, 760, 651	$28, 844, 627	$151, 997, 817	$81, 147, 976	$16, 533, 804	$19, 594, 187	$26, 063, 801	5. 9	10. 2	6. 9
2	Laces, embroideries, etc.	13, 206, 785	29, 396, 853	23, 764, 215	232, 457	1, 731, 675	216, 155	33, 882, 126	14, 085, 099	12, 259, 897	1. 8	5. 9	.9
3	Other manufactures (known as cotton small wares).	199, 366, 094	678, 446, 028	448, 459, 926	11, 622, 701	64, 993, 339	36, 032, 520	10, 942, 058	12, 033, 412	9, 582, 119	5. 8	9. 6	8. 0
4	Total	701, 300, 933	2, 195, 565, 881	1, 655, 984, 792	40, 699, 785	218, 722, 831	117, 396, 651	61, 362, 988	45, 712, 698	47, 905, 817	5. 8	10. 0	7. 1
	Silk manufactures (not including handkerchiefs and wearing apparel):												
5	Woven fabrics (including pile fabrics).	157, 265, 554	435, 935, 000	544, 616, 288	2, 307, 605	10, 225, 376	3, 066, 391	16, 156, 237	30, 025, 626	23, 645, 933	.9	2. 3	.5
6	Laces, embroideries, etc.	2, 387, 621	9, 417, 000	7, 675, 730				4, 246, 179	5, 002, 855	4, 353, 021		2. 5	1. 3
7	All other manufactures.	94, 358, 082	243, 117, 523	197, 199, 774		6, 241, 782	2, 500, 726	10, 055, 921	13, 257, 863	4, 237, 337			
8	Total	254, 011, 257	688, 469, 523	750, 291, 792	2, 307, 605	16, 467, 158	5, 567, 117	30, 458, 337	48, 286, 344	32, 236, 291	.9	2. 1	.7
	Wool manufactures, including felt goods (except carpets and wearing apparel):												
9	Felt goods	13, 692, 765	39, 229, 540	41, 894, 844	1, 668, 199	(1)	370, 894	105, 824	27, 664	119, 831	.4	------	.9
10	Woven fabrics	270, 721, 509	730, 743, 000	571, 327, 437		20, 623, 267	897, 203	20, 564, 870	7, 149, 789	23, 895, 973		2. 8	.2
11	Laces, etc.	108, 762, 870	234, 691, 072	246, 650, 862		(1)	(1)	58, 250	68, 516	303, 715		2. 1	.8
12	All other manufactures					7, 005, 992	1, 884, 134	4, 659, 864	2, 144, 332	15, 315, 064			------
13	Total	393, 177, 144	1, 104, 663, 612	859, 873, 143	1, 668, 199	27, 629, 259	3, 152, 231	25, 389, 608	9, 390, 301	39, 634, 583	.4	.25	.4
	Hosiery and knit goods:												
14	Hosiery	98, 098, 500	308, 662, 377	453, 593, 357	2, 546, 822	35, 673, 288	19, 302, 418	3, 012, 988	510, 367	4, 483, 798	1. 1	11. 6	4. 3
15	Knit underwear	93, 119, 085	203, 530, 283	148, 664, 366		8, 602, 293	3, 070, 535			390, 111		4. 2	2. 1
	Knit outerwear—							967, 878	468, 111				
16	Outerwear, except gloves	35, 909, 693	92, 174, 902	121, 741, 504			754, 162			2, 087, 018		1. 4	.6
17	Gloves and mittens	10, 519, 613	19, 530, 411	7, 337, 898		1, 508, 995	211, 734	2, 224, 382	585, 163	7, 042, 956			2. 9
18	Total outerwear	46, 429, 306	111, 705, 313	129, 079, 402	------	1, 508, 995	965, 896	------	------	9, 129, 974		1. 4	.7
19	Knit cloth	6, 817, 249	59, 347, 745	56, 171, 697	(1)	(1)	(1)	[2] 14, 923	[2] 679	445, 484	------	------	------
20	Total hosiery, etc.	244, 464, 230	683, 245, 718	787, 508, 822	2, 546, 822	45, 784, 576	23, 338, 849	6, 220, 171	1, 564, 320	14, 449, 367	1. 1	6. 7	3. 0
21	Shirts, men's	95, 815, 013	205, 327, 133	241, 649, 939	(1)	(1)	1, 987, 960	(1)	(1)	21, 693	------	------	.8
22	Collars, men's	18, 530, 840	47, 564, 949	13, 264, 207	(1)	771, 219	524, 524	62, 249	59, 919	77, 179	------	1. 6	4. 0
23	Corsets, brassières, etc.	40, 550, 702	75, 541, 953	77, 218, 202	2, 220, 739	2, 880, 858	1, 902, 353	52, 711	37, 423	14, 355	5. 5	3. 8	2. 5
	Clothing (not including knit goods):												
24	Men's (including buttonhole making).	458, 848, 713	1, 164, 075, 682	1, 050, 398, 675	8, 148, 122	35, 847, 940	6, 133, 108	6, 760, 447	10, 232, 507	19, 261, 998	.9	1. 5	.2
25	Women's	473, 888, 354	1, 208, 543, 128	1, 494, 401, 044									
26	Total	932, 737, 067	2, 372, 618, 810	2, 574, 789, 719	8, 148, 122	35, 847, 940	6, 133, 108	6, 760, 447	10, 232, 507	19, 261, 998	.9	1. 5	.2
27	Wool carpets and rugs (other than rag).	69, 128, 185	123, 253, 828	164, 709, 290	(1)	(1)	331, 734	4, 709, 769	2, 907, 556	21, 603, 280	------	------	.2
28	Gloves, leather	21, 614, 109	46, 940, 511	36, 662, 053	(1)	623, 693	132, 618	9, 366, 899	6, 162, 848	10, 645, 085	------	1. 3	.4
	Furs:												
29	Dressed on the skin	2, 875, 036	20, 384, 569	27, 357, 261	870, 824	7, 474, 873	3, 800, 818	3, 290, 698	3, 111, 626	3, 259, 713	1. 0	2. 7	13. 9
30	Hats, fur-felt	37, 349, 744	82, 745, 308	99, 299, 648			1, 852, 813	604, 717	458, 479	2, 399, 267			1. 9
31	Garments and other manufactures.	43, 632, 093	173, 137, 739	299, 615, 047			1, 572, 069	1, 800, 009	2, 267, 006	8, 657, 644			.5
32	Total	83, 857, 473	276, 267, 616	426, 271, 956	870, 824	7, 474, 873	7, 225, 700	5, 764, 424	5, 867, 111	14, 416, 624	1. 0	2. 7	1. 7
33	Buttons	20, 711, 979	41, 840, 459	29, 130, 168	654, 372	3, 296, 687	489, 573	2, 122, 461	1, 599, 532	1, 443, 655	3. 1	7. 9	1. 7

(year 1927)—Relation of customs tariff rates to production, wages, trade extension, and cost of living

Per cent of imports to production			Domestic wages			Per cent of wages to domestic manufacturer's selling price				Average ad valorem rates			Per cent tariff rates to wages, per cent			Tariff allowance to manufacturers (in millions of dollars)			
						1914													
1914	1919	1927	1914	1919	1927	Wages	Wages and salaries	1919 wages	1927 wages	Act of 1909, imports fiscal year 1914	Act of 1913, imports year 1919	Act of 1922 imports year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	
P. ct.	P. ct.	P. ct.				P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.				
3.4	1.3	2.2	$105,796,601	$240,068,863	$287,677,513	21.6	24.0	16.7	24.2	43.4	22.9	36.2	201	137	180	[1]74	[1]129	[1]157	1
256.7	48.0	51.6	2,405,081	6,095,457	6,902,987	26.3	35.4	20.7	27.8	62.4	58.9	84.8	237	289	305	8	11	11	2
5.5	1.8	2.1	43,157,917	113,578,292	108,565,362	21.6	24.0	16.7	24.2	33.5	22.6	26.0	155	135	107	50	125	93	3
8.7	2.1	2.9	152,422,589	368,725,712	402,845,762	21.7	24.2	16.8	24.3	54.2	34.2	46.6	250	204	192	132	275	261	4
10.3	6.9	4.3	29,166,155	68,528,110	101,885,831	18.5	22.7	15.7	18.7	53.9	43.2	56.1	291	288	293	55	136	196	5
177.8	53.1	56.7	442,853	1,480,632	1,448,517	18.5	22.7	15.7	18.9	62.6	60.0	82.4	338	382	436	1	4	3	6
10.7	5.5	2.1	17,499,461	38,217,568	36,967,943	18.5	22.7	15.7	18.7	39.7	30.1	51.4	215	192	275	27	56	67	7
12.0	7.0	4.3	47,108,469	108,225,830	140,100,291	18.5	22.7	15.7	18.7	50.5	42.6	59.1	273	271	310	83	196	266	8
.8	.07	.3	2,089,263	4,873,490	6,653,147	15.3	23.2	12.4	15.9	95.5	35.0	56.1	624	282	353	7	10	15	9
7.6	1.0	4.2	75,953,444	168,108,681	173,821,905	20.0	22.9	15.8	21.3	95.2	35.0	71.0	475	200	282	132	189	237	10
										83.2	60.0	76.9				52	54	59	11
4.3	.7	6.3								91.1	19.2	31.6							12
6.5	.8	4.6	78,042,687	172,982,171	180,475,052	19.8	22.8	15.7	21.0	95.0	31.6	55.6	480	201	286	191	253	311	13
3.1	.2	1.0								78.6	41.3	59.6				43	50	109	14
		.3										53.7						52	15
.8	.2									76.8	34.1					56	75		
		1.7										59.1						45	16
21.1	3.0	96.0	56,425,397	119,950,618	181,467,774	23.1	27.4	17.6	23.0	66.3	37.7	60.8	320	215	279	4	5	3	17
------	------	7.1								------	------	67.3				------	------	68	18
.2	.001	.8								94.9	35.0	51.2				3	15	19	19
2.5	.2	1.8	86,428,307	119,950,618	181,467,774	23.1	27.4	17.6	23.0	74.0	37.8	60.8	330	215	279	106	185	268	20
------	------	.009	19,169,697	25,833,855	42,997,827	20.0	24.7	12.6	17.8	59.0	35.0	39.4	250	278	221	32	53	68	21
.3	.2	.6	4,494,146	7,430,729	2,966,938	24.2	29.6	15.6	22.4	50.4	30.0	25.6	208	192	114	6	11	3	22
.1	.05	.02	7,976,721	13,082,242	12,402,288	19.7	30.2	17.3	16.1	60.0	27.2	49.5	305	157	307	15	16	26	23
.7	.4	.7	67,154,333	198,336,599	154,897,822	19.0	24.9	17.0	19.9	59.8	51.9	61.6	310	313	371	349	811	981	24
			92,573,642	195,295,834	211,849,789	19.5	25.0	16.2	14.1										25
.7	.4	.7	179,727,975	393,632,424	426,337,581	19.3	25.0	16.6	16.6	59.8	51.9	61.6	310	313	371	349	811	981	26
6.9	2.3	13.0	14,715,615	24,216,121	41,484,975	21.3	25.4	19.6	25.2	46.6	47.8	52.8	275	244	310	26	40	57	27
43.3	13.1	29.0	4,588,360	8,150,784	8,813,912	21.0	27.5	17.4	24.0	45.4	13.7	50.3	216	70	309	7	6	12	28
114.8	15.3	12.3	922,966	7,068,286	10,109,356	32.1	41.6	34.8	37.0	30.0	30.0	27.9	62	86	75	0	5	6	29
1.8	.8	2.4	12,070,812	19,642,531	22,887,317	32.3	37.5	23.7	23.0	50.8	45.0	56.2	157	190	244	13	26	36	30
4.1	1.3	2.9	6,324,661	24,149,212	37,670,610	14.5	20.9	13.9	12.6	38.0	20.3	18.0	262	146	143	12	29	46	31
6.9	2.1	2.9	19,328,439	50,860,029	70,667,283	23.0	29.0	18.4	16.6	36.2	25.5	26.7	114	139	161	25	69	88	32
10.2	3.8	5.0	6,424,399	13,772,599	9,435,821	31.0	36.9	32.9	33.4	49.1	38.8	42.3	158	109	131	7	12	9	33

Thirty-four general industries, under three tariff acts: 1909 (fiscal year 1914), 1913 (year 1919), and 1922 (year 1927)—

	Industries	Domestic production, manufacturers' sales prices			Domestic exports, value			Imports for consumption, value			Per cent of exports to production		
		1914	1919	1927	1914	1919	1927	1914	1919	1927	1914	1919	1927
34	Umbrellas, parasols, canes, etc.	$13,813,353	$25,308,826	$23,156,400	$29,903	$681,137	$185,125	$219,929	$58,434	$428,044	P. ct. 0.2	P. ct. 2.7	P. ct. 0.8
35	Trunks, valises, suitcases, etc.	26,471,527	63,932,266	59,958,681	505,331	742,382	717,598	283,259	61,908	3,684,212	1.9	1.2	1.2
	Rubber goods:												
36	Boots and shoes	53,822,123	116,917,434	133,195,913	1,113,495	5,266,099	7,072,937	1,484,601	(1)	(1)	.3	4.4	5.3
37	Tires and tubes	146,421,569	752,926,708	803,742,856	4,068,630	30,481,886	42,617,807		268,146	66,609	2.8	4.0	5.3
38	Belting and hose	23,560,889	34,210,540	63,419,100	2,372,887	6,100,460	5,352,654		(1)	387,291	10.1	17.8	8.4
39	All other rubber goods	77,189,215	234,161,337	226,121,259	3,453,472	10,368,279	9,916,836		580,815	1,432,454	4.5	4.4	4.4
40	Total	300,993,796	1,138,216,019	1,226,479,128	11,008,493	52,216,724	64,960,324	1,484,601	948,961	1,886,354	3.7	4.6	5.3
	Earthen, stone, and china ware:												
41	Brick and tile, terra-cotta and fire-clay products.	136,915,644	210,085,972	300,723,035	2,378,773	3,625,038	3,576,692	282,687	195,640	1,729,110	1.7	1.7	1.2
42	Earthen and crockery ware (including stoneware).	22,553,381	38,917,875	52,194,332	413,261	1,711,785	2,061,056	10,348,356	2,892,224	7,994,408	1.8	4.4	4.0
43	China and porcelain ware (including decorating).	15,116,185	36,866,073	60,095,085	166,635	523,861	1,540,436		4,086,255	12,453,701	1.1	1.4	2.6
44	Crucibles and all other.	1,886,129	5,293,688	24,234,177	1,394,572	721,600	108,857	148,454	49,041	198,797	73.9	13.6	.4
45	Total	176,471,339	291,165,608	437,246,629	4,353,241	6,582,284	7,287,041	10,779,497	7,223,160	22,366,016	2.5	2.3	1.7
	Glassware and related products:												
46	Window glass	17,495,956	41,100,724	26,813,507	311,339	6,492,608	118,082	1,212,536	73,636	2,888,616	1.8	15.8	.4
47	Plate glass, unsilvered.	14,799,646	33,519,397	44,688,848	35,767	4,221,360	347,164	631,618	3,055	4,207,533	.2	12.6	.8
48	Obscured, wire, and other building glass.	4,528,467	9,092,904	9,470,606	(1)	(1)	433,625	511,485	76,344	712,530	-------	-------	4.6
49	Pressed and blown, except bottles and containers.	30,279,290	70,748,861	76,686,891	(1)	200,960	2,870,278	909,691	371,192	3,627,411	-------	.3	3.7
50	Bottles and containers, pressed and blown.	51,958,728	94,670,389	114,380,546	711,353	5,283,655	3,076,890	1,184,703	176,278	531,276	1.4	5.6	2.7
51	Other glassware	4,022,932	12,751,715	4,751,695	2,671,164	8,328,944	1,803,202	473,782	150,363	760,637	66.4	65.3	39.8
52	Total glassware	123,085,019	261,884,090	276,762,183	3,729,623	24,527,536	8,739,241	5,013,815	850,868	12,527,993	3.0	9.4	3.2
53	Mirrors	10,189,431	25,300,389	31,424,943	(1)	(1)	(1)	68,147	267	306,391	-------	-------	-------
54	Glass cutting, staining, etc.	16,445,839	28,443,321	22,327,581	(1)	209,125	142,731	1,634,849	456,043	3,839,763	-------	.9	.6
55	Optical goods	18,187,965	53,717,798	32,757,210	865,074	1,540,979	3,022,507	849,024	343,795	1,820,263	4.8	2.9	9.2
56	Total	167,908,254	369,345,588	363,271,917	4,594,697	26,337,640	11,904,479	7,565,835	1,650,973	18,494,410	2.7	7.1	3.3
57	Toys and games	13,756,748	45,656,803	91,963,619	809,120	2,869,529	3,900,775	9,090,900	2,835,526	4,609,731	5.9	6.3	4.29
58	Salt	14,070,333	37,513,821	34,329,236	542,783	1,396,625	1,329,980	456,426	242,704	167,675	3.9	3.7	3
59	Chocolate and cocoa	35,712,810	139,258,296	122,723,229	336,940	21,380,801	601,203	738,303	332,176	1,510,181	.9	15.3	.5
60	Confectionery	153,685,523	447,726,103	391,927,343	1,329,147	12,305,082	2,737,494	289,465	195,515	886,339	.9	2.7	.7
61	Glucose and corn sugar	36,831,620	134,548,109	100,730,700	4,565,919	15,139,944	4,626,864	9,073	3,040	545	12.4	11.3	4.6
62	Starch	15,783,781	51,708,151	33,679,389	1,825,230	15,562,165	7,807,202	440,425	250,615	1,154,879	11.6	30.1	23.2
63	Paints and varnishes	145,623,691	340,346,803	519,009,842	7,256,318	25,508,426	20,908,455	2,358,557	1,216,274	3,759,734	4.9	7.5	4.0
64	Linseed oil	44,882,538	120,638,109	73,367,776	134,540	2,606,885	303,737	91,544	3,018,725	432,415	.3	2.2	.4
65	Oilcloth and linoleum	25,598,361	68,110,081	99,185,468	727,087	3,676,730	4,346,353	1,877,329	129,215	1,162,087	2.8	5.4	4.4
66	Asbestos manufactures	2,813,578	23,977,557	44,156,388	687,073	3,531,978	2,103,388	398,159	257,381	2,179,186	24.4	14.7	4.8
67	Motor vehicles and parts.	652,831,474	3,080,073,979	3,997,639,017	33,198,806	151,688,150	389,266,319	1,354,955	394,003	2,349,365	5.2	4.9	9.7
	Medicinal and pharmaceutical preparations:												
68	Druggists' preparations.	48,009,654	114,593,486	110,309,139	7,383,867	21,580,131	25,761,362	8,052,102	10,614,193	5,672,413	4.9	6.6	6.6
69	Patent medicines and compounds.	102,463,374	212,162,255	278,342,929									
70	Total	150,473,028	326,755,741	388,652,068	7,383,867	21,580,131	25,761,362	8,052,102	10,614,193	5,672,413	4.9	6.6	6.6
71	Perfumery, cosmetics, and toilet preparations.	16,899,101	80,613,391	161,245,659	1,630,872	7,394,423	8,990,723	2,665,625	5,336,385	6,935,989	9.6	12.3	5.6
72	Explosives	41,432,970	92,474,813	72,489,668	2,750,664	18,052,750	3,454,780	706,181	6,635,200	961,056	6.6	19.5	4.8
73	Photographic goods	30,041,596	125,098,239	99,827,737	9,431,800	20,648,562	19,812,156	4,294,640	1,828,978	5,660,701	24.2	16.5	21.8
74	Athletic and sporting goods.	13,234,677	23,839,991	44,963,839	783,120	2,903,305	1,900,965	242,253	296,946	2,261,055	5.9	12.1	4.2
75	Musical instruments (including phonographs).	119,688,728	320,905,149	225,881,856	5,870,951	13,077,270	17,673,337	2,191,890	1,874,024	4,861,434	4.9	4.1	7.8
76	Total 34 general industries.	5,063,917,688	15,187,513,423	16,220,039,653	158,862,370	785,312,016	768,762,577	207,911,018	177,223,975	293,218,768	3.1	5.2	4.7
77	Total 26 metal industries.[6]	1,666,315,389	5,005,763,878	6,018,604,700	177,103,539	650,662,375	345,784,268	19,795,760	18,604,924	45,982,529	10.6	13.0	5.7
78	Grand total 60 industries (comprising (1927) 35.5 per cent total domestic production).	6,730,233,077	20,191,277,301	22,238,644,352	335,965,909	1,435,974,391	1,114,546,845	227,706,778	195,828,899	339,201,297	5.0	7.1	5.0

[1] Not separately stated.
[2] Only half the amount allowed by the tariff.
[3] Cotton only.
[4] Wool only.
[5] Not separately stated.

Relation of customs tariff rates to production, wages, trade extension, and cost of living—Continued

Per cent of imports to production			Domestic wages			Per cent of wages to domestic manufacturer's selling price				Average ad valorem rates			Per cent tariff rates to wages, per cent			Tariff allowance to manufacturers (in millions of dollars)			
						1914													
1914	1919	1927	1914	1919	1927	Wages	Wages and salaries	1919 wages	1927 wages	Act of 1909, imports fiscal year 1914	Act of 1913, imports year 1919	Act of 1922, imports year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	
P. ct.	P. ct.	P. ct.				P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.				
1.6	0.2	1.8	$2,167,453	$3,139,662	$3,411,261	15.7	23.2	12.4	14.7	43.2	33.0	40.0	275	266	272	4	6	7	34
1.1	.1	6.1	5,540,157	12,463,767	13,084,687	20.9	29.1	19.5	21.8	45.5	31.3	33.0	218	161	151	8	15	15	35
			9,986,454	30,882,722	34,231,350	18.5	22.2	26.4	25.7	35.0	10.0	25.0	189	38	97	14	11	27	36
	.5	.008	20,481,501	119,608,427	110,918,514	14.0	19.6	15.9	13.6	35.0	10.0	10.0	250	63	72	28	68	73	37
.5		.6	2,902,193	6,073,539	11,669,114	12.3	19.5	17.7	18.4	35.0	10.0	30.0	285	56	165	6	3	15	38
	.2	.6	10,797,254	37,198,401	41,480,167	14.0	19.6	15.9	18.3	35.0	10.7	28.6	250	67	156	20	21	50	39
.5	.08	.2	44,167,402	193,763,069	198,297,145	14.6	20.1	17.1	16.2	35.0	10.4	28.3	240	61	175	78	103	165	40
.2	.09	.6	55,220,374	78,757,939	116,940,467	40.3	48.1	37.5	38.9	36.3	11.8	45.0	90	31	116	36	22	93	41
27.5	7.4	15.3			22,478,819				43.1	50.0	39.1	49.0	137	102	114	8	11	17	42
	11.1	20.7	16,997,300	30,987,776	23,099,231	45.0	50.5	38.2	38.4	52.0	54.6	68.3	137	143	178	6	13	24	43
7.9	.9	.8			6,125,378				25.3	35.7	20.1	30.9	83	83	122	1	1	6	44
6.1	2.5	5.1	72,226,674	109,745,715	168,643,893	40.9	48.6	37.7	38.6	58.2	47.0	59.6	142	125	154	51	47	140	45
6.9	.2	10.8						38.5	29.7	45.0	8.3	46.3		23	156	6	3	9	46
4.3	.009	9.4						22.5	27.6	66.9	14.9	60.0		46	217	6	4	17	47
11.3	.8	7.5						21.3	28.9	43.3	12.4	27.8		58	98	1	1	2	48
3.3	.5	4.7	48,655,819	87,526,625	79,730,185	39.5	44.9	42.8	26.6	60.0	44.9	56.2	124	105	211	11	22	28	49
2.3	.2	.3						30.0	22.0	37.1	27.5	47.6		91	216	14	20	37	50
11.8	1.2	16.0						33.4	25.8	44.2	29.1	54.8		87	190	1	3	2	51
4.1	.3	4.5	48,655,819	87,526,625	79,730,185	39.5	44.9	33.4	26.8	48.9	32.3	33.3	124	97	185	30	53	95	52
.7	.001	1.0	1,967,811	2,819,140	6,309,813	19.3	25.8	11.1	20.2	59.2	8.2	47.3	307	74	234	4	2	10	53
9.9	1.6	17.2	4,670,370	6,154,831	6,214,552	28.4	36.4	26.8	27.8	58.2	44.1	54.6	198	165	196	6	9	8	54
4.7	.6	5.6	4,649,406	14,388,207	9,560,725	25.6	38.9	21.6	29.2	45.5	30.8	44.7	178	143	151	6	13	10	55
4.5	.4	5.1	89,943,406	110,888,803	101,806,275	35.7	42.2	30.0	28.0	50.2	38.2	52.6	141	117	188	55	77	123	56
66.1	6.2	5.0	3,498,866	11,847,277	23,227,274	25.4	32.7	23.9	25.3	35.0	25.9	70.0	138	135	277	4	12	38	57
5.2	.6	.5	3,041,294	7,353,420	7,117,454	21.6	28.5	19.6	20.7	52.5	Free.	18.4	282	0	89	5	0	5	58
2.0	.2	1.2	2,035,598	9,270,977	7,339,405	5.7	9.8	6.6	6.0	22.9	9.0	17.9	402	136	298	7	11	19	59
.2	.04	.3	20,643,633	54,461,957	56,960,548	13.4	19.1	12.2	14.5	50.8	31.6	40.0	379	177	276	52	80	112	60
.02	.002	.0005	2,326,565	7,930,957	7,813,329	6.3	9.8	5.9	7.8	41.9	14.9	8.0	665	253	103	11	17	7	61
2.8	.5	4.4	1,225,000	4,031,526	2,612,407	7.7	11.8	7.8	7.8	52.2	12.7	43.7	678	163	560	5	6	10	62
1.6	.4	.7	10,180,288	24,118,159	40,184,732	6.9	16.7	7.1	7.7	30.9	11.4	35.8	448	161	439	34	35	131	63
.2	2.5	.6	1,127,169	3,052,369	2,849,310	3.5	4.6	2.5	3.9	37.5	7.1	48.5	1,500	284	1,244	9	8	24	64
7.3	.2	1.2	3,213,315	7,718,966	13,617,027	12.6	16.2	11.3	13.7	43.1	32.4	34.9	342	287	255	8	16	26	65
14.2	1.1	4.9	485,736	2,731,974	8,375,502	17.2	25.0	15.6	19.0	28.7	17.3	25.4	167	111	134	1	4	9	66
.3	.01	.06	101,926,874	401,121,373	612,916,363	16.1	23.0	16.0	15.3	45.0	34.0	30.7	280	219	201	[1]98	[1]400	[1]470	67
5.3	3.2	2.7	4,754,508	12,161,925	11,942,469	7.6	21.2	7.9	7.4	35.2	22.5	30.9	463	285	418	39	60	92	68
			6,675,168	13,748,813	16,667,425														69
5.3	3.2	2.7	11,429,676	25,910,738	28,609,894	7.6	21.2	7.9	7.4	35.2	22.5	30.9	463	285	418	39	60	92	70
15.8	9.9	4.3	1,279,899	3,983,016	10,985,085	7.6	22.2	6.7	6.8	51.3	54.5	63.4	675	813	982	6	21	63	71
1.7	7.2	1.3	4,488,283	12,504,986	8,131,234	10.8	18.8	13.5	11.2	61.1	35.9	36.8	566	206	329	16	24	20	72
11.0	1.5	6.2	5,545,304	21,608,898	18,310,992	14.2	22.3	17.3	20.2	28.8	10.9	28.7	203	63	142	9	12	20	73
1.8	1.2	5.1	2,770,891	5,752,983	11,577,998	20.9	26.2	24.1	25.8	46.1	32.9	32.9	221	141	128	4	6	11	74
1.5	0.6	2.2	30,854,658	75,867,659	60,570,267	25.8	33.5	23.6	26.8	45.0	31.8	40.7	174	135	152	37	77	65	75
4.1	1.2	1.8	980,506,650	2,807,157,965	2,928,497,679	19.4	.....	16.5	18.0	30.0	19.5	24.3	155	118	135	1,520	2,955	3,942	76
1.2	0.4	0.8	343,151,676	1,118,749,462	1,220,910,679	20.6	.....	22.4	20.4	26.2	18.4	22.7	127	69	111	436	770	1,364	77
3.4	1.0	1.5	1,323,658,326	3,625,907,427	4,156,408,358	19.7	.....	18.0	18.7	29.0	18.4	23.9	147	102	128	1,956	3,725	5,306	78

[1] See Congressional Record, Jan. 23, 1930, Fair Tariff League, p. 2276. For agriculture see the Record Mar. 24, 1930, The Future of Agriculture, also North Dakota.

THE MILLENNIAL CELEBRATION IN ICELAND, JUNE, 1930, COMMEMORATING THE ONE THOUSANDTH ANNIVERSARY OF THE ESTABLISHMENT OF ITS PARLIAMENT, THE ALTHING

Mr. NORBECK. Mr. President, I present copy of a letter addressed to the Secretary of State, transmitting a statement, which may be considered in the nature of a report, covering in a general way the official activities of the commission appointed by President Hoover on November 1, 1929, to attend the ceremonies in Iceland commemorative of the one thousandth anniversary of the establishment of parliamentary government on the island, and to represent the United States on this historic occasion.

Mr. President, I ask that both the letter and statement to which I refer be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *March 2, 1931.*

The Honorable SECRETARY OF STATE,
Washington, D. C.

SIR: On behalf of the commission appointed by the President to represent the Government of the United States on the occasion of the celebration in Iceland, commemorating the one-thousandth anniversary of the founding and establishment of the Icelandic Parliament, known as the Althing, I have the honor to report that the full commission visited Iceland during the week of June 23, 1930, participated in the proceedings, and performed the duties entrusted to it.

The attached statement covers in a general way the official activities of the commission, which it is requested be made and considered a part of this report.

Respectfully submitted.

PETER NORBECK,
Chairman Icelandic Millennial Commission.

STATEMENT

On June 21, 1929, the President of the United States approved House Joint Resolution No. 2, Seventy-first Congress (Public Resolution No. 18), reading as follows:

Joint resolution to authorize the President to accept the invitation of the Kingdom of Iceland to participate in the celebration of the one thousandth anniversary of the Althing and in connection therewith to present to the people of Iceland a statue of Leif Ericsson

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and requested to accept the invitation of the Presidents of the Legislative Assembly of the Kingdom of Iceland (the Althing) to the Government of the United States of America to appoint official representatives of the American people to the celebration of the one thousandth anniversary of the Althing, the National Parliament of Iceland, by appointing and sending five special representatives to take part in this celebration on behalf of the Government of the United States of America; and the President be, and he is hereby, further authorized and requested to procure a suitable statue or other memorial of Leif Ericsson and present the same as a gift of the American people to the people of Iceland in connection with the American participation in such celebration.

SEC. 2. That for the purpose of defraying the expense of participation by the Government of the United States in the said celebration as aforesaid an appropriation of such sum as may be necessary, not exceeding $55,000, is hereby authorized, to include transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any previous act), sculptors' fees, and such other expenses as the President shall deem appropriate.

Under the terms of this resolution the President thereafter, on November 1, 1929, appointed the following persons to serve as the official delegation to represent the people and Government of the United States:

Hon. PETER NORBECK, of Redfield, S. Dak., chairman; Hon. O. B. BURTNESS, of Grand Forks, N. Dak.; Hon. Sveinbjorn Johnson, of Urbana, Ill.; Hon. O. P. B. Jacobson, of St. Paul, Minn.; and Mr. Frederick H. Fljozdal, of Detroit, Mich.

All the members of the delegation accepted the appointment and attended the celebration held in Iceland during the week beginning June 23, 1930.

The formal celebration was held at Thingvellir, about 30 miles distant from Reykjavik, the present capital, and continued over a period of three days, being attended by the King and Queen of Denmark and Iceland, by parliamentary delegates from most of the European countries, by official delegates representing the Dominion of Canada and several of its Provinces, and by a delegate appointed from each of the States of Minnesota and North Dakota.

Many associations of a civic, religious, scientific, and cultural nature from Europe, Canada, and the United States were also represented. There was a large attendance of representative people from all the civilized world.

Thingvellir was the spot selected in the year 930 A. D. as an appropriate place for the leaders of Iceland to meet to establish their parliament, known as the Althing. From the year 930 to 1798 the Althing met annually at this historic place. Since 1843 its sessions have been held at the present capital, Reykjavik.

The formal millennial celebration opened with divine service conducted by the Bishop of Iceland on Thursday morning, June 26, 1930, in the gorge known as Almannagja. Following this service a session of the Althing was opened by the King of Denmark and Iceland at the rock known as "Logberg" (Rock of Laws), which had constituted the rostrum of the law speaker of the Althing for almost nine centuries (930–1798).

Appropriate addresses were made by the Hon. Tryggvi Thorhallsson, Premier of Iceland, and by the Hon. Asgeir Asgeirsson, president of the Althing.

On the afternoon of that day greetings and felicitations were extended by a representative of each of the parliamentary delegates. The address of the chairman of the American delegation [Senator NORBECK] was as follows:

GREETINGS EXTENDED BY HON. PETER NORBECK, CHAIRMAN OF THE AMERICAN DELEGATION

Your Excellency, the Premier of Iceland, the President of the Althing, ladies and gentlemen, the people of the United States of America, through five special representatives provided for by act of Congress and appointed by the President, are pleased to extend cordial greetings to the people of Iceland on this auspicious occasion.

There are many good reasons for the interest of the American people in your country, its history, and its progress. The history of the western world begins with the colonization of the west coast of Greenland by the Icelanders. From this island, lying near the mainland, they discovered and explored the eastern shores of the North American Continent under the leadership of Leif Ericsson.

Many of your sons and daughters have emigrated to the western world, where they have established homes and accepted the responsibilities of citizenship. We have found them and their descendants industrious, intelligent, liberty loving, and God fearing. They have contributed not only to the material progress of America but also to its learning and culture.

But our admiration is of longer standing and is based on broader grounds. It was the Icelandic people who put into practice self-government at a time when the rest of the world submitted to the dictatorship of despots.

Even in the turbulent times following the Viking Age the Icelanders maintained a government representative of and responsive to the masses. It was in fact, if not in outer form, a republic. The complacent contentment with which Europe accepted the rule of despots was foreign to the spirit of the people of this island.

Their forbears had left their beloved homes in Norway and the adjacent islands rather than submit to a dictatorship.

These people who sailed the broad Atlantic in open boats, without compass, faced every storm without fear and every responsibility without evasion. It mattered not to them that the road was hard, but they were insistent that the course should be right. They lived the simple life and well knew that strength came from toil, fortitude, and self-denial, and wisdom from experience. They knew the weakening influence of luxuries. They demonstrated that human progress and human welfare do not necessarily go hand in hand with expensive tastes and self-gratification.

It is not the people of America alone who owe a debt of gratitude to Iceland. The whole world pays homage. I can best express my thought in that regard by quoting from a speech delivered by a great American President, Calvin Coolidge, at the Norse Centennial Celebration held in the United States in 1925 commemorating the first arrival of a shipload of immigrants from Norway:

"Among the fascinating chapters in the history of the Dark Ages is the story of Iceland. As a little Norse Republic it maintained itself for several centuries as one of the real repositories of ancient culture in a world whose lamp of learning seemed near to flickering out. We have long known of the noble Icelandic literature which was produced during those generations of the intellectual twilight; but we know too little of the part which Iceland performed as an outpost of the sturdy northern culture in bridging over the gulf of darkness between the ancient and modern eras of history."

For these and other good reasons the people of the United States were pleased to receive your kind invitation to participate

in these festivities. As a small token of our appreciation, respect, and good will, our Government has provided, by Act of Congress, for the presentation to the people of Iceland of a statue of Leif Ericsson. This will be formally presented later.

And so we bring felicitations from the new to the honored old, which to-day continues to show progress and enterprise on every hand. That your country may continue to prosper, that your people may remain strong in character, virile in body and mind, and influential throughout the world, is the earnest desire of all of the people of the United States of America.

OFFICIAL PROGRAM

Without going into details, the following outline of the official program of the celebration is submitted:

WEDNESDAY, JUNE 25

At 12.30–13 o'clock: Reception of their Majesties the King and the Queen and His Royal Highness the Crown Prince of Sweden, etc. Uniforms or morning dress.
At 16.30: Reception by Premier.
At 21: Start for Thingvellir.

THURSDAY, JUNE 26 (AT THINGVELLIR)

At 9 o'clock: Divine service in Almannagja Gorge.
At 9.30: Procession to the Law Rock.
At 11.30: Opening of the Althing by His Majesty the King.
At 13: Lunch.
At 15: Reception of parliamentary representatives at the Law Rock. They bring greetings.
At 18.30: Dinner by the President of the United Althing.
At 21: The Iceland wrestling match.

FRIDAY, JUNE 27 (AT THINGVELLIR)

At 12 o'clock: Meeting of Althing.
At 13: Lunch.
At 15.30: The election of the law speaker in 930 (historical representation).
At 16.30: Reception by Premier.
At 21: Sports.

SATURDAY, JUNE 28

At 9.30 o'clock: Special addresses and greetings by nonparliamentary representatives.
At 11.30: Meeing of Althing.
At 13: Lunch.
At 18: Dinner.
At 20: Celebration closed.
At 20.30: Return to Reykjavik.

SUNDAY, JUNE 29 (IN REYKJAVIK)

At 20 o'clock: A farewell entertainment by the President of the United Althing.

Many countries brought special commemorative gifts with them. These were formally presented to the president and members of the Althing and other citizens of Iceland on June 29, 1930. The part taken in the program of that day by the American delegation was as follows:

REMARKS OF HON. O. B. BURTNESS IN PRESENTING LEIF ERICSSON MEMORIAL

Mr. President, members of the Althing, parliamentary delegates, and ladies and gentlemen, please permit me to avail myself of this opportunity on behalf of the delegation representing the United States of America to thank you, Mr. President, the members of the Althing, and the people of Iceland for the fine, generous, and whole-hearted hospitality shown to us during our stay in your interesting country. Indeed, our visit here has given us genuine pleasure and inspiration.

When our Government received the kind invitation of the Althing to participate in the celebration of the one thousandth anniversary of its establishment I was pleased to introduce in the House of Representatives of the Congress of the United States a joint resolution providing for the acceptance thereof in a manner which I deemed fitting and appropriate. I had an especial pride and interest therein, for I happen to represent in Congress the district which contains more of the brave sons and fair daughters of Iceland than any other congressional district.

It may interest you to know that the resolution was passed by a unanimous vote, both in the House of Representatives and in the Senate, and was promptly approved by the Hon. Herbert Hoover, President of the United States.

Permit me at this time to quote a portion thereof, reading as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and requested to accept the invitation of the Presidents of the Legislative Assembly of the Kingdom of Iceland (the Althing) to the Government of the United States of America to appoint official representatives of the American people to the celebration of the one thousandth anniversary of the Althing, the National Parliament of Iceland, by appointing and sending five special representatives to take part in this celebration on behalf of the Government of the United States of America; and the President be, and he is hereby, further authorized and requested to procure a suitable statue or other memorial of Leif Ericsson and present the same as a gift of the American people to the people of Iceland in connection with the American participation in such celebration."

We are proud and happy to carry out this afternoon one of the mandates contained in the resolution. We had hoped that the memorial to Leif Ericsson could have been completed in time for delivery and unveiling in connection with your celebration, but that was impossible. We can, however, report that it is being prepared by one of our ablest American sculptors, Mr. Sterling Calder, of New York City, and will probably be delivered some time next year. It is now my privilege as a member of the official American delegation to present the memorial "as a gift of the American people to the people of Iceland."

The first white man to set foot on American soil was your native son, Leif Ericsson, whose feat in the discovery of the Western Continent constituted the beginning of authentic American history. Your remarkable and scholarly literature has had a profound influence on our people. Immigrants from Iceland and their descendants constitute to-day a noteworthy fraction of our best citizens and have contributed much to the prosperity, the education, the scientific knowledge, the business acumen, the arts, and the culture of our Nation.

The more formal dedicatory address will be delivered by another member of our delegation, one who had the privilege of being born on your interesting island. He came to the United States when but a few years of age. Like most Icelandic-Americans he has succeeded and has attained high position in his adopted country. He has served one of our States as attorney general, later as a justice of its supreme court. I take pleasure in presenting Judge Sveinbjorn Johnson, of the University of Illinois.

DEDICATORY ADDRESS OF HON. SVEINBJORN JOHNSON ON PRESENTATION OF LEIF ERICSSON MEMORIAL

Mr. President, members of the Althing, ladies and gentlemen, the fame that is the reward of great deeds, and lives after life has ended, was the gift supreme which the gods of fate could bestow upon our Viking ancestors. All else was evanescence and inutility; all else was useful only as a means to accomplish that single end. For glory the Icelanders of old cheerfully endured all hardships, bore all sufferings, gave up all which life itself could hold. The Norse ancestry of a Lindberg contributed its share to tempt him to defy the sleet and cold of a trans-Atlantic flight in a plane which 930 years from now will seem crazy by comparison with then current models; and the dauntless, glory-seeking, death-defying spirit of the Icelandic Leif Ericsson sent him in an open boat 930 years ago across the Atlantic, on a voyage, by every fair standard of comparison, as full of hazards as Lindbergh's flight, to become the immortal discoverer of the American continent.

What we call chance—perhaps because our mental and spiritual horizons are woefully 'narrow—played its little part in the events which reached their climax in Leif Ericsson's adventure. Two men of no great or material disparity in age, in courage, or in prowess as sailors were well known to a large number of their contemporaries of the tenth century. Both crossed the Atlantic; both faced unflinchingly the unforeseeable perils of vast expanses of unknown waters; and both saw the shores of a continent cradling forces of incalculable power, whose influence was destined to reach into every quarter of the inhabitable globe. One saw the coast line with unseeing eyes and sailed by; he refused to accept the laurel wreath of immortality which the grinning gods of destiny offered him, and passed on to live in history in the cold twilight of reflected glory. The other, a later arrival, the second leader of white men known to have seen the shores of America, impelled by the intrepid curiosity of the pioneer, stopped, landed, and explored. The first was Bjarne Herjulfsson, known to fame only because he sold his ship; the second was Leif Ericsson, who purchased it. The first came and saw, yet did not see; the second came, saw, and conquered. The first lost while the second gained the great prize of viking ambition, to defeat the dreamless and eternal sleep of death through achievements which can never die.

Providence delights in taking the greatest of her immortals from the world incognito or in leaving them to posterity veiled in mystery and legend. Moses, Zoroaster, and Christ, Homer, Virgil, and Shakespeare are seen by us only through the hazy atmosphere of speculation and conjecture. For all this they are none the less real; they live in the cultivated imaginations of a countless posterity and in their contributions to the ages. We may thank God that the records of their lives are scanty and obscure; no biographer shall rob us of the ideals we build into the sketchy outlines of their careers. Such, we must confess, is the position of Leif Ericsson. We know that he lived, dared, achieved, and died; beyond this he is little more than an indistinct and adiaphorous figure, limned in shadows, in the haze which dims the morning and the early forenoon of time.

It is fitting that the one-thousandth anniversary of the founding of the Althing, the institution so peculiarly the product of the national thought and consciousness of Iceland, should be chosen as the occasion on which the United States officially pays its respects to Leif Ericsson. Leif was the normal product of the times; he was the natural son of the race from which he sprang. The Scandinavians were the best sailors of the age; they were equally at home on land and sea; and they were free from the paralyzing superstitions and scientific nonsense which numbed the minds of the seamen who were contemporaries of Columbus. In Leif the Lucky the manly daring of Scandinavia reached its climax of achievement; he was the bright flower of a racial character the roots of which spread as deep and as far as the roots and branches of the fabled Yggdrasil itself.

When direct evidence is wanting, we confidently rely on circumstantial proof. Indeed, the latter is not infrequently the most dependable and convincing kind of testimony. We like to believe that Leif was a man of unusual merit; but the saga account, with a reticence characteristic of the Vikings, does not say so. There is, however, an anecdote which tells a tale more eloquent than direct eulogy. Olaf Tryggvason, of Norway, the king of romance and heroic deeds par excellence, was a fervent convert to Christianity. He was anxious to bring all the peoples of the islands, whose settlers were of Norwegian stock, to the worship of Christ. Casting about for a capable man to reach the pagan heart with the gospel of Christ, he selected the young Icelander whose memory we honor. There is no need of further words of praise. King Olaf knew that loyalty was one of the cardinal virtues of the vikings and that to persuade the worshippers of Thor and Odin to desert their gods was no easy task. In choosing Leif he chose a man who stood out above his fellows in capacity and fearlessness, and whose solid virtues commanded the respect of those hard and hardy warriors.

Leif Ericsson was born in Iceland. His father was Erik the Red, a Norwegian by birth, who lived in Iceland for a number of years. Here he owned two homes, but seemingly at different times and places. At one of these, but which one is unknown, Leif was born. As is usual in the sagas, there is no mention of a date of birth, and no contemporary references yield a clew from which the precise year can be ascertained. His mother was a wealthy and beautiful woman, a descendant of one of the original colonizers of Iceland. From the meager accounts we conclude that Leif was born not later than 980, and almost certainly between the years 970 and 980. In 985 Erik the Red was condemned to outlawry on account of a homicide. The penalty was the customary exile of three years, and Erik took his family with him, including his son Leif.

Here we may pause and reflect upon a fact which is significant of the sort of blood of which Leif the Lucky came. Acting on a vague and unverified report that one Gunnbjorn had found some reefs toward the west some years before, Erik rigged out his crude ship, put all his family on board, and pointed its prow toward the setting sun.

The difference between what we call foolhardiness and courage is quite often merely the difference between failure and success. Erik's enterprise must be set down as one of the most daring among the adventures of the sea. His craft boasted one sail, was probably not over 40 feet long. What lay ahead was unknown, and the captain had no way to know in what direction he went save when a clear sky permitted him to see the sun, and when the sun was down, the stars. When the Icelanders sailed across the Atlantic during the World War in ships which were palatial in comparison with the vessel in which Erik rode the waves, my fellow citizens marveled at the hardihood of the men who made the voyages; what must they then have thought had they seen the crude ship which carried all the few, but precious, possessions of Erik the Red? That turbulent viking never faltered, and westward lay Greenland, which he discovered, and where he made his home. Of such a house was Leif.

In Greenland there was plenty to try the mettle of the young Icelandic boy during the next 15 years of struggle in a new and difficult environment. Yet the family seems to have lived happily; Erik the Red grew older and Leif acquired the experience in sea craft which later proved invaluable. About 997 or 998 Leif bought a ship from Bjarne Herjulfsson, who had seen and passed by the American coast, and about the year 1000 he made his momentous voyage to America.

Leif had the ardor of high adventure in his soul. Erik's house was on the southwest coast of Greeland. The usual route to Norway was around the south coast of Greenland, thence to Iceland, the Faroes, and to Norway. Here again he was a pioneer, for this course has been followed ever since. The Eriksfirth settlement has long since ceased to exist; Brattahlid, his parental home in Greenland, has been lost in the common dust of the ages; but the course he laid across the great ocean is as completely fixed in the consciousness of the world as is the fame of the navigator himself.

The vikings were known in nearly al lthe royal courts of Europe, and with them spread over the Continent and the intervening islands the report of the discovery of Wineland the Good. To me it has always seemed a most natural circumstance that Columbus, in 1477, should visit Iceland. Columbus's one passion was exploration. With tireless and almost incredible avidity he searched out and used every hint of geographical information the records of the world offered. That he knew of the reports of the Icelandic discovery of some land to the west seems exceedingly probable; and that he went to Iceland to get further details is entirely logical and reasonable. This explanation, it should be said in passing, does not detract from the heroic character of the venture in 1492; it merely proves that Columbus had the intelligence to see the value of and the courage to follow up information of which the rest of the world did not know the significance.

Well might he remain firm in the face of threatened mutiny, for he knew that ultimately a westward course would bring him in sight of land. His astrolabe mitigated the merciless cruelty of clouds and fogs. The discovery by Leif, the several attempted settlements in America, notably that of the truly great leader, Karlsefni, in 1004, were well and commonly known in Iceland, and Columbus could in 1477 have gained enough knowledge to strengthen and maintain the courage and determination to press his plans.

It is peculiarly in keeping with the proprieties that the United States of America take part in festivities which commemorate the founding of a country born of the faith that the common people are capable of governing themselves. It is a historical fact that the republican form of government, whatever its variations throughout the world, has been built largely on the American pattern. When the colonists, in 1776, rebelled against British rule, and when, in 1789, they adopted the American Constitution, they announced to the world that the corner stone of the new system was the confidence that the individual could be trusted with the grave responsibility of governing himself and his fellow men with efficient and even-handed justice. That the ideals of the founders have not been always or fully realized in actual experience in the country of which I now have the honor to be the spokesman I do not deny. I am not here to explain or to defend; I remind my hearers, in this ancient home of liberty under law, that the oldest Republic in the New World, in taking official notice of this great occasion, cheerfully honors a pioneer in political freedom which founded and maintained a free government for nearly 400 years, while the engulfing tide of despotism rolled over Europe, drawing into its relentless vortex every form and vestige of human liberty, leaving the individual stripped of the sublime attributes which God gave this one creature made in His image, with an intellect barren because in chains, a conscience enslaved, a soul not his own, scarcely permitting him the poor boon of death and burial in his own right.

My country has chosen to put its testimonial of regard partly in material form. In tendering the people of Iceland a statue of Leif Ericason two things are implied: The respect due to the pioneer in the Old from the trail blazer in the New World in the great adventure in free institutions and a recognition of the heroic exploit of finding the American continent more than 900 years ago. Let it stand as long as Iceland lives, an everlasting monument to old Icelandic enterprise and courage, and may it ever inspire the generations destined to stream by under the resistless influence of the gravity of fate to steer their course by the fixed stars of honor, of loyalty, and of sterling heroism which guided the bold sailor whose name will be inscribed on the cold stone. In the name of the people of the United States of America, by virtue of a resolution adopted by the Congress, and acting pursuant to instructions from President Herbert Hoover, we, the delegates on the part of the United States of America, present this memorial to the people of Iceland. One of your sons was the first white man known to have discovered and visited the North American Continent; a son of Icelandic parents, the first white persons to attempt to found a colony in the Western Hemisphere, but born somewhere in North America, was the first white emigrant from North America to Europe; and the Republic which first emerged on American soil from a Europe stagnant in the moral, mental, and spiritual palsy of universal despotism extends its good will and congratulations to the first republic which in the Old World sprang from the impending chaos of crumbling European liberty. Let it stand as the newest symbol of the common purpose and the universal aspiration of the human spirit, in the New World and in the Old, to honor true manhood, to maintain individual and national freedom, and to establish good will and friendship among all the peoples of the earth.

On June 30, 1930, the American delegation, accompanied by representatives of the Icelandic Government, viewed various sites which had been suggested for the location of the Leif Ericsson memorial. The delegation's suggestion has been transmitted to the Fine Arts Commission and to the Department of State at Washington.

We can not praise too highly the hospitality of the Icelandic people or their general worth. Under harsh natural conditions they have achieved marked success. This is equally so, whether tested by economic welfare, experience in self-government, or general culture. They are a great people.

RECOMMENDATION

While nearly all important countries have diplomatic or consular representation in Iceland, the Government of the United States has none. The commission believe that our Government should investigate the situation to determine whether the trade and other relations are not such as would justify the establishment of permanent American representation in Iceland.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. McNARY. Mr. President——

Mr. TYDINGS. I yield to the Senator from Oregon.

Mr. McNARY. I ask unanimous consent that when the Senate shall have concluded its work this evening it take a recess until 9 o'clock to-morrow.

Mr. REED. I object.

Mr. FESS. Mr. President, will the Senator yield to me?



Mr. TYDINGS. I yield to the Senator from Ohio.

Mr. FESS. I should like to inquire of the Senator from Oregon what is the intention of the Senator in regard to proceeding to-night.

Mr. McNARY. Mr. President, the Senator from Washington—if I may have his attention—seems determined to keep before the Senate the conference report on the maternity bill. It is the desire of a great many to return to the copyright bill, that it may have an opportunity to be heard this evening. There are some who desire to consider the bill offered by the Senator from Pennsylvania [Mr. REED] affecting immigration.

So far as I know, the procedure will be to continue until we arrive at some conclusion. I was only proposing the agreement for a recess until to-morrow in order that we might have three hours before final adjournment. What may happen this evening is beyond my apprehension and ability to foretell.

Mr. FESS. Mr. President, will the Senator yield further?

The VICE PRESIDENT. Does the Senator from Maryland further yield to the Senator from Ohio?

Mr. TYDINGS. I yield.

Mr. FESS. I am in favor of the conference report. I am enthusiastically in favor of it. I am also in favor of the copyright bill. We were good soldiers last night. We stayed here until 2.55 o'clock this morning. I am perfectly willing to stay to-night if we can accomplish anything, but I do not believe we are making any progress. It seems to me that if we should take a recess until morning, we might do better than to stay here all night.

Mr. REED. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. REED. Will the Senator yield?

Mr. TYDINGS. Mr. President, I decline to yield, and I suggest that the Senators have a talk in private while I go ahead with my argument.

The VICE PRESIDENT. The Senator declines to yield.

Mr. REED. Will the Senator from Maryland yield for a question.

The VICE PRESIDENT. The Senator declines to yield.

Mr. TYDINGS. I yield.

Mr. REED. I understand the Senator has yielded for a question.

The VICE PRESIDENT. A moment ago he declined to yield. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. TYDINGS. I yield for a question.

Mr. REED. Mr. President, is it not obvious that the maternity bill has no chance whatsoever of passage, no matter if we stay here in continuous session until 12 o'clock to-morrow?

Mr. TYDINGS. Speaking for myself, I am only going to discuss the bill until I feel that the subject has been covered. Then, if the Senate wants to pass it, I have no objection to their passing it. I am not for it, and I am trying to confine my remarks to the bill. I am not filibustering, but I do feel that we are entitled to have some argument upon it and there has not been any.

I know that the Senator is anxious to dispose of all these matters fairly; but I do feel that I am entitled to discuss the measure to which I am opposed.

Mr. REED. Mr. President, is it not a fact that since 10 o'clock this morning, 11½ hours ago, this bill has been before the Senate, and nobody has yet mentioned it except the Senator from Maryland?

Mr. TYDINGS. That is true; and I have risen, may I say to the Senator, at least five times to-day in an effort to be recognized to discuss the bill. I am not criticizing the occupant of the chair then, because many other Senators were rising to get through various bits of legislation; but I was deprived earlier in the day of an opportunity to be heard.

Mr. REED. Will the Senator yield for a further question?

Mr. TYDINGS. I yield to the Senator for a question.

Mr. REED. Does not the Senator know that there is a considerable number of other Senators who feel as he does about the unwisdom of this bill?

Mr. TYDINGS. I believe that there are a number of Senators who are opposed to it; but may I reiterate that I am not filibustering against the bill, and very shortly I expect to relinquish the floor. I do believe, however, that there will be other Senators feeling as I do who may want to discuss it.

Mr. REED. Is it not obvious, then, that the persistence in holding the maternity conference report before the Senate is, to put it very plainly, killing the copyright bill and killing the immigration restriction bill?

Mr. TYDINGS. I think the logic of that may answer itself according to the viewpoint; and I decline to yield further.

Mr. MOSES. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I yield to the Senator from New Hampshire.

Mr. MOSES. When this measure was brought before the Senate this morning we were assured, as I recall from the reporter's notes, that we could undoubtedly dispose of it in one hour. We have had it before us already something like 12 hours.

Mr. TYDINGS. If I may have the attention of the Senator from Oklahoma [Mr. THOMAS]——

Mr. MOSES. May I ask the Senator one more question?

Mr. TYDINGS. Yes.

Mr. MOSES. Does he not think, in view of the fact that there are certainly eight Senators desperately opposed to the bill, that we can hold it here at least 12 hours more?

Mr. TYDINGS. In view of what the Senator says, I think that is a correct statement; but may I have the attention of the Senator from Oklahoma [Mr. THOMAS] a minute, because in any case I want to finish this thought?

The Senator from Oklahoma most eloquently plead here on the floor of the Senate, day after day, for the removal of what he conceived to be an unjust discrimination against the State of Oklahoma. Yet may I point out to the Senator from Oklahoma that that so-called unjust discrimination was in line with our constitutional authority to regulate interstate and foreign commerce; yet if, in the application of such a clear and rational authority by Congress, his State was injured by this national legislation, where in the world will we be if, in addition to our national functions, we take over local functions and make national decrees for all local matters? Will not the situation painted by the Senator from Oklahoma in regard to interstate trade exist in all the other lines of human endeavor?

There is nothing so cruel in the world as the force of a majority of Senators or Representatives banded together to get something for themselves at the expense of some other section of the country; and as long as we remain in the field of national affairs those injustices will have to be borne in silence until a later day may perchance correct them. But when we embark into the field of local affairs here in Washington we expand and raise the opportunity tenfold to coerce, to harm, to crush the soul, the thought, the activity, the aspirations, and the hopes of other people in far-removed sections of the country who may not want or who may not be in accord with the national edict regulating their local affairs.

Mr. President, I do not desire to question for one moment the fine impulses, the lofty aims, of the ladies particularly, who are favorable to the passage of this bill. All they see in this problem—and it is natural that they should look thus—is the welfare, as they conceive it, of children and mothers; and I am with them in that respect. But may I say to those who favor this bill that this is not the forum for the discussion of that matter. The State legislatures would be the place to deal with that subject.

I venture to say that there is not one State government in all the 48 States that will refuse to give to these ladies or their representatives in other States all of the money, all

of the headquarters, all of the support, which they can rightfully ask to carry out in those States the purposes which this bill seeks to carry out for the Nation.

This is not the forum for the settlement of local matters. This is the forum for the settlement of national matters. We can not take over one after the other the habits of every Tom, Dick, and Harry, of every man and his wife, and of every woman and child, with all the local ramifications of our lives here in Washington.

If we did take them over, how many times would Senators do what the Senator from Oklahoma did, who stood here the other day and with logic and with eloquence plead for a square deal for the State of Oklahoma, discriminated against, he said, with no tariff on oil, but a tariff on all other things, left out in the cold, crushed by the brute force, the brute votes, of the National Congress.

If those hardships, if those injustices, come in matters which properly belong to the Federal Government, how much more so will they come when we attempt to put the people of this country into a strait-jacket and issue regulations and ordinances as if we were a city council governing and touching upon all the intimate associations and habits of their local lives?

Mr. President, it is as far from Maine to California as it is from New York to London. When we pass laws here in Washington, we decree for the welfare of a continent. The Senator from Idaho, in showing the expanse of Russia in his address early in the day, said that it had a radio station far beyond the Arctic Circle and that the southern borders of Russia were down approximately in the latitude of Richmond, Va. May I say that right here in our own country, the northern part of Maine extends pretty far up into the colder regions of this earth, and that the tip end of Florida reaches out and basks in the sunlight of the Tropics. The extent of this country alone should give us pause, about 2,500 or 3,000 miles wide, and 1,500 to 2,000 miles in depth.

Furthermore, we are not a homogeneous people. We are not all Germans, or of German derivation, as the people in Germany are; or of Italian derivation, as they are in Italy; or French, as they are in France; or Swedish, as they are in Sweden. We find within our commonwealth the people of all the nations of Europe scattered with a prodigal hand like grain sowed on a plowed field. Yet if we take over the local affairs of such a people, of such a country, hardship, my friends, is bound to follow, disrespect for law is bound to follow, anarchy in the end is bound to come.

In a country of this size there must be local self-government or liberty is dead. People do not value liberty much any more, any more than the man who inherits wealth appreciates his heritage. The people who value liberty are those who come from the despots of the Old World, who come over here to this country because the secret police, perchance, or the spies of the monarch, are not about, and they may walk the streets with some degree of freedom. They appreciate liberty because they have never had it. But there is one kind of liberty which may not be defined, and that is the kind of liberty which allows one, perchance, to walk in freedom without spies, or without secret police, without hidden forces, but it makes itself felt by harsh governments which go into the domain of individualism, of personal rights, further than governments have a right to go.

This is but a ramification of that philosophy. There are many men in this body who feel that a child's life should be regulated by the National Government from the time it is born until it goes to the grave. In my judgment the most self-reliant Americans, the greatest Americans, those who contributed the most to the progress and the welfare of this country, were those who hardly knew Government existed at all, who were their own governors, who were their own chiefs of police in most cases, their own army, their own navy; they were self-reliant; they were the pioneers who went through the wilderness and who laid the foundation for our country.

We are not content to do well the thing for which we were created, namely, to solve our national problems to the best advantage. One after the other the functions of government are bound to multiply anyway; the radio, steamship lines, airplanes, all must make new avenues, new areas, which we must explore in the field of national affairs. We will have enough to do if we confine our endeavors to national matters and do the best we can to solve them in the interest of our entire citizenship.

The more we take over of these local matters, the more we add to our national functions through the taking over of these local matters, just that much less time, that much less care, that much more taxes, that much more bureaucracy, that much less liberty, and that much less self-reliance will be bound to result.

Mr. President, is there one State in all the 48 which will refuse to make an ample appropriation of money for the purposes set forth in this bill? I know my State will make it. I believe the State of Washington will make it. I believe the State of Nebraska will make it. I believe the States of North Carolina, Rhode Island, and Illinois will all make it.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. TYDINGS. I yield, with the understanding that I do not lose the floor.

Mr. NORBECK. I ask unanimous consent at this time that the Senate take up Senate bill 5750, to amend subsection (a) of section 1 of the act relating to the George Washington Memorial Parkway, approved May 29, 1930. The bill has been objected to when it was reached on the calendar in the Senate, but the Senator objecting says he will not object further.

Mr. NORRIS. Mr. President, I want to ask the Chair whether the Senator from Maryland can yield while we pass a bill, and not lose the floor.

Mr. TYDINGS. Mr. President——

Mr. NORRIS. He is not willing to yield unless he can retain the floor, but I submit that a Senator can not do that.

Mr. TYDINGS. I think the Senator's point is perhaps well taken. I will be glad to yield, but I do not want to lose the floor.

Mr. NORBECK. If it is by unanimous consent, the Senator will not lose the floor.

The PRESIDING OFFICER. The Chair is informed by the parliamentarian that if anyone makes a point of order, the Senator from Maryland will lose the floor.

Mr. REED. Mr. President, what is the bill the Senator is endeavoring to get brought up?

Mr. NORBECK. The Washington Memorial Parkway measure.

Mr. WATSON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. Can not the Senator yield for this motion of the Senator from South Dakota by unanimous consent without losing the floor?

The PRESIDING OFFICER. He can do so by unanimous consent.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield the floor to the Senator from South Dakota for three minutes, at the conclusion of which time it shall be given back to me.

Mr. NORRIS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. TYDINGS. Mr. President, in conclusion, there is not a single State in this Union, not a single State in the Union, which will not gladly——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WALSH of Massachusetts. I must say to the Senator that my own State has refused to enter into this 50-50 plan.

Mr. TYDINGS. Oh, the Senator misunderstood me. I have already pointed out that several States would not join in that plan, but I say the States would gladly, themselves, take care of the activities covered by this legislation without any Federal assistance, if it is needed.

Mr. WALSH of Massachusetts. Exactly.

Mr. TYDINGS. There is not a State in the Union which will not appropriate all the money necessary for maternity

and infancy to take care of its citizens; and if it would not do it, it would not deserve to be a State.

What I am contending is, first, that this movement has no place in the National Government. It is not a national matter. It is a local matter, and one which each State can handle for itself.

Secondly, that the proposition of a 50-50 appropriation is a legislative bribe, put out to induce States to do something without which they would not be actuated in that respect.

Thirdly, that if a State refuses and exercises its sovereignty it is penalized because it is self-reliant and looks after its own.

So, Mr. President, feeling that the mothers and infants of this country will be well taken care of by the State governments, the city governments, and the county governments of this Nation; feeling that the increase in bureaucracy, the widening of our Federal activities into the domain of local affairs, can but in the end spell the doom of this Republic; feeling, as well, that it takes from us the time which we could give to things which are more in line with our national activities, as differentiated from local matters, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McGill	Sheppard
Barkley	Frazier	McKellar	Shortridge
Bingham	Glenn	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Swanson
Blease	Hale	Morrow	Thomas, Okla.
Bratton	Harris	Moses	Townsend
Broussard	Hastings	Norbeck	Trammell
Bulkley	Hatfield	Norris	Tydings
Capper	Hayden	Nye	Vandenberg
Connally	Hebert	Oddie	Wagner
Copeland	Johnson	Partridge	Walsh, Mass.
Cutting	Jones	Patterson	Watson
Dale	Kean	Phipps	Wheeler
Davis	Kendrick	Reed	Williamson
Deneen	Keyes	Robinson, Ark.	
Dill	La Follette	Robinson, Ind.	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present.

ADDITIONAL ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 3, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 1640. An act for the relief of John E. Ross;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.);

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 6072. An act for the relief of C. H. Price;

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress; and

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River; and

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.

UNEMPLOYMENT SITUATION IN SOUTH DAKOTA

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by Hon. D. C. Noonan, mayor of the city of Watertown, S. Dak., which goes into the unemployment situation in my State very extensively. Mr. Noonan has given much thought and attention to this vital question, and I believe his statements and views relative thereto as expressed in his letter form a valuable contribution to the study of this great economic problem which is confronting the country.

The letter is as follows:

DECEMBER 29, 1930.

Senator PETER NORBECK,
Senate Building, Washington, D. C.

MY DEAR SENATOR: I have your letter of December 13.

You have asked me to answer eight questions which I shall be very glad to do. I point out to you, however, that my answers and explanatory comment attendant upon them are merely my personal opinion based upon observation of, and contact with, the problems concerning which you inquire. In this letter I am not speaking to you as a city official, or as a representative of any civic group or organization. My answers and comment might vary in large degree from that which others in this community might give you had the questions been put to them.

Question No. 1. Approximately how many people are unemployed in your community?

I believe that at the present time there are no more unemployed persons in this community than at any similar period in the last 10 years. An estimate of the number would be merely a guess and I would not hazard an opinion. There are in this city many men who are at present not working, but who should not be classed as "unemployed" in the ordinary usage of the term. These men, farmers, certain classes of railroad employees, laborers, artisans, carpenters, mechanics, and a host of others find lucrative, concentrated and continuous employment during certain definite seasons of the year, and during these seasons make adequate and necessary provision for themselves and their families for periods of the year, like the present, when there is no demand for their labor or services. Undoubtedly this same situation applies to millions of men in various parts of this country. Some of these men, while not actually in need, being human, would probably not be averse to accepting aid from governmental agencies, if they were convinced by appropriate and organized propaganda that they were not only entitled to it, but actually needed it.

Question No. 2. To what extent has the number of persons whom the city government is called upon to aid increased over the number of last year and that of two years ago?

Our city does not engage in poor relief or its kindred work. Our county is equipped and prepared to carry on this character of endeavor. I am informed that this county has aided no more people this year than last. In fact, the records disclose that there was $2,150 less appropriated this year by the county for charitable purposes than in the year 1929, or a reduction of 12 per cent. This latter statement covers your question No. 3.

Question No. 4: "What do you estimate will be the increase in the number requiring relief during the winter months?"

I am reliably informed and believe that there will be no increase whatever in the demands upon the county and the many charitable organizations of the city during the coming winter months over similar periods in the past.

Question No. 5: "Will the assistance of the Federal Government help to extend relief to the needy and lessen the burden on local taxpayers?"

Emphatically no. I beg your leave to comment briefly on this question and also question No. 7 at the conclusion of this letter.

Question No. 6: "Briefly state what relief is being extended by private relief agencies. How much has it increased as compared with last year and two years ago?"

As in every community in the country, Watertown has a large number of worthy private relief agencies. Every church, every social, fraternal, and business club, the American Legion, the Sal-

vation Army, the Red Cross is an actual or potential charitable organization, ready, anxious, and willing to relieve the poor and needy. These groups at times distribute food and clothing, assist when necessary with medical care and the like. These groups are constantly on the lookout for outlets for their activities. My opinion is that their activity has not greatly increased, if at all, this year over previous years.

Question No. 7: "Do you favor the Federal Government appropriating a sum of money that will share with the city and State governments the increased relief burdens that the present emergency has necessitated?"

Emphatically no.

Question No. 8: "A brief statement of the general situation in your community."

An answer to this question is probably made unnecessary by the foregoing answers.

The fact that some of the Members of the United States Senate feel very strongly that present conditions require the Federal Government to assist the various State governments and municipalities in the handling of problems in a financial way, is so pregnant with portents for the future of our Nation, that I can not but beg your indulgence for a few words of comment.

The appropriation of money by the Government of the United States of America for delivery to the various States and municipalities to be used in the relief of distress or poverty, or as a dole to the men and women temporarily without work, would be nothing short of a tragic national calamity. The seriousness of the calamity could not be measured by the amount of money thus expended, but could only be really understood by a sober appreciation of the fact that a fundamental principle of American Government has been shattered and sacrificed upon the altars of thoughtlessness, immature judgment, and hysteria, and that a priceless heritage of our people has been bartered for temporary political prestige for those sponsoring such an unsound and irrational program as suggested in your communication.

I do not mean to say that the financial aspect of such a program suggested is not serious. It is tragically serious. Your letter suggests that the tax burden of this Nation, already staggering, already confiscatory, already so burdensome that private business and enterprise is threatened with collapse, be further increased in order that the hazy nebulous idea known as "temporary relief" be realized. The suggestion, logically interpreted in the light of present well-known economic facts, means that legitimate business and enterprise will be throttled with the tourniquet of taxation for the purpose of "temporary relief," with the result that the very source of employment, security, and prosperity for the farmer and the laboring men and wage earner in every line will be partially paralyzed, if not actually permanently impaired.

However, passing the feature of the financial tragedy involved, the permanent bureaucracies established, the inevitable extravagance and waste, the unintelligent and inexperienced spending of public money for a purpose as hazy and remote as locating the foot of a rainbow, I return but for a moment to the violation of the fundamental principles of government your communication suggests. In the final analysis your suggestion means that the Government would become a charity dispensing organization. A schoolboy but superficially learned in the science of government and in the basic principles of our Constitution would scoff at the idea as preposterous. The problem of poverty and unemployment in this country is as complex and varied as the country and its interests is complex and varied. Each State and each city and community in that State has its peculiar and individual problems in this regard to contend with and to solve. The unemployment situation in the State of Washington is, in almost every particular, a different one than that of the Commonwealth of Massachusetts. The situation is even varied and different in separate sections of the same State. How could the United States Government hope to intelligently adopt a national program of relief, necessarily standardized, that would fit all conditions? Manifestly it is impossible.

The intervention of the Government, assuming that such intervention was legally and morally conscionable, is totally unnecessary. Every city and county in the Nation has an abundance of public, semipublic, and private organizations equipped to relieve distress and want. In our own community of approximately 10,000 people, I know of 40 such organizations, aside from public ones, ready, able, willing, and anxious to perform charitable work of every known kind and description. In the larger communities, I am confident that their numbers run into the thousands and throughout the Nation into the hundreds of thousands, even in these organizations the more intelligent and cautious leaders realize very keenly that their efforts at relief very often temporarily effect the desired purpose, but also astonishingly operate to create the need for more relief. These intelligent men and women of whom I speak realize that true charity and true relief more often than is generally realized, consists in the development of the character and situation of the individual to a point where he can and will voluntarily spurn the gratuities of his well-meaning benefactors, rather than the self-respect, destroying indiscriminate, and unearned donations from public and private sources, inspired and impelled by an emotion rather than good sense. The dole, is an emblem of defeat and of complete economic collapse. The dole, and all it stands for and implies, can ruin the morale and character of any people on the face of the earth.

Economic depression is with us, and with it its many resultant evils and problems. The American people, in their respective capacities, with their generous heart and spirit and resourcefulness, and their faculty for spontaneous organization to meet any emergency, can meet the present difficulty, if they are allowed to remain unfettered and unburdened by Federal interference with its consequent tax burdens. Public works and construction in various localities are already relieving the situation in a large measure, and will continue to relieve it so long as those in control of basic commodities used in this public construction are not allowed to effect radical and unjustifiable advances in the price of these commodities. There are, unfortunately, indications of such greed on the part of those who control these commodities, and it is hoped that their activities in this regard will come under the close scrutiny of those who have the power to halt them in their selfish program. Local and civic pride is part and parcel of every individual in this land, and so long as local pride remains, local obligations will not be neglected. We do not want charity as much as we need justice. We do not need "unemployment relief," or any other type of charitable relief, as much as we need a fair price or exchange basis for the things we produce as compared to the price of things we have to buy. I do not speak for my fellow citizens but if I did I think I could say to you that the city of Watertown serves notice upon the Government of the United States of America, that our problems are our own individual ones, and that we will solve them; that our poor and our unemployed are our own and that we will care for them, protect them, and make provision for their future as self-respecting and useful members of society; that we resent any suggestion of unwarranted, illegal and unnecessary interference by the Federal Government; that we demand that our business, our farms, and our industries be not further destroyed by mounting taxes. I hope that every city, county, and State will hurl this defiance at those who would thus further prostitute the legitimate functions of Government.

In closing, I respectfully show to you the words of Thomas Babington Macaulay, spoken over 100 years ago. I would that these immortal and prophetic words could be engraved in imperishable letters not only upon the walls of the Congress of the United States but in the lasting minds and memories of its Members for all time to come:

"Our rulers will best promote the improvement of the Nation by strictly confining themselves to their own legitimate duties—by leaving capital to find its most lucrative course, commodities their fair price, industry and intelligence their natural reward, idleness and folly their natural punishment—by maintaining peace, by defending property, by diminishing the price of law, and by observing strict economy in every department of the State. Let the Government do this—the people will assuredly do the rest."

I have the honor, sir, to be,

Yours very respectfully,

D. C. NOONAN.

ADDITIONAL PETITIONS AND MEMORIALS

Mr. COPELAND presented petitions of sundry citizens of Harriman and of Orange County, in the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GOLDSBOROUGH presented petitions of sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. TYDINGS presented petitions of sundry citizens of Maryland and of the District of Columbia, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions and letters in the nature of petitions from various fraternal organizations in the State of Maryland, praying for the passage of House joint resolution 473, to restrict immigration for a period of two years, which were referred to the Committee on Immigration.

He also presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. NORBECK presented petitions of Hon. C. C. Caldwell and 102 other citizens of Sioux Falls and vicinity; of Carl V. Lindgren and 57 other citizens of Watertown; of Mrs. H. J. Steele and 16 other citizens of Rapid City; of Mrs. George Williams and 12 other citizens of Rapid City; of Mrs. George A. Rhoads and 19 other citizens of Hazel; of H. Oscar Stevens and 19 other citizens of Philip, Milesville, and Hardingrove; and of 38 members of the faculty of Huron College, of Huron, all in the State of South Dakota, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. BINGHAM presented petitions of sundry citizens of Greenwich, Bridgeport, Stamford, Bridgewater, and Eastford, all in the State of Connecticut, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Middletown; the Woman's Foreign Missionary Society, of Warehouse Point; the Parent-Teacher Association, of Warehouse Point, and the Saturday Club, of New London, all in the State of Connecticut, praying for the passage of House bill 9986, providing for the Federal regulation of motion-picture films, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by Capitol City Branch No. 86, of Hartford, and Branch No. 32, of Bridgeport, both of the National Association of Letter Carriers, in the State of Connecticut, favoring the passage of House bill 3087, known as the Clyde Kelly-Kendall bill, providing sick leave and vacations for substitute letter carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a letter in the nature of a memorial from the Council of Jewish Women, of New Haven, Conn., remonstrating against the passage of House Joint Resolution No. 473, further restricting immigration for a period of two years, which was referred to the Committee on Immigration.

He also presented the petition of Bridgeport Council, No. 6, Junior Order United American Mechanics, of Bridgeport, Conn., praying for the passage of House Joint Resolution No. 473, further restricting immigration for a period of two years, which was referred to the Committee on Immigration.

He also presented resolutions of Lady Fowler Council, No. 58, Sons and Daughters of Liberty, of Milford; of Fanny Crosby Council, No. 66, Sons and Daughters of Liberty, of Bridgeport; and of Quinnipiac Council, No. 61, Sons and Daughters of Liberty, of New Haven, all in the State of Connecticut, favoring the passage of House Joint Resolution No. 410, providing stringent restriction of immigration, which were referred to the Committee on Immigration.

He also presented petitions and papers in the nature of petitions of the College Club, of Waterbury; of 60 members of the College Club, of New Britain; and of sundry citizens of Hartford, West Hartford, East Hartford, Wethersfield, New Britain, Newington, Granby, New Haven, Hamden, Yalesville, Bridgeport, New Canaan, Suffield, West Suffield, New London, Groton, Colchester, Stamford, Gales Ferry, Jewett City, Waterbury, Oakville, Norwich, Cheshire, Glastonbury, South Glastonbury, Norwich Town, Kent, Sharon, Westport, Cornwall, Oneco, Durham, Mystic, Sterling, Hazardville, Essex, Middlebury, Thompsonville, Thompson, Willimantic, Meriden, Ellington, Montville, Putnam, Derby, Chester, Seymour, Bristol, Shelton, Norwalk, East Norwalk, South Norwalk, Southington, Milford, South Windham, Plantsville, Middletown, Stony Creek, Saybrook, Stratford, Lyme, Rockville, Preston, Manchester, South Manchester, Stonington, Bloomfield, Wilton, Woodstock, Cannondale, Danbury, Ridgefield, Bozrah, Bozrahville, Westbrook, Fitchville, Clinton, and Yantic, all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the League of Women Voters, of Ridgefield; Branch No. 32, National Association of Letter Carriers, of Bridgeport; the Stony Creek League of Women Voters, of Stony Creek; the Hartford Branch of the Alliance of Unitarian Women, of Hartford; New Britain College Club, of New Britain; Vernon Rebecca Lodge No. 46, Independent Order of Odd Fellows, Stony Creek; College Club, of Waterbury; Women's College Club of Litchfield County; Norwalk Branch of American Association of University Women, of Norwalk; College Club, of Norwich; Middlefield League of Women Voters, of Middlefield; Wallingford League of Women Voters, of Wallingford; New London Branch, American Association of University Women, of New London; League of Women Voters, of Hartford; Hartford Section Council of Jewish Women, of Hartford; Norwalk Section Council of Jewish Women, of Norwalk; Jewish Junior League, of Stamford; Sisterhood of Park Avenue Temple, of Bridgeport; Park City Hospital Auxiliary, of Bridgeport; Jewish Welfare Bureau, of Bridgeport; Ladie Eintract Auxiliary, of Bridgeport; Ssenippah Club, of Bridgeport; members of North Greenwich Congregational Church, of Greenwich; Sunday Evening Forum, of New Haven; and the Ministers' Association, of Waterbury; all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

THE WORLD COURT

Mr. FLETCHER presented a letter in the nature of a petition, relative to the World Court, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Senator DUNCAN U. FLETCHER,
Senate Building, Washington, D. C.

DEAR SENATOR FLETCHER: We—neighbors, constituents, and guests in your State—appreciating the perplexities of your high office, deem it a courtesy due you that we assure you of our position on the World Court protocols now stirring the American people so profoundly.

We are convinced that the proposed treaties fully protect the rights of the United States in its relations with other nations, and we ask you to vote in favor of the entrance of our country into the World Court, and also to use your forceful influence to bring the matter before the present session of the Congress.

We would deem it a disaster should this question be postponed until next December, thus adding its complications to those of the coming presidential election and furthering still more the acute suspicion and distrust which other nations are feeling toward us in view of the hesitation of the Senate to confirm its former action of 1926, when, on behalf of the people of the United States, the Senate asked for our admission to the court by a vote of more than 4 to 1.

We are confident the citizens of Florida, by an overwhelming majority, approve the views here set forth.

Assuring you of our high esteem, we are,

Very sincerely yours,

CHURCHES OF STUART,
Mrs. C. S. HANEY, *Sponsor.*

Action taken February 15 by Presbyterian Church, 16 votes.
H. W. MCCOMBS, *Pastor.*
ELNORA M. KRUEGER,
President Women's Society.

Methodist Church vote February 15, 1931: For 29, negative called for, none.

E. W. ROOKS, *Pastor.*

INVESTIGATION OF OIL INDUSTRY

Mr. THOMAS of Oklahoma. Mr. President, on yesterday I discussed at some length Senate Resolution No. 418, providing for a study of the oil industry. On yesterday during a call of the calendar the resolution was reached. The amendments were agreed to. I now ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. PHIPPS. I object.

Mr. NORRIS. I object.

Mr. THOMAS of Oklahoma. I move that the Senate proceed to the consideration of the Senate Resolution 418.

Mr. JONES. I move to lay the motion on the table.

Mr. WALSH of Massachusetts. Mr. President, a point of order——

Mr. NORRIS. Has the Senator yielded the floor?

Mr. THOMAS of Oklahoma. I have not relinquished the floor.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry. Is the motion debatable?

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. Is not any motion made after 2 o'clock on a legislative day to proceed to the consideration of any measure on the calendar a debatable motion?

The VICE PRESIDENT. The motion is debatable. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. Mr. President, I do not care at this late hour to consume any time whatever in the advocacy of the motion. All the resolution provides for is the appointment of a special committee to be appointed by the President to make a study of the oil industry. It does

not propose a tariff. It does not propose an embargo. It provides only for a study of the third largest industry in America. All I am asking for is a vote. I do not desire to consume one moment of time unnecessarily.

Mr. ASHURST. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. I yield.

Mr. ASHURST. The Senator knows how vigorously I opposed an embargo on crude oil. The fact that I am opposed to such embargo on the importation of crude oil could not be a reason why I should refuse information or illumination. So, without relinquishing my opposition to an embargo on oil, I believe the Senator from Oklahoma is pursuing a wise course in asking for the investigation in order that when we return in December we may have copious and reliable information on the subject.

Whilst discussing an oil embargo, if the Senator will indulge me further——

The VICE PRESIDENT. Does the Senator from Oklahoma yield for that purpose?

Mr. THOMAS of Oklahoma. Just so I do not lose the floor.

Mr. ASHURST. During the debate last evening on the oil-embargo bill, I stated (see page 6708 of the CONGRESSIONAL RECORD of March 2) that Mr. William G. McAdoo was attorney for the oil magnate, Mr. Doheny; and such was my impression at the time I made the assertion.

I distinctly stated then that it was not in any sense an improper relation; and the Senator from Kentucky [Mr. BARKLEY] thereupon observed that in years past Mr. McAdoo did represent Mr. Doheny in some matter, but that such relation was severed long since.

I am certain that the Senator from Kentucky is correct; and although my remarks neither carried nor were calculated to carry any imputation of impropriety against Mr. McAdoo, I here embrace this opportunity to correct the matter.

Mr. THOMAS of Oklahoma. Mr. President, it is now 12 o'clock and 10 minutes a. m. It may be that some one on the floor of the Senate desires to oppose the resolution by making an address. If that should be their desire I have no objection, of course provided we can agree in advance upon a time to vote on the resolution. If a time can be fixed to vote on the resolution it is entirely agreeable to me.

Mr. SHORTRIDGE. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. THOMAS of Oklahoma. For a question.

Mr. SHORTRIDGE. I rise merely to express the hope that there will be no discussion of the matter, believing as I do that it is a very wise resolution and the information to be gathered would be useful in future consideration.

Mr. PHIPPS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. PHIPPS. I objected to the unanimous-consent request when the resolution was called up yesterday. I have objected again this morning. Briefly I could state my reasons. I do not care to enter into any lengthy discussion. I desire to call the Senator's attention to the fact——

Mr. JONES. Mr. President, I make the point of order that the Senator from Oklahoma can not yield for a speech.

The VICE PRESIDENT. The Senator can not yield except for a question without losing the floor.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that we vote upon the resolution at or before 12.30 o'clock a. m. At this time, if an agreement is reached, I will yield the floor to enable the Senator from Colorado to make such statement as he sees fit, provided he can get the floor.

Mr. JONES. Mr. President, has the Senator yielded the floor?

The VICE PRESIDENT. The Senator has submitted a unanimous-consent request.

Mr. JONES. I object.

The VICE PRESIDENT. The Senator from Washington objects. The Senator from Oklahoma has the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an inquiry?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Massachusetts?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WALSH of Massachusetts. My attention has been called to Senate Document No. 61——

Mr. NORRIS. I submit that is not a question. I make the point of order that the Senator from Oklahoma has lost the floor.

Mr. WALSH of Massachusetts. I am about to ask a question.

Mr. NORRIS. The Senator has not started yet.

Mr. WALSH of Massachusetts. Give me time, please.

Mr. NORRIS. I make the point of order that the Senator from Oklahoma loses the floor if he yields for any purpose other than a question.

The VICE PRESIDENT. The Senator yielded for a question.

Mr. THOMAS of Oklahoma. No question has been asked. I claim the floor.

The VICE PRESIDENT. The Chair suggests that the Senator yield only for a question, because under the rule he can yield only for that purpose. If he yields otherwise than by unanimous consent, he loses the floor.

Mr. THOMAS of Oklahoma. I do not care to get into any controversy over who has the floor, but I trust that Senators will observe the injunction of the Vice President and not embarrass him, though I assure Senators it will be no embarrassment to me.

In what kind of condition do we find ourselves here in the United States Senate? Here we are without information on the third largest industry in the country, and yet when we propose to provide a committee to get some information we find objections raised to the proposal and even objections raised to a vote being had or even to a time being fixed for a vote upon such a resolution. I want to say now that unless we shall get some agreement for a vote I shall proceed to occupy the floor for some little time.

Mr. President, last night when we had a pseudo-agreement, as it now turns out to be, I was proposing to discuss the question of the power of the oil companies which in some mysterious way work around the Capitol. I do not charge that they are working in the Capitol, but they are working around the Capitol. Last night I was proceeding to give the Senate some information about the largest bank in America. The largest bank in America is the largest bank in the world. The largest bank in the world is a Standard Oil bank, the Chase National of New York City. This bank has resources in excess of $2,700,000,000. What is the power of that bank? I now propose, if I may, to give the Senate and the country some idea of the power of this gigantic commercial industry.

I was reading on yesterday a signed statement by John F. Sinclair of date January 7, and I proceed now to read that statement in full:

> The remarkable record of the Chase National Bank as shown in its statement for December 31 has been the talk of Wall Street for several days.
>
> Here's one bank whose total resources have reached nearly $2,700,000,000—an increase of a little over $48,000,000 since the statement of June 30 last—an all-time world banking record.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Oklahoma yield to the Senator from Indiana.

Mr. THOMAS of Oklahoma. I will yield for any question or for any statement or for any procedure, providing I do not lose the floor; and I depend upon the Presiding Officer to protect my rights to the floor. I yield.

Mr. WATSON. The question I desire to ask the Senator is this: Will the Senator yield to me in order that I may make a motion to take a recess?

Mr. THOMAS of Oklahoma. I will yield only on one condition, that we have an hour fixed for a vote upon this resolution.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. PHIPPS. Would it be the purpose of the committee to be constituted under the Senator's resolution to use the Federal Trade Commission as the avenue through which it would collect the data that are called for under the Senator's resolution?

Mr. THOMAS of Oklahoma. The resolution provides for an expenditure of only $10,000. I can not speak for the committee; I have no idea who may be on the committee; but if the committee would act as I would have it act, it would use every avenue, every source, in order to secure information.

Mr. PHIPPS. It seems to me that if the information was collated through the Federal Trade Commission, which has brought its report up to 1927, the purposes desired by the Senator could be accomplished. If there could be an understanding that the Senator would use his influence to collect the information in that manner, I would not object.

Mr. NORRIS. I make the point of order that the Senator from Oklahoma is losing the floor. The Senator from Colorado is making a speech.

Mr. PHIPPS. The Senator from Nebraska himself is making a speech.

Mr. WATSON. Mr. President, I asked the Senator from Oklahoma a moment ago a question to which he did not respond. Will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WATSON. This is the question: Will the Senator yield to me to make a motion to recess?

Mr. THOMAS of Oklahoma. No; I will not yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. WATSON. I thank the Senator.

Mr. THOMAS of Oklahoma. Reading further from this statement, Mr. President:

> But even more remarkable is the showing of its total deposits, which amount to $2,073,000,000, an increase of $221,000,000 since September 24 last.

I am reading now from a statement giving information about the largest and strongest bank in the world:

> The combined capital, surplus, and undivided profits of this bank have reached the stupendous total of $357,000,000.
>
> For the last six months of 1930, when bank earnings in New York as well as throughout the United States were badly shattered, the Chase National earned $13,273,000, equal to $1.79 a share on its 7,400,000 shares outstanding.
>
> Probably never before in banking history have the New York banks—in spite of the closing of the Bank of United States and the Chelsea Bank & Trust Co.—been in so liquid a position. A study of the December 31 figures shows this to be the case.

Mr. President, I only use this story for one purpose. We have here a bank owned and controlled by the oil industry, the third largest industry in America, about which—the industry and not bank—we are asking for information, and we can not even get a vote upon a resolution providing for the appointment of a committee to secure the information.

Mr. President, let me advise you further, if I may, of the power of this gigantic financial institution. This bank has more than $2,000,000,000 of deposits. There are to-night in these United States 24,079 banks, State and national. The Chase National Bank, of New York City, having more than $2,000,000,000 in deposits, can deposit in each of the 24,079 banks in America a sum larger than those banks have in cash in their vaults to-night. That could be done in 10 days' time. I want to repeat that statement.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. COPELAND. If we could get the Senate to vote $10,000 for this purpose——

Mr. THOMAS of Oklahoma. That has been agreed to by an amendment; that was agreed to yesterday.

Mr. COPELAND. What more, then, does the Senator want?

Mr. THOMAS of Oklahoma. I want a vote now on the resolution. I have a motion pending.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I do not want to yield the floor and let a motion be made for a recess, because nothing will be done later in this day. I will yield to the Senator for a question.

Mr. BRATTON. Would the Senator yield in order that a motion for a recess might be made, with the understanding that he should be recognized when the Senate reconvenes?

Mr. THOMAS of Oklahoma. No; I would not do that.

Mr. SWANSON. I would not consent to that, because it would mean that at 9 o'clock to-morrow the Senator could continue his remarks and retain the floor until 12 o'clock.

Mr. THOMAS of Oklahoma. Mr. President, if I have to make the record, I will make it as best I can when I have the opportunity. If I can not have a committee do it, I will do the best I can, in my weak way, to place in the CONGRESSIONAL RECORD the information in my possession for the benefit of those who, perchance, may come across it and may consider it.

I am trying to show, Mr. President, the power of this—I would not say unorganized, for it is a highly organized business, but it is an organization that has no law to control it. There is no law to control the oil industry. Of the dozens and hundreds and thousands of oil companies operating in America, there is no law that controls them. An oil company may own railroads; it may own banks, and it does own the biggest bank in the world; it may own public utilities; it may own power plants; it may own anything; and we can not even find out about it.

I made the statement a while ago that the Chase National Bank of New York City could deposit in each of the 24,000 banks in America a sum of money larger than those banks have to-night cash in their vaults. That could be done in 10 days' time. I should like to have the attention of the distinguished Senator from Nebraska when I make this statement, for I can not believe that when I make it, and show the power of this one bank, owned and controlled by the Standard Oil Co. of America, he will object to my resolution. In 10 days' time the deposits I have mentioned could be made, and then in one hour's time, by means of the telegraph, the Chase National Bank could order the money thus deposited withdrawn from each bank in the United States, and not a bank would be able to pay its drafts. The Chase National Bank, Mr. President, has within its power in 10 days' time to break every bank in America. If anyone disputes that statement, I now yield if I do not lose the floor. [Laughter.]

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. COPELAND. If I offer a unanimous-consent agreement, providing for the adoption of this resolution, would the Senator be satisfied with that, if we can get it?

Mr. THOMAS of Oklahoma. I will agree to any consent which will fix an hour for a vote.

Mr. COPELAND. I am thinking that perhaps we could get a vote right away.

Mr. THOMAS of Oklahoma. I am ready for it.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. If the Senator from Oklahoma yields to the Senator from New York to propose a unanimous-consent agreement, will he not thereby lose the floor?

The PRESIDING OFFICER. He will if the unanimous-consent agreement is not presented with the understanding that he shall not do so.

Mr. COPELAND. Mr. President, I will test the Senate, with the understanding that the Senator from Oklahoma is not to lose the floor——

Mr. REED. I object to that understanding. [Laughter.]

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, I am going to go as far as I can, and give those who are opposed to this resolution an opportunity to interpose their objection, to the end that the country may know that there are Senators upon this floor who object to a simple Senate resolution which provides that a committee may sit some time during the coming summer and assemble information as to the third largest industry in America, an industry in which there is invested something like twelve to twenty billion dollars, but until an investigation and study is made no one can tell how much money is invested in it.

Mr. PHIPPS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. PHIPPS. I should like to ask the Senator how those who are opposed to his resolution may make their objections known so long as he continues to hold the floor?

Mr. THOMAS of Oklahoma. They are being made known rapidly, Mr. President, and positively.

I am going to place these figures in the RECORD again. The total resources of the Chase National Bank are $2,700,000,000; the total deposits of that bank are $2,073,000,000. On the 30th day of June the 24,079 banks in America had cash in their vaults in the sum of only $865,000,000. The Chase National Bank could take from its $2,000,000,000 of deposits $870,000,000 and distribute it among all the banks in America in sums larger than those banks have cash in their vaults—and the Chase National Bank can ascertain from the Comptroller of the Currency just how much cash they have in their vaults—take 10 days' time to make those deposits, and then, upon telegraphic orders, those deposits could be ordered withdrawn in cash, and not a single bank in America could pay its draft. I am only using that illustration to show the power of this one bank.

Now, Mr. President, let me show you how this power operates.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from South Carolina?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BLEASE. I was going to ask the Senator if he would yield to me for just a moment, on condition that I could get consent that he would not lose the floor if he would do so.

Mr. THOMAS of Oklahoma. I will yield for any question, statement, or proceedings, providing I do not lose the floor.

Mr. BLEASE. I ask unanimous consent, Mr. President, that the Senator be allowed to yield to me just for a moment, on the condition that he does not lose the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. I think I shall have to object.

Mr. BLEASE. I will say that the reason I make the request is because of something that I should like to bring to the attention of the Senate. I shall take but a moment, and I am satisfied that it will be very pleasing to the Senator from Washington.

Mr. JONES. The Senator from Oklahoma has not yielded.

Mr. THOMAS of Oklahoma. I do not yield for a statement.

Mr. BLEASE. It was not a statement but another matter.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. THOMAS of Oklahoma. Mr. President, I want to give the Senate an idea of how this power operates in the United States to-day. I am going to use one oil company that operates in the mid-continent oil field. For the past several years the Prairie Oil & Gas Co. has been operating in the Southwestern States. At one time the Prairie Oil & Gas Co. was presumed to be a Standard Oil subsidiary. At one time the Rockefeller interests owned a very large amount of stock in the Prairie Oil & Gas Co. The Prairie Oil & Gas Co. is a company that does no more than drill for oil and produce oil and distribute oil. It has no refineries and has no distributing system.

The Prairie Oil & Gas Co. was a concern estimated to be worth something like a quarter of a billion dollars. The Prairie Oil & Gas Co., during the time that the Rockefeller influences had blocks of stock in the company, was a thriving and growing concern. It had a growing business.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHORTRIDGE. If I make a request for unanimous consent for the passage of this resolution, whether granted or not, will that cause the Senator to lose the floor? May he yield for that purpose?

The PRESIDING OFFICER. If the Senator yields without an understanding that he is not to yield the floor, he yields it. Does the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, all I am asking for is a vote upon this resolution.

Mr. SHORTRIDGE. Will the Senator yield to me for the purpose of asking for a vote?

Mr. THOMAS of Oklahoma. I will yield if I do not lose the floor.

Mr. SHORTRIDGE. Is that the ruling of the Chair? If the Senator yields to me for the purpose of asking unanimous consent for the passage of the resolution, will he yield the floor?

The PRESIDING OFFICER. He yields it if any Senator objects to its consideration.

Mr. SHORTRIDGE. May I ask unanimous consent of the Senators present that I may make such a request?

The PRESIDING OFFICER. Is there objection?

Mr. SWANSON. Does the Senator from Oklahoma yield to the Senator from California for that purpose?

Mr. JONES. The Senator from Oklahoma will lose the floor if he consents to that.

Mr. SWANSON. If the Senator yields the floor, he yields it for all purposes. He can not yield and keep it, too.

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHORTRIDGE. If I, assuming the responsibility for so doing, ask for unanimous consent for the passage of the resolution of the Senator——

The PRESIDING OFFICER. The Senator can not ask unanimous consent without the yielding of the floor by the Senator from Oklahoma.

Mr. SHORTRIDGE. Without causing him to lose the floor?

The PRESIDING OFFICER. That is correct.

Mr. SHORTRIDGE. My purpose is to have this resolution passed without further discussion.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that a vote may be had on the resolution at 12.35 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I can not consent to that.

The PRESIDING OFFICER. Objection is made.

Mr. THOMAS of Oklahoma. Mr. President, I was trying to portray to the Senate an influence that is working in this country that apparently the Senate does not care to learn about. I was trying to portray the operation of some power, and I think I know what that power is, as it has been worked upon the Prairie Oil & Gas Co.

As long as the eastern influence had control of large blocks of stock in the Prairie Oil & Gas Co., it was a growing and a thriving concern. About two years ago one of the subsidiaries of the Standard Oil Co. in Texas cut the price of oil. The Prairie Oil & Gas Co. was requested to cut the price likewise. The Prairie Co. refused to cut and continued to pay the higher price for oil in the mid-continent field. The Humble Co. made a cut in the price of oil; and

because the Prairie Co. would not cut the price of oil in that field, the Prairie Co. was singled out for destruction; and what happened? Why, no sooner had this disagreement arisen, no sooner had the Prairie Co. announced its independent position, than the Prairie Co. began to feel the influence of an outside power.

What was that influence? I will tell the Senate how it operated.

The first result was that the Prairie Co. began to lose its contracts. It began to lose its customers. Where the Prairie Co. had been selling oil to the refineries throughout the North and the East, these refineries began to close their contracts for the purchase of oil from the Prairie Co.; and in the course of a few months of time the Prairie Co. had lost one-half of its output.

That was not the worst thing about the matter. The Prairie Co. soon learned that its pipe lines were being paralleled by other pipe-line companies; and in the past year or two no less than three additional pipe lines have been built to the mid-continent field. These pipe lines were built by these big eastern companies. When these pipe lines were completed, when the Prairie had lost its outlet for its oil, the Prairie Co. was forced to quit purchasing oil from some 30,000 of the smaller wells of the mid-continent area.

Investigation revealed that the Eastern Influences had sold their stock in this company. They had gotten out of it in time, when the stock was selling at 56. When the stockholders in the East had sold the stock at 56 or thereabouts, had built competing pipe lines, and had taken away their contracts for the purchase of crude oil, the stock of the Prairie Co. went down to 11; and the Senate is refusing to-night to have a committee appointed to investigate that kind of activity.

I use that only as an illustration.

Mr. WATSON. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. If I do not lose the floor.

Mr. WATSON. I do not aim to have the Senator lose the floor, because I am exceedingly anxious for him to keep it; but I should like to ask unanimous consent that the page boys may be excused to go home. They are sitting around here sleepy and tired. They were up nearly all last night.

Mr. NORRIS. I make the point of order that the Senator from Oklahoma has now lost the floor, if he yielded for that purpose.

Mr. THOMAS of Oklahoma. I only yielded for a question.

Mr. NORRIS. The leader over here——

Mr. CONNALLY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. The point of order is that the Chair did not put the request of the Senator from Indiana.

Mr. THOMAS of Oklahoma. The rules of this body give the Members upon this floor the right to address the Chair and ask for the privilege of interrogating the one who has the floor. The one who has the floor, not knowing what the question is going to be, if he is courteous to his colleagues, must yield to see whether or not the question is a proper one. I will not be discourteous to Members upon this floor if they address the Chair and ask me to yield. If their question is a legitimate one under the rules, I shall be very glad to yield; but I do not desire to yield for any question that will take me from the floor.

Mr. President, I desire now to call the attention of the Senate to a story that appeared in a newspaper of this city, the Washington News, on February 26, 1931. I wish to call the attention of the distinguished senior Senator from Nebraska [Mr. NORRIS] to this statement.

The story is headed:

The poor old Power Trust.

Under that, in slightly smaller type, I find the words:

Read and weep.

Quoting from the story:

If you have tears prepare to shed them over the sad plight of the public utilities companies, as shown in their annual report of profit and loss for the year just closed.

A list of 28 representative power corporations has been compiled by the Washington Times's financial staff. Twenty-five of the twenty-eight made a substantial gain in net income in 1930 over 1929. In a year supposed to be one of serious depression all but three did better than they did the year before. And the decrease in the income of the three was not serious.

These are power companies, Mr. President; they are oil companies; and, if I may have the attention of the distinguished senior Senator from Nebraska, I respectfully refer these figures to him for his serious consideration.

I have here a list of power companies that are opposed to this resolution; and each of these power companies made a profit in 1930 larger than they made in 1929. How they did that, I do not know. When I propose a resolution providing for the appointment of a committee to ascertain how they made larger profits in 1930 than they made in 1929, when millions upon millions of our people were hungry, we find determined opposition upon this floor.

The first company is the Cities Service Co. The net income for 1929 was $31,368,555; but in 1930 it increased its income to $39,443,436.

I wonder how that company made this increased income in 1930 over the income it made in 1929. I should like to know. The only way we can find out is to have a committee appointed to ascertain these facts; and yet some Senators upon this floor take hours upon hours of time to condemn the Power Trust, but when a committee is proposed to be appointed to look into the matter we find objections.

The second company——

Mr. WALSH of Massachusetts. Mr. President, a point of order.

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WALSH of Massachusetts. A point of order. There is not a quorum of the Senate in attendance upon the deliberations of the Senate.

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. I only yield for a question.

Mr. WALSH of Massachusetts. Mr. President, I press the point of order that there is not a quorum present.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The PRESIDING OFFICER. The Senator from Massachusetts is out of order unless the Senator from Oklahoma yields.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

Mr. WALSH of Massachusetts. The Senator must yield for the purpose of a quorum call.

Mr. THOMAS of Oklahoma. The second company, Mr. President, is the North American Co.

The PRESIDING OFFICER. The Senator from Oklahoma will suspend for a moment. The Senator on the floor can not be taken off the floor by the point of order that there is no quorum present.

Mr. WALSH of Massachusetts. I respectfully accept the judgment of the wise Senator who occupies the Chair.

Mr. THOMAS of Oklahoma. Mr. President, the second company to which I call the attention of the Senate is the North American Co. I do not know what business this company is engaged in, but it is a part of the Power Trust, if this story is to be believed; and this company made larger profits in 1930 than it made in 1929, at a time when the country was in a serious depression, at a time when millions of our fellow citizens were out of employment, at a time when in large territories of this country, in great numbers of States, we had a serious drought in existence. Yet here is a company which, according to this newspaper report, a part of the Power Trust, made larger profits in 1930 than it made in 1929.

I wonder from what sources these increased profits came; and when I ask for a committee to ascertain that fact objections are made and I can not even get a vote on the resolution.

Mr. President, last winter we tried to tax these companies, and we could not do it. This winter we tried to limit their importations of oil, and we could not do it. Now,

when we only ask to try to study them, we can not even do that.

Referring to the North American Co., in 1929 the net income was $28,806,824. In 1930 the net income was larger. It was $28,823,119.

The third company is the Public Service of New Jersey. It made a larger income in 1930 than it made in 1929. In 1929 its income was $29,544,617. In 1930 its income was $30,163,302.

Then we have the Public Service Electric & Gas Co. It likewise made a larger income in 1930 than it made in 1929. In 1929 it made only $28,547,413.

Mr. President, I submit to the Senate a comparison between the net incomes of a large number of companies in the years 1929 and 1930. Here are the figures:

	Net income, 1930	Net income, 1929
Cities Service Co.	[1] $39,443,436	$31,368,555
North American Co.	[2] 28,823,119	28,806,824
Public Service of New Jersey	30,163,302	29,544,617
Public Service Electric & Gas	31,098,341	28,547,413
Southern California Edison	21,093,770	20,417,020
Mountain States Telephone & Telegraph	4,515,881	3,934,441

[1] Year to Jan. 31, 1931. [2] Year to Dec. 31, 1930.

Mr. WALSH of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH of Massachusetts. Will the Senator lose the floor if he yields for a quorum call?

Mr. THOMAS of Oklahoma. I can not yield for that purpose.

The PRESIDING OFFICER. The Senator would not lose the floor.

Mr. WALSH of Massachusetts. Would not the Senator be willing to get a little rest for a little while?

Mr. THOMAS of Oklahoma. I am in no sense tired.

Mr. WALSH of Massachusetts. I will wait until the Senator is tired before I call for a quorum.

Mr. THOMAS of Oklahoma. I continue the comparison:

	Net income, 1930	Net income, 1929
North American Light & Power	$5,409,956	$4,676,115
Sioux City Gas & Electric	[1] 1,215,426	1,209,383
General Gas & Electric	[2] 7,575,039	6,127,209
Penn Gas & Electric	738,744	665,994
Shawinigan Water & Power	5,770,671	5,107,979
Tampa Electric Co.	1,569,166	1,402,283

[1] Year to Jan. 31, 1931. [2] Year to Dec. 31, 1930.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WATSON. Will the Senator yield for me to make a motion to take a recess?

Mr. THOMAS of Oklahoma. I will yield upon the unanimous-consent agreement being made to vote on this resolution.

Mr. WATSON. Are those the only terms on which the Senator will yield?

Mr. THOMAS of Oklahoma. The only ones I can think of now.

Mr. WATSON. The Senator will be here a long time.

Mr. THOMAS of Oklahoma. Mr. President, I continue:

	Net income, 1930	Net income, 1929
Union Electric Light & Power of Missouri	$9,541,944	$8,811,150
Cincinnati & Suburban Bell Telephone	2,467,471	2,480,966
Commonwealth Edison	16,402,588	16,322,769
Connecticut Power	1,684,400	955,600
Hartford Electric Light Co.	2,674,800	2,343,600
Pacific Lighting Corporation	7,969,466	7,242,044

Mr. WALSH of Massachusetts. Mr. President, what is the purpose of the Senator in making these comparisons?

Mr. THOMAS of Oklahoma. Mr. President, I am trying to show that during the worst year in history, 1930, a class of companies about which we know nothing, and about which we can not find out anything, made more money than in 1929, one of the best years in history.

Mr. WALSH of Massachusetts. In other words, a large number of these companies made more profit in the year of depression and unemployment than in the so-called prosperous years?

Mr. THOMAS of Oklahoma. Exactly so, and they are companies designated in this article as belonging to the Power Trust.

Mr. WALSH of Massachusetts. What does the Senator infer from that information?

Mr. THOMAS of Oklahoma. I infer that their assets and their properties and their manipulations are covered up in secrecy. No one knows what their assets consist of, no one knows what these companies deal in, and their assets being unknown and their dealings being unknown, they can make these gigantic profits without regulation, without information, and nobody can say nay. When we propose a committee created by a simple Senate resolution to investigate these identical companies of the power trust, owned and connected with this gigantic octopus, the third largest industry in the United States, the oil industry, we can not even get information about it.

	Net income, 1930	Net income, 1929
Pacific Telephone & Telegraph	$17,652,356	$15,623,616
Public Service Northern Illinois	7,564,046	7,100,870
Southern New England Telephone	3,411,331	3,575,176
Blackstone Valley Gas & Electric	2,009,217	2,100,841

Mr. WALSH of Massachusetts. Is that Blackstone Co. located in Massachusetts?

Mr. THOMAS of Oklahoma. The Blackstone Valley Gas & Electric Co. It does not tell where it is located.

Mr. WALSH of Massachusetts. It is in Massachusetts or Rhode Island.

Mr. THOMAS of Oklahoma. I call attention to the rest of the companies in the list.

	Net income, 1930	Net income, 1929
Engineers' Public Service	$6,972,819	$8,270,347
Lindsay Light Co.	95,351	78,388
North Boston Lighting Prop.	2,423,632	2,012,043
Ohio Edison Co.	6,845,413	6,071,842
Puget Sound Power & Light	4,546,601	4,020,444
Standard Gas & Electric	[1] 18,702,049	12,824,723

[1] 12 months to Sept. 30, 1930.

Though the list is necessarily incomplete, it is fairly typical. It includes companies from every part of the country. It embraces large organizations and small ones.

Some scratching around would be required to find any other line of business that has made a similar record. And it effectively disposes of the Power Trust argument that it is being regulated to death. Despite depression, power companies still seem to be fairly successful at the old game of making consumers pay through the nose.

There are good seasons and bad seasons, prosperity and poverty, booms and slumps.

But through them all, year after year, old man Power Trust gets his.

Mr. President, here is a list of about 30 companies, and of this entire list of 30 companies the incomes of only three were less in 1930 than they were in 1929. How did that happen? When the people out in my part of the country are going bankrupt they know why they are going bankrupt, they know who is causing them to go bankrupt. Yet, when we try to get a committee appointed to investigate the means and the methods pursued by these companies, we find determined opposition.

Mr. President, I wonder when the United States Senate will reach the point in its existence when it may choose to investigate and study the third largest business in the world. It has not done so to date. There is no bureau of the Government which knows anything about this third largest industry. There has been little investigation made. The Tariff Commission made an investigation last summer of just one fea-

ture, the cost of producing oil in the mid-continent field and transporting the oil to the Atlantic seaboard, and the cost of producing oil in Venezuela and transporting it to the Atlantic seaboard.

We were told during the tariff discussions last winter that the costs were about the same, but no longer ago than the 27th of February the distinguished senior Senator from Pennsylvania [Mr. REED] wrote a letter to Governor Pinchot, of Pennsylvania, and less than two weeks ago, yes, less than a week ago, the distinguished Senator from Pennsylvania made the statement that it cost as much to produce oil in Venezuela as it cost to produce it in the United States. Yet the Tariff Commission had already made a report and found that it cost $1.19 more to produce a barrel of oil in the mid-continent field and transport that oil to the Atlantic seaboard than it cost to produce a barrel of oil in Venezuela and transport that barrel of oil to the Atlantic seaboard.

The distinguished Senator from Pennsylvania is one of the best-informed men upon this floor, and when I make that admission, I think I am justified in drawing the conclusion that the distinguished senior Senator from Pennsylvania is not only one of the best-informed men upon this floor, but is one of the best-informed men in the United States. Yet within the past week he made the statement that it cost as much money to produce a barrel of oil in Venezuela and ship it to the Atlantic seaboard as it cost to produce it in the mid-continent field and ship that barrel to the Atlantic seaboard when the fact is that there is a difference of $1.19. If the distinguished Senator from Pennsylvania has such misinformation, educated and experienced and qualified as he is, what might we expect of the other Members of the Senate? And yet in this haze and maze of ignorance we have a self-complacency, it seems, and a self-satisfaction. I remember the old saying "Where ignorance is bliss, 'tis folly to be wise." No place in America does that apply more than upon the floor of the Senate of the United States of America.

When can we proceed to legislate upon this industry? I will answer the question. Never, until we have some information. When are we going to get that information? At this rate, never.

Mr. President, all I am asking is for a committee to be appointed to assemble some information which may be available when the Congress convenes in December that may be laid before the Committee on the Judiciary and the Committee on Commerce and the Committee on Interstate Commerce and other committees which may have jurisdiction of the subject matter, and which information may be the basis of some laws that may bring about some regulation and some separation of these companies.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ASHURST. Under Rule XIX of the Senate, if the Senator who now has the floor should lose the floor, would he not be entitled to speak once more upon the same question?

The PRESIDING OFFICER. He would if he could get the floor again.

Mr. THOMAS of Oklahoma. Mr. President, while I have the floor I desire to make the record as complete as I can.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. BINGHAM. Will the Senator yield for the call of a quorum?

Mr. THOMAS of Oklahoma. I prefer not to yield.

Mr. BINGHAM. The Chair has ruled that the Senator would not lose the floor under those circumstances.

Mr. NORRIS. Mr. President, the Senator from Connecticut is making a speech instead of asking a question.

Mr. BINGHAM. I am surprised at the Senator from Nebraska.

Mr. NORRIS. The Senator from Connecticut is making a speech. I make the point of order and I call him to order. He has not the floor and has not the right to say a word.

The PRESIDING OFFICER. Both Senators are out of order. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. The next news item I desire to place in the RECORD reads as follows:

Huge oil profits make new record.

This was in 1930. It was not when we had good times. It was in that year which is going down in history as the worst year this country has ever had in its first 150 years of existence.

Mr. JOHNSON. Mr. President, will the Senator yield to me?

Mr. THOMAS of Oklahoma. I yield, provided I do not lose the floor.

Mr. JOHNSON. I want to propound a unanimous-consent request, so the Senator will not lose the floor, that upon a motion for a recess until 9 o'clock this morning being agreed to, then when we convene at the expiration of the recess at 9 o'clock the Senator from Oklahoma shall have the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

Mr. REED. Mr. President, let me make a statement. I know perfectly well that the Senator from Oklahoma is entitled to speak twice on the pending motion. Consequently there would be no object in objecting to the request.

Mr. JOHNSON. With the understanding and upon the unanimous-consent agreement that upon reconvening at 9 o'clock the Senator from Oklahoma shall have the floor, I move that the Senate recess until 9 o'clock this morning.

The motion was agreed to; and the Senate (at 1 o'clock and 10 minutes a. m., Wednesday) took a recess until to-day, Wednesday, March 4, 1931, at 9 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 3 (legislative day of February 17), 1931

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. John Christian Ohnstad, Coast Artillery Corps, from February 28, 1931.

Lieut. Col. Grant Taylor Trent, Judge Advocate General's Department, from March 1. 1931.

Lieut. Col. William Charles Weeks, Corps of Engineers, from March 1, 1931.

Lieut. Col. Edmund Clarence Abbott, Judge Advocate General's Department, from March 1, 1931.

To be lieutenant colonels

Maj. Barton Kyle Yount, Air Corps, from February 28, 1931.

Maj. Denham Bohart Crafton, Infantry, from March 1, 1931.

Maj. William Carroll Christy, Cavalry, from March 1, 1931.

Maj. Sloan Doak, Cavalry, from March 1, 1931.

To be majors

Capt. Theodore Porter Heap, Infantry, from February 28, 1931.

Capt. Frank Lockhead, Infantry, from March 1, 1931.

Capt. Dennis Coburn Pillsbury, Infantry, from March 1, 1931.

Capt. Charles Anderson Wickliffe, Judge Advocate General's Department, from March 1, 1931.

Capt. Ernest Clark, Air Corps, from March 1, 1931.

Capt. Henry Dickson Bagnall, Infantry, from March 1, 1931.

To be captains

First Lieut. Bayard Johnson, Air Corps, from February 28, 1931.

First Lieut. Frank Martyn Paul, Air Corps, from March 1, 1931.

First Lieut. Samuel Martin Connell, Air Corps, from March 1, 1931.

First Lieut. Charles Burton DeShields, Air Corps, from March 1, 1931.

First Lieut. John Edwin Upston, Air Corps, from March 1, 1931.
First Lieut. Reuben Curtis Moffat, Air Corps, from March 1, 1931.
First Lieut. William Henry Schnackenberg, Quartermaster Corps, from March 1, 1931.
First Lieut. Russell Holland Greenslade, Air Corps, from March 1, 1931.
First Lieut. Paul Langdon Williams, Air Corps, from March 1, 1931.
First Lieut. Thomas Aloysius Hoy, Infantry, from March 1, 1931.
First Lieut. Eugene Gordon Mathews, Quartermaster Corps, from March 1, 1931.

To be first lieutenants

Second Lieut. Harry Clifton Larter, jr., Field Artillery, from February 28, 1931.
Second Lieut. Wayne Carleton Smith, Infantry, from March 1, 1931.
Second Lieut. Godwin Ordway, jr., Infantry, from March 1, 1931.
Second Lieut. Harry Jean Harper, Field Artillery, from March 1, 1931.
Second Lieut. Robert Pepper Clay, Field Artillery, from March 1, 1931.
Second Lieut. Edward Clement Mack, Infantry, from March 1, 1931.
Second Lieut. Ira Kenneth Evans, Infantry, from March 1, 1931.
Second Lieut. Earl Walter Barnes, Air Corps, from March 1, 1931.
Second Lieut. Samuel Adrian Dickson, Field Artillery, from March 1, 1931.
Second Lieut. Dwight Harvey, Infantry, from March 1, 1931.
Second Lieut. William Eldred Long, Infantry, from March 1, 1931.
Second Lieut. John Llewellyn Lewis, Field Artillery, from March 1, 1931.
Second Lieut. John William Davis, Coast Artillery Corps, from March 1, 1931.

MEDICAL CORPS

To be lieutenant colonels

Maj. Albert Patton Clark, Medical Corps, from February 27, 1931.
Maj. Harley James Hallett, Medical Corps, from March 2, 1931.

To be major

Capt. Carlton Culley Starkes, Medical Corps, from March 1, 1931.

To be captain

First Lieut. Stuart Absalom Cameron, Medical Corps, from March 1, 1931, subject to examination required by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3 (legislative day of February 17), 1931

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. John Christian Ohnstad, Coast Artillery Corps.
Lieut. Col. Grant Taylor Trent, Judge Advocate General's Department.
Lieut. Col. William Charles Weeks, Corps of Engineers.
Lieut. Col. Edmund Clarence Abbott, Judge Advocate General's Department.

To be lieutenant colonels

Maj. Barton Kyle Yount, Air Corps.
Maj. Denham Bohart Crafton, Infantry.
Maj. William Carroll Christy, Cavalry.
Maj. Sloan Doak, Cavalry.

To be majors

Capt. Theodore Porter Heap, Infantry.
Capt. Frank Lockhead, Infantry.
Capt. Dennis Coburn Pillsbury, Infantry.
Capt. Charles Anderson Wickliffe, Judge Advocate General's Department.
Capt. Ernest Clark, Air Corps.
Capt. Henry Dickson Bagnell, Infantry.

To be captains

First Lieut. Bayard Johnson, Air Corps.
First Lieut. Frank Martyn Paul, Air Corps.
First Lieut. Samuel Martin Connell, Air Corps.
First Lieut. Charles Burton DeShields, Air Corps.
First Lieut. John Edwin Upston, Air Corps.
First Lieut. Reuben Curtis Moffat, Air Corps.
First Lieut. William Henry Schnackenberg, Quartermaster Corps.
First Lieut. Russell Molland Greenslade, Air Corps.
First Lieut. Paul Langdon Williams, Air Corps.
First Lieut. Thomas Aloysius Hoy, Infantry.
First Lieut. Eugene Gordon Mathews, Quartermaster Corps.

To be first lieutenants

Second Lieut. Harry Clifton Larter, jr., Field Artillery.
Second Lieut. Wayne Carleton Smith, Infantry.
Second Lieut. Godwin Ordway, jr., Infantry.
Second Lieut. Harry Jean Harper, Field Artillery.
Second Lieut. Robert Pepper Clay, Field Artillery.
Second Lieut. Edward Clement Mack, Infantry.
Second Lieut. Ira Kenneth Evans, Infantry.
Second Lieut. Earl Walter Barnes, Air Corps.
Second Lieut. Samuel Adrian Dickson, Field Artillery.
Second Lieut. Dwight Harvey, Infantry.
Second Lieut. William Eldred Long, Infantry.
Second Lieut. John Llewellyn Lewis, Field Artillery.
Second Lieut. John William Davis, Coast Artillery Corps.

MEDICAL CORPS

To be lieutenant colonels

Maj. Albert Patton Clark, Medical Corps.
Maj. Harley James Hallett, Medical Corps.

To be major

Capt. Carlton Culley Starkes, Medical Corps.

To be captain

First Lieut. Stuart Absalom Cameron, Medical Corps.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 3, 1931

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Conscious of our inability to sustain ourselves because of care and temptation, O Thou, from whom are breathed the spirit of courage and endurance, have compassion upon us and bless us. May we have access to Thee as a comfort in all trials, as our illumination in all darkness, as a guidance in our perplexities, and as a stability when we are weak and unstable. Grant to every one of us that helpfulness which we need in the conflicts of our own souls and in the warfare of our own lives. May we strive to be first in wisdom and knowledge, and thus may we become the ministers and the servants of all. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to a bill of the following title:

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes; and

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 6263. An act to amend public act No. 624, Seventy-first Congress; and

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1244. An act for the relief of Capt. Christian Damson;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 5353. An act for the relief of Mrs. Herman M. Warr; and

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation.

THE TARIFF IN THE ELECTION OF 1930

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Tariff in the Election of 1930.

There was no objection.

Mr. TILSON. Mr. Speaker, during the early part of the session now closing I prepared these remarks, and intended to deliver them on the floor of the House at that time, but the time being limited owing to the amount of business to be transacted, I never felt justified in asking for sufficient time. I am, therefore, taking advantage of the general permission to extend remarks to say now what I had intended saying earlier, but which is just as true, even if not quite so timely as when first prepared.

No more accurate characterization of the results of the recent election has been suggested than that of Senator FESS, of Ohio, when he said that the outcome was a "crazy quilt." It presented the strange phenomenon of like causes under apparently similar conditions producing widely different effects in different localities, so that it is impossible to make any general explanation or establish any theory that will apply otherwise than in restricted areas. The only one factor that appeared anything like universally, was a certain uneasy, restive, uncomfortable feeling manifesting itself in a predisposition to accept the most illogical and oftentimes absurd arguments and to act upon them. In the earliest period of the human animal's existence when there is an uncomfortable feeling, something hurting without the child knowing what it is all about, he simply cries until the mother finds the cause and applies the remedy. When he grows up and has the same experience he votes the Democratic ticket. Sometimes he simply stays home on election day.

MANY REASONS GIVEN

Almost as many different reasons are given for the unusual number of Republican upsets throughout the country as there were individual losers. I say "Republican upsets" deliberately, because they were for the most part such, rather than in any real sense being Democratic victories. Nearly every Republican victim has a different theory in regard to what happened, and most of them have apparently valid support for their contention. It was the wet and dry issue here, the collapse of stock speculation there, unemployment in another place, business depression somewhere else, a weak, unpopular, or impossible candidate for governor or Senator dragging down the ticket in still another place, and so on through the whole range of reasons, excuses, and alibis.

The most surprising circumstances, however, in connection with the whole campaign was the disappearance of the tariff as an issue. When it came down to the final stage of the campaign the tariff question had practically disappeared from the picture. Neither in the last stages of the campaign nor in the post mortems that have followed has the tariff been referred to as cutting an important figure. I say "surprising" because everyone confidently expected that this would be the one issue most talked about in the campaign. In fact the most deliberate and well-matured plans had been laid to so use it.

SEIZE OPPORTUNITY

When President Hoover, early in his administration decided to call an extra session of Congress to revise the tariff, it was seized upon by the opposition as the issue certain to be paramount in the next election, and no effort was spared to prepare the country for a hostile reception of the tariff bill. Even before the Committee on Ways and Means reported the bill the embryo measure while still aborning was heralded to the world as positively the worst tariff that had ever been conceived. The vituperative abuse of the bill was kept up during its entire formative period. Even when its opponents had it entirely within their control the country was being educated to believe that the tariff bill, whatever form it might thereafter take, was utterly, totally bad.

Now that the election is over the truth may be told with some chance of receiving at least a hearing. The truth is that no tariff bill ever reported to Congress was ever more carefully or more scientifically considered and prepared than was the Hawley bill by the committee in charge of it, aided by a competent staff, each expert in his particular line. Utterly regardless of the contents of the bill, however, it was persistently portrayed throughout its consideration as an abomination and an outrage upon the people. Propagandists following this line were safe in making their attack, for from the very size and nature of the bill it was perfectly certain that not one person in every hundred thousand would ever read the bill, or attempt to inform himself in regard to it. So it came to pass that thousands of people who never read a line of the bill, and on a wager could not have cited a single rate of duty in it, were entirely convinced by the persistent hammering of the propagandists that the bill was utterly bad. In this way the ground was thoroughly prepared for making whatever bill might be enacted into law the chief reason for discrediting the party in power, and yet, strange to say, before election day arrived this carefully prepared and well groomed issue practically disappeared from the campaign.

UNCERTAINTY DETRIMENTAL

During the consideration of every tariff bill there is always a degree of uncertainty that is detrimental to legitimate business, so that if the best interests of legitimate business were to be considered every tariff bill ought to be passed in the quickest possible time consistent with proper consideration. With this view in mind the House passed the Hawley bill just five months after the hearings began before the Ways and Means Committee. Allowing an equal time for the Senate, and surely no more time was necessary for the most thorough consideration, the bill should have become a law before the end of October, 1929. Long before this date, however, it became apparent, as was often suggested in semijesting boast, that the bill would not be allowed to pass until so close to election that its actual effect in operation could not be demonstrated.

The tariff bill finally became a law in June, 1930, and now that it is too late to have an effect upon the election, there is a possible chance of at least a portion of the truth about the law being believed. The truth is now beginning to dawn when there is no object in further obscuring it. The tariff act of 1922 had been in successful operation for seven years and comparatively few changes in rates were asked for or needed. Never in the history of tariff revision did the new law so little change the rate structure of the law it replaced, as in the present instance. With the exception of the agriculture schedule, and there was special reason for this exception, the total number of increases in rates is remarkably

small, the total amount of the increases likewise small, and the average increase extremely small, at least two of the schedules showing a net decrease.

RIGOROUS REQUIREMENTS

The most rigorous requirements were enforced in making up the bill to the effect that before any increase in industrial rates was granted a valid case should be made showing increased importations, indicating an increased capture of the domestic market by foreign goods, and a corresponding slackening in the domestic industry concerned, including increasing unemployment. The result of this policy was that increases in rates were not made except upon a showing justifying the increase upon a generally accepted protective policy. The result is a law founded upon protective principles in substantial accord with the law of 1922, so that for any one believing in or accepting the protective policy at all, there is neither reason nor justifiable excuse for condemnation of the new law. The fact is, and I challenge successful contradiction of the statement, the new tariff law in its rate structure is the most nearly scientific tariff law ever enacted.

Having not had time to fully demonstrate its effects in operation before the election, it was not possible for the Republicans to get the benefit that should have come to the party in power for the enactment of an excellent tariff law. On the other hand there was sufficient time to demonstrate the fallacy of some of the arguments that had been advanced by the opposition and others that were ready for use in the campaign, but failed to be useful because meanwhile they had been disproved by inexorable facts.

STOCK ARGUMENT

The stock in trade argument generally used by those who oppose the protective tariff policy entirely is that it increases the cost of living to such an extent that even those who may possibly receive higher wages by reason of protection are no better off in the end. The preparation of this argument in readiness for the campaign had proceeded to the stage of fixing with considerable exactness the amount which the new tariff law would cost the American consumer. It was just a billion dollars. All the Democratic authorities and advance spellbinders were in perfect agreement on the figures—in fact, all spoke with a single voice.

LAW OF SUPPLY AND DEMAND

A number of supposedly strong points had been selected by the critics of the tariff bill from which to roll up the alleged billion dollars. High up on the list of strategic points was the duty on sugar. The duty on sugar had been increased by twenty-four hundredths of a cent a pound. It was confidently expected that this increase would be used to demonstrate that the cost of the sugar on the poor man's breakfast table had been increased by this imposition. If for some real reason the price of sugar had advanced to a substantial extent the hills would still be resounding with echoes of the campaign speeches denouncing this outrage. Unfortunately, the law of supply and demand, which no Congress has yet been able to repeal, stepped in and destroyed this well prepared argument. Our Democratic opponents were like Don Barclay in his rôle of comedian when asked: "Have you never heard of the law of gravitation," the comedian answers: "Yes, but it can never be enforced." Unfortunately for our Democratic friends the enforcement of the law of supply and demand would not be denied, and so with the increasing depression came lower prices instead of higher, and never had the American housewife bought her sugar during the canning season so cheaply as during the recent campaign, which happened to be the first four months after the new tariff law went into effect. Hence, exit sugar issue!

DEMOCRATS DISAPPOINTED

The duty on hides, leather, and shoes also turned out to be a disappointment to Democrats. On account of the duty on hides a compensatory duty was laid upon leather and shoes. It was, therefore, expected by opponents of the tariff bill that great political capital could be made of the unfortunate situation of the people having to pay higher prices for shoes, especially in a period of depression. Competition as usual took care of this situation. Shoes sold lower than before the law passed, and so the shoe tariff argument disappeared.

It was so in the case of wool. On account of a slight increase in the duty on raw wool the rate on blankets was correspondingly increased, and so it was confidently expected to base one of the most effective arguments of the campaign upon the already prepared picture of the distress growing out of the poor being compelled to pay higher prices for their blankets, or suffer during the coming winter. But the price of blankets did not go up. In fact, it went down slightly, due, of course, to causes other than the tariff.

And so with a number of other articles to the great regret, I might even say chagrin, of our Democratic opponents. In fact, perfectly reliable statistics show that the actual cost of living has gone down to such an extent since the new tariff law went into effect that if applied to our total purchases for a year there would be a reduction of two billion instead of an increase of one billion in the cost of living. Of course, such use of statistics so far as the tariff law is concerned would be equally absurd as the Democratic claim that the new tariff law would add a billion dollars to the cost of living.

JUST CLAIM OF PROTECTION

Republicans who favor the policy of protection to American labor and industry have not claimed that tariff duties will lower the cost of living, though numerous instances may be cited where the ultimate effect in the long run is to do so. Neither do they deny that in some instances under certain circumstances the immediate effect is to increase the cost of living at least temporarily. They do claim, however, that the effect one way or the other of tariff duties upon the cost of living has been grossly and grotesquely exaggerated. Such effect as they may have is a matter of secondary, relatively trival, importance as compared with the effect upon industry, upon the wages of labor, upon business in general, and upon standards of living.

During the discussion of the tariff in Congress a year ago, a well-organized and substantial group of labor leaders for the first time in history took an active part in helping to shape the new law. It is to be hoped that this marks the beginning of a change in sentiment among so-called organized labor groups, many of the members of which it seems to me, have in the past been deceived and misled. Much of the opposition to protection has come from those who were deceived by charges that in some insidious way it was an instrument of "the interests," that "it protects profits and not wages," and that those who supported it were tools of "big business."

OPPOSE TARIFF WALL

Those who made these charges in the past now find themselves in an embarrassing position because most of the so-called big interests are now their allies in fighting the protective policy tooth and nail. With 18 billions of American dollars invested abroad, the big banker and financier is often found in favor of tearing down the tariff wall so that the industries abroad in which he is financially interested can bring into this country and sell here the goods made by them with foreign labor. Some of the great automobile manufacturers, of course, oppose protection because in recent years they have built branch plants or established subsidiary factories in foreign countries in order to have the advantage of cheaper labor costs.

With the "big interests" leaning toward free trade, many large manufacturers lukewarm on the subject, and a considerable portion of the working population of the country too blind to see the benefits of protection, it behooves those who are awake to the situation to be on their guard and ready to do battle for this vital national policy which has meant so much in the building of our industrial greatness. Personally I welcome such a battle, and, therefore, regretted the Democratic strategy that in the recent elections dictated withdrawal to another front when the tariff fight became

hot, thus causing the rather surprising collapse of the very carefully prepared tariff campaign issue.

INCREASE COSTS?

The experience of the last six months thoroughly demonstrated the complete fallacy of the old Democratic argument that an increase in duties always increases cost of living. The demonstration will serve a doubly useful purpose if it also teaches tariff fanatics or ultraenthusiasts that proper tariffs alone will not bring or maintain prosperity. What has been proved is that throughout our tariff history the failure to properly protect American labor and industry, or the withdrawal of protection that has been wisely granted is sure to cause industrial depression and disaster; while the granting or maintenance of proper rates of duty help in greater or less degree to establish or maintain existing prosperity. No sensible person ever claimed that in spite of world conditions the laying of an additional tariff duty would prevent economic depression or restore domestic prosperity. Least of all did any one claim that the very slight and limited increases made in the recent tariff law would stop the decline of world markets, and restore world prosperity. In individual cases where proper increases in rates were made in the new law, material gains in the particular industries have already resulted, where a failure to give proper protection would have meant continued stagnation and a decrease in the protection would have meant certain ruin.

Eight months after the going into effect of a tariff law that through systematic propaganda was more universally condemned during the making than any other law in our history, one would expect to have heard of some of the evil results flowing from its operation, and yet no instances are being brought to public attention. In fact, thus far no other tariff law in our history has worked more satisfactorily or produced less of disturbance. There is now every indication that the tariff law of 1930 will not only prove satisfactory in its operation but with its workable flexible provision to take care in large measure of changes made necessary by changing conditions, will prove to be the best and the most enduring tariff act of all time.

PROVED AN ABSURDITY

It has been demonstrated over and over again, and never more clearly than within the last eight months, that a protective tariff does not of itself increase the cost of living and that it is the height of absurdity to figure an increase of living costs by adding the tariff duty to the price of the article.

The failure of the tariff to become a real issue in the campaign was not the result of any oversight or mistake on the part of the leaders of the Democratic Party. After spending more than a year in preparing for a political battle with this as the principal issue, the Democrats found that their carefully prepared arguments had already been answered by the course of events in the few months since the enactment of the new tariff law. It could not be claimed that the new tariff duties had caused an increase in the cost of living when it was apparent to even the most unintelligent that living costs had substantially decreased, while wages were at approximately the same rates as before the beginning of the economic depression.

This condition is well set forth in the following extract from the American Labor Banner of December 13, 1930:

"Industrial workers who have not been thrown out of employment by depression now command the highest 'real wages' ever known in the United States.

REAL WAGES COUNT

"'Real wages,' not money wages, determine the financial condition of workers, it is claimed. When the number of dollars in the pay envelope is increased, there is no gain to the worker if prices of necessities also soar. The pay envelope contains money wages. But if the cost of living declines when money wages rise, then 'real wages' also advance. Since 1921, money wages have increased and the trend of living costs has been downward. Real wages thus have been gaining for nine years. The trend of money wages and of living costs is shown in the following table:

Year	Gain in money wages or workers' earnings since 1921	Decrease from 1921 level of cost of living
1930	12%	8%
1929	12%	6%
1928	11%	6%
1927	10%	4%
1926	9%	3%
1925	8%	4%
1924	7%	6%
1923	6%	6%
1922	3%	8%
1921	0%	0%

The gain in real wages in the last 12 months accounts in part for the fact that bank savings deposits this summer rose to the highest total in history. Workers still employed are in a position to buy more and save more than a year ago without reducing their living standards, if they choose. This partly offsets the lack of buying power on the part of 3,500,000 persons who are without employment. It also tends to modify the depression for the country as a whole.

The Republican tariff policy came through the election campaign unscathed. With its aid it has been possible to maintain high wages in a period of great distress and unemployment, and nothing has occurred and no argument has been advanced which weakens the claim that it is one of the main props of our high American living standards.

NOT PROSPERITY CAUSE BUT AID

It should never be claimed that protective tariff duties of themselves produce prosperity or high wages or high living standards. No law can produce such an effect. No intelligent protectionist has ever made so broad a claim. It can and does, however, prevent importations from interfering with the purely domestic forces and conditions that visibly produce prosperity, high wages, and high living standards. That this is true has perhaps been better demonstrated in the recent period of "hard times" than in periods of greater prosperity.

For a period the factors ordinarily producing prosperity in this country have been neutralized, or at least have been counteracted by overproduction in certain lines. The same thing has happened many times before in our national history, in fact, on an average of about once in 11 years, sometimes precipitated or accentuated by changes or threatened changes in the tariff policy. According to some authorities financial and business depressions of varying intensity have occurred in this country in 1815, 1820, 1839, 1848, 1857, 1863, 1873, 1884, 1890, 1907, 1914 (before the war began in Europe), and 1920, in addition to the present one, a total of 13 in the 142 years of our history, an average of 1 about every 11 years.

OTHER NATIONS

The experience of practically every other commercial nation of the world has been the same. Tariff protection does not and can not stop the recurrence of these periods of depression. If there is a preventive for them it has not been discovered, and surely it is not claimed that protection is a preventive or a cure. What protection does, however, is to help soften the blow when there is economic depression and to aid other factors in raising prosperity to a higher degree, when we have it. It also serves to better diffuse the benefits of prosperity in the form of high wages and high living standards, and in this it performs an all-important service to the Nation.

I sometimes wonder how it is possible for members of trade-unions to vote for candidates or for a party which opposes the protective tariff policy. The effect of protective duties is to make of the people of the United States one big "union," the members of which are to the extent of the tariff duties prevented by law from buying goods made under other than our own standard of wages. Perhaps the comparison is a little far-fetched, but it seems to me analogous to the practice so strongly urged upon trade-unions by their leaders of buying only union made goods. If organized labor believes that it can help to maintain its wage standards by having its members buy only union made goods, how can they fail to agree that all our people will aid in maintaining our national wage and living standards by buying only

American made goods? And in case foreign made goods are desired at whatever cost, why should American labor object to have such goods pay a duty in order to come into American markets?

ORDER OF BUSINESS

Mr. RANKIN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Whether or not we are going to have any more time on the Private Calendar to consider bills passed by the Senate and reported by House committee. There are only a few more such bills on the calendar, and a great many of us are very anxious to get those bills disposed of. I am wondering whether it would not be possible for us to have an hour to-day or to have a night session for that purpose.

The SPEAKER. As the Chair understands the situation, he does not feel that he would be justified in recognizing Members to ask unanimous consent to consider bills on the Private Calendar. The Chair will recognize for the moment only those who desire to correct the RECORD or to extend their remarks in the RECORD.

RAILWAYS AND WATERWAYS

Mr. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement on Railways and Waterways, by L. A. Thompson, secretary National Rivers and Harbors Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article:

RAILWAYS AND WATERWAYS

Not since the Liberty loan campaigns, during the World War, has there been seen such a volume of propaganda as is now being sent out by the railways of the United States in opposition to all competing methods of transportation, especially to waterways and highways. In the interest of brevity this discussion will be confined mainly to waterways.

The purpose of this propaganda, of course, is to develop a militant public opinion adverse to waterways, but the arguments used are varied with the portion of the public that is addressed. To owners of railway stocks and bonds, to makers of and dealers in railway material and supplies, and to the hundreds of thousands of railway employees, it is said that waterways are taking increasing amounts of business away from the railways, which are already in a serious condition, and that thereby the investments of the first, the trade of the second, and the wages and the jobs of the third are endangered, and may be entirely destroyed if the proposed extensive development of waterways shall be carried out.

To the public at large it is said that the use of inland waterways is uneconomic and that expenditures thereon are wasteful and extravagant, because, when everything is taken into consideration, the actual cost of transportation by water is always much higher than it is by rail.

ALLEGED EFFECT OF WATERWAYS

In this propaganda it is not only assumed, as if it were a self-evident and unqualified fact, but it is asserted over and over again that the sole and invariable effect of waterways is to take business away from railways. An article entitled "Our Railroads in the Next 10 Years," written by Claude R. Porter, member of the Interstate Commerce Commission, appeared in the January number of Nation's Business, the official publication of the United States Chamber of Commerce. Under the illustration at the head of this article is the following caption: "The inland waterways each year are carrying more freight, and every ton that moves by water is a ton that does not move by rail."

That caption is phrased with masterly adroitness. The statement it makes is absolutely true, but the idea it conveys to the reader is that every ton that moves by water is a ton that could and should have moved by rail, and *would* have done so if the wicked waterway had not stolen it away—and that is very far from true.

Incidentally, this illustration does not show a towboat with a bunch of river barges but a lake steamship. Since they carry more traffic than all the other inland waterways put together, it must be that the Great Lakes are chiefly responsible for the perilous plight in which the railways find themselves.

As to this, Commissioner Porter says: "What is to happen to the railroads in the next 10 years? I do not know. Nobody knows. Anything may happen. * * * I can conceive as possible—though, I hope, highly improbable—that the roads may be run threadbare and ragged. * * * *We may be forced to get along without them.*" (Italics mine.)

A RAILWAY PRESIDENT'S VIEW

In 1928 Donald T. Wright, editor of the Waterways Journal, wrote to President Atterbury, of the Pennsylvania Railroad Co., requesting a statement of his views concerning the development of navigation on the Allegheny River. In his reply Mr. Atterbury stated that while the Pennsylvania Railroad would not "stand in the way of progress in the development of every necessary and desirable means of transportation," there were "certain considerations which the railroad must take into account. The Pennsylvania Railroad borders the Allegheny River with a double-track railroad on each side for the first 30 miles above Pittsburgh, and then on through to Oil City and Olean. It serves the public efficiently, and yet it has made no money on most of this improved mileage. Now, then, it is urged that if the Government puts up the money and improves the river, and probably, as in other cases, permits the boatmen to charge a lesser rate than the parallel railroads, the large industries would then avail themselves of this facility and get their raw materials in and ship part of their product out by river. In ice and flood seasons, however, the railroads would be expected to serve instead of the waterways."

Apparently, the distinguished president of the Pennsylvania believes that the only effect of the improvement would be to take away the traffic whenever the river was open, leaving his road to do the job whenever the river was closed. The Pennsylvania also has tracks along another river not far from the Allegheny. General Atterbury will make a distinct and valuable contribution to transportation literature if he will prepare and publish an article to prove that the only effect of improving the Monongahela River has been to take business away from the railroads which run along its banks.

A STEEL MAKER'S VIEW

Once when one of the old dams on the Monongahela was seriously in need of repairs the late William Whigham, vice president and general manager of the Carnegie Steel Co., said to me: "I can't sleep nights thinking of conditions up the river. If No. 6 goes out, two-thirds of all the iron and steel production in the Pittsburgh district will have to stop until it is repaired."

Mr. Whigham knew, as is known by everyone familiar with the facts, that the Pittsburgh district would not and could not have become "the greatest tonnage-producing region in the world" without the use of the Monongahela River for the carriage of coal and of the Great Lakes for the transportation of iron ore.

WHAT ONE WATERWAY DID

A striking illustration of the real effect of waterways is given in the reports of Frank H. Mason, former United States consul general at Frankfort, Germany, on the improvement of the River Main. The Main, in its natural condition, was of but little account for navigation, so Frankfort, which at one time had been the principal trade center of western Germany, found itself falling behind Mayence and Mannheim, its rivals on the Rhine, after the latter stream was deepened.

Through the slow movement of the centuries, Frankfort, which is said to have been founded by the Romans in 150 A. D., grew until in 1881 it had attained a population of about 140,000. A little later something happened to change the rate of growth, for in the 20 years following 1886 Frankfort grew more in industry, in commerce, in population, and in wealth than it had grown in all the previous 1,700 years. In October of that year the first improvement of the Main was completed and the 25 miles from the Rhine to Frankfort was given a dependable channel 8 feet 3 inches deep.

Frankfort's first harbor, which was finished at the same time as the river channel, cost about $1,750,000 of our money, and something of the effect of the improved river on the city's growth is shown by the fact that, when the World War broke out, Frankfort was at work on a new and greater harbor, the estimated cost of which was $17,600,000.

Frankfort was plentifully supplied with railroads, including one on each bank of the Main from Frankfort to the Rhine. If the "only effect of waterways is to take business away from railways," the railways serving Frankfort should have been badly hurt, for traffic on the river, which amounted to only 156,000 tons in 1886, increased to 1,273,000 tons in 1902 and to 2,210,000 tons in 1905.

What happened, however, was exactly the reverse. Traffic by rail, which was 932,000 tons in 1886, was more than twice as much in 1902 (1,909,000 tons), more than three times as much in 1910 (2,770,000 tons), and almost four times as much in the last year before the World War as it was when the railroads practically had a monopoly of the trade. As one result, the Prussian-Hessian Railway system was compelled to spend $11,000,000 for new terminal facilities in Frankfort in order to take care of this new business.

The one and only change in conditions that was made was the canalization of the Main. How, then, is there any escape from the conclusion that it was the improved river, and that alone, which so greatly increased the growth of the city and the traffic of its railways? A short study of the following table will show that the same force which was at work in Frankfort has also been at work in wider fields and with similar results.

Some very suggestive figures

UNITED STATES CITIES OF 100,000 OR OVER

	Inland cities (28)	Waterway cities (68)
Population, census of 1930	4,571,808	21,521,842
Factory workers, 1925 [1]	397,078	2,975,217
Wages paid, 1925 [1]	$588,551,818	$4,192,377,740
Value of products, 1925 [1]	$3,045,067,060	$25,294,471,021
Assessed valuation, 1925 [1]	$5,141,119,338	$46,009,082,957

[1] In cities of 100,000 or over by the census of 1930.





Some very suggestive figures—Continued

UNITED STATES CITIES OF 25,000 OR OVER (CENSUS ESTIMATE, 1927)

	Inland cities (136)	Waterway cities (166)
Expenditures for buildings	$644,663,771	$2,949,175,634

FOREIGN CITIES OF 100,000 OR OVER

Great Britain (population, 1921):	
Inland cities (8)	1,216,972
Waterway cities (44)	19,114,364
Germany (population, 1925):	
Inland cities (13)	3,425,427
Waterway cities (33)	15,329,330

FOREIGN CITIES OF 50,000 OR OVER

France (population, 1926):	
Inland cities (6)	615,670
Waterway cities (44)	8,041,940
Holland and Belgium (population, 1926):	
Inland cities (2)	137,271
Waterway cities (19)	4,036,576

SWITZERLAND

Basel, in 1920, had a population of 135,134, while Geneva had 138,034 and urich 205,892. Yet, in 1927, no other Swiss city handled as much as 1,000,000 tons of railway freight, while Basel's traffic was 10,276,719 (metric) tons. The Swiss lakes do not count, since they have no navigable outlets, so Basel, oddly enough, is the only city in Switzerland that is located on a navigable waterway.

WHERE DO RAILWAYS GET THE MORE TRAFFIC?

As appears from this table, in 1930 the United States had 93 cities with a population of 100,000 or over. Of these, 25, with a combined population of less than 5,000,000, were inland, while 68, with a total population of nearly 32,000,000, were located on waterways. It also appears that in 1925 the number of workers in factories, amount of wages paid, value of products, and assessed valuation were from seven to nine times as much in the waterway cities as in those inland. In 1927 nearly $3,000,000,000 was spent in 166 waterway cities on the construction and repair of buildings, as compared to less than $645,000,000 for the same purpose in the 136 similar cities which were not on navigable water.

It is very doubtful if even the gentleman who recently called himself "the most hardened of railroad propagandists" would undertake to deny that the waterway cities of the United States give to the railways a vastly greater volume of traffic than the inland cities do.

Certain spokesmen for the railways are fond of saying that results in Europe afford no criterion for us to follow, because "conditions are entirely different." There is one respect, however, in which conditions are alike not only in Europe but throughout the world, that is, all the great cities are on waterways.

Railways have been in existence for a hundred years. In that time the mileage has grown from nothing at all to the colossal total of more than 665,000 miles, but railways, without the help of waterways, have produced only one city with as many as 500,000 inhabitants, and that city, Munich, is making a determined effort to secure connection with the German canal system. For myself I shall never believe that a London or a Hamburg, a Berlin or a Paris, a New York or a Chicago, a Pittsburgh or a St. Louis can be created anywhere except on navigable water, until it has been done.

EFFECT ON GERMAN RAILWAYS

That the increase in railway traffic following the improvement of the Main was not an isolated and exceptional case is shown by this further statement from Consul General Mason:

"If further testimony on this general topic were needed, it would be found in the steady, growing prosperity of the railways of Prussia, which from their location are brought into most direct competition with the principal waterways. During the fiscal year 1896–97 the Prussian railroads earned $247,381,970, and the budget estimate, always conservative, for the current year is $264,000,000 from the same source. This is considerably more than half the entire income of the Prussian Government, and after deducting all expenses of operation, construction, repairs, new equipment, interest on bonds, etc., leaves a net revenue of $52,122,000 to be turned into the treasury of the State.

"*That a portion of this surplus should be devoted each year to improving and extending the canal and navigable river system is in furtherance of a policy the wisdom of which time and experience have fully confirmed.*" (Italics mine.)

That year, 1896–97, might have been an exceptional one, but it wasn't. Between 1883 and 1907 the railways owned by the States of the German Empire made the following record: The mileage was doubled, the equipment much more than doubled, and the efficiency of the system increased more than threefold; both passenger and freight rates were reduced, but profits on the capital invested increased from 4.9 to 7.52 per cent, while the net income per mile of line operated was $5,050 in 1907 as against $1,976 on American roads. The total profits were much more than enough to pay the railway debt in full with interest and leave the entire system with its equipment as a net asset in the hands of the German States.

All the great industrial nations of the Old World kept busy building canals and improving rivers before the war, and are even more busy at the same tasks now. France and Germany did not even stop while the war was going on. On the other hand, railway interests in this country have been consistently, persistently, and insistently hostile to the improvement of waterways and their use for transportation. In view of the facts given above I find it not merely difficult but impossible to believe that all the wisdom of the ages is embodied in the railway men of the United States and that the statesmen of Europe are either "psychopathic enthusiasts," "fanatics who disregard economic considerations," or "benighted advocates who desire to restore transportation to what it was in the Middle Ages."

The truth is that waterways develop industries and industries provide a large and profitable traffic for railways. The Association of American Railway Executives, the National Association of Owners of Railroad Securities, and the Brotherhood of Railroad Trainmen ought to carefully ponder the case of Samson—who also was blind. The Good Book tells us that he pulled down the temple and so destroyed his enemies, but when the crash was over Samson was just as completely dead as they were.

A CHANGE OF TACTICS

For many years the open opposition to waterways consisted chiefly in raising the cry of "pork barrel!" every time a rivers and harbors bill was considered by Congress. This epithet implied that the money spent on rivers and harbors was a pure steal from the Treasury to promote the political fortunes of Congressmen, because the waterways would not be used if built. That this method of attack was not particularly effective will appear from the following table, which shows the increasing amounts appropriated for river and harbor work:

Appropriations, by decades, for construction and maintenance of rivers and harbors

Decade:	Amount
To 1815	$55,448.71
1816–1825	597,651.56
1826–1835	6,715,297.33
1836–1845	5,760,069.76
1846–1855	2,579,420.26
1856–1865	1,492,087.89
1866–1875	47,241,499.83
1876–1885	75,885,129.68
1886–1895	133,462,185.94
1896–1905	192,914,691.93
1906–1915	336,069,240.34
1916–1925	370,093,208.81
1926–1930	282,500,975.05
Total	1,455,426,907.09

Once it was claimed that the waterways would not be used; now it is asserted that they are taking away so much traffic that the greatest and finest railway system in the world is in imminent danger of dire disaster, if not of entire destruction. As Commissioner Porter says: "We may be forced to get along without them."

There is no doubt that the railroads are in difficulties; but they are not alone in that. The business depression is world-wide, and practically every interest under the sun, whether it be great or small, is suffering from its effects. It would require a mountainous mass of evidence, however, to prove that American waterways are responsible for all this depression—from China to Chile and from Connecticut to Czechoslovakia.

The railroads have mostly dropped the cry of "pork barrel" and are pleading their cause at the bar of public opinion. So far, however, while pouring out a perfect flood of unsupported assertions, they have not presented a single scrap of evidence to show whether, and if so, where and when and how, and just how much they have been harmed by waterways.

One thing may be set down as sure, that great jury—the American people—will insist on having all the facts before making up its verdict. Judgment will not be rendered on isolated instances and temporary effects. What will be required is a complete and detailed statement showing for a series of years, which should be 10 or more, the exact amount of each kind and class of freight delivered to and shipped from each and every station located on an inland waterway, with the revenue derived therefrom.

The Association of Railway Executives has announced its intention of asking Congress for some important legislation on this subject at its next session. It will save a lot of valuable time if this statement is made ready for presentation at the time the appeal is first made.

NOT A NEW CONDITION

It is no new thing for the railroads to be in difficulties; in fact, it is not easy to recall a time when no complaints were heard and no prophecies of disaster made. Many of these prophecies were fulfilled, too. A table published in the Railway Age—annual statistical number, January, 1931, page 74—shows that, in every year from 1876 to 1930, inclusive, railroads were placed in receivership and were sold under foreclosure. In all, 1,168 roads, with 177,734 miles of track and $10,752,757,044 of bonds and stocks, went under the hammer. We had some bad times during those 55 years; we had plenty of good times, too; but there never was a boom big enough or long enough to interrupt the continuous procession of railroads into the bankruptcy courts.

During much of this time responsibility for railway bankruptcies could not be charged to waterways, because transporta-

tion on inland waterways, except on the Great Lakes, had been almost completely crushed out of existence by the railways. Nor could it then be charged to automobiles, airplanes, or pipe lines, since these had not yet been developed. Evidently some other cause was at work then, and it is highly probable that the competition of other forms of transportation is not wholly to blame now.

NOT PROPERLY THOUGHT OUT

Undeniably railway passenger traffic has been hard hit by the automobile, but freight traffic and freight revenue, in the five years ending with 1929, have been the largest in history, running 10 to 12 per cent above the level indicated in the pre-war trend. Nevertheless, complaint is made because the per cent of increase is smaller than before. Commissioner Porter's article quotes President Cassatt, of the Pennsylvania system, as saying, 20 years ago: "We can bear whatever happens to us to-day—legislation, floods, bad crops, panics—because we know that the railroad business in this country doubles every 10 years." Commissioner Porter then adds: "It is not doubling any more."

President Cassatt's statement was a generalization which was not strictly accurate when made, but if either he or Commissioner Porter had thought the thing out or had done a little figuring-they would quickly have seen that doubling of traffic every 10 years could not continue indefinitely.

The railroads handled a little over 1,000,000,000 tons in 1900. Using the round numbers for convenience, let us do a little doubling and see what we get:

1900	1,000,000,000
1910	2,000,000,000
1920	4,000,000,000
1930	8,000,000,000
1950	32,000,000,000
2000	1,024,000,000,000

"Geometrical progression" gives a surprise to everyone the first time he meets up with it.

TON-MILEAGE, CIRCUITY, ETC.

A large part of the propaganda now being put out by or on behalf of the railroads is devoted to an effort to convince the taxpaying public that the supposed economy of water transportation is all a delusion; that great quantities of "concealed costs" lie darkly hid beneath the published rates; and that, when these are dragged out into the light, the "total cost of transportation" on inland waterways is, always and everywhere, greater than the rates charged for the carriage of goods by rail.

The Bureau of Railway Economics—which announces that it was established by railways of the United States for the scientific study of transportation problems—has recently published An Economic Survey of Inland Water Transportation in the United States. This volume of 328 pages contains so large an amount of historical, geographical, and statistical material as to impress a reader with the amount of research involved in its preparation and to make him the more ready, therefore, to accept the conclusions stated by its unnamed author. These, it is hardly necessary to state, are invariably and unreservedly favorable to railways and adverse to waterways. Only two or three of these conclusions can be mentioned here.

"In comparing river and rail transportation costs," it is said, "one factor for which allowance must be made is the greater circuity of river routes. * * * River haulage is more circuitous than rail haulage and costs per ton-mile by river and rail can not, therefore, be compared without making allowance for the longer water haul."

The average shipper knows little and cares less about "ton-miles." He is interested only in rates for sending his goods to their destination. Rates are quoted in dollars and cents, and these rates can be compared without reference to circuity. "Ton-mileage" and "percentage of circuity" help, however, to get the reader so tangled up that he can not detect the sophistry of the railway argument.

In a "table of relative distances" it is stated that the distance from Pittsburgh to Cairo is 979 miles by river and 648 miles by rail, an excess of river distance of 51.1 per cent. According to the Official Railway Guide this distance is 668 miles instead of 648; but let that pass. This short line is made up by using the Pennsylvania to Cincinnati, the Baltimore & Ohio to Vincennes, and the Cleveland, Cincinnati, Chicago & St. Louis to Cairo, and except for the little city of Steubenville, the only place between Pittsburgh and Cairo where it touches or comes anywhere near the Ohio River is Cincinnati.

If that were the only rail line available, or if Pittsburgh, Cincinnati, and Cairo were the only points where there is competition between rail and river transportation, that comparison would be fair; but, as a matter of fact, it is grossly unfair and misleading. Why, when considering competition between rail and river, should we take a composite rail route which scarcely touches the river at all and entirely ignore another composite rail route which runs close beside it nearly all the way?

Through traffic on the Ohio River is growing, but as yet is small compared with traffic hauled short distances, and the rail route which simply cuts across lots and touches only three cities can not properly be said to be in competition with the river. Here are a rail route and a river route which do compete directly. The distance from Pittsburgh to Cincinnati by river is less than 4 miles longer than by rail, and the distance from Pittsburgh to Cairo is only 56.5 miles greater, and that is an excess not of 51.1 per cent but of only 6.1 per cent.

Distances by rail and river

	Miles by rail	Miles by river
Penn. R. R., Pittsburgh to Bridgeport-Wheeling	90.7	90.3
B. & O. R. R., Wheeling to Kenova	222.8	225.4
C. & O. R. R., Kenova to Cincinnati	153.0	154.5
L. & N. R. R., Cincinnati to Louisville	114.0	133.7
L. & N. R. R., Louisville to Evansville	155.0	188.4
Illinois Central, Evansville to Cairo	187.3	187.0
Total	922.8	979.3

OHIO RIVER COSTS

Under this heading it is stated that the "Ohio section," which consists of the Ohio River and its tributaries, had cost the Federal Government to June 30, 1929, an aggregate of $250,130,031, of which amount $178,000,000 represents capital construction costs or "cost of new work." Four per cent interest on this amounts to $7,120,000. On the Ohio section 2,702,416,316 ton-miles of traffic were reported for 1928. Maintenance costs for the fiscal year 1929 were $4,340,000. Cost of conveyance was estimated at 4 mills per ton-mile. From these figures the Bureau of Railway Economics derives the following table:

Ohio River, 1928

	Mills
Annual capital cost per ton-mile (interest)	2.63
Maintenance per ton-mile	1.61
Freight-carrying cost per ton-mile	4.00
	8.24
Allowance of 50 per cent for circuity	4.12
Total	12.36

It has been shown, however, that the true measure of circuity is only 6.1 per cent, so the amount to be added is not 4.12 mills, but only 0.5 mill, making a total of 8.74 instead of 12.36 mills.

One further unfair comparison must be pointed out:

"Seven railway companies operate lines more or less parallel with the Ohio River section. The average receipt per ton-mile of these seven railways, individually and collectively, was as follows in 1928:

Receipts per ton-mile, 1928

Road:	Mills
Baltimore & Ohio	9.74
Chesapeake & Ohio	6.20
Louisville & Nashville	8.51
Monongahela	11.35
Norfolk & Western	6.49
Pennsylvania	10.16
Pittsburgh & Lake Erie	11.47
Weighted average, 7 lines	8.83

"Thus the average receipt per ton-mile of the seven railways in 1928 was 8.83 mills per ton-mile, compared with an estimated average of not less than 12.36 mills for equivalent transportation costs on the Ohio River section."

Since the Ohio and all its tributaries are included by the bureau in figuring construction costs, ton-mileage, etc., why should only seven of the competing railroads be selected and the other four left out? The Cleveland, Cincinnati, Chicago & St. Louis—which is part of the short-line route from Pittsburgh to Cairo—the Illinois Central, the Southern, and the Tennessee Central parallel portions of the Ohio section for considerably longer distances than the Pittsburgh & Lake Erie or the Monongahela Railroad, which are included. Average receipts per ton-mile on these roads were as follows:

	Mills
Cleveland, Cincinnati, Chicago & St. Louis	8.32
Illinois Central	8.56
Southern	12.91
Tennessee Central	13.27
Weighted average	10.76

The average receipts for all the 11 roads was, therefore, 9.72 instead of 8.83 mills per ton-mile, and the river rate, instead of being 3.53 mills per ton-mile greater than the average rate on the competing railroads, is 0.98 mill less.

POLITICAL VERSUS ECONOMIC

To the question, "What are the economic criteria by which inland-waterway development as a whole, or any particular scheme of waterways, should be measured?" the bureau's book gives this rather oracular answer: "Development of inland waterways is a problem in transportation; transportation is fundamental to the economic life of any country; all transportation questions should be approached as economic problems, not as political matters. The criteria to be applied should therefore be economic in nature."

The bureau makes a distinction between things "economic" and things "political" which is not warranted by the standard dictionaries. What is meant, apparently, is that the Government is justified in improving waterways only when it expects to receive in return a direct profit in dollars and cents.

That is true only from the railroad point of view. In giving great land grants to railroads in former days, just as in improving

waterways now, the Government is seeking not dividends but development. That the desired development has resulted from the expenditures made upon our waterways is proven by the scores of great and growing cities which stand along their banks. Incidentally, every one should keep clearly in mind that the Nation is sovereign and the public interest is supreme.

THE MONONGAHELA RIVER

Much is said about waterways that do not pay, the New York Barge Canal being held up as a particularly horrible example. No mention is made, however, of the fact that nearly 10,000 miles of railway have been abandoned in recent years, half of which have been torn up and sold for junk. It seems worth while to call attention to a waterway which has been and is a great success. Mention has already been made of the Monongahela River and the important part it has played in the development of the Pittsburgh district.

The Board of Engineers for Rivers and Harbors was given confidential information by the great steel companies of Pittsburgh as to the difference between the cost of transporting coal on the river and the price charged by rail, and has calculated the saving which has thus accrued since the Government took charge of the river in 1897. Without going into detailed figures, this saving has been enough to pay back the total expenditures which have been made by the Government upon the river for construction, for interest on the construction cost, the cost of maintenance and operation, and enough more to equal the entire cost of improving the Ohio River for the 979 miles between Pittsburgh and Cairo.

DEATH OF GEN. CLARENCE R. EDWARDS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a short editorial upon the late Maj. Gen. Clarence R. Edwards from the Disabled American Veterans Monthly. It is about 20 lines long and is by Thomas Kirby, of the Disabled American Veterans Monthly.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CLARENCE R. EDWARDS

Burial at Arlington of Maj. Gen. Clarence R. Edwards marked the passing of one of America's most prominent divisional leaders of the World War. Memory of those associated with him in 1917 and 1918 will long endure.

His services in the Spanish War and in the Philippines were relatively insignificant, compared with his later work as a military leader in the World War. Immediately after the declaration of war, General Edwards mobilized all militia units in New England and, as the Twenty-sixth Division, so speedily and so effectively trained, they constituted the first major unit of national guardsmen from any State to reach France.

But entirely aside from his strictly military ability, General Edwards was a personal friend of his associates in the grim business of war.

He knew that the background of any army is discipline. He realized that the difference between a mob and an army always has been and always will be instinctive and unfailing obedience to authority. Still he tempered severe discipline of the soldiers with human sympathy and understanding consideration for his men. It was this conspicuous attribute that made him great.

SABBATH OBSERVANCE

Mr. BYRNS. Mr. Speaker, Mr. Noah W. Cooper, an attorney of Nashville, Tenn., and a friend and constituent of mine, is in the city representing a committee in behalf of the passage of some law on the question of Sabbath observance. I hold in my hand a very short note from him, which I ask the indulgence of the House to read. It is as follows:

WASHINGTON, D. C., *March 2, 1931.*

Hon. JOSEPH W. BYRNS,
House of Representatives, Washington, D. C.

DEAR MR. BYRNS: Our committee respectfully beg you to present to the House of Representatives our inclosed petition for the Tennessee annual conference of the Methodist Episcopal Church South, and that you urge its adoption. Assuring you and your fellow Congressmen of our esteem and best wishes, we are,

Very respectfully,

NOAH W. COOPER.
MRS. W. E. CRAM.
CHARLES H. YARBOROUGH.

The committee filed with me a letter addressed to the House of Representatives, which is short, together with an accompanying explanation of what they want. I ask unanimous consent that these may be included as an extension of my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

WASHINGTON, D. C., *February 28, 1931.*

To the HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA,
Courtesy of Hon. JOSEPH W. BYRNS,
Hermitage District of Tennessee.

GENTLEMEN: Our Tennessee Annual Conference of the Methodist Episcopal Church South, representing 90,000 citizens of Tennessee, through us their committee, for the purpose, respectively petition our Congress, the constitutional custodian of our interstate commerce, to make it a rule of our interstate commerce and of all business for profit in the District of Columbia or elsewhere, under Federal supervision, that Sunday be observed as a day of rest from all business for profit, and that all workers be allowed Sunday as a rest day from all secular labor; emergency instances of charity always accepted.

We ask this for the physical, financial, political, and spiritual safety, welfare, and progress of all our people. God has told us that without a Sabbath, honored and kept, our homes, our business, our commerce, our liberties, and our boasted civilization will perish.

We believe with Abraham Lincoln that, "As we keep or break the Sabbath Day, we nobly save or meanly lose the last best hope by which man rises."

We believe with John Randolph Tucker that, "In remembering the Sabbath Day to keep it holy, we have the conservator of our Christian religion, the foundation of our political system, and the only hope of American freedom, progress, and glory."

We believe with Major General Casey, United States Army, that, "If our Sabbath in America is lost, it can never be restored, and all is lost." We are sure that the crime wave, unemployment, financial panic, and troubles now upon us have largely sprung from the demoralization resultant from our nation-wide Sabbath breaking and kindred vices.

Very respectfully,

NOAH W. COOPER,
MRS. W. G. CRAM,
CHARLES H. YARBROUGH,
Committee.

Noah W. Cooper, lawyer of Nashville, Tenn., is in Washington as chairman of the Tennessee Methodist Conference Sabbath Crusade Committee, presenting a petition to Congress, through Senator WILLIAM E. BROCK, and Representative JOSEPH W. BYRNS, asking that Congress establish Sunday as a day of rest in all our interstate commerce, and for all workers under Federal supervision excepting emergency instances of charity.

In summarizing his reasons, Mr. Cooper says in his petition to Congress, and in his speeches to American chambers of commerce and labor organizations and to the press.

1. American commerce has followed the devil of mammon into working every day and Sunday too, and now we are paying the penalty in our crime wave, drought, financial panic, and distress. It has ever been so. Ancient Israel violated God's sabbath, and went to the Babylon of ruin. France and Russia have done likewise. America is fast heading the same way. Pharaoh repelled God's prophets and God sent 10 plagues on Egypt. America's plagues are coming from her Sabbath breaking and kindred vices.

2. If our homes, churches, press, and Congress don't cooperate to induce our great interstate commerce to establish a weekly Sabbath Day's rest for every toiler of brain and brawn, America will soon be a bedlum of crime and chaos, war and woe, like unto ancient Israel, France, and Russia.

3. Our reforms against polygamy, lotteries, opium, white slavery, negro slavery, and the liquor traffic, will all be lost if we don't preserve our partnership with God by keeping His holy Sabbath Day and thus building up godliness in all our affairs. Negro slavery brought calamity to America; and Sunday slavery is bringing 10 times greater calamity.

4. Sabbath breaking is war against God, breeding spiritual blindness that plunges us to ruin. We can't war against God long without warring with ourselves.

5. The 30,000,000 youths of America are being deluged with the devil dope of Sabbath breaking, through Sunday papers, trains, bus and aviation lines, and other Sabbath-breaking business. We had just as well be teaching these youths stealing, murder, and perjury. Sabbath breaking breeds all other evils. We can never stop the crime wave till we stop our national Sabbath breaking.

6. We think Solomon had a great fall when he went with his concubines to burn their children in the fiery arms of Moloch. But America is doing the same wicked thing in offering her children to the Sabbath-breaking Moloch of Mammon. For Uncle Sam to cry out against bootlegging, smuggling, counterfeiting, and bank breaking and at the same time to teach his 30,000,000 children the awful vice of Sabbath breaking is to confess himself a Doctor Jekyl and Mr. Hyde; to try to worship God and Mammon.

7. Abolishing the lame-duck Congress, lowering the tariff, deporting gangsters, and opening our purses to the drought victims are all good things, but we will never cure our national ills without driving the devil of Sabbath breaking out of our commerce, homes, and churches. The 5-day work week, so earnestly advocated by our labor leaders and some politicians, will only be like rubbing liniment on a cancer. We must adopt God's plan of a 6-day work week and a Sabbath day for all, or capital and labor will plunge still deeper into distress and woe. God's plan is best for labor and capital.

8. Israel would never have gone to captivity in Babylon; Jerusalem would not now be a wailing place; France would never have

had her revolution nor Russia her ruin had they kept God's Sabbath.

REPORT ON PROHIBITION ENFORCEMENT

Mr. REILLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by making certain comments on the report of Frank Buckley concerning prohibition conditions in Wisconsin.

The SPEAKER. Is there objection?

There was no objection.

Mr. REILLY. Mr. Speaker, among the papers turned over by the Wickersham Commission to the United States Senate recently is a report by one Frank Buckley, an investigator for the Prohibition Bureau, concerning prohibition enforcement in various sections of the country. This report covers many cities including the city of Menasha, in my district. Of this city the report says:

Menasha is very wet. It houses a rough foreign element that creates a liquor, prostitution, and gambling market.

This statement constitutes an infamous libel upon the fair name of Menasha and her citizenship. Menasha is a city of about 10,000 inhabitants. Its population is composed of about 80 per cent of German and Polish ancestry, and about 20 per cent of various other nationalities. It is a city of churches, of schools, and thriving industry. While it is true that the ancestors of the great mass of her citizenship came from Germany and Poland, Menasha to-day is in no sense a foreign city; it is an American city, a patriotic city; and a city of a deep religious and moral sentiment.

During the World War Menasha was 100 per cent American, giving freely of her youth and her wealth to the cause of country.

I personally know hundreds of the citizens of Menasha, of all nationalities, and I can testify to the high type of her citizenship.

This report not only maligns a large element of the citizenship of Menasha and of my district but also of the citizenship of the whole country. Our citizens of German and Polish ancestry represent a very desirable and dependable part of our citizenship. These people are honest, industrious, frugal, religious, and law-abiding citizens of the Republic. They love their country and they lavishingly contribute from their funds for the upbuilding of churches and schools.

Menasha may be wet, and if this is a fact that situation exists in hundreds of other cities of our country, a large element of whose citizens resent the attempt of the Government to interfere with their social habits through national legislation and in which places national prohibition is largely a disregarded and unenforced law by common consent.

I understand that this man Frank Buckley is no longer connected with any Government bureau, which fact ought to constitute an occasion for congratulations on the part of the Government and the people. He may have been an investigator, but he was not a truthful investigator; and when he reported to his Government on conditions in Menasha, Wis., he did not tell the truth. He either allowed his pen to be influenced by his prejudices or he did not investigate the situation and recorded in his report the views of others who were prejudiced.

I would be unworthy of representing in this body the people of my district if I did not repudiate and condemn as false and libelous the statements made by this prohibition investigator as to the character of the citizenship of Menasha.

EXERCISES ATTENDING THE PRESENTATION AND UNVEILING OF THE STATUES OF JUNIPERO SERRA AND THOMAS STARR KING IN STATUARY HALL, SUNDAY AFTERNOON, MARCH 1, 1931

Mr. SWING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein the proceedings had last Sunday afternoon at the dedication exercises of the statues in Statuary Hall to Junipero Serra and Thomas Starr King.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWING. Mr. Speaker, last Sunday California presented to the Nation with appropriate ceremonies the statues of two men whom our State delights to honor—Junipero Serra and Thomas Starr King. I am now availing myself of the privilege accorded me by the House to have the proceedings in Statuary Hall perpetuated in our records. Miss Grace S. Stoermer, secretary of the California Commission on Representation in National Statuary Hall, presided, and, in the presence of a large assemblage, the following exercises were had:

Music by the United States Marine Band, Taylor Branson, leader

Miss STOERMER. In the absence of his grace, Most Rev. Michael J. Curley, Archbishop of the Diocese of Baltimore, I am privileged to present to you Right Rev. Bishop Thomas J. Shahan, D. D., rector emeritus of the Catholic University of America, and one of our country's finest historians, who will give the invocation.

INVOCATION BY REV. THOMAS J. SHAHAN

Bless, we beseech Thee, O God of our fathers, these precious memorials, wrought with rare skill and in sincere faith, by which Thy children of California would commend to their fellow citizens of this great Republic the merits and services of two men to whom this sovereign State is so deeply indebted that only in the immortal coin of gratitude can it hope to satisfy in some measure its many and great obligations.

Thou alone knowest, Eternal Father, amid what harships Thy servant Junipero Serra spread among savage men, little better than animals, the saving truths of the Gospel of Thy Son Jesus Christ; what zeal and fortitude, what confidence in Thee, what patience and self-denial sustained him in journeys innumerable, through trackless forests and across endless wastes, sustained ever by invincible faith in Thee, inspired by his love for perishing souls, and rewarded by Thy comforting and enlightening presence.

Thou knowest, O Lord, what seeds of civilization both he and his courageous companions sowed in the hearts and minds of ignorant and debased men, and how in due time its fruits, sown amid tears and trials, were reaped in joy. The hard trails that his weary feet traversed are to-day a royal road along which are strung great cities, on which nature exhibits all her riches, and human progress its every latest attainment.

We believe, indeed, O Lord, that Thy servant rejoices in Thy bosom at so much magnificence of life, but we believe also that he rejoices even more in the energy and grandeur of the spiritual life that now prospers so richly where he found only moral desolation and the last vestiges of human welfare.

To Thee also, O Lord, are known the splendid civic merits of Thomas Starr King, foremost of the sons of California in the service of our glorious American Union during dark days of war and its many afflictions and sufferings. To his faith in the Union, his incomparable eloquence, his ingenious activity, and his far-seeing charity California offers her tribute of gratitude as to one who chose the highest way of our everyday life, devotion of self to the common welfare, counting life itself as a sacrifice that the common weal may rightly demand in a crucial hour, but at the price of eternal reverence for the generous donor.

ADDRESS OF WELCOME

Miss STOERMER. Mr. Secretary Wilbur, Members of the Senate and House of Representatives, and distinguished guests, it is a privilege to stand in Statuary Hall in this magnificent city, the Capital of our United States, and gaze on the imaged commemoration of illustrious citizens of our country.

It is gratifying to know that in this commercial and industrial age we are interested in the artistic and cultural features of civilization. History discloses that in 1864, at the suggestion of Senator Morrill, of Vermont, the old House of Representatives was set apart as National Statuary Hall, to which each State was invited to send the statues of two of its most distinguished citizens. The President of our Nation was authorized to invite the States to furnish statues in marble or bronze of deceased persons who had been citizens thereof and illustrious for their distinguished civil or military service, such as each State shall determine as being worthy of this national commemoration.

Prior to 1927 on several occasions effort was made to promote this recognition for California, and each time there had been many differences of opinion as to the logical ones to be selected and a conclusion was never reached. Through the history and landmarks department of the California Federation of Women's Clubs and the Native Sons and Native Daughters of the Golden West a state-wide movement was inaugurated, and after intensive work legislation was enacted providing for the appointment of a commission of five and the selection of Junipero Serra and Thomas Starr King as California's two most distinguished deceased citizens who had made the greatest contribution to the State's fundamental progress.

We are assembled to-day to do honor to these men who brought great strength and prestige to California.

We are disappointed not to have the Governor of California, James Rolph, jr., with us, but his official duties require his presence at Sacramento, as the legislature is in session.

It is, indeed, an honor to present to our audience the Hon. HIRAM W. JOHNSON, senior Senator from California, who represents the State and the California Commission on Representation—the Hon. HIRAM W. JOHNSON.

PRESENTATION OF STATUES

Mr. JOHNSON. The State of California, availing herself of the privilege extended by a considerate Nation, presents to-day, through her governor and her commission appointed for that purpose, the

representative of which presides here, statues in bronze of two men illustrious for their services to their fellow men and whom the State of California deems worthy of national commemoration.

Neither was either warrior or statesman, but they possessed the highest qualities of both. Each set himself to a task demanding the noblest attribute of human kind and requiring a courage as lofty as ever displayed upon the field of battle.

Each in self abnegation and sacrifice performed well his task and both have left their imprint indelible upon a great Commonwealth.

One of these statues commemorates a pure and simple life, devoted to the inculcation of the principles of Christianity and modern civilization in a new land and among a primitive people. Junipero Serra identified himself with California while California was yet foreign territory in order to educate, train, and help the Indians dwelling in that region. His work was fundamental and permanent. His teachings and his beneficent example not only affected for good the people among whom he lived but have helped and inspired innumerable lives in a great American Commonwealth erected on the scene of his labors.

He was a pioneer of pioneers, bringing Christian civilization to a primitive and savage land, now a wondrous empire.

In the other bronze presented to-day we find expressed the form and features of a man who came to California at the most critical period in her political history.

Thomas Starr King at the beginning of the Civil War found the people of his adopted State, then without transcontinental connection or communication, far removed from the center of discussion, uncertain as to her future course. With dauntless purpose and high enthusiasm he entered the momentous struggle there, and by his matchless eloquence and indefatigable labors he contributed in great measure to maintaining California as a member of the Federal Union and earned for himself the immortal epitaph, "He saved his State to the Union."

So, now, in conformity with the wishes of the people of the State of California, I present, in behalf of California, to the Nation these two statues, one of Junipero Serra and the other of Thomas Starr King, to speak by their presence here to all who shall pause to behold them of successful labors for the lowly, of the virtues of Christian citizenship, and of devotion to the welfare and perpetuity of a government dedicated to the principles of liberty. [Applause.]

Miss STOERMER. California is proud and fortunate in having among its congressional delegation a woman of such marked ability and sterling worth as the Hon. FLORENCE PRAG KAHN. She is one of the women pioneers in the field of governmental activity and responsibility, and consequently has been selected to unveil the statue of California's first pioneer, Junipero Serra.

Mrs. KAHN unveils statue of Junipero Serra.

Miss STOERMER. A most happy and appropriate opportunity is ours to-day in presenting Mr. Thomas Starr King, who will unveil the statue of his illustrious grandfather.

In making preparation for the unveiling of our statues, it was our hope to find a relative of Thomas Starr King, but we were not so optimistic as to think we could find any near relative. One day a letter came to my desk from a lieutenant commander of the United States Navy at Annapolis, signed Thomas Starr King, grandson of the man we are honoring, seeking information as to the dedication ceremonies.

With great pleasure we learned that Thomas Starr King's own son, Frederick Randolph King, is still living and is with us to-day. The love of a father for his son is demonstrated to-day in the desire of Frederick Randolph King that his son, the namesake of California's famous citizen, be accorded the honor of unveiling the statue of his grandfather.

Statue unveiled by Lieut. Commander Thomas Starr King

PRESENTATION OF ARTISTS

Miss STOERMER. A rare privilege is mine to-day, for I have the honor of presenting to you the men who have labored earnestly and effectively to execute in bronze the heroic deeds of the men California has chosen to honor, Mr. Ettore Cadorin, of Santa Barbara, the sculptor of Junipero Serra, and Mr. Haig Patigian, of San Francisco, the sculptor of Thomas Starr King. [Applause.]

Star-Spangled Banner.....Marine Band

Miss STOERMER. We are honored by the presence of Hon. Ray Lyman Wilbur, who is here to represent the President of the United States in the acceptance of these statues. Mr. Secretary Wilbur.

ACCEPTANCE ON BEHALF OF THE GOVERNMENT

Mr. WILBUR. The President has asked me to act as his special representative and to deliver the following message:

Junipero Serra, imbued with divine spirit, charged with an exalted mission, and sustained by an unfaltering faith, faced with supreme courage, danger, privation, suffering, disease, to carry the message of salvation over unknown paths along the uncharted shores of the Pacific to the hostile, ignorant, lowly Indian dwellers in that wild empire of the West. He was the torchbearer of civilization.

From the silver strand of San Diego to the Golden Gate of San Francisco Bay he planted the holy cross midst the lilies of the field and the wild roses of the valleys, builded missions for the devout, and taught the spiritually helpless and hopeless natives of the forests and plains to turn their faces from the darkness of heathenism toward the celestial light of Christianity and immortality. Heroism, tragedy, despair, and triumph are the milestones that mark "El Camino Real" from mission to mission, that tortuous highway along which this noble and unselfish servant of the Lord unceasingly labored to impart the joy of Christian belief.

Richly endowed with kindness and patience, though thwarted again and again by superstition and savagery, he bravely, zealously, lovingly, and indefatigably remained steadfast in the trust, finally gaining the devotion and respect of those wild children of nature, instructed them in the arts and crafts of the farmer and mechanic and awakened their souls in the name of the Father of all.

The tide of mental enlightenment and spiritual uplift that followed in his wake still rises with the passing of years. His name is reverent, his work enduring, his influence is ever living.

Thomas Starr King, preacher-patriot, reared in the cradle of the Revolutionary War, suckled at the breast of freedom, thrilled by the eloquence of Henry Ward Beecher and Wendell Phillips, broadened by the philosophy of Ralph Waldo Emerson—he early in life espoused the cause of freedom for the slaves; then taking the advice of his friend, Horace Greeley, followed the star of empire westward to California a few short years after her admission to the Union of States.

Soon after came the Civil War, each side to that tragic conflict having many friends and sympathizers on the Pacific slope; and then it was that this scholarly, magnetic, witty, radiant orator, and devoted follower of Lincoln rode day and night from town to town, from mountain to sea in that great domain pleading to preserve the unity of the States, hammering at the shackles of slavery boldly, confidently, brilliantly, captivating the hearts and minds of men, kindling the spirit of "one union indivisible" into a living, patriotic flame.

He prevailed—but at the expense of life, for all that he had he gave freely, gladly, eagerly, as a Christian statesman, to his cause.

These ambassadors of God, each in his age, left his indelible imprint upon the life of that western land.

Each labored to inculcate the spiritual in the lives of the people of his day. Each was a great leader in a formative period of the State. Each furnished vital contributions to its moral and material foundation. Its admirable structure is builded upon that spiritual, humanitarian, and patriotic foundation, the work of the noble Junipero Serra and the inspired Thomas Starr King.

It is gratifying and appropriate that the images of such men adorn this Hall, and the tender of these beautiful statues by the State of California is accepted by the United States of America. [Applause.]

Miss STOERMER. We are pleased to introduce Hon. Isidore B. Dockweiler, a native Californian, having been born in almost its pueblo days in Los Angeles, through which runs the Kings Highway, a road traversed by the sandaled feet of the humble adopted son of California, Father Serra. The record of Father Serra's life is written so indelibly in California's history that his record of accomplishment is familiar to all. I take pleasure in presenting to you the Hon. Isidore B. Dockweiler, who will speak on Junipero Serra. Hon. Isidore B. Dockweiler.

ADDRESS OF HON. ISIDORE B. DOCKWEILER ON JUNIPERO SERRA, O. F. M.

Mr. DOCKWEILER. Fellow citizens, this is a day memorable for the State of California and inspirational for the Nation at large. It is a day of fulfilled duty to the past and of hostages for the future.

Pursuant to the congressional act of 1864 establishing Statuary Hall a majority of the States have solemnly brought to the Capitol and formally presented to the Nation silent replicas in bronze or marble of "deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services" and "such as each State may deem to be worthy of this national commemoration."

They have thus fulfilled a civic duty—old as government—to consecrate the memory of citizens who have served well their native or adopted State. They have thus offered pledges to the future, of ideals to be emulated, and traditions to be cherished, by succeeding generations. They have thus linked the past with the future of our Republic. They have thus justified the faith of the fathers.

The catalogue of statues, thus far given place in this Hall of Immortals, constitutes an inventory of American achievement in a variety of phases. There are figures which must always stalk conspicuously, though in the silence of death, to and fro upon the stage of our national life. There are figures more retiring and less self-assertive, whose influence must always be more unobstrusive but not less potent. There are figures whose names are household words in the nation's lexicon. There are figures whose names are of more restricted import and familiarity. But one quality all these immortals have—the quality of singular inspiration.

To-day we have come from the far-flung reaches of California—the spirit of the "conquistadores," the sandal-footed missionaries, the "forty-niners," and the later pioneer generation hovering o'er—to present to the Nation two distinguished Californians, silent in marble, but vibrant in their influence exerted upon our beloved State.

I, as one of the spokesmen for my native State, am honored to speak what must be at best a faulty and insufficient word of tribute to the first preeminent Californian—a man of greatness in simplicity, of outstanding accomplishment amid discouragement, of untiring zeal in the cause of religion, of unremitting effort on behalf of civilization—the venerable and venerated brown-garbed and sandaled Franciscan friar, Junipero Serra—worthy follower of his spiritual father, St. Francis of Assisi.

The life story of Serra is one of inspiring romance. Born at Petra, in the island of Majorca, Spain, in the year 1713, of

parentage poor and pious, he evidenced early in life that instinct of gentleness and piety which complexioned and gave particular charm and luster to his maturer years. At the age of 16 he entered the service of the Catholic Church, following in the footsteps of the sainted Francis whose attachment to all forms of heaven's simpler creatures is one of the pure romances of the ages. In time he received the title of doctor of divinity, and became a professor in the Lullian University, accomplishing "his work," it is related, "with great fame as a man of profound learning." He was distinguished as one of the most eloquent pulpit orators of Europe and was sought after even by the court itself. There is authority for the belief that, had he remained in Spain, he would have become one of the outstanding ecclesiastics of his time, with perhaps cardinal's robes to grace his later years. But Serra, instinct with apostolic zeal, had his heart set upon missionary work among the benighted natives of the New World.

Forth from Cadiz he ventured—36 years of age—and, landing at Vera Cruz, late in 1749, trudged afoot to the City of Mexico, accompanied by only one companion and without any provisions or guide, relying entirely upon Divine Providence and the hospitality of the inhabitants. During the rough and tedious journey he received a wound in his leg from which he never entirely recovered. Soon he accepted a call to the wild and inhospitable reaches of the Sierra Gorda in Mexico and for 19 long years ministered to the wandering savages of that vast desolation. His mission became the model mission of the country.

Forth ventured he again in 1769, this new Galahad in quest of the Holy Grail, into the remoter regions of Lower California and then into what at the time was known as Alta California—now simply our beloved California. Portola headed the colonists; Serra, as father president of the missionaries, headed the band of Franciscans whose historic achievements are the glory and tradition of California. Amid early discouragements and starvation he exclaimed: "Let us speak no more upon the subject, I have placed my faith in God and trust in his goodness to plant the standard of the Holy Cross not only at San Diego but even as far as Monterey." Prophetic words these!

The passing of 15 years from 1769 saw the establishment by him of nine missions, beginning at San Diego's silver bay in the south and stretching upward to San Francisco's golden gate in the north. The impetus thus given did not cease with his death but continued afterwards, and 12 more missions were established, ending farther northward, at Sonoma, in the Valley of the Moon. This is the rosary of his service—21 missions for God and government along El Camino Real—The King's Highway—from San Diego to Sonoma, about 700 miles. San Diego de Alcala, San Carlos de Carmel, San Gabriel, San Antonio de Padua, San Fernando Rey de Espana, San Luis Obispo, San Francisco de Assisi, San Juan Capistrano, Santa Clara, San Buenaventura, Santa Barbara, La Purisima Concepcion, La Soledad, Santa Cruz, San Juan Bautista, San Jose de Guadalupe, San Miguel, San Luis Rey de Francia, Santa Ynez, San Rafael, and San Francisco Solano.

What a convocation of memories! Each name redolent of heavenly benediction upon a benighted people! Each name a pillar supporting the glory of an age to come! Each name an epoch in the ebb and flow of time!

For nigh on 16 years this able, simple, kindly friar toiled in California. Up and down the coast on foot he traveled, an invalid physically. He taught the native Indians the homely arts of husbandry; he instilled into them the rudiments of government in frontier society; he brought to them the civilizing message of Christian belief and ethics. He prepared the slopes of this western land for the advance of empire which years later was to press on and fructify.

He and his fellow friars brought thither, through old Mexico, over plains and mountains rife with hostile savages, over burning sands of trackless deserts, along a highway marked out by himself, the orange, the lemon, the olive, the fig, the vine, and other fruit-bearing trees; the seed of vegetables and cereals; cattle, sheep, goats, and horses; agricultural implements and the tools of the mechanic.

Serra found in California a native whose only knowledge of a home or structure was expressed by the primitive "lean-to" of willow branches covered with mud as a protection from inclement weather. But in a few years he caused these same natives to be taught the art of making mortar and cement and brick and tile, the hewing of stone and timber, the fashioning of iron agricultural implements and domestic utensils. These 21 mission churches and outlying buildings, some of which still defy time and are the architectural wonder of California, continue to inspire the modern builder to design and build thousands upon thousands of homes, commercial buildings, and public edifices along their graceful and enduring lines. No other section of our country can boast of a series of monuments built by pioneers so useful, so characteristic, so picturesque, so intriguing, so challenging.

Serra was the first to apply, within the domain over which the Stars and Stripes now float, the science of irrigation, and the irrigation systems of the missions have always excited the admiration of the hydraulic engineer. It can justly be said that he was the father, in our country, of the science of irrigation. And most certainly he was the great pioneer who revealed to the world the capacities of California's fertile soil and healthful climate, thereby laying the foundation for its subsequent greatness.

Three things of singular importance in the economy of civilization concurred in this period of California's history: The mission, which meant the spread of religion in heathen lands; the presidio, which meant the expansion of the political and military domain of Spain; and the pueblo or settlement, which meant the establishment of orderly civil government. A tripartite development in a form worthy of reflection and study even in our own day. A development at once secular and spiritual. The sword supporting the cross; the cross supporting the sword; and both supporting civil authority. What a jointure of effort. What a resultant achievement, despite the disappointment and cupidity that lay in ambush for future years and conspired to severely test, if not blight, the work of the great Serra.

Serra represented a theory of colonial government which is obsolete to-day. Yet it exercised profound influence upon the destiny of the world. It was the theory under which Spain acquired one of the great colonial domains of all time, and retained that domain for three centuries and more. What other theory has achieved like results in modern times?

It is for us Americans a matter worthy of most serious reflection that had it not been for the régime of Serra—that is, the system of mission life which started in 1769 and ended in 1823—this great territory of California might, and likely would, have fallen into the grasp of some other nation and been permanently lost to our Republic. The transition of the California of Serra to the California of to-day was, as history is interpreted, a normal sequence. Serra, therefore, is a legitimate precursor of the later-day civil authorities established by the American Government upon the shores of the Pacific. And such work of preparation accomplished by such a precursor. Lands, peoples—agriculture, horticulture, viticulture—communications, arts governments, hearts, minds, and above all, souls, prepared and tempered and awaiting a later larger development, but a development always predicated upon the previous monumental work of the urbane and saintly padre of the Indians.

While our Revolutionary fathers were engaged in their great contest for the achievement of political liberty on our eastern shores, Padre Serra and his brown-robed Franciscans were engaged in the Christianization and civilization of the natives on our western shores.

Serra is one of the picturesque figures of modern history. No military conqueror, no dominating overlord, no ambitioned statesman, no wizard of any sort, but a sympathetic, zealous, painstaking, able, cultured, highly educated, quiet mannered, undaunted, and unostentatious worker in a pioneer field among primitive peoples, his spirit saturated with love for Jesus Christ and with an eye to the eternal salvation of these peoples and their earthly welfare as well. What a lesson to the vainglorious.

It is said of him that he was not only the guiding spirit in this work of Christianizing and civilizing the Indians, but was himself, in fact, the hardest worker of all. It is likewise said that he chiefly attracted the Indians by his just and paternal treatment, and frequently was placed in the necessity of defending their interests when threatened by rapacious civilians. He established a village type of life under which these Indian converts were clustered about the missions, protected, industrious, well fed and well clothed, with their herds, flocks, gardens, and orchards spreading out under the shadow of the focal object, the mission church. So correctly placed were these mission settlements, from the geographic point of view, that the succeeding years witnessed the growth around them, or in close proximity to them, of a number of the most important cities of the State, including Los Angeles and San Francisco and also Monterey, the seat of the beloved mission of San Carlos de Carmel and the capital, civil and religious, of California for nearly 80 years. And what is equally marvelous, Serra, in determining upon mission sites, invariably and yet seeming without the advantage of any previous knowledge selected sites which later experience demonstrated to be the most fertile of each locality.

But the passing years and physical infirmity took their toll, and Serra at the age of more than three score years and ten departed this life in 1784, within the precincts of the mission at Carmel. No vaulted, pretentious repository for his remains. Rather, a quiet space beneath the old arches of San Carlos de Carmel, fashioned by rude native hands. So afflicted at his death were his protégés the Indians that, it is said, they fought for shreds of his poor friar's robe and for fragments of his whitened hair.

The retreating decades, however, were no more mindful of him than they have been of others among the great. In time even the sanctuary of his grave was violated by gathering débris. But fortunately a later generation, coming after the time of the vandals and their efforts to efface the work of the missions, bethought itself of this great and singular man and of his accomplishments, and to-day the cult of Serra is full ripe again in the length and breadth of California.

A worthy chronicler of California's romantic days, John Steven McGroarty, pens this appreciation of the civilizing friar:

"During the 16 years of Junipero's labors in California, 9 missions had been established, either directly by himself or under his direction. In those missions were 5,800 Indian neophytes whom he had converted, with the assistance of his companions, from heathenism to Christianity. This number of people whom he had found living worse than the lives of dogs he left in a new world of light and health and joy. He had taught the hand of the savage to do a Christian white man's work, to sing Christian music, and speak prayers. Within the valleys and the sun-swept hills where he had found only waste and desolation he left unnumbered flocks and herds. It is perhaps quite safe to say that there is not in all the history of civilization one other single man whose individual labors for God and humanity bore such a bountiful harvest. The name of Junipero Serra is to-day the best loved name in California, without distinction of class or creed. His memory is honored and revered by all the people."

It is estimated that at one time more than 30,000 Indian converts were lodged in the mission buildings, receiving religious instructions, assisting at divine worship, and cheerfully performing their easy tasks.

Fellow citizens, I take it to be axiomatic that our Nation pays tribute where tribute is due. I take it to be axiomatic that achievement is the only true justification for commemorative tribute. I take it to be equally axiomatic that no nation so much as our Nation pays commemorative tribute to achievement, particularly achievement amid discouragement and difficulty and poverty. I take it that no immortal in this Hall should be deemed more "worthy of this national commemoration" than Junipero Serra.

In the midst of hurrying days and shifting human scenes, so in contrast with the simpler past, he stands—this Padre Junipero Serra—as in a mellow sanctuary light of the eternal, blended with the mundane. His inextinguishable mark is upon the face of California. He is California's apostle to the Indians. He is our country's first civilizer of our western coast. He justly stands, for the edification of future generations, among the immortals of our Nation!

It was of such a man as this that Solomon, in all his wisdom, sang—

"His memory shall not recede and his name shall be looked for from generation to generation." [Applause.]

Selection.....Marine Band

Miss STOERMER. We are to be privileged in having Hon. SAMUEL M. SHORTRIDGE, Senator from California, depict the life and history of one of America's foremost citizens. The Hon. SAMUEL M. SHORTRIDGE.

ADDRESS OF HON. SAMUEL M. SHORTRIDGE ON THOMAS STARR KING

Mr. SHORTRIDGE. Grateful for the rare privilege, California presents these, her two beloved and cherished sons, to the Nation, here to stand alongside of others who have rendered great service to our country. Each in his day served God and man. Though dead, they speak. Their works, their lives, will ever be a blessing and an inspiration. Missionary and minister, they held aloft the celestial banner of God and the heavenly flag of the Republic.

Of the one you have just heard; of the other I would briefly speak.

Thomas Starr King was born in New York City December 17, 1824, the eldest child of a scholarly father and a gifted mother. The father, T. Farrington King, became pastor of a Universalist society at Portsmouth, N. H., where the son passed six years of early boyhood; later, in 1835, the family moved to and lived in Charlestown, Mass. At the early age of 18 years he became principal of a grammar school in Medford, Mass. To assist the family, in 1843 he obtained a position as bookkeeper in the Charlestown Navy Yard.

At the age of 20 years he began to preach, delivering his first sermon in Woburn, Mass. Later he occupied pulpits in Boston. In 1846 he was pastor of a Charlestown parish and in 1848 he was installed as pastor of the Hollis Street Society, a Unitarian denomination, where he served for 11 years.

During this period of his life Thomas Starr King achieved a great reputation for goodness and for greatness. To him duty was indeed the voice of God and to that voice he ever hearkened. The learned acknowledged him as an equal and the lowly, the poor, the outcast, sought and received his aid and comfort.

In 1859 he received an earnest call from the far West and, with the missionary spirit, answered that call and journeyed by way of the Isthmus of Panama to California, entering its Golden Gate on April 28, 1860. Immediately entering upon his sacred calling as minister of the Unitarian Church in San Francisco, he continued to make that city his home until, alas, too soon, he closed his eyes in eternal sleep.

I would have you know as we knew him. He was frail in body, but transcendently great in mind. Gentle, affectionate, unassuming, happy when serving, and endowed with a marvelous gift of speech, he quickly won the love and admiration of our people. He was indeed golden tongued. In addition to his ministerial duties he delivered many splendid addresses on scientific, literary, and historical subjects, journeying through California and our sister States of Oregon and Washington and on into British Columbia.

It can be said in very truth that Thomas Starr King fell in love with California and that California fell in love with him. No pen, no tongue, has more vividly or more eloquently described and portrayed the physical glories of that State than did the pen and tongue of this reverend man.

But you may ask me why we loved him; why we exalt him; why we place him in bronze here in the Capitol of the Republic. Soon after his coming to California the battle of brothers, the Civil War, broke out. Thomas Starr King hated no man, no State, but oh how he reverenced the Constitution and loved the Republic. He flung himself in a spirit of loyalty to the defense of the flag of Washington and Jefferson and Jackson and Lincoln. By day and by night, across valleys and through mountain passes, in sunshine and storm, he traveled and appealed in behalf of the Union. Nobler or more eloquent appeals were never made in behalf of the Republic. Wearied, he never faltered; and though warned by his friends, he never rested during those dark and doubtful days.

And then, like Moses in sight of the promised land—in sight of the Republic's triumphant flag—in sight of a Union saved—in sight of a reunited Republic—in sight of peace—he died. He died on March 4, 1864. Thus from the cradle to the grave he traveled but 40 years. He passed into the higher life with a smile on his lips, repeating in a clear, well-modulated voice, the Twenty-third Psalm—"The Lord is my shepherd, I shall not want. Yea, though I walk through the valley of the shadow of death I will fear no evil for Thou art with me, Thy rod and Thy staff they comfort me." California wept; the Nation wept.

Though dead he speaks to us and he enjoins upon us to be faithful to the Republic in the service of which he died. For even as the soldier falls on the battlefield, so Thomas Starr King laid down his life for the Union.

God grant that we of California and of the Nation may be worthy inheritors of his labors. God grant that this Republic may be true to the principles for which he stood. [Applause.]

America.....Marine Band

Miss STOERMER. It is my privilege to now present to you Mrs. William Elmer Evans, wife of Congressman EVANS, of California, who will pay a brief tribute to these illustrious men of California and present wreaths in the name of the California Federation of Women's Clubs.

ADDRESS BY MRS. WILLIAM E. EVANS

Mrs. EVANS. The purple lupines and the yellow poppies along the gentle slopes of El Camino Real softened many a weary mile for the bare feet of this beloved Spanish padre as he walked back and forth between the crescent Bay of San Diego in the south and the Golden Gate of San Francisco in the north teaching the people of his missions.

So to-day, on behalf of the California Federation of Women's Clubs, it is my great privilege to lay at these feet of bronze this wreath of California wildflowers.

Thomas Starr King did perhaps the greatest service of all for posterity by helping to preserve California to the Union. Not only California but every State from the Atlantic to the Pacific should delight to honor this man as we, the California Federation of Women's Clubs, place at his bronze feet this wreath of 48 red and white roses, tied with the blue, symbolic of the American flag, which California, though of Spanish traditions, is proud to claim and to honor. [Applause.]

Miss STOERMER. The Native Sons and Native Daughters of the Golden West were particularly interested and helpful in securing the legislation making this day possible, and it is therefore fitting on this occasion that these organizations participate in a humble way in expressing their appreciation of Junipero Serra and Thomas Starr King, and I have asked the Hon. ARTHUR M. FREE to represent the Native Sons and Native Daughters. The Hon. ARTHUR M. FREE.

ADDRESS OF HON. ARTHUR M. FREE

Mr. FREE. I have been requested to appear here to-day on behalf of the Native Sons of the Golden West and the Native Daughters of the Golden West. To those who are not informed, may I state that these two great organizations are composed of those men and women who have had the privilege of being born within the confines of the State of California, and have associated themselves in a fraternal bond of friendship with the specific purposes of earnestly and carefully studying the history of California, perpetuating this history and the traditions of the State, and of studying and perpetuating the memory of her pioneers.

As a part of their work these organizations have undertaken to keep in a reasonable state of preservation the missions founded under the direction of one of the characters whom we are here to honor to-day, and which represent the gathering places for the earliest civilization of California and the dissemination of the Christian religion.

California has an interesting and colorful background. Originally it was under the jurisdiction of Spain, later it came under Mexican domination, and then those pioneers who had gathered in this far-away land, coming either by boat, or ox team, or by crossing the Isthmus of Panama, decided to establish an independent Republic, and after this Republic had been fully organized then, through its properly constituted authorities, it appealed to the Government of the United States of America that it might be made a part and parcel of the United States.

Transportation in those days was slow, mail moved slowly and irregularly, and much time elapsed between the sending of this petition to the National Capitol at Washington, D. C., and the receipt of the response thereto; but finally, on October 18, 1850, the old sidewheeler the *Oregon* came into San Francisco Harbor with the news that California, which had never experienced Territorial childhood, had been accepted into the sisterhood of States.

Junipero Serra peculiarly concerned several of these periods in California history. He was born at Petra, on the island of Majorca (a Province of Spain). As a young man he migrated to Mexico and thence to California. He went on foot from San Diego to San Francisco, established missions which were built out of adobe by the hands of the Indians who populated the various sections, and these missions for many years served as places for the dissemination of information, served as a background for the establishment of a new civilization in these parts, and also were the gathering places where Christianity as he saw it was proclaimed.

Thomas Starr King likewise played a very important part in California history. Born in New York City, he migrated to California just at the time of the outbreak of the Civil War. It was not certain where California would cast her lot in this struggle, but King, through his eloquence, pleaded with the peoples of that State to remain loyal to the Union, and it was to him, perhaps, more than any other individual that the credit is due for California remaining in the sisterhood of States.

If you were to go with me to our State capitol, located in the great Sacramento Valley in the central portion of California, I could point out to you a portrait of this great man and beneath it are the words, "The man whose matchless oratory saved California to the Union." Or if you would go with me into Golden Gate Park, located in the city of San Francisco, where the kindly waters of the Pacific bathe the western shores of these United States, there in the midst of beautiful flowers and resplendent verdure you would see another likeness of this man, a statue under which is written, "In him eloquence, strength, and virtue were devoted with fearless courage to truth, country, and his fellow man." And so to-day we have unveiled another statue to him in this hall where only a few can be so greatly honored.

I wish some time you could come with me out to the State of California, particularly to the district which I have the pleasure to represent, and I would take you to the old town of Monterey, which I have the honor not only to represent in the Congress of the United States but to appear to-day as her representative at these ceremonies, and I would go with you to a promontory overlooking the beautiful Monterey Bay, and there I would show you a monument erected in memory of Junipero Serra, holding forth a cross, symbolic of the Christianity in which he believed and taught to the natives of my beloved State, his eyes turned toward heaven as though pleading to the great God of us all for the welfare of the State where he spent so many years of his life, and there, with an expression of welcome, looking out on the great Pacific, welcoming others to that land of sunshine and plenty, as he had done in life, ah, and even now welcoming all who might care to come to carry on the work which he so successfully undertook and to develop this great State.

Then I would take you but a few miles away into one of the beautiful valleys of which California is renowned, the Carmel Valley, and there I would point out to you an old mission established in 1771, built by the loving hands of faithful followers of Junipero Serra. I could show you some of the walls which have begun to crumble but still intact, the little church with its melodious bells which called the Indians to service and to study, and its old pews crudely but substantially made, with its altar and the stones upon which the faithful followers have trod these many years, somewhat worn; and then I would lead you into a little sanctuary, modest, unostentatious, simple, a mere slab of stone placed upon mother earth, and here I would point out to you the last earthly resting place of Junipero Serra.

As a member of the Native Sons of the Golden West, it affords me unusual pleasure on behalf of that order of which I am a member and the sister organization, the Native Daughters of the Golden West, to be present here to-day and to do honor to these two characters who played such an important part in the early history of our beloved State. [Applause.]

Miss STOERMER. Father Seraphin Muller, a member of the Franciscan Order, has come all the way from the Santa Barbara Mission to express an appreciation to the memory of Father Junipero Serra.

ADDRESS OF FATHER SERAPHIN MULLER

Father SERAPHIN MULLER. Coming from old Mission Santa Barbara and representing the Franciscan Friars of California, who are the successors of the Spanish padres of old, I wish to say that we consider it a great privilege that the first of our brethren to set foot upon Californian soil should be honored by having his statue placed in our National Capitol in National Statuary Hall.

It is not without coincidence that in this unveiling ceremony the statue of Fra Junipero Serra should face that of George Washington. At first sight there may seem to be no common bond of union between the Father of our Country and the apostle of California, but they were contemporaries, and if we look into the history of their day in the light of later events we see that they worked for a common cause.

It was in the year 1769 that Junipero Serra first came to California and founded Mission San Diego, the first of the 21 jewels that dot El Camino Real from San Diego to Sonoma, and at that time agitation for freedom was growing strong in the Colonies. In the year 1776, the year of the Declaration of Independence, Junipero Serra founded the mission of San Francisco beside the Golden Gate. By the time of his death in 1784 a new nation had been born.

So it happened that while General Washington and his patriots fought for the existence of our country Junipero Serra and his band of friars brought Christianity and civilization to California in preparation for its subsequent admission into the Union. At that time between the Atlantic and the Pacific lay the French colonies and a vast wilderness. I doubt if General Washington in his wildest imagination ever looked to the Golden West, and I doubt if Junipero Serra's thoughts ever went beyond the Sierra Nevada Mountains. Yet each, oblivious of the other, under the guidance of Providence was working for a common cause, these greater United States of our day that stretch from the Atlantic to the Pacific.

The unveiling of the statue of Junipero Serra is the realization of the words spoken by the Hon. HIRAM W. JOHNSON when, on the 24th of November, 1913, the bicentennial of the birth of Junipero Serra, as Governor of the State of California, he proclaimed a legal holiday, saying: "To the memory of Junipero Serra California owes an everlasting tribute. He brought civilization to our land, and in character and deed he deserves a foremost place in the history of our State." [Applause.]

Miss STOERMER. Representative WELCH, a Member in Congress from San Francisco, will, on behalf of that city and the Knights of Columbus, present wreaths in honor of Father Junipero Serra.

PRESENTATION OF WREATHS AND BENEDICTION

Mr. WELCH. I have been honored by the requests of the Hon. Angelo J. Rossi, mayor of the city of San Francisco, acting for the people of San Francisco, and of Harry W. McGowan, State deputy, representing the California jurisdiction of the Knights of Columbus, to pay the respects of the city of San Francisco and of the Knights of Columbus to this distinguished assemblage and to present these beautiful floral offerings as their tributes to Father Junipero Serra at the unveiling of the statue of the beloved founder of California's missions in Statuary Hall in the United States Capitol.

Junipero Serra founded Mission Dolores in San Francisco (the city of St. Francis) in the year 1776. His name is revered by every true Californian, regardless of race or creed, and his memory will last as long as the sun sets on California's shores. [Applause.]

Miss STOERMER. Representative FLORENCE KAHN will, on behalf of the city of San Francisco, present a wreath in honor of Thomas Starr King.

Mrs. KAHN (placing a wreath at the foot of the statue of Thomas Starr King). I place this wreath with the love, appreciation, and reverence of San Francisco, the city in which he labored and lived. [Applause.]

Benediction by Rev. Ulysses Grant Pierce, pastor of the Unitarian Church, Washington, D. C.

Stars and Stripes Forever.....Marine Band

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, have not all Members of the House the right to extend their own remarks until March 16, under a decision rendered by the Chair yesterday.

The SPEAKER. That permission does not include the insertion of documents, unless the request is made specially.

BASIC REASONS IN FAVOR OF TOBACCO MARKETING ASSOCIATIONS

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement on the Basic Reasons in Favor of Tobacco Marketing Associations, by Hon. A. K. Sessoms, chairman of the State organization committee on tobacco associations of Georgia.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANKFORD of Georgia. Mr. Speaker, recently several papers of my State carried a splendid statement on Basic Reasons in Favor of Tobacco Marketing Associations, by Mr. Alex K. Sessoms, chairman of the organization committee, Georgia Tobacco Growers' Marketing Association, which, under unanimous consent, I am very happy to include as a part of my remarks.

I now quote as follows:

GEORGIAN SEES COOPERATIVE SUCCESS—MEMBERSHIP OF 5,000 SOUTH GEORGIANS LIKELY, SAYS ALEX K. SESSOMS

WAYCROSS, GA., February 27, 1931.—"The Georgia Tobacco Growers' Marketing Association, with a probable minimum membership of 5,000 of south Georgia's most progressive tobacco farmers, will be a new and vital factor in the marketing of the 1931 bright-leaf crop," in the opinion of Alex K. Sessoms, tobacco grower and landowner of Ware County, who was recently elected chairman of the organization committee of the new tobacco farmers' organization.

Mr. Sessoms told me he had received reports from subcommittee chairmen of militia districts in more than 15 of the largest tobacco-producing counties of the State, and it is the enthusiasm and unshaken optimism of these farmers which Mr. Sessoms declared indicates certain success of the movement. I quote further, as follows:

"Farmers are pledging to sacrifice whatever time and effort that may be required, and to stand solidly in line until organization is completed," Mr. Sessoms stated.

"Already sufficient membership contracts have been signed to provide one-half of the minimum tonnage indicated by the Federal Farm Board as necessary to enable the tobacco cooperative to start off on a sound economical administrative basis.

"In most of the counties reports indicate the probability of a 50 to 60 per cent sign up, and a growing belief that the only hope of the Georgia producer is through cooperation.

ANOTHER FACTOR

"Another factor which is spurring the growers to prompt decision in signing the contracts is the announcement from a few markets that certain warehousemen and bankers have declared themselves against the cooperative. The reaction of the farmer to this opposition to his handling his own business has been a prompt acceptance of the challenge."

Mr. Sessoms pointed to the experience of South Carolina growers, who organized last year and sold their crop at a profit "while Georgia growers were giving away their crop." Mr. Sessoms further stated:

Farmers are asking the question, "Why do local bankers and business men want us farmers to stick to a system that almost ruined us last year? Do they think we farmers are fools enough

to continue growing tobacco at a loss, letting others who handle our crop and sell us fertilizers continue their profits? Can they not see that if they continue to place the temporary income of a few warehousemen and the few men who sell us lumber and fertilizers ahead of the profits of thousands of farmers, they not only forfeit our friendship but contribute to a system that will compel us to quit growing tobacco and ultimately kill the industry in Georgia?"

Commenting further regarding the opposition of "certain local business interests" to the cooperative movement, Mr. Sessoms points out that this attitude is by no means unanimous.

"At Douglas," he says, "the largest and oldest market in Georgia, the tobacco cooperative is being welcomed by business leaders; negotiations are well under way for securing there an ample receiving warehouse, and already there is a sign up of over 4,000,000 pounds in that section. In Baxley, bankers, business men, farmers, and general public are for the cooperative, and arrangements already have been made for a receiving warehouse there, with nearly a 100 per cent sign up anticipated.

"While I believe the temper of south Georgia tobacco growers is such that they would not be deterred from organizing, even should the opposition of business men be unanimous, for they are sure of Federal funds to finance their crop provided they organize, still they desire friendly and sympathetic relations with local business men, and they are greatly heartened by the friendliness of local bankers and business interests in most of the counties where they anticipate the same cordial cooperation as that in Douglas and Baxley.

NOT FIGHTING BANKERS

"We are not fighting local bankers nor the local warehousemen. We appreciate fully the motives and value of the assistance obtained by farmers from local interests who helped build the existing markets in Georgia. If they will cooperate with us, we will go as far as we can within the limits of economical marketing practice to utilize the floor space of existing warehouses and other facilities by lease or purchase.

"The policy of our organization committee is, and I am sure the policy of the permanent organization committee will be, not to destroy or disturb or contend with anybody. We growers simply are organizing so as to be in a position to reduce costs of production, grading, and marketing, and avail ourselves of the only source of financial accommodation now open to farmers in any substantial way—through the Federal Farm Board. The door to that aid is through the cooperative association alone. If we can aid ourselves to greater profits by taking this road, the local bankers and merchants will get their part, and we can save an industry to which our soil and climate are peculiarly adapted. We feel that they should help us from a purely selfish standpoint. If they do not believe in letting us run our own affairs as they run theirs, we feel that at least they should not oppose us and at the same time expect us to give our trade and patronage to the markets their own opposition may force us to desert. We want to build, not to destroy. We want peace, not war, but no combination of forces will be permitted to defeat our purpose to organize our own business for our own benefit."

Mr. Sessoms, in making this statement of the progress and aims of the organization committee, credited the Savannah Chamber of Commerce for its financial assistance, and declared that the basis for the successful membership drive which is now being made has been firmly laid by the work of county agents and representatives of the Federal Farm Board—most of whom have been successful tobacco farmers—and railroad agricultural agents, who for weeks have been conducting educational campaigns reaching every militia district in the tobacco belt. He mentioned the progressive farmers who have entered the lists without pay or hope of reward except the benefits they expect to reap from the cooperative plan of marketing, as entitled to the chief credit for the assured success of the movement.

April 1 is the date, according to Mr. Sessoms, as the "dead line" for the organization of the Georgia Tobacco Growers' Marketing Association.

Mr. Sessoms made an additional statement, as follows:

Tobacco growers of Georgia will or will not have an association according to the number of contracts they sign between now and April 1. Therefore the responsibility of whether or not we have an association to operate this fall is entirely in the hands of Georgia tobacco growers.

The sign-up to date has been real good, but not sufficient quantity is as yet signed. The farmers of Georgia were told by the Georgia State College of Agriculture and the Federal Farm Board in assisting in getting this started that the farmers would form this association if it was formed. The organization committee, with the assistance of men from these two organizations, have been holding community meetings in several of the counties. These have shown a great deal of interest, and the farmers have been signing well where these have been held. But the time is so short it is impossible for the speakers to cover all the counties in the tobacco belt, so it is therefore up to the growers of the counties producing tobacco to decide for themselves and to take action right away.

Various statements have been made as to the course Georgia farmers should take in marketing their tobacco this year. Most of them have come from those interested in handling the farmer's tobacco and for other reasons opposed to his handling his own tobacco. None of these have offered him any explanation or outlook for improving the unsatisfactory short season forced on him, or give him a way to see daylight for the tieing question. The facts still remain that he is the man to profit or lose by continuing or improving the present system. The organization committee of the Georgia Tobacco Growers Marketing Association advance the following as some of the basic reasons in favor of a tobacco growers' association:

First. The South Carolina Association, the Maryland Association, the Wisconsin Association—all three show that tobacco associations can be successful even though handling only a small percentage of the crop.

Second. The grower can, through the association, get a fair test of whether or not tieing tobacco pays. It seems that tobacco for export must be tied, and unless our Georgia tobacco is tied our export sales are handicapped. This permits the grower to find out which pays best.

Third. All tobacco for the association will be Government graded. Government-graded tobacco in Georgia averaged $1.94 per 100 pounds more than ungraded tobacco for the first three weeks last year.

Fourth. The association plans to know the daily market value of each grade and inform delivering members.

Fifth. Floor sweepings remain the property of the members as a body through the association.

Sixth. If you pool your tobacco you may deliver and return home that day.

Seventh. The member can elect to have his tobacco sold on the association floor by auction, and then will receive full pay for his tobacco, less the usual warehouse charges and association reserve.

Eighth. Or a member may elect to deliver all or part of his tobacco to the pool, draw 75 per cent of the market value, and return home.

Ninth. The association will have a board of tobacco experts to determine the market value on which the loan will be based. This value will be checked by daily sales and corrected if necessary.

Tenth. The board of directors, elected by the members, will confer with the Federal Farm Board member, Mr. James C. Stone, and with him elect an honest, efficient manager, capable of conducting the affairs in a businesslike way.

Eleventh. The aim of the association is to continue making improvements in the marketing of Georgia tobacco which will be fair to both the producer and the buyer.

Twelfth. The association can continue pooling your tobacco after the Georgia auction markets have closed. So you may have time to put your tobacco in condition, let it color, and if you find tieing pays, to tie it. Georgia needs longer than five weeks to market her tobacco.

Mr. Sessoms further said:

The outlook at present is for an increased acreage for tobacco in both North Carolina and South Carolina. If that be true and they have a fairly favorable season, we can not hope for a higher price in Georgia, even though human nature never quits hoping. Now, if that condition should exist, we will have an enormous number of telegrams from the business men and the tobacco growers to the Federal Farm Board calling for help, just as we did last fall. If the association is not set up, they can not do anything under the law.

If that market condition should exist, what could the association do? (1) They can give you a longer time to prepare and sell your tobacco. (2) They can save a part of the present cost of selling and the present waste in selling. (3) They can have your tobacco graded so that when you have good tobacco you can get the price for that grade, thus giving the Georgia grower more encouragement to produce quality tobacco. (4) Your tobacco will sell for the full market value over the association floor, and the several economies will come to you as savings through your association. (5) Your association will pool or auction the tobacco at the growers' discretion, and can sell pooled tobacco as demand calls for it.

Your organization committee believes the tobacco acreage should be reduced this year; that we should do everything possible to improve our quality, which is at present equal with North Carolina's; and that we should set up this organization to work these things out for us.

What do you think, and what are you going to do about it?

SERVICE IN THE HOUSE

The SPEAKER. Under the order of the House, the Chair will now recognize the gentlewoman from Arkansas [Mrs. OLDFIELD] for five minutes.

Mrs. OLDFIELD. Mr. Speaker, ladies, and gentlemen, as I contemplate my retirement from public life on March 4 a feeling of sadness steals over me as I realize that henceforth our paths may be widely separated and many faces which are now so familiar may never again cross my vision. Therefore I want to take this occasion to say to the membership of this House that I shall always remember most pleasantly my association with you, and extend to you an expression of my sincere appreciation and gratitude for your

helpfulness and uniform kindness to me. Years may come and years may go, but I want you to know that so long as memory lasts I shall never forget the many friendly and unselfish suggestions which came to me from friends on both sides of the aisle at the time when my official duties were new and more or less mystifying and when other circumstances were engrossing me day and night. It was indeed arduous for me to summon the necessary courage and confidence to undertake the momentous task, but your attiture toward me, together with my consciousness of the gracious and magnanimous action of my friends at home in conferring such an honor upon me, caused me to resolve firmly to make a faithful, determined effort, entertaining always the cherished hope that I may not seriously or grievously disappoint my friends anywhere. In view of the interest, friendship, and extreme confidence manifested in me, that I might not disappoint or grieve any of my friends almost became an obsession with me. I have honestly endeavored to properly and adequately evidence my appreciation and justify in so far as I could the confidence reposed in me, and now in terminating my public services I enjoy a feeling of supreme satisfaction in the belief that my friends will again demonstrate their generosity toward me in passing judgment on my official conduct. When I first came onto the floor of the House I was not altogether among strangers. For many, many years I had enjoyed the friendship of many of its Members, and I knew that on account of our friendship I could confer with them, and realized also that by reason of their long experience and sound judgment I could safely rely on their advice to me. To them especially I want to say that I am profoundly grateful. You have made me realize even more than heretofore that you are indeed my friends. Words fail to convey further my present feeling of thanks to all of my friends. [Applause, the Members rising.]

INTERNAL-REVENUE STAMPS ON TOBACCO

The SPEAKER. The Chair will recognize Members for consideration of conference reports at this time.

Mr. HAWLEY. Mr. Speaker, I present a conference report on the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, diate consideration.

The Clerk read the conference report.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "if issued after December 31, 1931, and if claim for their redemption is presented by the manufacturer or importer within three years after the year of issue as indicated by the number or symbol printed thereon by the Government, irrespective of the date of their purchase. Beginning with the year 1933, stamps of any issue shall not be sold until those of the previous year's issue have been disposed of or later than one year after the year of issue"; and the Senate agree to the same.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

REED SMOOT,
JAMES E. WATSON,
PAT HARRISON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill provided for the refund of internal-revenue stamps on tobacco, snuff, cigars, and cigarettes which the manufacturer or importer withdraws from the market, if claim therefor is presented within two years from the date of cancellation of the stamps, irrespective of the date of purchase. The Senate amendment removed the statute of limitations. The conference agreement permits refund only in case the stamps are issued after December 31, 1931, and provides that claims must be presented within three years after the year of issue, as indicated by the number or symbol printed thereon by the Government, irrespective of the date of purchase. The agreement further provides, beginning with 1933, stamps shall not be sold until the previous year's issue has been disposed of or later than one year after the year of issue.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

Mr. GARNER. Mr. Speaker, I think the gentleman ought to make a statement to the House so that the RECORD will show just exactly what this report is. There are a number of people here who are interested in this legislation. I suggest the gentleman from Oregon take one or two minutes to let the RECORD show the result of the conference.

Mr. HAWLEY. The bill, as it passed the House, provided for refund for internal-revenue stamps on tobacco, snuff, cigars, and cigarettes if they became unsalable and are withdrawn from the market; and if claim therefore is presented within two years from the date of cancellatıcn, irrespective of the date of purchase, the manufacture or importer could recover the value of the stamps. The Senate amended the bill by fixing no limit of time within which they could recover the money for the stamps. The conferees have fixed that limit at three years instead of two years and provided refunds only in the case that the stamps are issued after December 31, 1931. Claims must be presented within three years after the year of issue as indicated by the number or symbol printed on them. The tobacco interests have been consulted and agree to this. It is also agreeable to the Treasury.

Mr. GARNER. If I understand, the statement was made to us in conference that the representatives of the tobacco growers of the country and those interested in this particular legislation have gotten together with the Treasury Department and this arrangement that has been brought up in this conference report is satisfactory to both factions.

Mr. HAWLEY. That is correct.

Mr. EDWARDS. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. EDWARDS. This in no way affects tobacco growers?

Mr. HAWLEY. Only so far as they are interested in the sale of their products.

Mr. EDWARDS. I may suggest to the gentleman and to his committee that the tax on tobacco is too high now.

Mr. THATCHER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. THATCHER. It has the tendency to increase the sale of tobacco from the farmer to the factory.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. ABERNETHY. What is the time limit fixed for retiring these stamps?

Mr. HAWLEY. Three years.

Mr. THATCHER. That is satisfactory to everybody.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. LAGUARDIA. Do I understand the Senate removed the statute of limitations entirely and that they can obtain refunds at any time?

Mr. HAWLEY. Had the Senate amendment become the law, that would have been the result.

Mr. LAGUARDIA. I am glad to hear that. The gentleman has trouble with deficits in the Treasury, and if we keep on making exemptions of this kind we will never know where we are two years ahead of time. This is the first time the Treasury Department has agreed with me.

The conference report was agreed to.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill at this point in the RECORD and to include as a part of my remarks excerpts from the report of the committee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THATCHER. Mr. Speaker, it was my privilege to introduce this measure, H. R. 10658. It has for its purpose the amendment of existing law so that there may be made to manufacturers and importers of tobacco products refunds of stamp taxes where tobacco products become damaged or unmarketable and are removed from sale or consumption. The bill passed the House on January 19, 1931. It provided that in order that the indicated refunds might be made, claims therefor should be presented within two years from the dates of cancellation of such stamps, irrespective of the date of their purchase. On February 21, 1931, the bill passed the Senate with an amendment striking out the 2-year limitation, thus removing all limitation of time as to applications for refund.

The original bill—that is to say, the form in which it passed the House—was drafted to meet the views of the Treasury officials. The Senate amendment was not acceptable to the Treasury, as a time limit was desired. As a result the Senate amendment was struck out in conference and there was substituted an amendment providing for a 3-year limit touching redemption and providing certain details of operation to meet more fully the methods of certain tobacco manufacturers. Accordingly the bill will go to the President for approval in the following form:

An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat., p. 177), as amended (U. S. C., sec. 1174, ch. 21 title 26)

Be it enacted, etc., That section 1 of the act entitled "An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps," approved May 12, 1900 (ch. 393, 31 Stat., p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), be, and the same is hereby, amended by adding at the close thereof the following: "*And provided further*, That internal-revenue stamps affixed to packages of tobacco, snuff, cigars, or cigarettes which, after removal from factory or customhouse for consumption or sale, the manufacturer or importer withdraws from the market, may, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, be redeemed if issued after December 31, 1931, and if claim for their redemption is presented by the manufacturer or importer within three years after the year of issue as indicated by the number or symbol printed thereon by the Government, irrespective of the date of their purchase. Beginning with the year 1933 stamps of any issue shall not be sold until those of the previous year's issue have been disposed of or later than one year after the issue.

The following is quoted from the House committee's favorable report on the measure, the same including the favorable report thereon by the Secretary of the Treasury:

The proposed legislation amends existing law to permit manufacturers, under proper regulations to be prescribed by the Treasury Department, to recover the value of internal-revenue stamps affixed to tobacco manufactures which have been removed from the place of manufacture for consumption or sale but which the owner has been unable to market, or which may have become damaged or stale or otherwise unmerchantable through failure of a new brand to sell, by reason of faulty or unattractive packages, or for other legitimate reasons. Some manufacturers also protect their brands by frequently replacing those on the market with fresh goods.

Under existing law a manufacturer who withdraws such product from the market must lose the value of the stamp or stamps affixed thereto unless he exports the product and obtains a drawback of the tax paid. It is estimated that 94 per cent of the drawback paid on tobacco manufactures during the fiscal year ended June 30, 1929, represented tobacco withdrawn and exported for the purpose of recovering the value of the stamps affixed.

To require the manufacturers to export damaged or defective tobacco products in order to secure refund of the stamp taxes paid thereon not only subjects the manufacturers to substantial inconvenience and loss but also results in dumping into foreign markets unsatisfactory American manufactures with the consequence that American-made goods suffer in reputation in foreign countries. One of the purposes of this measure is to obviate this situation.

It is estimated that claims presented under this bill will amount to about $450,000 based upon the current rate of tax collections, but will be nearly offset by increased receipts from the sale of stamps to manufacturers on goods that replace the products so removed from the market.

The purpose of the amendment is to make it clear that the 4-year statute of limitation applicable to unused stamps contained in the act of May 12, 1900, will not apply in the case of redemption of stamps on goods withdrawn from the market and was suggested by the Treasury Department.

The bill has the approval of the Secretary of the Treasury, as set forth in the following letter under date of April 2, 1930:

TREASURY DEPARTMENT,
Washington, April 22, 1930.

Hon. WILLIS C. HAWLEY,
Chairman Committee on Ways and Means,
House of Representatives.

DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of March 19, 1930, inclosing a copy of H. R. 10858, by Mr. Thatcher, a bill to amend section 1 of the act of May 12, 1900, as amended, relating to redemption of certain internal-revenue stamps and stating that the committee would be glad to receive any comments or recommendations that the department may care to make thereon.

The act of May 12, 1900, as amended, authorizes the Commissioner of Internal Revenue under certain conditions to redeem internal-revenue stamps, but that authority has been construed in regulations 6, revised April, 1928, article 116, and prior revisions of said regulations, "not to include stamps that have been regularly and properly used by a manufacturer in payment of tax on his tobacco product and which was removed from the place of manufacture for consumption or sale. The fact that such goods become damaged, stale, or unmerchantable after they have been stamped, denoting payment of tax, and have been removed from the place of manufacture, will not entitle the owner to a refund of the tax." It is understood that some manufacturers protect their brands on the market by replacing that which has deteriorated with fresh goods. There are other reasons why a manufacturer might wish to withdraw his product from the market; for example, failure of a new brand to sell, faulty or unattractive packages, etc.

A manufacturer who withdraws his product from the market must lose the value of the stamp or stamps affixed thereto unless, having found a foreign purchaser for such product, he exports the same with benefit of drawback of the internal-revenue tax paid thereon under the provisions of section 3386 of the Revised Statutes and regulations (at present No. 73) promulgated pursuant thereto. Drawback of tax paid on tobacco manufactures exported during the fiscal year ended June 30, 1929, amounted to $141,484.71. A large part of such allowance of drawback, or approximately 94 per cent, represents tax-paid tobacco manufactures which the principal manufacturers in the United States withdrew from the market and exported in order to recover the value of the stamps affixed.

H. R. 10658 will enable manufacturers to recover the value of stamps affixed to tobacco manufactures which they withdraw from the market without going to the trouble and expense of exporting tax-paid tobacco manufactures and claiming drawback of the tax paid thereon. Importers would be accorded the same privilege, although they are not entitled under section 3386, Revised Statutes, to drawback of tax paid on imported manufactures exported. The redemption of unused internal-revenue stamps for tobacco manufactures, which amounted to $314,399.68 during the fiscal year 1929, will not be affected by the proposed act. Allowance of drawback of taxes on tobacco manufactures exported will be reduced to the extent that manufacturers who theretofore claimed drawback avail themselves of the privilege of redemption of stamps under the proposed legislation. It is estimated that claims presented under the proposed act will approximate one-tenth of 1 per cent of the tobacco tax collections, amounting to about $450,000, based on the current rate of collections. Increased receipts from the sale of stamps to manufacturers will result from tax payment of product removed from factories for replacement of goods withdrawn from the market, and nearly offset the redemptions.

The department recommends amendment of H. R. 10658 by adding at the close thereof the words, "irrespective of the date of their purchase," in order to make it clear that the 4-year statute of limitations applicable to unused stamps contained in the act of May 12, 1900, would not apply in the case of redemption of stamps on goods withdrawn from the market. It would be practically impossible to determine whether or not stamps affixed to tobacco products of domestic manufacture withdrawn from the market were purchased within the statute of limitations of four years from the date of filing claim for their redemption, other than approximately in those cases where the manufacturers canceled the stamps. The dates of cancellation of stamps afford the only practical means of applying any statute of limitations in respect to redemption of stamps under the proposed legislation.

With the change suggested, the department is disposed to recommend favorable consideration of the bill in question.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

JOHN MAIKA

Mr. IRWIN. Mr. Speaker, I present a conference report on the bill (H. R. 531) for the relief of John Maika, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 531) entitled "An act for the relief of John Maika," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to each thereof with an amendment as follows: In lieu of the sum inserted by each of said amendments numbered 1 and 2 of the Senate insert "$3,000"; and the Senate agree to the same.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 531) for the relief of John Maika submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

As agreed upon by the conferees the amount appropriated in the bill now is $3,000, instead of the amount of $5,000, which was carried in the bill when it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

LAURIN GOSNEY

Mr. IRWIN. Mr. Speaker, I call up the conference report on the bill (H. R. 2222) for the relief of Laurin Gosney, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. IRWIN]?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2222) entitled "An act for the relief of Laurin Gosney," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2222) for the relief of Laurin Gosney submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The conference committee recommends the reincorporation in the bill of the amount of $3,000, so that as agreed upon by the conferees the bill is in the exact form in which it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

ELIZABETH LYNN

Mr. IRWIN. Mr. Speaker, I call up the conference report on the bill (H. R. 6227) for the relief of Elizabeth Lynn, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6227) entitled "An act for the relief of Elizabeth Lynn" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6227) for the relief of Elizabeth Lynn, submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

As agreed upon by the conferees, the amount appropriated in the bill now is $1,000 instead of the amount of $5,000, which was carried in the bill when it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

GEORGE W. M'PHERSON

Mr. IRWIN. Mr. Speaker, I call up the conference report on the bill (H. R. 8242) for the relief of George W. McPherson, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8242) entitled "An act for the relief of George W. McPherson," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment of the Senate, insert $4,000.

And the Senate agree to the same.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson, submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

As agreed upon by the conferees the amount appropriated in the bill now is $4,000, instead of $5,000, which was the amount carried in the bill when it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

AMENDMENT OF NATURALIZATION LAWS

Mr. CABLE. Mr. Speaker, I present a conference report on the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, and I ask for its immediate consideration.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

"'SEC. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

"'(b) Any woman who before this section, as amended, takes effect, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship may, if she has not acquired any other nationality by affirmative act, be naturalized in the manner prescribed in section 4 of this act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

"'(c) No woman shall be entitled to naturalization under section 4 of this act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: This amendment permits persons born in the United States who have established permanent residence in a foreign country prior to 1917, and who have heretofore become naturalized under the laws of such country, and who have heretofore been admitted to the United States for permanent residence, to become naturalized without compliance with the 5-year residence requirement. In lieu thereof it is provided that the petition may be filed at any time after the expiration of six months following the declaration of intention but within the statutory 7-year period. The House recedes.

On amendment No. 2: This amendment amends the Cable Act of 1922, as follows:

(1) A woman citizen who hereafter marries an alien ineligible to citizenship shall not lose her citizenship by reason of such marriage.

(2) A woman who heretofore has lost her citizenship by residence abroad after marriage to an alien or by marriage to an ineligible alien may become naturalized according to the short method provided in section 4 of the Cable Act, as amended July 3, 1930, and by virtue of subdivision (b) of such section, as amended, after her naturalization she will have the same citizenship status as if her marriage had taken place after the passage of this bill.

(3) A woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 of the Cable Act, as amended, by reason of her race.

(4) The quick method of naturalization given to certain classes of women by the Cable Act, as amended, is denied to women whose citizenship originated solely by reason of marriage to a citizen of the United States.

(5) This amendment also repeals the provision of the Cable Act denying naturalization to a woman married to an alien ineligible to citizenship.

The House recedes with an amendment limiting the benefits set forth in paragraph (2) of this statement to women who have not acquired any other nationality by affirmative act, and with other amendments making clarifying changes.

On amendment No. 3: This amendment extends for two years more the time in which alien veterans may become naturalized under the short method of naturalization, this privilege under the existing law expiring on March 4, 1931. The Senate recedes.

The Senate amended the title of the House bill, and the House recedes from its disagreement to this amendment.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

Mr. STAFFORD. Will the gentleman yield?

Mr. CABLE. I yield.

Mr. STAFFORD. We have before the House a very important matter concerning the citizenship of married women, which has not been given any consideration at any time during this session of Congress. I think it is only fair to the membership of the House that the gentleman explain the full purport of the last section to which the conferees have agreed, so far as the regaining of citizenship by married women, and especially in cases where they have expatriated themselves and are being given the privilege of availing themselves of the privilege of regaining their citizenship.

Before the gentleman proceeds let me say that I notice that in one of the clauses it is proposed to give a married woman the right to retain her citizenship regardless of race of whom she is married to. I wish to inquire specifically whether a woman who was born in this country and married an alien would be obliged to take the citizenship of her husband or whether she would be entitled to the citizenship of the country of her birth. I have in mind a distinct case where a native-born woman living in my district married a person who had thought his father had been naturalized, but who was not, and in that case the woman was deprived of her right as a citizen because of the fact that her husband was an alien.

Mr. CABLE. I am glad to have the privilege of explaining this amendment. Congress by the act of September 22, 1922, declared for the independent citizenship of women. That bill was proposed and backed by many women's organizations of the country. The principle that a woman's citizenship was dependent upon her marriage was changed at that time. That law as written continued in effect until last year, when we passed the amendment of July 3, 1930, which repealed the provision that the woman who married an alien and resided abroad for five years or two years in the country of her husband was presumed to have lost her citizenship. Since July 3, 1930, therefore, there is no presumptive loss of citizenship by residence abroad. The amendment to the act of 1922, now before the House, is an important one. In substance it provides: First, a woman who heretofore has lost her citizenship by residence abroad after marriage to an alien or by marriage to an ineligible alien may become naturalized according to the short method provided in section 4 of the Cable Act, as amended July 3, 1930, and by virture of subdivision (b) of such section, as amended, after her naturalization she will have the same citizenship status as if her marriage had taken place after the passage of this bill.

Second. A woman citizen who hereafter marries an alien ineligible to citizenship shall not lose her citizenship by reason of such marriage.

Third. A woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 of the Cable Act, as amended, by reason of her race.

Fourth. The quick method of naturalization given to certain classes of women by the Cable Act, as amended, is denied to women whose citizenship originated solely by reason of marriage to a citizen of the United States or by her alien husbands naturalization.

Fifth. This amendment also repeals the provision of the Cable Act denying naturalization to a woman married to an alien ineligible to citizenship.

With this amendment a law we shall have removed the last discrimination between the American man and the American woman in the law on citizenship.

Let me explain this to you: Under the 1907 act, which was repealed by the act of September 22, 1922, if an American woman married an alien and she happened to be a lawyer, for example in New York State, she would lose her right to practice law. There was a case of that kind where a college graduate, a native-born American woman, married a Hollander in New York, and under the laws of New York she had no right—because she became an alien by that marriage—to continue to practice law. The laws of New York prohibit an alien from practicing law. Congress has said to the women of this country, "That shall no longer be the case."

This amendment, was reported out by the House Committee on Immigration and Naturalization. It was added by the Senate Immigration Committee to our bill eliminating the posting of notices; it has gone to conference; the conference report passed the Senate this morning and it is now up to the Members of this House to declare whether or not we believe in complete equality of citizenship rights as between American men and women.

If this bill and this amendment pass, it will be a declaration of the Members of this Congress that the American citizenship of a woman is as sacred as a man's. We should bear in mind that we can not have one law for the man and another for the woman, without declaring that the citizenship of the woman is inferior to that of the man. We held two hearings on this proposition and at that time practically every woman's organization in the United States had some representative before the committee and those representatives indorsed this proposition.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. JOHNSON of Washington. In the gentleman's time, I would like to say this: These various problems, relating to the status of citizenship of women under certain circumstances, have been before the House Committee on Immigration for many years. The House committee voted out one or more phases of it, the Senate has added others. The proponents of the House bill are now presenting this conference report, with certain amendments, and these amended. This bill is indorsed by all the women's organizations, I think. This is an endeavor to balance up several matters of naturalization and put certain classes on a parity as regards naturalization and citizenship. I think we might as well adopt the conference report now, rather than to have the questions remain unsettled and troublesome.

Mr. GARNER. Mr. Speaker, I want to make a point of order so that it may be pending. From a reading of the report it appears that the conferees have written a new bill. In order to get the matter before the Chair, I make the point of order that there is new matter contained in the conference report and that it is neither the House bill nor the Senate bill. I would like to have the matter looked into in order to determine whether or not the conferees have written a new bill, and if they have the House ought to have an opportunity to more thoroughly consider and discuss the proposition before we adopt it.

The SPEAKER. The Chair, of course, is not familiar with the facts, but it seems to the Chair that the point of order of the gentleman from Texas would come too late, inasmuch as the matter has been debated.

Mr. GARNER. I think, perhaps, the Chair is right.

The SPEAKER. The Chair is not familiar with the facts, however.

Mr. GARNER. But if I may be permitted, you will notice the conference report is not supported by the minority conferees and the report is not in print. However, from a reading of the report it would seem that they have written an entirely new bill.

Mr. CABLE. I assure the gentleman we have not.

Mr. GARNER. And this is a very important matter inasmuch as it affects the citizenship of the American people.

Mr. CABLE. It protects the American woman.

Mr. GARNER. Is she not a citizen?

Mr. CABLE. Sure, and that is what we want to do—protect her.

Mr. GREEN. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. GREEN. May I say here that there was nothing like unanimous approval of this bill in committee, and as I understand the provisions of the bill, for instance, an American woman may marry a Hindu and may reside in India and possibly there are half a dozen children born to the union, and 25 years after the marriage she may elect to come back to the United States and bring her children, and possibly her Hindu husband; or suppose she is a Chinese woman residing in the United States, she may go to China and marry a Chinaman, as of course she should, and later on bring back her Chinese husband and their offspring. Suppose there is an organization of Hindus in India that are revolutionists and have no country of their own—and

there are just such persons, I understand—under the provisions of this bill they may marry American women and come here and have a country. Gentlemen, I fear this bill may mean trouble. I want our American women to have full privileges, but I think it is a rather dangerous thing for us to permit what may turn out to be a marriage lottery whereby foreign races of different creeds and colors may marry American women and come here and reside in the United States by virtue of this law. Suppose an American woman goes to Germany and marries a German citizen and resides there for 25 years, and then decides she wants to come back to the United States and claim her American citizenship? Can you not see the far-reaching effects of this bill. I want women to enjoy full right with men, but why upset all existing family tradition and custom of the husband being the head of the home.

Mr. CABLE. The gentleman from Florida should know that marriage between races is governed by the laws of the State and not by the Federal Government, and this measure has nothing to do with that particular phase of it. The gentleman should also know that this naturalization law does not affect immigration. It is simply a law that removes the last discrimination against women in the matter of citizenship.

Mr. GREEN. But they would be permitted to bring in their husbands. Could they not bring in their children? Many States permit marriage of different colors.

Mr. CABLE. The gentleman should know that the child inherits his citizenship from the father and not from the mother, and this bill does not affect that.

Mr. GREEN. That is the case now, but under this bill this may not be the case.

Mr. CABLE. This bill does not affect the citizenship of children at all, neither does it give to the child of an American citizen who marries an alien the citizenship of the mother, because the law provides that citizenship comes from the father and not from the mother.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. LAGUARDIA. Is it not true that under existing law, since 1922, when we passed the Cable Act, an American woman retains her American citizenship?

Mr. CABLE. That is true except in one instance.

Mr. LAGUARDIA. It is also true that an American woman marrying an alien who has not resided in the United States may, upon her return, be repatriated.

Mr. CABLE. If she married the alien prior to September 22, 1922.

Mr. LAGUARDIA. Therefore all that your bill really does—and the House should know the real facts—is to provide the retention of citizenship to women who have married aliens who are not eligible to citizenship.

Mr. JOHNSON of Washington. Is not that equitable?

Mr. CABLE. That is the last discrimination against women.

Mr. GREEN. Does not the gentleman think they should reside in the United States? Suppose they reside in some foreign country for years. Is not the husband the head of the family? Do you want to destroy the home?

Mr. CABLE. The husband's citizenship is not a bit more sacred than the wife's. This bill protects the American woman. If she marries an alien, which she has a right to do, our first duty is to safeguard her American citizenship. In such a case his citizenship is by no means more sacred than is hers. We can not, we must not take from her her birthright.

Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, as I understand the conference report, this law is required because of the Cable Act.

What the gentleman from Ohio [Mr. CABLE] now desires is to take care of American heiresses who have married into the nobility of Europe—the counts or no-counts, the dukes or dukelets—and after these heiresses are relieved of their fortunes and are discarded, America again becomes good enough, and, having expatriated themselves, they seek to return here.

The gentleman from Ohio states that all the ladies' organizations and societies are in favor of this proposed legislation, have approved this bill, and are clamoring for its passage. I am inclined to concede that all the leaders of ladies' organizations, not the women's organizations themselves, but the leaders of the organizations, many of them with marriageable daughters seeking to emulate and penetrate the nobility of Europe, and apprehensive of the future of their daughters, are seeking this legislation.

I have no sympathy with the American heiresses, nor the mothers seeking to crash the social and nobility circles of Europe through their daughters—which this bill will encourage—or desire to encourage them in their foolhardy aspirations.

Mr. Speaker, ladies and gentlemen, I think it is an insult to American citizens. Instead of aiding them we should discourage them. I feel that they should recognize by this time that, with few exceptions, these marriages have been unhappy experiences; and, I repeat, in the interest of not only American womanhood but American manhood also, this practice should be discouraged, because there is no title whatever nobler than the title of the American citizen.

If you think this legislation is so badly needed, well and good; but it is my belief that whenever a woman of that kind disregards her own citizenship as an American and gives preference to a member of the foreign nobility over a splendid American citizen she has chosen her lot and, I say, let her remain there. [Applause.]

Mr. CABLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.; and

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park in the State of Michigan, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 6255. An act to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States.

ORDER OF BUSINESS

The SPEAKER. The Chair will recognize gentlemen for three suspensions of the rules. May the Chair say this, that it looks quite impossible now to recognize for many suspensions of the rules and possibly, by unanimous consent, to pass Senate bills. It is a pure waste of time for any Member to ask the Chair at what time he can be recognized. Gentlemen must keep their seats and await their chance.

Mr. RAMSEYER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. The Chair stated that he would recognize gentlemen for three suspensions. Would it be proper for the Chair to state what those suspensions are?

The SPEAKER. The Chair is about to state them. Two are House bills. Ordinarily the Chair would not recognize at this time a motion to suspend the rules for the passage of a House bill, but he is informed that there is an excellent chance for both to be passed by the Senate this afternoon.

One of the motions to suspend the rules is by Doctor TEMPLE, to provide funds for buildings for the use of the diplomatic and consular establishments.

One is by the gentleman from Georgia [Mr. BRAND], in relation to spreading false rumors about the condition of banks, and the third one is a bill of the gentleman from Idaho [Mr. SMITH] in relation to advances on reclamation projects.

FOREIGN SERVICE BUILDINGS

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15774, with an amendment.

Mr. LINTHICUM. Mr. Speaker, I understand from the gentleman from Washington [Mr. JOHNSON] that this bill has just passed the Senate this morning. I would like to know what effect this would have on this motion.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania if that is the fact.

Mr. TEMPLE. I was in the Senate a few moments ago and was informed by the Senator from Virginia [Mr. SWANSON] that it would probably be passed shortly. I will withhold my motion temporarily.

FALSE REPORTS AS TO CONDITION OF BANKS

Mr. McFADDEN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10560, with an amendment, which I send to the Clerk's desk.

The Clerk read the bill, as follows:

H. R. 10560

A bill to amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, or any other bank or banking institution which may, under existing law, be subject to examination by the Comptroller of the Currency, which causes a general withdrawal of deposits from such bank shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

The SPEAKER. Is a second demanded?

Mr. RAMSEYER. Mr. Speaker, I demand a second.

The SPEAKER. Is any member of the committee opposed to the bill? If not, the Chair will recognize the gentleman from Iowa [Mr. RAMSEYER].

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. McFADDEN] for 20 minutes and the gentleman from Iowa [Mr. RAMSEYER] for 20 minutes.

Mr. McFADDEN. Mr. Speaker, I reserve my time until we hear from the gentleman from Iowa.

Mr. RAMSEYER. Mr. Speaker, this bill, or a bill similar to this one, was considered in the House last March, about a year ago from this March, and was overwhelmingly defeated. The author of the bill, Mr. BRAND, saw the predicament that the bill was in and moved to recommit the bill to the Committee on Banking and Currency. If those who opposed the bill had known that it would come up again they would have gone ahead and beaten it and that would have been the end of it for this Congress.

The situation at this time is no different than it was a year ago, except that the bill has been somewhat modified. Instead of making the slander of national banks a felony it is a misdemeanor in the pending bill. A while before the bill was up a year ago we passed another bill which undertook to extend the criminal jurisdiction of the Federal Government to stolen property carried in interstate commerce. I stated at the time that that bill had not been referred to the Department of Justice, and that if it had been referred to the Department of Justice, that that department would undoubtedly have recommended against it. It passed the House by a small majority and was sent to the Senate, and there referred to the Department of Justice for its opinion. The Department of Justice sent me a copy of that letter addressed to the chairman of the Committee on the Judiciary of the Senate; and that committee, following the advice of the Department of Justice, did not report that bill to the Senate.

I want to give you the attitude of the Department of Justice toward extending the criminal jurisdiction of the United States. I have stood on the floor of the House and have warned the House against the tendency of extending the Federal jurisdiction. I warned this House against the tendency of trying to regulate the life of every community in the United States from Washington. I have stood here for State rights, while the historic advocates of State rights from the South have been standing back and refusing to aid along that line. Now, here for the first time in the history of the country there is an attempt to make slander of national banks a Federal offense. Heretofore many of the States have passed laws making slander of banks, whether State or National, a criminal offense. This is a matter for the States, like their other criminal laws, the laws against burglary and against theft and a hundred and one other criminal laws that the States have and which there has been no attempt to aid or reinforce by Federal criminal laws. What is the tendency of States whenever the Federal Government comes in and supplements the State criminal laws? The tendency has been and will continue to be that where an offense is both State and Federal, for the State authorities to lie down and turn the prosecution of such cases over to the Federal courts. That has been the experience with the Dyer automobile theft law. The experience has been that whenever a stolen automobile is taken across a State line, the State authorities, instead of going through the usual process of extradition for the return of the offender, turn it over to the Federal courts.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. O'CONNOR of New York. The gentleman said that we can do it if we want to do it. I would like to know what the Federal Government can do if a man stands in Times Square and says something slanderous about a national bank. How could the Federal Government get any jurisdiction to punish him, even if it wanted to?

Mr. RAMSEYER. Of course, if it is done against a national bank, that is what this law is intended to cover.

Mr. O'CONNOR of New York. Where is the crime committed?

Mr. RAMSEYER. In Times Square.

Mr. O'CONNOR of New York. What has the Federal Government got to do with that?

Mr. SABATH. This bill will make it a crime.

Mr. RAMSEYER. This bill would not be considered now if there had not been a run on a trust company here in Washington. I have no objection to the States making slander of financial institutions an offense. That is up to the States. If this bill were limited to the District of Columbia, I would not interpose any objection to it. If they need that kind of a law in the District of Columbia in order to protect banking institutions, such as they have here, or trust companies, that is up to the wisdom of this House. So far as I am concerned, as I stated before, I would not interpose any objection at all to a criminal statute of this kind for the District of Columbia. So far as I know this bill has never been referred to the Attorney General for an opinion. I ask the chairman whether it has been?

Mr. McFADDEN. The Treasury Department referred it to the Attorney General.

Mr. RAMSEYER. I know the Treasury Department wants it, but the Attorney General has never expressed an opinion upon it.

Mr. ARNOLD. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ARNOLD. In the event of prosecution under this law for a statement that a bank is insolvent, in the trial how would it be possible to prove the insolvency of the bank without requiring all its paper and assets to be brought before the court and submitted to the jury for them to determine whether or not the bank was solvent or insolvent?



Mr. RAMSEYER. That is a question that comes in all bank slander laws in States now with which I am familiar. Iowa has a slander law, but up to date it has never undertaken to prosecute anybody. Of course, if the solvency of the bank is put in issue, the solvency of a bank depends upon the solvency of its borrowers, and the State, which has the burden of proof to establish the offense beyond a reasonable doubt, would be compelled to show that the bank was solvent by showing that its borrowers were all solvent, at least solvent enough to make the bank solvent.

Mr. ARNOLD. To justify the slander of a bank, would it not be necessary that all assets be produced at the trial and submitted to the jury so that the jury could determine whether the bank was solvent or insolvent?

Mr. RAMSEYER. I think there is no question about that, if solvency is an issue under some State law and from a practical standpoint the attempt of a bank to use this law in a State, or in a Federal court if a Federal law is passed, would do infinitely more harm to the bank than a little loose talk on the streets. The proponents of this bill, when it was up a year ago, were severely routed on every phase of this bill, and I am not surprised at all that there is no one who wants to go ahead here and defend the bill.

The Attorney General is against the extension of the Federal criminal jurisdiction, especially at this time.

After that bill to make it a Federal offense to carry any stolen goods across a State line was before us I placed in the RECORD on March 31, 1930, a letter from the Attorney General. I want to read three sentences from that letter. He said:

> Experience has shown that when Congress includes criminal legislation of this type the tendency is for the State authorities to cease their efforts toward punishing the offenders and to leave it to the Federal authorities and Federal courts.
>
> That has been the experience under the Dyer Act.
>
> State authorities are usually willing enough to allow the trouble and burden of the expense of prosecution, including provision of penal institutions, to be borne by the Federal Government.

And then in the sentence above he says:

> The machinery now provided by the Federal Government for prosecution and punishment of crime is overtaxed.

Mr. STEAGALL. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. STEAGALL. That statement was not made with reference to the bill now under consideration, was it?

Mr. RAMSEYER. It was made with reference to a bill to extend Federal jurisdiction over what are now only State offenses. It applies to this proposed legislation just as much as it does to the legislation which the Attorney General had in mind.

The bankers have an erroneous conception of purpose and benefits of this bill. Since my part in opposing this legislation a year ago I have had voluminous correspondence with the Secretary of the Iowa State Bankers' Association. He sent me a photostatic copy of a letter written by an insurance agent at Omaha to a prospect in Iowa. In the letter the insurance agent tells his prospect:

> There have just been two bank failures in Sioux City.

That was the truth.

He says:

> Banks are failing every day.

That was the truth.

Then he told him in this letter that in 53 years there had not been a failure of an old-line insurance company. That, of course, was used as an argument why this man should invest in an old-line insurance company rather than in banks. There is not a false statement in the letter, and yet the bankers of Iowa think if this law were passed you could put a stop to that kind of argument.

Mr. CELLER. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. CELLER. There was a situation recently in New York where the Bank of the United States failed. As a result of that failure slanderous remarks were made concerning one Chelsea bank. As a result of those remarks that bank was compelled to close.

Mr. RAMSEYER. Very well. Now, there is undoubtedly a slander law in New York. There is a slander law in Iowa. There is a slander law in Georgia. I think there are over 30 States which have slander laws, making it a criminal offense to slander banks and trust companies. I contend that that should be left to the States just like ordinary thefts or burglaries or numerous other offenses against society. The Dyer Act and other Federal acts that have been passed in the last 12 or 15 years have simply caused the States to lay down, and in every case where the offense is covered by a Federal law the burden of prosecution in all of those cases is invariably thrown upon the Federal courts.

Now, if that is extended so that slander of national banks is made a Federal offense, there are many other offenses that could be made Federal offenses. The Federal banks in Iowa, for instance, have the protection of the State law. If this law is passed, the national banks and member banks in Iowa will have the protection of both Federal and State laws, while the State banks will only have the protection of the State law.

This bill was before the House on March 5, and in the RECORD you will find a very exhaustive debate. It was gone into very thoroughly. The matter was fully discussed. It was at a time when the state of mind of the House was altogether different to what it is now. The House understood the situation, and if the bill had come to a roll-call vote it would have been defeated by a vote of about 4 to 1.

Mr. CELLER. Will the gentleman yield further?

Mr. RAMSEYER. I yield briefly.

Mr. CELLER. What about the slander of misstatement made of a bank by somebody in a State other than the State in which the bank is situated; across the State border?

Mr. RAMSEYER. Oh, such a situation might arise. People in times like this imagine many things that never happen. Why not wipe out all State lines and let the Federal Government alone define what crimes are and prosecute them, and let it go at that, and abolish the State courts, State laws, and State governments? If the tendency of the last 15 or 20 years continues, that is probably where we will ultimately find ourselves.

Mr. McDUFFIE. Will the gentleman yield?

Mr. RAMSEYER. I have only a few minutes, and I wish the gentleman would get time from the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. McFADDEN. I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Iowa has the greatest power of convincing himself of any man I have ever met. The gentleman's argument would have been sound before we had rapid transit, the telegraph, and the telephone, radio, and aviation. But it is necessary to keep legislation abreast of progress, and the gentleman clearly states the necessity for this law when he admits his own State has such a law, but has failed to prosecute any case under the law. Therefore it becomes necessary for the Government to step in and to provide for just such instances.

It is now possible for anyone with malicious purposes to go into the gentleman's State, into his district, and radio a message concerning the condition of a bank in New York or to telegraph that to a confederate and start a run on the bank when that bank is solvent. The gentleman from Illinois suggests the necessity of proving the solvency of a bank. Of course, the solvency of a bank would have to be proved in a prosecution under the provisions of the bill. I have never yet heard that the difficulty of presenting a case was an argument not to pass necessary criminal law. Such a policy would indeed be welcomed by the law violator. My colleague from New York suggested what would happen if a man starts a run on a national bank by starting it on Times Square. The answer is this: What happens to a man if he counterfeits United States currency on Times Square? By this very act the Federal Government would take jurisdiction. That is so with every Federal penal law. The gentleman stated that another bill which the House passed has never received the consideration of the Senate. Permit me to say that a subcommittee has favorably re-

ported that bill to the full committee of the Senate, but that bill is in the position of having powerful influences opposing it. The business of dealing in stolen property has become very prosperous in this country by reason of no adequate legislation to curb it. I will not get off the subject of the bill now before us.

We have had illustrations and examples of runs started on banks and financial institutions within the last few weeks. Almost every State has a law of this kind. The bill will only provide a missing gap to take care of cases where the State does not prosecute, as stated by the gentleman from Iowa [Mr. RAMSEYER], in cases of interstate activity and in States where there are no such laws.

In order to keep criminal legislation abreast of the age in which we are living and in view of the present means of communication, it is necessary to enact legislation of this kind. The criminal and law violator avails himself of every modern means of communication, and this legislation will reach him if he does.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker, ladies and gentlemen, these seem to be the days when statesmen are looking under every chip to see if they can find some kind of a bug; and if they are disappointed in not finding a bug, they then look wise and say, "Well, there must have been one around here somewhere."

This legislation is solely for the purpose of protecting the depositors in banks, the people whose savings are placed in the safe-keeping of banks.

Within the last few weeks we had an example in Washington of how these runs start. A run was started on a prosperous institution. Men went to the telephone and called up departments of the Government and said to the Government clerks, "You had better get your money out of that bank." If they had been successful in causing that bank to fail, thousands of people would have lost largely of their savings.

This bill is very simple. It only asks that men who maliciously start a run upon a bank that takes from it a large part of its deposits shall be prosecuted. Let me read it to you.

> Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000, or imprisoned for not more than one year, or both.

Look at the safeguards in the legislation. The bill says:

> Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits.

The bill provides that the report must "have been maliciously made and with intent to deceive and cause a general withdrawal of deposits" in order to bring about a conviction. Any person or persons who make such report should be punished, not in the interest of the bank itself, but in the interest of the people who have their savings in that bank. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. McFADDEN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker and gentlemen, I just want to call attention to the fact that the committee appointed by the House to investigate the activities of the communists included in their report a recommendation for the enactment of Federal laws to prosecute communists or other persons, organizations, newspapers, and so forth, for the spreading of false rumors for the purpose of causing runs on banks. Our committee held an executive hearing on this subject, and the Comptroller of the Currency appeared before the committee. He recommended similar legislation. A member of the committee, Mr. HALL of Mississippi, introduced an almost identical bill, and is now supporting the bill before the House.

I am not an alarmist. I do not believe that the communists have been responsible for the vast number of bank failures throughout the United States. I do believe, however, that they are responsible for some of the runs made upon banks in the city of New York, as testified to by Mr. Broderick, the superintendent of banks of the State of New York.

Unless this bill passes, or similar legislation, there is nothing to stop any group unfriendly to the United States, to our form of government, and to our financial structure, from conducting a conspiracy to undermine the confidence of the people in their own banks in any city in the country. Therefore I rise to ask the Members of this House to support this kind of legislation and to help enact it into law. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker and Members of the House, it is difficult to understand how anybody can find anything in this bill to be frightened at. This is not the same measure that was formerly considered by the House and to which the gentleman from Iowa [Mr. RAMSEYER] called attention. The bill to which he referred provided that any punishment of persons who circulate false reports concerning national banks or State banks that are members of the Federal reserve system, which tends to bring about a withdrawal of deposits and which tends to impute insolvency to such banks. The bill before us to-day only punishes one who maliciously and with intent to deceive circulates false reports which actually cause a general withdrawal of deposits from such banks. There is a very wide difference between the two measures. We know the confusion and distress caused by the closing of banks, often suffered by people who are innocent.

I belong to the school of State rights advocates. I agree in a general way with all the gentleman from Iowa [Mr. RAMSEYER] said upon the question of State rights. But national banks are institutions set up by the Federal Government, have governmental functions; they are instrumentalities of the Federal Government, and it was deemed necessary in the beginning of this system to throw the protection of the Federal laws around the national banks of the country. We undertook to set up criminal provisions in our national banking laws dealing with various offenses against the national banks. This was done not only in the interest of stockholders but for the benefit of depositors and the public. We have enacted laws which protect capital invested in national banks against discriminatory legislation on the part of the different States in the matter of taxes to be imposed. There has never been an enactment by the Congress for the protection of national banks more in keeping with the spirit and purposes of the framers of the national banking act nor one more essential to the safety and successful operation of the banking system of the country than the proposal here. We simply attempt to safeguard the interests of the public, who deposit their money in national banks, against a person who maliciously and with intent to deceive goes out and circulates false reports against a bank, which actually brings about a general run on that bank.

Mr. HARE. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from South Carolina.

Mr. HARE. I just wondered whether or not the gentleman had any information showing what percentage of failures of national banks or of national banking institutions during the last few years was due to the circulation of false and malicious reports.

Mr. STEAGALL. I will say to the gentleman there is not any way to get such statistics, but as practical men we know that these rumors and unfair, insidious criticisms that are sometimes indulged in by rivals in business and by enemies who have grievances, real or imaginary, against banking institutions, have played a large part in many instances in bringing about a general withdrawal of deposits, which has resulted in the closing of banks.

Mr. ESLICK. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. ESLICK. What is the authority or the right of a State court to prosecute a criminal offense committed against a national bank?

Mr. STEAGALL. I think the States have the right to enact laws that deal with these offenses, but numbers of States have not seen fit to do so. The Federal Government has enacted a number of criminal measures for the protection of national banks and they can not afford to wait for the States to pass such legislation.

The man who falsely, maliciously circulates reports that result in the closing of a bank has committed a worse crime against a community than if he had burned a bank building at night. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Speaker, ladies and gentlemen of the House, the question propounded by the gentleman from Illinois [Mr. ARNOLD] is an immaterial one, because the bill under consideration does not require the Government to prove that a bank, against which derogatory statements as to its financial condition have been made, is insolvent or to prove that the statements caused the bank to close its doors. Of course, it is necessary to prove that the derogatory statements were false and that the utterance or circulation of the same caused a general withdrawal of deposits.

I deny that it is necessary to bring into courts the assets of the bank in order to show the statements are false. Falseness of the derogatory statements may be proven, among other ways, by the president, vice president, or cashier of the bank, the finance committee of the bank, the directors of the bank, auditors from the State banking department, and if it is a member of the Federal reserve system, auditors from the national banks; and, if necessary, auditors from the Federal reserve bank of the district in which the bank is located. Any lawyer knows that proof of falsity may be shown by positive or circumstantial evidence.

Another reason why the question propounded by the gentleman from Illinois [Mr. ARNOLD] is immaterial is due to the fact that it is the business of the courts and of the prosecuting attorneys to furnish testimony to substantiate the allegation of falsity, and that the question of proof and the character thereof is not for Congress to worry itself about. In other words, it is within the jurisdiction of Congress to enact the law and it is the business of the courts to execute the law.

I contend if Members of Congress are otherwise satisfied that the proposed legislation should be enacted to correct an existing evil, they should vote for the bill, whether or not the prosecuting attorneys fail to convict when one is indicted for its violation. This contention is based upon the constitutional doctrine that the legislative, judicial, and executive departments of the Government are separate and distinct.

In drafting this new bill I made the same simple on account of the objections urged against the original bill. The bill in its present shape is not what the Comptroller of the Currency and other officials of the Treasury Department want, but I thought, as modified, it is what Congress would pass.

The original bill is as follows:

A bill to amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(h) If two or more persons conspire to violate the above provision, and one or more of such parties do any act which effects the object of such conspiracy, each of the parties to such conspiracy shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(i) Any bank official who maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any individual which imputes or tends to impute insolvency, or unsound financial condition, or financial embarrassment to such individual, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

The bill simplified and now under consideration reads as follows:

A bill to amend section 22 of the Federal reserve act.

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

I trust those who are interested in this legislation and who have heard the addresses of the gentleman from Iowa [Mr. RAMSEYER] upon the subject will compare the bill under consideration with the law of the State of Iowa passed in 1929, which reads as follows:

SEC. 28. False reports against banks and trust companies: Whoever maliciously or with intent to deceive makes, publishes, utters, repeats, or circulates any false report concerning any bank or trust company which imputes or tends to impute insolvency or unsound financial condition or financial embarrassment, or which may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such bank or trust company, or which may otherwise injure or tend to injure the business or good will of such bank or trust company, shall be guilty of a felony, and shall be fined not more than $5,000 or imprisoned for not more than five years in the penitentiary, or be punished by both such fine and imprisonment.

Res ipsa loquitur.

The original bill did not include the banking institutions of the District of Columbia. This is also true of the bill introduced by the gentleman from Michigan [Mr. HOOPER] and the one introduced by the gentleman from Mississippi, Judge HALL. I have added an amendment to the bill making the same applicable to the District of Columbia, which amendment is as follows: After the word "system," in the eighth line, insert "or any other bank or banking institution which may under existing law be subject to examination by the Comptroller of the Currency." This amendment in the bill, which has the approval of attorneys in the Department of Justice, is based upon sections 298 and 299 of the Code of the District of Columbia, 1929. These sections give jurisdiction, for the purpose of supervision, to the Comptroller of the Currency of savings banks, savings companies, trust companies, and other banking institutions located in the District of Columbia.

Due to the fact that bank slander is not a crime at common law, and the further fact that Congress has never enacted a bank slander law for the District of Columbia, this amendment is essentially necessary to protect the banking institutions of the District.

The main purpose of this legislation is to protect depositors and stockholders of national banks and State banks members of the Federal reserve system. This is particularly necessary for two reasons:

First, to protect banking institutions against interstate slanders.

Second, to protect the 11 States of the Union and the District of Columbia which have no bank slander law.

The eleven States referred to are as follows: Maine, Vermont, New Hampshire, Massachusetts, Virginia, Tennessee, Mississippi, North Dakota, Minnesota, South Dakota, and Montana.

Mr. MOORE of Virginia. And, as I understand, the Attorney General favors the provision with reference to the District of Columbia.

Mr. BRAND of Georgia. That is my information.

Mr. MOORE of Virginia. And, as I understand, you stress the value of this legislation as a powerful deterrent against such offenses as the bill describes?

Mr. BRAND of Georgia. Exactly.

Mr. STEAGALL. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. STEAGALL. And it is true that the Attorney General has not declared against this bill?

Mr. BRAND of Georgia. He has not.

To illustrate, a person in the State of Georgia, which State has a bank slander law, may circulate false and malicious statements against a bank in South Carolina, this State also having a similar law (the Savannah River being the dividing line between these two States) which statements may cause a withdrawal of deposits and failure of the bank. The offender would be immune from indictment and conviction in both States for the reason that the State of Georgia can not prosecute the offender because the bank is in South Carolina, and the State of South Carolina can not prosecute because the offender made the derogatory utterances in Georgia. Any tyro of the law, it seems to me, should have sufficient acumen to discern the necessity for Federal legislation in such cases.

There are two classes of courts in those States which have enacted a bank slander law:

First. The courts which acknowledge jurisdiction of State courts to prosecute a person who violates the State law involving national banks and State banks members of the Federal reserve system.

Second. The courts in these States which deny they have such jurisdiction.

Both classes of courts are apparently inactive and therefore ineffective. The gentleman from Iowa concedes this. There must be some reason for it, and after giving much study and thought to this situation I have decided in my own mind that, as a rule, there are two reasons why this is true:

First. The courts which acknowledge jurisdiction seldom prosecute. When they do an acquittal generally results.

Second, offenders and their lawyers are more indifferent to State laws because they know the grand and traverse jurors, the names of the jurors being generally published in the newspaper of the county where the court is held. These jurors are residents of the county, of course, where the offender is charged with the violation. For this reason it is very likely that not only the offender and his friends but also his lawyer and his friends are well acquainted with the local jurors.

Offenders and their lawyers have more fear of Federal laws and Federal courts. This is due I think to two reasons:

First, because Federal judges are authorized to express an opinion on the evidence.

Second, because Federal jurors are unknown to offenders and their lawyers. This is true because the names of the jurors are not published in the paper of the county where the court is held, but they are kept secret from offenders, lawyers, and all other people, and the jurors themselves do not know that they will be on the jury until they are served shortly before the term of the court.

In this connection I wish to say that notwithstanding Georgia has on its statute books a law providing for punishment of slander and libel of a bank I am sure that a Federal statute would be much more effective in view of the fact, as indicated above, that ordinarily people fear breaking Federal laws more than they do State laws, and no doubt rightly so because one Mr. Manley, a resident of Georgia, indicted for various violations of the State banking laws, was kept out of the penitentiary for four years while being prosecuted in the State courts but as soon as he got in the Federal courts he was promptly convicted and sent to the penitentiary for seven years.

Every person connected with the Treasury Department, including the Comptroller of the Currency, the governor of the Federal Reserve Board, and the Secretary of the Treasury, has in writing strongly indorsed this bill. The American Bankers' Association is heartily in favor of the proposed legislation, and I know of no one actively opposing it except the gentleman from Iowa. [Applause.]

Mr. RAMSEYER. When the bill was up before there were at least four-fifths of the Members against this bill. Evidently they have been administered proper sedatives to get them to withdraw their opposition to the bill.

The gentleman from Georgia [Mr. BRAND] concedes that every State in the Union except 11 has a law to protect banks against slander. The gentleman from Alabama [Mr. STEAGALL] stated there were just a few States that have such laws. I know that most of the States have laws like this bill proposes, and the 11 States that have not such laws evidently do not feel the need for them. Now you want to legislate for those 11 States, make Congress the guardian over them.

The gentleman from Alabama says he is for State rights. I venture to assert that in the last 15 years he has never cast a vote against a bill extending Federal jurisdiction on anything. That is the kind of State rights he stands for.

Now, the gentleman from New York [Mr. FISH] steps forward with this communist scare. Everybody run and vote for the bill! The gentleman from Georgia has just stated that there is no way to protect a bank in one State from slander uttered in another. I have heard that talk before, but up to this good hour I have not heard anybody cite a single instance where slander from one State against a bank in another State caused a run on a bank. Hysteria and fanaticism is back of this bill and going to put it over.

The Attorney General has approved of a law of this kind for the District of Columbia. That is as far as he has approved. I stated to you that I would not resist a bill making it a crime for the District of Columbia. What I am objecting to is making slander of a class of banks a Federal offense. Turning over to the Federal Government what the State governments should do. There is no justification in it. In every case where the criminal jurisdiction of the Federal Government has been extended over State offenses the State quits and leaves prosecution to the Federal courts.

I regard with much apprehension the constant extension of Federal jurisdiction along all lines—criminal and civil.

The SPEAKER pro tempore (Mr. SNELL). All time has expired and the question is, Shall the rules be suspended and pass the bill?

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were 145 ayes and 51 noes.

Mr. RAMSEYER. I ask for the yeas and nays.

The question of ordering the yeas and nays was taken, and not a sufficient number rose.

Mr. SABATH. Mr. Speaker, I object to the vote, as it indicates that no quorum is present.

The SPEAKER. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] Two hundred and thirty-seven Members present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 11911. An act for the relief of Frank J. Spencer; and

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 12063. An act to amend section 16 of the Federal farm loan act; and

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes.

ADVANCES TO THE RECLAMATION FUND

Mr. SMITH of Idaho. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6046) to authorize advances to the reclamation fund, and for other purposes, as amended.

The Clerk read the bill, as follows:

S. 6046

A bill to authorize advances to the reclamation fund, and for other purposes

Be it enacted, etc., That the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior and upon approval of the President, to transfer from time to time to the credit of the reclamation fund created by the act of June 17, 1902 (32 Stat. L. 388), such sum or sums, not exceeding in the aggregate $5,000,000, as the Secretary of the Interior may deem necessary for the construction and operation of reclamation projects authorized under said act of June 17, 1902, and now under way, and acts amendatory thereof or supplementary thereto.

SEC. 2. That reimbursement of the moneys so advanced under the provisions of this act shall be made by transfer annually of the sum of $1,000,000 from the reclamation fund to the general funds in the Treasury, beginning July 1, 1933.

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. I demand a second.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Idaho [Mr. SMITH] is recognized for 20 minutes and the gentleman from Illinois [Mr. SABATH] is recognized for 20 minutes.

Mr. SMITH of Idaho. Mr. Speaker and Members of the House, this legislation is made necessary in order to carry out existing contracts——

Mr. MICHENER. Will the gentleman yield at this point?

Mr. SMITH of Idaho. Yes.

Mr. MICHENER. There is a great deal of misapprehension among the Members in regard to this bill. Many feel that it is what is known as the drainage district bill to which they are opposed. It is not that bill at all. Will the gentleman make a short statement as to what the bill is.

Mr. SMITH of Idaho. I will. This is an emergency measure which passed the Senate on the 10th of February, and its enactment into law will prevent the discharge of over 1,500 men engaged in construction work throughout the West; the tying up in idleness of over a million dollars' worth of construction equipment; and will insure water to thousands of people for the irrigation of their lands, without which they can not raise their crops.

The reclamation fund, authorized by the reclamation act, is made up from the receipts of the sale of public lands, oil royalties on Government land, repayments, and so forth. As the fund was inadequate to inaugurate the policy to any great extent, $20,000,000 was advanced to the reclamation fund under the act of June 25, 1910, of which $10,000,000 has already been returned to the Treasury.

The pending legislation authorized the return of $5,000,000 of this $10,000,000 to the fund in order to meet an emergency situation which, if not relieved, will result in the closing down of construction work on several projects, the throwing out of employment of more than 1,500 men who are employed on the projects, some of which are nearing completion, and great hardship to thousands of farmers living on these projects who have been relying on the Government to complete the projects in order to furnish water for this year's crops, soon to be planted.

The drought conditions which have brought such distress to the people in the Ohio and Mississippi Valleys, extended into the arid West, the precipitation of snow being in many instances less than 50 per cent of the normal supply. This shortage of water last year resulted in the loss of crops on some of the projects, which makes it impossible for them to make their payments to the reclamation fund.

The order of the Secretary of the Interior nearly two years ago curtailing oil development deprived the reclamation fund of nearly $2,000,000 last year.

As appropriations and contracts are based on anticipated revenues, the department is now confronted with a deficit and is unable to meet payments on contracts already made totaling nearly $5,000,000, thus necessitating relief by Congress in order to complete existing contracts and provide water for the farms which have heretofore had an insufficient supply.

On the Salt River project in Arizona the shortage of snow has resulted in the storing of only 11,000 acre-feet of water in the reservoir, which has a capacity of 1,250,000 acre-feet. Because of this shortage of gravity water, the farmers have been forced, at heavy additional expense, to pump water from the reservoir. The December payment of this district, amounting to $1,600,000, has therefore not been paid, the drought conditions and the low price of farm products making it impossible for them to secure the necessary credit to meet their obligations.

Conditions on the Gooding extension of the Minidoka project in Idaho, on the Kittitas division of the Yakima project in Washington, and on the Owyhee project in Oregon, if not relieved, will result in depriving lands which heretofore have been irrigated of a supply of water for this year's crops, due to the rearrangement of canals in combining smaller irrigation projects, the work on which was to have been completed under the contracts by April 1.

The necessity of this legislation was presented in detail by the Secretary of the Interior to the Bureau of the Budget, and was approved by the bureau and the President.

The Commissioner of Reclamation, Dr. Elwood Mead, appeared before the Committee on Irrigation and Reclamation of the Senate, and also before the House committee, explaining in detail the necessity for the enactment of this legislation.

Mr. GARNER. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. GARNER. If I understood the gentleman right, he said the bill passed the Senate unanimously?

Mr. SMITH of Idaho. Yes.

Mr. GARNER. And was reported by your committee unanimously?

Mr. SMITH of Idaho. Yes; and is approved by the Budget. Unless this bill is passed there will be about 1,500 men thrown out of employment.

Mr. CRAMTON. I think that it will be of interest for Members to know that the bill as presented by the gentleman carries an amendment that advances by about 10 years the time for repayment.

Mr. SMITH of Idaho. Yes. The bill as it passed the Senate provided $1,000,000 a year should be repaid after the original loan was completed, but the amendment which has been suggested by the gentleman from Michigan [Mr. CRAMTON] provides that it shall be paid at the rate of $1,000,000 a year, commencing July 1, 1933, and an additional million dollars will be paid on the old loan each year, so that we will be paying back from the reclamation fund to the Federal Treasury $2,000,000 a year after July 1, 1933, and this money will be taken out of the fund without any action of Congress or permission from the Secretary of the Interior by direction of the Comptroller General of Accounts.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. MOORE of Virginia. From the knowledge which the gentleman has and the gentleman from Michigan [Mr. CRAMTON] and other gentlemen who are familiar with this subject have, does the gentleman entertain any reasonable doubt about the reimbursement actually being made at the rate of $1,000,000 a year after a certain period?

Mr. SMITH of Idaho. No. There can not be any doubt about that, because it is the policy to withhold amount of money due and put it into the Federal Treasury.

Mr. LEAVITT. Is it not also true that for a period of 10 years payments of this kind have been made from the reclamation fund on a former loan?

Mr. SMITH of Idaho. Yes.

Mr. STAFFORD. Will the gentleman state to the House how much money has been advanced heretofore for the reclamation fund, and what is the present status of the loan fund?

Mr. SMITH of Idaho. Twenty million dollars was advanced under the act of June 25, 1910, and it has been repaid at the rate of $1,000,000 a year, during the last 10 years, so that there is now of the original loan only $10,000,000 unpaid, and this bill provides for withdrawing $5,000,000 of the $10,000,000 that have been paid back, so that we can use it during the next five years.

Mr. STAFFORD. What prospect is there as to whether the users of the reclamation fund will persist in calling on the National Government regularly for further and further advances.

Mr. SMITH of Idaho. It is the policy of the Reclamation Service and the Interior Department not to take up any new projects, but to finish existing projects, so that repayments into the fund will make ample provision for that. I wish to say that one reason this legislation is necessary is because we have been receiving money from royalties on oil leases on the public domain, but because of the policy adopted by the present administration to curtail production, the receipts from oil royalties have fallen off nearly $2,000,000 during the last year.

Mr. STAFFORD. I think the House would be interested, especially those from the Eastern States and the Middle Western States, to know the status of existing reclamation projects so far as their completion is concerned. The gentleman has stated it is the policy of the Reclamation Service not to inaugurate new projects. When was the last one begun, and what is the status in respect to completion of the other projects?

Mr. SMITH of Idaho. The last two projects were started in Oregon four years ago, and money coming in now from repayments to the fund is being used to complete these projects and other projects in course of construction.

Mr. STAFFORD. What is the status of all projects now under construction in respect to their completion?

Mr. SMITH of Idaho. I have not the data in detail.

Mr. STAFFORD. Are they 50 per cent completed?

Mr. SMITH of Idaho. Oh, some of them are 90 per cent completed.

Mr. STAFFORD. What is the average?

Mr. SMITH of Idaho. The average is over 10 per cent. Some of the projects are within 5 per cent of completion, but because of the lack of funds they are not able to proceed, and construction work will be stopped on many of the projects if this bill is not passed.

Mr. SIMMONS. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. SIMMONS. It is my understanding that the advance of this money is necessary in order to enable the Government to carry out existing contracts, and not to breach contracts that have been made, anticipating revenues that have not come in?

Mr. SMITH of Idaho. Yes.

Mr. SIMMONS. So that the Government must have this money to keep faith with these contractors.

Mr. SMITH of Idaho. If this law is not enacted, these contractors who have a million dollars' worth of machinery in the field may become bankrupt. The contracts were made anticipating the revenues to the fund to meet payments.

Mr. LAGUARDIA. The contracts are made between the contractors and the United States Government?

Mr. SMITH of Idaho. Yes.

Mr. LAGUARDIA. And then the land is farmed out?

Mr. SMITH of Idaho. Yes; the land was entered under the homestead law or desert land law.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. KETCHAM. Is it true or not true that any new projects are contemplated under the arrangement of this bill?

Mr. SMITH of Idaho. Not at all. I have a statement here from Doctor Mead, the commissioner, to the gentleman from Michigan [Mr. CRAMTON], which I shall put into the RECORD at this point, showing just where this money is to be spent:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 18, 1931.

Hon. LOUIS C. CRAMTON,
United States House of Representatives.

MY DEAR MR. CRAMTON: What follows is an endeavor to give you the information which I would want to have if voting on the $5,000,000 appropriation in order to decide what was the least that should be provided.

The obligations under signed contracts for work that should be done before July 1, 1931, amount approximately to $4,800,000. Of this, $1,500,000 is owing on work already done and for bills already incurred; $3,300,000 additional will be required to meet payments on contracts from now until July 1. If the promised payment from Salt River is made, our construction income until July 1 would be $4,000,000, but the payment from that project depends on whether the present drought is ended. If it continues the payment will not be made, and it ought not to be counted as a part of the dependable income of 1932. This should be taken as $2,400,000, leaving a deficit on contract obligations of $2,400,000.

Money to meet contract obligations is our most urgent need, but provision should be made for more than this. We have been holding up contracts at Vale, Kennewick, Cle Elum, Minidoka, and Belle Fourche which ought to have been let weeks ago, but which could not be for lack of funds. If these contracts are let they will represent a probable expenditure before July 1, 1931, of $1,800,000, distributed as follows:

Vale	$200,000
Cle Elum	500,000
Kennewick	350,000
Minidoka	600,000
Belle Fourche	150,000
Total	1,800,000

In order to carry on from now to July, 1931, we need $2,400,000 in addition to payments from income for contract obligations and $1,800,000 to spend on necessary works not yet contracted for. That is a closer calculation than we ought to make, because in addition to the above there is some force account work to be done. We are not sure just how much, but it is enough to make the total $5,000,000.

On this basis we will have spent all our construction income as it comes in and the $5,000,000 advanced by Congress. We would have left to go on from July 1, 1931, the possible payment from Salt River. If that is not made, we would start the next fiscal year with an empty treasury.

There are certain expenditures in the appropriation for 1932 that ought to be made. They are:

Vale	$150,000
Cle Elum storage	1,000,000
Kennewick	190,000
Owyhee [1]	3,000,000
Kittitas	790,000
Minidoka	375,000
Owyhee	1,500,000
Total	7,005,000

This excludes the money required for Bitter Root, $550,000, and miscellaneous construction, $500,000, or a total of $8,055,000. In addition to the above we will need $2,000,000 for operation and maintenance, or approximately $10,000,000 in all, for 1932. The only existing contract obligations would be Cle Elum and Owyhee beyond 1932, but this takes no account of Baker, Riverton, and Salt Lake Basin.

I hope, therefore, that the whole amount of $5,000,000 can be approved.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. CRAMTON. I think this will interest my colleague from Michigan. Because of what the gentleman from Idaho [Mr. SMITH] has already stated as to the reduction in revenues from various sources, the program of construction under the appropriations for the current year, much of it under way by existing contracts and the rest of it definitely committed, can not proceed unless this help is rendered. In addition to that, the appropriation program for next year that has already been approved by this House can not be completely carried out without this aid.

[1] The $3,000,000 for Owyhee is to meet payments on existing contract obligations and is the 1932 appropriation.

All of that program for the current year and for next year has already been approved by this House. This $5,000,000 is not to apply to anything outside of that program of construction that has already been approved by this House.

It is necessary to do that. The gentleman will appreciate that to carry on an orderly program of construction it must be more than one year at a time in the planning. They have planned for two or three years in advance and commitments have been made by the Government to communities, like Vale in Oregon and Kittitas in Washington, that if they would do certain things the Government would go ahead with a certain program. Unless this help is given, the Government can not keep those promises. But I can say definitely that this $5,000,000, as I understand, is not to be used on anything except projects covered in the program of construction already approved by Congress in the 1931 and 1932 Interior Department appropriation bills.

Mr. SMITH of Idaho. That is absolutely true.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. SMITH of Idaho. I yield.

Mr. BANKHEAD. The gentleman knows I have consistently been a friend of his western reclamation projects for a number of years. The gentleman is coming here asking to borrow $5,000,000 of these funds, to be paid back at the end of 10 years.

Mr. SMITH of Idaho. To be paid back in seven years.

Mr. BANKHEAD. Does the gentleman think he is in such a position, from his knowledge of the solvency of these projects and the probability for returns, that he can give to the House any assurance that he will not come back and ask for an extension of the loans?

Mr. SMITH of Idaho. We will not ask for an extension, because in the future the Reclamation Service will curtail construction so as to have the funds on hand and not anticipate them, as has been the policy. There is no doubt that this is the last time a condition like this will arise.

Mr. LEAVITT. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. LEAVITT. Is it not true that the slowness of repayment on these projects is due largely to the delays in completion of the projects so as to receive an adequate water supply? This loan will make it not only possible to return the $5,000,000, but many other millions that would be lost if the projects are not completed.

Mr. BANKHEAD. I am glad to hear that statement, but I remember a year or so ago there were other bills presented here, providing for the extension of debts on a great many of the irrigation projects. They had not met their obligations and you came and asked for an extension for 30 or 40 years.

Mr. LEAVITT. Many of them are not able to meet that obligation because of the delays in the completion of construction, and the inclusion of lands which were not suitable for irrigation.

Mr. CULKIN. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. CULKIN. Will the $5,000,000 finish all the reclamation projects now under way?

Mr. SMITH of Idaho. No; but the receipts which will come in from repayments will furnish the money to do that.

Mr. CULKIN. It is simply a continuing chain?

Mr. SMITH of Idaho. Yes.

Mr. CULKIN. The gentleman spoke about some of these projects being in bankruptcy.

Mr. SMITH of Idaho. I said the contractors might become insolvent if this legislation is not enacted in order that they may be paid for their work.

Mr. CULKIN. Does the gentleman not think these projects are really placing the farmers of the country in bankruptcy?

Mr. SMITH of Idaho. Absolutely not. That is an exploded argument. There is nothing to it. If it were not for the reclamation projects the people of this country would be in greater need of food than they are now.

Mr. SABATH. Greater need than they are now?

Mr. SMITH of Idaho. I may say to the gentleman from Chicago if it were not for the market which we make in the reclamation projects for the manufacturing communities of the East, those communities would be in worse condition than they are now.

Mr. SABATH. That is impossible.

Mr. SMITH of Idaho. Thirty-four million dollars were spent from the Yakima project alone in one year for manufactured products in the East, and 673 carloads of machinery and various manufactured articles were shipped to another project in one year.

Mr. CULKIN. Will the gentleman advise what the plans under contemplation will cost to complete, if the gentleman knows?

Mr. SMITH of Idaho. Well, I do not know in detail, but probably ten or fifteen million dollars.

Mr. CULKIN. That would wind up and finish everything until they get more land?

Mr. SMITH of Idaho. Well, we do not contemplate bringing in more land. It is proposed to complete the projects that are under way.

Mr. Speaker, I reserve the balance of my time.

Mr. SABATH. Mr. Smith, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, in the many suggestions I have made to this House from time to time on economic problems, I have always been hailed by a chorus of charges that my suggestions were paternalistic. Some of my colleagues say they are socialistic, and my colleague from New York would say they are communistic—now that he is suffering from a sovietistic complex.

Now, let us analyze this proposition. Reclamation and irrigation are a well-established policy of our Government, and yet there is nothing more paternalistic than the entire reclamation idea, where the Government comes in with its funds, prepares the land, and then gives it on easy installment payments to the settlers. It is indeed a helpful paternalistic aid to farmers.

Suppose I were to come and ask for $5,000,000 for the building of workers' homes in my city to be advanced by this method and then to be given over to the tenants, to be paid for in five years, and at the end of that time I would come here and say, "We need repairs. We are hard up. Extend our time." It would be only in keeping with the provisions of the bill now before us and in accord with that which the United States Government is doing daily for the farmers and for homesteaders of the West.

Mr. SMITH of Idaho Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SMITH of Idaho. The proposition with the gentleman proposes is a private undertaking. The Government owns these lands, and the water is there to put on the lands and make homes for the people and make markets for the eastern manufacturers and merchants as the country is developed.

Mr. LAGUARDIA. Not at all. Suppose I take Governors Island, in my city, or, in Mr. CULKIN's district, Fort Niagara, or, in Mr. SNELL's district, Madison Barracks or Fort Oswego, all Government lands, or any public land abandoned for military purposes, certified that they have no military usefulness, and I should come in with a project to build fine, sanitary, model homes for the workers, you would jump on me and call me socialistic, and one of my colleagues from New York would have 57 kinds of fits and would want to deport me as a communist. Again I say that such a plan would in no way be different in principle to the well-established policy of Government aid in irrigation and reclamation projects.

Mr. SIMMONS. Which Member from New York?

Mr. LAGUARDIA. FISH. I sympathize with this project. I was raised in a territory that was indeed benefited by irrigation and reclamation. I spent all of my boyhood in Arizona. It was then a Territory and now is a great and prosperous State. We can not defeat this bill, because it involves 14 States. I am not objecting to your idea, but, gentlemen, I ask for your sympathetic study and consideration of other projects that are necessary in this country to meet changed economic conditions. Do not be too hasty with your criticism and with your cries of paternalism, be-

cause you gentleman from the Western States have been raised on paternalism. It is hardly fair to become so ultraconservative when something is suggested which is only necessary to meet new conditions in our industrial centers in the age in which we are living.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. EATON of Colorado. Should not your word be promotional instead of paternalistic?

Mr. LAGUARDIA. What difference does it make? I will call it promotional if you desire. I will be glad to call it promotional. I will be happy to have the Government promote sanitary, cheerful homes for workers along the exactly same lines it promotes irrigation and reclamation. Let us be fair about these things. I ask you not to be too hasty in your ultraconservatism and do not be too hasty in criticizing some idea which may be presented and which inevitably you will have to meet before very long.

Mr. COLTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COLTON. If we are converted to the gentleman's ideas why should he not rejoice with us?

Mr. LAGUARDIA. I always have.

Mr. CULKIN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CULKIN. The gentleman would not propose to build sanitary housing if there was plenty of sanitary housing in the country, would he?

Mr. LAGUARDIA. And available, of course not. I want to say here that a great many times you come in asking relief for the settler and the farmer when it is not relief for him. I refer to that $95,000,000 reclamation bond bill still pending that is just to take care of some bondholders and not the settlers and farmers. Here you provide relief for contractors.

I simply wanted to take this opportunity to remind you of what you are doing and to remind you that you are the beneficiaries of this paternalism and suggest to you that you be prepared for what is coming later on.

Mr. CULKIN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CULKIN. The gentleman is reaffirming the speech he made over the radio last night?

Mr. LAGUARDIA. No; I spoke on power. Do not get me started on that, because we are going to get the benefit of cheap rates in New York sooner or later through publicly owned and operated power plants.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GARBER of Oklahoma. The gentleman's argument is very interesting and very persuasive, but there is just one element the gentleman did not take into consideration, namely, that the moneys utilized in reclamation come from the sale of public lands and not directly from the Treasury of the United States in the way of taxation.

Mr. LAGUARDIA. Well, I would take it from the same source, from the same Treasury.

Mr. Speaker, I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, millions and millions for farm relief and for agriculture, and millions and millions for irrigation projects, but not a cent for the needy people in the cities. Only yesterday you gentlemen so vitally interested in this proposition of an additional $5,000,000 had a chance and opportunity to be humane and vote for the additional $5,000,000 so badly needed for hospitalization for our veterans and yet nearly every one of you voted against it.

I have observed from day to day that you are always ready and willing to vote for millions and millions for the people in the country but refuse to appropriate a dollar for the relief of needy and deserving people in the cities, which cities furnish the funds and pay the taxes of the Government.

I am amazed, indeed, at the shortsighted policy of some of you gentlemen from these Western States. You all know that the people you represent, though they raise tremendously large crops, do not receive anything in return for them. They do not receive enough for their crops to pay them 50 cents a day; in fact, in many instances, they do not receive anything for their hard toil. Still you constantly persist in your demands for new projects and for additional appropriations to increase the acreage of the lands so as to enable them to put in still larger crops that now can not be disposed of or sold for any price.

The gentleman from Idaho, when he appeared before the Committee on Rules in connection with this matter, assured me, and some of the other members of the committee, that he would furnish information, or have inserted in the RECORD, the amount of money that has already been appropriated by the Government for these various irrigation and reclamation projects.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. SMITH of Idaho. I have secured that data, but the hearings were not printed. However, I will furnish the gentleman with a copy of the manuscript.

Mr. SABATH. I waited patiently, and even examined the records in a vain effort to secure that information. In the 24 years that I have been a Member of this House I have voted for millions and millions of dollars for these projects and for reclamation. I want you to believe me when I say that I would not hesitate a single moment to vote for additional millions if I thought it would be helpful to the agricultural interests and to the farmers of the United States.

But it is my sincere belief that overproduction is detrimental instead of beneficial to the farmers as well as to the Nation, and therefore I am not willing to vote additional millions to increase overproduction, for which, unfortunately, under present conditions, there is no outlet, because of the shortsighted foreign policy of this administration and the pernicious tariff legislation which has made impossible our export trade, thereby preventing the disposal of our surplus in foreign lands.

I hope that you gentlemen who are interested in this bill will realize in the near future that we need an outlet for our products. We should therefore make every serious effort to reestablish our export business and the business of the United States, so that again the farmer will be able to receive some compensation for his crop and hard toil.

Mr. SMITH of Idaho. May I interject a remark there?

Mr. SABATH. Yes.

Mr. SMITH of Idaho. The gentleman spoke of overproduction of foodstuffs. I wish to say that, as a matter of fact, less than 1 per cent of the foodstuffs of the Nation is produced on Government reclamation projects, and a good portion of that is consumed in the localities where it is raised.

Mr. SABATH. I hope the gentleman is right, but I have always understood that there was an overproduction of at least from 4 to 8 per cent of our farm products.

Mr. SIMMONS. Will the gentleman yield there?

Mr. SABATH. Yes.

Mr. SIMMONS. The products of these reclamation projects are largely products that are not surplus and not competitive, such as sugar, fruits, and matters of that kind, of which there is a need in this country for local production.

Mr. SABATH. I want to assure the gentleman that I recognize I am almost as familiar with what is being grown on these irrigation and reclamation projects as he is. We do not grow very much sugar on any of these projects, and if the gentleman can name me any of these on which we do grow sugar, I am ready to give him all the time he desires.

Mr. SIMMONS. What is that, again?

Mr. SABATH. I would appreciate it if the gentleman will name some of these reclamation projects on which we grow sugar—sugar beets or sugarcane—in any appreciable quantity.

Mr. SIMMONS. All right; I will name my own. We have six Great Western sugar factories in my own country, under irrigation, producing 1,500,000 sacks of sugar a year.

Mr. SABATH. Where?

Mr. SIMMONS. In western Nebraska.

Mr. WILLIAMSON. And the same thing may be said of the Belle Fourche project in my State.

Mr. SIMMONS. Come on, now, and support the bill. We have named them.

Mr. LEAVITT. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. LEAVITT. They have the largest beet-sugar factory in the world in my district in the vicinity of the Huntley irrigation project, and there are sugar factories in addition to that in the State.

Mr. SABATH. Is that the reason you gentlemen refused to place Mexican labor on the quota basis—because you think the Sugar Trust needs them for harvesting of the sugar beets?

Mr. SIMMONS. Stay with the agreement you made with us. [Laughter.]

Mr. SABATH. I did not enter into such an agreement, but simply gave the gentleman a chance to inform me of the reclamation projects where sugar beets are grown in large quantities. All the information given by the gentleman is that there are only two such projects where sugar beets are grown.

Mr. LEAVITT. Will the gentleman yield further?

Mr. SABATH. I yield because I know the gentleman is very much interested in the bill.

Mr. LEAVITT. I am very much interested in it because these irrigation projects form the center of progress in many of the western States, not merely on account of the people who live on the projects themselves.

Mr. SABATH. Well, what is the question?

Mr. LEAVITT. The question is this: The gentleman knows with regard to Mexican immigration that I have taken an active part in connection with the restriction of that kind of immigration rather than the expansion of it.

Mr. SABATH. That is an easy question to answer, because it is not a question.

The statement is made by the gentleman from Idaho that if this bill should fail of passage it will throw 2,000 people out of employment. For the life of me, I can not see how it will throw 2,000 people out of employment.

It is, however, my firm belief that this appropriation is sought and demanded in order to take care of the contractors who have certain amounts due. I repeat, gentlemen, this money is not needed for the projects, but is wanted for the contractors who are fearful that they may not get all the "extras" in these contracts which they anticipated.

Mr. GREEN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. GREEN. I recall before the gentleman's committee recently there was a bill reported by the House Reclamation Committee which would have carried loans to the bonded districts throughout the country. A rule has not been granted, and what I want to find out from the gentleman is whether or not under the provisions of this bill the reclamation districts, for instance, in my own State, will be able to share in these loans. I understand from the gentleman's speech, and the gentleman is very ably discussing the matter, this is primarily for a few beet growers on reclamation projects of the West, and I want to know if we can get any benefit from it.

Mr. SABATH. I believe that if this relief is granted, it should be applicable and available to the entire country and not to one particular section. Of course, I do not know what these gentlemen have in mind, or what other projects they have in view, or with what other propositions they will come to the House in the next session. I remember that in each and every session there have been several requests and several appropriations made for these irrigation projects, and I am therefore wondering for what new projects they will ask or make demands in the event that this bill is passed.

Mr. SIMMONS. The gentleman has already agreed to vote for this.

Mr. SABATH. I would like to have some information about the $95,000,000 bond issue or loan, to which, I believe, the gentleman refers.

Mr. GREEN. Yes; my State has some $18,000,000 worth of reclamation bonds and we want to retire some of them.

Mr. SABATH. It involves $95,000,000; and I understand that most of these bonds have been purchased at about 50 cents on the dollar, at a price even less than that by some banking groups, who now feel that they could use a little more money for speculation in New York, and who therefore are persistently demanding the passage of a bill carrying $95,000,000 so as to enable them to cash these bonds at their full value, on the part of the Government.

Mr. SIMMONS. That is not this bill.

Mr. SABATH. The $95,000,000 proposition which the gentleman from Idaho is advocating is not included in the bill before us, but is in another bill reported by his committee, and which bill is now on the calendar; and I am in no position to say how soon the Speaker will recognize him for that additional raid upon the Treasury. After that, a few more hundred million dollars will be requested to take care of the remainder of the defaulted irrigation and reclamation bonds outstanding.

Now, as I have said, I have nothing against the farmers—I am willing to help them. But I do think that by increasing the acreage—by increasing the production—we are not helping the farmers and we are not helping the cause of agriculture. I want to impress upon you, once again, this fundamental fact: That if you want to aid the farmer, educate him not to produce more than he can sell—not to produce more than the country can consume.

If our tariff policy is to continue, obviously, we will have no chance in foreign markets. Therefore, if the farmers will but listen to reason, take sound advice, and curtail the acreage, thereby curtailing the production, I am certain that they will improve their opportunity of obtaining reasonable prices for their products; and they will then not persistently and continually request Congress for legislation to relieve them from their self-inflicted troubles.

What reason is there in producing crops, which, when shipped to the markets, can not be sold because of overproduction, and most of which, in consequence, go to sheer waste. Every day in the year we see hundreds of carloads of perishable products for which the farmers often do not receive a single dollar, nor enough to pay for the cost of the freight. Why, then, work and spend large sums of money in preparation for planting, cultivating, and irrigating purposes; why spend large sums of money for harvesting, hauling, and sacking—in producing products which can not be marketed?

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SABATH) there were 85 ayes and 11 noes.

Mr. SABATH. I object to the vote and make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SABATH. Mr. Speaker, I withdraw the point.

The SPEAKER pro tempore. The Chair has announced that there is no quorum present, and the gentleman can not withdraw it.

The question was taken; and there were—yeas 247, nays 102, not voting 81, as follows:

[Roll No. 43]

YEAS—247

Abernethy	Briggs	Christgau	Darrow
Ackerman	Browne	Christopherson	Davenport
Adkins	Browning	Clancy	Davis
Allen	Buchanan	Clark, Md.	Dempsey
Allgood	Buckbee	Clark, N. C.	Denison
Almon	Burdick	Cochran, Pa.	DeRouen
Andresen	Burtness	Collier	Doughton
Aswell	Busby	Colton	Douglas, Ariz.
Auf der Heide	Butler	Cooke	Doxey
Bachmann	Byrns	Cooper, Ohio	Drane
Baird	Cable	Cooper, Tenn.	Drewry
Bankhead	Campbell, Iowa	Corning	Driver
Barbour	Campbell, Pa.	Cox	Dunbar
Beck	Carter, Calif.	Crail	Dyer
Blackburn	Carter, Wyo.	Cramton	Eaton, Colo.
Bland	Cartwright	Crisp	Eaton, N. J.
Bloom	Celler	Cross	Edwards
Bowman	Chalmers	Crosser	Elliott
Boylan	Chase	Crowther	Ellis
Brand, Ga.	Chindblom	Culkin	Englebright
Brand, Ohio	Chiperfield	Cullen	Edick

Estep	Hoch	Manlove	Shott, W. Va.
Esterly	Hogg, W. Va.	Mapes	Shreve
Evans, Calif.	Hooper	Mead	Simmons
Fenn	Hull, William E.	Miller	Simms
Finley	Hull, Tenn.	Milligan	Sinclair
Fisher	Hull, Wis.	Montet	Smith, Idaho
Fitzgerald	Igoe	Mooney	Smith, W. Va.
Fitzpatrick	Irwin	Moore, Ohio	Snell
Fort	Jeffers	Moore, Va.	Somers, N. Y.
Foss	Johnson, Ind.	Murphy	Speaks
Frear	Johnson, Nebr.	Nelson, Me.	Sproul, Kans.
Free	Johnson, S. Dak.	Nelson, Wis.	Strong, Pa.
Freeman	Johnson, Tex.	Newhall	Summers, Wash.
French	Johnson, Wash.	Niedringhaus	Swick
Fuller	Jonas, N. C.	Nolan	Swing
Fulmer	Jones, Tex.	Norton	Taylor, Tenn.
Gambrill	Kahn	Oldfield	Temple
Garber, Okla.	Kelly	Owen	Thatcher
Garner	Kendall, Pa.	Palmer	Tilson
Gasque	Kinzer	Parks	Timberlake
Gibson	Kurtz	Parsons	Turpin
Gifford	Kvale	Patman	Vestal
Glover	LaGuardia	Patterson	Vincent, Mich.
Goldsborough	Langley	Pittenger	Walker
Graham	Lankford, Ga.	Prall	Wason
Green	Lea	Quin	Watres
Gregory	Leavitt	Ragon	Watson
Hadley	Lehlbach	Ramey, Frank M.	Welch, Calif.
Hald	Lindsay	Ramspeck	Welsh, Pa.
Hall, Ill.	Loofbourow	Rayburn	Whittington
Hall, Ind.	Ludlow	Reece	Williamson
Hall, Miss.	McClintic, Okla.	Reed, N. Y.	Wilson
Hall, N. Dak.	McClintock, Ohio	Rich	Wingo
Halsey	McCormack, Mass.	Rogers	Wolverton, N. J.
Hancock, N. C.	McDuffie	Sanders, Tex.	Wolverton, W. Va.
Hardy	McKeown	Sandlin	Woodrum
Hastings	McLaughlin	Schafer, Wis.	Wright
Hawley	McLeod	Seger	Yates
Hess	McMillan	Seiberling	Yon
Hickey	McReynolds	Selvig	Zihlman
Hill, Wash.	Maas	Short, Mo.	

NAYS—102

Andrew	Dowell	Luce	Sanders, N. Y.
Arnold	Garber, Va.	McFadden	Schneider
Bacon	Gavagan	McSwain	Shaffer, Va.
Beedy	Goss	Magrady	Sirovich
Beers	Granfield	Martin	Snow
Black	Greenwood	Menges	Sproul, Ill.
Blanton	Hancock, N. Y.	Merritt	Stafford
Bohn	Hare	Michener	Stalker
Bolton	Hartley	Moore, Ky.	Steagall
Box	Haugen	Morehead	Stobbs
Brigham	Hill, Ala.	Mouser	Stone
Brumm	Hogg, Ind.	Nelson, Mo.	Sumners, Tex.
Canfield	Holaday	O'Connor, N. Y.	Swanson
Cannon	Hope	Oliver, Ala.	Taber
Clarke, N. Y.	Hopkins	Palmisano	Tarver
Cochran, Mo.	Huddleston	Parker	Tinkham
Cole	James, N. C.	Perkins	Treadway
Collins	Kading	Pou	Wainwright
Condon	Ketcham	Pratt, Harcourt J.	Warren
Connery	Knutson	Pratt, Ruth	White
Dallinger	Lambertson	Purnell	Whitley
De Priest	Lankford, Va.	Rainey, Henry T.	Wigglesworth
Dickinson	Leech	Rankin	Wolfenden
Dickstein	Letts	Ransley	Woodruff
Dominick	Linthicum	Romjue	
Doutrich	Lozier	Sabath	

NOT VOTING—81

Aldrich	Griffin	Kunz	Sparks
Arentz	Guyer	Lanham	Spearing
Ayres	Hoffman	Larsen	Stevenson
Bacharach	Houston, Del.	McCormick, Ill.	Strong, Kans.
Bell	Howard	Mansfield	Sullivan, N. Y.
Britten	Hudson	Michaelson	Sullivan, Pa.
Brunner	Hudspeth	Montague	Taylor, Colo.
Carley	Hull, Morton D.	Morgan	Thompson
Clague	James, Mich.	O'Connor, La.	Thurston
Connolly	Jenkins	O'Connor, Okla.	Tucker
Coyle	Johnson, Ill.	Oliver, N. Y.	Underhill
Craddock	Johnson, Okla.	Peavey	Underwood
Dorsey	Johnston, Mo.	Pritchard	Vinson, Ga.
Douglass, Mass.	Kearns	Ramseyer	Whitehead
Doyle	Kemp	Reid, Ill.	Williams
Erk	Kendall, Ky.	Reilly	Wood
Evans, Mont.	Kennedy	Robinson	Wurzbach
Fish	Kerr	Rowbottom	Wyant
Garrett	Kiefner	Rutherford	
Golder	Kopp	Sears	
Goodwin	Korell	Sloan	

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The following pairs were announced:

Until further notice:

Mr. Ramseyer with Mr. Montague.
Mr. Aldrich with Mr. Griffin.
Mr. Connolly with Mr. Vinson of Georgia.
Mr. Underhill with Mr. Taylor of Colorado.
Mr. Erk with Mr. Howard.
Mr. Reid of Illinois with Mr. Evans of Montana.
Mr. Wood with Mr. Carley.
Mr. Bacharach with Mr. Ayres.
Mr. Golder with Mr. Lanham.
Mr. Seger with Mr. Reilly.
Mr. Clague with Mr. Tucker.
Mr. Sullivan of Pennsylvania with Mr. Sullivan of New York.
Mr. Jenkins with Mr. Mansfield.
Mr. Wyant with Mr. Oliver of New York.
Mr. Arentz with Mr. Rutherford.
Mr. Peavey with Mr. Underwood.
Mr. Britten with Mr. Brunner.
Mr. Goodwin with Mr. Whitehead.
Mr. Coyle with Mr. Bell.
Mr. James of Michigan with Mr. Dorsey.
Mr. Thompson with Mr. Williams.
Mr. Johnson of Illinois with Mr. Johnson of Oklahoma.
Mr. Fish with Mr. Kennedy.
Mr. Hudson with Mr. Stevenson.
Mr. Sparks with Mr. Kerr.
Mr. Kiefner with Mr. Douglass of Massachusetts.
Mr. Michaelson with Mr. Garrett.
Mr. Pritchard with Mr. Larsen.
Mr. Kopp with Mr. Spearing.
Mr. Morton D. Hull with Mr. Kemp.
Mr. Robertson with Mr. Doyle.
Mr. Houston with Mr. O'Connor of Louisiana.
Mr. Kearns with Mr. Hudspeth.
Mr. Korell with Mr. Kunz.

The result of the vote was announced as above recorded.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922; and

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 303. An act for the relief of Charles Thomas and Edgar Thomas;

H. R. 7339. An act for the relief of H. H. Lee;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 11529. An act for the relief of William J. Bodiford; and

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others;

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 6226. An act for the relief of Mildred B. Crawford; and

S. J. Res. 252. Joint resolution authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne; and

S. 132. An act for the relief of Daisy O. Davis.

FOREIGN SERVICE BUILDINGS

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass the bill S. 6255, with an amendment.

The Clerk read the bill, as follows:

S. 6255

A bill to provide additicnal funds for buildings for the use of the diplomatic and consular establishments of the United States

Be it enacted, etc., That for the purpose of further carrying into effect the provisions of the Foreign Service buildings act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $10,000,000, of which not more than $2,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act, as amended: *Provided*, That hereafter no contract shall be entered into by the commission in excess of the appropriation unless authorized in the act making the appropriation.

The SPEAKER pro tempore. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. TEMPLE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania for 20 minutes and will later recognize the gentleman from Wisconsin [Mr. STAFFORD] for 20 minutes.

Mr. TEMPLE. Mr. Speaker, in 1926 Congress passed an act which was the beginning of the policy of constructing residences and office buildings in the capitals and other principal cities in foreign countries where the United States Government finds it necessary to carry on the business of the Government.

American travelers abroad for many years have necessarily compared the quarters occupied by representatives of the United States with the provision made by other governments for their representatives and have observed those differences with some humiliation and chagrin.

In 1926 a bill was passed authorizing $10,000,000 for the construction of Foreign Service buildings and creating a commission composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and ranking minority member of the Senate Committee on Foreign Relations, and the chairman and ranking minority member of the House Committee on Foreign Affairs, the legislative members at present being Senators BORAH and SWANSON, and the gentleman from Maryland, Mr. LINTHICUM, the ranking minority member of our committee, and myself. The tentative plans of the commission tentatively, conditionally adopted, have now exhausted the $10,000,000 already authorized. If the program is to be put into effect further, which seems to be the policy of the Government, as evidenced by both the executive and legislative branches, further authorization is necessary, and is asked by this bill. While this authorizes, it does not require an appropriation at the present time. As a matter of fact something more than $1,000,000 of the original authorization remains, but it is all planned for, and now the commission will be unable to carry on its work except for the completion of projects already under way unless this legislation is enacted. This bill, it will be noted, modifies the original authorization by the proviso which I have offered as an amendment:

Provided, That hereafter no contract shall be entered into by the commission in excess of the appropriation unless authorized in the act making the appropriation.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. RAYBURN. I am interested to know how many embassy or legation buildings we own. I understand that $10,000,000 was authorized and has been used up.

Mr. TEMPLE. It has not been used up. It has been planned for. I shall include in my remarks, if so permitted, a copy of the report of the committee, which will give the gentleman and others all information in respect to his inquiry.

Mr. RAYBURN. What is the largest amount they have contracted to pay for any one building?

Mr. TEMPLE. I think probably the largest amount is for the one at Buenos Aires.

Mr. OLIVER of Alabama. No; $1,800,000 is contracted for tentatively in Berlin.

Mr. TEMPLE. That is contracted for conditionally.

Mr. OLIVER of Alabama. The largest amount is for the one at Buenos Aires, $1,450,000, including furnishings and repairs.

Mr. TEMPLE. Yes. The one referred to in Berlin is tentatively contracted for, the condition being that the present tenants are to be removed by the time we wish to get hold of the building. The contract is in that form now.

Mr. RAYBURN. Is not that the largest amount?

Mr. TEMPLE. The Berlin one is for the largest amount, $1,800,000, for the site and building that is standing on it.

Mr. THATCHER. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. THATCHER. The commission of which the gentleman speaks has made a general survey, has it not, or had it made concerning these things all over the world?

Mr. TEMPLE. In a way, yes. I might say, however, that there was no particular need for a general survey, because the State Department has been in contact with every consulate and every embassy and every legation all of the time. They have been conscious of the needs, so that no special survey was necessary.

Mr. THATCHER. But that information was brought to the gentleman's commission?

Mr. TEMPLE. Oh, yes.

Mr. THATCHER. Will this $10,000,000 carried by the pending measure entirely complete our needs as to consulates and embassies abroad?

Mr. TEMPLE. It will cover those for which any need is very pressing. That question, however, is as difficult to answer as it would be if the same question were asked in regard to post offices in the United States. I think the general policy ought to be that wherever the Government has business enough to justify it we ought to have a building.

Mr. THATCHER. And this will cover present needs?

Mr. TEMPLE. So far as we know. It takes a pretty good sized office building to handle the business of the United States Government in some of the larger foreign capitals.

Mr. THATCHER. About how long is it contemplated will be required to complete this program?

Mr. TEMPLE. This bill provides for $10,000,000 at the rate of $2,000,000 a year, which would take five years.

Mr. THATCHER. Some buildings will be constructed and others purchased?

Mr. TEMPLE. Yes.

Mr. MOORE of Virginia. And if the gentleman will permit, the larger cases have been taken care of?

Mr. TEMPLE. All except the city of London, where we find difficulty with regard to land titles.

Mr. MOORE of Virginia. And it is hoped that the $10,000,000 will cover all other construction, although, as the gentleman has just said, no absolute assurance can be given on that point.

Mr. TEMPLE. That will depend upon the policy of Congress, just as the post-office-building program depends upon the policy of Congress.

Mr. MOORE of Virginia. And as the Secretary of State says in his communication, the need of this legislation is that the Government may be able to look ahead and plan what shall be done in the future without actually committing the Government, however, until the appropriations are made.

Mr. TEMPLE. That is correct. I ask unanimous consent to extend my remarks in the RECORD by including therein a copy of the report of the committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The report of the committee is as follows:

[House Report No. 2560, Seventy-first Congress, third session]

FOREIGN SERVICE BUILDINGS

February 9, 1931.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. TEMPLE, from the Committee on Foreign Affairs, submitted the following report (to accompany H. R. 15774):

The Committee on Foreign Affairs, to which was referred the bill (H. R. 15774) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States, having had the same under consideration, reports it back with the following amendment and recommends that the bill do pass.

On page 1, line 8, strike out the word "in" and insert in lieu thereof the word "for," so that the bill will read:

"A bill to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States

"Be it enacted, etc., That for the purpose of further carrying into effect the provisions of the Foreign Service buildings act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $10,000,000, of which not more than $2,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act as amended."

The Foreign Service buildings act, 1926 (U. S. C., title 22, sec. 292), provides:

"That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire, by purchase or construction, in the manner hereinafter provided, within the limits of appropriations made pursuant to this act, in foreign capitals and in other foreign cities, sites and buildings, and to alter, repair, and furnish such buildings, for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government."

The act authorized the appropriation of $10,000,000, not more than $2,000,000 of which should be appropriated for any one year, but provided that "within the total authorization provided in this act, the Secretary of State, subject to the direction of the commission, may enter into contracts for the acquisition of the buildings and grounds authorized by this act."

Appropriations made under the authorization of the Foreign Service buildings act, 1926, from the date of its passage to the present time, amount to $6,835,000. The appropriation bill for the State Department for the fiscal year ending June 30, 1932, as it passed the House, carried an additional sum of $1,200,000 for the Foreign Service buildings fund, which was increased in the Senate to $2,000,000. The bill is now in conference. If the larger amount should be agreed to, the total appropriations since the passage of the act will then be $8,835,000. The total expenditures and obligations for this fund amounted on January 20, 1931, to $6,245,718.33, as shown by the table at the end of this report.

Additional construction contracts contemplated to be entered into by the end of the fiscal year 1932 will bring the obligations near to the limit of the $10,000,000 authorized by the Foreign Service buildings act, 1926.

It appears from testimony given to your committee by Mr. Keith Merrill, of the State Department, executive secretary of the Foreign Service Buildings Commission, that when funds authorized by previous legislation and the Foreign Service buildings act shall have been expended, the Government will own embassies at the following posts:

Rio de Janeiro, Brazil; Santiago, Chile; Paris, France; London, England (ambassador's residence); Habana, Cuba; Tokyo, Japan; Mexico City, Mexico; Istanbul, Turkey; Rome, Italy; Berlin, Germany; Buenos Aires, Argentina; Lima, Peru.

When funds authorized by previous legislation and the Foreign Service buildings act shall have been expended, the Government, in addition to these embassies, will own legations at the following posts:

Tirana, Albania; Peiping, China; San Jose, Costa Rica; Prague, Czechoslovakia; Oslo, Norway; Managua, Nicaragua; San Salvador, El Salvador; Monrovia, Liberia; Ottawa, Canada (office building only).

In addition to the foregoing, from funds previously appropriated and funds appropriated under the Foreign Service buildings act, the Government will have or should have structures for office and residential quarters for the consular branch of the Foreign Service, where sites have already been acquired:

Tangier, Morocco; Amoy, China; Shanghai, China; Mukden, China; Nagasaki, Japan; Seoul, Chosen; Yokohama, Japan; Penang, Straits Settlements; Corinto, Nicaragua; Calcutta, India; Matanzas, Cuba; Santiago, Cuba; Aden, Arabia; Seville, Spain.

It is believed that all the places mentioned in the above lists can be provided for within the $10,000,000 authorized by the Foreign Service buildings act of 1926 and appropriations previously made. It is nevertheless a tentative list, for the buildings are to be constructed in foreign countries and every factor of cost entering into the estimates is variable. The price of land, the cost of labor, the cost of material, and the cost of foreign currency purchased to pay for acquisition and construction are all subject to fluctuation. It is the policy of the commission, however, to purchase American materials and furniture whenever conditions permit. For example, in one instance $23,000 worth of American materials were used in a building for which the total cost of all materials and labor amounted to $83,000.

If the above tentative list should prove correct, there would remain a considerable number of places not provided for. The following diplomatic posts have been mentioned to your committee as places for future consideration:

Embassies at: Madrid, Spain; Warsaw, Poland; London, England (an office building); Habana, Cuba (the exchange of the present property).

Legations at: Addis Ababa, Ethiopia; Helsingfors, Finland; Athens, Greece; Guatemala City, Guatemala; Tegucigalpa, Honduras; Budapest, Hungary; Dublin, Ireland; Riga, Latvia; The Hague, Netherlands; Ascuncion, Paraguay; Lisbon, Portugal; Bucharest, Rumania; Stockholm, Sweden; Berne, Switzerland; Cape Town, Union of South Africa; Caracas, Venezuela; Belgrade, Yugoslavia; Vienna, Austria; Brussels, Belgium; La Paz, Bolivia; Sofia, Bulgaria; Ottawa, Canada; Bogota, Colombia; Quito, Ecuador; Copenhagen, Denmark; Santo Domingo, Dominican Republic.

The following have been suggested to your committee as places in addition to the foregoing, where quarters are needed in the Orient:

Canton, China; Changsha, China; Chefoo, China; Foochow, China; Hankow, China; Harbin, China; Swatow, China; Tientsin, China; Tsinan, China; Tsingtao, China; Yunnanfu, China; Dairien, Manchuria; Kobe, Japan; Taihoku, Formosa; Hong Kong; Nagoya, Japan.

Consular buildings are needed at the following unhealthful posts:

Acapulco, Mexico; Bahia, Brazil; Barranquilla, Colombia; Batavia, Java; Belize, British Honduras; Bluefields, Nicaragua; Bombay, India; Buenaventura, Colombia; Cartagena, Colombia; Ceiba, Honduras; Colombo, Ceylon; Dakar, Senegal; Georgetown, British Guiana; Guayaquil, Ecuador; Guaymas, Mexico; Karachi, India; La Guaira, Venezuela; La Paz, Bolivia; Lourenco Marques, East Africa; Madras, India; Manaos, Brazil; Manzanillo, Mexico; Maracaibo, Venezuela; Mazatlan, Mexico; Medan, Sumatra; Para, Brazil; Pernambuco, Brazil; Port Limon, Costa Rica; Progreso, Mexico; Puerto Barrios, Guatemala; Puerto Cabello, Venezuela; Puerto Castilla, Honduras; Puerto Cottes, Honduras; Rangoon, India; Saigon, French Indo-China; Santa Marta, Colombia; Singapore, Straits Settlements; Surabaya, Java; Tampico, Mexico; Tela, Honduras; Vera Cruz, Mexico.

Although the climate of the following posts does not justify their being classed as unhealthful, buildings available for rent would be considered inappropriate by an American:

Antilla, Cuba; Baghdad, Iraq; Barbados, British West Indies; Beirut, Syria; Cape Haitien, Haiti; Casablanca, Morocco; Cienfuegos, Cuba; Curacao, Dutch West Indies; Ensenada, Mexico; Martinique, French West Indies; Mexicali, Mexico; Nairobi, Kenya; Nuevitas, Cuba; Patras, Greece; Portio Alegre, Brazil; Punta

Arenas, Chile; Saloniki, Greece; Santos, Brazil; Izmir, Turkey; Tabriz, Persia.

The bill contemplates no additional actual appropriations until the fiscal year 1934, to be available July 1, 1933. But since the tentative plans of the Foreign Service Buildings Commission have practically reached the limit of the appropriations heretofore authorized, an additional authorization is needed, if the commission is to continue with plans for the further carrying into effect the provisions of the Foreign Service buildings act. The commission is composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Senate Committee on Foreign Relations, and the chairman and the ranking minority member of the House Committee on Foreign Affairs.

The letter from the Bureau of the Budget and the letter from the Secretary of State with inclosure are printed in full as a part of this report.

BUREAU OF THE BUDGET,
Washington, January 16, 1931.

The SECRETARY OF STATE.

MY DEAR MR. SECRETARY: I have from Assistant Secretary of State Carr a letter dated January 13, 1931, submitting for consideration with reference to the financial program of the President a tentative report on H. R. 15774, to provide additional funds for Buildings Commission created under the original act to plan exments of the United States.

You are advised that, in so far as the financial program of the President is concerned, there is no objection to your making a favorable report on this proposed legislation.

Very truly yours,

J. CLAWSON ROOP, *Director.*

JANUARY 17, 1931.

Hon. HENRY W. TEMPLE,
House of Representatives.

MY DEAR DOCTOR TEMPLE: I have received your letter of January 7, 1931, and have examined with care the bill (H. R. 15774) to provide funds in addition to the amount authorized by the Foreign Service buildings act of 1926 for buildings for the diplomatic and consular establishments of the United States, and it gives me pleasure to say that the measure seems admirably adapted to the purpose of improving the effectiveness of our representation abroad. Moreover, I am pleased to say that the bill has been brought to the attention of the President, who considers that it is in harmony with his financial program.

Your bill, it is noted, does not involve additional actual appropriations by the Congress until the appropriations authorized under the Foreign Service buildings act of 1926 shall have been completed, but the increase in authorization effected by supplementing this basic legislation will enable the Foreign Service Buildings Commission created under the original act to plan expenditures ahead some two years and thereby take advantage, for the benefit of the Government, of the present lowered costs of acquiring land and lowered costs of construction.

Your measure if adopted will permit the present plans of the commission to go forward without interruption.

The Foreign Service buildings act has been in effect some four years. In that period the commission first dealt with certain pending projects; it approved previously drawn plans for the construction of the consulate at Amoy, China; authorized the acquisition of land and construction at Tirana, Albania, both of which have been completed and are now tenanted by our officials; approved plans and authorized the construction of the diplomatic and consular establishment at Tokyo, Japan, which is now 70 per cent completed, authorized the acquisition, remodeling, and repair of the consulate at Penang, Straits Settlements, and the consulate at Nagasaki, Japan, both of which are finished and occupied, and has approved an exchange of land and its improvement with a consular building at Yokohama, Japan, where construction has been initiated.

In the summer of 1927 the late Congressman Stephen G. Porter, then chairman of the buildings commission, made a journey through Central America and Cuba, where he examined various sites for Government establishments and made recommendations for acquisitions. In the latter part of the summer he went to Paris and selected the site on the northwest corner of the Place de la Concorde for a Government office building, which has since been acquired, and where it is planned to initiate construction in March. In the summer of 1928 Mr. Porter again went to Europe, and, as a result of his examinations, additional sites were tentatively selected, which have been approved for acquisition by the Foreign Service Buildings Commission for office and residential accommodations for this Government in Berlin and in one other important European capital. In Berlin the United States has signed a contract to buy the property originally selected by Mr. Porter and Congressman LINTHICUM, of Maryland. In the other capital, we are in the process of negotiating for the site which has been selected by these men, seen and approved by Secretary Mellon and Members of Congress.

At all of these capitals the work and responsibilities of our officials are of preeminent importance to our country, and they were, therefore, selected as examples of what may be accomplished to improve the service, to the great convenience of officials and large numbers of American travelers, by centralizing all official activities in one Government office building. With the exception of these three projects, no other acquisitions have been made in western Europe, because it was the policy of the commission first to take care of unhealthful posts and posts in South America and the Far East.

In South America the commission has approved plans for an office building in Rio de Janeiro; has purchased a site and approved plans for an office building in Buenos Aires; has acquired, repaired, and furnished a residence now occupied by the American ambassador in Buenos Aires; and has acquired a site for an American ambassador's residence in Lima, Peru, for which plans and specifications have been approved, so that construction may go forward within the next three months. All of these South American posts were visited by Hon. J. CHARLES LINTHICUM, of Baltimore, on whose recommendations the commission has acted.

I may remark that your bill provides for the continuation of the present system of controlling the expenditure of the fund by the Foreign Service Buildings Commission, composed of four Members of Congress, two each from the Foreign Relations and Foreign Affairs Committees of the Senate and House of Representatives, respectively, and three members of the Cabinet, and I therefore avail myself of this opportunity to express my unqualified approval of the present arrangement. Experience has shown, I think, that before acquiring property abroad for the Government at least one member of the commission should, as a rule, make a personal examination of the situation on the ground.

As a practical matter, it is impossible for members of the Cabinet, during their incumbency, to visit any but the nearest posts to Washington. It has been possible, however, for Members of Congress, when that body is not in session, to make such journeys as will enable them to appear with a detailed personal knowledge before their fellow commissioners and, on the interchange of ideas at a meeting of the commission, shape a policy of acquisition and construction along the lines of greatest benefit to our Government. Such has been our experience in the past, due to the unselfish interest taken in the problems of the Foreign Service by the late Congressman Porter and Congressman LINTHICUM, of Baltimore. I desire at this time to record my appreciation of their work abroad in the study of the living problems, the working problems, and construction problems in various foreign posts.

It is gratifying to me to regard your introduction of this bill as an approval of what has been done by the Foreign Service Buildings Commission as the result of the powers granted in the Foreign Service buildings act, and I trust that your bill will receive the support of your colleagues in Congress, because it will enable the Foreign Service Buildings Commission to proceed with plans already made and very carefully considered, with the assistance of the Supervising Architect of the Treasury, for the improvement of the lands already acquired, a list of which is hereto attached, together with the estimated cost of their improvement if your bill becomes a law.

I earnestly hope that this measure may receive the favorable consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON.

Acquisition of lands and tentative plans for their improvement by the Foreign Service Buildings Commission

Post	Description	Estimated still to be spent on improvement, including furnishing
Penang	Land and building	Finished.
Prague	Building and grounds owned since 1925	$250,000.00
Nagasaki	Land and building	Finished.
Paris	Site for office building	1,034,000.00
Lima	Site for ambassador's residence	228,200.00
Aden	Site for consulate	39,200.00
Paris	Ambassador's residence (remodeled)	Finished.
Tirana	Minister's residence, chancery, and secretary's house.	2,834.62
Teheran	Land and building	21,235.30
Managua	Site for offices and residence	217,100.93
Bangkok	Government-owned legation to be reconstructed	124,799.37
Corinto	Site for consulate	27,300.00
Calcutta	Sites for office building and residences	338,150.44
Ottawa	Site for office building	644,317.75
Matanzas	Land and building	42,067.01
Santiago, Cuba	do	33,054.44
Monrovia	Site for legation	64,208.80
Rio de Janeiro	Site for office building	256,170.67
Shanghai	Offices and residences for Government activities (to be reconstructed).	732,000.00
Buenos Aires	Ambassador's residence	Finished.
Do	Site for office building	818,702.07
Amoy	Completion of project started under separate appropriation.	107.50
Seville	Initial furnishing of Government-owned building	1,463.45
London	Initial furnishing of Government-owned ambassador's residence.	Finished.
Yokohama	Construction and furnishing of consulate on Government-owned site.	150,000.00
Panama	Construction and furnishing of legation and office building on Government-owned sites.	150,000.00
Mukden	Construction and furnishing of consulate on Government-owned site.	160,000.00
Tangier	Rehabilitation of gift property	9,000.00
Berlin	Acquisition and remodeling of embassy	2,000,000.00
Total		7,649,014.62

Remization of expenditures and obligations from Foreign Service buildings fund and separate building appropriations

Post	Description of project	Cost of land or of land and buildings	Cost of construction or of initial remodeling and repair	Architects' services	Cost of furnishing	Travel expenses	Miscellaneous
London, England	Initial furnishing of ambassador's residence				$29,550.04		
Penang, Straits Settlements	Consular residence and office	$21,162.96	$3,183.46		5,479.61		
Prague, Czechoslovakia	Architectural survey and initial remodeling, repair, and furnishing of Government-owned legation.			$6,500.00			
Nagasaki, Japan	Consular residence and office	12,986.34	2,918.25		5,426.58		
Paris, France	Office building for all American Government activities	1,221,296.68		60,000.00		$806.32	
Do	Initial remodeling and repair of ambassador's residence		53,674.75				
Lima, Peru	Ambassador's residence	30,315.28		1,850.78			
Aden, Arabia	Consular residence and office	16,356.30		3,252.96			
Tirana, Albania	Minister's residence, chancery, residence for subordinate	1,978.95	78,407.73	2,000.00	19,778.70		
Teheran, Persia	Minister's residence and chancery	59,348.46			9,416.24		
Managua, Nicaragua	Minister's residence, chancery, residence for subordinate	2,915.70	1,035.91	4,500.00		65.60	
Bangkok, Siam	Reconstruction of minister's residence and chancery	12,200.63					
Corinto, Nicaragua	Consular residence and office	2,700.00					
Calcutta, India	Office building and residential building	[1] 81,029.96 [2] 72,995.39	[1] 500.00	6,674.65		924.17	
Ottawa, Canada	Office building	105,682.25		25,000.00			
Matanzas, Cuba	Consular residence and office	29,915.00	25.00				
Santiago, Cuba	do	29,931.32		981.72			
Yokohama, Japan	do		114,000.00	168.19			
Monrovia, Liberia	Minister's residence, chancery, residence for subordinate		118.08	304.52	230.00		
Mukden, China	Consular residence and office			701.69			
Rio de Janeiro, Brazil	Office building		79.33	8,938.84			
Rome, Italy	Ambassador's residence and office building	1,125,000.00					
Shanghai, China	Office and residence building			33,316.88		40.30	
Berlin, Germany	Ambassador's residence, chancery, and all other American Government offices.	1,798,561.00					
Buenos Aires, Argentina	Ambassador's residence and office building	[1] 1,269,526.97 [2] 254,815.14	[1] 96,850.58	[1] 3,200.00	[1] 70,105.24		
Amoy, China	Completion of project started under separate appropriation			1,342.50	9,550.00		
Seville, Spain	Initial furnishing of consulate				20,531.55		
Bluefields, Nicaragua	Consular residence and office			1,820.55			
Tegucigalpa, Honduras	Minister's residence and chancery						$610.00
Montevideo, Uruguay	Ambassador's residence	106,000.00		6,000.00			
Miscellaneous	General items of expense and travel, not incurred in the interest of any single project.					9,084.76	17,415.70
Total, Foreign Service buildings fund.	Expenditures and definite obligations	6,245,718.33	340,793.69	166,553.28	170,067.96	10,921.21	18,025.70
Separate appropriations:							
Tokyo, Japan	Ambassador's residence, chancery, 2 apartment houses for lower-salaried staff.	216,781.35	849,426.50	56,074.49	5,692.48	3,973.51	
Amoy, China	Consular residence and office		61,246.44	1,608.23		50.00	
Total of all funds under the control of the commission.	Expenditures and definite obligations	6,462,499.68	1,251,466.63	224,236.00	175,560.64	13,644.72	18,025.70

[1] Residence. [2] Office.

Summary:

Total, Foreign Service buildings fund expenditures and obligations	$6,952,080.17
Total, separate appropriations expenditures and obligations	1,193,353.20
Total of all expenditures and obligations	8,145,433.37

Mr. STAFFORD. Mr. Speaker, this bill exemplifies the growth of a policy from a small beginning. Twenty years ago, when I had the honor to be in the chair presiding over the Committee of the Whole House on the state of the Union, the committee made an adverse report against the so-called Lowden bill, sponsored by the gentleman from Illinois, who was afterwards governor of that great State, which only authorized the expenditure of $500,000 for any embassy or consular building in any one year. There was a strong feeling among the membership of the House at that time that there was danger, if we inaugurated a policy of buying our own embassy buildings, that it would go to extremes unbecoming this great Republic.

I am democratic in my ideas at home, and when I go abroad I hope to carry those same democratic ideas with me.

The carrying out of the policy represented in this bill in recent years, since we passed the act of 1926 authorizing the expenditure of $10,000,000 for embassy buildings without any limit whatsoever on what might be expended for any one project or in any one year, shows the extreme that we may go to or that the executive officials may go to in carrying out the bill.

In reply to a query propounded by the gentleman from Texas [Mr. RAYBURN], the chairman of the committee [Mr. TEMPLE] stated that we have spent, or are about to spend, $1,400,000 for an embassy building at Berlin. We have spent more than a million dollars for an embassy building at Rome. We have spent more than a million dollars for embassy quarters at Buenos Aires. We have provided embassy buildings for every important embassy of the Government, save in the following cases: At Madrid, Warsaw, and Habana; and even at Habana it is proposed an exchange of the present property.

I lay this proposition down as a primal objection to this bill, that it is un-American for our Government to establish these large, expensive, extravagant embassy buildings abroad; that they are not representative of the true democratic spirit of America; that they do not connote the idea of democratic America.

If there is one thing for which I hold sacred the memory of Theodore Roosevelt when he was President of the United States, it is that he refused when strong pressure was brought to bear at the beginning of his administration to have a new executive mansion constructed in place of the White House; he took a position strongly in opposition to it, because he thought the White House was typical in its simplicity, in its grand simplicity, of the true democratic spirit of America. [Applause.] When the natives of foreign countries, or foreigners, go to visit the leading capitals and see these expensive American embassy buildings, rivaling the expensive structures of the monarchies of Europe, well may they say that America is typified by the dollar mark, the million-dollar mark, or the billion-dollar mark, rather than by the true simplicity that should characterize and which generally does characterize, in the opinion of foreigners, democratic America.

Mr. RAYBURN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. RAYBURN. Does the gentleman think this amendment proposed by the gentleman from Pennsylvania [Mr. TEMPLE] is a sufficient limitation to put upon this bill, that Congress then will have a say, after these proposals are made and before the money is expended, as to how much they will expend on any one building?

Mr. STAFFORD. At present there is no limitation. This proposed amendment means hardly anything. The Appropriations Committee comes in with an appropriation. It

goes to the Senate. The Senate can put on any kind of an amendment, and in the closing days of Congress it signifies nothing.

May I say to the gentleman from Texas [Mr. RAYBURN] and to the other Members of the Congress there is no need for this legislation at the present time. There is $1,800,000 available under the $10,000,000 authorized in the act of 1926 which has not been expended or authorized for expenditure.

On yesterday we excluded deserving aliens because of the condition of unemployment in this country. We hear much about using the funds at home and yet we are here launching upon a policy to expend extravagantly $10,000,000 in the next five years. Where is there any justification for it, except that it is an invitation to the State Department to carry out their extravagent policy, which they have been carrying out since 1926, in purchasing these large, expensive embassy quarters abroad?

Members of the Appropriations Committee that have this matter in charge, I am told, took a trip at the expense of the Government, and visited foreign capitals. That may be their idea, that our embassy buildings should vie in grandeur with the embassy buildings of the monarchs and kingdoms of Europe, but it is not my idea.

I remember one time when a most eminent diplomat in the service of the Government of the United States was not looked upon with favor by one of the foreign governments because he did not have the means wherewith to properly keep up the social requirements of the post. I protested against this character of legislation when the appropriation bill was under consideration, because I am not in sympathy with this idea. I want these embassy quarters to comport not only to the democratic standards of America, but also to comport to the ways of living of those men who have intellect and not mere pocketbooks. I place the aristocracy of the intellect of America ahead of the aristocracy of the dollar [applause]; the State Department is placing the aristocracy of the dollar ahead of the aristocracy of the intellect. They want large quarters that can only be manned and kept up by expensive retinues that many men in this Chamber, in their lives here, are stranger to.

It may be that there are a half dozen or less in this Chamber who would feel at home in these extravagant quarters, but I do not believe there are many on either side of the aisle who, if assigned as ambassador to Berlin, to Paris, to Rome, or Buenos Aires, would feel at home in these extravagant and expensive buildings.

I bottom my objection on two grounds. First, there is no need for this at the present time. There is $1,800,000 remaining of the $10,000,000 authorized in 1926. Why should they be erecting buildings abroad in order to give employment over there when we need employment here? Next, it is foreign to our American policy to provide these elaborate quarters.

It is not possible under suspension of the rules to place a limit on the appropriations whereby no more than $500,000 might be expended on any one project. I take exception to the position taken by the gentleman from Pennsylvania, in which he says we should own all of our consular quarters, all of our embassy buildings, and all of our legations, for the reason that if you can find suitable quarters by lease then there is no need of having the Government erect buildings.

A few years ago, when this proposition was first launched, it was called to our attention that there were just a few places where proper quarters could not be leased. There was justification then for our erecting buildings. But now the policy has taken on a different angle entirely. The policy is to own everything and own all the buildings. That policy can not even be justified in our own country as far as post-office buildings are concerned.

Why should we now launch on this policy of committing the Government to the expenditure of $2,000,000 a year, when nobody knows whether this depression will continue for another two years or five years? The gentleman will not deny that $1,800,000 is available for appropriation when the next Congress convenes. That being so, why should we take this action?

Mr. TEMPLE. I not only do not deny it but I specifically called attention to it.

Mr. STAFFORD. We have $1,800,000 that is available for appropriation when the next Congress convenes, yet you are asked to pass under suspension of the rules this bill, which provides for no limitation on any amount that may be expended on any building.

Mr. LINTHICUM. Will the gentleman yield?

Mr. STAFFORD. I yield to the ambassador from Baltimore. I believe he has visited all of these foreign capitals and has imbibed the foreign idea.

Mr. LINTHICUM. I do not think Baltimore needs an ambassador.

Mr. STAFFORD. Well, I yield to the gracious presence of the gentleman from Baltimore.

Mr. LINTHICUM. I want to call the gentleman's attention to an error, I think, and that is that there will only be $1,165,000 instead of the amount he mentioned.

Mr. STAFFORD. According to my mathematics the amount is $1,800,000. The gentleman may be a better promoter in regard to these projects, but I do not yield to the gentleman on my mathematics.

Mr. COLLINS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COLLINS. From the speech the gentleman is making I would take it that the gentleman is opposed to providing castles for our social leaders abroad?

Mr. STAFFORD. Well, we have them now, and this is only a continuation of that policy. We have these castles or mansions in the large capitals of Europe. Only Warsaw and Madrid are still unprovided for. Shall we provide a Spanish castle in Madrid and a Polish castle in Warsaw?

Mr. COLLINS. These are our social leaders.

Mr. STAFFORD. I am opposed to these extravagant, magnificent, and elaborate quarters for our ambassadors and ministers.

Mr. BOYLAN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOYLAN. The gentleman would not want to build log cabins, would he?

Mr. STAFFORD. No; but I would like to have buildings that would be typical of the White House. [Applause.] I would like to have commodious quarters but typical of our democracy, and not the large ostentatious structures we have in Rome, in Berlin, in Paris, and in Buenos Aires, as well as in London. I would like to have something typical of the democracy of the gentleman from New York, typical of the democratic leader who was defeated for the Presidency, Alfred E. Smith, that great Democrat from the State of New York. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. TEMPLE. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, when the appropriation bill was before the House I called attention to the act passed by Congress in 1926 and criticized several of the large expenditures made by the commission thereunder. I was not then and am not now out of sympathy with many of the views expressed by the gentleman from Wisconsin as to the extravagant expenditures under this act in the past. Under the original act there was no limitation on the authority of the commission to contract and obligate the Government except the limit of $10,000,000, the amount authorized. With the consent of members of the Foreign Affairs Committees of the House and Senate, an amendment was prepared and has been offered by the gentleman from Pennsylvania, Doctor TEMPLE, so that hereafter the authority of the commission to obligate the Government, if the act is extended, will be limited by the appropriations hereafter made, and the contractual power hereafter approved by Congress in appropriation bills. Unquestionably the commission will need funds in addition to the $10,000,000 now authorized in order to meet obligations incurred by the commission and to improve vacant sites purchased.

I am sure the commission will be slow hereafter in contracting for the purchase of embassies at excessive prices,

and which purchases will require large maintenance charges in the future. Attention was previously called by me to the large amount expended in Buenos Aires for a mere embassy, and, so far as I know, there are very few Members of this House who approve the wisdom of that purchase.

Mr. RAYBURN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. RAYBURN. Just what kind of house is it that they bought in Buenos Aires that cost $1,500,000?

Mr. OLIVER of Alabama. A palatial residence, well located, for which we paid $1,200,000 plus, and in addition thereto approximately $240,000 for furnishings and repairs. If the tentative contract in Berlin is completed, we must repair the building, and no estimate has been submitted as to the cost of the repairs. Likewise, if the building in Rome is purchased, we will have to repair that building, but no estimate has been submitted as to the cost of the repairs. I venture to predict that the cost of repairs will be substantial and large.

Mr. RAYBURN. May I ask the gentleman one further question? I am one of those who believe that the United States Government ought to own the homes of its ambassadors in foreign countries; but does the gentleman think that if we vote for this measure, that with the limitation proposed in the amendment of the gentleman from Pennsylvania we are going to have some protection against paying $1,000,000 or $1,500,000 or $2,000,000? I think it is out of reason and out of the question and does not comport with the ideals of America. I quite agree with the remarks of the gentleman from Wisconsin [Mr. STAFFORD] that there is such a thing as having a home for an ambassador or a minister in a foreign country that will be nice enough for him, and yet will not look like we are trying to outdo the world in matching dollars against everybody else, and creating the impression throughout the world that we, the richest Nation in the world, are going to have the finest homes for our ministers and ambassadors of any country in the world.

Mr. OLIVER of Alabama. I am largely in accord with the views expressed by the gentleman, and I was responsible for the drafting of this amendment just offered by the gentleman from Pennsylvania [Mr. TEMPLE], and this amendment will unquestionably place in the hands of Congress hereafter what purchases may be made and what contracts may be made, and so long as I am on the subcommittee handling this appropriation, the House will be fully informed so that you may intelligently pass on all of these matters in making appropriations therefor.

Mr. RAYBURN. In other words, before the final contract is made for a building or a house or the buying of one, Congress will have an opportunity to say whether or not a certain price will be paid for it.

Mr. OLIVER of Alabama. There can be no question as to that. Under the old act $10,000,000 was the only limit on the authority of the commission to obligate the Government and Congress had absolutely no control over it. Now you will have absolute control over every dollar appropriated hereafter, if this act is extended and the limitation amendment now offered is adopted.

Mr. STAFFORD. Will the gentleman answer a question?

Mr. OLIVER of Alabama. I will be pleased to.

Mr. STAFFORD. The amendment provides that hereafter no contract shall be entered into by the commission in excess of the appropriation unless authorized in the act making the appropriation. If the appropriation as presented to the House by the committee votes an appropriation of $2,000,000, without any limit at all, $2,000,000 might then be spent for one building. Where is there any limitation, so far as this amendment is concerned, as to how much might be expended for any one building, I ask respectfully the gentleman from Alabama?

Mr. OLIVER of Alabama. I am very glad the gentleman asked the question. The gentleman is quite familiar with the procedure in the House, and when an appropriation is recommended to the House, the House has a perfect right to put limitations thereon if they are not satisfied with the limitations placed thereon by the Committee on Appropriations. We purposely gave the House the right to say that, if in addition to the appropriations, it was the desire of the House to increase the contractual rights of the commission, you might do so in the appropriation bill. In other words, if it took more than a year to improve any property, assuming you wished to give approval thereto on economic grounds, you will have the right to extend the building program over a year; otherwise, the commission could not make a contract for more than one year if it involved an obligation in excess of the sums appropriated and unobligated.

Mr. STAFFORD. If the gentleman will permit, not more than $2,000,000 may be expended in a year if the Committee on Appropriations or the Congress does not place any limitation on the amount of that appropriation.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. STAFFORD. Mr. Speaker, I yield the gentleman two minutes.

And the commission may expend $2,000,000 on any one project.

Mr. OLIVER of Alabama. The gentleman's question does not assume altogether an accurate statement of facts, but he has erred even against himself. The appropriations made under this act are cumulative, just as they are when you make appropriations for the increase of the Navy. Unexpended balances do not revert to the Treasury at the end of the fiscal year, but continue. Take, for instance, at present, the commission has now about $4,400,000 unexpended of appropriations heretofore made, and there is yet to be appropriated under the old act $1,400,000, approximately. They have obligated for the purchase of lots and for buildings and repairs about $9,600,000 plus. There will remain a number of lots unimproved of those purchased and for which additional appropirations will be needed. It is now proposed to authorize further appropriations under the act, subject, however, to a contractual limitation on the power of the commission.

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

(Mr. OLIVER of Alabama asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. TEMPLE. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, this is one of the few commissions which is controlled by Congress. There are four Members of Congress on this commission and three of the Secretaries—State, Treasury, and Commerce. I am sorry the gentleman criticized so much the purchase of the building in Buenos Aires. He should take into consideration all the facts.

Buenos Aires is not like any other city in the world. A dollar is only worth half the amount there. It is a city that prescribes a certain kind of building that you must put up, and there are only a few desirable locations. The commission thought that the Government of the United States was entitled to one of the very best locations and one of the very best buildings in Buenos Aires. It is a splendid building, but no better than many residences in the United States occupied by private citizens and their families. We thought that the United States wanted something worth while. We did not think that they wanted their representatives to live in an out-of-the-way place, some out-of-the-way house, and hold down expenses as developed by the gentleman's dollar democracy. I do not believe that democracy means that you must have an insignificant place or some place that is not sufficient to entertain his friends. It is the outpost of the United States and should be thoroughly representative of our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TEMPLE. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, in some measure in regard to the sentiments of our former President, Theodore Roosevelt, I agree with the gentleman from Wisconsin [Mr. STAF-



FORD]. President Roosevelt certainly had real democratic ideas. But I believe the embassies and consulates of the United States ought to represent the dignity of the United States Government and our people, and I think they should be as good as the House Office Building, the Senate Office Building, and the Capitol of the Nation, which the gentleman from Wisconsin thinks should represent the dignity of this Government.

Mr. STAFFORD. We are not living in the House Office Building or the Capitol—that is typical of the Nation.

Mr. CONNERY. We do our business here in the Capitol and the House Office Building, and would you want to do it in a log cabin?

Mr. STAFFORD. I said typical of the White House——

Mr. CONNERY. Would the gentleman want us to live in a little log cabin?

Mr. STAFFORD. I do not think the gentleman should put words in my mouth that I did not use.

Mr. CONNERY. Well, the gentleman's remarks implied that. Now, I want to say that we make a great mistake in the salaries that we pay ambassadors and consuls abroad. Under the salary that we pay our ambassadors only a very rich man can represent the American people abroad. If the gentleman from Wisconsin wants to do something——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. I yield the gentleman one minute more.

Mr. CONNERY. If the gentleman wants to do something progressive for democracy, for the American people, he will favor and urge legislation for a decent salary for these men who represent us in foreign countries, and then we can send men abroad who are not multimillionaires.

Mr. STAFFORD. We voted the other day several million dollars for these officers; did the gentleman vote for it?

Mr. CONNERY. I voted with the gentleman, and the gentleman knows that I did.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SABATH) there were 125 ayes and 58 noes.

Mr. SABATH. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and forty Members present, a quorum.

Mr. COLLINS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 136, not voting 64, as follows:

[Roll No. 49]

YEAS—230

Ackerman	Chalmers	Elliott	Hawley
Adkins	Chase	Ellis	Hess
Allen	Chindblom	Englebright	Hickey
Andresen	Chiperfield	Erk	Hoch
Andrew	Christgau	Estep	Hogg, W. Va.
Auf der Heide	Clancy	Esterly	Holaday
Bacharach	Clarke, N. Y.	Evans, Calif.	Hooper
Bacon	Cochran, Pa.	Fenn	Hopkins
Baird	Cole	Finley	Houston, Del.
Barbour	Colton	Fish	Hudson
Beck	Connery	Fisher	Hull, Morton D.
Beedy	Cooper, Ohio	Fitzgerald	Hull, William E.
Beers	Corning	Fitzpatrick	Igoe
Black	Crail	Fort	Irwin
Bland	Cramton	Foss	Jenkins
Bloom	Crosser	Frear	Johnson, Ind.
Bohn	Crowther	Freeman	Johnson, S. Dak.
Bolton	Culkin	Gambrill	Johnson, Tex.
Bowman	Cullen	Garber, Va.	Johnson, Wash.
Boylan	Dallinger	Gibson	Jonas, N. C.
Brand, Ohio	Darrow	Gifford	Kelly
Brigham	Davenport	Goss	Kendall, Pa.
Britten	Dempsey	Granfield	Ketcham
Browne	De Priest	Griffin	Kinzer
Brumm	Dickstein	Hadley	Kopp
Buckbee	Douglas, Ariz.	Hale	Kurtz
Burtness	Drane	Hall, Ind.	Kvale
Butler	Drewry	Hancock, N. Y.	Langley
Campbell, Pa.	Dunbar	Hardy	Lankford, Va.
Carter, Calif.	Dyer	Hartley	Lea
Carter, Wyo.	Eaton, Colo.	Hastings	Leavitt
Celler	Eaton, N. J.	Haugen	Leech
Lehlbach	Nelson, Me.	Seger	Tinkham
Lindsay	Nelson, Wis.	Selberling	Treadway
Linthicum	Newhall	Selvig	Turpin
Loofbourow	Niedringhaus	Shaffer, Va.	Vestal
Luce	Nolan	Short, Mo.	Vincent, Mich.
McClintock, Ohio	Norton	Shott, W. Va.	Wainwright
McCormack, Mass.	Oliver, Ala.	Shreve	Wason
McLaughlin	Owen	Simms	Watres
McLeod	Palmer	Sirovich	Watson
McReynolds	Palmisano	Sloan	Welch, Calif.
Maas	Parker	Smith, Idaho	Welsh, Pa.
Magrady	Perkins	Smith, W. Va.	White
Manlove	Pittenger	Snell	Whitley
Mapes	Prall	Somers, N. Y.	Wigglesworth
Martin	Pratt, Harcourt J.	Speaks	Williamson
Mead	Pratt, Ruth	Sproul, Ill.	Wilson
Merritt	Purnell	Stalker	Wolfenden
Michener	Ramey, Frank M.	Stobbs	Wolverton, N. J.
Miller	Ramspeck	Strong, Pa.	Wolverton, W. Va.
Montet	Ransley	Sullivan, Pa.	Wood
Mooney	Reece	Swick	Woodruff
Moore, Ohio	Reed, N. Y.	Swing	Wyant
Moore, Va.	Rich	Taylor, Tenn.	Yates
Morgan	Rutherford	Temple	Zihlman
Mouser	Sanders, N. Y.	Thatcher	
Murphy	Sears	Timberlake	

NAYS—136

Abernethy	DeRouen	Hull, Tenn.	Quin
Allgood	Dickinson	Hull, Wis.	Ragon
Almon	Dominick	James, Mich.	Rainey, Henry T.
Arnold	Dowell	James, N. C.	Ramseyer
Aswell	Doxey	Jeffers	Rankin
Ayres	Driver	Johnson, Nebr.	Rayburn
Bachmann	Edwards	Johnson, Okla.	Reilly
Bankhead	Eslick	Jones, Tex.	Robinson
Blanton	Free	Kading	Romjue
Box	French	Kahn	Sabath
Brand, Ga.	Fuller	Kerr	Sanders, Tex.
Briggs	Fulmer	Knutson	Sandlin
Browning	Garber, Okla.	LaGuardia	Schafer, Wis.
Buchanan	Garner	Lambertson	Schneider
Busby	Gasque	Lankford, Ga.	Simmons
Cable	Gavagan	Letts	Sinclair
Campbell, Iowa	Glover	Lozier	Snow
Canfield	Goldsborough	Ludlow	Sparks
Cannon	Green	McDuffie	Stafford
Cartwright	Greenwood	McKeown	Steagall
Christopherson	Gregory	McMillan	Stone
Clague	Guyer	McSwain	Strong, Kans.
Clark, N. C.	Hall, Ill.	Milligan	Summers, Wash.
Cochran, Mo.	Hall, Miss.	Montague	Swanson
Collier	Hall, N. Dak.	Moore, Ky.	Taber
Collins	Halsey	Moorehead	Tarver
Condon	Hancock, N. C.	Nelson, Mo.	Tucker
Cooke	Hare	O'Connor, N. Y.	Walker
Cooper, Tenn.	Hill, Ala.	Oldfield	Warren
Cox	Hill, Wash.	Parks	Whittington
Craddock	Hogg, Ind.	Parsons	Wingo
Crisp	Hope	Patman	Woodrum
Cross	Howard	Patterson	Wright
Davis	Huddleston	Peavey	Yon

NOT VOTING—64

Aldrich	Doyle	Kunz	Rowbottom
Arents	Evans, Mont.	Lanham	Spearing
Bell	Garrett	Larsen	Sproul, Kans.
Blackburn	Golder	McClintic, Okla.	Stevenson
Brunner	Goodwin	McCormick, Ill.	Sullivan, N. Y.
Burdick	Graham	McFadden	Sumners, Tex.
Byrns	Hoffman	Mansfield	Taylor, Colo.
Carley	Hudspeth	Menges	Thompson
Clark, Md.	Johnson, Ill.	Michaelson	Thurston
Connolly	Johnston, Mo.	O'Connor, La.	Tilson
Coyle	Kearns	O'Connor, Okla.	Underhill
Denison	Kemp	Oliver, N. Y.	Underwood
Dorsey	Kendall, Ky.	Pou	Vinson, Ga.
Doughton	Kennedy	Pritchard	Whitehead
Douglass, Mass.	Kiefner	Reid, Ill.	Williams
Doutrich	Korell	Rogers	Wurzbach

So (two-thirds not having voted in favor thereof) the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following additional pairs:

Mr. Tilson with Mr. Pou.
Mrs. Rogers with Mr. Doughton.
Mr. Denison with Mr. Byrns.
Mr. Graham with Mr. McClintic of Oklahoma.
Mr. Menges with Mr. Sumners of Texas.
Mr. Burdick with Mr. Williams.
Mrs. McCormick of Illinois with Mr. Kennedy.
Mr. Aldrich with Mr. Stevenson.
Mr. Thurston with Mr. Oliver of New York.
Mr. Doutrich with Mr. Kemp.
Mr. Arents with Mr. Sullivan of New York.
Mr. Wurzbach with Mr. Carley.
Mr. Thompson with Mr. Brunner.
Mr. Blackburn with Mr. Underwood.
Mr. O'Connor of Oklahoma with Mr. Dorsey.
Mr. Clark of Maryland with Mr. Spearing.
Mr. Sproul of Kansas with Mr. Doyle.
Mr. Johnson of Illinois with Mr. Mansfield.
Mr. Kendall of Kentucky with Mr. O'Connor of Louisiana.

The result of the vote was announced as above recorded.

COST OF PRODUCTION OF CRUDE PETROLEUM, ETC.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 391, unanimously reported from the Committee on Ways and Means, directing the Tariff Commission to make certain investigations, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 391

Resolved, That the United States Tariff Commission is directed under the authority conferred by section 332 (g) of the tariff act of 1930, to investigate the differences in the cost of production of the following domestic articles and of any like or similar foreign articles: Crude petroleum, fuel oil, gasoline, and lubricating oils.

The investigation made under this resolution shall be made as if such investigation were an investigation authorized under section 336 of the tariff act of 1930, except that the cost of production of foreign articles shall be ascertained only for foreign articles exported, directly or indirectly, from countries from which there was exported, directly or indirectly, to the United States during the period from January 1, 1929, to December 31, 1930, inclusive, more than 2,000,000 barrels in the aggregate of crude petroleum, fuel oil, gasoline, and lubricating oils, and except that the Tariff Commission shall report the results of its investigation to the President and to the House of Representatives not later than the beginning of the next regular session of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is nothing in the world but a futile, foolish gesture. The Tariff Commission already has this authority, and yesterday we passed a resolution appropriating $50,000 to enable the gentleman's committee to do this work, and I object.

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and agree to House Resolution 391, just reported by the Clerk.

The SPEAKER pro tempore. The gentleman from Oregon moves to suspend the rules and agree to the resolution. Is a second demanded?

Mr. RAGON. Mr. Speaker, I demand a second.

Mr. BLANTON. Mr. Speaker, is the gentleman from Arkansas against the resolution? If he is not, we want somebody to demand a second who is against it.

Mr. SABATH. I am against the resolution.

Mr. RAGON. I am for the resolution.

Mr. SABATH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from Illinois against the resolution?

Mr. SABATH. I am.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. HAWLEY. Mr. Speaker, ladies and gentlemen of the House, the resolution which we passed yesterday authorized the Committee on Ways and Means as a body or by subcommittees to investigate certain commodities in their economic aspect. That investigation will be conducted in the United States, including possessions of the United States intimately a part of the United States. That is its primary intent. The pending resolution uses the agency of the Tariff Commission for making investigations abroad. An investigation was ordered in the tariff act of 1930, but that was limited to the Maracaibo Lake district in Venezuela. The Tariff Commission had no power under the law to make any investigation of the oil situation in places other than the one named. This resolution authorizes the Tariff Commission to complete that work and make investigations in other parts of Venezuela, in Peru, in the Dutch West Indies, and other sections of the world where oil is produced and brought into the United States in competition with American oil. The Tariff Commission is not authorized under this resolution to investigate the production in countries that exported to the United States less than 2,000,000 barrels in 1929 and 1930. In order to complete the work initiated by the resolution of yesterday to ascertain costs in comparison with American costs, that we may know accurately the economic situations throughout the world, and the competitive conditions, it is necessary to have this resolution passed. The Tariff Commission is not authorized to make investigations except upon resolution of the House or the Senate or the Congress or the President or at the instance of interested parties, if upon representation of interested parties the Tariff Commission thinks investigation should be made.

We desire this resolution to be passed and the investigation made promptly, so that when the Ways and Means Committee has concluded its investigations the committee will have currently therewith the investigation concluded of all of the factors relating to the importation of oil and oil products from abroad in competition with American oil and its products.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. JOHNSON of Oklahoma. Will the distinguished gentleman agree to abide by the decision of that investigation when it is made?

Mr. HAWLEY. The Tariff Commission is a fact-finding body and does not recommend rates. But if the determination of rates is what the gentleman has in mind, I think the gentleman from Oklahoma will agree that no one ought to agree to abide by anything until he has had opportunity to read and understand the matter proposed and form his conclusions thereon by consideration of it and of other information that may be obtained.

Mr. JOHNSON of Oklahoma. Is not this merely another way of passing the buck for another year?

Mr. HAWLEY. It is not in any way. This is to speed it up. We absolutely need this investigation abroad. We never have taken action on matters of this importance without information relating to competitive conditions that is as adequate as possible.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. HAWLEY. I yield.

Mr. McKEOWN. Does either of these resolutions contemplate investigating the probable markets abroad for this oil, to see what effect the importations will have on the export trade?

Mr. HAWLEY. It will be the usual investigation which the Tariff Commission makes under the provisions of the tariff act of 1930, including those factors.

Mr. McKEOWN. Will it include any investigation as to the probable output and the costs in Asia Minor and in Russia?

Mr. HAWLEY. I suppose it would, but the question of probable output is a very difficult one to determine. It would not include any investigation unless there were imported to the United States from a foreign country at least 2,000,000 barrels in 1929 and 1930. That is to eliminate unimportant factors.

Mr. McKEOWN. In the Mesopotamia area there have already been discovered wells of ninety-odd thousand barrels per day. Of course they are shut down and capped now, but will be potential propositions.

Mr. HAWLEY. I think that would come within the scope of the investigation.

Mr. CRISP. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. CRISP. Is it not a fact that the Ways and Means Committee, which has to deal with these matters, is seeking all the light and facts they can get to enable them to function?

Mr. HAWLEY. Exactly.

Mr. CRISP. Is this resolution not offered in conformity with the Hawley-Smoot Act which authorizes the Tariff Commission to make an investigation either upon request of the House or Senate, or the President?

Mr. HAWLEY. Or interested parties; yes. The gentleman is correct.

Mr. BRIGGS. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BRIGGS. To what extent will this action duplicate the action of the Senate recently when, as I understand, they called for a report from the Tariff Commission about this very thing?

Mr. HAWLEY. I do not know about the Senate action to which the gentleman refers.

Mr. BRIGGS. Have they not compiled a report in the Tariff Commission on this situation recently?

Mr. HAWLEY. The only report I know of which the Tariff Commission has filed was made under the direction of the tariff act of 1930, and it was confined to an investigation of the Maracaibo Lake district in Venezuela.

Mr. BRIGGS. And that is all that was done?

Mr. HAWLEY. Yes.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BANKHEAD. Is it contemplated that the members of the Tariff Commission, either in person or by representatives, shall visit those foreign countries?

Mr. HAWLEY. I do not think the members of the Tariff Commission travel. They send out experts in the particular matters, who make the investigations.

Mr. BANKHEAD. What character of cooperation has your committee in mind that those investigators will receive from our competitors in the foreign fields, in order to arrive at a basis of the difference in cost of production? In other words, suppose the Tariff Commission sends a representative to Mesopotamia or Peru or some of the other foreign fields to make this inquiry, does the gentleman think they will be received with that character of cordial cooperation that will enable them to make a really valuable investigation of these problems?

Mr. HAWLEY. The Tariff Commission found opportunity to make a satisfactory study in Venezuela in the Maracaibo Lake district, and I have reason to believe that they will be given fair opportunity elsewhere.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. WILLIAMSON. This resolution is confined to oil. I think the gentleman stated in his preliminary statement that the Ways and Means Committee did not intend to investigate outside of the United States. How are they going to get information with reference to manganese and the other articles which the Ways and Means Committee intends to investigate, if they are not included within this resolution?

Mr. HAWLEY. They are not included in this resolution. This applies only to oil, for the purpose of having the Tariff Commission complete its report on that subject. It reported only on one district, and it was desired to have a complete report on all that subject.

Mr. WILLIAMSON. Is it a fact that the Ways and Means Committee does not intend to go to foreign countries to get data during this investigation this summer?

Mr. HAWLEY. As I understand the primary intention of the resolution passed yesterday contemplates only investigations in the United States. Of course, we will seek information from every source available.

Mr. FISH. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. FISH. Has the gentleman any assurance that the agents of the Tariff Commission can go to Soviet Russia and find data with regards to oil production there?

Mr. HAWLEY. I have no information as to the relations of the Tariff Commission with that country.

Mr. FISH. Does the gentleman think they can go to Soviet Russia and get this data?

Mr. HAWLEY. I think that I think on that subject as the gentleman does.

Mr. AYRES. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. AYRES. I would like to ask the gentleman if it is contemplated that the investigation will be made and a report made before we meet in regular session or by the time we meet in regular session?

Mr. HAWLEY. That is the intention I understand.

Mr. WOODRUFF. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. WOODRUFF. In connection with the investigations that were authorized by the resolution adopted yesterday, is it not the intention of the Ways and Means Committee to take advantage of whatever facilities the Tariff Commission has in conducting those particular investigations? I have in mind the fact that the Tariff Commission will, no doubt, be perfectly willing to place at the disposal of the Ways and Means Committee such information as they may have at this time touching these various subjects, and such additional information as they can secure between now and the time the committee makes its report.

Mr. HAWLEY. We will have no difficulty in obtaining from the Tariff Commission all the information which they now have. Undoubtedly they will make special investigations for us, at our request, as they do in the case of the preparation of tariff bills.

Mr. WOODRUFF. It is reasonable to suppose, is it not, that they will exert considerable energy in securing such information as they can, so it may be available for the committee's consideration?

Mr. HAWLEY. They have been quite diligent up to date, and I think they will be in the future.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. LaGUARDIA. If the commission should decide to go into Russia, is the resolution sufficiently broad that they might take along and have the benefit of the expert knowledge of our colleague from New York [Mr. FISH]?

Mr. HAWLEY. I can not answer that.

Mr. ESTEP. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. ESTEP. As I understand it, the reason why this particular resolution covers oil is that oil is on the free list and the Tariff Commission has no power over articles on the free list. Even upon a report from the commission to the President, he would have no power to increase or change the duty and therefore a resolution like this is required, because oil is on the free list.

Mr. HAWLEY. That is a further reason, yes. Mr. Speaker, I reserve the balance of my time.

Mr. SABATH. Mr. Speaker, ladies, and gentlemen, yesterday we voted $50,000 to the Ways and Means Committee to investigate foreign productions and exportations of those very products for which we are now proposing an investigation.

This resolution provides that the Tariff Commission be given power to investigate this matter. I am not opposed to investigations when they are really conducted in good faith, but all of you who are familiar with the membership of the Tariff Commission know the kind of an investigation it will make. We know that it is purely a political commission and will investigate for political purposes only.

I recognize—as everyone else does—the mortifying condition of the Republican Party to-day. It will again need large campaign contributions from the oil and other such interests; and it hopes that by this investigation it will be able to force these large oil and other interests to contribute handsomely for the next Republican presidential campaign.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. SABATH. Yes.

Mr. MOORE of Virginia. I would like to say this, that I know very intimately one member of that Tariff Commission. Without speaking of the other members I may say of that one member that I know he is able, that he is disinterested, that he has no preconceptions, and I trust his intellectual and moral honesty as fully as that of anybody in the country. [Applause.] Let me name him, Thomas Walker Page, of Virginia.

Mr. SABATH. Of course, coming from the great State of Virginia, Mr. Page is naturally a man of prominence, honor, and ability, and I do not understand how the President made such a "mistake" in choosing him. I did not mean to include him in my remarks.

Mr. EATON of Colorado. Is he a Democrat?

Mr. SABATH. Having all these splendid attributes described by the gentleman from Virginia [Mr. MOORE], he must be one. I do not say, however, that every Democrat

is an angel and that every Republican is a devil, for there are some Republicans who are good men and in whom I have confidence; unfortunately, however, there are but few of these left. What I do speak of is the general rule and not of the exceptions.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. SABATH. For a brief question.

Mr. O'CONNOR of Oklahoma. Does the gentleman think it would help the standing and patriotism of this commission if the gentleman's most useful citizen from Chicago, Mr. Al Capone, were on the commission?

Mr. SABATH. Well, let me say that Mr. Capone is not a member of the Democratic Party. As I am informed through the press, he is an approved Thompson Republican and has been making substantial financial contributions to his party's campaigns.

Not only has Mr. Capone made large contributions to Mayor Thompson's campaigns, but he also rendered him valuable services in the last primary; but in view of Mayor Thompson's spirited attacks upon the Republican administration in general and President Hoover in particular, I doubt very much that Mayor Thompson's recommendations of Mr. Capone will receive favorable consideration. It may, however, be that the gentleman from Oklahoma [Mr. O'CONNOR] is of the belief that the publicity given to Capone as a result of his racketeering proclivities would especially fit him for that position.

The gentleman from Wisconsin [Mr. SCHAFER], another Republican, in his prejudice against and his desire to injure the fair name of Chicago, never fails to seize the opportunity to link the names of Capone and Chicago; in his effort to defeat the bill for the Chicago World's Fair Centennial Celebration, he again injected his query as to whether Thompson or Capone would manage the celebration.

Permit me, therefore, to call to the attention of the gentleman from Wisconsin [Mr. SCHAFER] and all other people that neither Mayor Thompson nor Mr. Capone will have anything to say about or anything to do with that grand celebration, which will surpass every similar great exposition, even including our World's Fair of 1893. This I say because within a few weeks the million and more of Chicago voters will eliminate Mayor Thompson and relegate to the past both Mayor Thompson and Mr. Capone.

I assure the membership of this House and the people of the country that when they visit this forthcoming grand celebration they will all receive a hearty and sincere welcome by not only the greatest but also the cleanest and most beautiful city in the world. I am confident that the good people of Chicago, with the best interests of that great city at heart, will select as mayor the one possessing exceptional resourcefulness; the one who is honest, aggressive, and fearless; the one, whose past 30 years of uninterrupted public service, assures all honest and true Chicagoans that his mayoralty administration will be economical, clean, and businesslike; the one who is now president of the Cook County Board—the people's choice for mayor of Chicago—the Hon. A. J. Cermak.

I have just received information that Coroner Bundesen, former health commissioner of Chicago under Mayor Dever, in his withdrawal from the mayoralty race, in order to assure the election of Mr. Cermak, said:

> For Chicago's good that [Thompson's election] is a risk I can not afford to take. Four more years of Thompsonism would be too much to ask even of such a virile city as Chicago. I have therefore decided that I will not enter the race, and I trust to my God that by such action I am doing the right thing and am contributing at least my full share to redeem Chicago from the grasp of Thompsonism.

It is my belief that this action will hearten the good people of Chicago in their efforts to reestablish unmistakably the fair name of Chicago by the election of Mr. Cermak.

I regret that the inquiry of the gentleman from Oklahoma [Mr. O'CONNOR] diverted my intentions to speak upon the pending resolution; but in view of the frequency with which we Chicagoans are being sneered at, I could not resist the urge to stress the fact that the Democratic Party has nothing in common with Capone or his power, influence, and activities.

I was hopeful that after giving the House assurance of the strenuous efforts which are being made to reestablish the fair name of Chicago on the part of its citizens that our bill for the great celebration would not meet with objection; and I, therefore, deplore exceedingly that one or two Members have seen fit to delay its adoption. I desire again to assure them that long before 1933 we will be able to point with pardonable pride to the wonderful progress Chicago has made under a Democratic administration, and to the thorough elimination of all activities which have brought about the unfair publicity which we Chicagoans so deeply deplore.

And now in conclusion permit me to say, in reference to the pending resolution, that it appears to me that in the last few days of this session we are spending the greater part of our time in unnecessarily creating commissions and appropriating large sums of money for them. We are feeding the people with expensive and wasteful investigations. What they really need is employment, so that they may provide bread for their families.

Mr. Speaker, ladies, and gentlemen, I am of the opinion that if the Committee on Ways and Means—composed as it is of so many able steersmen—is really sincere in its professions of desiring to relieve the unfortunate situation in which the American people and the industries find themselves, it could have easily brought in a bill based upon information already in its possession, and which would make unnecessary the proposed special and expensive investigation. But as it is, there will be a year's time, and the Lord only knows how much money wasted in gathering information which is, as I have stated, already in the committee's possession. However, by this action and program no one will be fooled.

Mr. Speaker, I reserve the balance of my time, and yield 10 minutes to the gentleman from Arkansas [Mr. RAGON]. [Applause.]

Mr. RAGON. Mr. Speaker, ladies and gentlemen, I think when everyone understands this resolution no one will vote against it. It simply extends the power of the Tariff Commission over the resolution we passed in the tariff bill of 1930. They had the power under that resolution to investigate the cost of production of crude petroleum, and so forth, in Venezuela. This simply enlarges the scope of that resolution, and it is something that every man on the floor of the House ought to want, whether he is for or against a tariff on oil. It simply enables them to go into these other countries that produce less than 2,000,000 barrels of oil exported into this country and investigate the cost of production of oil and oil products. So, my friends, since every man on the Ways and Means Committee voted for this resolution, after they had discussed the pros and cons of it, it occurs to me that perhaps there is not much objection to it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAGON. Yes; briefly.

Mr. CHINDBLOM. The gentleman referred to Venezuela and oil. I think there is a little misapprehension, perhaps, as to the resolution adopted yesterday. That resolution provides for an investigation in the United States and elsewhere.

Mr. RAGON. Yes.

Mr. CHINDBLOM. And it is possible under that resolution to make an investigation in Venezuela and the Dutch West Indies.

Mr. RAGON. That is correct.

Gentlemen, I want to speak more particularly for the rest of my time upon a matter that was broached here yesterday in the discussion of one of these resolutions.

The gentleman from Kansas [Mr. HOCH], during the course of his remarks, said:

> During the years I have been here I have seen too much lip service by my friends on the Democratic side in behalf of the policy of protection when the issue was not before us for vote and such little support of it when it was before us for vote to be fooled by any protestations of support of the policy of protection that may be made from the Democratic side of the House. I have been appealing to you Republicans as a Republican and registering my position in every possible way so that there may be no misunderstanding about it.

I am one of those humble Members of the House who received this statement with a considerable degree of surprise that a sentence like this should come from the lips of the gentleman from Kansas [Mr. HOCH], particularly in its relation to a tariff on oil.

I can not conceive what prompted his remarks, unless it is some remorse of conscience he had from playing hookey from the Republican caucus the other night [laughter] or, peradventure, it may have been that some of the regular, stand-pat Republicans of Kansas heard about his conduct that night and poured a little hot tallow on the gentleman's back between the time of the Republican caucus and the time he spoke yesterday; but I do not want any misapprehension about what has happened in the Ways and Means Committee with reference to a tariff on oil.

Gentlemen, we had for seven long weeks, practically night and day, hearings upon a tariff bill which is known as the Hawley-Smoot bill. Before that committee there came a gentleman representing the mid-continent oil field asking for a tariff on oil. Mr. SPROUL of Kansas was one of these men; Mr. E. B. Howard, of Oklahoma, was another; and Mr. W. W. HASTINGS, of Oklahoma, was still another, but you may search that record from beginning to end, and the only time you will find the name of the gentleman from Kansas [Mr. HOCH] mentioned is when he came in there and filed a brief, not upon oil but an argument by some man in Kansas upon the question of a tariff on livestock.

Then gentlemen will also remember that after the bill passed the House——

Mr. HOCH. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. HOCH. I did not quite understand what the gentleman said—filed a brief upon what?

Mr. RAGON. A brief by some professor in a school in Kansas on livestock.

And they had 12 days' debate here on the tariff bill, and although the gentleman made two speeches he did not open his mouth for a tariff on oil.

Then, after the Hawley-Smoot bill passed the House, we had 300 men come here in a special train from the States of Oklahoma, Texas, Arkansas, and Kansas. They wanted a hearing before the Ways and Means Committee. I am very much interested in oil because my State is one of the big oil-producing States of the country. The gentleman from Texas [Mr. GARNER] and myself are the only men on the Ways and Means Committee that represent States in the mid-continent oil field, and the gentleman from Texas [Mr. GARNER] has been just as diligent and honest in his fight for a tariff on oil as I have been. When these parties came here I went with Mr. HASTINGS and Mr. Howard to Mr. GARNER, the leader of the minority, and requested that he call the minority members of the Ways and Means Committee and agree to a hearing for these men from the mid-continent field upon the question of a tariff on oil. A committee of the oil men waited on him and he said he would. I do not know whether this induced my congenial friend from Oregon [Mr. HAWLEY] to agree or not, but he did finally agree to it, and hearings were held. I do not recall how many witnesses we had, but the hearings covered a period of about three days, and there was every opportunity for any and every Member of Congress interested in the oil industry to come down there and pour out the vials of his wrath against it or show the abundance of his love for it; but not my friend from Kansas [Mr. HOCH], who says the only thing that the Democrats have done in the oil matter is to contribute lip service. He did not even contribute lip service.

Where, where was Roderick then,
One blast upon his bugle horn
Were worth a thousand men.

Something happened out in the great State of Kansas last November. I do not know why the good people of Kansas did it. There are good people there just as everywhere else. They read the papers and listen over the radio to the famous "goat gland doctor" and evidently what they read and heard had some effect, because when the shouting was over it was discovered that in the strong Republican State of Kansas they had elected a Democrat as governor and had unseated the voluble Mr. Allen over in the Senate of the United States. I have heard it said the reason they did not mess with the "small fry" was because they did not have time, although they left hair on the fence where some of them went over.

Now, gentlemen, what happened? Evidently, my friend from Kansas scented the sentiment of the people of Kansas, and he comes back here and he is willing to do anything, apparently, from hijacking the Speaker of the House, who is hanging on to the Speakership by a slender thread, to belittling the efforts of Democrats who tried to get a tariff on oil.

I say to my friend from Kansas that he is the last man, representing an oil section in this House, in view of his relation to the legislation here, to cuss the Democrats for what they have done, for it might be of interest for the gentleman to know that that very question of a tariff on oil was voted upon in the Ways and Means Committee, and in the Ways and Means Committee there are 15 Republicans and 10 Democrats. Under the rules we adopted there I can not tell how the other fellow voted.

Mr. AYRES. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. AYRES. I would like to know how many votes were cast on the tariff bill that was considered on the 23d day of this last month by the Ways and Means Committee.

Mr. RAGON. All right. Mr. GARNER was the author of an amendment that was offered to the resolution pending there. I can not tell how Mr. GARNER voted. He is here and can speak for himself, but he was the author of the amendment to the resolution, and his amendment provided for a tariff of 75 cents a barrel, I believe the amount was, upon oil. I voted for that amendment. Six other Democrats are recorded for that amendment, and there was but one Republican, and that Republican happens to be the most consistent man in this House or anywhere else in his ideas of what is right or what is wrong on the tariff.

Mr. RAMSEYER. Will the gentleman yield for a correction?

Mr. RAGON. Yes.

Mr. RAMSEYER. The Garner resolution was never before the Ways and Means Committee.

Mr. RAGON. Did the gentleman understand what I said?

Mr. RAMSEYER. I did.

Mr. RAGON. I do not think the gentleman did. Wait, and I will tell you what happened. The resolution was introduced there that we do not report any of these bills, notwithstanding we had held three weeks of hearings, and on Saturday——

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. SABATH. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. RAGON. A resolution was proposed that we should not report any of the bills out, notwithstanding we had three weeks' hearings, which closed on Saturday. On the following Monday a resolution saying that we would not report out any of the bills was introduced. The gentleman from Iowa introduced an amendment then that we should not consider in that resolution the bill of Mr. BURTNESS, and Mr. GARNER introduced another amendment moving that we should not consider the Hastings bill, which was a tariff on oil. That was what we voted on, and on that there were 8 votes and 7 of them were Democrats and 1 Republican.

Mr. RAMSEYER. The gentleman is not stating the facts.

Mr. RAGON. Well, look at the record and if I am not telling the truth, the gentleman from Iowa to the contrary notwithstanding, I will get up and agree that I am wrong and ask you to vote against this resolution.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker and ladies and gentlemen of the House, I regret that the presentation of this resolution has provoked a political discussion concerning the tariff policy. I think this is another illustration of the fact that my good friend from Arkansas [Mr. RAGON] and many of his colleagues on the Democratic side every once in a while, when the occasion arises, come down in the well of the House and make an earnest plea for a tariff on some commodity that they are interested in. It also reminds us that if the tariff bill of 1930 had provided a duty on oil, the gentleman from Arkansas and a majority of his colleagues would have voted against the bill on its final passage. [Applause.]

Consistency is not one of the sparkling jewels in the Democratic crown. I will agree, however, that the gentleman from Massachusetts [Mr. CONNERY] is one of the Members on that side of the House whose record is clear on this subject.

There is nothing unusual about this resolution. Many similar resolutions have gone to the Tariff Commission. It is for the determination of production costs of petroleum and its by-products here and abroad. Such resolutions have been presented by the Senate and other interested parties, under the provisions of the law. Of course you know that as far as I am concerned the determination of the difference of cost of production here and abroad is in my estimation not a sufficient basis upon which to allocate a duty. [Applause.]

In 1908 in our Republican platform—and it has never appeared in our platforms since—we stated that the proper application of the protective-tariff policy was best maintained by the imposition of such duties as will equal the difference in the cost of production at home and abroad, "together with a reasonable profit to American industry." Gentlemen of the House, nothing less than that is protection.

This differential in production costs is what we are trying to determine. You know that I endeavor to be a consistent protectionist. As far as I am concerned the independent oil producers have proven their case, and they are entitled to the benefits of the tariff policy. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Speaker, the gentleman from Arkansas says that he is in favor of a tariff on oil. I accept his statement at full face value, as I would any statement of fact he might make. If gentlemen will read the RECORD of yesterday, they will get the proper interpretation of my remarks. When I referred to the support of the protection principle from the Democratic side I referred to a matter which is common knowledge to us all and common knowledge to the country, namely, that time and again during the years I have been here, as I said, I have heard gentlemen on the Democratic side get up and make protective-tariff speeches upon some particular item in which their own State was interested, as my good friend from Arkansas [Mr. RAGON] has just made, but when we come to the acid test of voting for the bill, which was the only means of getting the tariff on that product, they recorded themselves against it and then went out to the country and condemned the bill from one end of the country to the other. [Applause on the Republican side.] I repeat what I said yesterday. During my years here I have heard too much lip service in behalf of the principle of protection from gentlemen on the Democratic side, and opposition when we came to vote for the bill, to be fooled by any protestations of support of the principle now; but if I am mistaken, then I congratulate my friend from Arkansas and some of my other Democratic friends on having been converted to the good old Republican doctrine of protection, and we welcome them to the fold. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. SABATH. Mr. Speaker, I yield the remainder of my time to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, I believe my friend from Kansas [Mr. HOCH] stated a while ago that he did not appear before the Ways and Means Committee at the time that they were holding the hearings on the Hawley-Smoot bill.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. RAGON. If the gentleman will look at page 3941 of the hearings on that bill, he will see that he did appear there.

Mr. HOCH. Oh, I thought the gentleman was referring to this last hearing. I beg the gentleman's pardon.

Mr. RAGON. Mr. Speaker, I say frankly to the gentleman that when this bill came up for consideration before the Committee on Ways and Means, the gentleman from Oklahoma [Mr. GARBER] brought the bill in and sat there during every bit of the testimony and heard it, and he corrected any one who made a mistake, and in addition contributed one of the most powerful arguments for the tariff on oil that was delivered before the committee at any time. Various other gentlemen—Mr. HASTINGS, Mr. MCKEOWN, Mr. O'CONNOR—and others, came in there. There is just one page of the record of the hearings there that will cover everything that my friend from Kansas said on that question. I am not asking him to give us a certificate of character as protectionists over here. I do not want any passport to such a haven, but I do ask him not to pass the buck to the Democrats when he is talking to his constituents in Kansas about his failure to get a tariff on oil here, because every substantial contribution made toward getting a tariff, with the exception of one man, and he is not ashamed to state how he voted, was made by Democratic members of the Ways and Means Committee. I said to several of those witnesses, "Why don't you make these Republicans come out here with a rule as they did for the Hawley-Smoot bill, that will give us consideration of the tariff here?"

I did not vote for the Smoot-Hawley bill, and I thank God for the privilege of having an opportunity to vote against it [applause on the Democratic side], and I say to you frankly that many of you in the ides of last November heard the same story of the Hawley-Smoot bill and many a seat on that side is going to be vacant after to-morrow and many a good man has gone out because he listened to the sweet voice of the industrialism of the East.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HAWLEY. Mr. Speaker, I yield the remainder of my time to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Speaker, Members of the House, having introduced this resolution I give you my assurance that its purpose and merit will fully justify your support. The protestations of support of remedial legislation on both sides of the aisle are gratifying even though made at this late hour of the expiring session. It is not my purpose to enter into the unfruitful fields of partisan controversy. We welcome the support of all. I rise simply to call attention to one or two provisions of the resolution which I believe will afford essential information as a basis for intelligent legislation and to furnish you information relative to existing conditions in the industries of oil.

At the request of the independent producers and refiners I introduced H. R. 386, directing the Tariff Commission, under the authority conferred by sections 332 (g) and 336 of the tariff act of 1930 to investigate the differences in the cost of production of crude petroleum, fuel oil, gasoline, and lubricating oils. The cost of production of the imported oils shall be ascertained under the latter section in so far as its provisions are applicable, and shall include the imports from such countries as, during the period from January 1, 1929, to December 31, 1930, inclusive, imported into this country more than 2,000,000 barrels in the aggregate of crude and the refined products mentioned.

The House Ways and Means Committee unanimously reported the resolution which is now under consideration.

The unanimity of the report itself should strongly recommend it for your favorable consideration.

In the recent report made by the Tariff Commission it was limited in its investigations by the Senate resolution providing as follows:

SEC. 332. (f) The Tariff Commission is hereby directed, within eight months from the passage of this act, to ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930, and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points. Such relative costs shall be immediately certified to the Speaker of the House of Representatives and to the President of the Senate for the information of the Congress.

It will be observed that the resolution under consideration does not limit the investigation of the differences in the cost of production to any one country, but to all countries in which the imports in the aggregate exceed 2,000,000 barrels from January 1, 1929, to December 31, 1930, inclusive, of crude petroleum, fuel oil, gasoline, and lubricating oils. It requires the commission to make this investigation and report the result to the President and the House of Representatives not later than the beginning of the next regular session of Congress. The resolution broadens the investigation to include the principal refined products upon which compensatory duties will necessarily be laid in the event of a protective duty being placed on crude oil.

Section 332 (g) of the tariff act of 1930 authorizes the commission to make the investigation when its jurisdiction is properly invoked. The section reads as follows:

(g) Reports to President and Congress: The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year hereafter a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year.

Section 336 of the tariff act of 1930 requires the commission, when regularly directed by the House of Representatives—

(a) * * * to investigate the differences in the cost of production of any domestic article and of any like or similar foreign article. In the course of investigation, the commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings.

Crude petroleum and the refined products mentioned being on the free list, all of the paragraphs in section 336 of the tariff act of 1930 do not apply, as they provide for the raising and lowering of rates not exceeding 50 per cent of existing duties. Paragraph (e) of the section, however, applies, and states the requirements of the investigation under the resolution. It reads as follows:

(e) Ascertainment of differences in costs of production: In ascertaining under this section the differences in costs of production the commission shall take into consideration, in so far as it finds it practicable—

(1) In the case of a domestic article: (a) The cost of production as hereinafter in this section defined; (b) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; and (c) other relevant factors that constitute an advantage or disadvantage in competition.

(2) In the case of a foreign article: (a) The cost of production as hereinafter in this section defined, or, if the commission finds that such cost is not readily ascertainable, the commission may accept as evidence thereof or as supplemental thereto the weighted average of the invoice prices or values for a representative period and/or the average wholesale selling price for a representative period (which price shall be that at which the article is freely offered for sale to all purchasers in the principal market or markets of the principal competing country or countries in the ordinary course of trade and in the usual wholesale quantities in such market or markets); (b) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; (c) other relevant factors that constitute an advantage or disadvantage in competition, including advantages granted to the foreign producers by a government, person, partnership, corporation, or association in a foreign country.

Paragraph (4) (g) of this section defines the cost of production referred to in paragraph (e) of the same section, and reads as follows:

(4) The term "cost of production" when applied with respect to either a domestic article or a foreign article includes for a period which is representative of conditions in production of the article: (a) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (b) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; and (c) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery.

Subdivision 1 of paragraph (e) of section 336, in addition to ascertaining the cost of production, transportation costs, and other costs incident to delivery to the principal market or markets of the United States for the article, provides:

And (c) other relevant factors that constitute an advantage or disadvantage in competition.

It is well understood that our imported oils and refined products are produced by subsidiaries of the big four companies, viz, the Standard of Indiana, the Standard of New Jersey, the Dutch Shell, and the Gulf Petroleum Co. One or more of the subsidiaries of those companies have obtained large concessions in Mexico, Venezuela, the Netherland West Indies, Colombia, Ecuador, and Peru. Such concessions will undoubtedly be relevant factors which would constitute an advantage or disadvantage in competition with our home producers who are required to pay high bonuses and rentals for their leases.

It will be material, then, for the Tariff Commission to make a thorough investigation as to the actual cost of such concessions to the importing subsidiaries.

Another relevant factor for the commission to take into consideration is that the subsidiaries export their crude and refined products to their parent companies in the United States which produce about 50 per cent of the crude and 85 per cent of the refined products in the United States and are engaged in and have control of their own transportation, refining, and marketing facilities. It will be an interesting and relevant factor to ascertain the advantage of the parent company having the control and ownership of its transportation, refining, and marketing facilities, especially when considered in connection with the drastic proration of our independent producers who are not permitted to produce in excess of 10 per cent of their potential production in any of the flush fields of the United States and with the free importations of crude and its refined products from the subsidiaries in foreign countries employing cheap labor and cheap water transportation.

In its former report the commission rendered valuable service in furnishing information additional to that required by the resolution and in this connection, we incidentally mention the finding that the producing subsidiary companies in Venezuela were curtailing to the extent of producing about two-thirds of their potential production. We suggest that in the investigation under this resolution, the commission go into the question of curtailment by proration of our domestic producers, many of whom have been curtailed and prorated to such an extent as not to be permitted to produce a sufficient quantity from their prolific wells to pay the cost of operation and with heavy obligations coming due have been forced to sacrifice their properties through receiverships and bankruptcy proceedings.

This curtailment and proration, so drastic, to reduce the supply to the consumptive demand, has been intensified and made more severe by reason of the ever-increasing flow of crude and refined products into our markets, duty free. It will be very interesting to have a report approximating the loss incurred by our independent producers through curtailment by proration when accompanied with the policy of free entry of crude oil and its refined products.

To illustrate, in 1930, our domestic producers curtailed their production 111,000,000 barrels and prorated their potential production in the flush production States and fields to less than 10 per cent—all this to reduce the supply to meet the domestic consumptive demands. And yet, during that same year, the subsidiary importing companies of the parent domestic companies poured into this market the equivalent of 116,000,000 barrels, filling to overflowing a market already oversupplied and importing a surplus price depressant which depressed the price of the products of the entire industry far below the cost of production.

It will be interesting to have an approximate estimate of the cost of such a paradoxical policy in order that the responsibility for such criminality may be directly located.

The independent producers, through their national organization, for their self-preservation, have been beseeching Congress to extend to them the same degree of protection accorded other American industries. In justification of the House leadership, they were accorded the privilege of being heard before the House Ways and Means Committee. Those hearings were informative and by an overwhelming weight of evidence must have convinced every impartial member of the merit of their claims, viz, protection by the restriction of imports or by duties measuring the difference between the cost of production at home and abroad, plus the transportation cost to the Atlantic seaboard.

It is only fair to say that extraneous influences prevented a determination of the case upon its merits. The general objection that prevails against the policy of embargos, the rumored objections of the State Department that the Garber bill, by restricting imports of crude to 16,000,000 barrels, and by its embargo provisions prohibiting refined products was, if not a literal violation, at least a violation of the spirit of the Geneva Treaty which prohibited restrictions and embargoes unless under emergency conditions which we believe were clearly shown to exist. The prohibition of refined products did not run against the products produced by the capital of citizens in foreign countries, but against the products of foreign capital in the producing countries.

The general objection against the consideration of tariff rates, of course, was urged and perhaps was considered, especially in view of the proximity of adjournment, to be sufficient to withhold a favorable report.

As a result of the hearings, however, it is now generally conceded that existing conditions of more than 100,000 oil workers out of employment and their families reduced to hunger and want, with free imports of oil and refined products pouring in, displacing American labor, are such as to preclude any further delay in adjusting them.

The proposed resolution was framed for two purposes: First, to secure the necessary additional information for adequate compensatory duties upon the refined products; and second, for the purpose of preventing delay of consideration at the next session. Having failed of remedial legislation in the present session precipitates this controversy directly into the first session of the Seventy-second Congress and surely in a Congress where the leaders are representative and are insisting upon legislative relief through tariff rates, the final result should not be delayed nor in any doubt.

The distinguished floor leader, Mr. GARNER, of Texas, has long been a forceful and effective champion of the interests of the independent producers and refiners, as well as the distinguished gentleman from Arkansas [Mr. RAGON] and other Democratic members of the committee. As exhibited by the forceful address just delivered, the gentleman from New York [Mr. CROWTHER] has been a most forceful champion of protection, national in its scope to include the products of oil for adequate rates, and likewise [Mr. HOCH] of Kansas, our recognized leader in this movement.

During the House hearings before the Ways and Means Committee on February 8, 1930, in speaking to the witness, Mr. Wirt Franklin, president of the national organization, the following colloquy ensued:

Mr. GARNER. Well, I call your attention to the fact that if you want to get results you ought to bring pressure to bear on people who can influence the committee.

Mr. BACHARACH. Mr. Chairman, I want to call attention to the fact that the gentleman from Texas, of course, can not support this measure because he claims that there must be at least 10 per cent of imports, otherwise it would prevent competition.

Mr. FRANKLIN. Well, it is more than 10 per cent.

Mr. BACHARACH. I think you had better look to this side of the House.

Mr. GARNER. Now, I can not let that statement stand in the record, because I have never taken any such position. The gentleman from New Jersey happened to be in charge of the subcommittee on the steel schedule, and I recall that the importation was less than one-half of 1 per cent, and still he insisted that the steel schedule remain where it is. If one-half of 1 per cent importation is going to hazard the steel industry, undoubtedly 10 per cent would hazard the oil industry.

Mr. BACHARACH. Mr. Chairman, I can not let that go by, because, as a matter of fact, it is more than that. To be exact about it, it ranges from 1 per cent to 10 per cent.

The CHAIRMAN. Let the Chair make one observation. If the conferees could agree on the duty on oil, and the bill came before the House on conference, I do not believe you would get Mr. GARNER's support for the passage of the bill, with the oil tariff in it.

Mr. FRANKLIN. Well, I believe we would.

Mr. GARNER. You would, sir.

The CHAIRMAN. For the entire bill?

Mr. GARNER. For the entire bill.

We are equally fortunate in the loyalty of the distinguished leader of the majority to the American policy of protection. In a recent exposition of this policy published in the February issue of the Monitor, an economic publication, Mr. TILSON said:

With eighteen billions of American dollars invested abroad, the big banker and financier is often found in favor of tearing down the tariff wall so that the industries abroad in which he is financially interested can bring into this country and sell here the goods made by them with foreign labor. Some of the great automobile manufacturers, of course, oppose protection because in recent years they have built branch plants or established subsidiary factories in foreign countries in order to have the advantage of cheaper labor costs.

How vividly the above describes the existing conditions in the oil industry, with the four parent companies owning and controlling their own transportation, refineries, and marketing agencies, importing from their subsidiaries in Venezuela, Netherlands West Indies, Mexico, Colombia, the products produced by cheap labor, insisting upon their free importation to this country to be sold in competition with American labor.

The subsidiaries of the "big four" have invested $320,000,000 in the exploitation of foreign oil fields. They have been opposing every effort to place a duty on oil and its refined products and against such efforts in such cases the distinguished leader warns the American public. Continuing, he says:

With the "big interests" leaning toward free trade, many large manufacturers lukewarm on the subject, and a considerable portion of the working population of the country too blind to see the benefits of protection, it behooves those who are awake to the situation to be on their guard and ready to do battle for this vital national policy which has meant so much in the building of our industrial greatness. Personally, I welcome such a battle.

In the next Congress, with both the majority and minority leaders awaiting the contest, united in their support of a common cause, and with the additional essential information the Tariff Commission will contribute in its compliance with the provisions of this resolution, the necessary protective legislation will be enacted.

I am in receipt of the following telegram from Wirt Franklin, president of the National Independent Petroleum Association. He has appeared both before the Senate and House committees and expended much time and service in an honest endeavor to secure this legislation.

OKLAHOMA CITY, OKLA., *March 2, 1931.*

HON. M. C. GARBER,
House Office Building, Washington, D. C.:

Resolution requiring Tariff Commission to investigate differences in cost of domestic and foreign crude, fuel oil, gasoline, and lubricating oils will be beneficial to those still surviving to carry on the cause in the next session of Congress. Senate resolution

under which recent tariff investigation was made did not include refined products which should carry adequate protective compensatory duties. Importing countries have daily refining capacity in Dutch West Indies of 302,500 barrels of crude, and of 27,000 in Venezuela. They are cracking Venezuelan oil and getting practically as much gasoline as Mid-Continent crude would produce. Tariff Commission's report did not cover this phase.

(Signed) WIRT FRANKLIN.

We welcome the visit of the members of the House Ways and Means Committee, recently authorized to visit the oil-producing States, and ascertain at first hand the existing conditions, and the extent of the depression prevailing throughout the producing branch of the industry.

While the oil industry is among the most widely patronized, yet at the same time it is among the least understood of all industries. Permit me to give you a suggestive outline.

Oil and its refined products comprise several important major industries. The producing industry, with its 300,000 producing wells, on an average drills 20,000 wells annually at a cost of $500,000,000, producing in 1930, 896,265,000 barrels of crude oil.

The transportation industry has a mileage of trunk and gathering lines of more than 100,000 miles. It has 150,000 tank cars and furnishes a greater railway tonnage to the railroads than any other industry. Its transportation by water includes 369 steam and motor tankers with a gross 2,314,000 tons.

The refining industry has 1,035 refineries in 30 different States with a daily capacity of 10,516,000 barrels, representing 85 per cent of the world's refining capacity and one-fifth in total value among the manufacturing industries of the United States.

The marketing of crude oil and its refined products is likewise an important industry. It not only handles the billion barrels of crude produced annually but in addition approximately 400,000,000 barrels of gasoline, 60,000,000 barrels of kerosene, 400,000,000 barrels of gas for fuel oils, and 34,000,000 barrels of lubricants. It has built up an export trade of approximately $500,000,000 annually. In its retail trade it has 350,000 service stations which supply gasoline and motor oil for the 27,000,000 motor vehicles.

These various industries of oil pay more than $100,000,000 annually in the way of taxes. The consumers of gasoline pay State taxes totaling $500,000,000 annually on gasoline alone. With the exception of the railroads, the building trades, and shipping, the industries are the next best patrons of the products of iron and steel.

The common impression is that the direct benefits of the producing industry are limited to the producers of oil, but such is not the case. There is reserved to every land owner one-eighth of all the oil and gas produced, delivered free of cost to the owner's credit in the pipe lines. In addition to that, in the oil States nearly all the land, at one time or another, has been under lease for long periods of time at a rental of $1 per acre. These rentals go directly to the land owners, who in a large majority of cases are farmers, a farm of 160 acres of land receiving annually $160 in cash for oil rentals. This money has helped maintain the family on the farm in the payment of taxes and interest on the mortgage. In the State of Kansas alone the actual income to the farmers of that State from oil rentals is approximately $10,500,000 per year, and the same is proportionately true in the States of California, Wyoming, Montana, Colorado, Oklahoma, Arkansas, Louisiana, and the other oil-producing States. The rentals of land for oil are not limited to the close proximity area of a producing well. They extend fifty or a hundred miles from producing territory, affording a reserve of prospective oil territory to the industry. The royalty reserved by the farmer in producing areas is a cash asset which, when distributed, affords a source for small investments to all classes of people who likewise become interested in the producing end of the industry.

The direct benefits are perhaps as widely distributed, if not more so, than in many other industries. The mammoth and costly equipment of all the industries of oil is composed largely of steel, iron, and the products of motor and truck factories in our Eastern States, products in which the element of labor reaches as high as 75 per cent of the cost. Production must have its steel rigs, steel casing, steel drills, cables, storage tanks, pipe lines, boilers, pumps, engines, the purchase of which products affords steady employment at good wages to labor in the eastern iron plants and steel plants.

In passing, we mention the fact that these products are protected and the producing industry purchases all of its equipment from the protected industries of the East. It has loyally supported such policy to give employment to labor and a reasonable return to capital at home rather than to purchase its equipment produced by cheap labor and capital in foreign countries. It is an American industry with 90 per cent of its laboring men Americans.

There are 19 oil producing States, a larger number directly interested in the production of oil than there are cotton States, wheat States, corn States, steel States, textile States. No other industry has an equal radiation of direct benefits or indirect benefits in the distribution of its production. The major industries of oil represent a capital investment of $12,000,000,000 by 2,250,000 investors and furnish employment to 2,000,000 men. Each industry has its own individual and related problems.

The Garber bill, H. R. 16585, embodied the request of the independent producers and refiners for remedial legislation. Hearings before the House Ways and Means Committee were held upon that bill and a complete case was made for the restriction of the imports of oil and its refined products in foreign countries.

There are two classes of producers in the producing industry: The independent producers as distinguished from the two Standards, the Gulf and the Dutch Shell (designated as the "Big Four") and their subsidiaries and affiliated companies. As distinguished from the independents, they produce approximately 50 per cent of the crude oil in the United States and are in control of the transportation, refining, and marketing industries of oil, with unlimited capital. Another distinction is that they are exploiters of the oil fields in foreign countries. They import into this country 91 per cent of the crude and refined products imported into this country. Their investments in foreign countries are for the sole purpose of producing a surplus of oil for export, to be imported into the United States. In other words, the subsidiaries of the Big Four export from foreign fields, oil and its refined products to the parent companies here in the United States.

The independents are termed the "little men" in the oil industry, but many have created independent companies representing millions of dollars in capital investment by thousands of stockholders, and through their virile activity competition has been created and maintained. It is a constant threat against unjust exactions upon the part of the big four and their subsidiaries in the protection of the public interest.

RELATION OF THE PRICE OF CRUDE OIL TO THE PRICE OF GASOLINE

Any suggestion to reduce the oversupply of oil and establish a production balanced with our consumption always arouses in the public mind the lurking fear that such legislation will result in increased prices of gasoline at the filling station.

A survey of comparative prices of crude oil and gasoline during recent years shows that these do not fluctuate in any sort of fixed ratio to each other. To the layman it would seem that the price curves of raw and refined products should "travel together." This, however, is not the case. The relation of the cost of crude to the selling price of gasoline is comparable to the relation between the price which wheat brings the farmer and cost of bread to the

consumer. It is within the common knowledge of all that bread which sold at 10 cents per loaf when wheat was bringing $1.50 per bushel continued at 10 cents when wheat had dropped to 75 cents per bushel.

The following table shows the comparatively constant price of gasoline in 52 cities selected at random and widely scattered throughout the United States at an interval of three years, during which a tremendous drop in the price of crude occurred:

Comparative statement of prices of gasoline at the service station, less gasoline tax, of 52 representative cities for the years 1926 and 1929

[Cents per gallon]

	February, 1926	February, 1929
Newark, N. J.	17	18
Baltimore, Md.	18	18
Charleston, S. C.	18	18
Norfolk, Va.	18	18
Richmond, Va.	18	18
Roanoke, Va.	18	18
Charleston, W. Va.	18	18
Clarksburg, W. Va.	18	18
Parkersburg, W. Va.	18	18
Wheeling, W. Va.	18	18
San Antonio, Tex.	15	15
Dallas, Tex.	18	18
Peoria, Ill.	12.5	15.2
Huron, S. Dak.	16	16.3
Casper, Wyo.	19	18
Butte, Mont.	19	22
Salt Lake City, Utah	21.5	21.5
Boise, Idaho	23	22.5
Charlotte, N. C.	18	18
Charleston, S. C.	18	18
Boston, Mass.	20	18
Springfield, Mass.	19	18
Mobile, Ala.	19	19
Savannah, Ga.	16.5	18
Jacksonville, Fla.	19	19
Tampa, Fla.	19	19
Pensacola, Fla.	16	20
Alexandria, La.	17	17
Baton Rouge, La.	16	16
Lake Charles, La.	17.5	17.5
New Orleans, La.	17.5	17.5
Shreveport, La.	16	17
Lafayette, La.	17	17
Bristol, Tenn.	18.5	19
Chattanooga, Tenn.	17	18.5
Knoxville, Tenn.	18	19
Nashville, Tenn.	17	18
Memphis, Tenn.	16.5	17
El Paso, Tex.	18	18
Houston, Tex.	18	18
Helena, Mont.	23	22.5
Los Angeles, Calif.	16.5	17.5
Fresno, Calif.	18.5	18
San Francisco, Calif.	18	18
Seattle, Wash.	18	18.5
Spokane, Wash.	22	22.5
Tacoma, Wash.	18	18.5
Portland, Oreg.	18	18.5
Reno, Nev.	21.5	22
Cheyenne, Wyo.	20	19
Omaha, Nebr.	17.25	16.25
Washington, D. C.	18	18
Average	18.09	18.39

Authority: Oil Price Handbooks 1926 and 1929, compiled by National Petroleum News, Cleveland, Ohio.

In February of the year 1926, the price of mid-continent crude was $2.04 per barrel, and in February, 1929, it had dropped to $1.20 per barrel—a drop of 84 cents, or 41 per cent; yet in February, 1926, the average price of a gallon of gasoline in these 52 cities was 18.09 cents, while in February, 1929, after the 41 per cent drop in the price of crude, the average price of gasoline was 18.39 cents per gallon—actually a slight increase.

The price of crude oil is governed by conditions within the producing end of the industry—as the present depressed prices occasioned by surplus well illustrate. The price of gasoline is governed almost entirely by conditions within the refining and marketing end of the industry and not, except in a very indirect way, by the price of crude oil. The spread between crude and gasoline costs in the example just given is broadened by the fact that in 1926 the refineries of the United States recovered an average of 36 per cent gasoline from the average barrel of crude run to stills, while in 1929 the average recovery was 44 per cent. This means that in February, 1926, the refineries got 15.12 gallons of gasoline out of a barrel of crude that cost them $2.04, while in February, 1929, they got 18.39 gallons out of a barrel that cost them $1.20. If the price of crude oil had governed the price of gasoline, then the average price of gasoline in these 52 cities in February, 1929, should have been 10.6 cents per gallon instead of 18.39 cents.

Let me give you other examples of the disparity between crude and gasoline prices. The following were given by Orville Bullington, of Wichita Falls, Tex., a recognized authority upon conditions in the oil-producing industry, during the hearings on the Garber bill:

Take December, 1924: The average price of crude in December, 1924, was $1.38 a barrel; the wholesale price of gasoline at the refinery was 10.12 cents per gallon, and the retail price at the average service station was 17.37 cents per gallon.

Now, let me show you what it was in December, 1930, six years later, after they became able to hold the club of this foreign oil over the head of the independent producers in this country. In December, 1930, the average price of crude was $1.245 per barrel, a decline of 0.136 cents per barrel. Gasoline wholesaled at the refineries in this country at an average price of 5.33 cents a gallon, and it retailed at the average service station of this country at 18.43 cents a gallon.

Here you are with an actual decrease in the price of crude of 0.136 cents per barrel and an actual decrease in the wholesale price of gasoline of 4.79 cents a gallon, and an actual increase in the retail price of gasoline of 1.6 cents per gallon. There is where the consumer is getting the worst end of it and there is where the producer is catching it on the other end.

Take December, 1927, and December, 1930.

In December, 1927, crude oil sold for $1.42 plus per barrel. Gasoline at the refinery sold, wholesale, on an average of 7.18 cents per gallon, and gasoline, retail, sold at an average of 17.88 cents per gallon.

In December, 1930, crude oil sold for $1.24½ per barrel, and gasoline, wholesale, sold on an average of 5.33 cents a gallon, and it sold at retail for 18.43 cents a gallon.

There, again, crude oil had declined 17.9 cents per barrel, and gasoline, wholesale, had declined 1.85 cents per gallon, and the retail price had increased 0.55 cents per gallon.

These are Mr. Stewart's figures, not mine, and I take it that they are correct or he would not have introduced them in evidence. They come from the same bureau of statistics.

You take December, 1924, and compare it with 1929. I will go back a year from my first statement. In December, 1924, crude oil sold at an average price of $1.38 per barrel. The wholesale price of gasoline at the refineries averaged 10.12 cents per gallon, and at the service stations the average retail price was 17.37. In December, 1929, crude oil had increased in price to $1.61 per barrel, but gasoline wholesaled for 7.67 cents per gallon, a decrease of 2.45 cents per gallon under what it was when crude oil was selling for 23 cents a barrel more; but the retail price had increased to 19.25 cents, an increase in the retail price of 1.88 cents per gallon.

More and more the major companies, particularly the "big four," are gaining control of the gasoline distributing agencies of this country. Last year when practically every line of business was suffering from depression, the standard group showed the greatest earnings in the history of their organization. This is not difficult to understand when we consider the spread, for instance, between a wholesale gasoline price of 5.33 cents and a retail price for the same gasoline of 18.43 cents. And yet it is this same gasoline-consuming public which hands over a profit of 240 per cent to the major companies, thereby financing their program which strikes at the very roots of competition for the purpose of monopoly and price fixing—it is this public which protests against limitation of imports for fear it will raise the price of gasoline.

Thus far, in spite of the spread between the price of crude and the price the consumer pays for its refined products, the competition of the independents has kept the price of gasoline in this country far below that which prevails in practically every other country of the world. The following table shows gasoline prices throughout the world for December, 1930, and what the big companies are doing in countries where they have no competition:

TABLE 1.—*Price of gasoline in foreign cities*

[Compiled from December 20, 1930, Report of the United States Bureau of Foreign and Domestic Commerce]

	Cents per gallon	Remarks
Argentina—Buenos Aires	28.0	In bulk.
Australia—Sidney [1]	50.7	Imperial gallons.
Austria—Vienna	25.5	Do.
Brazil—Rio Janeiro	39.7	Do.
Malaya—Singapore	43.5	Do.
Canada—Vancouver	32.0	Tax, 3 cents.
Calgary	32.0	Tax, 5 cents.
Winnipeg	30.0	Tax, 3 cents.
Toronto	28.0	Tax, 5 cents.
Halifax	34.0	Do.
Chile—Santiago	41.3	
China—Shanghai	32.4	In tins.
Colombia—Bogota	47.2	
Cuba—Habana [2]	24.0	
Ecuador—Guayaquil	32.0	Do.
Egypt—Port Said	43.7	Do.
France—Lyons	32.7	Do.
Germany—Breslau	31.4	Do.
Greece—Athens	50.0	Imperial gallons.
Hungary—Budapest	14.4	
India—Calcutta	46.7	In tins.
Iraq—Baghdad	42.6	Do.
Ireland—Dublin	31.0	Imperial gallons.
Japan—Tokyo	20.3	
Mexico—Mexico City [3]	26.5	Do.
Netherlands—Amsterdam	24.0	
Dutch East Indies—Batavia	36.5	Do.
New Zealand—Wellington	46.9	
Persia—Teheran	51.0	In bulk.
Peru—Lima	36.0	Imperial gallons.
Poland—Warsaw	36.1	Do.
Rumania—Bucharest	26.1	
Spain—Madrid	24.6	
Sweden—Stockholm	26.5	Do.
Switzerland—Zurich	29.1	Do.
Turkey—Smyrna	39.7	In bulk.
South Africa—Johannesburg	50.0	
England—London	33.4	Imperial gallons.
Venezuela—Caracas	34.0	Do.

[1] Includes tax of 14 cents per gallon.
[2] Includes import tax, 10 cents per gallon.
[3] Includes road tax, 6.3 cents per gallon.

In this same month gasoline was selling in the United States at an average price of 16.02 cents per gallon (including States taxes). (This average was computed by the Bureau of Mines from the retail prices for gasoline in New York, Chicago, Washington, D. C., Denver, San Francisco, and New Orleans—representing every section of the country.)

The relatively favorable position of the American gasoline consumer can not long continue. Such unreasonable profit taking clearly indicates what course the major companies will pursue when they have succeeded in driving the independents from the field. If the dumping of cheap oils increases at its present alarming rate, the independent competition which so far has prevented the major companies from obtaining complete monopoly will soon be crushed out, leaving the consumers to the mercy of the "Big Four" and their subsidiaries. Without such competition, who shall prevent their asking—and obtaining—from a gasoline-dependent public, prices comparable to those prevailing in South America, where those countries, near the source of supply of cheap oil, are now paying all the way from 34 to 47 cents per gallon? Does not this fact prove the futility of arguing that the price of gasoline depends solely on the price of crude, and that limitation of imports would increase the price of gasoline? There is only one way to prevent an increase in the price of gasoline up to such levels; there is only one method which will safeguard the American public from a like subjection to price fixing, and that is the protection of our independent producers and refiners, whose competition alone in turn protects the public from the clutch of monopoly.

If you permit present importations to continue, the remaining independent producers and refiners will be forced out of their industry. Their properties and equipment will be taken over by the major companies and then what will you have? What price free importations? The competition that protected the consumer will be gone and the price of your gasoline will be fixed by the few gentlemen who sit around the table as they did before the dissolution decree in the Federal and Supreme Court in 1912. Who, then, is entitled to this market—our capital and laboring men at home or American and foreign capital with cheap labor abroad?

WHAT IS TRUE CONSERVATION?

The question is raised as to what is our true policy of national conservation, and whether our oil supplies, like all our other resources, will be sufficient to meet our consumptive demands until a more economic substitute is reached.

In reference to what is our true policy of conservation, in passing, permit me to suggest that it does not include the hoarding of our oil reserves for some distant future period and the securing of our present supplies in foreign fields. If it would be a wise policy for us to hoard in the ground our oil supplies, it would be an unfriendly and selfish policy, to say the least, to exploit the fields of foreign countries who lack the foresight to see the wisdom of such a policy. But fortunately such a policy is not true conservation. It is not the policy we have pursued. On the other hand, the contrary is true. We have encouraged the development of our national resources, and in that policy of encouragement has emerged the strength and the grandeur of the Nation. One of the foremost lawyers, statesmen, and jurists of this present day, employed as a practicing lawyer to advise the Federal Conservation Board and the National Petroleum Institute as to the relationship of its policy on the national policy to industry, said that conservation was the economic use of our resources of oil. Gentlemen, when oil in its migratory form, a mile or so underneath the ground, is discovered and brought into possession and exchanged for labor, and food, and clothing, and shelter, and education, is not the economic use of the resources, is not the economic use of oil and its refined products to exchange them for our paved highways, to permit of the travel, comfort, convenience, and education of our people; is not the economic use of our national resources to purchase our equipment, composed of steel and iron, from the steel plants, the factories, and the manufacturing establishments of the East, thereby enabling them to give steady employment to labor at a good wage and, in turn, supply their families with food, shelter, education, comfort, convenience, and happiness?

Gentlemen, in all our history—mark the statement—in all our history we have never yet exhausted a national resource before an economic substitute was provided.

Dr. Ralph Arnold, consulting geologist, long with the Government geological service and a recognized authority, gave an excellent statement of the oil resources of the United States during the hearings on the Garber bill, which conclusively dispels the fear of exhaustion of our reserves within any appreciable length of time. Doctor Arnold said:

> You are not going to be surprised if I tell you that, instead of the possibility of eight or nine billion barrels of oil in the United States—and right here let me say that we have produced 11,500,000,000 already—that we figure the ultimate production is about 39,000,000,000 barrels. We have already produced 11,500,000,000, and we have remaining, then, about 27,500,000,000 on this estimate of 1931. Now, I want to tag this estimate with that year, because the more we learn about the oil business the more it tends to increase our beliefs that the future oil supply of the United States is greater and greater. The free oil sand—that is, the sand from which oil flows freely when you penetrate it with a well—is only one of three sources from which we can count on the future supply of this country. Coals and lignites carry high percentages of liquid hydrocarbons which may be taken from them through processes of refining and distillation. Oil shales carry large quantities of oil that may be driven out through the application of heat. So I am going to bring those two elements into this picture, because they are possible sources of supply. When they will become a source of supply is a question I am not able to answer at the present time.
>
> The oil shales that have already been discovered and mapped and analyzed probably carry about 92,000,000,000 barrels of recoverable oil. The oil coal and lignite deposits in the United States carry about 595,000,000,000 barrels of oil.
>
> "The total amount of oil, therefore, that was available originally was about 726,000,000,000 barrels of oil, including these three sources. We have taken out about 11,500,000,000 barrels of oil from the free oil sands and very little from the oil shales, just an inconsequential amount, and an inconsequential amount from the coals. I will say probably 25,000,000 barrels of oil would cover

everything that has been taken out in the coals. That has been a by-product, more or less, of the coke ovens and operations of that kind. So that it leaves us with a figure of 714,000,000,000 barrels of oil as our future reserve. The thing that interests us most is the reserve that is in the free oil sands, and I will confine my discussion to those sources of supply.

"The oil industry of the United States has been in existence just 70 years. It started in Pennsylvania in 1859. We figure in that 70 years we have taken out about 33 per cent of the oil supply of the United States—about 11,500,000,000 as compared with the 39,000,000,000. It has taken us 70 years to get out that one-third, or 30 per cent. The oil resources of the oil fields in the United States are not all discovered. We figure, if we go on about the same rate for the next 30 years that we have carried on during this past 8 years, which has been a period of fairly uniform development, we will by that time about have discovered all of the oil fields that it will be possible to discover, and it would therefore take us 30 years more to fully develop our supply.

"After these fields have been discovered and developments have proceeded to the point where they have been pretty well drilled up, we figure it will take about 113 years more before the fields will peter out; that is, the oil will have been exhausted to a point where it does not pay to operate any more.

"Now, somewhere in those 143 years from now, when the oil supply will give out because of the exhaustion of the present wells, the coal and lignite deposits and the oil shales will gradually come in. The point where they will come in, naturally the economic factor will determine that; the cost of getting oil out of oil sands as compared to the cost of getting it out of oil shales and coals will determine the point at which we will begin to use coal and oil shales. It will cause no economic disturbance whatever when the time comes that we have to begin to use those things. Now those of us who have seen the developments in the past few years in various things, in physics and chemistry, believe that possibly before that 143 years or possibly before the 30 years are out, we will be securing our source of power, and light, and energy from other sources, or through other channels than burning the oil, or the production of steam through the burning of oil, and in that way.

EFFORTS OF THE OIL INDUSTRY IN THE UNITED STATES TO REDUCE PRODUCTION TO THE CONSUMPTIVE DEMAND

The existing depression is differentiated from all others in the history of our country in that it is a depression caused largely by the surpluses. And this is true of the unprecedented, deplorable, depressed condition existing in the independent producing and refining end of the oil industry. Like the overproduction in the wheat industry, the oversupply of crude petroleum has depressed the price below the cost of production. Beginning with 1925, the average price of crude oil in Oklahoma was 1.97, in 1926 it was 2.31, in 1927 it was 1.43, in 1928 it was 1.39, in 1929 it was 1.43, in 1930 it was 1.29, and in 1931 it is 0.90.

For such conditions there is but one remedy—the curtailment of supply to the demand. In recognition of this, the industry during the last two years has put forth every effort in the application of that remedy by the curtailment of production.

There are 19 oil-producing States. The following table shows the quantity produced by each State:

Petroleum produced in the United States, by States, for the year 1928

	Barrels
Arkansas	32,295,000
California	231,982,000
Colorado	2,722,000
Illinois	6,459,000
Indiana	1,053,000
Kansas	36,332,000
Kentucky	7,325,000
Louisiana	21,626,000
Michigan	595,000
Montana	3,925,000
New Mexico	959,000
New York	2,573,000
Ohio	7,030,000
Oklahoma	249,558,000
Pennsylvania	9,876,000
Tennessee	47,000
Texas	256,888,000
West Virginia	5,704,000
Wyoming	21,415,000
Total	900,364,000

Authority: Preliminary Summary of Petroleum in 1928, United States Bureau of Mines.

Of these 19 producing States, Texas accounts for 37 per cent of the total production of the United States, Oklahoma 25 per cent, and California, 24 per cent. These three States are to-day producing about 86 per cent of our oil. Kansas, Arkansas, Louisiana, New Mexico, Wyoming, Pennsylvania, Kentucky, Ohio, Illinois, West Virginia, Colorado, and Montana follow in the order named, in the quantities of production. In support of our national policy of conservation, the three largest producing States have curtailed their production by State regulation through proration, and the remaining States, in their flush production fields, by voluntary agreement—all in a concerted effort to reduce the supply to the domestic demand, to stabilize conditions and prevent economic waste in the producing end of the industry. No flush production field in any of the States is permitted to produce in excess of 10 per cent of its potential. The effects of such drastic curtailment naturally have been to throw out of employment thousands of laboring men in the oil fields and to entail heavy losses in the production of new wealth to the people of the respective States.

In California, the daily production prior to 1929 was 875,000 barrels. This has been reduced to a daily production of 518,000 barrels, at a loss of $189,070,000 per year; and the reduction has resulted in the discharge of 52,000 oil workers. In a joint resolution adopted by the State Legislature of California on January 14, 1931, that body, in behalf of the people of California, memorialized Congress to enact legislation which would remedy such conditions.

The resolution of the California Legislature reads as follows:

Whereas the production of oil is a source of great financial benefit to the people of our Nation in affording employment to great numbers of them in the many operations necessary in bringing oil from the earth to those who are to use it; and

Whereas a dependence on foreign supplies of oil is inherently dangerous; and

Whereas it appears that the progress of all branches of the industry both great and small demands protection; and

Whereas it appears that enormous quantities of oil are being brought in from Russia and Venezuela, and sold at a smaller cost than the price at which domestically produced oil can be sold; and

Whereas this situation, if allowed to continue, would eventually bring about the destruction of the American oil industry: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That we, the members of the Legislature of the State of California, urge enactment of a law by Congress imposing a tariff upon all oil brought into the United States from foreign countries; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, and to each Senator and Representative in Congress.

EDGAR C. LEVEY, *Speaker.*

Attest:

ARTHUR A. OHNIMUS, *Chief Clerk.*

Let me give you a few examples of the degree of proration in several States. The Yates field in Pecos County, west Texas, has a potential production on the gage of 4,000,000 barrels of oil per day. And yet the greatest amount of oil which has ever been permitted to be taken from the field is 125,000 barrels of oil per day, or approximately 3 per cent of the potential; and at present, because of the increased restriction, there is being taken from that field only 89,000 barrels per day.

In the Van field in east Texas, the estimated potential is 2,700,000 barrels per day. Under proration, they are permitted to produce only 30,000 barrels per day, or 1.1 per cent of the potential.

The total estimated potential production of the State of Texas is 7,000,000 barrels per day. Through drastic proration to curtail production, it is producing only 9 per cent of that amount, resulting in the loss of millions of dollars per annum of new wealth to the State, and in increased unemployment to the extent of thousands of oil workers in the fields.

In its petition to Congress, the Railroad Commission of Texas, having jurisdiction over the proration of production there, said:

It is apparent that the efforts of the oil-producing States of our country to curtail current production in the interest of the prevention of overproduction and consequent waste and loss of our natural resources, as well as pecuniary loss to thousands of our citizens, can avail nothing so long as the flow of foreign crude is permitted to come into the United States without restriction.

Take the State of New Mexico. In the Hobbs field in New Mexico, they have a potential of 1,080,000 barrels of oil per day, curtailed through proration to only 31,000 barrels per

day, or less than 3 per cent of the potential. In a telegram to the Hon. ALBERT G. SIMMS, New Mexico's Representative in Congress, Governor Seligman of New Mexico protested against the difficulties imposed by free importation in combination with a program of proration:

Present proration situation in New Mexico is seriously complicated because of large importations of foreign crude oil and refined products causing much opposition to limitation of our large potential output. Unless some relief is granted by this session of Congress in form of tariff or other restrictive measures our proration program will be endangered. I favor reasonable proration upon equal basis with other oil-producing States and earnestly hope that Congress will come to the aid of our sorely pressed oil industry by enacting appropriate legislation along lines stated herein.

ARTHUR SELIGMAN, *Governor.*

In the State of Oklahoma the curtailment of production through proration is even more drastic. It varies with the different fields according to the potential production. In the Oklahoma City field, production is curtailed to 1.5 per cent of its potential—recently changed to a time basis of three days in the year in which the wells are allowed to produce. What business, with millions invested, can long survive when allowed to operate but three days out of the year? Such conditions are protested in a resolution adopted by the State Legislature of Oklahoma on January 13, 1931:

Whereas business of practically every kind, not only in the State of Oklahoma, but throughout the entire country, has been directly affected by the depressed condition of the oil industry, and especially during recent months; and

Whereas the unrestrained and excessive importation of foreign oils is the principal cause of the industry's present plight, especially in the State of Oklahoma; and

Whereas it is estimated that in Oklahoma in 1930, the total income from the production of crude oil was at least $50,000,000 lower than it would have been under a proper oil tariff; and

Whereas the annual royalty income, the bulk of which is paid to the farmers, is reduced in Oklahoma by several million dollars; and

Whereas Oklahoma's gross production tax from 1930 operations will be lowered at least $2,000,000; and

Whereas banking, transportation, manufacturing, and practically every other type of business has been adversely affected by the present depressed condition of the oil industry; and

Whereas the general unemployment situation has been very materially aggravated by the thousands of oil field and oil office workers, turned out of employment because of this glutting of our markets by cheaply produced foreign oils, imported duty free: Now, therefore be it

Resolved by the House of Representatives of the State of Oklahoma, the Senate concurring therein, That the Congress of the United States be, and it is hereby, memorialized to afford relief to the distressed oil industry, and through that great industry, to the Nation generally by immediately placing an embargo on imported petroleum and its refined products, and follow this section by an adequate protective tariff on said commodities, and by applying such further legislative relief as is necessary and proper: Be it further

Resolved, That copies of this resolution be sent to the presiding officers of the legislative bodies of the other oil producing States, with the request that they transmit similar memorials to Congress; and that copies be transmitted to the United States Senators and Congressmen representing the State of Oklahoma.

Adopted by the house of representatives this the 9th day of January, 1931.

CARLTON WEAVERS,
Speaker of the House of Representatives.

Adopted by the senate this the 13th day of January, 1931.

ROBERT BURNS, *President of the Senate.*

Correctly enrolled.

LUTHER E. GREEN,
Vice Chairman of the Committee on Enrolling and Engrossing.

The corporation commissioners of Oklahoma expressed their views in a telegram to Chairman WILLIS HAWLEY, of the House Ways and Means Committee:

Wish to advise that this State has taken lead in proration of domestic production and since August, 1929, has reduced daily production of Oklahoma approximately 300,000 barrels, while imports of petroleum products supplying markets formerly supplied in large part from Oklahoma have been increased. Unless Congress at present session takes action to curtail imports of oil and refined products, may be impossible as well as unfair to continue curtailment program of Oklahoma. Oklahoma producers of oil now receiving less than half as much money for the oil they produce as received 1929, the production having been curtailed approximately 40 per cent and the price reduced more than one-third. The gross production tax in 1930 was $3,000,000 less than in 1929, being a 3 per cent tax on gross production. Proration in this State has been by cooperation of oil producers and orders made by this commission under State law. We urge immediate action to limit imports to not over 20 per cent of 1928, inasmuch as our largest flush field in this State is allowed to produce only 2 per cent of its 6,000,000-barrel gage and other pools have been cut to produce from 10 to 20 per cent. Entire State's production allowed under present proration orders less than 10 per cent of what State could produce without proration.

PAUL WALKER, *Chairman,*
E. R. HUGHES,
C. C. CHILDERS,
Commissioners Corporation Commission of Oklahoma.

This forced curtailment of 300,000 barrels per day results in a diminishment in the total income from the production of crude oil of at least $109,500,000—not including the annual royalty income to the farmers or owners of the land in the amount of between $6,000,000 and $7,000,000.

The State of Oklahoma is producing but 6 per cent of her potential production; the State of Texas but 9 per cent; the State of New Mexico but 4 per cent; and the State of California approximately 8 per cent. The depression in the industry extends in almost equal degree to the States of Kansas, Arkansas, and Louisiana, resulting in the loss of millions of dollars annually to the farmers in the cancellation of leases, and in the unemployment of thousands of men. In its memorial to Congress the Kansas Legislature said:

SENATE CONCURRENT RESOLUTION NO. 5, RELATING TO THE PROTECTION OF THE OIL INDUSTRY

Whereas the failure of the Congress of the United States to enact an adequate tariff law on the importation of petroleum oil and kindred products is causing financial disaster to thousands of independent producers in our country, and is resulting in the loss of millions of dollars to our citizens: Now, therefore be it

Resolved by the senate (the house of representatives concurring therein), That we request and urge the Congress of the United States to protect a great and essential industry of our country, on which the welfare and prosperity of thousands of our people depend, by the enactment of a reasonable and proper tariff law.

Resolved further, That a copy of this resolution be dispatched to each Member of Congress from Kansas.

I hereby certify that the above concurrent resolution originated in the senate and passed that body.

J. W. GRAYBILL,
President of the Senate.
CLARENCE W. MILLER,
Secretary of the Senate.
HAL E. HARLAN,
Speaker of the House.
O. H. HATFIELD,
Chief Clerk of the House.

Passed the house January 20, 1931.

Gov. Harry H. Woodring, of Kansas, sent the following message:

FEBRUARY 21, 1931.

Hon. M. C. GARBER,
House of Representatives, Washington, D. C.

DEAR MR. GARBER: Kansas is most vitally interested in the passage of the Garber bill, restricting importation of crude oil from all countries to a total of 16,000,000 barrels annually and prohibiting imports of refined products for a period of three years. This is a companion measure to the Capper bill now pending in the Senate. The same restrictions of curtailment on American capital abroad as those imposed on capital and labor at home are most urgently needed. The prohibiting of refined products is necessary to meet the emergency conditions of unemployment in Kansas. Immediate action is of the greatest importance, because of the crisis in the oil industry that exists in the Mid-Continent fields. A deplorable condition has existed in southeastern Kansas and has been solved only temporarily. Destruction still hangs over the producers largely because of the competition of foreign oil. The Kansas oil industry should be afforded an opportunity to survive and should not be paralyzed by unfair foreign competition. Kansas believes the passage of the Garber bill and the companion measure, the Capper bill, will afford imperatively needed relief.

Sincerely yours,

HARRY H. WOODRING,
Governor of Kansas.

In stating the position of the State of Louisiana upon the question of the proposed legislation to restrict the importations of oil into this country, Gov. Huey P. Long, of that State, unqualifiedly approved of the proposal and urged its enactment in the following telegram:

I heartily approve Garber bill restricting imports of crude oil.

The price depression below the cost of production has extended the stagnation and depression to the industry in each of the producing States, threatening the loss of 250,000 small wells, which require continuous operation each day for their

preservation from being flooded and destroyed by salt water. The daily production of these wells alone would amount to 500,000 barrels, or a daily production of new wealth of $500,000 at the present depressed price, and a total annual production of the value of $182,500,000. These wells are being operated at a daily loss, with the hope which springs eternal in the human breast that conditions will improve. It is evident that such operations can not continue indefinitely and that such a loss will undoubtedly be the result if conditions are not remedied. Such is a brief outline of the determined efforts of the industry to reduce production to the consumptive demand. At the present time the flush-production States have reduced their production to less than 10 per cent of the potential. They have exhausted every effort at tremendous loss and sacrifice of property and of employment to workers, only to have the benefits continually absorbed by the unlimited importations of oil and refined products from foreign countries. During the past year, 1930, they have reduced their actual production from its already low percentage under proration and agreement by a further reduction of 112,000,000 barrels. This amount is the actual curtailment in a prorated production; and yet during that same year importations of oil and refined products poured into this overflowing market in the equivalent of 116,000,000 barrels of crude petroleum. Instead of restricting their imports they increased them. Instead of cooperating with our home producers to limit their domestic supply to the demand they defeated such efforts—not only defeated but seized and appropriated the benefits in the disposal of their imports in the American market, which belonged to our domestic producers. Their policy has not been one of conservation. Their policy has been one of exploitation. They are deliberately producing a surplus for export into this country. There are no restrictions on their production. In fact there is every incentive and purpose to produce without limitation. The more production the greater the profit, and the profit alone is the purpose of their investments. Note their increases of imports into this country since 1927. During that year their imports of crude petroleum and refined products was 71,000,000 barrels. In 1928 it was 92,000,000 barrels, an increase of approximately 23 per cent. In 1929 it was 108,000,000 barrels, an increase of 52 per cent over 1927. In 1930 the equivalent of 116,000,000 barrels of crude and refined products were imported, which is an increase of approximately 63 per cent over the amount three years before.

In its recent report, the Tariff Commission says:

Four companies control the output in the Bolivar coastal fields. The Standard Oil Co. of Indiana, through its subsidiary, the Lago Petroleum Corporation, controls the concessions under the lake bed, except the "marine zone," a strip 3,300 feet wide extending under the water around the entire shore of the lake, which is controlled by the Venezuela Gulf Oil Corporation, subsidiary of the Gulf Oil Corporation of Pennsylvania, and the Creole Petroleum Corporation, subsidiary of the Standard Oil Co. of New Jersey. The Royal Dutch Shell Co., through its subsidiaries, controls the concessions on the shore. Production of petroleum in Venezuela is about equally divided between the American companies and the subsidiaries of the Shell Co.

The following tables quoted from the recent report of the Tariff Commission show production by companies and by fields in Venezuela for the years 1927 to 1930 (six months only of the latter):

TABLE 3.—*Crude petroleum: Production in Venezuela by companies, 1927–1930 (6 months)*[1]

[Barrels of 42 gallons]

	1927	1928	1929	1930 (6 months)
American companies:				
Lago [2]	16,301,856	30,938,465	36,737,656	18,232,409
Creole Petroleum Corporation	13,891,279	12,237,822	7,546,273	2,781,671
Gulf		3,730,771	29,067,738	11,274,877
Gulf Venezuela Petroleum		7,945,735	(3)	(3)
General Asphalt	317,192	437,000	426,000	252,100
Falcon Oil Corporation		657,269		
Total American	30,510,327	55,947,062	74,677,657	32,541,057
Shell companies:				
Venezuela Oil Concessions	20,832,854	36,150,905	45,294,900	20,536,740
Caribbean Petroleum	10,160,658	14,146,981	15,374,040	9,887,143
British Controlled Oil Fields (Ltd.)	2,482,063	1,853,559	2,041,673	1,005,347
Colon Oil Co.				2,370,500
Total Shell	33,475,575	52,151,446	62,710,613	33,799,730
Grand total	63,985,902	108,098,508	137,388,270	66,340,787

[1] Source: O'Shaughnessy's South American Oil Reports.
[2] Includes Lagomax Co.
[3] Included with Gulf.

Note the rapid increase in production, beginning in 1927 with 63,985,902 barrels and increasing in 1928 to 108,098,508 barrels—an increase of nearly 69 per cent—with a subsequent increase in 1929 to 137,388,270 barrels, which is an increase of over 114 per cent over the amount produced in 1927.

Visualize for a moment the extent of this oil territory, which, with the unlimited capital of the big companies invested for the sole purpose of production for export into this country, constitutes an ever-increasing threat of destructive price depression through unlimited imports into this market. In its recent report of the Venezuelan fields the Tariff Commission said:

Although exploration and development work started a number of years earlier, large-scale production of petroleum in Venezuela did not begin until 1925. Areas known to contain petroleum are enormous, and it has been said that only additional drilling and transportation facilities are necessary for oil production on a scale similar to that in the United States. It is probable that many other vast fields in Venezuela still remain to be proved.

It is reported that future production may be obtained on a large scale over an area of about 2,100 square miles. The company has undertaken the building of wharves, pipe lines, storage tanks, camps, highways, and a railroad. A total of 39 wells was reported to have been drilled to September 1, 1930, of which 18 were under production. The first tanker of crude oil was shipped from this field in September. The oil is reported to be of lower gravity than that from the Maracaibo Basin.

The Standard Oil Co. of New Jersey is also exploring or drilling in the States of Falcon, Sucre, and Zamora, and in the territory of Delta Amacura; the Standard Oil Co. of Indiana and the Gulf Oil Corporation in the State of Monogas; and the Shell interests in the States of Falcon and Monogas.

Other well-known American companies or their subsidiaries are exploring or holding and developing concessions in Zulia, Falcon, or Monogas. Among these the following American companies may be mentioned: Standard Oil Co. of California, California Petroleum Corporation, Union Oil Co. of California, Atlantic Refining Co., Texas Co., Pure Oil Co., Beacon-Sun Oil Co. (also holding concessions in the State of Trujillo), American Maracaibo Co., New England Oil Co., Richmond Petroleum Co.

(d) Capital invested: It is reported (from the recent report of the Tariff Commission) that the capital invested in petroleum by the Shell companies and the principal American companies in Venezuela is $105,378,000 and $184,122,000, respectively, or a total of $289,500,000. It is also reported (from the recent report of the Tariff Commission) that the Creole Petroleum Corporation has invested in various works of exploration and drilling in Venezuela the sum of $63,000,000.

The estimated potential production of all producing and shut-in wells in October, 1930, in the Republic of Venezuela was about 593,300 barrels daily, and actual production was at the rate of 383,500 barrels daily—about two-thirds of potential production.

Here is a statement of the Tariff Commission, which through its representatives surveyed the field. Take the actual production of the exporters in Venezuela, at the rate of 383,500 barrels per day, or two-thirds of the potential production of that country. Compare that production with ours, wherein we have reduced our actual production to less than 10 per cent of our potential. Where, as we have seen, our wells are allowed to run the equivalent of only three days per year in some cases and never, under proration, more than the equivalent of 36½ days per year, the wells in Venezuela are producing the equivalent of 246 days' operation out of the year. Or let us put it for purposes of comparison, for every single day that our wells prorated to less than 10 per cent, are allowed to operate, Venezuelan oil

flows steadily for one week. The total potential production of the oil producers of this country is estimated at the very lowest to be 10,000,000 barrels per day. Suppose that such production were prorated on the same basis which obtains in Venezuela, or to two-thirds of the potential. Then there would be produced in this country over 6,600,000 barrels of oil per day or an annual total of over 2,430,000,000 barrels, in contrast to the 896,000,000 barrels produced in 1930 in this country under proration, which meant that only 2,427,123 barrels were produced daily in all the wells in the country. Or let us take the other side of the picture. Applying to Venezuela the drastic curtailment measures in force in this country, the daily production there of 383,500 barrels (1929) would be cut to less than 38,350 barrels per day or 13,997,750 barrels annually, if the utmost production now allowed under proration—10 per cent—were to prevail. In order to equal the situation, in part, of the mid-continent field, where production is curtailed to 1½ per cent, Venezuela would be allowed to produce only 5,646 barrels of oil daily, or only 2,060,425 annually, where now approximately 137,000,000 barrels are being produced.

From the production of crude the producers for export into the United States have turned to the increase of their refined products. Two of the largest petroleum producers in Venezuela have erected three refineries in the Dutch West Indies. The report recently made by the Tariff Commission says:

A recent development in connection with Venezuelan petroleum is the erection of three refineries in the Dutch West Indies by two of the largest petroleum producers in Venezuela. The oil is shipped in lake tankers from Lake Maracaibo to these refineries, and the gasoline is exported to the United States and elsewhere, thus accounting for the large increase in our imports of gasoline in recent years. These two companies do not export Venezuelan crude to the United States. The two largest refineries are equipped with modern cracking units, so that the gasoline yields are substantially higher than in topping operations, with the result that gasoline is probably the principal product in value, although not in quantity.

Two of these refineries are operated by the Dutch Shell interests on the island of Curacao, Dutch West Indies. (See map.) They have daily capacities of 175,000 and 17,500 barrels. The smaller refinery has no cracking equipment. Late in 1928 the Lago Petroleum Co. commenced operation of a refinery of 110,000 barrels daily capacity on the neighboring island of Aruba. (See map.) The total daily capacity of the three refineries is 302,500 barrels of crude oil.

In 1929 there were exported from the Dutch West Indies 9,713,579 barrels of gasoline, 158,519 barrels of kerosene, 1,042,195 barrels of lubricating oils, 6,166,014 barrels of gas oil, 54,430,544 barrels of fuel oil, and 800,016 barrels of Diesel oil. Due to greater production by the Lago refinery, imports of gasoline into the United States from the Dutch West Indies increased from 7,494,107 barrels in 1929 to 15,472,685 barrels in 1930, and represented, respectively, 84.8 and 91.4 per cent of the total imports of gasoline.

In addition, the Shell interests have one refinery of 20,000 barrels daily capacity, the West India Oil Co., one of 2,000 barrels daily capacity, and the Lago Petroleum Corporation one of 5,000 barrels daily capacity in Venezuela. These are all located in the Maracaibo region. There is one refinery in Colombia and 17 in Mexico, a large percentage of the capacity of which has been inactive recently.

We have thus briefly visualized the results of the Venezuelan production that you may see the prospective unlimited quantities of oil and its refined products, so long as they may come in duty free. With such unlimited resources of crude—with such refining capacity, cheap transportation and unlimited capital, and the difference in the cost of production (the production cost for Venezuelan oil, including transportation to the Atlantic seaports, is only 89 cents per barrel as against the cost of $1.98 for mid-continent oil production, including transportation to the Atlantic seaboard)—does it not clearly appear that it will be utterly impossible for our home producers to curtail their production to the domestic demand with the unlimited imports coming in from such an unlimited source?

In the face of competition with these big companies with no restrictions upon the amount of crude or refined oils they may bring into this country and with their capital invested for the express purpose of exploiting the market of this country, how can we ever expect to stabilize conditions in the domestic industry? There is no law preventing their importing unlimited quantities of crude and refined products into this market at any time during the year, in sufficient quantities to depress the price below the cost of production and destroy the investments of the small producers and refiners in this country. Without a restriction on such imports, how can you ever expect our independent producers and refiners to continue in the industry? They can not do it. They are facing receiverships and bankruptcy proceedings every day. Many have been driven from the field entirely. In order to bring the supply within the control of the industry in this country it is absolutely necessary to limit the importations and to impose upon the importers into this country limitations similar to those we impose upon our own producers. There is no other remedy. We can not permit a continuation of free imports. Section 1 of the Garber bill on which hearings were held would have limited the total importation from all countries into the United States to 16,000,000 barrels annually for the calendar years of 1931, 1932, and 1933. The big importing companies not having restricted their imports into this country—and not being able to enter into lawful agreements to do so—the bill provided the only remedy, namely, restriction of imports by law. Such limitations to 16,000,000 barrels upon foreign importers would not begin to equal the restrictions we have imposed upon our home producers. And all imports in excess of such amount, when only required to pay the difference between the cost of production as found by the Tariff Commission, are in full accord with our national policy of protection extended to all industries.

SUPPLY AND FACILITIES FOR TRANSPORTATION OF AMERICAN-PRODUCED FUEL OIL TO ATLANTIC SEABOARD

In their virulent opposition to this legislation, the Big Four, through the Pan American Oil & Transport Co., driven from one contention to the other, raised the objection that American producers were unable to supply the New England coast with sufficient supplies of fuel oil. This in the very face of their admission of potential quantities of shut-in oil exceeding 10,000,000 barrels per day at a time when our normal daily consumption of crude is only 2,500,000 barrels per day. Such an absurd charge is entirely without foundation.

To begin with, fuel oil is the natural by-product of the refined process of making gasoline from crude petroleum. The Atlantic seaboard is the greatest gasoline market in the world, and has a number of refineries located along the seaboard. Furthermore, any low-grade petroleum may be used as fuel oil.

Russell Brown, executive manager and secretary of the Independent Petroleum Association, presented an analysis of the fuel-oil supply which completely answers the objections raised by the opposition to this legislation. The following is the data referred to.

An analysis of the fuel-oil output for 1930 is as follows:

	Barrels
On the Atlantic seaboard	80,712,000
Texas, Arkansas, and Louisiana (or the Gulf coast area at which fuel oil finds its natural market through the Gulf coast ports)	106,224,000
California (at which place all the refineries are on the coast)	114,700,000
Total produced last year (in the immediate vicinity of the seaboard)	301,636,000
Fuel oil produced elsewhere than on the seaboard	71,556,000
Total of all fuel oil produced in the United States last year	373,192,000

There was on December 30, 1930, the following fuel oil in storage:

	Barrels
On the Atlantic seaboard	9,020,000
On the Gulf coast	13,248,000
In California (on seaboard)	102,000,000
Total (all on seaboard)	124,268,000

There was also fuel oil in storage in various interior points not included in this figure.

Testimony introduced during the hearings on the Garber bill showed that the Atlantic seaboard consumed 120,000,000 barrels per year. Of this amount there was imported last year 26,000,000 barrels. In other words, the larger portion of the present consumption is furnished out of the American market and the facilities are readily available to continue to furnish any increased market demands that may be made on it. In fact, we now have in storage awaiting a market, fuel oil alone, to say nothing of the low-grade crudes, sufficient to run four months without any additional oil being furnished.

The present facilities for distributing domestic production of fuel oil to the Atlantic seaboard are sufficient. There are now idle and laid up for lack of business in various American ports, a total of 54 American tankers. These idle American tankers have a total capacity of about 4,500,000 barrels. Generally, a tanker will complete a round voyage between United States gulf ports of loading and North Atlantic ports of discharge within a period of 20 days, and such a vessel actually will complete 18 such voyages within the space of one year. Therefore, sufficient American tanker tonnage now idle is sufficient to insure the transport between the Gulf and North Atlantic regions of the United States of roughly 81,000,000 barrels per year. These tankers may be put into service in coastwise movement which would not only give profitable use for the tankers now in lay-up but would place back in service thousands of American seamen that are now out of employment.

In addition to these idle tankers it is estimated that of the 80 tankers currently engaged in operating between the Venezuela-Colombia producing fields and the ports of destination in the United States about 20 are of American ownership and registry. If the bulk of their present trade were to be cut off through limitation of imports, such ships would be available to transport oil from California and Gulf ports to the Atlantic seaboard. The 20 vessels estimated to be in such category possess an added total barrel capacity of 1,600,000.

In addition, there are now operating between American and foreign ports, other than in the Venezuela-Colombia trades, about 20 American owned and registered tankers, which are being employed for so-called "spot" or intermittent business which owners have accepted, in competition with foreign tankers, rather than lay their vessels up. These additional 20 American tankers likewise represent a potential transport capacity of 1,600,000.

The present transportation rates from Gulf ports to the Atlantic points are from 15 to 16 cents per barrel. The rate from California points to the Atlantic seaboard is approximately 55 cents per barrel.

The quoted price on fuel oil as of January 27, 1931, is as follows:

Oklahoma, 42 to 50 cents, North Texas, 30 to 40 cents; Arkansas, 60 to 65 cents; Gulf Coast, 65 to 70 cents; California, 55 cents; New York, $1.05.

As a matter of fact, all of this oil is now on a distressed market because of the anarchic conditions brought about by unlimited imports and is being sold far below the market price.

From these facts it will be seen that there is readily available, at a reasonable market price, without material increase to the consumer, all of the fuel oil of American production that could possibly be used. Already Pacific coast oil is being sold in competition with foreign oils on the Atlantic seaboard—as shown by the following table:

Receipts of California oil at Atlantic and Gulf ports for 1929 and 1930

[42-gallon barrels]

	Atlantic	Gulf	Total
1930	24, 483, 000	1, 160, 000	25, 643, 000
1929			28, 181, 000

Atlantic ports at which oil was received: Baltimore, Boston, New York, Philadelphia, and others.

Information from Statistical Bulletin, American Petroleum Institute.

FACTS IN REGARD TO RECENT HISTORY OF OIL INDUSTRY IN THE UNITED STATES

The following summary of information in regard to costs of crude petroleum production and transportation, and general summary table for the industry during the years 1927, 1928, and 1929, were published as a part of the recent report of the Tariff Commission's thorough investigation of the subject.

[From report of the United States Tariff Commission, February 7, 1931]

APPROXIMATE AVERAGE COSTS OF PRODUCTION OF CRUDE PETROLEUM

SUMMARY OF INFORMATION

The commission is directed by section 332 (f) of the tariff act of 1930 to ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930 and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points. The instructions contained in this section are subject to more than one interpretation, and the various possible interpretations are fully discussed in the body of this report.

The average cost of production of crude petroleum at the well, for 1927, 1928, and 1929, in the States of Oklahoma, Texas, Arkansas, Kansas, Louisiana, and New Mexico, from which States is obtained the great bulk of the domestic oil refined along the Atlantic seaboard, was $1.10. The cost of transporting this oil to the Atlantic seaboard was $0.88, including pipe-line charges to Gulf ports, a purchasing charge of 10 cents per barrel, and tanker charges from Gulf ports to the Atlantic seaboard. The total cost of the oil delivered at Atlantic seaboard was, therefore, $1.98 per barrel. This cost is computed on the basis of "company interest oil"—i. e., royalty oil has not been included in total production—and includes interest at 6 per cent on the investment of the companies.

The cost of production of oil in the Maracaibo Basin of Venezuela in 1929 (sec. 332 (f) calls for "present" cost, and 1929 is the latest year for which costs were available) was $0.56 at the point of transfer to ocean tankers. Transportation and other charges necessary to deliver the oil to the Atlantic seaboard were $0.23, making a total of $0.79, cost delivered at Atlantic seaboard refineries. This figure also is computed on the basis of company interest oil and includes interest at 6 per cent on the investment of the companies.

The commission has made additional comparisons of the domestic and Venezuelan costs, on bases which might be indicated by other interpretations of section 332 (f). For example, it has compared the 3-year weighted average cost in the United States and in the Maracaibo Basin, Venezuela. On this basis the domestic delivered cost is $1.98, the same figure as that used above, while the Venezuelan is $0.89, made up as follows: Cost at the point of transfer to ocean tankers, $0.65; transportation and other charges, $0.24.

"Delivered cost to the Atlantic seaboard refineries" might also be interpreted as meaning the delivered prices which the refiners pay, since the price paid for crude oil by those who purchase in the open market is tantamount to the cost to them. The commission, therefore, ascertained not only cost at the well plus transportation and other charges to the Atlantic seaboard, as summarized above, but also the delivered prices paid for both domestic oil from all fields and oil from the Maracaibo Basin, Venezuela. The 3-year (1927–1929) weighted average price paid for domestic crude from the mid-continent Gulf area by the Atlantic seaboard refiners was $2.06 and for the Venezuelan crude $1.10. The price paid in 1929 for domestic crude from the mid-continent Gulf area was $2.03 and for Venezuelan crude $1.02.

It is necessary to point out that in comparing the costs of domestic and Venezuelan crudes articles are being compared which are not similar. The domestic crude, from the mid-continent and adjacent areas, the cost of which is here compared with the Venezuelan crude, had an average gravity of approximately 33° Baumé scale, while the foreign had a gravity of 18° to 19°. The domestic crude refined along the Atlantic seaboard during the period covered yielded, largely by cracking processes, 36 to 44 per cent of gasoline, while the Venezuelan yielded 9 to 12 per cent gasoline and 75 to 83 per cent of fuel oil (see Tables 14 and 15 showing typical yields of finished products from domestic and Venezuelan crudes). Gasoline has a much higher unit value than fuel oil.

The difference in quality of domestic as compared with Venezuelan crude is reflected in the wide difference in the price paid by the Atlantic coast refineries.

The commission has also ascertained the value of the product derived from the two kinds of crude petroleum by the Atlantic



coast refineries during each year. In 1929 the value of the products obtained from the domestic crude used was $2.97 per barrel, and from the Venezuelan crude, $1.15 per barrel. There is, however, a decided difference in the costs of refining, the average expenditure per barrel for refining processes being much higher in the case of the domestic than of the Venezuelan crude. The average costs of refining were not, however, ascertained, so that the respective values of the products of the crude over and above refining costs could not be determined.

The commission has ascertained the cost of production and sales value of crude petroleum in all the other principal producing regions in the United States, as well as in the mid-continent Gulf area. The costs of production of the domestic crude have been tabulated in several different ways in order to afford as much information as possible on various phases of the industry. Costs have been tabulated by large and small companies, by States and groups of States, by fields, by cost groups, and by gravities of the oil produced. Tables showing details for the constituent elements of cost will be found in Part III.

In addition to the costs of production on different bases, considerable general information is given in the report on various phases of oil production in both the United States and Venezuela, and full statistical data are shown on production, imports, exports, stocks, prices, and other aspects of the petroleum situation.

TABLE 46.—*General summary table—Petroleum*

[Quantities in barrels of 42 gallons]

	1927	1928	1929
World production	1,262,582,000	1,324,734,000	1,484,451,000
United States production	901,129,000	901,474,000	1,007,323,000
Venezuela production	63,134,000	105,749,000	137,472,000
All other countries	298,319,000	317,511,000	339,656,000
Per cent of world total	100.0	100.0	100.0
United States	71.4	68.0	67.9
Venezuela	5.0	8.0	9.3
Natural gasoline produced in the United States	39,075,000	43,191,000	53,183,000
Crude oil and natural gasoline combined	940,204,000	944,665,000	1,060,506,000
Imports:			
Crude oil	58,383,000	79,767,000	78,933,000
Refined liquid products	13,281,000	11,700,000	29,632,000
Total	71,664,000	91,467,000	108,565,000
Exports:			
Crude oil	15,843,000	18,966,000	26,401,000
Refined liquid products	115,399,000	126,159,000	126,377,000
Total	131,242,000	145,125,000	152,778,000
Ratio of imports to domestic production of crude oil and natural gasoline	7.6	9.7	10.2
Ratio of exports to domestic production of crude oil and natural gasoline	14.0	15.4	14.4
Production plus imports minus exports (crude oil and natural gasoline)	982,743,000	1,005,466,000	1,113,038,000
Increase or decrease of stocks of crude and refined oils at end of year	+70,103,000	+22,782,000	+68,150,000
Consumption by refineries:			
Crude oil	828,835,000	913,295,000	987,708,000
Domestic	778,729,000	835,711,000	912,191,000
Imported	50,106,000	77,584,000	75,517,000
Unfinished oils rerun (net)	12,879,000	15,970,000	15,969,000
Natural gasoline treated by refineries	32,162,000	35,223,000	46,457,000
Total above	873,876,000	964,488,000	1,050,134,000
Value:			
Crude oil produced at wells	$1,172,830,000	$1,054,880,000	$1,280,417,000
Natural gasoline production at point of consumption	118,688,000	138,944,000	158,231,000
Natural gas production at point of consumption	317,930,000	364,000,000	413,000,000
Cost of materials, fuel, and power used by refineries	1,752,997,000		2,055,734,000
Value added to material by refining	969,652,000		555,947,000
Total value of refinery products	2,142,649,000		2,611,681,000
Imports—			
Crude oil	78,609,000	90,473,000	79,943,000
From Venezuela, Netherland West Indies, and Trinidad and Tobago [1]	29,754,000	49,101,000	44,987,000
Refined liquid products	33,628,000	40,943,000	61,045,000
From Venezuela, Netherland West Indies, and Trinidad and Tobago [1]	17,352,000	31,618,000	56,578,000
Other refined products (paraffin and paraffin wax)	1,187,000	1,426,000	2,301,000
Total	113,434,000	132,642,000	143,579,000
From Venezuela, Netherland West Indies, Trinidad, and Tobago [1]	47,106,000	80,719,000	101,58300,0

TABLE 46.—*General summary table—Petroleum*—Continued

	1927	1928	1929
Exports:			
Crude oil	25,900,000	26,800,000	37,800,000
Refined liquid products	429,603,000	465,214,000	493,382,000
To Venezuela, Netherland West Indies, Trinidad, and Tobago	804,000	2,109,000	7,392,000
Other refined products	30,296,000	33,852,000	30,009,000
Total	485,859,000	525,866,000	561,191,000
Total to Venezuela, Netherland West Indies, Trinidad, and Tobago	804,000	2,109,000	7,392,000
PRICES AND AVERAGE UNIT VALUES			
Average value all crude oil at well (per barrel)	$1.30	$1.17	$1.27
Average value domestic crude oil at refinery (per barrel)			
Average value crude oil exported as such at port (per barrel)	1.64	1.41	1.43
Average value crude oil imported in foreign country (per barrel)	1.35	1.13	1.01
Pogue price indexes:			
Average crude at wells (per barrel)	1.55	1.54	1.67
Average kerosene (per gallon)	.129	.129	.134
Average gasoline (per gallon)	.150	.147	.139
Average fuel oil (per barrel)	1.14	.91	.89
Average lubricating oil (per gallon)	.253	.243	.253
Average posted prices paid by pipe-line companies for Oklahoma, Kansas, crude of 33°-33.9° gravity	1.31	1.20	1.23

The following table, compiled by the Bureau of Mines, shows the comparative production, demand, exports, imports, and stocks of crude oil in the United States for the years 1918–1929, inclusive. The chart shows that we have never had the stock that we had at the end of 1929, from 1918 to 1929. The surplus has been brought in and the stock on hand now has been brought in from those foreign countries.

Crude-oil production, imports, exports, refinery runs, miscellaneous uses, and stocks of crude oil in the United States from January 1, 1918, to December 31, 1929—all amounts in barrels of 42 gallons, compiled from United States Bureau of Mines

Year	Supply		Demand		
	Production	Refinery runs	Exports	Other uses	Total demand
1918	355,928,000	326,025,000	4,901,000	89,492,000	420,418,000
1919	378,367,000	361,520,000	6,019,000	58,630,000	426,169,000
1920	442,929,000	433,915,000	8,757,000	106,340,000	549,012,000
1921	472,183,000	443,363,000	8,940,000	77,368,000	529,671,000
1922	557,531,000	500,706,000	10,163,000	99,664,000	610,533,000
1923	732,407,000	581,238,000	17,385,000	132,917,000	731,540,000
1924	713,940,000	643,719,000	17,973,000	104,743,000	786,435,000
1925	763,743,000	739,920,000	13,335,000	58,285,000	811,540,000
1926	770,874,000	779,264,000	15,407,000	65,932,000	860,603,000
1927	901,129,000	828,835,000	15,843,000	43,754,000	888,432,000
1928	901,474,000	913,295,000	18,966,000	30,512,000	962,773,000
1929	1,007,323,000	987,708,000	26,401,000	23,143,000	1,037,252,000
Total	7,997,828,000	7,539,508,000	164,090,000	800,780,000	8,594,378,000

Year	Surplus or shortage	Imports	Added or withdrawn	Stock Dec. 31
1917				171,000,000
1918	64,490,000	37,736,000	[2] 28,754,000	114,336,000
1919	47,802,000	52,822,000	5,020,000	149,356,000
1920	106,083,000	106,175,000	92,000	149,448,000
1921	57,488,000	125,364,000	67,876,000	217,324,000
1922	53,002,000	127,308,000	74,306,000	291,630,000
1923	[1] 867,000	82,015,000	82,882,000	374,512,000
1924	52,495,000	77,775,000	25,280,000	399,792,000
1925	47,797,000	61,824,000	31,854,000	431,646,000
1926	89,729,000	60,382,000	[2] 29,347,000	402,299,000
1927	[1] 12,697,000	58,383,000	71,080,000	473,379,000
1928	61,299,000	79,767,000	18,468,000	491,847,000
1929	29,929,000	78,933,000	49,004,000	540,851,000
Total	596,550,000	948,484,000	351,934,000	

[1] Domestic production exceeded total demand.
[2] Crude oil withdrawn from storage.

The enormous increase in exports from Venezuela, Colombia, Mexico, and the Dutch West Indies is strikingly illustrated in the following table of crude imports, 1910–1930, inclusive, prepared by the Bureau of Mines:

Crude oil imports, 1910–1930, inclusive

[Barrels of 42 gallons each]

Year	Principal countries of origin										Total imports[1]		United States production		Total crude oil supply	
	Mexico		Dutch West Indies		Venezuela		Peru		Colombia							
	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Per cent foreign
1910											557,181	$2.51	209,557,000	$0.61	210,114,000	0.3
1911											1,709,932	1.41	220,449,000	.61	222,159,000	.8
1912											7,383,229	.82	222,935,000	.74	230,318,000	3.2
1913											17,809,058	.73	248,446,000	.95	266,255,000	6.7
1914											17,247,483	.67	265,763,000	.81	283,010,000	6.1
1915											18,140,110	.57	281,104,000	.64	299,244,000	6.1
1916											20,570,075	.61	300,767,000	1.10	321,337,000	6.4
1917	20,933,517	$0.54									30,162,583	.54	335,316,000	1.56	365,479,000	8.3
1918	37,719,084	.56									37,735,641	.56	355,928,000	1.98	393,664,000	9.6
1919	52,751,037	.50									52,821,567	.50	378,367,000	2.01	431,189,000	12.3
1920	106,163,118	.53									106,175,289	.53	442,929,000	3.07	549,104,000	19.3
1921	125,294,210	.53									125,363,983	.53	472,183,000	1.73	597,547,000	21.0
1922	126,195,269	.55	735,445	$1.05							127,308,423	.55	557,531,000	1.61	684,839,000	18.6
1923	79,494,534	.65	809,856	1.09			1,554,508	$0.69			82,015,025	.66	732,407,000	1.34	814,422,000	10.1
1924	73,978,583	.90	1,185,823	1.27			2,429,729	2.31			77,775,173	1.05	713,940,000	1.43	791,715,000	9.8
1925	55,048,932	1.17	3,273,719	1.45	1,418,630	$1.12	1,824,843	2.28			61,824,242	1.22	763,743,000	1.68	825,567,000	7.5
1926	40,398,453	1.16	7,087,745	1.37	5,197,300	1.32	3,043,561	2.31	3,620,720	$2.00	60,382,329	1.31	770,874,000	1.88	831,256,000	7.3
1927	26,019,048	1.17	10,136,248	1.40	11,423,575	1.31	1,986,474	2.20	7,962,001	1.70	58,382,632	1.35	901,129,000	1.30	959,512,000	6.1
1928	17,584,211	1.10	24,989,387	1.09	21,987,319	.97	1,224,125	2.21	11,838,025	1.46	79,766,672	1.13	901,474,000	1.17	981,241,000	8.1
1929	12,663,419	.90	16,222,480	.78	34,431,388	.96	1,454,346	2.22	12,620,000	1.46	78,932,572	1.01	1,007,323,000	1.27	1,086,256,000	7.3
1930	10,093,233	.83	9,780,219	.76	25,200,349	.97	1,281,010	2.25	14,204,000	1.40	62,129,419	1.04	896,265,000	[2] 1.16	958,493,000	6.5

[1] Total crude oil imports includes minor shipments from other countries not listed under "Principal countries of origin."
[2] Estimated.

NOTE.—Production data from Bureau of Mines. Import data from division of statistics, Bureau of Foreign and Domestic Commerce.

The following table from the Bureau of Mines illustrates the tremendous importance of the domestic gasoline industry, which is being menaced by the unlimited importations of refined products from outside the United States:

Gasoline production, imports and exports

[Figures in barrels of 42 gallons each]

Year	United States production	Exports	Ratio of exports to production (per cent)	Imports	Total supply	Per cent foreign	Value of production	Value of exports	Ratio of exports value to production value (per cent)
1916	49,021,000	8,473,000	17.3	64,000	49,085,000	0.1			
1917	67,870,000	9,902,000	14.6	250,000	68,120,000	.4			
1918	85,007,000	13,318,000	15.3	307,000	85,314,000	.4			
1919	94,235,000	8,860,000	9.4	203,000	94,438,000	.2	$766,006,035	$92,046,894	12.0
1920	116,251,000	15,209,000	13.1	964,000	117,215,000	.8			
1921	122,704,000	12,692,000	11.3	900,000	123,604,000	.7	677,515,033	130,908,416	14.9
1922	147,672,000	13,787,000	9.3	1,479,000	149,151,000	1.0			
1923	179,903,000	20,136,000	11.2	4,555,000	184,458,000	2.5	924,356,354	137,580,749	14.9
1924	213,326,000	28,246,000	13.2	3,453,000	216,779,000	1.6			
1925	259,601,000	30,638,000	11.8	3,818,000	263,414,000	1.4	1,265,284,305	197,491,588	15.6
1926	299,734,000	42,460,000	14.2	5,540,000	305,274,000	1.8			
1927	330,435,000	43,334,000	13.1	5,002,000	335,437,000	1.5	1,102,154,007	209,839,000	19.0
1928	376,945,000	51,752,000	13.7	4,198,000	381,143,000	1.1			
1929	435,078,000	60,007,000	13.8	8,834,000	443,912,000	2.0	1,592,980,913	266,904,000	16.8
1930	436,217,000	63,197,000	14.5	16,927,000	453,144,000	3.7			

NOTE.—Value of gasoline production from biennial reports of Bureau of the Census. Exports and imports statistics from division of statistics, Bureau of Foreign and Domestic Commerce. Production data from Bureau of Mines.

Our gasoline exports for last year evidence the importance of this phase of the industry to the United States:

GASOLINE EXPORTED FROM THE UNITED STATES IN 1930 TO THE FOLLOWING COUNTRIES

[Barrels of 42 United States gallons]

United Kingdom	19,208,705
France	9,330,834
Canada	4,281,886
Australia	3,009,105
Other countries	27,366,503
Total	63,197,033

Authority: Bureau of Foreign and Domestic Commerce.

AN ANALYSIS OF THE MAJOR COMPANIES

To show the magnitude of organization, the extent of holdings, and the inordinate profits which have been piled up at the expense of consumers on the one hand and their competitors, the independents, on the other, may I call your attention to the following data in regard to the two big Standard companies—the Standard of Indiana and the Standard of New Jersey—and likewise the Pan American Petroleum & Transport Co., which is a holding company for various large organizations which are all subsidiaries of the major companies:

Pan American Petroleum & Transport Co.

[Incorporated in Delaware on February 2, 1916]

Capitalization	Authorized	Outstanding	Par
Common stock	$55,000,000	$49,997,912	$50
Common stock, class B	150,000,000	118,037,026	50

Funded debt:	
7 per cent convertible gold bonds, Aug. 1, 1930	$635,500
10-year 6 per cent convertible S. F. bonds, 1934	6,033,000
Mexican Petroleum Co., 6, S. F. gold bonds, Oct. 1, 1930	73,300
Mortgages secured by land	291,016

Pan American Petroleum & Transport Co.

[Market range—New York Stock Exchange]

	1930	1929	1928	1927
Common:				
High	64¼	69	55½	65⅞
Low	47½	40¾	28¾	50⅛
Class B:				
High	67½	69¼	148¾	66⅜
Low	47½	40½	37¾	40¼

Dividends (common stock): Initial dividend of 1¾ per cent on October 10, 1917; 1918, January 10, 1¾ per cent; April, 1918, to July, 1919, 2½ per cent each quarter in Liberty bonds; October, 1919, to October, 1922, 3 per cent quarterly; January, 1923, to October, 1923, 4 per cent quarterly; thereafter 2 per cent quarterly to January 1, 1925, when rate was advanced to 3 per cent ($1.50) quarterly and maintained to and including July 20, 1927. On October 20, 1927, $1 (2 per cent); none since. Also paid 10 per cent in class B stock in July, 1920; 25 per cent in January, 1923; and 20 per cent in February, 1923.

Class B stock: Initial dividend of 3 per cent paid January 10, 1920; April 10, 3 per cent; July, 3 per cent cash and 10 per cent in class B stock; October, 1920, to October, 1922, 3 per cent quarterly in cash; December, 1922, 25 per cent in class B stock; 1923, January, 4 per cent cash; December, 2 per cent cash; 1924, 2 per cent ($1) quarterly; 1925, 3 per cent ($1.50) quarterly; same rate on class A and B to July 20, 1927; October 20, 1927, 2 per cent ($1); none since.

Control: Standard Oil Co. of Indiana controls about 90 per cent of the combined class A and B stock of Pan American through offer to exchange 7 shares of Standard of Indiana for 6 shares of Pan American A or B shares.

History: The Pan American Petroleum & Transport Co. is a holding company for various large companies engaged in producing, refining, transporting, and marketing crude oil and its by-products in the United States, Mexico, and Venezuela, and has added recently marketing facilities in Argentina, Uruguay, Paraguay, Brazil, Great Britain, and Irish Free State. Principal subsidiaries are as follows:

WHOLLY OWNED COMPANIES

Pan American Petroleum Corporation.
Lago Oil & Transport Corporation.
Southern Crude Oil Purchasing Co.
Southern Pipe Line Co.

CONTROLLED COMPANIES

The Caloric Co. (Inc.), New York, 1911 (99 per cent).
Mexican Petroleum Co. (Ltd.), of Delaware (Inc.) (98 per cent).
American Oil Co. of Baltimore (50 per cent).
Lord Baltimore Filling Stations (Inc.) (50 per cent).

SUBSIDIARIES

Pan American Petroleum Corporation of Tennessee.
Mexican Petroleum Co. (Calif.) (Inc.), California, 1900.
Huasteca Petroleum Co. (Inc.), Maine, 1907.
Tamiahua Petroleum Co. (Inc.), Maine, 1906.
Tuxpam Petroleum Co. (Inc.), Maine, 1906.
Mexican Petroleum Corporation of Louisiana (Inc.), Louisiana, 1918.
Mexican Petroleum Corporation (Inc.), Maine, 1915.
Boston Harbor Oil Co. (Inc.), Massachusetts, 1919.
Lago Petroleum Corporation.
Lago Oil & Transport Co. (Ltd.).
Lago Shipping Co. (Ltd.).

In addition the company also acquired control of the British Mexican Oil Co. in connection with the change of control in March, 1925, but subsequently sold the properties of this company in Great Britain to the Anglo-American Oil Co., retaining its American properties as well as controlling stock interests of the British-Mexican Co. in the Lago Petroleum Corporation, operating in Venezuela. At December 31, 1925, Pan American owned 1,497,869 shares of Lago and later through the exercise of options increased its holdings to 53 per cent of the outstanding 4,000,000 shares and assumed management of the company. Later an offer was made to minority shareholders of Lago of one share of Pan American B for three shares of Lago, exercisable until October 1, 1926. Company now owns over 97 per cent of outstanding stock of Lago Oil & Transport Corporation, and on August 18, 1930, stockholders approved purchase of Lago on basis of one-half share of Pan American class B common for every share of Lago. Stockholders of Lago subsequently approved the merger.

Producing properties: Through subsidiaries, company is engaged in oil production in Venezuela, Mexico, and United States (Gulf coast and southwest Texas). It controls oil and gas rights on 3,100,000 acres in and around Lake Maracaibo and elsewhere in Venezuela, on which there is a potential daily production of 150,000 barrels. In Mexico it owns in fee and under lease 1,500,000 acres and is the leading producer in that country. In the United States it owns 100,000 acres of leaseholds in Arkansas, Louisiana, and Texas.

Standard Oil Co. of New Jersey

[Incorporated in New Jersey in 1882]

Capitalization	Authorized	Outstanding	Par
Common stock	$750,000,000	$635,474,200	$25
20-year 5 per cent debentures	120,000,000	120,000,000	
Humble Oil 10-year 5 per cent debenture	25,000,000	21,114,000	
Humble Oil 10-year 5½ per cent debenture	25,000,000	23,504,000	
Beacon Oil Co. 6 per cent debenture		5,124,773	
Co. General d. Petr. 6 per cent debenture		390,660	

NOTE.—In February, 1929, outstanding stock at December 31, 1928 ($612,105,475), was increased by $6,768,700 through the issuance of 270,748 shares of $25 par value; 205,000 shares were used for the acquisition, by exchange, of 461,250 shares of Beacon Oil Corporation common stock on a basis of one share for each two and one-fourth shares of Beacon. The balance of 65,748 shares were used to acquire by exchange the outstanding 4,000 shares of Pennsylvania Lubricating Co., not owned by Standard Oil Co. of New Jersey. Further additions due to employees subscriptions.

Growth of capitalization in common stock is shown as follows:

Period	Market range		High	Low
	Outstanding	Par		
1912–1920	$38,338,300	100	910 (1920)	315 (1912)
1921–22	99,482,425	25	250½ (1922)	124½ (1921)
1923	408,587,125	25	46	30⅞
1924	502,009,300	25	42	33
1925	507,031,775	25	47½	38⅝
1926	514,706,025	25	46⅜	37⅝
1927	603,630,475	25	41⅜	35½
1928	607,930,475	25	50⅜	37¾
1929	618,874,175	25	83	48
1930 (January–May)	635,474,200	25	84⅞	58

Dividends: Since the dissolution, dividends on the common stock have been disbursed as follows:

1930, March–June, 4 per cent	$25,418,968
1929, 7½ per cent	46,519,705
1928, 6 per cent	36,583,116
1927, 6 per cent	35,065,694
1926, September–December, 2½ per cent	12,936,555
1926, March–June, 2 per cent	10,294,121
1925, 4 per cent	20,395,911
1924, 4 per cent	20,576,491
1923, 4 per cent	20,063,968
1922, stock dividend, 400 per cent	397,929,700
1922, cash, 20 per cent	19,842,485
1921, 20 per cent	19,701,910
1920, 20 per cent	19,667,676
1919, 20 per cent	19,667,676
1918, 20 per cent	19,667,676
1917, 20 per cent	19,667,676
1916, 20 per cent	19,667,676
1915, 20 per cent	19,667,676
1914, 20 per cent	19,667,676
1913, extra, 40 per cent	39,335,329
1913, 20 per cent	19,667,676
1912, 20 per cent	19,667,676
1911, 7 per cent	6,883,686

Total dividends since the dissolution to June 30, 1930, were: Preferred, $102,201,145; common, cash, $473,607,024; stock, $397,929,700.

Earnings: Consolidated income after depreciation, depletion, Federal taxes, and preferred dividends is reported as follows:

	Net earnings	Dollars per share	Bank value
1929	$120,912,794	$4.75	$48.60
1928	108,485,686	4.43	44.52
1927	36,923,332	1.52	41.20
1926	103,654,098	5.00	45.62
1925	111,231,355	4.72	41.98
1924	67,018,467	3.30	38.52
1923	42,297,242	1.70	36.35
1922	32,387,231	[1] 1.62	[1] 35.30
1921	20,078,508	[2] 5.07	[2] 174.68
1920	154,135,338	[3] 156.00	702.15

[1] On 19,943,485 shares of $25 par.
[2] On 3,955,133 shares of $25 par.
[3] On $100 par stock.

Properties and business: Company is the largest and most powerful organization in the petroleum business. Its activities The enormous volume of its operations may be summarized as follows (all figures in barrels):

	1929	1928	1927
Gross crude production (barrels)	101,100,098	84,775,238	82,168,402
Daily average	277,000	232,300	225,000
Domestic production	51,657,552	42,773,671	50,335,796
Foreign production	49,442,546	42,001,567	31,832,606
Pipe-line runs	133,392,079	120,919,386	112,000,000
Daily average	365,457	331,300	307,000
Refinery runs	196,797,000	182,199,192	160,552,645
Daily average:			
All plants	539,170	497,812	439,873
Domestic plants	409,098	395,924	354,832
Foreign plants	102,162	102,888	85,041
Tanker fleet moved	164,394,048	145,444,492	129,000,000
Daily average	450,400	400,000	353,700
Natural gas sales (1,000 cubic feet)	100,000,000	102,417,461	98,067,381
Natural gasoline made (barrels)	4,225,000	3,817,000	3,493,000

Standard Oil Co. (New Jersey) has ceased to be a holding and operating company and is a holding company alone. In the interest of efficiency the various major departments of the business have been segregated into separate companies, each having its own executives, upon whom devolve the entire management and con-

trol of these departments, subject only to the determination of major matters of policy by the board of the Standard Oil Co. (New Jersey) at New York.

The Standard Oil Co. (New Jersey) holds the stock of the new subsidiary companies, and its treasury receives their earnings. It exercises supervisory control over their operating units, including regulation of their budgets, and will insure all necessary coordination among them.

The directorate of the parent company has been enlarged to include the chief executives of the principal subsidiary or affiliated companies.

STANDARD OIL CO. OF INDIANA

[Incorporated in Indiana in 1889]

Capitalization:

Capital stock—	
Authorized	$500,000,000
Outstanding	421,264,685
Par	25

Shareholders on September 9, 1927, approved an increase of authorized capitalization to $375,000,000 (15,000,000 shares) from $250,000,000 (10,000,000 shares) and authorized a proposal to exchange 37,500 shares for 150,000 shares of the common stock of the Pan American Eastern Petroleum Corporation, which has voting control of Pan American Petroleum & Transport Co. In February, 1929, company declared a stock dividend of 50 per cent, payable March 15 to stockholders of record February 16. In August, 1929, shareholders voted to increase capitalization to $450,000,000 and approved offer to exchange 7 shares of stock for 6 shares of Pan American Petroleum & Transport Co. A and B stock. In March, 1930, authorized capitalization was raised to $500,000,000.

Growth of capitalization is indicated as follows:

Market range

Period	Outstanding	Par	High	Low
1889 to 1892	$500,000	$100		
1892 to 1912 (March)	1,000,000	100	$5,000	$3,800
1912 to 1920 (December)	30,000,000	100	945 (1927)	200 (1912)
1920 (December) to 1922	[1] 107,360,455	25	135 (1922)	60¾ (1921)
1923	221,706,663	25	69⅞	49¼
1924	223,736,298	25	68⅝	54½
1925	226,322,708	25	70¾	59½
1926	228,415,463	25	70½	60½
1927	228,415,463	25	81½	64¾
1928	230,788,513	25	95¾	70⅞
1929 (January–March)	232,116,713	25	103¼	85
1929 (March–December)	348,175,069	25	63	45
1930 (January–May)	421,264,685	25	59⅞	49⅞

[1] After 150 per cent stock dividend and additional stock issued in acquiring Midwest Refining Co.

Dividend record: Since the dissolution, cash and stock dividends have been paid as follows:

1930, March–June, 5 per cent	$21,063,234
1929, 13 per cent	47,482,855
1929, stock dividend, 50 per cent	116,232,119
1928, 14 per cent	32,416,529
1927, 14 per cent	32,130,170
1926, 14 per cent	31,876,737
1925, 10 per cent	22,521,638
1924, 10 per cent	22,284,750
1923, 10 per cent	22,106,840
1922, stock dividend, 100 per cent	107,360,455
1922, 16 per cent	17,453,995
1921, 16 per cent	15,686,125
1920, 28 per cent	9,116,678
1920, stock dividend, 150 per cent	45,000,000
1919, 24 per cent	7,200,000
1918, 24 per cent	7,200,000
1917, 24 per cent	7,200,000
1916, 12 per cent	3,600,000
1915, 12 per cent	3,600,000
1914, 25 per cent	7,500,000
1913, 32 per cent	9,600,000
1912, 13 per cent	3,900,000
1912, stock dividend, 2,900 per cent	29,000,000

The SPEAKER pro tempore. The gentleman's time has expired. All time has expired. The question is, Shall the rules be suspended and the resolution agreed to?

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 275, noes 12.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

EVENING SESSION

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House shall stand in recess from 6 o'clock until 8 o'clock this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. BRIGGS. Reserving the right to object, I shall not object. I would like to ask the majority leader what will be the program this evening? Will it be the Private Calendar?

Mr. TILSON. No, no. It will be the same as to-day. It will be a continuation of to-day's program.

Mr. MEAD. Reserving the right to object, may I ask the majority leader if there is any hope of the conferees of the hospital bill bringing in a report before the day is over?

Mr. TILSON. I have no information from them. We all hope that they will bring in an agreement by that time.

Mr. IRWIN. It is not the intention to call the Private Calendar?

Mr. TILSON. No. The program will be a continuation of to-day's program.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REPRESENTATIVE HENRY ALLEN COOPER'S SPLENDID WAR RECORD

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the proceedings in regard to the late HENRY ALLEN COOPER, which were prepared by the Clerk, Mr. William Tyler Page, the gentleman who prepared the American Creed. It is something he has handed to me, and I think it would be very kind to the memory of Mr. COOPER to have it in the RECORD.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, under unanimous consent I extend my remarks by inserting in the RECORD a statement of the war record of my late colleague, HENRY ALLEN COOPER, which was prepared at the time by Hon. William Tyler Page, Clerk of the House and author of the American Creed. It is a timely occasion to present this record of our deceased colleague—a great patriot, a great American, and one who was an outstanding Member of the American Congress for nearly two score of years.

It is as follows:

WHAT AN OFFICIAL OF THE HOUSE OF REPRESENTATIVES SAYS ABOUT THE ATTACKS UPON REPRESENTATIVE HENRY ALLEN COOPER'S LOYALTY

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., July 11, 1918.

Hon. HENRY ALLEN COOPER,
House of Representatives.

DEAR MR. COOPER: During your entire service in the House of Representatives I have been connected with that body. My connection with the House goes 13 years back of your own, or 37 years. This has familiarized me with the House procedure. It has been my habit and duty to keep in close touch with all that goes on in the House. Your own long record is familiar to me. Your every act and word since we entered this war are well known to me.

I am writing this letter because I have seen in a circular printed in your district a statement of your votes in Congress on war measures and declaring that you "repeatedly voted against measures to curb the efforts of spies, propagandists, and criminal agents of destruction, and prevent their interference with the effective prosecution of the war." This statement is absolutely false. The circular would make it appear that you did not support the espionage (antispy) bill by referring to your votes on an amendment dealing with only one phase of that bill.

The fact is that you did support the espionage bill in all of its features as it finally became a law. And you also voted to strengthen this law in what is known as the sedition act.

The circular is utterly misleading. Take the history of this antispy bill. As first reported to the House it contained a very drastic press-censorship section. Mr. Lenroot, now Senator from your State, and many other Members, vigorously opposed this section, even declaring it to be unconstitutional. The press of the country generally opposed it and called it a "muzzle." Judge GRAHAM moved to strike it from the bill, and this was done—yeas 221, nays 187. (CONGRESSIONAL RECORD, May 4, 1917, p. 1857.) You voted "yea," as also did many of the most prominent men in the House, Democrats and Republicans.

Then another and a little less drastic press-censorship amendment was offered. It is about this amendment that the circular says:

"On the same day he voted against an amendment to the espionage bill giving the President power to forbid and punish for the publication of information about national defense that may be of aid to the enemy."

This, taken alone, is a most unfair, misleading statement. This amendment was offered by Mr. Gard (Democrat from Ohio), and was carried by the close vote of—ayes 191, nays 185. CONGRESSIONAL RECORD, May 4, 1917, p. 1860.) On this you voted "nay," as also did Mr. Lenroot, Mr. Kahn, one of the strongest administration supporters and many other Members of prominence, Republicans and Democrats.

These were the only record votes on amendments to the bill, and they show very clearly that the only opposition to any part of the bill was to the obnoxious censorship provision, first to the original section and next to the Gard amendment. Then, on the original passage of the bill in the House, 107, including yourself, voted "nay," the opposition, including those who were unreconciled to the manner in which the obnoxious press censorship had been retained in the bill, and many who voted "yea," trusting to the Senate to strike it out.

The Senate did amend the bill very freely and sent it back to the House. Then it went to a conference committee from Senate and House. This committee reported a new censorship section. And Judge GRAHAM (a strong supporter of war measures) moved to recommit the conference report with instructions to the committee to agree to strike out the new censorship section. This motion was agreed to by the House—yeas 184, nays 144. You voted "yea," as also did Mr. Lenroot. And even Mr. Gard, himself, the proposer of the censorship amendment, voted the same way. (CONGRESSIONAL RECORD, May 31, 1917, p. 3343.)

There was no further opposition to the bill. When the conferees again reported it, it was agreed to unanimously.

All this shows the very misleading character of the circular.

The press censorship was killed and was never revived, but the bill with its many very important features became and has remained a law. And this bill, as I have said, you supported.

Those opposing the obnoxious censorship—and among them were some of the stanchest supporters of the administration—honestly believed that it dangerously abridged the freedom of the press. To say that because you or Mr. Lenroot, or any other Member, voted to recommit the bill and strike out the objectionable language, you were therefore opposed to the entire espionage bill, is as unjust as it is untrue. For the fight began and ended with this one provision. When it went out you supported the bill as finally enacted. This was the real test of your position.

Some of the drastic features of the law which you supported are summarized in the following:

Forbids the obtaining of information respecting the national defense or the instrumentalities thereof "with intent or reason to believe" that such information "is to be used to the injury of the United States or to the advantage of any foreign nation"; also the communication of any documentary information relating to the national defense to any foreign government or agent thereof, the latter offense being punishable with death. The act gives the President absolute control over the movement of all vessels, foreign or domestic, in the territorial waters of the United States, with the right to take possession of them; penalizes severely any attempt to injure vessels within American waters, or to interrupt foreign or domestic commerce, by the use of fire or explosives; authorizes the withholding of clearance from vessels suspected of carrying supplies or information to belligerent nations and the seizure of arms and ammunition intended for shipment in violation of law. It strengthens the neutrality laws of the United States, adds safeguards to prevent the abuse of passports and the counterfeiting of the Government seal, extends the use of search warrants, and imposes new restrictions upon the use of the mails. Finally it gives the President power to prohibit, by proclamation, exportations to any or all countries, except at such times and under such regulations as he may fix, and to deny clearance to any vessel, domestic or foreign, carrying such goods.

Strange it is that the circular fails to give the actual history of the censorship provision, fails to show the result of the various votes on it, and fails to show that the bill finally passed the House, and that you supported it, a fact well known here.

Hardly one of the great war measures has gone through Congress without amendment. Some of them have been amended materially. The votes on such incidental questions one way or the other did not have a vital bearing on the conduct of the war. The record of an individual Member of Congress on a given subject must be viewed from various angles to obtain a correct, just judgment. And the whole subject must be dealt with, not merely that part which suits the critic's purpose. This is only fair; but your critics seem to have forgotten that.

Your critics in the circular say:

"On March 6, 1918, Mr. COOPER voted against an amendment to the bill to prevent injury to war materials which would include in the penalties of the bill those who conspire to prevent the erection or production of war premises, war materials, or war utilities."

Again your critics refer to an amendment in order to give the impression that you opposed the bill itself. But this is entirely misleading, for you voted for this bill as it became a law.

The facts are these:

When this bill "To punish injury to war materials," etc., was before the House an amendment was offered which many believed would interfere with the right of laboring men to strike to secure better conditions of employment. On this amendment the vote stood—yeas 255, nays 59. You voted "nay." (CONGRESSIONAL RECORD, March 6, 1918, p. 3388.)

But the important point (not mentioned in the circular) is that another amendment was at once offered declaring that it was not the intent of the bill to prevent employees from agreeing together to stop work with the honest purpose of securing better conditions of employment. This was agreed to—yeas 272, nays 38. You voted in favor of this amendment. Then you voted in favor of the passage of the bill. (CONGRESSIONAL RECORD, March 6, 1918, pp. 3388–3390.) And yet the circular does not make even the slightest mention of these last two important votes of yours and so entirely misleads the average reader.

Another charge in the circular is:

"On April 12, 1910, Mr. COOPER voted against an amendment to Senate Joint Resolution 123, liability to military service of certain registered persons, which provided that quotas for the different States and Territories and for the District of Columbia, should be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption." (CONGRESSIONAL RECORD, p. 5438.)

The date given in the circular is not correct. The vote on this question was not in "1910," but on April 12, 1918.

This statement in the circular standing alone is absolutely misleading and unjust. To understand how entirely it misrepresents your attitude it is only necessary to show the facts as they plainly appear in the CONGRESSIONAL RECORD. The question then before the House was primarily one of using the men and the resources of the Government to the very best possible advantage in winning this war.

The bill was an administration measure which already had passed the Senate.

An amendment was offered, which consisted of two parts, each part being voted on separately. The first part was as follows:

"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption."

The vote on this part of the amendment was—yeas 118, nays 243. You voted "nay," as did also Mr. Lenroot, Mr. Kahn, ranking Republican of the very Committee on Military Affairs which reported the bill, and also the great majority of the House, Democrats and Republicans. So that the first part of the amendment was rejected. (CONGRESSIONAL RECORD, p. 5438.)

Then the question came on the second part of the amendment, which was as follows:

"And credit shall be given on its quota to every State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States from any State, Territory, District, or subdivisions thereof, since May 1, 1917, including members of the National Guard who were in the Federal service on that date."

The vote on this part of the amendment was—yeas 292, nays 65. You voted "yea," as also did Mr. Lenroot, Mr. Kitchin, the Democratic floor leader, and an overwhelming majority, Democrats and Republicans.

But the deceptive circular fails to mention this division of the amendment and the separate vote on each part. But most significant of all is the fact that this circular fails to mention that on the next day theh bill came to a final vote—yeas 334, nays 3, and that you voted "yea." (CONGRESSIONAL RECORD, April 13, 1918, p. 5453.)

Strange indeed it is that the circular should wholly omit to mention these last two most important votes, and thus again deliberately mislead the average reader.

This circular goes on to say:

"It is also an interesting fact in connection with Mr. COOPER'S war record that on February 15, 1915, he voted against the ship purchase bill."

This is another attempt to mislead.

We did not enter the war until more than two years later. The ship purchase bill was not a war measure. Its friends did not claim that it was. To have so claimed at that time would not have been neutral. If the shipping bill had passed in 1915, while we were at peace, we could not then, it was stated on high authority, buy the interned ships which we afterward seized, except at fabulous prices and by a possible violation of our neutrality; and thus the only ships available for purchase would have been those owned by the shipping trust who, it was claimed, could hold upon the Government for their own price. Instead of the failure of the bill costing the American people many millions of dollars, as stated in the circular, its passage at that time would, in the light of what happened, have cost the people untold millions of money, and we would not have been "kept out of war" in the campaign of 1916. Republicans voted almost solidly against the bill, joined by Mr. Kitchin, the Democratic floor leader, and other prominent Democrats. The vote was 215 to 115. (CONGRESSIONAL RECORD, February 16, 1915, p. 3923.)

To repeat, the bill was not a war measure and could not be. Since we entered the war Congress has voted every possible power to build, purchase, and commandeer ships, and the RECORD shows that these measures have all had your support.

Regarding the next paragraph in the circular, which says that you did not vote on a motion to recommit the fortifications bill with instructions to increase from $200,000 to $1,000,000 the appropriation for the purchase, manufacture, and test of ammunition for seacoast cannon, it appears that only 38 voted in favor of the motion, 219 against it, and that you were paired and did not vote. You were paired with Mr. Brown, of West Virginia, who was then ill, and later died. But the important fact (the circular does not mention it) is that the amount carried in the bill ($200,000) was the full amount of the War Department's estimate. The department did not ask for $1,000,000 but for only $200,000, and got exactly what it asked. (CONGRESSIONAL RECORD, Feb. 23, 1915, p. 4443; see also p. 4438 for department estimate.)

In concluding your speech on the proposed war declaration, you said:

"I assume that the war is to come. When it comes we will be united in support of the Government. I shall do all that I can to help achieve a victory for our country." (CONGRESSIONAL RECORD, April 6, 1917, p. 315.)

Congress declared that a state of war existed with the Imperial German Government.

On December 7, 1917, Congress declared that a state of war existed with the Royal Austro-Hungarian Government. You voted in favor of this declaration. (CONGRESSIONAL RECORD, p. 102.)

Between these two declarations Congress enacted little else than war legislation. Speaker Clark declared that the amount of business transacted was amazing, stupendous. Of the work of the House the Speaker said:

"I think every Member of this House has contributed all that was in him to the support of the Government of the United States in this great emergency * * *. I think every man has given the utmost of patriotism to his service here." (CONGRESSIONAL RECORD, October 6, 1917, p. 7918.)

Speaker Clark was right. While there were honest differences of opinion upon many propositions, these grew out of the desire of all so to legislate as to insure the best possible prosecution of the war.

But these differences were of minor importance and, as compared with the tremendous final results, served only to emphasize the unanimity of Members upon the vital fundamental problems. In the main the great majority of propositions received unanimous support, either with or without a record vote. This bears out your pledge that "we will be united in support of the Government." Regarding your companion utterance that "I shall do all that I can to help achieve a victory for our country," the RECORD shows that you have faithfully kept that promise.

At the outset you voted for the appropriation of $100,000,000 made for the national security and defense for the year 1917, and to be spent by the President in his discretion without any strings to it, and without his even being required to render an accounting (CONGRESSIONAL RECORD, May 2, 1917, p. 1701.) The President reported to Congress the chief items of expenditure and Congress reappropriated the balance for his use in 1918.

You were among the Members voting soon after war was declared to authorize the first issue of Liberty bonds. You voted also to authorize the second—the second issue. You also supported the third and fourth Liberty loan acts to meet expenditures for national security and defense and to prosecute the war. (CONGRESSIONAL RECORD, March 30, 1918, p. 4833; June 28, 1918, p. 9129.)

* * * * * * *

You voted for the first war appropriations act carrying $3,281,094,561, the largest appropriation act in the history of our country. (CONGRESSIONAL RECORD, May 2, 1917, p. 1701.) It contained the following major appropriations:

Expenses of the Signal Service	$47,000,000
Pay of officers of the line	42,000,000
Pay of enlisted men of all grades	226,000,000
Pay of enlisted men in the Quartermaster's Corps	30,000,000
Pay of enlisted men in the Medical Corps	19,000,000
Subsistence of the Army	133,000,000
Regular supplies—Quartermaster's Corps	101,800,000
Transportation of the Army and its supplies	221,963,745
Water and sewers at military posts	10,546,169
Clothing and camp and garrison equipage	231,538,548
Horses for Cavalry, Artillery, and Engineers	25,000,000
Barracks and headquarters	47,603,314
Medical and hospital department	29,780,000
Engineer equipment of troops	35,875,000
Engineer operations in the field	94,500,000
Ordnance stores, ammunition	131,048,000
Small-arms target practice	17,500,000
Manufacture of arms	55,349,000
Ordnance stores and supplies	106,550,000
Automatic machine rifles	65,900,000
Mountain, field, and siege cannon	155,000,000
Ammunition for mountain, field, and siege cannon	367,000,000
Seacoast cannon and ammunition	25,305,000
Alteration and maintenance of mobile artillery	25,000,000
Ordnance and ordnance stores, Navy	16,905,336
Ammunition for vessels	68,664,858
New batteries for ships of the Navy	22,333,000
Batteries for auxiliaries and merchantmen	19,988,800
Reserve and miscellaneous ordnance supplies	29,260,000
Pay of the Navy	75,508,672
Provisions, Navy	31,740,992
Construction and repair of vessels	57,327,340
Quartermaster's Department, Marine Corps	20,408 161

This act also granted to the President the following broad powers in connection with the Government shipbuilding program:

(a) To place an order with any person for such ships or material as the necessities of the Government to be determined by the President may require during the period of the war and which are of the nature and quantity usually produced or capable of being produced by such a person.

(b) To modify, suspend, cancel, or requisition any existing or future contract for the building or purchase of ships or material.

(c) To require the owner or occupier of any plant in which ships or materials are built to place at the disposal of the United States the whole or any part of the output of his plant and to make such deliveries as may be specified in the order.

(d) To requisition and take over for use any plant, or any part of it, whether or not the United States has a contract with the owner or occupier of such plant.

(e) To purchase or requisition for use by the United States any ship either now constructed or in the process of construction or to be constructed while the authority granted to the President by this act was valid. The authority ceases six months after a final treaty of peace is proclaimed with the German Government.

Compliance with all orders issued shall be obligatory, and the orders take precedence over all other orders and contracts. If any person shall fail to comply with the orders given to him the President may take immediate possession of any ship, material, or plant for use in such a manner as he may consider necessary or expedient. In all cases the Government shall make just compensation, to be determined by the President; and if the amount is unsatisfactory, the owner or occupier shall be paid 75 per cent of it and be entitled to sue the United States to recover his just compensation.

The cost of acquiring plants, material, or ships shall not exceed the sum of $250,000,000, exclusive of the cost of ships turned over to the Army and Navy, and for this purpose the act appropriated $150,000,000. The cost of construction of ships shall not exceed $500,000,000, and of this sum the act appropriated $250,000,000. An additional $5,000,000 was set aside for the operation of the ships authorized.

You also supported the second great war appropriation act carrying $5,356,666,000. (CONGRESSIONAL RECORD, September 18, 1918, p. 7262.)

This act made further appropriations of $635,000,000 for the emergency shipping fund, and raised the limit of cost to carry out the purposes of the shipping act to $1,734,000,000. The other major appropriations made and authorized in the act were as follows:

Subsistence of the Army	$250,000,000
Regular supplies, Quartermaster Corps	125,000,000
Transportation of the Army and its supplies	375,000,000
Clothing and camp and garrison equipage	350,000,000
Medical and Hospital Department	100,000,000
Engineer operations in the field	186,000,000
Ordnance stores and supplies	480,047,000
Mountain, field, and siege cannon	695,100,000
Ammunition for mountain, field, and siege cannon	1,440,182,750
Alteration and maintenance of mobile artillery	158,334,000
Naval emergency fund	100,000,000

You supported all appropriations for the conduct of the war to the extent of $21,000,000,000, including $7,000,000,000 in loans to the Allies.

Classified, these appropriations are as follows:

Army	$8,911,000,000
Navy	1,875,000,000
Merchant shipping fleet	1,889,000,000
Loans to the Allies	7,000,000,000
Defense fund for—	
President	100,000,000
Food and fuel control	173,000,000
Soldiers' and sailors' insurance	176,000,000
Interest on bonds and certificates	200,000,000
Civil establishment of Government	958,000,000
All other expenses	102,000,000

It may be said here, incidentally, that the large appropriation of $226,000,000 carried by this act for the pay of enlisted men of all grades was the result, in part, of the amendment to the Army draft law, proposed by Mr. Good, of Iowa, increasing the base pay of enlisted men of the Army, for which amendment you also voted. (CONGRESSIONAL RECORD, May 16, 1917, p. 2527.)

In line with your other votes for preparedness and support of war measures you supported the aviation act, which provided for additional officers and enlisted men in such numbers as the President might deem necessary, and set aside $640,000,000 in a lump sum for their pay and equipment, and for the purchase and production of all types of aircraft guns, armament, aviation fields, barracks, etc. (CONGRESSIONAL RECORD, July 14, 1917, p. 5143.)

You supported the following bills recommended by the Secretary of the Navy:

For the extension of minority enlistments in the naval service.

Increasing the age limit from 35 to 50 years for officers of the Naval Reserve Force.

Increasing the enlisted strength of the active list of the Navy from 87,000 to 150,000 and of the Marine Corps from 17,400 to 30,000, and authorizing temporary appointments and advancements to be made for commissioned and warrant officers.

Appropriating $150,000 for an air-station site for the Navy.

Providing for the payment of six months' gratuity to the dependents of any deceased retired officer or enlisted man serving on active duty during the war.

Fixing 40 cents as the commutation price of the Navy ration.

Establishing new ratings for enginemen, blacksmiths, etc., in the Navy.

You supported the trading with the enemy act. (CONGRESSIONAL RECORD, July 11, 1917, p. 4989.)

This act makes it unlawful for any person in the United States except with the license of the President to have any form of business or commercial intercourse with an enemy or ally of any enemy. Whenever, during the present war, the President shall deem that the public safety so demands, he may cause to be

censored, under such regulations as he may establish, communications passing between the United States and any foreign country he may from time to time specify. He has also the power to place an embargo upon imports from any country he may specify.

The act contains provisions for the creation of an alien property custodian and for the administration of his duties. It also provides, in an amendment made to the act in conference, that it shall be unlawful "to transport, carry, or otherwise publish or distribute any matter which is made nonmailable" by the provisions of the espionage act.

One of the most beneficent laws ever passed by this or any other Nation was the military and naval insurance act. You voted for the passage of this law. (CONGRESSIONAL RECORD, September 13, 1917, p. 7748.) This act carried a total appropriation of $176,250,000.

You voted for the Smoot amendment, increasing Civil War widows' pensions to $25 per month. (CONGRESSIONAL RECORD, October 5, 1917, p. 8590.)

You supported the bill providing for priority in shipments. (CONGRESSIONAL RECORD, June 29, 1917, p. 4502.)

During the war the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic as in his judgment may be essential shall have preference in transportation. It shall be the duty of the officers and employees of all carriers to obey promptly the President's orders, and failure to do so is punishable by a fine of not more than $5,000, or imprisonment of not more than one year, or both.

You supported the two great food laws—namely, the food survey law and the food control law. (CONGRESSIONAL RECORD, May 28, 1917, p. 3013; June 23, 1917, p. 4522; August 3, 1917, p. 6297.)

To carry out the provisions of this act the following sums are appropriated:

For the prevention, control, and eradication of the diseases and pests of livestock; the enlargement of livestock production; and the conservation and utilization of meat, poultry, dairy, and other animal products, $885,000.

For procuring, storing, and furnishing seeds, $2,500,000; and this fund may be used as a revolving fund until June 30, 1918.

For the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, $441,000.

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, $4,348,400.

For gathering authoritative information in connection with the production, distribution, and utilization of food, $2,522,000.

For miscellaneous items, $650,000.

You voted for the war revenue bill (CONGRESSIONAL RECORD, May 23, 1917, p. 3004). You voted for the amendments to that bill increasing taxes on large incomes (CONGRESSIONAL RECORD, May 23, 1917, p. 3001).

You voted for the joint resolution subjecting to the war excess profits tax the compensation of officers and employees under the United States, including Members of Congress (CONGRESSIONAL RECORD, December 18, 1917, p. 546).

Other important measures enacted during the first session of the war Congress which received your support are the following:

Authorizing the allied governments to recruit from their nationals in this country.

Authorizing the President to take over enemy vessels, and to operate and equip such vessels in the service of the United States. Under this act all German and Austrian vessels interned when the United States entered the war were brought into the service of this country. After the war their owners will be compensated for them.

Providing new car-service regulations on railroad lines, aimed to correct the car-shortage evil. The Government having since taken over the operation of railroads, the car-shortage evil is one to be dealt with directly by the Director General of Railroads.

Authorizing the issue of rifles and other equipment for organizations of home guards.

Authorizing condemnation proceedings for the purchase of lands for fortifications, coast defenses, and military training camps.

Providing that no citizen of the United States serving in an allied army or navy shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service.

Suspending labor requirements of owners of mining claims during the war.

Permitting a soldier or civilian employee of the War Department on foreign duty to make allotments of his pay for the support of dependent relatives, or for such other purposes as the Secretary of War may deem proper.

Providing for the reimbursement of seamen for property lost or destroyed in service.

Permitting coastwise trade by foreign vessels, giving preference to vessels of foreign registry owned, leased, or chartered by citizens or corporations of the United States. The powers granted in this act were limited to the present war and a period of 120 days thereafter.

Authorizing the President to appoint for service during the present emergency not exceeding 20 chaplains at large, representing religious sects not recognized in existing law, in the appointment of chaplains.

Preventing the publication of military inventions.

Protecting, under the workmen's compensation law of any State, workers in and about vessels at the docks.

During the present session you voted for the following measures:

The alien slackers bill, to deport, draft for farm labor, and to exclude from admission to this country those subject to Army service abroad. (CONGRESSIONAL RECORD, February 27, 1918, p. 2982.)

Providing for the Federal control of railroads. (CONGRESSIONAL RECORD, February 28, 1918, p. 3046.)

To prevent profiteering in houses, real estate, rents, etc., in the District of Columbia. (CONGRESSIONAL RECORD, May 12, 1918, p. 3667.)

The daylight saving bill, giving an additional hour of daylight to war workers. (CONGRESSIONAL RECORD, March 15, 1918, p. 3855.)

Creating the War Finance Corporation, capitalized at $500,000,000, providing credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities through a capital issues committee. (CONGRESSIONAL RECORD, March 21, 1918, p. 4119.)

To increase the compensation of postal employees. (CONGRESSIONAL RECORD, March 26, 1918, p. 4421.) You also voted for the Madden amendment to this bill making the salary increases permanent. (CONGRESSIONAL RECORD, March 26, 1918, p. 4418.)

To supply farmers with seed, grain, and food for livestock. (CONGRESSIONAL RECORD, March 29, 1918, p. 4659.) You previously voted for a special rule to consider this bill (March 27, 1918, p. 4480), and you voted against a motion to strike out its enacting clause (March 29, 1918, p. 4506).

Increasing the pensions of Union soldiers and sailors of the Civil War. (CONGRESSIONAL RECORD, May 6, 1918, p. 6596.) You also voted in favor of the Smoot-Bland substitute to this bill after its passage by the Senate—a more liberal provision than the original House bill. (CONGRESSIONAL RECORD, June 7, 1918, p. 8109.)

The prison labor bill—for the manufacture of cotton fabrics at the Atlanta Penitentiary. (CONGRESSIONAL RECORD, May 11, 1918, p. 6906.) Before this bill passed you voted for an amendment that the rules and regulations shall under no circumstances give to the inmates of the Atlanta Penitentiary any advantage in wages or hours of labor over free labor similarly employed in Government institutions or independent manufacturing establishments. (CONGRESSIONAL RECORD, May 11, p. 6905.)

The so-called Overman bill authorizing the President to coordinate or consolidated executive bureaus, agencies, and offices in the interest of economy and more efficient concentration of the Government. (CONGRESSIONAL RECORD, May 14, p. 7042.) You voted against an amendment to this bill to exempt the Interstate Commerce Commission from its operation. (CONGRESSIONAL RECORD, May 14, 1918, p. 7039.)

You also supported the following measures:

The soldiers' and sailors' civil rights bill—to stay court action against soldiers and sailors and giving them protection on rents, installment contracts, mortgages, insurance, taxes, and public lands.

The urgent deficiencies appropriation bill, wherein authority was given for the seizure of shipping piers of German steamship lines.

The sabotage bill, aimed at enemy agents destroying war materials or obstructing the United States or any associate nation in the prosecution of the war, and providing a fine of $10,000 or imprisonment for 30 years for infraction. (CONGRESSIONAL RECORD, March 6, 1918, p. 3390.)

Amending naturalization laws and giving citizenship to 120,000 friendly aliens in the Army and Navy. (CONGRESSIONAL RECORD, May 3, 1918, p. 6490.)

Increasing from $250,000 to $500,000 the appropriation for the work of eradicating tuberculosis in livestock. (CONGRESSIONAL RECORD, February 1, 1918, p. 1692.) The provision was lost.

Authorizing the President to call the Philippine forces into war service.

Providing for housing and lands for shipyard and munition workers.

To pay gun pointers and captains in the Navy while absent.

Restoring discharged enlisted men to former grades if discharged to accept commissions.

Regulating the pay of retired chief warrant officers of the Navy.

Allowing indemnities to France for damages caused by American forces.

To pay traveling expenses in the Army when "on duty under competent orders."

For the transportation of shipyard employees.

Appropriating $1,000,000 for ordnance testing in the Navy.

Authority for housing for war needs.

Regulating passports to require rigid restrictions in departure from, or entry into, this country during the war.

Amending the war risk insurance act for soldiers.

For the rehabilitation of disabled soldiers by vocational education.

The constitutional amendment for woman suffrage.

The constitutional amendment for national prohibition.

Authorizing the President to take over and operate telegraph, telephone, and radio systems of communication.

You are constantly present in the House. If I did not know this by actual observation I would know it by your record on roll calls. Since we entered the war there have been 298 roll calls. You answered or voted upon 285, or a percentage of 92. I doubt if there is another as good a record for attendance in the House, and I am sure there is none better.

Knowing you intimately, both officially and personally, as I have during the 24 years of your service in the House, and knowing

the esteem in which you are held by Members of the House on both sides for your ability, your devotion to duty, and your high character, I was amazed to read in the circular to which I have alluded an implication, if not a direct charge, of disloyalty toward our Government. Nothing to my mind could be baser, more unjust to you and to your family, or farther from the truth, than such a charge. It exhibits an utter disregard of the facts as herein set forth, and is evidently a mean, cheap, and base political scheme to discredit a man whose long career in public life has been honorable and useful, and whose every act and vote since our country went to war has been as patriotic as that of the President himself, whose policies and measures for the vigorous prosecution of the war and the achievement of victory you have consistently supported.

Very truly yours,

WM. TYLER PAGE.

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. HAUGEN]?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, with Senate amendments, and agree to the Senate amendments.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HAUGEN] moves to suspend the rules and take from the Speaker's table the bill (H. R. 16836) with Senate amendments and concur in the Senate amendments.

The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments as follows:

Page 3, after line 14, insert:

"SEC. 3. That section 15 of the agricultural marketing act, approved June 15, 1929, is amended by adding at the end thereof a new subdivision to read as follows:

"'(g) As used in this act, the term "agricultural commodity" includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the naval stores act, approved March 3, 1923.'"

Page 3, line 15, strike out "3" and insert "4."

Page 3, line 16, after "enactment," insert "except section 3, which shall take effect upon the approval of this act."

Amend the title so as to read: "An act to amend the act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, as amended, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. Mr. Speaker, I demand a second.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABATH. I notice this amendment is completely foreign to the House bill. I would like to know whether it is subject to a point of order?

The SPEAKER pro tempore. Senate amendments are not subject to a point of order in the House on the ground that they are not germane to the text of the House bill.

Mr. SABATH. I have demanded a second.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HAUGEN] is recognized for 20 minutes, and the gentleman from Illinois [Mr. SABATH] will be recognized for 20 minutes, later.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker and Members of the House, if I may have your careful attention for just about a minute and a half, I think I can make this matter plain to you.

Mr. Speaker and ladies and gentlemen, may I say to those of you who are interested in the oleomargarine bill as it passed the House that the Senate amendment now before us does not change the language of that particular bill itself in the slightest degree. The amendment added by the Senate simply puts in another unrelated and distinct matter after the custom and habit of that body in connection with legislation of this and other forms. When they desire to get through some proposition then frequently it is attached to another bill which is sure of passage although it may not at all be related to the matter under discussion.

May I say again that the new amendment does not affect the oleomargarine feature of the bill at all as it was passed by the House, but it does admit to the classification of "agricultural commodities" what we know as naval stores, and is in the form of an amendment to the Agricultural Marketing Act. The Farm Board has been importuned many times by the farmers who produce resin and turpentine to admit within the classification of "agricultural commodities" these products of the southland that are known as naval stores.

These applications have been rejected each time by a hair-line decision rendered upon the matter, and finally the Farm Board has said they preferred legislation should be enacted. In consequence a bill was favorably reported to that end by the Committee on Agriculture of the House, and is now upon the calendar.

Basing its action upon that bill, which our committee on agriculture favorably reported to the House, the Senate, incorporating not our exact language but the principle of it, has put upon this oleomargarine bill the amendment which has been read from the Clerk's desk. That is all there is to it.

I believe that the Senate amendment is carefully drawn. It is clearly intended to bring the former producers of resin and turpentine within the scope of the marketing act. It only applies to oleoresin (crude gum) and to gum spirits of turpentine and gum rosin processed by original producers. These former growers and processors can secure the benefits accorded to producers of other agricultural commodities if the amendment is agreed to. According to House rules the amendment has no place in the bill but its adoption in no wise affects the oleomargarine bill in itself, while a vote in opposition is virtually a vote to kill the bill.

May I therefore say to every friend of the oleomargarine bill upon the floor that there is not the slightest reason from the standpoint of that legislation why this amendment should not be agreed to, and I hope that every vote will be cast in favor of it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, the action of the Senate in incorporating the amendment that has just been read from the Clerk's desk illustrates the very unfair and very unscientific way in which legislation sometimes comes back to this body from the other end of the Capitol.

I opposed the oleomargarine bill upon one broad objection, and that was that I was unwilling to vote for any bill which levied a domestic tax upon the consumers of this country to favor one commodity in competition with another. I voted against the bill when the matter was in the House. I am still opposed to the oleomargarine features of that bill for the reasons stated in my statement when the matter was up for consideration.

Now, they send it back here with a proposition in which a great many gentlemen from my immediate section of the country are very greatly interested, a bill that is of a very great deal of importance to the turpentine and naval stores industry of the Southern States, my own State included.

I merely rise here to protest against that character of legislation and to protest against a parliamentary procedure

that enables the other body to place men in the position in which I now find myself placed. As an independent proposition I would be very happy, in fact, very much pleased, to vote for the Senate amendment, but however much I regret to vote against a proposition involving the interests of my own section of the country I do not propose to stultify my conscience by accepting the provisions of the oleomargarine bill. Therefore I shall vote against the amendment.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I find myself exactly in the same position as the distinguished gentleman from Alabama, with this difference, that I voted with you farmers on the oleomargarine bill. But I can not go along on any such kind of legislation. There is not a Member in this House who has stood up more in defense of the other branch of the Legislature than I have. I think it is a great legislative body, but any such action as putting an unrelated subject on a bill in the last moments of a session is a most vicious kind of parliamentary procedure. [Applause.]

Now, gentlemen, mark you. This takes all naval stores and brings them within the provisions of what is called the farm relief law. Imagine Mr. Legge, who made such a great success at wheat, going out and cornering the available supply of turpentine and other naval stores contemplated within this amendment. Are you gentlemen prepared to make loans to the naval stores people? Who will come in next? Do you realize how far-reaching this amendment is?

This subject of naval stores has come before us several times. Amendments were offered when we had the farm relief bill under consideration, but we voted them down.

I submit it is manifestly unfair to add this rider to a bill which may have a great deal of merit and expect the House of Representatives to vote on it in this fashion.

I say to my farmer friends that I went the whole limit with you on your oleomargarine bill, at great personal political risk, but I can not stomach anything like this, and I am going to ask all of the Members to protest against this kind of procedure and to protect the integrity of the House by voting down this proposition at this time. [Applause.]

Mr. ANDRESEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ANDRESEN. The gentleman has always been a good friend of the farmer?

Mr. LAGUARDIA. Yes.

Mr. ANDRESEN. Then, why should he punish all of the dairy farmers of the United States on account of the action of another legislative body?

Mr. LAGUARDIA. That is a fair question. Because, in the regular procedure, the bill should go to conference, and in conference this unrelated extraneous subject could be stricken from the bill.

Mr. ANDRESEN. And kill the bill?

Mr. LAGUARDIA. No; not at all.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HUDSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HUDSON. If sufficient votes are cast against this amendment, does that defeat the oleomargarine bill?

The SPEAKER pro tempore. It would defeat the motion of the gentleman from Iowa to suspend the rules.

Mr. HUDSON. Would not the bill be sent to conference?

The SPEAKER pro tempore. This is a motion to concur in the Senate amendments.

Mr. HUDSON. But would not the bill be sent to conference?

The SPEAKER pro tempore. It would not. The bill will remain on the Speaker's table and may not have another chance.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. If this is voted down, the bill is defeated and it can not be called up afterwards and go to conference, as I understand the procedure.

The SPEAKER pro tempore. The Chair would say that as a practical proposition it would amount to a defeat. Of course, the bill will still be on the Speaker's table.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CRISP. This not being a privileged bill, if it is voted down, the only way it could come up, even to be sent to conference, would be by a rule or by unanimous consent, or by another motion to suspend the rules and send it to conference.

The SPEAKER pro tempore. The Chair thinks that is correct.

Mr. CHINDBLOM. Or by rule from the Rules Committee.

Mr. CRISP. The Chair stated that.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, I quite agree with what the gentleman from New York [Mr. LAGUARDIA] has said.

I do not know, however, of anything worse than taxing one industry out of existence for the purpose of helping another industry. I do not believe this taxing of oleomargarine 10 cents a pound will help the butter industry one particle. It is a matter of production, it is a matter of supply and demand, and I shall watch the papers with a very great degree of interest to see whether or not butter advances after you tax oleomargarine out of existence. I shall also look with interest to see whether this matter is taken to the United States Supreme Court, because I do not believe it is constitutional. Whether any of these men will take it to the United States Supreme Court and demonstrate that fact, I do not know; but I do want to say to the men representing the farmer interests, I want you to watch the papers with me, and I predict that this taxing of oleomargarine, this destruction of a great industry of this country, this destruction of an industry which employs several thousand men will not redound to your benefit. The whole question is one of supply and demand and the amount of production, and these are matters that will always control the price.

Mr. CHRISTGAU. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. CHRISTGAU. As to the matter of supply and demand, if you increase the consumption, you increase the demand, do you not?

Mr. LINTHICUM. I do not see how you are increasing the demand.

Mr. CHRISTGAU. If you substitute oleo for butter, you naturally decrease the demand for butter, do you not?

Mr. LINTHICUM. So many farmers are going into the dairy business and so many of them are having more cows and manufacturing more butter that you must lessen the amount of the supply if you want increased prices. You can not do this by eliminating oleomargarine, because it will still be purchased and colored at home, and the people will get it in this way just the same.

Mr. SABATH. Mr. Speaker, to me it is not to-day a question of the oleo or the tax—it is instead a question of the privileges of the House and the abuse of those privileges on the part of the Senate. I think the action of the Senate in adding this amendment to the bill is unjustifiable, and should not be tolerated by the House. This is all I now wish to say on this matter.

The SPEAKER pro tempore. The question is shall the rules be suspended and the bill (H. R. 16836), with Senate amendments, taken from the Speaker's table and the Senate amendments concurred in.

Mr. SPROUL of Illinois. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the Senate amendments agreed to.

MANUSCRIPT ENTITLED "WASHINGTON, THE NATIONAL CAPITAL"

Mr. BEERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 39) and agree to the same.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there shall be printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of the manuscript entitled "Washington, the National Capital," prepared by H. P. Caemmerer, of which 1,000 copies shall be for the use of the Senate and 2,700 copies for the use of the House of Representatives, and the remaining copies shall be available for distribution as the Joint Committee on Printing may direct.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate concurrent resolution?

There was no objection.

The Senate concurrent resolution was agreed to.

AMENDMENT OF THE REVENUE ACT OF 1926

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution (H. J. Res. 529) relating to the revenue, reported from the Committee on Ways and Means.

The Clerk read as follows:

House Joint Resolution 529

Resolved, etc., That the first sentence of subdivision (c) of section 302, of the revenue act of 1926, is amended to read as follows:

"(c) To the extent of any interest therein of which the decedent has at any time made a transfer by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, including a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of or the income from the property, or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth."

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, and I shall object unless the gentleman explains just what the bill is.

Mr. HAWLEY. Mr. Speaker and gentlemen, the Supreme Court yesterday handed down a decision to the effect that if a person creates a trust of his property and provides that, during his lifetime, he shall enjoy the benefits of it, and when it is distributed after his death it goes to his heirs—the Supreme Court held that it goes to his heirs free of any estate tax.

This resolution is to provide that hereafter such shall not be the law. This decision will cost the Treasury of the United States $25,000,000. That is, it will necessitate refunds in that amount. The Treasury does not know how many such trusts will be found before Congress meets again, but the opinion is that a great many will be, and it will take a very large sum from the Treasury unless this corrective legislation is enacted.

Mr. SCHAFER of Wisconsin. This is a bill to tax the rich man. I shall not object.

Mr. COLLINS. I would like to have a little more explanation.

Mr. SABATH. Reserving the right to object, all the resolution purports to do is to place a tax on these trusts that have been in vogue for the last few years for the purpose of evading the inheritance tax on the part of some of these rich estates?

Mr. HAWLEY. It provides that hereafter no such method shall be used to evade the tax.

Mr. SABATH. That is good legislation.

Mr. HAWLEY. Yesterday afternoon the Supreme Court of the United States handed down decisions in three cases—Burnet against Northern Trust Co., Moraman against Burnet, and McCormick against Burnet—in which the court held that where an owner of property had made a transfer in trust reserving the income of the property, or the right to dispose of the income therefrom, to himself for his life, with remainder to others after his death, the value of the property should not be included in the estate of the donor for purposes of Federal estate tax upon his death.

Section 302 (c) of the revenue act of 1926 provides, as follows:

SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated. * * *

(c) To the extent of any interest therein of which the decedent has at any time made a transfer by trust or otherwise in contemplation of or intended to take effect in possession or enjoyment at or after his death except in a case of a bona fide sale for an adequate and full consideration in money or money's worth. * * *

It had generally been considered that this provision of the statute covered cases such as those referred to above. The Treasury Department had so construed the statute since the first Federal estate tax law in 1916 and its regulations so provide. If, for example, the owner of property transferred the title to his house to a trustee for the benefit of his children after his death, but in the meantime reserved the use, income, and enjoyment of the house to himself during his own lifetime, it was supposed that the value of the property at the date of his death should be included in his estate for purposes of estate tax. Under the decisions rendered yesterday the property would not be included in computing the Federal estate tax.

It is entirely apparent that if this situation is permitted to continue, the Federal estate tax will be seriously affected. Entirely apart from the refunds that may be expected to result, it is to be anticipated that many persons will proceed to execute trusts or other varieties of transfers under which they will be enabled to escape the estate tax upon their property. It is of the greatest importance therefore that this situation be corrected and that this obvious opportunity for tax avoidance be removed. It is for that purpose that the joint resolution is proposed.

WASHINGTON, *March 3, 1931.*

MY DEAR MR. SPEAKER: The Supreme Court of the United States has recently had before it the following three cases:

1. A places property in trust by a deed which provides that the income shall be paid to B for his life, then to A for her life, and then that the trust shall terminate upon the death of A, at which time the property shall be distributed among the children of A. (May *v.* Heiner.)

2. A places property in trust by a deed which provides that the income therefrom shall be paid to A for her life and upon her death that the trust shall terminate and the property shall be distributed among her children. (Burnet *v.* Northern Trust Co., executor of Van Schaick.)

3. A places property in trust by a deed which provides that A shall have the right to call upon the income therefrom to supplement her income from other property if it falls below a given sum; reserves the right to dispose of the remainder of the income by ordering its payment to others and which further provides that the trust shall terminate upon the death of the last of her three children, at which time, if A is surviving, the property will be paid over to her, and, if not, will then be paid to the issue of her children. (McCormick *v.* Burnet.)

The Supreme Court by decisions rendered yesterday afternoon in the Van Schaick and McCormick cases, following its decision in the case of May *v.* Heiner, held that the value of the property comprising each of the foregoing three trusts, at the date of A's death, was not to be included in the decedent's gross estate as a transfer "intended to take effect in possession or enjoyment at or after his death."

The effect of these decisions is that transfers of this character are held not to be within the language of section 302 (c) of the revenue act of 1926, or of prior acts having similar language, as follows:

"SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated. * * *

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. * * *"

It is believed desirable, in view of the character of these transfers and in order to prevent tax evasion, that they be included in the statute. The Treasury has, therefore, drafted a proposed joint resolution, which is inclosed, amending the statute so as to include such transfers.

Without this amendment, the Federal estate tax will be seriously affected. It has been estimated that the effect of these Supreme Court decisions will be to cause a loss in excess of one-third of the revenue derived from the Federal estate tax, with anticipated refunds of in excess of $25,000,000. While it is real-

ized that very little time remains at this session, it is hoped that the Congress may take action by joint resolution to correct this situation.

Very truly yours,

OGDEN L. MILLS,
Acting Secretary of the Treasury.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to make a statement for three minutes on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, ladies and gentlemen, so that the next Congress may realize this situation and may have an opportunity to think it over, I want to say that the Supreme Court yesterday handed down a decision in which it held that a trust made by a person of great wealth, say $500,000,000, could provide for the income of it for his life and that all of the property at a certain time shall go to his children and escape the tax.

The Committee on Ways and Means this afternoon had a meeting and unanimously reported the resolution just passed. We did not make it retroactive for the reason that we were afraid that the Senate would not agree to it. But I do hope that when this matter is considered in the Seventy-second Congress we may be able to pass a bill that will make it retroactive.

The Treasurer estimates that there will be a refund of $25,000,000 to those who have died and had their estate taxed. What we hope in this resolution is to stop up this gap in the future. I hope in the next Congress a bill may be passed that will reach back and let the Supreme Court have one more guess. I use that word advisedly, they did guess and gave the exemption to these people who have made these trusts.

Mr. LAGUARDIA. This is to give timely notice that in the next Congress it will be made retroactive?

Mr. GARNER. I have strong hopes that the next Congress will make it retroactive.

Mr. BLACK. Was the Supreme Court decision based on a constitutional question, or a discussion of the statute?

Mr. GARNER. It was on the statute itself, and was not constitutional.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE HENRY ALLEN COOPER

The SPEAKER announced the following committee to attend the funeral of the late Representative HENRY ALLEN COOPER, which the Clerk read, as follows: GILBERT N. HAUGEN, of Iowa; JOHN M. NELSON, of Wisconsin; EDWARD E. BROWNE, of Wisconsin; JAMES A. FREAR, of Wisconsin; HENRY W. TEMPLE, of Pennsylvania; WILLIAM H. STAFFORD, of Wisconsin; CARL R. CHINDBLOM, of Illinois; HUBERT H. PEAVEY, of Wisconsin; JOHN C. SCHAFER, of Wisconsin; GEORGE J. SCHNEIDER, of Wisconsin; ROBERT G. SIMMONS, of Nebraska; JOHN C. ALLEN, of Illinois; MICHAEL K. REILLY, of Wisconsin; JOHN T. BUCKBEE, of Illinois; CHARLES A. KADING, of Wisconsin; MELVIN J. MAAS, of Minnesota; EDMUND F. ERK, of Pennsylvania; MERLIN HULL, of Wisconsin; PAUL J. KVALE, of Minnesota; EDWARD W. POU, of North Carolina; J. CHARLES LINTHICUM, of Maryland; R. WALTON MOORE, of Virginia; LUTHER A. JOHNSON, of Texas; SAM D. MCREYNOLDS, of Tennessee; PEDRO GUEVARA, Resident Commissioner of the Philippine Islands.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America; and

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 6210. An act to amend the second deficiency act, fiscal year 1930; and

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes; and

S. 6072. An act for the relief of C. H. Price.

The message also announced that the Senate had disagreed to the amendment of the House to a bill of the following title:

S. 2811. An act for the relief of Oscar R. Hahnel.

APPOINTMENT TO JOINT COMMITTEE ON PRINTING

The SPEAKER. Pursuant to the act of Congress approved March 3, 1917 (39 Stat. 1121; U. S. C., title 44, sec. 2), the Chair appoints the gentleman from West Virginia [Mr. SHOTT] to fill the vacancy of the Joint Committee on Printing.

BOOKS FOR THE ADULT BLIND

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 528, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 528

Resolved, etc., That to enable the Librarian of Congress to carry out the provisions of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1932 the sum of $100,000.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LITTLE ROCK AIR DEPOT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15493, to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., with Senate amendments thereto, agree to the first amendment and disagree to the second amendment.

The SPEAKER. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill and the Senate amendment as follows:

Page 1, after line 12, insert:

"SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Baltimore & Ohio Railroad Co. a right of way, for railroad purposes, in such location as the Secretary of War may approve, across the Bolling Field Military Reservation, District of Columbia, as now and to be enlarged under authority of the act approved February 26, 1929 (45 Stat. 1303), in exchange, on such terms and conditions as the Secretary of War deems necessary, for the right, title, and interest of the Baltimore & Ohio Railroad Co. in the right of way occupied by it as now located and constructed across said property: *Provided*, That the expense incident to effecting said exchange, including grading and relocation on the new right of way of existing tracks and facilities, shall be payable from funds heretofore appropriated or those authorized to be appropriated, when available, for improvement of the landing field at Bolling Field."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The Clerk read as follows:

Page 1, after line 12, insert:

"SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., to be removed and sold or otherwise disposed of, and the sum of $228,000

is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the cost of such removal and disposal: *Provided*, That any balance remaining from this appropriation may be applied to such protection and improvement work on the Virginia side of the river, in the area included in the approaches to the Aqueduct Bridge and the new Francis Scott Key Bridge, as may be deemed necessary to insure that the surrounding conditions, after the removal of the old bridge, shall harmonize with the design of the new bridge and in no way endanger the said structure."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was rejected.

The title was amended to read: "An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes."

PRIVATE CLAIMS

Mr. SNELL. Mr. Speaker, I call up House Joint Resolution 522 and ask unanimous consent for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Joint Resolution 522

Resolved, etc., That a joint committee of Congress is hereby created, consisting of four Senators, to be appointed by the Vice President, and four Members of the House of Representatives of the Seventy-first Congress, who are Members elect to the Seventy-second Congress, to be appointed by the Speaker, whose duty it shall be to investigate and report to the first session of the Seventy-second Congress, by bill or otherwise at any time, upon the procedure with respect to the presentation to Congress of private claims, including a reviewing agency for such claims, the form and manner of presentation to Congress, and the data that should be presented therewith.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

R. P. BIDDLE

Mr. IRWIN. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 2047) for the relief of R. P. Biddle, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Line 8, strike out "$1,320" and insert "$423.56."

The Senate amendment was concurred in.

JOHN SANFORD TILLOTSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10562) for the relief of John Sanford Tillotson, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The Senate amendments were concurred in.

FRANK MICHEL AND BARBARA MICHEL

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12632) for the relief of Frank J. Michel and Barbara M. Michel and others, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 1, line 6, strike out "$5,000" and insert "$2,500."
Page 2, line 6, strike out "$5,000" and insert "$2,500."
Page 2, line 17, strike out "$5,000" and insert "$2,500."

The Senate amendments were concurred in.

RELIEF OF CERTAIN DISBURSING OFFICERS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8677) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 4, line 4, after the word "States," strike out the colon and the rest of the line and all of lines 5, 6, and 7.

Page 6, after line 21, insert:

"SEC. 14. That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

"Clarence M. Exley, major, Finance Department, the sum of $22.56, representing public funds for which he is accountable, being payment of mileage of two officers of the Army traveling on orders of the War Department.

"William A. MacNicholl, major, Finance Department, the sum of $145.70, representing public funds for which he is accountable, being payment of mileage and expenses to an officer of the Army traveling on orders of the War Department.

"Arthur O. Walsh, captain, Finance Department, the sum of $84.60, representing public funds for which he is accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Austin H. Brown, major, Finance Department, the sum of $46.58, being the amount he has refunded to the United States on account of disallowances in his account as a disbursing officer."

The Senate amendments were concurred in.

THOMAS C. EDWARDS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8953) for the relief of Thomas C. Edwards, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the claim of Thomas C. Edwards growing out of losses suffered under contracts of June 13, 1917, for delivering hay to the Quartermaster Corps, Fort Sam Houston, Tex., is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of the losses suffered due to conditions arising out of the late war, to the cancellation of orders given by the Government for the delivery of the hay, and the encountering of a severe drought."

The Senate amendment was concurred in.

LOS ANGELES WATERSHED

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11969) withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table the bill H. R. 11969, with Senate amendments, and agree to the Senate amendments.

The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments, as follows:

On page 1, line 6, after the words "protecting the," strike out the word "watershed" and insert in lieu thereof the words "watersheds now or hereafter."

On page 1, line 7, after the word "Angeles," strike out the comma and insert in lieu thereof the words "and other cities and towns in the."

On page 2, line 1, before the words "east half," strike out the word "The" and insert in lieu thereof the words "All of section 1" and a semicolon.

On page 9, line 6, after the words "northeast quarter" and before the words "lot 1," insert a comma.

On page 13, line 23, before the word "half," strike out the word "east" and insert in lieu thereof the word "west."

On page 15, line 11, after the words "west half," strike out the word "southwest" and insert in lieu thereof the word "southeast."

On page 16, line 10, after the words "east half" and before the word "the," insert a comma.

On page 18, line 4, after the words "lot 2" and before the word "quarter," strike out the word "northeast" and insert in lieu thereof the word "northwest."

On page 30, line 21, after the words "east half" and before the word "the," insert a comma.

On page 32, line 17, after the words "south half" and before the word "the," insert a comma.

On page 34, line 8, after the word "northwest," strike out the word "half" and insert in lieu thereof the word "quarter."

On page 40, line 10, after the word "meridian" and the semicolon, insert the following: "all the unsurveyed portions of section 19, township 2 north, range 27 east, and sections 13 and 24 of township 2 north, range 26 east, known as Bird Island; ".

On page 49, line 5, after "section 1" and before the semicolon insert a comma and the following: "township 3 south, range 29 east, Mount Diablo meridian."

On page 49, line 19, after the word "highways" and the comma and before the word "ditches," insert the word "reservoirs" and a comma.

On page 49, line 24, after the word "any" and before the word "lawful," insert the words "existing valid water right or."

On page 50, line 12, after the word "for" and before the word "grazing," insert the words "recreational or"; also, in the same line, after the word "purposes" and before the period, insert the following: "under such rules and regulations as the Secretary of the Interior may deem necessary to conserve the natural forage resources of the area."

Amend the title so as to read: "An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

Mr. SWING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWING. This bill simply reserves to the United States for such disposition as Congress may hereafter authorize the public lands described in the bill protecting, however, all existing rights heretofore initiated. There is nowhere in the bill any hidden authority given to the Secretary of the Interior or the President to withdraw any lands other than those expressly described in the bill. I say this as the author of the bill and also because I know that is the clear intention of Congress and there can not possibly be any question or uncertainty arise hereafter in the administration of the bill when it becomes a law.

CLAIMS OF GRAIN ELEVATORS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H. J. Res. 303) to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 303) with Senate amendments, and agree to the Senate amendments.

The Clerk will report the resolution and the Senate amendments.

The Clerk reported the House joint resolution by title and read the Senate amendments, as follows:

On page 2, line 22, strike out the comma after the word "elevator" and insert a colon.

On page 2, lines 22 and 23, strike out the words "which latter declaration shall be supported by satisfactory evidence."

On page 3, lines 1 and 2, strike out the words "or settled by the Comptroller General of the United States" and insert in lieu thereof the following: "nor where claimant actually profited by the delay nor where claimant filed a claim for such interest and insurance in any case prior to 1922."

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. STRONG]?

Mr. STAFFORD. Reserving the right to object, as I read the proposed Senate amendments, it would authorize the Comptroller General to settle claims upon the say-so of various claimants, merely under oath.

Mr. STRONG of Kansas. No. The record of these transactions is in the books of the Government's Grain Corporation. This was a contract made between the Government and elevators at the time of Government control of the price of grain, wherein they agreed that if the elevators would not charge so large a profit they would pay them seven-twentieths of 1 cent storage per bushel per week, to cover storage and insurance.

Mr. STAFFORD. Provided there were not railroad facilities adequate to take the grain away?

Mr. STRONG of Kansas. Yes. As soon as the contract was at an end, the large companies having auditors, went in and got their money. The small elevators, the 1-man elevators throughout the Northwest did not make collection of what was due them.

When they came to make their collections objection was made because there was no record of the ordering of cars. Cars would often be ordered by telephone from the elevator to the depot, and no record was made. Each week a statement was required by the Government from those elevators. Those statements were made out and sent to the Grain Corporation. So those statements are with the Grain Corporation and nowhere else. This bill was introduced and passed, asking the Government to pay what the Government's books show is due these elevators. The bill was passed by the House and Senate last year and signed by the President, and the Comptroller General suggested an amendment this year. This is the amendment agreed on.

Mr. STAFFORD. Oh, he asked an amendment because he said they did not have the records to prove that they had any claim whatsoever for this fund.

Mr. STRONG of Kansas. No. They have the records showing the amount of grain so held in storage because of lack of cars to make shipment.

Mr. STAFFORD. I yield to any person to try to satisfy me whether these claims have any other basis for allowance than the mere affidavit of the claimant?

Mr. STRONG of Kansas. The record of each transaction is with the Government.

Mr. STAFFORD. I have read the comment of the Comptroller General, and I read this morning the letter from the comptroller to the gentleman from Kansas [Mr. STRONG], and the matter is rather fresh in my mind.

Mr. BURTNESS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BURTNESS. Referring specifically now to the Senate amendment, all the Senate amendment does with reference to providing any force to the affidavit is to permit the affidavit to take the place of proof with reference to the ordering of cars and the failure to deliver cars.

Mr. STAFFORD. That is as I understand it. Upon the say-so of any claimant he is to have the right to have this money paid to him?

Mr. BURTNESS. The say-so of the claimant will be accepted as proof of the ordering of the car, but as far as the claim itself is concerned, the claim is based upon all of the evidence in the files of the Grain Corporation, which has been examined by the Comptroller General, which is found to be correct except for the fact that the evidence file lacked sufficient evidence to satisfy the comptroller to the effect that the cars were ordered. Now, the orders for cars in many cases were not in writing or, if in writing, have been destroyed a long time ago under permission of the Interstate Commerce Commission which deals with the length of time that written evidence must be filed. Many of the orders were verbal orders by telephone, and so forth.

So this amendment now permits the furnishing of evidence of that sort in the place of evidence that could never under Heaven be furnished at this late date, namely, evidence filed with the railroad company.

Mr. STAFFORD. How much will these claims aggregate?

Mr. BURTNESS. Something like $200,000 or $300,000.

Mr. DICKSTEIN. Mr. Speaker, I object.

Mr. LaGUARDIA. I trust the gentleman will not object. I studied this bill during the whole of the last session and I know that failure to pass it would result in unfairness to a lot of little men.

Mr. DICKSTEIN. Why is not a bill like this brought up at the proper time?

Mr. LAGUARDIA. It has been on the Consent Calendar; the House passed it, and the Senate amended it. If it is passed now we can clean this up and it will help a lot of little fellows. The big elevator men have already gotten their money.

Mr. DICKSTEIN. Mr. Speaker, I withdraw my objection.

Mr. STAFFORD. Let me have a clear understanding as to the amount. The other day a bill slipped by involving $1,500,000. It slipped by because the author either did not know or withheld stating the amount involved for the purchase of additional land. That was a bill relating to the Colonial National Park. We originally authorized a park of 2,000 acres in extent. They doubled it for some reason or another and levied a charge of $1,500,000 on the taxpayers. I want a definite statement from somebody as to what the aggregate amount of these claims will be, because I do not intend to allow the Treasury to be invaded to the extent of $1,000,000 or $2,000,000 upon the mere filing of an affidavit by some claimant.

Mr. BURTNESS. They can not possibly exceed some $700,000 or $800,000, but with this Senate amendment I doubt very much whether they will amount to one-third of that figure.

Mr. STAFFORD. What has the gentleman from Kansas to say about it?

Mr. STRONG of Kansas. I have no actual knowledge of what the whole amount will be except that we have found no claim that went over $1,200. These claims are owned by a lot of little country elevators; and they may not all come in, because some have gone out of existence.

Mr. STAFFORD. The gentleman is interested because of elevators in his district.

Mr. STRONG of Kansas. I have not one in my district nor one in my State that I know of. I am only acting as chairman of the War Claims Committee. These elevators are in the Northwest.

Mr. STAFFORD. Then the gentleman has no information as to what the total amount may be?

Mr. STRONG of Kansas. No.

Mr. STAFFORD. But the gentleman is of the opinion that they will not aggregate more than $200,000 or $300,000?

Mr. BURTNESS. That would be my best estimate.

Mr. LAGUARDIA. They are all small claims. The big elevator men have been paid in full and these little men are still unpaid. We have held it up for a long time.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

COMPENSATION OF THE SECRETARY OF THE TERRITORY OF ALASKA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11368) to fix the annual compensation of the secretary of the Territory of Alaska, and concur in the Senate amendments.

The SPEAKER. The gentleman from Vermont asks unanimous consent to take from the Speaker's table House bill 11368 and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments, as follows:

Page 1, line 5, strike out "$4,400" and insert "$5,600."
Page 1, line 5, after the word "annum," insert "and that of the governor at $10,000 per annum."
Amend the title.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

The title was amended.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word for the purpose of calling the attention of the House to the fact that, although the House turned down a salary of $10,000 for the Governor of Alaska, it has now gone through without objection.

FEDERAL FARM LOAN ACT

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H. R. 12063, to amend section 16 of the Federal farm loan act.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 12063 and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I understand, the House bill permitted a joint-stock land bank to acquire a number of other joint-stock land banks, but the Senate amendment is restrictive as to the number that may be acquired.

Mr. McFADDEN. In the number of States in which they can operate.

Mr. STAFFORD. As the bill passed the House they were privileged to operate in eight States but the Senate amendment restricts them to five.

Mr. McFADDEN. Yes.

Mr. STAFFORD. And there is also a provision which requires that the States must be contiguous to the parent bank.

Mr. McFADDEN. The gentleman is correct.

Mr. LUCE. Mr. Speaker, reserving the right to object, will the gentleman inform me whether this is what is called the Letts bill?

Mr. McFADDEN. It is not.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

WIND CAVE NATIONAL PARK, S. DAK.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5248, to extend the boundaries of Wind Cave National Park, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of Senate bill 5248, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the boundaries of Wind Cave National Park in the State of South Dakota are hereby extended to include the lands within the east half of the southwest quarter, southeast quarter section 26, south half of section 25, east half of section 33, township 5 south, range 5 east, and south half section 30, township 5 south, range 6 east, Black Hills meridian, South Dakota, comprising in part a part of the Harney National Forest. Such lands are hereby made a part of Wind Cave National Park and shall hereafter be subject to all laws and regulations applicable to such park.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I recall, the Secretary of Agriculture made some reference to section 33; has that been corrected in the bill as proposed now?

Mr. WILLIAMSON. I may state to the gentleman that the Secretary of Agriculture, from whose department a part of these lands will be transferred, and the Secretary of the Interior agree as to the 1,200 acres referred to in the report, but the Secretary of Agriculture has raised some question as to the 320-acre tract—in his own report here he does not claim that the 320 acres have any value as forest land. The main purpose here is to conserve and add to the water supply of Wind Cave National Park, which is used by the Biological Survey as a game preserve for large herds of elk and buffalo. There are also a considerable number of deer, and, I understand, some antelope within the park.

Mr. STAFFORD. Wherein does this bill differ from the bill sponsored by the gentleman's colleague from North Dakota [Mr. HALL]?

Mr. WILLIAMSON. It has no relation whatever to that bill. Wind Cave National Park is located in South Dakota and has been established as a national park since 1903. It was made a game preserve in 1912, if I remember correctly.

Mr. STAFFORD. I notice that the Secretary states in his report that these lands possess no particular scenic value or other attractions of national-park caliber.

Mr. WILLIAMSON. That is true. It has no great scenic value. This park was established because of a great underground cave, which is visited by great throngs every summer. The surface of the area set aside is used by the Biological Survey for the conservation of buffalo and elk.

Mr. STAFFORD. What will be the extent of the park with this land added?

Mr. WILLIAMSON. I do not recall the area of the park now. The proposed enlargement is to protect the water supply of the Wind Cave National Park. It will also afford some additional grazing ground for the animals.

Mr. STAFFORD. You really have a water supply in South Dakota?

Mr. WILLIAMSON. We shall have an ample water supply if the gentleman will permit us to put this area in the park.

Mr. STAFFORD. I withdraw the reservation of objection, Mr. Speaker.

Mr. GREEN. Mr. Speaker, reserving the right to object, there are only a few hours before this Congress is going to adjourn. Bill after bill is brought up by the Committee on Agriculture, for instance, the oleomargarine bill, and claim bills of all kind, but the chairman of the committee is not calling up our fruit fly claims board bill.

I am interested in this measure and I am in dead earnest about it, because the destiny of Florida people now, financially, rests largely upon passage of this bill.

For many months we have waited for some adjudication of the claims arising as a result of the eradication of the Mediterranean fruit fly in my State, a pest which threatened the entire citrus-fruit industry of all of the States of our Union, a pest which threatened to destroy many other fruits and vegetables of our country. My State suffered the brunt of it. It was eradicated and with it were eradicated many banks of my State and the fortunes of my people. Much of the credit and financial stability of the State was eradicated with it. The fly was eradicated to benefit not only my State but all the States of the Union. We have been able to pass in the Senate a resolution to set up a board, under the Secretary of Agriculture, to receive these claims and make findings on same, the resolution carrying very little appropriation, just enough to partially pay expense of the board's operations.

The House Committee on Agriculture has reported a bill which is very similar. It is not in exactly the same language, but it has the same purpose in mind—to set up a board which would receive the claims and arrive at some method of partial settlement by the Government.

Mr. LAGUARDIA. Will the gentleman yield for a question?

Mr. GREEN. Yes.

Mr. LAGUARDIA. Is the gentleman supporting the bill introduced by Mrs. OWEN—is the gentleman referring to the Owen bill?

Mr. GREEN. That is the bill which the House committee reported. The Senate bill is in substance as the one which I introduced. The Senate bill really should pass. I do hope the Committee on Agriculture will cooperate with us in the last few hours of the Congress and help us to pass the bill and thus allow this board to be set up to receive these claims, and then let the Secretary of Agriculture recommend reimbursement from the Federal Government of such portion of the loss as should be borne by it.

Mr. YON. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. YON. Does this resolution entail any expense on the Government?

Mr. GREEN. Very little expense; and there is now plenty of money in the Treasury to the credit of this fruit-fly eradication fund to defray these expenses, and the Secretary has approved it.

I shall not object to the measure now under consideration, but we must have passage of our bill. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. WILLIAMSON]?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING THE GENERAL LEASING ACT OF FEBRUARY 25, 1920

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 6128, an identical House bill being on the Speaker's table reported from the Committee on the Public Lands.

The Clerk read the title of the bill as follows:

S. 6128, to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437, U. S. C., title 30, secs. 184 and 226), as amended.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this would permit the Secretary of the Interior to control the output of oil on certain public lands.

Mr. COLTON. It is not for that purpose.

Mr. STAFFORD. But it does permit that authority.

Mr. COLTON. This measure amends the act of February 25, 1920. It permits the Secretary of the Interior to enter into agreement with other owners to permit what is known as unit development of oil or gas leases on the public domain and thereby control what is now or may be a waste of oil and gas. This is a conservation measure of the highest kind.

Mr. STAFFORD. Will the gentleman explain the extent of the acreage to which this will apply?

Mr. COLTON. There is no way of determining accurately, but it is limited to a comparatively small number of areas where there can be a definite arrangement entered into between owners of adjacent lands.

Mr. STAFFORD. Last year we passed an act——

Mr. COLTON. As indicated, this measure amends the law known as the general leasing act of February 25, 1920, so as to permit what is known as unit development of oil or gas leases on the public domain. This policy was expressed in the act approved July 2, 1930, but was terminated on the 31st of January, 1931. At the time this law was enacted the policy was considered doubtful; therefore, a limitation was placed in the law which automatically terminated it on the above-mentioned date. However, it is now desirable that we make this policy of unit development of oil or gas leases permanent.

A large number of leases are given within a certain geological structure or area which is gas or oil producing. Under the present law each separate locator or lessee or permittee is obliged to drill within the bounds of his particular lease, and if another drills adjacent to him he is obliged to put down offset wells. Thus, a very large and unnecessary expense is incurred in the drilling of the needless wells for the working of the entire claim. The provisions of this bill will reduce the cost of carrying on the development necessary to take oil out of the claim.

Under the provisions of this proposed measure the Secretary of the Interior is authorized at all times either to extend or restrict the amount of oil or gas which would prevent an excessive supply from flooding the market. At the present time when an enormous production of both oil and gas is encountered, so that for the immediate future the market is glutted, an arrangement to have the work done systematically and to put the material out as the market demands is impossible because those lessees or permittees adjoining can limit production. This bill gives the Secretary of the Interior authority to restrict or extend production in such cases.

This measure further authorizes the approval by the Secretary of the Interior of operating, drilling, or development contracts by permittees or lessees, regardless of acreage limitations, whenever the policy of conservation or the public necessity or convenience will be promoted. This departure is intended to permit pipe-line companies to enter into contracts with permittees or lessees in number sufficient to justify the construction of such pipe lines and to finance the same.

Mr. STAFFORD. But that only applied to one reservation.

Mr. COLTON. It applied to a small experimental acreage, so to speak, and the law expired January 31 of this year. This act will make the law permanent and give the Secretary the right to continue the agreement which he has found to be very successful in that field.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

To amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended

Be it enacted, etc., That sections 17 and 27 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended, are amended and reenacted to read as follows:

"SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in units reasonably compact of not exceeding 640 acres, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year.

"Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the department having jurisdiction thereof, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That any lease heretofore or hereafter issued under this act that has become the subject of a cooperative or unit plan of development or operation of a single oil or gas pool, or area, or other plan for the conservation of the oil and gas of a single pool or area, which plan has the approval of the Secretary of the department or departments having jurisdiction over the Government lands included in said plan as necessary or convenient in the public interest, shall continue in force beyond said period of 20 years until the termination of such plan: *And provided further*, That said Secretary or Secretaries shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance.

"Any cooperative or unit plan of development or operation which includes land owned by the United States shall contain a provision whereby authority, limited as therein provided, is vested in the Secretary of the department or departments having jurisdiction over such land to alter or modify from time to time in his discretion the quantity and rate of production under said plan. The Secretary of the Interior is authorized, whenever he shall deem such action necessary or in the public interest, with the consent of lessee, by order to suspend or modify the drilling or producing requirements of any oil and gas lease heretofore or hereafter issued, and no lease shall be deemed to expire by reason of the suspension of production pursuant to any such order. Whenever the average daily production of any oil well shall not exceed 10 barrels per day the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the well can not be successfully operated upon the royalty fixed in the lease. The provisions of this section shall apply to all oil and gas leases made under this act.

"SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized, in his discretion, with the consent of the holders of leases or permits involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further*, That when any permit has been determined to be wholly or in part within the limits of a producing oil or gas field which permit has been included, with the approval of the Secretary of the Interior, in a unit operating agreement or other plan under this act the Secretary of the Interior may issue a lease for the area of the permit so included in said plan without further proof of discovery: *Provided further*, That the Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more permittees or lessees in oil or gas leases or permits, with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations provided for in this act, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby: *And provided further*, That except as herein provided, if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings: *And provided further*, That nothing in this act shall be construed as affecting existing leases within the borders of the naval petroleum reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for herein, which agreements shall not, unless expressed therein, operate to extend the term of any lease affected thereby."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

LOSSES RESULTING FROM THE ERADICATION OF THE MEDITERRANEAN FRUIT FLY

Mrs. OWEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6119) to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruit fly and consider the same, a similar House bill being on the calendar.

Mr. SNOW. I object. I will reserve the objection, if the gentleman from Iowa wishes to speak.

Mr. HAUGEN. Would the lady from Florida be willing to amend the bill to conform with the House bill reported out by the committee?

Mrs. OWEN. I would be very glad to.

Mr. Speaker, may I say that this bill if amended according to the suggestion of the gentleman from Iowa provides only for a survey on the part of the Department of Agriculture.

Mr. SNOW. In other words, it is the House bill.



Mrs. OWEN. It is the House bill, which provides for a survey of the losses sustained by the growers of Florida owing to the campaign for eradication of the Mediterranean fruit fly.

Mr. SNOW. Is not a bill pending for losses sustained to fruit and vegetables by farmers by reason of the eradication of the fruit fly, and for those losses sustained to be paid for by the Federal Government?

Mrs. OWEN. May I say that the bill as it stands has the approval of the Secretary of Agriculture? The Secretary not only approves the bill authorizing a survey but makes the amendment that $50,000 be placed in the hands of the Department of Agriculture for the purpose of making the survey.

Mr. STAFFORD. And those losses might run into the millions.

Mrs. OWEN. We want to find out what the total losses have been.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman from Maine yield?

Mr. SNOW. Yes.

Mr. SCHAFER of Wisconsin. If the gentleman is not going to object to the consideration of this bill, would he approve an amendment providing for an investigation to determine the loss to the brewing industry caused by the Federal Government driving the industry out of existence through the enactment of the Federal prohibition laws?

Mr. STAFFORD. That is an instance of direct National Government action.

Mr. SCHAFER of Wisconsin. Yes; and such an amendment would be just as reasonable as the bill now under discussion.

Mr. STAFFORD. More reasonable.

Mr. SCHAFER of Wisconsin. Absolutely.

Mrs. OWEN. The measure under discussion has a precedent in the action taken after the destruction of uninfected cattle on account of foot-and-mouth disease. The Federal Government made a survey of the losses occasioned to the growers of cattle and cooperated with the States in reimbursing those losses. The pink bollworm is another parallel instance.

Mr. CRAMTON. Mr. Speaker, I have a great measure of sympathy for this resolution, but I am not quite prepared to go as far as the resolution does. So far as the statement the lady has just made is concerned, let me call her attention to the fact that in those cases where one cow was infected they did not go out and destroy a lot of pigs simply because some cows were infected. In Florida very considerable loss was occasioned by the destruction of vegetables, when there was no evidence of any infestation shown in any vegetables whatever in Florida.

Mrs. OWEN. And by whom was that destruction ordered?

Mr. CRAMTON. In my judgment it was ordered by the State of Florida.

Mrs. OWEN. It was not. It was ordered by the Bureau of Entomology, with the cooperation of the plant board of my own State. If my State had refused to cooperate with the Federal authorities would the gentleman feel they would have been more entitled to reimbursement than when they cooperated with the Federal Government?

Mr. CRAMTON. I have a measure of sympathy for the survey, but I think there should be a limit to the responsibility of the Federal Government for the loss. I think it was demonstrated in the hearings that this particular loss I speak of on account of vegetables destroyed that were thought might be host plants was under State law, ordered by a State board, and the truth is the whole campaign was dominated by the State of Florida Plant Board. There are some people down there whose losses I would like to see paid, but I do not want the whole responsibility on the Federal Government, with a multitude of claims that would cover all the different kinds of damage, some of which was more the responsibility of State than of the Federal Government.

Mrs. OWEN. May I suggest to the gentleman that his point might be covered by an amendment simply requiring a survey of the losses suffered to the growers in the destruction due to the Mediterranean fruit-fly campaign and not placing the responsibility on any one agency?

Mr. CRAMTON. I have so much sympathy for some of those poor people whose property was destroyed without reason or justification that if it is understood that the passage of this resolution does not determine the responsibility financially of the Federal Government and the words "by the Federal Government" are dropped out, then, personally, I am prepared to vote for a survey, it being understood that the question of responsibility is to be determined hereafter as well as the extent of the loss.

Mrs. OWEN. I will be very glad to accept such an amendment.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand the regular order. This bill is going to be objected to anyway. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SNOW. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

STATISTICS RELATING TO CRIME, ETC.

Mr. ALDRICH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1812) to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census be, and hereby is, authorized to compile and publish annually statistics relating to crime and to the defective, dependent, and delinquent classes.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, under this will statistics be gathered in reference to the increase in crime under the eighteenth amendment and the sumptuary prohibition laws enacted on account of that amendment?

Mr. STAFFORD. Oh, that is the very purpose of the compilation of the statistics, and to determine the increase in lunacy occasioned by the enactment of those laws.

Mr. LAGUARDIA. And the ramification of crime created by the attempted enforcement of the law. That is the very purpose of it.

Mr. SCHAFER of Wisconsin. In view of the statement of our distinguished colleagues who are opposed to these sumptuary prohibition laws, Mr. STAFFORD and Mr. LAGUARDIA, and the silence of the Member calling the bill up, who I understand at the present time is in favor of them, I shall not object.

Mr. CELLER. Mr. Speaker, reserving the right to object, I would like to have a brief statement of what the compilation provides.

Mr. ALDRICH. For the last three years the Bureau of the Census has been compiling these statistics under the authority of the Secretary of the Treasury. They want legislative authority now to continue compiling these statistics.

I am calling this up at the request of the chairman of the Committee on the Census, who was obliged to see his physician this afternoon. As I understand, all the hospitals of the country, particularly those in charge of hospitals for mental diseases, are very anxious to have this work continued, because it gives them very valuable information.

Mr. CELLER. It is not limited to crime statistics, is it?

Mr. ALDRICH. No. It is delinquent, feeble-minded, and dependents.

Mr. PATTERSON. Reserving the right to object, I would like to ask the gentleman from Rhode Island this question: Can the gentleman assure us that these statistics will be as concise and direct and definite as other commission's reports we have had along this line?

Mr. ALDRICH. I have no exact information on that subject.

Mr. LAGUARDIA. All they will have to do is to count in this instance.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENSIONS FOR CERTAIN WIDOWS OF SOLDIERS AND SAILORS

Mr. KOPP. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Iowa [Mr. KOPP] moves to suspend the rules and pass the bill H. R. 17262, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Marie M. Colby, widow of Brig. Gen. Leonard W. Colby, late of the United States Army, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bertha H. McArthur, widow of Col. John C. McArthur, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eleanora Emma Bliss, widow of Gen. Tasker H. Bliss, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $200 per month.

The name of Zenobia Blanche Sniffen, widow of Brig. Gen. Culver C. Sniffen, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary R. Dickman, widow of Maj. Gen. Joseph T. Dickman, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Helen K. Snowden, widow of Rear Admiral Thomas Snowden, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thomas E. Cruess, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Willoughby Osterhaus, widow of Rear Admiral Hugo Osterhaus, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Nancy Ann Whitehead, widow of James Whitehead, late of Capt. James C. Thompson's company, of Stoddard and Dunklin Counties, Volunteer Missouri Militia, Civil War, and pay her a pension at the rate of $12 per month.

The SPEAKER. The Chair will say that while this is in form a private bill, it provides for pensions for a number of widows of Regular Army men, and in view of the Senate having passed several bills of that nature, the idea of the committee is to combine these into one bill, so the Chair thinks that is a fair exception to the rule he laid down.

Mr. RANKIN. Mr. Speaker, I demand a second.

Mr. SABATH. I demand a second.

The SPEAKER. The Chair will recognize a member of the committee, preferably, to demand a second.

Mr. RANKIN. Mr. Speaker, I demand a second.

Mr. SABATH. Is the gentleman from Mississippi opposed to the bill?

Mr. RANKIN. I am opposed to the bill.

Mr. KOPP. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Iowa is recognized for 20 minutes and the gentleman from Mississippi [Mr. RANKIN] for 20 minutes.

Mr. KOPP. Mr. Speaker, ladies and gentlemen, during the session of Congress which is just closing the Committee on Pensions had referred to it quite a number of bills to increase pensions of widows of deceased officers. After considerable reflection we concluded it would be the better policy, instead of considering these bills singly each time and passing on each one singly, to consider them together and then incorporate those upon which we acted favorably in one small omnibus pension bill. This bill is the result of that policy.

In this bill are included five widows of deceased Army officers and two widows of deceased naval officers. I might say by way of explanation that it also includes an increased pension for one private and an original pension for one widow of a private. These were included to correct inadvertent errors in the previous omnibus pension bill.

In passing on these bills the Committee on Pensions took into consideration, among other things, the age, health, needs, and financial condition of the widows and to some extent the services of the officers. The Senate has passed bills for four of these widows, and for three of them the Senate rates are larger than ours, while for the remaining one the rates of the Senate and the House are the same. This committee is conservative in the matter of granting pensions to widows of officers.

Mr. STAFFORD. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. STAFFORD. I think the House would be interested if the gentleman will acquaint the Members with what pensions they are now receiving.

Mr. KOPP. These widows are all entitled to $30 a month, according to law. All of these officers served in the Spanish-American War and these widows are all receiving, or are entitled to receive, $30 a month.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. SCHAFER of Wisconsin. I notice one of the widows is granted a pension of $200 a month under the provisions of this bill. Is she now receiving $30 a month? I notice she is a widow of a World War officer, but up to this date there are many widows of World War veterans, one in my district with five children, who is destitute, and this Congress has not even considered a pension for the widows of World War veterans who die of nonservice-connected disabilities or disease.

Mr. KOPP. I may say to the gentleman from Wisconsin [Mr. SCHAFER], who is always very earnest about matters of this kind, that the widow of General Bliss was pensioned by us not because of his service in the World War. That had no connection with it. The widow is entitled to a pension of $30 a month as the widow of an officer of the Spanish-American War.

The House Committee on Pensions fixed her pension at $200 a month. In the Senate a bill was passed granting her $5,000 a year, or $416.66 a month.

Mr. YON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. YON. Is it a fact that the widow of one general, a major general, is now drawing $5,000 a year as a yearly pension?

Mr. KOPP. That is true.

Mr. YON. That is Mrs. Wood?

Mr. KOPP. Yes; Mrs. Wood. She was granted a pension by Congress of $5,000 a year.

Mr. YON. Does the record of the financial condition of Mrs. Bliss show her to be as well fixed financially as Mrs. Wood?

Mr. KOPP. I hesitate to make comparisons, but the committee thought this was a fair pension, considering all the circumstances, the services of General Bliss, and all the conditions that had to be considered.

The committee secured all the information possible about these cases and considered them with the utmost care. We believe this bill is meritorious and deserves your support.

Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker, in view of the reference that has been made to the widow of Gen. Tasker H. Bliss, may I call the attention of the House to the fact that General Bliss was probably a figure second only to General Pershing in the Great War. He was a member of the Supreme Council with Lloyd George and Clemenceau, which had many supreme decisions to make involving the war effort of the United States. The Senate, as has been referred to, passed a bill carrying a pension of $5,000 for his widow, who is 77 years of age and very, very moderately off.

Mr. YON. What is Mrs. Bliss's income?

Mr. WAINWRIGHT. It is a trifling amount.

Mr. YON. It is hardly $100 a month.

Mr. WAINWRIGHT. That is true; and she has, in any event will have, a comparatively few years to enjoy whatever pension may be provided for her. In my judgment the amount at which her pension has been fixed, in view of the pension accorded to Mrs. Wood, and other prominent military figures in our history, is altogether too low, and I am rising to express the hope that in the future her pension may in some way be equalized with those of Mrs. Wood and of Mrs. Funston and the widows of other very distinguished soldiers. General Bliss, as we all know, will always stand out in history as one of the great and prominent figures of our effort in the World War.

Mr. RANKIN. Mr. Speaker, I have not studied the merits of this bill, but I rise to protest against the passage of a measure of this kind. I am not so much concerned with this bill as I am with the fact that this Congress is about to adjourn without doing a single thing on earth for the widows and orphans of the World War, whom you left out of the bill last year.

We have throughout this land to-day thousands of widows of the World War and thousands of orphan children of the World War who are destitute, who are penniless, who are not drawing a penny, and who are entitled to just as much consideration as the widows of these generals and these higher ranking officers in the Army.

Last year you killed what was called the Rankin bill. That would have taken care of these widows and orphans. You rushed through, under suspension of the rules, a bill to pension the men, but you left the widows and orphans out entirely, and here you sit at the end of a Congress with a bill on the calendar that gives to these widows and orphans a small amount, not over $20 a month for the widows and $6 for each orphan, and you are unwilling to let that bill pass the House, although the Senate would pass it within 20 minutes.

I would like to have the attention of the gentleman from Pennsylvania [Mr. SWICK]. The gentleman from Pennsylvania was designated to report that bill. If that bill had been turned over to me I would have harassed this House until I would have been recognized to have passed it under suspension of the rules.

A few days ago the gentleman from Massachusetts [Mr. CONNERY] told you of a widow who for 10 years nursed a blind veteran whose eyes were shot out on the western front; but when he died it was from another malady, so that she could not draw his compensation. Therefore she is shut out, although her health is broken, the best years of her life are gone, and she can not draw a penny. Yet you come along here and pension the widows of generals at $200 a month and shut the doors of hope in the face of that widow.

There are to-day widows of the World War dying from tuberculosis contracted in the nursing of husbands, if you please, who contracted their disabilities in the service, even though they were not able to prove it; and because they could not prove it or died from some other malady those widows and orphans are shut out. Those widows and their children are shut out without a single penny while you pension the widows of officers at $200 a month.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SCHAFER of Wisconsin. The committee report indicates that this officer's widow who is to get $200 a month pension under this bill now has $26,000 in bonds, $5,000 of insurance, $1,900 in cash, a home place in Pennsylvania, and a home place in Washington.

Mr. RANKIN. It is a wonder to me, then, they did not make it $300 a month; but if she had been some poor widow of a World War veteran, living out in some remote locality, she might have died and her children gone to the poorhouse.

You can do as you please. This is up to the Congress of the United States. You can go home, if you want to, with this flagrant injustice on your hands, but I want to tell you now that you have not heard the last of it.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. O'CONNOR of New York. When was the Swick bill reported out of the committee?

Mr. RANKIN. Oh, it was reported several days ago—about 10 days ago.

Mr. O'CONNOR of New York. Did the committee direct the gentleman or anyone else to apply to the Rules Committee?

Mr. RANKIN. We directed him to use every possible parliamentary means to bring the bill to the House and put it on its passage.

Mr. O'CONNOR of New York. The reason I ask the question is because I have been flooded with telegrams saying that the Rules Committee has held up this bill. Of course, I never saw the gentleman from Pennsylvania [Mr. SWICK] in the Rules Committee, and I have never heard the bill mentioned in the Rules Committee.

Mr. RANKIN. There sits the gentleman from Pennsylvania [Mr. SWICK] and I would like to know.

Mr. O'CONNOR of New York. There are members of the Rules Committee who would have given the gentleman all the assistance possible to get the bill up here, but, of course, we in the minority do not control what happens in the Rules Committee.

Mr. SWICK. If the gentleman will yield, I set forth in the RECORD a few days ago just what I had done to bring this bill before the House. I appeared before the Rules Committee and used every means I could to bring the matter up.

Mr. O'CONNOR of New York. Did the gentleman appear before the Rules Committee?

Mr. SWICK. I did.

Mr. O'CONNOR of New York. At a hearing?

Mr. SWICK. I appeared before the Rules Committee; yes.

Mr. O'CONNOR of New York. What date was that?

Mr. SWICK. About a week or 10 days ago—on Saturday last.

Mr. O'CONNOR of New York. That Saturday we held continued hearings on measures. It has never been mentioned after that.

Mr. RANKIN. Let me say to the gentleman from Pennsylvania [Mr. SWICK] that he will never get anywhere "pussyfooting." This is a battleground, this is no petting party. If you want to get anywhere with legislation here, especially for the unfortunate, the disabled, their widows and orphans, Mr. SWICK, you are going to have to come in here and battle for it, and that is what we delegated the gentleman to do.

Mr. SCHAFER of Wisconsin. Will the gentleman yield so that I may ask a question to obtain information as to the present status of the hospital bill, and to find out whether the gavel is going to fall and this Congress adjourn and another winter come upon the veterans with hospitalization denied them, due to the fact that a few Republican members of the conference want to jeopardize the whole bill in order to stand by an allocation in a committee report?

Mr. RANKIN. Oh, I will say to the gentleman from Wisconsin that the hospital bill is in the lap of the Republican conferees, and, as has been said before, we Democratic Members of the House who are on the conference are willing to go either way to bring the bill out, but they are killing the bill and they are going to take the responsibility for it.

Mr. SCHAFER of Wisconsin. Does the gentleman know any reason why the conferees can not at this late hour bring that bill back to the House and get an expression of opinion from the membership on whether to accept the Senate amendments or not. Are they afraid of the will of the House?

Mr. RANKIN. I do not know what they are afraid of; but I know one thing: If they do not want to bring down on themselves the eternal condemnation of the people of this country, they would better either make a report or report a disagreement and ask for an expression by the House.

Mr. SCHAFER of Wisconsin. As a Republican, I will state that I heartily agree with the gentleman.

Mr. RANKIN. I am glad to hear that.

Now, Mr. Speaker, I do not propose to even attempt to analyze the present bill; but I want to say that there is not an American Legion post in the United States, so far as I know—and I defy any man to point to one—there is not a Disabled Veterans' post throughout the country, there is not a post of the Veterans of Foreign Wars that is not in favor, 99 per cent of them having expressed themselves, of bringing out and passing at this session of Congress a bill for the unfortunate widows and orphans of veterans of the World War. You have this within your power. The gentleman from Pennsylvania [Mr. SWICK] has the bill in his possession. It is on the calendar. We can pass it in 30 minutes, and the Senate will be glad to pass it immediately.

I want to tell you now that if you do not pass that bill, you need not get the idea you are going home and escape by seeking any parliamentary storm cellar that the average American does not understand.

Mr. SIMMONS. Has the Senate acted upon that bill?

Mr. RANKIN. The Senate has not. The bill originated in the House.

Mr. SIMMONS. Has there been a similar Senate bill introduced?

Mr. RANKIN. No; but that does not make any difference, Mr. SIMMONS. We can pass it here whether it has been introduced in the Senate or not. It can then go to the Senate and pass there.

Mr. OLIVER of Alabama. And could not that be considered as emergency legislation?

Mr. RANKIN. Why, of course it is emergency legislation.

Appeals are coming to us from the unfortunate widows and orphans of these men. When they see Spanish-American War veterans' widows taken care of, when they see the widows of the veterans of the War of 1812 still on the pension roll, when they see the widows of the veterans of the Civil War taken care of, when they see the emergency officers of the World War drawing pensions of $450 a month, as a result of your vote to override the President's veto, when they see you come here and pension a widow worth $25,000 and owning a home in Pennsylvania, is it any wonder that these women, these widows and orphans whose husbands and fathers, if you please, sacrificed their health, if not their lives, in the service of their country, will feel, and the American people generally will feel, that Congress has been derelict in its duty to these people to whom we owe as high a duty as we do those for whom Congress has so amply provided. [Applause.]

I yield to the gentleman from Alabama.

Mr. JEFFERS. The bill reported out of the Veterans' Committee may be considered emergency legislation but let me say that the bill is the result of long and careful consideration on the part of the subcommittee, and met with the approval of the entire committee. It originated in the House, and it should be passed by this body first.

Mr. CONNERY. Will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. CONNERY. I can not remember in the eight years that I have been here of voting against any pension legislation in this House, but I can not vote for this bill while the widows and orphans' bill is held up.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, in the last few months I have had hundreds of appeals from widows of World War veterans who are in want and who have pleaded with me to see whether some relief could not be secured for them. I have assured them that I will do all in my power to bring about such relief. I say that I was hopeful that this relief would be forthcoming; but in lieu of bringing forward a bill for their relief, such as these unfortunate women and children have been expecting, they introduce a bill providing for the pensioning of these widows of a few generals and colonels, and, inadvertently, as the gentleman from Iowa says, with another provision of $12 per month for a widow of a private. I was wondering whether or not the fact that the Republican Party has failed to propose any legislation for the relief of so many of our World War veterans is, perhaps, because of their dislike for the names of many of these men who enlisted and served the Nation in time of war.

I want to assure you that it has been shown and demonstrated that they are equally as loyal, patriotic, and courageous as some of these other men, whose names are more favored by you.

I hope that is not the reason, but I strongly suspect this to be the underlying basis of the discrimination in this much-desired and needed legislation.

I was hopeful that we might enact a relief hospitalization bill. I know in my own city there are 1,600 men who have been pleading and trying to secure admission into these hospitals, but this has been denied them because of lack of adequate room.

I think it is manifestly unjust and unfair not to provide for these people who are in want; for the widows of the World War veterans and for the starving women and children; and yet take care of the widows of higher officials—generals, colonels, and rear admirals—who happen to be in need of assistance.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. KOPP. Mr. Speaker, I yield myself five minutes additional.

Mr. Speaker and Members of the House, I have no desire to go into details concerning the infirmities and needs of these widows, but the discussion rather makes it necessary for me to refer to them.

There are about 150 widows of officers on the pension roll drawing from $35 a month to $5,000 a year. In this list there is the widow of Brigadier General Colby. She will draw $50 a month under this bill. She is receiving $30 a month as the widow of a Spanish War veteran. Under this bill Zenobia Sniffin, the widow of Brig. Gen. Culver C. Sniffin, will receive $50 a month. She now draws $30 a month as the widow of a Spanish War veteran.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. KOPP. May I just finish this list?

Mr. SIMMONS. We have the list before us. I think I can ask the question which is in the minds of a whole lot of Members on this side of the House.

Mr. KOPP. I yield.

Mr. SIMMONS. Without regard to the list, running from $50 a month to $200 a month, for widows of officers, will the gentleman tell us why the widow of an officer should receive a greater pension than the widow of an enlisted man?

Mr. KOPP. That has been the policy of Congress in many cases. Congress and not the committee established that policy.

Mr. SIMMONS. Without regard to what they are, why should the widow of an officer get more than the widow of an enlisted man?

Mr. KOPP. It has been the policy of this Government for many years to grant additional pensions to the widows of officers if they needed them. In this case, General Sniffin's widow will receive $50 a month. In the case of General Dickman's widow, the Senate passed a bill for $100 a month. She is now drawing $50 a month, and this committee has placed her pension at $75 a month. Mrs. Snowden, the widow of Rear Admiral Thomas Snowden, under this bill will receive $50 a month.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. KOPP. Yes.

Mr. HUDDLESTON. Will the gentleman tell us why Mrs. Snowden should receive only $50 a month whereas Mrs. Osterhaus is to receive $75 a month, when their husbands had the same rank?

Mr. KOPP. The committee considered these matters very carefully, and I think I can explain it satisfactorily to the gentleman from Alabama. Mrs. Osterhaus to-day is older and in much poorer health than is Mrs. Snowden. There is a very distinct difference between the two. If the gentleman had all of the information before him, the affidavits, and so forth, I am sure that he would agree that this is just.

Mr. HUDDLESTON. Then, the committee has endeavored to fix the amount based upon the needs of the widows?

Mr. KOPP. Yes; to some extent.

Mr. HUDDLESTON. With reference to the last one on the list, the widow of James Whitehead, there is a pension allowed of $12 a month. Are not her needs equal to those of these other women?

Mr. KOPP. She was to be included in the previous omnibus pension bill, and inadvertently was left out. For that reason she was included in this bill.

Mr. SCHAFER of Wisconsin. If you base the amount on the needs, then why is it that the widow of a general who has $26,000 in bonds, $5,000 of insurance, $1,800 in cash, a home in Pennsylvania, and a home in Washington should get $200 a month, while the widow of a buck private in the rear ranks gets only $12 a month.

Mr. KOPP. I will answer that question. The gentleman refers to Mrs. Bliss. In the case of Mrs. Bliss, the Senate passed a bill for $5,000 a year. It is true that the estate has something like $26,000 in securities, but General Bliss a few years before his death purchased a house at what seemed to the committee to be a high price. All of these securities were pledged to secure the encumbrance on the house.

Mr. RANKIN. Mr. Speaker, the gentleman is making a very interesting argument, but does not he think that a widow 35 to 40 years of age with a family of small children would be just as much entitled to a pension, where her husband served honorably in the war, as one of these widows who is 50 or 60 years old?

Mr. KOPP. We are simply passing on the matter according to precedent. There are 150 cases in the Pension Office now. Our committee secured a list. The committee has been conservative in this matter. General Bliss bought a house costing $22,000 or $23,000. We were told that all these securities were pledged for the payment of that house, which has now largely decreased in value. Mrs. Bliss is a widow about 78 years of age. She is deaf and is unable to take care of herself. The Senate was so moved by this situation that it insisted on making the pension $5,000 a year, the same as the pension of the widow of General Wood.

Mr. HOLADAY. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. HOLADAY. I would like to have the gentleman compare and explain why it is that the widow of a general, with $33,000 worth of property in addition to two homes, draws $200.

Mr. KOPP. That is what I am explaining.

Mr. HOLADAY. While the widow of a private with $300 worth of property and no income at all is only allowed $12. Can the gentleman distinguish between those two cases?

Mr. KOPP. This House distinguished those two cases when it voted a pension for the widow of General Wood. The House set a precedent then. The House refused to follow the committee. The House voted the committee down and raised the pension to $5,000.

Mr. PATTERSON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. PATTERSON. Can the gentleman defend these pension bills in view of the fact that somebody, in large part, somewhere is killing the pension bill for the widows and orphans of the World War veterans?

Mr. KOPP. I am discussing what this Pension Committee has done and not what others are doing.

Mr. PATTERSON. Well, does the gentleman approve of that legislation?

Mr. KOPP. That is not the issue here. I shall not enter into any controversy about what has been done in other committees. I am confining myself to this committee, which followed the precedents as a conservative committee and decreased the pensions instead of increasing them.

Mr. YON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. YON. It was my pleasure to talk to the attorney who wound up the estate of General Bliss. He told me there was about $5,000 clear of the indebtedness of the estate, besides $5,000 insurance, and he said there would be about $100 a month income to Mrs. Bliss. Is that the gentleman's understanding of the statement of the financial condition of Mrs. Bliss?

Mr. KOPP. My understanding is that all the assets are pledged for a debt on the house, but that arrangements have been made to let her have the income as long as she lives, so that she will have about $100 a month income.

Mr. RANKIN. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, in my time I would like to ask the Republican leader if we are to believe that the Republican leadership of this House is going to let the veterans' widows and orphans bill die before we adjourn Congress?

Mr. TILSON. Is there a bill pending?

Mr. CONNERY. We have had the bill unanimously reported from the Committee on World War Veterans' Legislation and instructions were given Doctor SWICK to use every parliamentary procedure possible to have the bill given consideration. First it was attempted to secure a rule. That could not be done. The gentleman has not been recognized by the Speaker under suspension to pass the bill, and we would like to know if you are going to let this legislation die?

Mr. TILSON. If a bill is not pending I am afraid its chances are rather slim, because it is a rather important matter.

Mr. RANKIN. The bill is pending.

Mr. TILSON. If it is actually pending before the House at this moment——

Mr. RANKIN. Oh, no.

Mr. JEFFERS. May I ask the gentleman a question?

Mr. CONNERY. I yield.

Mr. JEFFERS. Can it not be considered as pending as an emergency matter, under the rule laid down?

Mr. TILSON. I do not so understand the ruling.

Mr. CONNERY. I said a few minutes ago that I intended to vote against this bill presented by Mr. KOPP; I mean this bill we are now considering. I have changed my mind. I can not get the heart to vote against any poor woman who is getting $200 a year income and is going to be given the princely sum of $30 a month. I could not vote against a proposition of that kind, so I am going to vote for this bill, but I want to protest vehemently against the House of Representatives not getting the opportunity to vote to protect the widows and little children of World War veterans who died on the field of battle and of men who died in the service of their country. You are going to let them go hungry.

Mr. SIMMONS. Will the gentleman yield?

Mr. CONNERY. Yes; I yield to the gentleman from Nebraska.

Mr. SIMMONS. The gentleman says "the widows of men who died on the battlefield." The gentleman knows that every service-connected death case is now being cared for.

Mr. CONNERY. Yes; that is true. But men came home wounded from battle, disabled, and then died a month after they got back here. Their widows are just as much entitled to a pension as if they had been killed on the field of battle.

Mr. SIMMONS. I am just as heartily in favor of that bill as the gentleman is, but let us tell the truth about it.

Mr. LAGUARDIA. They are not service connected.

Mr. CONNERY. We have had men before the Veterans' Bureau for months and months, trying to get service connection, and they were unable to do so. Their widows and children must suffer as a result.

Mr. YON. Will the gentleman yield to me?

Mr. CONNERY. I yield.

Mr. YON. I wish to join the gentleman in his protest.

The SPEAKER. All time has expired. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

AMENDMENT OF PUBLIC ACT NO. 624

Mr. DENISON. Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce I ask unani-

mous consent for the present consideration of the bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress, which is an emergency matter, and is simply an amendment to a bill that was passed recently, providing for a bridge across one of the rivers in Nebraska. I do this at the request of Senator HOWELL.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of Public Act No. 624, Seventy-first Congress, is amended by adding before the period at the end thereof a colon and the following proviso: "*Provided*, That no such city or county shall exercise any rights or powers herein granted unless and until a majority of the electors of such city or county, voting at a general election, shall have expressed their approval of the exercise of such rights or powers, or if a special election is held therefor, unless and until 60 per cent of the electors voting at such election shall have expressed their approval of the exercise of such rights and powers."

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what does this bill do?

Mr. DENISON. This bill amends a bill that was passed some time ago authorizing the city of Omaha, or the county of Omaha, to build a bridge. It is Senator HOWELL's bill. Senator HOWELL desires the bill amended by adding a provision which requires the bond issue to be submitted to the people.

Mr. LAGUARDIA. That is none of our business.

Mr. DENISON. He thinks it is. He put it through the Senate and asked me as a favor to him, because it is a matter of great emergency, to try to get it through the House, and the Committee on Interstate and Foreign Commerce has authorized this action.

Mr. LAGUARDIA. It is none of our business, nevertheless.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, has the State in question any provision in its basic law under which a referendum can be held?

Mr. DENISON. I think so.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF ADDITIONAL LAND FOR ENLARGING THE CAPITOL GROUNDS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5989) to authorize the acquisition of additional land for enlarging the Capitol Grounds.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of Senate bill 5989, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (1) of section 2 of the act entitled "An act to provide for the enlarging of the Capitol Grounds," approved March 4, 1929, as amended, is amended by adding after the first sentence thereof the following: "The Architect of the Capitol is authorized to acquire in like manner for such purposes all or any part of the lands, including buildings or other structures, in lot 801 of square 574 and lot 821 of square 630 as such squares appear on the records of the office of the surveyor of the District of Columbia as of the date of the approval of this amendatory act.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, what land do you have to acquire? Is this bill for the benefit of real-estate speculators?

Mr. ELLIOTT. No. I will tell the gentleman what it is. The bill for the enlarging of the Capitol Grounds provides for the extension of a street from the Columbus Monument in front of the Union Station to a point at about Second Street on Pennsylvania Avenue, which the other day was named Louisiana Avenue. They now find that in order to make this street it is necessary to take the end off of a lot and that it will be necessary to put a new front on a building. This land abuts out into this street.

Mr. SCHAFER of Wisconsin. How much will it cost?

Mr. ELLIOTT. Well, in the neighborhood of $15,000 to fix the building.

Mr. SCHAFER of Wisconsin. Is it one of these 80-year-old buildings?

Mr. ELLIOTT. No. It is a 4-story brick building, the lower floor of which is leased to an indoor golf course and the upper floor is in use as a paper-box factory. This is just an estimate as to what it will cost. Everybody who has had anything to do with it has figured that it will cost about $15,000 to refront this building.

Mr. SCHAFER of Wisconsin. It may cost $15,000, but if we are to take past experience as a guide the actual cost may be $15,000, but perhaps the Government will be looted to the tune of five or six times that amount.

Mr. ELLIOTT. All they want to do is to take enough of this land in front of this building, where it abuts into this street, in order to make the street itself.

Mr. LAGUARDIA. It is merely the widening of a street.

Mr. ELLIOTT. It is the building of a new street across there and it is necessary to take this little bit of land.

Mr. STAFFORD. Mayhap the gentleman will remember that the other day a large map was brought into the Chamber by the gentleman from Massachusetts.

Mr. LAGUARDIA. And it was removed.

Mr. STAFFORD. It was removed, but that map showed the land that was to be taken off.

Mr. LAGUARDIA. It is like a wart on a man's nose, and you want to remove it?

Mr. ELLIOTT. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman believe it will not cost more than $15,000?

Mr. ELLIOTT. That is my information, that it will not. Of course, I can not always tell.

Mr. LAGUARDIA. If it does, the gentleman will check it in the General Accounting Office afterwards, so we are perfectly safe.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

CHANGE IN THE DESIGN OF THE QUARTER DOLLAR

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6103) to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of Senate bill 6103, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of section 3510 of the Revised Statutes, as amended, the Secretary of the Treasury is authorized and directed, for the purpose of commemorating the two hundredth anniversary of the birth of George Washington, to change the design of the 25-cent piece so that the portrait of George Washington shall appear on the obverse, with appropriate devices on the reverse, of said piece. The new coins shall be issued for general circulation beginning in 1932, the year of the said bicentennial anniversary.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I desire to ask the distinguished gentleman who has propounded this unanimous-consent request, as he is one of the Republican conferees on the hospitalization bill, if he believes we will have an opportunity to pass legislation providing for the additional hospital-expansion program and an appropriation before we automatically adjourn tomorrow?

Mr. PERKINS. I know that the Republican conferees of the House are doing everything possible to bring that about within the desire of the House.

Mr. SCHAFER of Wisconsin. The House has not expressed its desire, and if many more hours go by without action by the conferees I urge the gentleman to have the

conferees come back to the House for instructions as to how the House conferees shall act and not allow the Hospital bill to die in conference and try to lay the blame on the Senate, because you can not dodge the issue. If the bill dies in conference, the responsibility will rest squarely upon the Republican conferees on this legislation.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, on the question raised by my colleague, the gentleman from New Jersey stated that the position of the conferees was that they were striving to carry out the policy of the House. I wish to say to the gentleman from New Jersey that so far as my vote was concerned when that bill was sent to conference, I yielded to the appeal of the gentleman from Massachusetts [Mr. LUCE] to allow the bill to follow the usual course and go to conference. I had previously made up my mind to vote in favor of the Senate amendment. The gentleman is not carrying out our will, so far as my vote is concerned, in the position of adhering to the House amendment against the Senate amendment. I for one do not believe that this Congress should determine the location of these hospitals, but that this should be left to the Director of the Veterans' Bureau, as is contemplated in the Senate bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AGRICULTURAL EXPERIMENT-STATION WORK IN PORTO RICO

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's take the bill (S. 5524) to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1933, the Territory of Porto Rico shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be connected with the College of Agriculture of the University of Porto Rico and it shall be conducted jointly and in collaboration with the existing Federal experiment station in Porto Rico in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial stations with that of the Federal station and of the United States Department of Agriculture in the island: *Provided further*, That the several experiment stations now conducted by the insular government shall be transferred to and coordinated with the experiment station of the College of Agriculture of the University of Porto Rico, together with whatever funds that are available for the support of the same, and the Secretary of Agriculture may at his discretion transfer such land, buildings, and equipment as he may deem necessary to the experiment station of the College of Agriculture of the University of Porto Rico: *Provided further*, That the Territory of Porto Rico shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Porto Rico the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Porto Rico: $15,000 for the fiscal year ending June 30, 1933; $20,000 for the fiscal year ending June 30, 1934; $25,000 for the fiscal year ending June 30, 1935; $30,000 for the fiscal year ending June 30, 1936; $35,000 for the fiscal year ending June 30, 1937; $40,000 for the fiscal year ending June 30, 1938; $45,000 for the fiscal year ending June 30, 1939; $50,000 for the fiscal year ending June 30, 1940; $60,000 for the fiscal year ending June 30, 1941; $70,000 for the fiscal year ending June 30, 1942; $80,000 for the fiscal year ending June 30, 1943; and $90,000 for the fiscal year ending June 30, 1944, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act, but without diminishing or increasing the amount to which any State or the Territory of Hawaii is entitled under the provisions of said act of May 8, 1914, and of acts supplementary thereto: *Provided*, That for the fiscal year 1933 the total amount available to the Territory of Porto Rico under the terms of the act of May 8, 1914, shall be $50,000, this amount to be increased by $10,000 annually, or such part thereof as may be necessary, until the total to which Porto Rico is entitled under the provisions of this act is reached. Participation in other Federal appropriations for cooperative extension work, including those authorized by the act of May 22, 1928, shall be at such times and in such amounts as shall be estimated by the Secretary of Agriculture and appropriated by the Congress.

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee just what this bill does.

Mr. HAUGEN. This bill extends the benefits of various acts, the Hatch Act, the Adamson Act, the Purnell Act, the Smith-Lever Act, and the Morrell Act to Porto Rico. It proposes to do for them exactly what we have done for Hawaii. We have passed a number of bills extending such benefits to Hawaii and now we are extending them to Porto Rico.

Mr. JONES of Texas. Is there anything in the bill that does for them anything we are not now doing for Hawaii?

Mr. HAUGEN. No; it will do exactly what we are doing for Hawaii.

Mr. JONES of Texas. What will be the additional cost?

Mr. HAUGEN. The additional cost will be, as stated here, $15,000 for the first year, and then $20,000, and so on. We are already expending about $59,000, and this work is to be turned over to Porto Rico and the expense borne by Porto Rico, and therefore the increase will be very small.

Mr. LAGUARDIA. And if the gentleman will permit, all this time while we have been doing this work for Hawaii and Alaska we have not been doing the work for Porto Rico, and they are greatly in need of this kind of extension work.

Mr. HAUGEN. Absolutely.

Mr. STAFFORD—Will the gentleman inform the House of the total amount yearly that will be awarded to Porto Rico? I notice in this bill you are providing for an authorization of appropriation for 15 years hence. I have never known any bill passed through the House where we took care of the future so far in advance. You provide an appropriation of a certain amount for 1944; that is, cumulative amounts as the years go on. What is the total amount in any one year that will be voted to Porto Rico?

Mr. LAGUARDIA. The acts that apply to the other Territories also provide authorizations years ahead.

Mr. HAUGEN. Yes; and this is simply to catch up with the rest of them.

Mr. STAFFORD. What will be the total amount levied upon the United States Treasury, say, 10 years hence, by reason of this act?

Mr. HAUGEN. It starts out at $15,000 and goes up $5,000 a year until it reaches the maximum.

Mr. STAFFORD. That is true under one of the acts, but there is another section of the bill where you are appropriating $40,000 or $50,000. The gentleman is referring to the part of the bill where we appropriate the least amount.

Mr. HAUGEN. We start with $15,000.

Mr. STAFFORD. But there is another part of the bill where you are appropriating additional amounts.

Mr. HAUGEN. There are five acts involved.

Mr. STAFFORD. What is the total amount in any one year?

Mr. HAUGEN. Ninety thousand dollars—whatever the others get.

Mr. LAGUARDIA. However, it is only fair for the gentleman to state that the original acts which are applicable under this bill to Porto Rico also provide for increasing appropriations in those countries or States.

Mr. HAUGEN. Yes; we just put them on a par with the States.

Mr. JONES of Texas. We have at various times, however, appropriated other sums to Porto Rico in the way of loans.

Mr. DAVILA. But this is the kind of legislation we really need in the island of Porto Rico. It is constructive legislation and will prove very beneficial to the people of the island.

Mr. JONES of Texas. Does the gentleman think they will use this service and carry out the purposes of the acts strictly in accordance with the terms of the bill?

Mr. DAVILA. Oh, certainly.

Mr. JONES of Texas. And they will take advantage of this?

Mr. DAVILA. I am sure of that.

Mr. RANKIN. If the gentleman will permit, let me suggest that in your bill you refer to the Territory of Porto Rico. There is no such place as the Territory of Porto Rico and you had better have that changed to "Island of Porto Rico."

Mr. DAVILA. It has been held by the Attorney General, Mr. Mitchell, that Porto Rico is an unincorporated Territory, and when the word "Territory" is used it covers Porto Rico.

Mr. RANKIN. Strictly speaking, we have only two Territories—Alaska and Hawaii.

Mr. DAVILA. But the word "Territory" applies to Porto Rico.

Mr. STRONG of Kansas. And as I understand it, this legislation only does for Porto Rico what we are doing for the other States.

Mr. DAVILA. Exactly.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER. The hour of 6 o'clock having arrived, the Chair declares the House in recess until 8 o'clock p. m.

Accordingly (at 6 o'clock p. m.), in accordance with its previous order, the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired at 8 o'clock p. m., the House was called to order by the Speaker.

CONFERENCE ON THE LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 531, making an appropriation for expenses of participation by the Government of the United States in the conference on the limitation of the manufacture of narcotic drugs.

The Clerk read the resolution, as follows:

Joint resolution making an appropriation for expenses of participation by the Government of the United States in the conference on the limitation of the manufacture of narcotic drugs

Resolved, etc., That for the expenses of participation by the Government of the United States in the conference on the limitation of the manufacture of narcotic drugs to be held at Geneva, Switzerland, on May 27, 1931, as provided by the public resolution approved March 3, 1931, including travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper, to be expended under the direction of the Secretary of State, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, which shall remain available until June 30, 1932.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. WOOD to reconsider the vote whereby the bill was passed was laid on the table.

PRINTING LIST OF EMERGENCY RETIRED OFFICERS

Mr. BLANTON. Mr. Speaker, at the instance of the gentleman from Nebraska [Mr. SIMMONS], I got permission some time ago to put in the RECORD a list of the emergency retired officers and their pay and their position. I find that that can be printed as a public document for something over half of what it would cost to print it in the RECORD. As a public document it would be much handier for Members.

I took the matter up with the majority leader [Mr. TILSON], the gentleman from Indiana [Mr. WOOD], and some Members on this side, and they approved having the data printed as a public document. In addition you can have 5,000 extra copies printed for only $54.97 a thousand.

I therefore ask unanimous consent instead of printing it in the RECORD it be printed as a House document and 5,000 additional copies be printed to be distributed through the folding room for Members.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LAGUARDIA. Reserving the right to object, this list has been put in the RECORD in the other body.

Mr. BLANTON. That is only a partial list. I have a complete list up to March 1, 1931, certified to by the department.

Mr. LAGUARDIA. What good will it do?

Mr. BLANTON. It will be a wonderful help to the gentleman from New York and the rest of us, and especially for use of the Appropriations Committee. I want to publish it as a House document instead of putting it in the RECORD.

Mr. LAGUARDIA. Does the gentleman mean to intimate that Members do not read the RECORD?

Mr. BLANTON. A number of Members have requested me to publish it as a House document and I have been at work on it for a month.

Mr. SCHAFER of Wisconsin. Does the list include every man on the pay roll?

Mr. BLANTON. Every officer who has been retired up to March 1, 1931.

Mr. SCHAFER of Wisconsin. Every one of the Government employees and the employer?

Mr. BLANTON. Every one of them, his retired pay, his position with the Veterans' Bureau, and everything complete.

Mr. ENGLEBRIGHT. How much is this going to cost?

Mr. BLANTON. The House document will cost $3,579. The extra 5,000 will cost $54.97 a thousand.

Mr. LAGUARDIA. Mr. Speaker, I object for the present.

Mr. BLANTON. Mr. Speaker, I will put it in the RECORD, but it will cost a good deal more. Mr. Speaker, I renew my request, omitting the extra 5,000 copies.

The SPEAKER. The gentleman from Texas modifies his request and asks unanimous consent to print it as a House document without the extra copies. Is there objection?

There was no objection.

MEMORIAL TO THE DOVER PATROL

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 532, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 532

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to continue the erection on public land at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War begun under a contract dated September 26, 1930, and said contract is hereby legalized from date of its execution for the purpose of authorizing payments thereunder according to its terms, notwithstanding the absence of any previous authorization by law: *Provided*, That nothing herein shall involve the expenditure of public funds.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

TENURE OF MEMBERS OF GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. TILSON. Mr. Speaker, I ask unanimous consent for the present consideration of S. 6271, on the Speaker's desk.

The Clerk read as follows:

S. 6271

An act relating to the tenure of congressional members of the George Washington Bicentennial Commission

Be it enacted, etc., That the membership of Senators and Members of the House of Representatives on the George Washington Bicentennial Commission shall continue irrespective of their terms as Members of Congress.

Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among Senators shall be filled by the President of the Senate, and any vacancies occurring among Members of the House of Representatives before the organization of the Seventy-second Congress shall be filled by appointment of the present Speaker of the House of Representatives.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, do I understand that this would continue former members of the Bicentennial Commission?

Mr. TILSON. The total effect of the passage of this bill will be that during the next two years the gentleman from Virginia [Mr. MOORE] will continue as a member of the Bicentennial Commission, of which he is now a member. He has been on the commission for some time, but his term of office ending to-day he must leave the commission and a new man who knows nothing about the business be put on unless this legislation is enacted. It is thought that Mr. MOORE could give much more effective service than any new member, and that it is best to continue him.

Mr. LaGUARDIA. I agree with what the gentleman says. It might be economy, however, if we had some one on it who knew less about it than the gentleman from Virginia. We might have saved that memorial road.

Mr. TILSON. Oh, no; the gentleman had nothing to do with the memorial road. In fact, the House members of the commission were opposed to the initiation of this improvement as a feature of the George Washington Bicentennial celebration, though Mr. MOORE was not then a member of the commission.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MINING EXPERIMENT STATION AT COLLEGE PARK, MD.

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and completion of a building or buildings on the campus of the University of Maryland at College Park, Md., suitable for use as an experiment station by the Bureau of Mines, at a cost not to exceed $350,000, including plumbing, lighting, heating, and other general-service equipment and necessary road, walks, and ground improvement: *Provided*, That a site on said campus, acceptable to the Secretary of the Treasury and the Secretary of Commerce, is donated to the United States Government for said purpose, subject to return to the donor at at any time if the Government ceases to use the land as indicated.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350,000 for carrying out the purposes of this act.

With the following committee amendments:

Page 1, line 11, after the word "site," insert "of not less than 20 acres"; page 2, after the word "donated," insert "and conveyed by deed conveying absolute title"; page 2, line 4, after the word "purpose," strike out the comma and the rest of the line and all of lines 5 and 6.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what superior advantage will accrue to the Government in locating this individual unit of the experiment station of the Bureau of Mines at the University of Maryland out here adjacent to the District?

Mr. SPROUL of Kansas. There are several advantages. One is the saving of a site, the cost of which perhaps might be $200,000 to $300,000, and then there is the graduate student advantage.

Mr. STAFFORD. Did I understand the gentleman to say the saving would be between $200,000 and $300,000?

Mr. SPROUL of Kansas. Between $200,000 and $300,000.

Mr. STAFFORD. Do I understand that land out there is worth $10,000 an acre?

Mr. SPROUL of Kansas. No; I do not think so.

Mr. STAFFORD. I understand the area of the tract involved is only 20 acres, and to make it cost $200,000 for the site you would have to value the land at $10,000 an acre.

Mr. SPROUL of Kansas. I am referring to a site in the city which would cost $200,000 or $300,000.

Mr. STAFFORD. Oh, yes; but no one would conceive of locating this experiment station in the city. Why is it not more feasible for the Bureau of Mines to have some individual tract of their own like the Bureau of Standards adjacent to or in connection with the Bureau of Standards?

Mr. SPROUL of Kansas. They do have this. It is to be conveyed absolutely to the Government.

Mr. STAFFORD. What special advantage is there to the Government of having this located at College Park, Md., in connection with the University of Maryland?

Mr. SPROUL of Kansas. I could not tell the gentleman all the advantages, but we are informed that there is a student advantage, mutual between the university graduates in chemical and mining engineering, on the one hand, and the officers of the Bureau of Mines, on the other hand. These arrangements are made in the different places where the Government experiment stations are located with university students.

Mr. STAFFORD. The report does not contain any recommendation from any head of a department.

Is this the conception of some individual Member of Congress or some patron connected with the university? Has this the indorsement of the Department of the Interior?

Mr. SPROUL of Kansas. I will say that one of the most enthusiastic supporters of the proposition is Secretary Lamont and the Director of the Bureau of Mines, Mr. Turner. There is a tremendous amount of evidence in support of the proposition.

Mr. STAFFORD. Why did the report not contain their recommendations?

Mr. SPROUL of Kansas. The report should contain it. I do not know why it was not put in there.

Mr. STAFFORD. Well, it is vapid of any information as to the views of any department head.

Mr. SPROUL of Kansas. The Senate report is not with the bill, but the Senate report contains a number of letters from different members of the Department of Commerce.

Mr. STAFFORD. Is 20 acres adequate for the growing purpose of the Bureau of Mines in connection with this experiment work?

Mr. SPROUL of Kansas. All the testimony was to that effect. The director of the bureau testifies that it is. The assistant director testifies that it is. Nobody took exception to the sufficiency of the acreage.

Mr. STAFFORD. I withdraw the reservation of objection.

Mr. DYER. Reserving the right to object, what is the emergency calling for the enactment of this legislation at this time?

Mr. SPROUL of Kansas. There is no special emergency that I know of, other than that they have been trying for a long time to secure additional facilities for carrying on their experiments. The Government is losing the use of its best experts, because of the lack of room and facilities. We are wasting money.

Mr. DYER. Where are they carrying on those experiments now?

Mr. SPROUL of Kansas. They are doing the best they can in Washington, at the bureau headquarters, where they do not have sufficient room, machinery, or equipment.

Mr. DYER. One other question. Is the money available now for this station if this legislation should be enacted?

Mr. SPROUL of Kansas. I could not inform the gentleman as to that, but the bill authorizes the appropriation of the money.

Mr. DYER. What is the occasion of having this experiment station so near the city of Washington? What mines are there in this vicinity?

Mr. SPROUL of Kansas. The proximity of mines to the station is not so very important. The officers of the Bureau of Mines are in Washington, and it is they who wish to make various investigations and experiments. They want the experiment station reasonably near their headquarters.

Mr. DYER. May I ask the gentleman from Maryland a question? Will the gentleman yield for that purpose?

Mr. SPROUL of Kansas. I yield.

Mr. DYER. What is the occasion of this haste in the enactment of this legislation? Is the money available to go ahead if we pass this bill, or do we have to wait until the next Congress?

Mr. LINTHICUM. No. The money will be available. The State is going to give 20 acres of land. This building is to be placed there for the benefit and convenience of Washington. They need an experiment station for this purpose.

Mr. DYER. In what appropriation is the money available for this purpose?

Mr. SPROUL of Kansas. It will have to be appropriated later on, of course, but the authorization has to be first enacted.

Mr. DYER. We can not do anything until the next session of Congress?

Mr. SPROUL of Kansas. No.

Mr. LINTHICUM. We can go ahead and get ready.

Mr. STAFFORD. Oh, the land is there.

Mr. HAWLEY. If the legislation is passed at this time, then it can be estimated for in the next Budget.

Mr. SPARKS. The lands needed for the experiment station will be donated by somebody that is interested in the matter?

Mr. SPROUL of Kansas. Yes.

Mr. SPARKS. And it will not cost the Government anything?

Mr. SPROUL of Kansas. No, sir.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4075. An act for the relief of the heirs of C. K. Bowen, deceased;

S. 4348. An act for the relief of Charles C. Bennett;

S. 5799. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians;

S. 5988. An act authorizing the issuance to Margaret McCreanor of a patent for certain lands;

S. 6124. An act for the relief of S. F. Stacher;

S. 6246. An act providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.; and

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River.

The message also announced that the House of Representatives is requested to return to the Senate the engrossed bill (S. 1696) for the relief of Thomas L. Lindley, minor son of Frank B. Lindley, with the amendments of the House thereto.

The message also announced that the Senate had receded from its amendment numbered 2 to the bill (H. R. 15493) entitled "An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes."

GEORGE J. SALEM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 252) authorizing an appropriation for the expense of the arbitration of the claim of George J. Salem, against the Government of Egypt, a similar bill having been reported by the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Pennsylvania [Mr. TEMPLE] asks unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 252), which the Clerk will report.

The Clerk read the joint resolution as follows:

Resolved, etc., That the sum of $52,000 is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, to defray the expenses of the United States in the arbitration of the claim of George J. Salem, against the Government of Egypt, including honorarium to the arbitrators, compensation of employees in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, stenographic and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), rent, purchase of necessary books and documents, official cards, printing and binding, one-half of all reasonable and necessary joint expenses of the tribunal incurred under the terms of the arbitral agreement, and such other expenses as may be authorized by the Secretary of State; and the Secretary of State is authorized to reimburse from the said appropriation any other appropriation from which payments may have been made for purposes connected with this arbitration prior to the time when the appropriation herein authorized shall have become available.

The SPEAKER. Is there objection?

Mr. BLANTON. I object. I objected to this resolution in the session the other night Mr. Speaker.

Mr. TEMPLE. Will the gentleman withhold his objection for a moment?

Mr. LaGUARDIA. Will the gentleman withhold his objection?

Mr. BLANTON. Certainly, to allow the gentleman to speak. I want to state to the gentleman from New York [Mr. LaGUARDIA] this is a proposal for the Government of the United States to pay $52,000 for the expense of an individual to prosecute his own private claims in Egypt respecting his private property. Since I objected to this the other night this man has been so powerful that he has had a former splendid young Governor of Texas, a good friend of mine, to call me up on the telephone from Texas and ask me, foresooth, to please withdraw my objection. I said "Governor, what do you know about the bill." He said "Not a thing"; he was called upon by some one to get my objection out of the way.

And Jesse Jones, of Houston, the millionaire editor of the Houston Post-Dispatch, was importuned by some one to call me up over the telephone from Houston, Tex., to try to get me to let this $52,000 bill pass, when he knew nothing about this bill, and he asked me to withdraw my objection. But in this Congress I back my own judgment. Outsiders do not influence me. I represent and act for my constituents.

Mr. LaGUARDIA. I have heard the gentleman protest on the floor of this House time and time again about protecting the rights of American citizens. This is no different than appropriating millions of dollars for courts in this country where private citizens can go and carry on their business.

Mr. BLANTON. If the gentleman from New York [Mr. LaGUARDIA] has property in Egypt, he would have to pursue his own means of defense and offense with respect to the

recovery of that property, and put up his own attorneys' fees and put up his own expenses over there; but this is a proposal for the Government to put up all of the expenses of prosecuting a private claim for private property. Down in Texas across the Rio Grande at Brownsville, Tex., in the district of the minority leader, and down in Laredo, across the river, and at El Paso, across the river at Juarez, there are hundreds of American citizens who have lost their property in Mexico and who have been put in jail there for days, months, and years, and the Government has not given them one dollar to prosecute their private claims.

Mr. TEMPLE. Will the gentleman withhold his objection until I make an explanation?

Mr. BLANTON. I am going to object.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. TEMPLE. Will the gentleman withhold his objection until I make a brief statement?

Mr. BLANTON. Yes.

Mr. TEMPLE. Mr. Speaker, I misunderstood the situation. I thought the gentleman was going to withdraw his objection.

Mr. BLANTON. No; I am not. These multimillionaire editors and ex-governors do not control my action in the House.

Mr. TEMPLE. Will the gentleman allow me to make a statement?

Mr. BLANTON. Yes.

Mr. TEMPLE. I wish to say I know nothing about the method by which these gentlemen came to communicate with you. I had nothing to do with it. The Government of the United States has already signed a protocol with the Government of Egypt agreeing to this arbitration. Attempts were made by diplomatic means during several years to reach an agreement and the Egyptian Government has at last agreed to arbitrate.

The difference between the situation in Egypt and the situation in Mexico is this: We have in Egypt what is called extraterritorial jurisdiction; that is, we have a treaty with Egypt under which American citizens are not to be tried in the local native courts but are tried in a mixed court, established in accord with a treaty between Egypt and other powers, of which the United States Government is one. We claim that Egypt has violated the treaty, so that the matter is not a mere question of protecting the rights of American citizens, though it seems to me that would be sufficient to justify our interest in the case, but it is also a question of preserving our rights under that treaty. If this bill is not passed it will be the first time in the history of the United States when an arbitration has been agreed to between the United States and some other government that Congress has refused to back up the Government of the United States. Our credit abroad, our standing as a nation are involved; and I think if the gentleman would overcome his resentment at the action of some one in inducing Texas friends to intervene——

Mr. BLANTON. They were both friends of mine, but they can not control me here.

Mr. TEMPLE. I sent no requests to anybody in Texas or elsewhere.

Mr. BLANTON. Why should the former Governor of Texas and Jesse Jones ring me over the telephone about it?

Mr. TEMPLE. Does the gentleman doubt my word in the matter?

Mr. BLANTON. Certainly not. I want to ask the gentleman this: Does the gentleman realize that in connection with this matter there is a little junket?

Mr. TEMPLE. No; I do not.

Mr. BLANTON. Does the gentleman want me to tell him about this junket, and especially those who are going to Egypt on it? I can give him some of the names if he wants me to do so.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

FOURTEENTH ANNUAL CONVENTION OF THE FRENCH VETERANS OF THE WORLD WAR

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5571, to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932, a similar House bill being on the calendar, and I am asking this at the direction of the Senate Foreign Affairs Committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I object.

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass Senate bill 5571, to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $50,000 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a contribution by the United States, for the expenses and entertainment while in the United States of delegates and members participating in the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932, during the celebration of the two hundredth anniversary of the birth of George Washington, and in honor of the birthday of General Lafayette. Such sum shall be expended by the national treasurer of the American Legion under such rules and regulations as the Secretary of State may prescribe. The United States shall not be liable, directly or indirectly, for any expense, obligation, or indebtedness incident to such convention.

The SPEAKER. Is a second demanded?

A second was not demanded.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

INTERNATIONAL GEOLOGICAL CONGRESS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 253) to authorize an appropriation for the expenses of the sixteenth session of the International Geological Congress to be held in the United States in 1932.

The Clerk read the title of the Senate joint resolution.

Mr. BLANTON. Mr. Speaker, I object.

SECOND POLAR YEAR PROGRAM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6173) authorizing an appropriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLANTON. Mr. Speaker, reserving the right to object, these funds will be expended when?

Mr. TEMPLE. During the year from August 1, 1932, to August 31, 1933.

Mr. BLANTON. Prior to August 1, 1932, the new Congress, even if it does not meet until next December, will be in session from December, 1931, until at least the 1st of July, 1932, and what is to prevent it from providing this $30,000 at that time? I think we are using the time in this last night session a little prematurely in providing funds for an enterprise running from August 1, 1932, to August 31, 1933.

Mr. TEMPLE. The reason for this, if the gentleman will allow me to state it, is that it requires the manufacture of very delicate, scientific instruments, which require a long time to prepare. I get this information——

Mr. BLANTON. In my time, will the gentleman tell me one thing? In what way will the expenditure of this $30,000 on the polar year help the starving people in Virginia, Maryland, Tennessee, Arkansas, Oklahoma, Texas, and many other drought-stricken States in the United States?

I object, Mr. Speaker.

INTERNATIONAL HYGIENE EXHIBITION

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and pass the bill (S. 6203) to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLANTON. Mr. Speaker, reserving the right to object, at the time this $5,000 was authorized we understood then that this would be the total sum to be used. Now they want $50,000 additional. Can the gentleman explain the necessity for this?

Mr. TEMPLE. I can explain that matter. When the $5,000 was appropriated the original sum asked was a great deal larger—I do not remember the exact amount.

Mr. BLANTON. But they finally agreed on $5,000.

Mr. TEMPLE. Please allow me to finish the statement.

The reason we cut it down from the larger sum to $5,000 was because we knew at that time that there would be no opportunity to prepare an exhibit. The proposal was brought to us too late for that. We were merely sending over delegates without the means to prepare an exhibit. Now, the hygiene exhibition is prolonged for another year, and we have time to do the thing that was asked for at first.

Mr. BLANTON. Who all are going on this $55,000 Germany junket?

Mr. TEMPLE. I do not know.

Mr. BLANTON. I object to the bill, Mr. Speaker.

DISTRIBUTION OF TRIBAL FUNDS OF THE PUYALLUP INDIANS, WASHINGTON

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6146) to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington.

Mr. SCHAFER of Wisconsin. Reserving the right to object, has the Committee on Indian Affairs unanimously approved this bill?

Mr. LEAVITT. Yes.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of bill (S. 5110) to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina, an identical House bill being on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That the final roll of the Eastern Band of Cherokee Indians in North Carolina directed to be prepared by the act of June 4, 1924 (43 Stat. L. 376), is hereby declared to be a final roll of said Indians only for the purpose of showing the membership of said band as it existed on the 4th day of June, 1924: *Provided*, That thereafter no person of less than one-sixteenth degree of said Eastern Cherokee Indian blood shall be recognized as entitled to any rights with the Eastern Band of Cherokee Indians except by inheritance from a deceased member or members: *Provided further*, That the Secretary of the Interior is hereby authorized to defer the work of making allotments in severalty to the enrolled members of said band as provided for in said act until otherwise directed by Congress.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. STAFFORD. Reserving the right to object, the President of the United States only a few days ago criticized the bill whereby we changed the permanent enrollment of certain Indian tribes. I assume that the purpose as far as this bill is concerned is the same. Will the gentleman state what is intended to be accomplished by the bill?

Mr. LEAVITT. The act of June 4, 1924, brought about the enrollment of these Indians for the purpose of distributing their property. That enrollment has been completed, and the Indians themselves now feel that it should be used only for the purposes of determining the membership of the tribe, and that they are not ready to have the property distributed.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. CRAMTON. I understand this bill will result in putting a stop to the proposed distribution of the property of the Indians. I feel that that is desirable.

Mr. LEAVITT. That is true. The statement of the Secretary of the Interior says:

S. 5110. Under existing legislation we face the necessity of making allotments to the Eastern Cherokees, although the plan of allotment is evidently both untimely and unwise. Our study has shown that it would be a great misfortune to the Indians.

Mr. SABATH. Did not the gentleman advocate the act of June 4, 1924?

Mr. LEAVITT. The act of June 4, 1924, brought about the enrollment and provided for a distribution of the property.

Mr. SABATH. The gentleman had the impression then that it was a timely act and helpful to the Indians. What has occurred since that time to change his views and his mind on it?

Mr. LEAVITT. The enrollment itself has shown that the distribution of this rough mountain land would be in such small parcels to the Indians, many of whom are scattered over the entire United States, would be of little value. Instead of being preserved it would be made useless.

Mr. DYER. Did the gentleman's Committee on Indian Affairs consider this legislation?

Mr. LEAVITT. Yes.

Mr. DYER. And reported it favorably?

Mr. LEAVITT. Yes; it is on the House Calendar, and this bill has passed the Senate.

Mr. DYER. The Indian Affairs Committee is the most industrious committee in the House. They average one or two bills a day during the session.

Mr. LEAVITT. We are trying to keep up with the average.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CAHUILLA INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6011) to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase section 36, township 7 south, range 2 east, San Bernardino base and meridian, Calif., containing 640 acres, for addition to the Cahuilla Indian Reservation, and issue a trust patent therefor to the band of Indians in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 1, 1907 (34 Stat. 1015–1022); and there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,560 to cover the purchase price of the land.

Mr. GREEN. Mr. Speaker, I reserve the right to object. Is the gentleman advised as to the alleged treatment of the Indians of this reservation, whether it is now going on as it did according to conditions painted a year ago by a writer in Good Housekeeping? The gentleman will recall a series of articles a woman writer had in that magazine telling about how children were hooked to plows and how other dreadful conditions existed. I am wondering whether such conditions now exist in the Indian reservations.

Mr. CLARKE of New York. Mr. Speaker, I wish the Chair would stop the gentleman from Florida from talking further; he is breaking my heart. [Laughter.]

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, this bill carries an appropriation, does it not?

Mr. LEAVITT. A very small one.

Mr. COLLINS. I object.

Mr. LEAVITT. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. LEAVITT. The purpose of the bill is to authorize the purchase of 640 acres of land adjoining a very small area belonging to this little group of California Indians. It can be purchased for them at the rate of $4 an acre and is necessary to round out their grazing allotment.

Mr. COLLINS. But it carries an appropriation?

Mr. LEAVITT. No; it carries an authorization.

Mr. COLLINS. I have no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

THOMAS L. LINDLEY

The SPEAKER laid before the House the following communication from the Senate, which was read:

Ordered, That the House of Representatives be requested to return to the Senate the engrossed bill (S. 1696) for the relief of Thomas L. Lindley, minor son of Frank E. Lindley, with the amendments of the House of Representatives thereto.

The SPEAKER. Without objection, the request will be complied with.

There was no objection.

FORT APACHE INDIAN RESERVATION, ARIZ.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5033) to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed the sum of $1,300 of funds on deposit to the credit of the Indians of the Fort Apache Reservation, Ariz., for the purchase of land and appurtenances thereto, exclusive of mineral rights, located within the exterior boundaries of that reservation, and belonging to the Aztec Land & Cattle Co., title thereto to be taken in the name of the United States in trust for said Indians.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object to ask one of the conferees on the veterans' hospital bill if it is not possible to have the conferees report to the House for instructions, so that this bill might not fail of enactment in conference and prevent the hospital expansion building program which is necessary in order to take care of the disabled war veterans.

Mr. DYER. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

WASHAKIE NATIONAL FOREST, WYO.

Mr. CARTER of Wyoming. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5588) to add certain public lands to the Washakie National Forest, Wyo., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Washakie National Forest, Wyo., and are to be hereafter administered under the laws and regulations relating to national forests:

Northeast quarter, southeast quarter of the northwest quarter, north half of the southeast quarter and the southeast quarter of the southeast quarter of section 13, township 43 north, range 108 west, sixth principal meridian; all of section 19, all of section 27, north half of section 28, north half, north half of the southwest quarter of section 29, northeast quarter of section 30, west half of the northeast quarter, northwest quarter, southwest quarter, west half of the southeast quarter, southeast quarter of the southeast quarter of section 35, township 43 north, range 107 west, sixth principal meridian: *Provided*, That the inclusion of any of the aforesaid land in the Washakie National Forest shall not affect adversely any valid application of entry pending at the date of the approval of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THE HOSPITALIZATION BILL

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker and Members of the House, in a very few hours this Congress will adjourn. Up to the present moment the hospital expansion program to take care of disabled war veterans is deadlocked in conference. I sincerely hope that at least one of the Republican conferees will agree to accept the Senate amendments, so that these additional hospital facilities can be made available for the veterans without any unnecessary delay. [Applause.]

The full responsibility, if this bill dies in conference, rests upon the Republican conferees and upon the Republican Members who followed the gentleman from Massachusetts [Mr. LUCE] the other day. The gentleman from Massachusetts also took the floor of the House and spoke against the Rogers hospital bill when it came before the House for passage.

To-day the Members of the House attempted to pass a bill carrying $10,000,000 for mansions in foreign lands for the Foreign Service. Many of you stood up and voted for that $10,000,000 for mansions in the Foreign Service, and you do not have the courage of your convictions to ask the House conferees to accept the Senate amendments, so that this hospital building bill does not die in conference. [Applause.]

AUTHORIZING COMPTROLLER GENERAL TO ALLOW CERTAIN EXPENDITURES IN WAR DEPARTMENT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2980) to authorize and direct the Comptroller General to allow certain expenditures in the War Department.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] asks unanimous consent for the immediate consideration of the bill (S. 2980) which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That in the settlement of all accounts involving shipment of baggage of officers, warrant officers, nurses, enlisted men, or civilian employees of the Army where such shipments have been turned over to the Quartermaster Corps or other agency of the War Department subsequent to October 12, 1927, and prior to October 10, 1929, both dates inclusive, the Comptroller General is hereby authorized and directed in the settlements made or to be made to accept as binding upon him the definition of authorized baggage as approved by the Secretary of War and promulgated in Army Regulations, Series No. 30-960, dated September 20, 1927: *Provided*, That where any amounts have been collected by reason of nonacceptance of such definition the return of amounts thus collected to those from whom collected is authorized and directed.

With the following committee amendment:

Page 1, line 10, after the word "made," insert "for shipments for said period."

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, may I ask the gentleman a question? This is a blanket proposal for the Comptroller General to relieve officers in the Quartermaster's Department from complying with the present law.

Mr. JAMES of Michigan. There is no law regarding the shipment of household goods. We carried language in the appropriation bill——

Mr. BLANTON. This bill will allow them to ship their automobiles, will it not?

Mr. JAMES of Michigan. No; it does not. In 1927 there was language in the bill and under that language the Secretary of War issued orders that automobiles could be shipped, which was agreed to by the Judge Advocate General.

Mr. BLANTON. And the Comptroller General turned it down.

Mr. JAMES of Michigan. Will the gentleman listen to me a moment?

Mr. BLANTON. I am trying to get the facts.

Mr. JAMES of Michigan. The Comptroller General said it could not be done.

Mr. BLANTON. That is exactly what I said.

Mr. JAMES of Michigan. Since that time it has not been done and will not be done.

Mr. BLANTON. That is exactly what I said. It is an effort to get around the Comptroller General.

Mr. JAMES of Michigan. It is to take care of these disbursing officers who in good faith carried out what they thought was the intent of Congress.

Mr. BLANTON. I want to ask the gentleman this question: Does he believe it a wise policy to let them get around the law and let them do what they please, when the Comptroller General is the only man in this Government who can sit across the table from generals in the Army and from admirals in the Navy Department and tell them they have to obey the law?

Mr. JAMES of Michigan. As I said, that is not being done now. This is to relieve men in the Army, lower in rank, who in good faith carried out what they thought was the intent of Congress, so stated by the Secretary of War and by the Judge Advocate General.

Mr. BLANTON. But if this bill is passed it will permit every officer, if he wants, to transport his automobile to Japan or anywhere else at Government expense.

Mr. JAMES of Michigan. Oh, no. It has not been done since the comptroller said it should not be done.

Mr. BLANTON. But, this is to change the law to make the Comptroller General recognize those claims of the department.

Mr. JAMES of Michigan. Yes; just in those cases where it was done.

Mr. BLANTON. Mr. Speaker, this will cost the Government a tremendous sum of money. I object.

CEREMONIES AFTER FINAL ADJOURNMENT

Mr. CLARKE of New York. Mr. Speaker, I want to call the attention of the membership to the program to-morrow. Immediately upon the expiration of the Congress the Marine Band and others will conduct a splendid musical program, which has been arranged by the gentleman from Virginia [Mr. WOODRUM] on the Democratic side, and myself on the Republican side. There will be an old-fashioned songfest. We hope you will all be with us. The program will start immediately upon the fall of gavel. Tickets have been sent out to everybody and no favoritism has been shown anywhere. [Applause.]

TARGET RANGE, FORT ETHAN ALLEN, VT.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5455, to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 5455, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That a sum not to exceed $7,500 is hereby authorized to be appropriated for the completion of the acquisition of land in the vicinity of and for use as a target range at Fort Ethan Allen, Vt., and the Secretary of War is hereby authorized to complete the acquisition of said land.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

COMMEMORATION OF THE BATTLE OF FORT NECESSITY, PENNSYLVANIA

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 6078, to provide for the commemoration of the Battle of Fort Necessity, Pennsylvania, a similar House bill being on the calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 6078, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That for the purpose of commemorating the Battle of Fort Necessity, in the State of Pennsylvania, on the 3d day of July, 1757, the Secretary of War is authorized to accept title to not less than 1 acre of land, which will include the site monument thereon.

SEC. 2. There is hereby authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. The land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such monument and its site a sum not to exceed $250 per annum.

The SPEAKER pro tempore [Mr. SNELL]. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

AMENDMENT OF THE NATIONAL DEFENSE ACT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Bill 1011, to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 1011, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"SEC. 6a. CHIEF BANDMASTER.—A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major while so serving. He shall, under the direction of the Secretary of War, be charged with the duty for the uniform administration of all authorized Army bands and schools, and shall advise the Adjutant General on all matters relating to the musical organizations in the Army.

"SEC. 6b. BANDMASTERS.—Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, to rank with second lieutenants; 3 to 10 years, to rank with first lieutenants; over 10 years, to rank with captains. All prior active band-leader service as chief musician, master sergeant, warrant officers commissioned and enlisted, shall be credited toward computing the rank present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School: *Provided*, That no band leader shall suffer the loss of pay by reason of the provisions of this act."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers assimilated in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of band leaders receiving commissions in pursuance of the provisions of this act.

SEC. 3. This act shall take effect immediately following its enactment.

SEC. 4. This act may be cited as the Army bands act.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill provides for the spending of $86,000 a year for commissioning band leaders, and I object. For a hundred years we have had wonderful bands without spending this extra $86,000 per year. Just

now the people want food. They can get along without extra band music until we recover from the present suffering and depression.

FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I move to suspend the rules and pass Senate bill 6169, to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, with an amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Montana moves to suspend the rules and pass Senate bill 6169, with an amendment. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall after April 26, 1931, remain restricted and tax exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land, held by anyone, acquired as herein provided, shall not exceed 160 acres: *And provided further*, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928 (45 Stat. 495).

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest, and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

The SPEAKER pro tempore. Is a second demanded?

Mr. McKEOWN. Mr. Speaker, I demand a second.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection?

Mr. McKEOWN. Mr. Speaker, I object.

The question was taken; and the Chair appointed as tellers Mr. LEAVITT and Mr. McKEOWN.

The House divided, and the tellers reported that there were—ayes 103, noes, 45.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Montana [Mr. LEAVITT] is recognized for 20 minutes and the gentleman from Oklahoma [Mr. McKEOWN] for 20 minutes.

Mr. LEAVITT. Mr. Speaker, I yield myself three minutes. Mr. Speaker and Members of the House, you will recall that something like a month ago the Committee on Indian Affairs reported to this House a bill that had for its purpose the extension of the restrictive period for certain classes of the Five Civilized Tribes of Indians in the State of Oklahoma. That was a bill which had been prepared in the Department of the Interior as a result of knowledge on the part of the Commissioner of Indian Affairs that unless such a bill was passed at this session of Congress there would be great damage done to these Indians through the removal of restrictions on the 26th of next April. Experience had shown that unless those restrictions should be continued there would be loss and damage to these Indians that could not be repaired in the future. That bill was brought to the floor of the House and when it was brought here the gentleman from Oklahoma [Mr. HASTINGS] suggested some changes in it.

At the request of the Oklahoma delegation the bill was returned to the Committee on Indian Affairs. A further hearing was held and the bill which we bring before you at this time is the result of that hearing and the result of the reconsideration of that bill.

I am going to ask the gentleman from Oklahoma [Mr. HASTINGS], to a little later explain the bill in detail. I wish at this time only to call your attention to this fact: That the Committee on Indian Affairs believes with the Commissioner of Indian Affairs that unless this bill is passed irreparable harm will be done to these defenseless Indians during the period of time that is to come.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. When this bill was under consideration in the Senate, as I understand, an amendment authorizing the creation of trust estates, an amendment known as the Thomas amendment was incorporated. Does the gentleman's motion to suspend the rules and pass the bill include the Thomas amendment?

Mr. LEAVITT. The motion I made to suspend the rules and pass the bill carried with it an amendment to strike out what is known as the Thomas amendment.

Mr. CRAMTON. Which action, I think, is quite desirable.

Mr. LEAVITT. Mr. Speaker, I reserve the balance of my time.

Mr. McKEOWN. Mr. Speaker, I yield seven minutes to the gentleman from Oklahoma [Mr. CARTWRIGHT.]

Mr. CARTWRIGHT. Mr. Speaker and fellow Members, I regret very much to have to disagree with the chairman of the Committee on Indian Affairs, of which I am now and have been a member since I have been in Congress. I also deeply regret that I am unable to agree with the position taken on this bill by my colleague from Oklahoma [Mr. HASTINGS] for whom I have the greatest respect, but I am unalterably opposed to this bill in any shape, form, or fashion, and I desire to state a few of the many reasons for my opposition to this legislation in the brief time allotted me.

In 1908 Congress sought to make provision for children born after the closing of the rolls, and in the proviso of section 9 Congress continued the restrictions on the homestead allotment for the benefit of children born since March 4, 1906. Under that section every Indian who died after the act of 1908, enrolled as one-half or more Indian blood, and leaving issue not on the rolls, had his homestead restricted until 1931. That act was unjust to the adult heirs and was unjust to the taxpayers of the State in that it put a long period of restrictions on the homestead allotment in favor of one heir, thus postponing the other heirs from their rightful inheritance until 1931. Now that this long period has about expired, the Department of the Interior seeks to extend that period and thus further deprive the postponed heirs of their interest in the land for another 25 years. If the department can not extend the restriction on the land, it will seek to extend it on the money held by the department.

I am in the district which has more Indians affected by this legislation than any other Member of Congress. It would benefit a very limited class of people and deprive a much larger class of rights to which they are justly entitled. For instance, there is one old Indian, who has a one-third interest in some money at Muskogee, which came from lands in the oil-producing area. The department has had that money for about 15 years, holding it for the benefit of the child born since March 4, 1906. If you pass this legislation, this man who inherited as much as his child under the laws of Oklahoma will be deprived of his interest for another 25 years.

Mr. KVALE. Will the gentleman yield?

Mr. CARTWRIGHT. Yes; I yield with pleasure to my good friend the distinguished gentleman from Minnesota.

Mr. KVALE. Is that a typical case?

Mr. CARTWRIGHT. Yes; I will state to the gentleman that is a typical case. I could state a number of such cases if time permitted.

I give you one other instance in the Hickman Willis case, in which the money received since the death of Hickman Willis

will reach approximately $100,000. One of the heirs was born prior to March 4, 1906, and under the act of 1903 he must wait and let this $100,000 be used exclusively by the child born since 1906.

Now, then, if you let the department further restrict this money or extend this 1931 restriction you might as well by legislation say to this other heir that he has no interest in the land and ought never to have had any and give it all by legislation direct to the child born since March 4, 1906. The demand for a continuance of this restriction, when analyzed, will appear to be utterly without sound foundation. It is simply one of the many plans by which the department wants to continue its control over these restricted funds. Now, the truth of the matter is, these persons which take since March 4, 1906, in most instances are less than full blood, and in some instances they are quarter bloods. Why give a tax exemption to a quarter-blood Indian on a homestead allotment for another period of years?

Why, my friends, the people in Oklahoma, especially in my district, have been looking forward with pleasant anticipation to the time when Indian affairs would be wound up, and, sure enough, this is "winding them up." It is winding them so far up that their affairs will never be unwound. You can not make white people out of Indians as long as you keep them more and more restricted. This bill is very unfair to the taxpayers of the State of Oklahoma and it is unfair to the Indians themselves.

There is not an Indian I know of, unless it happens to be an Indian who is benefiting by holding a job through continued restrictions, who wants this legislation. Restrictions have already been extended too long, and I plead with you not to pass this bill to further extend the restrictive period.

Mr. Speaker, I know the die is cast. The machine is well oiled and is going to run rough shod over me. The Indian Department has given its orders and under this bureaucratic Government, its orders will be obeyed. As for me, I do not take orders from any bureau. I answer only to my conscience and to the sovereign people of my district. Let me say frankly to this House and especially to the gentlemen who are leading the fight for the passage of this bill and bent on rushing it through with practically no consideration in the closing hours of this session of Congress, that I defeated a very able and distinguished gentleman for Congress who took the identical position as do gentlemen who are opposing me here now.

The chairman of the committee sponsoring this bill is from Montana and the other gentlemen so "interested" in our Indians in Oklahoma are from far-off Michigan.

I was reared among the Indians of southeastern Oklahoma. I know their needs and am deeply interested in their welfare. I plead with you not to pass this measure. [Applause.]

Mr. LEAVITT. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, in connection with Indian affairs it is always to be remembered that the Indians who are wards of the United States are known as restricted Indians; that is to say, their right to dispose of their property is restricted, and their property can only be disposed of with the approval of their guardian.

In Oklahoma the laws affecting these Indians are such that heirship property, property which these restricted Indians inherit, can be disposed of by them.

Time does not permit a statement of the details of this bill, but the main purpose of the bill, as I understand it, is to increase the restriction on the right of a restricted Indian to dispose of his property without approval of the Government.

Of course, in Oklahoma there is a wide demand to let the Indian dispose of his property freely. The report of the Commissioner of Indian Affairs is filled with instances of unwise disposition of such property, and when it is once disposed of, it becomes taxable. Again, there is great demand in Oklahoma to have this come about.

I am not sure that this bill goes as far as I would like to see it go in protecting these Indians from unwise disposition of their property, but it does extend further the protection of the property of these Indians, and I hope the House will support the motion of the gentleman from Montana in his effort to give protection to these Indians, as is recommended by the Secretary of the Interior, as is recommended by the Commissioner of Indian Affairs, and, as I understand, is supported by certain members of the Oklahoma delegation, including my friend HASTINGS, in whose judgment I have always had such great confidence.

Mr. McKEOWN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen, a great philosopher, scholar, and sage once remarked that some men are born great, that others have greatness thrust upon them, while still others achieve greatness. Mr. Speaker, as a Tammany Hall Indian, I have observed during my four years of membership in this House that the only way men can achieve greatness in this body is through indefatigable and persevering work and through persistent and assiduous attention to duty upon the floor of the House or in committee. To-morrow noon, Mr. Speaker, ladies and gentlemen, in this drama of public service, there will pass from the floor of this House three men whom I have fought in the past upon the subject of poisoned alcohol. In the debate upon this controversial matter I have uniformly found these men earnest, sincere, and courageous in their convictions—I honor and respect them—I am sorry that the House will lose their counsel and advice upon so many matters that experience has ripened and mellowed their judgment. Who are these three servants of the Republic? One is my distinguished friend, LOUIS CRAMTON, the second is GRANT HUDSON, and the third is FRANKLIN MENGES. May I take this opportunity, Mr. Speaker, ladies and gentlemen, to say how sorry I feel that they have to leave this House as martyrs on the altar of prohibition. I sincerely hope that wherever life and fate may carry them in their career of life they may always carry along with them the fondest reminiscences and recollections of this House and that God's richest blessings may be theirs and that they may have peace in their hearts, contentment in their minds, and happiness throughout their days. [Applause.]

Mr. LEAVITT. I have only one speaker left.

Mr. McKEOWN. I yield two minutes to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker and gentlemen, I am not rising to discuss the bill, although I am a member of the Committee on Indian Affairs that reported the bill out. They had it referred back to the committee, reported it out again with amendments, and it was not satisfactory; and now my colleague [Mr. HASTINGS] and some one in the Senate has written a perfect bill, which is now brought in here and in its form was never seen or considered by the committee.

I want to call the attention of this House to the fact that this House two weeks ago passed House bill 15772. It was passed by the Senate and signed by the President and is a public law. It was passed to eliminate double taxation on oil-producing properties from April 26, 1931, to the end of the fiscal year July 1, 1931. Now, in drafting this bill they have put the same identical language back in the bill so that the bill Mr. HASTINGS introduced relieving them of double taxation if this bill is passed puts the double tax on again and repeals the tax bill. So you can decide on which bill you want. Because of the tax provision I shall vote against the bill. It shows the mischief we do in the last minute. [Applause.]

Mr. McKEOWN. I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, recently a local newspaper carried an article in its Sunday edition, telling of the findings of a professor who went among all the American Indian tribes with the intention of studying their folklore and he stayed there with them three years and found deplorable living conditions among the tribes. He gave the facts and figures of many Indians who were almost starving and he found some of them eating the entrails of dead horses, and little children were going without clothing. I



stated something along this line to the gentleman from Michigan [Mr. CRAMTON] a year ago on this floor on other reports which I had received. An athletic instructor in one of the Indian schools told me that the entire athletic equipment for that Indian school was one basket ball.

I believe that the Indian Affairs Committee should look into these matters, and if these things are true, and I believe they are, that they will have a thorough investigation of the affairs of these Indians so that they may get that to which they are entitled. I am against this bill if it places any further restrictions on the poor Indians.

Mr. LEAVITT. The purpose of this bill is to prevent these Indians getting into the condition that the gentleman complains of.

Mr. CONNERY. The professor to whom I referred said that he found Indians whose money was being withheld from them by guardians and the Government, and yet these Indians were almost starving.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. McKEOWN. Mr. Speaker, and gentlemen, when I went to the Indian Territory 30 years ago the Indians in that Territory were under their own government, and I stand here to-night to tell you that they were in better condition in every way then than they are to-day after 30 years under the guardianship of the Bureau of Indian Affairs of this Government. They took care of the education of their children; they took care of their poor; they made their own laws. This bill proposes to say to an Indian 50 or 60 years old that although he has a half interest in a homestead that will be alienable on the 15th of next month, that he can not get his money before 1945. Here is what a Secretary of the Interior said about this bill in 1928 when we extended the restrictions:

> Under the existing law, the temporary special interests referred to above of these heirs, born since March 4, 1906, in the homestead of decedent allottees, will expire on April 26, 1931. It is understood that by reason of these temporary special interests or rights under the existing law, the final settlement and partition of estates of deceased allottees among the heirs were delayed and that many complications arose. It is believed that it will be to the best interest of the greater number of the heirs of deceased allottees to permit the temporary special interests or rights of the above-mentioned class of heirs born since March 4, 1906, to expire on April 26, 1931, as provided by existing law, and that such temporary special interests or rights should not be extended for an additional period of time. This will have the result of placing the allottee's heirs born since March 4, 1906, in the same position and with the same inheritance rights as the heirs born prior to that date.

One Secretary of the Interior said that these restrictions ought not to be extended. That was Secretary Work. The department down here is taking this money and holding it in the banks and will not turn it over to the legal guardians or recognize our State court judgments. There are Indians in my county and in my district who have thousands of dollars, and they can have no say about their property.

The Indian Bureau has some good agents; and some autocrats superintending the affairs of these Indians who assume to say when they will allow them any money; and I say to you that when an Indian has $100,000 or $1,000,000 he ought to have some rights, and the Government of the United States ought to give him some opportunity to develop business training. This bill is just another effort of the Bureau of Indian Affairs to prolong its hold on the Indians of the Five Civilized Tribes and have a place for a lot of employees for another 25 years.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Speaker, I yield the remaining time to the gentleman from Oklahoma [Mr. HASTINGS], who is himself part Indian and who has the courage to stand up for what the Indians need in the protection of their rights. [Applause.]

Mr. HASTINGS. Mr. Speaker and Members of the House, I hope I may have your attention for the next 10 minutes. In Oklahoma when the land was originally allotted there were certain restrictions placed upon the Indian allottees. Later on the restrictions in part were removed by legislation. An act was passed on April 26, 1906, extending the restrictive period until April 26, 1931. There has been an entire misconception of what is in this bill, and I want to explain to the House what it is in the bill. Three years ago, on May 10, 1928, Congress extended the restricted period until April 26, 1956, on approximately 10,000 of the 101,798 allottees of the Five Civilized Tribes. Here is what the Interior Department fears:

The restrictions, without the act of 1928, would have expired on April 26, 1931. There were some rich oil lands allotted to some of the restricted Indians. There has been accumulated from these lands large sums of money. That money was restricted. The Interior Department has invested that money in certain securities. A few of those Indians have as much as $100,000 or $200,000, and some few of them as much as a million dollars. The trouble is the department fears that unless this bill is passed, those accumulated funds, accumulated from oil produced from restricted lands prior to this coming April 26, may become unrestricted and have to be turned over to those full-blood, and in some cases, non-English-speaking Indians.

Mr. McKEOWN. Will the gentleman yield?

Mr. HASTINGS. I can not yield now.

The SPEAKER pro tempore. The gentleman refuses to yield.

Mr. HASTINGS. Gentlemen, that is what the first section of this bill attempts to provide against. The first section of the bill makes it certain that the funds of the restricted Indians from these restricted lands will not be turned over on April 26, 1931, to be improvidently expended, but these funds will continue to be expended under the supervision of the Secretary of the Interior until April 26, 1956, which is the end of the restrictive period provided under the act of May 10, 1928. That is all there is to this section, Members of the House.

Mr. McKEOWN. Will the gentleman yield?

Mr. HASTINGS. I beg the gentleman's pardon. I can not yield now. My two colleagues [Mr. McKEOWN and Mr. CARTWRIGHT] and myself went before the Committee on Indian Affairs, and, with some minor changes which liberalized it, this bill was discussed and agreed to. It was unanimously reported by the Senate Committee on Indian Affairs. It has passed the Senate. It has been thoroughly considered and discussed and unanimously reported by the House Committee on Indian Affairs. That is all that is in section 1 of the bill.

There are two other provisions in the bill. One is that where a restricted Indian acquires by devise or otherwise entire tracts of already restricted and tax-exempt land, it continues restricted and tax-exempt in the hands of the restricted Indian until the expiration of the restrictive period. That is all there is in this bill. This provision only applies to restricted and tax-exempt land under the act of May 10, 1928. That is, in substance, what section 1 provides.

Now, what is in section 2 of the bill? We appropriate annually $40,000 to employ probate attorneys to look after the affairs of and represent restricted Indians. They have the right to represent restricted Indians in the courts. When a restricted Indian dies the heirs can alienate their inherited lands. Congress passed an act which provides that these inherited lands could not be alienated except with the approval of the county court. All that section 2 of this bill provides is that the probate attorneys whom we appropriate money for shall, as a matter of right, go into the probate courts and represent the restricted Indians in the sale of land that is inherited by full-blood heirs. In other words, this bill is in the interest of the restricted Indians. It protects them, and in the event there is an adverse ruling by the county court it permits an appeal to the district court of the State. They appear under the rules of the Supreme Court of Oklahoma.

That is all there is in this bill.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. OLIVER of Alabama. What are the rights of enjoyment on the part of the Indian who owns, say, $100,000 or $1,000,000?

Mr. HASTINGS. It is a question of degree of blood, and that is already determined by the act of May 10, 1928. As far as this bill is concerned, it does not impose any additional restrictions.

The act of May 10, 1928, extended the restrictive period for 25 years and until April 26, 1931. This bill makes it certain that the restrictions continue on the large sums of money that have been accumulated from oil that is produced from restricted lands. If this bill does not pass, the department fears it may have to turn over large sums of restricted funds to Indians who may improvidently expend it. I think the funds continue restricted under the act of 1928. This bill is in the interest of the restricted Indians, and if the Members of Congress understood it, I believe it would be unanimously passed.

Mr. OLIVER of Alabama. Will the gentleman yield further?

Mr. HASTINGS. I yield.

Mr. OLIVER of Alabama. What are the rights of enjoyment of an Indian who has a million dollars, which the gentleman says has been accumulated in the last few years?

Mr. HASTINGS. It remains under the supervision of the Secretary of the Interior.

Mr. OLIVER of Alabama. How much?

Mr. HASTINGS. Oh, the department is generous in a great many cases.

Mr. OLIVER of Alabama. How much?

Mr. HASTINGS. It is owing to the amount of money he has. He has been allowed to expend almost unlimited amounts of money for homes and living expenses under the supervision of the Secretary of the Interior.

Mr. OLIVER of Alabama. How much?

Mr. HASTINGS. Oh, various amounts. They are provided homes. They are provided automobiles; it runs in some cases as high as ten or fifteen thousand dollars a year. The amount depends on circumstances.

Mr. McKEOWN. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. McKEOWN. Has there ever been a bill passed by Congress restricting the money of the Five Civilized Tribes? Has there ever been a bill passed like that?

Mr. HASTINGS. Oh, yes; because it is money that comes from the restricted lands. This money for the most part is the proceeds of oil that is produced from restricted lands of the Indians. As I said, in a few cases there are large sums of money accumulated in the hands of restricted Indians, and the first section of this bill only seeks to continue the supervision of the Secretary over the restricted money and securities in the hands of the department belonging to those restricted Indians.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. O'CONNOR of Oklahoma. I had hoped the gentleman would answer the question of this duplicate taxation, because I know the gentleman is interested in that. However, I have another question——

Mr. HASTINGS. Let me answer about your taxation. This only applies to restricted and tax-exempt land. This does not increase tax-exempt land at all, and I want to say to the Members of the House—as the gentleman from Michigan [Mr. CRAMTON], a member of the Committee on Appropriations—knows that we appropriate $400,000 in lieu of the taxes not collected from these tax-exempt lands in aid of the public schools in Oklahoma. We maintain nine boarding schools and expend other large sums for hospitals. I say to you as one familiar with the affairs of these Indians that it would be a great mistake if this act were not passed to-night. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired. All time has expired. The question is: Shall the rules be suspended and the bill passed?

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 245, noes 55.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PROTEIN IN WHEAT

Mr. BURTNESS. Mr. Speaker, I move to suspend the rules and pass Senate bill 101, to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes, with an amendment which is at the Clerk's desk.

The SPEAKER pro tempore. The gentleman from North Dakota moves to suspend the rules and pass Senate bill 101, with an amendment. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Federal-State protein act." As used in this act the term "Secretary" means the Secretary of Agriculture.

SEC. 2. The Secretary is authorized to make surveys and to conduct research and educational programs with respect to the protein content of wheat, in any year prior to or during the harvesting and marketing thereof. The Secretary shall compile and disseminate (1) estimates of the probable amount of protein in wheat, (2) information pertaining to the protein content of wheat as a merchandising factor in the marketing and as a factor in the production of such commodity, and (3) information relating to the conditions affecting the quality and quantity of protein in wheat.

SEC. 3. For the purpose of carrying out the provisions of section 2 the Secretary shall establish, maintain, and operate laboratories in cooperation with any State agricultural college or with any other agency of a State, meeting conditions prescribed by the Secretary, with which cooperation is found practicable or desirable. In the event that such cooperation is not found practicable or desirable the Secretary may establish, maintain, and operate laboratories at such places as he may deem practicable for the efficient execution of the provisions of section 2.

SEC. 4. (a) In carrying out the provisions of this act the Secretary may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or political subdivision thereof, or with any person.

(b) The Secretary may (1) make such regulations, (2) appoint and fix the compensation of such officers and employees, not in conflict with existing law, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for periodicals, books of reference, and for printing and binding), as are necessary for the efficient execution of the provisions of this act.

SEC. 5. In order to carry out the provisions of this act there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of not to exceed $75,000 per annum, commencing with the fiscal year beginning July 1, 1931.

Amend the title so as to read: "An act to provide for official tests to determine the protein content of wheat for use in merchandising the same to the best advantage, for acquiring and disseminating information relative thereto, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. LaGUARDIA. Mr. Speaker, I demand a second.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent that a second may be considered, as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. BURTNESS] is recognized for 20 minutes, and the gentleman from New York [Mr. LaGUARDIA] for 20 minutes.

Mr. BURTNESS. Mr. Speaker and Members of the House, in view of the fact that a second has been demanded and ordered, I assume this bill will be fought and will, therefore, require a short explanation.

All this bill does is to authorize the Department of Agriculture to make surveys and to conduct research and educational programs with reference to the protein content of wheat. Other commodities were in the bill as reported by the Agricultural Committee, but all of those have been eliminated, so that the present proposal relates solely to wheat.

Now, one factor to which I desire to call your attention is, first, that not only is wheat one of the most important products of this country, often amounting in value to $1,000,000,000 a year, but it is a product which is primarily interstate in its nature.

In 1916 Congress passed a grain grading act, so that wheat throughout the country is sold, not under State grades but under Federal grades; in fact, in cases tried in the Supreme Court of the United States any attempt made

on the part of a State to establish a grading law has been declared unconstitutional since the Federal law was passed. So you see wheat is different in that respect from most commodities. Congress has already general jurisdiction over its sale and determining factors affecting its value.

Many do not realize that wheat is useful for different purposes, depending in large part on its protein content. In some years there is a great amount of protein in wheat generally, and in those years it is not of any value, because the wheat ordinarily bought in the market is then of sufficient protein content so as to make a good flour. In other years, under certain climatic conditions, there is not enough protein in much of the wheat, and that means that in those years protein premiums are payable upon the wheat which has a high content of gluten or protein. The millers then bid up for protein wheat in order to get a supply of good mill mix to take care of their needs so as not to be caught short without an adequate supply for good flour.

What is the purpose of this bill? The fundamental purpose is to permit the Department of Agriculture, in cooperation with State colleges, State laboratories, and any other agencies or individuals, or, if need be, through laboratories that it may set up, to make a survey at the very beginning of the harvesting and marketing season and give that information to the people of the country so that the farmers themselves may know, so the grain trade may know, and so the flour mills may know what the likelihood of the protein situation is for that season. That is done for what purpose? First of all, of course, to give the best possible advice and information to the farmers and to the others who are interested; and, secondly, for the purpose of stabilizing the protein premiums that are likely to be established and paid throughout the marketing season.

You can readily realize that if there is a feeling at first that there is going to be plenty of protein they will not pay any premium until they find it is scarce, but later, in the event of such scarcity, protein premiums may be very high. This operates unfairly to the person who sells his wheat early in the season and does not receive his premium. Then, again, sometimes they think at first that there is going to be insufficient protein in the year's crop, and that means that premiums are immediately quoted and jump up, and farmer elevators and other dealers must buy that wheat at such high protein premiums, which is fine if within a month or so it does not develop that there is more than enough protein in the entire crop, in which event the result is that the protein premiums are stopped at once, and in such cases many farmer elevators in our section of the country have gone into bankruptcy because of such a situation in specific seasons.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. O'CONNOR of New York. Does the gentleman sincerely believe that the Government should be in the business of taking any concern in the price of any commodity and helping to put the price up or down? Does the gentleman think that is any concern of the Government?

Mr. BURTNESS. I refuse to answer that question because that is not involved in this bill in any way.

Mr. O'CONNOR of New York. Yes, it is.

Mr. BURTNESS. The gentleman has apparently not read the bill and does not know what is in it.

Mr. O'CONNOR of New York. I know about the bill.

Mr. BURTNESS. All this does is to determine the facts, make the surveys, and then make the facts available to the people so that producers and others may exercise their best judgment in the light of all the facts, permit protein premiums to be determined and stabilized in a fair way, depending solely upon the law of supply and demand of that particular quality in the entire crop, but with full knowledge of such supply.

Mr. O'CONNOR of New York. The primary purpose is to fix the price.

Mr. BURTNESS. Oh, not at all. I think I have explained fully what the bill does. It is not in any way a price-fixing measure.

Mr. FULMER. Will the gentleman yield?

Mr. BURTNESS. I yield.

Mr. FULMER. As a matter of fact, under this bill, it is proposed to find out and pass on to the farmer the real protein content rather than to wait and find out after it passes into the hands of the man who sells to the consumer.

Mr. BURTNESS. Of course, that is one of the main purposes of the bill, and I am glad to have the support of the gentleman who has asked the question and who has for several years on the Committee on Agriculture of this House studied this problem.

Now, I understand this is not a bill proposed here in a hurry or one that has not been given careful consideration. The Committee on Agriculture of the House had hearings in the last Congress and in this Congress upon the subject and the bill that is brought before you by this amendment is not the bill which I would like. I introduced a bill which I think is more comprehensive and better in its terms than this, but that was not given full approval by the committee and this is a bill which a subcommittee of the Committee on Agriculture worked out with the department, and which has been recommended by the full committee, and I understand recommended unanimously. True there are a few changes which limit its operations even more than the bill as recommended by the House committee, and the appropriation that is authorized is only $75,000.

All they can do is to make the surveys and distribute the information for the benefit of the people and make certain studies. If need be to do that, they would have the authority to set up three or four laboratories in proper sections of the country.

It is a very nominal expenditure and it amounts to only an infinitesimal portion of 1 per cent of the amount that may be realized by the farmers if this work can be done fairly. Do not forget that all it does is not what has been suggested by the gentleman from New York [Mr. O'CONNOR] to fix prices but only to obtain and give the information that is necessary not only for the farmer but necessary just as much for the miller and for the grain trade in order to carry on their business in a businesslike way.

Mr. GARBER of Virginia. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. GARBER of Virginia. I would like to ask the gentleman this question: Will not the result of this proposed legislation be practically the same thing that we have in the grading of fruit, in the grading of potatoes, in the grading of cotton, and so on; in other words, does not this do for wheat just what standardized grading does for these other items?

Mr. BURTNESS. This is not a matter of grading, because protein can not be graded as such and made a part of the grade. It does not go as far as that but the same in principle. It simply gives to the farmer the benefit of full knowledge as to the protein situation throughout the country as a whole. We have already put the grades of wheat within Federal standards, but the most important value of wheat in so far as baking value is concerned, or its milling value, is its protein content, and so far absolutely nothing has been done by the Government in order to assist getting complete information of marketing conditions pertaining to that value back to the people of the country.

Mr. STRONG of Kansas. In other words, this establishes the milling value.

Mr. BURTNESS. Exactly; that is, it establishes the factors which make up the milling value, but has nothing to do with the cash value except as affected by the factor most important in milling value.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman explain how this benefits the consumers? Some of the Members here would like to know about that.

Mr. BURTNESS. It will benefit the consumer to this extent. It will stabilize the prices, it will stabilize the protein premiums that will be paid by the millers throughout the season, and for that reason will help to assist the consumers just as well as the producers, because if there is anything that is not in the interest of either producers or consumers

it is wide fluctuations upon the market. There is no question about that. If you have a protein premium of 30 cents one day and 10 cents the next and nothing the following week, and then shoot it back to 15 cents or 20 cents, do not forget that your consumers in the cities of New York and Chicago are paying the highest amount of these fluctuations and not the lowest, and the producer suffers with the consumer.

Now this legislation will stabilize this premium and avoid the fluctuations to a large extent.

The premiums will be practically the same after they have been once determined for the season, based upon the amount of protein in the new crop. When they have determined whether the protein is scarce or plentiful—and when it is plentiful there is no protein premium—there are generally none in a dry year like 1930——

Mr. O'CONNOR of New York. It will not put the price of bread down to the consumer.

Mr. BURTNESS. The gentleman does not understand the point. Instead of the fluctuations being up and down, with reference to the premiums, they will be more of an average; in other words, stabilized.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGUARDIA. Mr. Speaker and gentlemen, the gentleman from North Dakota and his farmer associates are coming here in the closing days of Congress with a proposition which will do the farmers no good but which will increase the price of bread. I think we have been very patient in the cities. You had the farm relief bill that will take $500,000,000 out of the Treasury. You have authorized that sum, and you have already invested over $90,000,000 of that fund in wheat. Wheat has been low in price and we have had no benefit of it in the cities; the price of bread has not gone down nor the price of wheat products.

Here you come at the last moment with a bill rejected by the House—you could not get it by on the Unanimous Consent Calendar. It is true that this bill has been now toned down somewhat. It provided originally for an analysis of alfalfa—perhaps it was intended to put hay into our bread but that has been stricken out as well as flaxseed.

Mr. BURTNESS. That is not in the bill now.

Mr. LAGUARDIA. I said you have toned it down.

Mr. BURTNESS. It was not in the original bill.

Mr. LAGUARDIA. I have it right here in my hand. Gentlemen, this is a shell game so far as the farmer is concerned. Some one will pick the shell with the protein—but the farmers will not get the benefit; the consumer is not going to get any benefit. Who is going to get it? The speculator, the miller, and the Baking Trust.

Mr. KVALE. Will the gentleman yield?

Mr. LAGUARDIA. Not now.

Mr. KVALE. The gentleman ought to yield to me in all fairness.

Mr. LAGUARDIA. I do not see anything that is fair about this. I know that you farmers have a majority in the House, but there is going to be a limit to pushing the consumer.

Mr. KVALE. Will the gentleman yield?

Mr. LAGUARDIA. Oh, let the gentleman get time from Mr. BURTNESS.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. There is no limit to this. To-day you had your oleomargarine and you put turpentine into it, and here you have wheat and you put alfalfa into it.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KVALE. Does not the gentleman know it is just as important to know the protein content of wheat to determine its value as it is to know the content of butterfat in cream and milk to determine the value of that product?

Mr. LAGUARDIA. I have a high regard for the gentleman's judgment. In this instance I do not agree with him. This simply provides for a laboratory appropriation.

Mr. KVALE. Sure.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. Somebody said recently, complaining about us, that this Congress had done nothing for the farmer. I am willing to wager that 90 per cent of the legislation passed in this session of Congress was for the minority of the country, the farmer.

Mr. LAGUARDIA. Who said that?

Mr. O'CONNOR of New York. Oh, some wild man watching out for the relief of the farmer.

Mr. LAGUARDIA. Why, we have been very generous with the farmer. All of this appropriation has been constantly for the farmers.

Mr. KVALE. Will the gentleman yield?

Mr. LAGUARDIA. I can not yield to the gentleman from Minnesota. It is about time to call a halt to-day. The gentleman from North Dakota the other day made a statement about the low price of wheat. Is it not true that in the last season wheat has gone down to the lowest level we have had in years?

Mr. BURTNESS. In several years—in 35 years.

Mr. LAGUARDIA. But the price of bread has not gone down.

SEVERAL MEMBERS. Oh, yes, it has.

Mr. HOPE. The gentleman does not even know what is going on in his own city.

Mr. BURTNESS. And at Liverpool the price of wheat has gone down to a lower point than it has been for 300 years. That is the Liverpool price to-day.

Mr. LAGUARDIA. And what good does that do the gentleman's farmers in North Dakota?

Mr. BURTNESS. Unfortunately, it does not do us a particle of good, but when conditions are as desperate as they are, when you can make conditions so that it will make it easier for us to get an extra cent here and there, when we produce a high quality of wheat, then we are anxious to get that cent or two, and this legislation is going to help us in that respect.

Mr. LAGUARDIA. When the gentlemen and the farmers realize that they would better cooperate with the consumers and not with the speculator, they will do something for the country.

Mr. BURTNESS. I yield two minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, the House should perhaps be somewhat further informed as to the background of this legislation. We sometimes, in the wheat-growing section, like Montana, when there is a proper understanding of the protein content of our wheat, get not only 11 or 12 cents a bushel as a protein premium, but I have known it to be as much as 50 or 60 cents a bushel. The farmers can not certainly secure their premium for that high-quality wheat unless there is definite and official information as to the protein content of the wheat for that particular year. The purpose of this legislation is to make it certain that the protein content will be foreseen through the beginning of a study early in the season, which can extend on through the season and give the farmer the advantage of the actual protein content for which he is entitled to receive additional pay.

High-protein wheat is produced in a limited section of this country. Our great competitor is Canada to the north, Alberta and Saskatchewan, where they also produce a high quality of wheat. That wheat can be brought across the boundary line, and even over our tariff, many times, and the only opportunity we have to secure the best advantage of our high-quality wheat, of which there is no surplus, is to have legislation which will make it certain that during the selling season the full value of it will be known.

The SPEAKER. The time of the gentleman from Montana [Mr. LEAVITT] has expired.

Mr. LAGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Washington, Doctor SUMMERS, who says he understands this bill.

Mr. SUMMERS of Washington. Mr. Speaker, I thank the gentleman very much for the time he has allowed me, but I stated I did not pretend to fully understand the bill, but I

thought I could make some features of it plain to the Members of the House.

The higher the protein content, as I understand, the better the milling quality of the wheat and the better the bread, and that is important to the consumer. In a dry year the protein content of wheat runs high. Then there may be enough high-protein wheat in the United States that it does not command a premium to the farmer, but when there is a limited amount of high-protein wheat there is a premium paid to the farmer on that wheat. When we sell our wheat it must be tested by somebody. We send it away. We do not know for sure whether we are getting a reliable test or not. The man who makes the price on our wheat also tells us how much protein there is in it, and whether he will pay 1 cent or 2 cents a bushel more, because it contains this additional amount of protein.

I have sold wheat on this basis a good many times. It is a simple proposition. The miller, who must buy the high-protein wheat in order to make better flour and the farmer who may be able to get a few cents more per bushel for his wheat, are both concerned in knowing the exact amount of protein that is contained in the wheat, and for that reason it is to the interest of all that we have a reliable agency to determine the protein content; somebody on whom we can depend, both the miller and the farmer, and for that reason I favor the Senate bill rather than the substitute offered by the House.

Mr. HARE. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. HARE. I am much interested in the gentleman's statement, but I am wondering whether or not the facilities at the experiment stations in the various States are sufficient or adequate to make these experiments?

Mr. SUMMERS of Washington. It is a simple test. I can not give the gentleman the details, but in connection with any State college with limited equipment they could make this test.

Mr. HARE. At the experiment stations now in existence could they make this test equally as well as at the laboratory that is going to be established?

Mr. SUMMERS of Washington. The test is not so difficult but you must have a test that everybody will have confidence in.

Mr. HARE. Does the gentleman think they do not have confidence in the experiment stations?

Mr. SUMMERS of Washington. Some miller in Minneapolis might not have confidence in an experiment station in the State of Washington. The mills want to know what the standard test on this is. They want to know the Federal test on it instead of a State or local test.

Mr. HARE. The experiment stations are under Federal supervision. It strikes me that anyone would have as much confidence in one as in the other. I have no objection to the bill but I want to bring out whether or not we are duplicating effort in this.

Mr. BUCHANAN. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

The SPEAKER. The time of the gentleman from Washington [Mr. SUMMERS] has expired.

Mr. LAGUARDIA. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Speaker, ladies and gentlemen of the House, this is the kind of a bill that every friend of the farmer in this House, unless he represents a constituency along the Canadian border, ought to be against. Along the Canadian border they produce wheat, blue-stem wheat, and another variety of wheat, of which I have forgotten the name, that carries a higher protein content than wheat raised in any other part of the United States. This bill, if enacted into law, will give to that wheat an artificial value that it ought not to have. The value of a high-protein wheat to the commercial bakers depends upon this proposition:

You make bread out of wheat that carries a high protein content and that loaf of bread will carry more moisture than if made out of wheat with a lower protein content. Therefore every Representative of any city constituency ought to be against this bill. This bill ought to be labeled as a bill which will enable great commercial bakers in the cities to sell water instead of bread that has a real value. You take a loaf of bread made out of this wheat which they produce in the North, this high-protein wheat, and that loaf of bread will weigh 14 ounces the first day; you keep it until the second or the third day and you will find its weight has decreased at least two ounces. Therefore this is the kind of a bill that all Representatives of farmers raising wheat anywhere in the United States, except those who selfishly represent that group who live along the Canadian border, ought to be against—it is the kind of a bill that Representatives of constituencies who are producing wheat in any other part of the United States ought to be against, because it places a premium in the market for a small section of this country.

Recently when the Federal Farm Board, attempting to place a loan selling price upon wheat, placed a loan sale price of $1.26 we thought it was an effort in good faith to raise wheat generally throughout the United States to that price. As a matter of fact, when wheat producers in any other section of the United States, except in the Dakotas, attempted to cash their wheat with the Federal Farm Board for $1.26, they were told that this price applied to only that wheat which would grade No. 2 Northern, and this is the only section of the United States where they got $1.26 a bushel for their wheat; all other sections got below $1, and in my section, where they raise soft winter wheat, the producers were advised that the loan-selling price of $1.26 did not apply because they did not produce wheat that had as high a protein value as did the wheat along the northern fringe of counties of the United States. So this is a bill that ought not to have the vote of over 15 or 20 Representatives in the United States Congress, and really not that many. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. LAGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker, ladies and gentlemen of the House, it seems to me there is no value to this legislation except to give the Department of Agriculture a further $75,000 to spend. I raise on my farm from 125 to 150 acres of wheat every year. It is of the red hard type, which is call the protein wheat. I say to you, as a man in this House representing great cities, that I doubt if there is any value to this in behalf of the farmers. If there is any value to it I can not see it, but I think it will tend to increase the price of bread to the consuming public. The millers will only charge a higher price for their processed products. I greatly doubt of its having any definite value to the wheat-growing areas of the Nation.

Let us not be hasty in the passage of this kind of legislation.

Mr. LAGUARDIA. Mr. Speaker, I reserve the balance of my time.

Mr. BURTNESS. Mr. Speaker, I yielded at the beginning. I have only one speaker left, with three minutes. I do not feel that the opposition should reserve the balance of their time before I yield my three minutes.

The SPEAKER. The gentleman has the right to close the debate.

Mr. LAGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, this bill at the outset calls for only $75,000, but within five years it will call for $750,000, because we will be asked to appropriate for governmental testers and experimental men all over the United States. To my mind this legislation will not aid if we should have hundreds of thousands of these tests made. I do not believe they would help the farmer.

The trouble with you gentlemen representing the farmers is this: You fail to realize that the farmers are producing now too much wheat. Before prohibition we grew at least two and a half times as much barley as we do now; all these

millions of acres of land formerly planted to barley are being planted in wheat, and consequently we grow 30 per cent more wheat than we did before you forced prohibition on the country; but you fail to realize or recognize that. You are blind to obvious facts. Instead of aiding us to repeal this—to you and the Nation—detrimental prohibition law, you are endeavoring to cure these ills by legisation, and that at a tremendous cost to the Nation as well as to yourselves. You are producing much more wheat than we possibly can consume and than we possibly can export and find markets for. That is the reason the price of wheat is low. Reduce your acreage of wheat, produce less, and you will obtain a much higher price, because you will have no surplus to annoy or trouble you.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'CONNOR of Oklahoma. Would the gentleman consider a proposition to have a study of soils made so that we might plant a little of this wheat acreage in grapes, so that we might produce Vine-Glo?

Mr. SABATH. What applies to wheat applies to everything else. If this bill should be passed, the next year not only these gentleman from Kansas, Iowa, the Dakotas, and others representing the wheat growers but all other agriculturists will be here requesting that we provide tests and appropriate large sums of money to test all other farm commodities or crops.

Mr. BURTNESS. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Speaker and Members of the House, I am surprised there should be so much misunderstanding about as simple a bill as this one. A few years ago it was discovered by millers that high-protein wheat made a better baking wheat for some things like bread and that the low-protein wheat was a better biscuit or cracker wheat. So protein has become the test by which we determine the milling value of wheat and the purpose for which it shall be used.

This is all there is to protein, as far as this bill is concerned, and I may call the attention of the gentleman from Illinois and from the other soft-wheat States to the fact that in many years there is a premium paid for low-protein wheat, just as there is in other years for high-protein wheat. So this bill is just as important to the producers of low-protein wheat as it is to the producers of high-protein wheat.

The amount of the premium paid for protein is determined by its relative scarcity. Ordinarily the farmer has no way of knowing whether protein content the country over is high or low. It is the purpose of this bill to provide a method by which the producer may secure this information before he sells his grain.

This bill simply means that the farmer is going to get paid for what he actually produces. It is going to put a premium upon quality production. It is going to do the same thing for the wheat farmer that we have done for the cotton farmer in establishing grades.

Mr. NELSON of Missouri. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. NELSON of Missouri. Then, all this does is to ascertain the real value of wheat?

Mr. HOPE. That is it exactly. All this bill does is to ascertain the real milling value of wheat, just as we have done in providing for the establishment of cotton grades to establish the real value of cotton, and upon which grading we are spending over $400,000 every year.

Recently this House considered a bill to establish grades of cottonseed to determine the value of that seed for marketing purposes.

Mr. MANLOVE. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. MANLOVE. Is it not a fact that many farmers sell their wheat without knowing the real protein value of the wheat, and this would make it possible for the farmer to know the real value of his wheat and thereby get more for it?

Mr. HOPE. That is true; and that is the purpose of the bill—to enable a survey to be made so that the farmer as well as the speculator and the miller is going to know the value of an excess or deficiency of protein for that particular year. The farmer now has no opportunity to get this knowledge. No one knows now what the protein premium is going to be until after the wheat has passed out of his hands.

The SPEAKER. The time of the gentleman from Kansas has expired. All time has expired; and before putting the vote, it may interest Members to know that the Senate has just sustained the President's veto on the Muscle Shoals bill, 49 to 34.

The question is on the motion of the gentleman from North Dakota [Mr. BURTNESS] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. LAGUARDIA and Mr. CONNERY) there were—ayes 245, noes 54.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

STATUE OF MAJ. GEN. JOHN A. RAWLINS

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate Joint Resolution (S. J. Res. 228) to provide for the relocation of the statue of Maj. Gen. John A. Rawlins.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to cause the statue of Maj. Gen. John A. Rawlins to be erected in Rawlins Park, United States Reservation No. 13, District of Columbia, upon its removal from its present location as authorized in the Act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926. The exact site selected in such park shall be approved by the Commission of Fine Arts.

SEC. 2. For the preparation of the new site and the erection of such statue thereon there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500.

The SPEAKER. Is there objection?

Mr. CONNERY. Mr. Speaker, reserving the right to object, and I shall not object, can the gentleman from Massachusetts give us any late bulletins on the hospital situation?

Mr. LUCE. I regret that I can not.

There being no objection, the joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1640. An act for the relief of John E. Ross;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.); and

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3771. An act authorizing the Secretary of the Interior to convey certain lands to the State of Wyoming;

S. 5080. An act for the relief of the State of California;

S. 5814. An act to provide for the issuance of permits for the construction of pipe lines for the importation into the United States of natural or artificial gas;

S. 6114. An act to authorize the United States Shipping Board to sell certain property of the United States situated

in the city of Hoboken, N. J., to the Port of New York Authority;

S. 6166. An act to provide for preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield;

S. 6188. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6228. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway, to the late Stephen T. Mather; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes."

The message also announced that the Senate had receded from its disagreement to the amendments of the House to the bill (S. 1696) entitled "An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley," and agrees to the same.

THE WRITINGS OF GEORGE WASHINGTON

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5724) authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington.

The Clerk read the bill as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans," approved February 21, 1930, is amended by striking out all preceding the last sentence therein and inserting in lieu thereof the following:

"That the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington established by the joint resolution entitled "Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington," approved December 2, 1924 (hereinafter referred to as the commission), is authorized and directed to prepare, as a congressional memorial to George Washington, a definitive edition of all his essential writings, public and private (excluding the diaries), including personal letters from the original manuscripts or first prints, and the general orders, at a cost not to exceed $56,000 for preparation of the manuscript. Such definitive edition shall be printed and bound at the Government Printing Office and shall be in about the same form as the already published diaries of George Washington and shall consist of 25 volumes, more or less. There shall be 3,000 sets of such edition, 2,000 of which shall be sold by the Superintendent of Documents (1) at a cost of $50 per set for sets sold to public libraries, and institutions and societies of learning and (2) the remainder of the 2,000 sets, at a cost equal (together with the receipts from the sets sold to such libraries, institutions, and societies) to the total cost under this section of preparing the manuscript and printing and binding the entire edition. The commission shall, upon the publication of each volume of the remaining 1,000 sets, distribute copies of each such volume as follows: Two each to the President, the library of the Senate, and the library of the House of Representatives; 25 to the Library of Congress; 1 to each member of the Cabinet; 1 each to the Vice President and the Speaker of the House of Representatives; 1 to each Senator, Representative in Congress, Delegate, and Resident Commissioner; 1 each to the Secretary of the Senate and the Clerk of the House of Representatives; and 1 to each member and officer of the commission. Every such recipient eligible to receive any volume or volumes of such writings at any time prior to the issue of the final volume (but not later than December 31, 1935) shall be entitled to receive a complete set of such writings. The remaining sets, if any, shall be distributed as the commission directs, including such number of sets as may be necessary for foreign exchange. The usual number for congressional distribution and for depository libraries shall not be printed."

SEC. 2. Section 1 of such act of February 21, 1930, is further amended by adding at the end thereof the following new paragraph:

"The 1,000 extra copies (heretofore privately printed) of the first volume of such writings shall be considered to have been authorized by the commission and the commission may accept a donation of such extra copies for distribution for reviews, advertising, and for such other promotional purposes as it may deem advisable. If the commission shall direct the Superintendent of Documents to sell any such extra copies of the first volume, he shall offer the same for sale at a cost per copy equal to the cost per copy of the first volume as computed under clause (2) of the third sentence of this section. Such extra copies shall be the only copies of any volume of the set distributed or sold separately."

With the following committee amendments:

Page 2, line 18, for "six thousand" substitute "three thousand," and for "four thousand" substitute "two thousand."

Page 2, line 19, strike out "five hundred."

Page 2, lines 22 and 23, strike out "four thousand five hundred" and substitute "two thousand."

Page 3, line 3, strike out "five hundred."

The committee amendments were agreed to.

Mr. LUCE. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 23, after the words "per set for," insert the words "not to exceed 1,000."

Page 2, line 24, and page 3, line 1, strike out "the remainder of the two" and insert "the remaining one."

Page 3, line 10, after the word "Congress," insert the words "for its own use. And in addition 125 copies to the Library of Congress for international exchange."

Lines 21 and 23 on page 3, strike out the words "including such number of sets as may be necessary for foreign exchange."

Mr. SWING. Mr. Speaker, I rise in opposition to the amendment. I have asked this time for the purpose of asking a question of the distinguished gentleman from Massachusetts. I would like to find out what is being done toward reaching an agreement by the conferees on the hospitalization bill. Here it is nearly 11 o'clock in the evening and there will be little or no business transacted to-morrow. There are disabled veterans walking the streets to-day waiting for a comrade to die in a hospital so that they can get his bed.

Mr. LUCE. While it is hardly pertinent to the writings of George Washington, I gladly inform the gentleman that, to my regret, I have patiently waited all day long for the Senate conferees to send some word.

Mr. SWING. If George Washington were here I have no doubt he would favor taking care of the soldiers who fought the battles of this country, and I sincerely hope that this Congress will not adjourn without this, the most meritorious legislation now pending in Congress, being enacted into law. [Applause.]

The amendments of Mr. LUCE were agreed to.

Mr. KVALE. Reserving the right to object, will the gentleman permit me to ask him a question?

Mr. LUCE. Certainly.

Mr. KVALE. The distinguished gentleman from Massachusetts, I understand, has been more than willing to go as far as he could in the matter of reaching an agreement on the conference report on the hospital construction bill. I believe that is a correct statement.

Mr. LUCE. It is.

Mr. KVALE. The gentleman has heard two or three gentlemen on his side of the Chamber say to-day that they voted "nay" the other day because they were under a misapprehension.

It has been stated here that the vote, when this came to a conclusion, was a mandate from the House of Representatives. In view of the public statements that have come from the Republican side of the Chamber, in view of the private statements that have undoubtedly been made to the gentleman, and in view of his own convictions and his own helpful attitude, does he still consider the vote the other day to be a mandate upon him as a member of that conference committee? I hope I am not subjecting the gentleman to an unfair question.

Mr. LUCE. Mr. Speaker, it is difficult for a member of a conference committee to state with precision just what should be his course. It must be largely determined by circumstances. His first duty, as I take it, is to represent the views of the body that has intrusted to him that obligation. If, after long and patient deliberation, he should find an opportunity to make a concession which he thinks might be acceptable to a majority of the body to which he belongs, then it would be his duty to yield. We have recently had an illustration of the perplexity of the situation. The conferees from both Houses considering the resolution for amending the Constitution after many, many hours of deliberation finally concluded that neither side could yield. In the present instance we have waited now patiently for hours to ascertain whether the gentlemen in the other branch have reached that point of conciliation where they are willing to meet us half way or make any concession whatever. They left us, and I think I am justified in so saying, with a definite announcement that if they yielded one inch there would be no bill, and any man who puts the responsibility on the House conferees or on the House does not recognize the facts of the case. They refuse to yield one inch to us, and until they have changed their minds, what can we do? [Cries of "Yield."]

Mr. KVALE. But, Mr. Speaker, the other day, when this came up, I told this House that all the chairman of the conference and the other members could do was to promise that they hoped they could come to some agreement, and in the present situation you see that you have nothing to choose from.

All we have is this tie-up, this dilemma. We have a situation where in a few hours the clock will strike and the Congress will adjourn. We want only a chance to vote on this.

The gentleman has had representations from both sides of the Chamber that must raise a doubt in the mind of a fair man like the gentleman. Will he bring this question back to the House for a fair vote? [Applause.]

Mr. LUCE. I can make no promise for my associates, and I would be helpless by myself. I am perfectly willing to assure the gentleman that as soon as we have concluded the consideration of measures from the Committee on the Library, for which I have been long and patiently waiting, I shall consult with the other members of my committee and ascertain what is their disposition.

Mr. KVALE. Let me, first of all, apologize to the gentleman for impeding the progress of bills of his committee, and let me thank the gentleman for his most generous statement.

I understand we need only one vote. Three or four gentlemen just now have importuned me to say that, and I gladly say it.

All we want is a chance to vote on this, to remove ourselves and dissociate ourselves from the bias that surrounded us the other day. Let the RECORD show that 30 gentlemen, perhaps more, came up to the well of this House and changed their votes after they had cast them, because they understood it was a question of the protection of the gentleman from Massachusetts—and for that I do not blame them—but they were under a misapprehension. And we have veterans that need hospitalization, that need to be saved, that need their lives, and yet here we stand and bicker about some inconsequential thing like the honor of the House of Representatives. I appeal to the honor of the House of Representatives. [Applause.]

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar Senate bill was laid on the table.

CHICAGO WORLD'S FAIR CENTENNIAL CELEBRATION

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5625, providing for the participation of the United States in a century of progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes, which I send to the desk.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill (S. 5625).

The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. LUCE. Mr. Speaker, this is a long bill. That is, it is a bill of some eight pages, and at this stage of the proceedings it would be somewhat of a waste of time if the House did not desire to consider the bill to read the rest of it. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BLANTON. Mr. Speaker, I reserve the right to object to the consideration of the bill. This bill authorizes an appropriation of how much?

Mr. LUCE. One million seven hundred and fifty thousand dollars.

Mr. BLANTON. And it is for a celebration to occur in 1933?

Mr. LUCE. Yes.

Mr. BLANTON. We will be back here at least by December, and we will have the gentleman at the head of his Library Committee.

Mr. RANKIN. Oh, no.

Mr. BLANTON. He will be on the minority side of the table, but still at the head of the table.

Mr. LUCE. I thank the gentleman for his first impression in this matter.

Mr. BLANTON. Mr. Speaker, this bill for $1,750,000 should not pass, and I object.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Would it be in order to move to discharge the conferees from the further consideration of the veterans' hospital bill?

The SPEAKER. The gentleman knows very well that it is not.

Mr. RANKIN. No; I am sorry the gentleman is not as well informed as the Speaker gives him credit for being.

Mr. CONNERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNERY. Would it be in order for the chairman of the subcommittee, a member of the conferees, to move that the committee be given instructions by the House?

The SPEAKER. It would not.

Mr. CHINDBLOM. I ask the gentleman from Texas to withhold his objection to the pending bill.

Mr. BLANTON. If the gentleman wants to discuss it, let him move to suspend the rules. Does the gentleman think you should provide this large sum of $1,750,000 at this time at a midnight session to be expended in 1933, when we are coming back here in December? What is the hurry?

Mr. CHINDBLOM. I may say that this bill is here as the result of a report submitted to the President of the United States——

Mr. BLANTON. Mr. Speaker, for the present I object.

Mr. CHINDBLOM. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. I withhold it to let the gentleman speak, but I shall object.

Mr. CHINDBLOM. I submit to the gentleman from Texas that we have been considering bills from all angles to-day, bills from all the committees of the House. We have passed bills that have been requested and desired by people from all sections of the country.

Mr. BLANTON. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. BLANTON. We have just had an exhibition here where the conferees are killing a hospital bill because they do not want to make some concessions to the Senate, as requested and required by the Senate.

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. LUCE. May I call the gentleman's attention to the fact that this is not an appropriation. It is only an authorization.

Mr. BLANTON. Oh, yes; it will force us to appropriate this sum later. Let us take the $1,750,000 and offer to the Senate that we will add it to the hospital bill as a compromise and get that matter through.

Mr. GREEN. It depends on which side of the aisle it comes from.

Mr. BLANTON. Mr. Speaker, I object to the bill. We should not appropriate this $1,750,000 in this closing night session.

GENERAL PULASKI

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 247, authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of a Senate resolution, which the Clerk will report.

The Clerk read the Senate resolution (S. J. Res. 247), as follows:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on October 11, 1931, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies of the death of Gen. Casimir Pulaski.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman a question.

Mr. SCHAFER of Wisconsin. This does not place any drain on the Treasury.

Mr. BLANTON. But is the gentleman sure that it will not be contrued to mean there will be another general holiday here in Washington?

Mr. SCHAFER of Wisconsin. Oh, positively not. It only seeks to observe the anniversary of the death of that outstanding hero of the American Revolution, General Pulaski.

Mr. BLANTON. Then there will not be another holiday here?

Mr. SCHAFER of Wisconsin. No; there will not.

The SPEAKER. Is there objection?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on Gen. Casimir Pulaski, an outstanding hero of the American Revolution and patriot of the most self-sacrificing type, who carved a record of honorable achievement in the history of our Republic running like a golden thread.

The SPEAKER. Without objection it is so ordered.

There was no objection.

EXTENSION OF REMARKS—CASIMIR PULASKI

Mr. GRANFIELD. Mr. Speaker, during the second session of this Congress I filed in the House of Representatives House Joint Resolution 313, a resolution similar to the Senate resolution (S. J. Res. 247) which is now before us for consideration. My resolution and the one before us to-day provide a belated recognition of the services rendered to our country by the great Revolutionary patriot Casimir Pulaski. It is as follows:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on October 11, 1931, and inviting the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies of the death of Gen. Casimir Pulaski.

It is needless for me to say that I am, indeed, happy the Senate has passed this resolution, and that it is to receive the unanimous consideration of this branch of the Congress. It is fitting and it is proper that this resolution be adopted, so that our Government may recognize the splendid services rendered to us by that valiant and courageous soldier, Casimir Pulaski, who gave his life in the cause of American liberty.

In commenting upon this resolution it is my purpose to bring to the attention of the Congress the splendor that radiated from the heroic soul of that distinguished warrior and the undimmed luster of his valorous achievements.

Casimir Pulaski was born in Poland in 1747 of noble birth. His father was the staroste or chief magistrate of Wareck, regarded in those days as one of the ablest jurists in Poland, a man high in the public esteem of his country, and foremost among his people in their efforts to regain their lost freedom. The votive spirit of his father awakened a kindred response in his bosom, and he, with his brothers and his nephew, dedicated their lives to the restoration of their beloved Poland.

Casimir Pulaski in his early youth saw his country overrun by foreign invaders. He perceived that the liberties of his country were unjustly denied his people by aggressors from without. He witnessed the unsuccessful efforts of his father to rescue the dismembered and stricken Poland. During the futile struggle for emancipation he was forced to make great sacrifices and to endure many hardships. This conflict to preserve the liberties of Poland forced Casimir Pulaski to sacrifice everything; he saw his father captured, his brother and his relations killed by the enemy. He observed the capture, condemnation, and execution of many of his most loyal compatriots. He was himself declared an outlaw by the King, and in consequence of this act he published a manifesto, in which he protested his innocence and which revealed to the world the excellence of his character. The following is an extract from his manifest:

I am not astonished that the enemies of my country, resolved on her ruin, should direct their shafts against those who resist the most firmly their impetuosity, and that they should regard as such the brave Poles, whom they have sacrificed and who are still repelling their most cruel attacks. Nor ought I to complain that, having the honor to command a party of my illustrious compatriots, these enemies have chosen me for the first object of their assaults. This I might naturally expect, considering the melancholy situation of my country and my devotion to her defense. My destiny was clear, when, at the age of 21, far from yielding to the amusements common to youth, I regarded every moment lost which was not employed repelling the enemies of my country. My best witness was my late father, marshal of the confederate army, who has finished his career in the public service. He would have testified to the manner in which I dared to emulate his zeal.

I have endeavored to mark my course by an invincible fortitude. Neither the blood of one of my brothers, which was shed by the enemy before my eyes, nor the cruel servitude of another, nor the sad fate of so many of my relations and compatriots, has shaken my patriotism. Always faithful to my country, I flatter myself that even my enemies will regard this strong bent of my nature as a patriotic impulse. I believe I have proved by four years' service that I have not been influenced by interest or false point of honor. The first calumny against me has been published in the gazettes of the enemy, in which I am named as the author of a conspiracy executed in Warsaw. To this reproach I have hitherto submitted in silence, convinced that our enemies are eager to blacken with the pen those against whom they contend with arms. But I now follow the example of the published declaration of the confederate states; and, although I have determined to defend my country only with the sword, I am induced on this occasion to use the pen. I declare before God, before the Republic of Poland, and before all the powers of Europe, that my heart is an utter stranger to crime. My thoughts and actions have had no other end than the good of my country. It has never entered my imagination to attempt the life of any person to whom has been assigned, in any manner whatsoever, the government of the nation, or to avenge the wrongs of my country in any other way than that of open war.

Unsuccessful in his efforts to rescue his country from the bonds of thralldom, he departed to France, and so strong was his love for freedom that he resolved to fight the battles of freedom on distant shores. Doctor Franklin, who was then in Paris, wrote to Washington as follows:

Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands. The court here has encouraged and promoted his voyage, from an opinion that he may be highly useful in our service.

Count Pulaski arrived in America in the summer of 1775, where he joined the Army as a volunteer. He immediately plunged with all the vigor which was so characteristic of his military exploits in his homeland into our struggle for free-

dom. His first taste of battle was at Brandywine. His valor and his courage were so outstanding in that battle that he was shortly made a brigadier general upon the recommendation of Washington. He displayed his accustomed zeal and intrepidity at Germantown, Warren Tavern, Haddonfield, and other places, transferring to the battlefields of America the same devotion to liberty and the same heroism that had made his name so illustrious in Europe.

On October 9, 1779, in company with Captain Bentalou, while they were riding forward in the heat of the battle at Savannah, General Pulaski received a wound which proved fatal, and from which he died on October 11, 1779, in the cause of American liberty. He was then 32 years of age. He had given to America that which he would have been willing to give to the land of his birth—his life for the cause of liberty; he could give no more. He blazed the trail for the millions of his people who were to follow him from the land of their birth to this land of freedom. He played a vital and significant rôle in the histories of Poland and the United States. He accomplished for America that which he hoped to achieve for Poland. It is proper that our Government, for which he died to establish, should properly and fittingly recognize October 11 of each year, and by the passage of this resolution express our gratitude for the heroic services which Casimir Pulaski rendered to our Nation and to the people of the world.

Mr. CONDON. Mr. Speaker, this resolution pays but scant honor to an outstanding military hero of the American Revolution. By its terms the President of the United States is authorized and requested to call upon the officials of the Government to display the flag of the United States on all Government buildings on October 11, 1931, to mark the anniversary of the death in battle of Gen. Casimir Pulaski. The resolution further requests the President to invite the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies commemorating the death of this friend of the American Colonies in the war for their independence.

I repeat that the resolution pays but scant honor when we reflect upon the generous, unselfish, and distinguished services of Count Pulaski on the battlefields of the Revolution. The fame of Count Pulaski during the dark days of the war, when the cause seemed almost hopeless, and in the years immediately following the successful issue of the war in which he offered up his life, was second only to that of Lafayette among that great galaxy of foreign military leaders who contributed such inestimable and invaluable aid to General Washington in the organization and direction of the Continental Army. So great was the recognition of the achievements of Count Pulaski that no less than eight States gave his name to counties and towns established within their boundaries. The generation immediately following the close of the Revolutionary War was not unmindful of the great contribution rendered by Pulaski, in common with Lafayette, Rochambeau, Kosciusko, Von Steuben, and DeKalb. General Washington had a high regard for the military prowess of Pulaski, particularly for his genius as a born leader of cavalry, and upon his recommendation General Pulaski was appointed chief of dragoons, after his gallant conduct at the Battle of Brandywine in 1777. In further recognition of his distinguished and meritorious services in that arm of the Continental Army, the Continental Congress in 1778 gave him authority to organize an independent corps of cavalry, which afterwards became famous as Pulaski's Legion on the southern battlefields of the Revolution. It was while bravely leading the cavalry of the French and American Armies before Savannah that General Pulaski was mortally wounded and died on October 11, 1779.

The American Republic delights to honor those distinguished leaders of other lands who generously threw themselves into the fight for American independence, and in prominent squares and public parks of this great Capital City of the Republic are to be found striking monuments erected in grateful remembrance of these men whose services to the immortal commander of the Armies of the Revolution, General Washington, were beyond price. Of all such only General Pulaski had the fortune to die a hero's death upon the battlefield in the midst of the war. He did not live to see the victory to which he had so largely contributed, but thousands and hundreds of thousands of his compatriots of the great Polish race have in the years that have gone since the establishment of this Nation followed in his footsteps and have made their homes in almost every State of the Union. They, too, have contributed to the making of this great Republic. In war and in peace they have proved themselves worthy exemplars of the noble traits of the great outstanding representative of their race, whose star shone so brightly among the military heroes of the American Revolution.

It is well for us to remember that our independence was won not alone by the embattled farmers of Lexington and Concord or of the Old Dominion but that among the ranks of many regiments of the Continental Army there were men of every European race fighting bravely in the cause of freedom and independence from the tyranny and oppression of an arbitrary king across the sea. It is well also for us to remember that were it not for the assistance of such experienced military leaders as General Pulaski and Von Steuben and DeKalb the War of Independence, even though it might eventually have succeeded, would have been greatly prolonged. Because of these things we ought not to be selfish in our enjoyment of the blessings of liberty which are ours. We ought to be not only willing but anxious in the future as we have been in the past to share this land of opportunity with those of the native lands of these heroes of our Revolution. By their loyalty and devotion to the cause of independence when that cause looked doubtful indeed, they have won the right of the people of their races to come to these United States and enjoy an opportunity to pursue a life of happiness and the protection of our laws.

I am glad to testify to the sterling qualities of citizenship among the thousands of the Polish race who have settled in my State of Rhode Island. They make good citizens and they love the land of their adoption. Their children and their children's children are indistinguishable among the great mass of a variety of other races that make up the population of my State, except by their habits of thrift and industry. They are in every way most desirable members of the communities in which they have settled, and America is the gainer by their having come to these shores to make their homes in this land of liberty. The name of Poland is synonymous with a passion for freedom in the history of Europe during the last two centuries. Though surrounded on all sides by powers avaricious for territory and dominion, the love of liberty never died in the Polish heart.

In the face of overwhelming odds attempt after attempt was made to throw off the oppressors whose partition of historic Poland had merited and received the condemnation of the world, and though failure was their only reward for valor they did not despair. Spurred on and encouraged by such heroic leaders as Count Pulaski and Kosciusko they resolved that a free Poland should be reunited and reborn. While patiently waiting during the long years of their nighttime of tyranny and oppression they nourished the doctrines of democracy and the immortal principles of liberty. Treasuring these sentiments they came to America in great numbers during the last half century, so that to-day millions of the compatriots of General Pulaski are citizens of this great Republic, and thousands of their sons fought under the Stars and Stripes in the great World War, which for Poland proved to be a war of liberty and independence, largely due to the friendship of our great American war President, Woodrow Wilson. Indeed, we might say that America's debt to Pulaski was paid by Woodrow Wilson when he stood in the breach at the peace conference of Paris for a united Poland with an outlet to the sea.

So, Mr. Speaker, it is indeed fitting that we should commemorate the immortal services of General Count Pulaski by recalling to mind on the anniversary of his death his distinguished exploits and his heroic sacrifice on the battlefields of the American Revolution. And we ask that the President of the United States summon all the people of this great Republic to pay honor to this hero and friend and aide of General Washington, and to remind us that he con-

tributed in no small degree to the blessings of liberty and independence which we enjoy in America to-day.

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, I shall not in these closing hours of the Congress unnecessarily detain you. I desire, however, to thank you for the favorable consideration given the proposal to have October 11 of each year proclaimed as General Pulaski Memorial Day, in commemoration of the death of Brig. Gen. Casimir Pulaski.

This honor is but a fitting one for the great liberty-loving patriot who contributed so much to the establishment of American liberty.

While I fully appreciate that every man, woman, and child in this country is more or less familiar—or, at least, should be—with the career of this great man, I will briefly outline it here again for the RECORD.

Casimir Pulaski was born in Podolia, Poland, March 4, 1748. He came of a noble family and inherited rank and fortune. Had he chosen the easier path he could have lived a life of ease and luxury. But he was a born lover of liberty and soon found himself leading his people in the cause of Polish liberty. He was brilliant and courageous in battle, even though doomed ultimately to defeat. Pulaski sacrificed everything he had to win freedom for his people. Even members of his own family lost their lives. He witnessed the death of his grandchildren and the capture of his only living grandchild, an infant of 18 months of age. He saw his own daughter die. He was condemned as an outlaw with a price upon his head. His possessions were seized and he was finally forced to flee his country.

Pulaski was familiar with the efforts of the struggling American Colonies to win their independence and sympathized with those aspirations. He decided to offer his services. Benjamin Franklin, then in Paris, favored him with an introductory letter to General Washington.

Count Pulaski of Poland—

Read the letter—

an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands. The court here have encouraged and promoted his voyage from an opinion that he may be highly useful in our service.

In another letter Doctor Franklin said:

Count Pulaski is esteemed one of the greatest officers in Europe.

Pulaski arrived in Philadelphia during the early part of 1777 and joined the Army as a volunteer, and we find him with Washington, Greene, Wayne, Sullivan, and Lafayette at the Battle of Brandywine, striking his first blow in behalf of American independence. His gallantry, bearing, and military skill were such that toward the end of the engagement he was intrusted with the command of Washington's bodyguard. Four days afterwards he was commissioned by Congress as a brigadier general and assigned to command the Cavalry.

He fought bravely, giving his all that the people of this land might be free. He was finally given permission to raise an independent corps, which became known as the Pulaski Legion. At the head of this force he successfully defended Charleston from an attack by the British in May, 1779, but in an unsuccessful attack on Savannah, Ga., in October of the same year he fell, mortally wounded, dying on October 11, 1779. Although unable to preserve liberty for his own native land, he had helped to achieve it for the new Nation in the New World.

At some later day, when suitable opportunity offers, I shall endeavor, in my humble way, to set forth also an account of the deeds of his fellow compatriot, Thaddeus Kosciusko, also a gallant Polish general and patriot who won fame as a champion of freedom on two continents. Volunteering, like Casimir Pulaski, his services to the American Army, Congress made him a colonel of artillery and he served with distinction as an engineer to the successful conclusion of the war. The first fortifications at West Point were among the works constructed by Kosciusko. At the close of the war he was rewarded with the thanks of Congress, the rank of brigadier general, an extensive grant from the public lands, and an annual pension. His statue stands to-day in Washington, with those of Generals Lafayette, Rochambeau, and Von Steuben, in a public park before the White House.

It is my hope that by refreshing the minds of the American people by recalling the deeds of these two great men it may serve to soften the intolerant spirit so often displayed these days by some of the professional patriots against the race from which these men sprang, as well as against others of foreign birth whose records may not compare in brilliance with those of these heroes, but whose people also contributed their part in securing American independence and freedom.

CELEBRATION OF SIEGE OF YORKTOWN

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14262) to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in conection with such celebration, and for other purposes."

This is a House bill and is a case of emergency, Mr. Speaker. The celebration takes place this summer, and the appropriation is necessary at once if we are to take an adequate share in the celebration.

Mr. PATTERSON. Mr. Speaker, a parliamentary inquiry. Is this a House bill, no corresponding Senate bill having been passed?

The SPEAKER. The bill could only be recognized by the Chair on the ground of a very great emergency and with some assurance that it would pass the Senate. It seems to the Chair it is rather a waste of time. However, the Chair will recognize the gentleman for that purpose.

The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That section 2 of Public Resolution No. 89, Seventy-first Congress, approved on June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes" be, and the same is hereby, amended to read as follows:

"SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $300,000 to be expended in the discretion of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781."

With the following committee amendment:

Page 2, line 9, strike out "$300,000" and insert in lieu thereof "$250,000."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. LUCE]?

Mr. PATTERSON. Reserving the right to object, I want to ask the gentleman a question. If I understand it, this is a House bill, and there is no Senate bill pending or passed.

Mr. LUCE. I am not informed that there is. There have been two measures relating to this subject. I think perhaps the gentleman has in mind the other measure which enables two Members of the House to continue serving on the commission, although they are retiring from the Congress.

Mr. PATTERSON. My point is that since this seems to be in the same status as the widows and orphans' pension bill I do not think it is as much of an emergency as that, and that did not get by and, therefore, unless there is some explanation which I have not heard, I shall object.

Mr. BLAND. Will the gentleman withhold his objection a moment?

Mr. PATTERSON. Yes, indeed.

Mr. LUCE. I have no individual acquaintance with this and no relation to it, but to Judge BLAND, of Virginia, this is a very important proposal.

Mr. PATTERSON. I reserve the right to object.

Mr. BLAND. The statement that no Senate bill has passed is inaccurate.

Mr. PATTERSON. I do not think anybody has made that statement. I asked that question, and since the matter is in this situation, I shall not object to this worthy bill, but I do wish to stress the need for the passage of this pension bill for the widows and orphans of our deceased World War veterans and also for the passage of the hospital bill before the close of this Congress.

Mr. BLAND. This bill increases the appropriation for the Yorktown Sesquicentennial by $50,000. The Senate had a bill pending before it similar to the bill which was originally presented to the Committee on the Library which provided for an increase of $100,000. The Senate has passed the bill increasing the appropriation by $100,000. There is now pending on the Speaker's desk Senate bill 5546, making an additional appropriation of $100,000. The gentleman, if he desires, can call up Senate bill 5546, with an amendment striking out $300,000 and making it $250,000, which is an increase of $50,000, and makes it correspond in all particulars with the bill that was reported by the Library Committee.

Mr. LUCE. Mr. Speaker, I had not been informed of the presence of that bill on the Speaker's table. I ask unanimous consent for the present consideration of Senate bill 5546.

Mr. BLAND. The motion under those circumstances would be for an amendment decreasing it $50,000.

The SPEAKER. The Chair is informed that the bill has just arrived and is on the Speaker's table.

Mr. STAFFORD. Mr. Speaker, I understand it is the gentleman's intention to move to amend the Senate bill by reducing the amount $50,000?

Mr. LUCE. Yes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of Senate bill 5546, which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 2 of Public Resolution No. 89, Seventy-first Congress, approved on June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $300,000 to be expended in the discretion of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781."

Mr. LUCE. Mr. Speaker, I move to strike out all after the enacting clause and substitute the following amendment.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Strike out all after the enacting clause and insert in lieu thereof the following:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to remain available until June 30, 1932, for further carrying out the provisions of the public resolution entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," approved June 17, 1930, such sum to be in addition to the authorization and appropriations heretofore made for such purposes and to be expended in the discretion of the commission in carrying out the purposes of such public resolution in doing such work, including personal services in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, and civil-service regulations, traveling expenses, furniture and equipment, supplies, printing and binding, rent of buildings in the District of Columbia and elsewhere, and all other expenditures authorized by such public resolution."

Amend the title so as to read:

"To provide an additional appropriation for further carrying out the provisions of the public resolution approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that the gentleman now proposes an appropriation rather than the two former proposals before the committee of an authorization?

Mr. LUCE. Yes. It is too late to get any further measure through.

Mr. STAFFORD. May I inquire how much money up to date has been appropriated for the Yorktown celebration?

Mr. LUCE. Two hundred thousand dollars.

Mr. CRAMTON. Mr. Speaker, I may say, as a member of the Appropriations Committee, that I stated to the gentleman from Massachusetts and the gentleman from Virginia that I would not object and I felt sure our committee would not object, in view of the fact that it would be idle to pass an authorization at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. QUIN. Mr. Speaker, I rise in opposition to the amendment, and I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, on what subject?

Mr. QUIN. On the veto of Muscle Shoals.

Mr. SCHAFER of Wisconsin. I certainly shall not object.

Mr. QUIN. Mr. Speaker and gentlemen, indeed this is, in my judgment, one sad hour for the American people. To-night the United States Senate upheld the President of the United States in his veto of the Muscle Shoals bill. [Applause.] My friends, God being my witness, I would regret to applaud such a calamity as that against the American people. [Applause.] For all these years the farmers of this Republic have looked to the East, to the star of hope. When the present occupant of the White House was elected by a great majority, under the solemn pledge that this great project down in the South, in the Tennessee Valley, called Muscle Shoals, should be dedicated to the national defense, to agriculture, and the hopes of the American people for the future, there was rejoicing in the land. [Applause.] The Power Trust of this Republic, this great octopus that is sapping the vitality of the people, that is laying tribute on the humble homes of this Republic, that is collecting its toll from all the factories, is rejoicing.

There is rejoicing in the great strongholds of banking houses, brokers, and financiers that use the public utilities to rob the American people. Our people are sad, and instead of being in a humor to applaud I feel like shedding tears, not for myself but for the people of this Republic, all the way from the shores of the East to the shores of the West.

My friends, the day is coming when we are to have a reckoning. Daniel is going to be called to judgment. I trust that this sad veto that came to-day and the action of the United States Senate will not be permanent. I believe that the great throbbing hearts of the American people will rise up against this cruel, this merciless, this wicked, this contemptible assault of predatory wealth, as evidenced in this veto that has been sustained to-night by the United States Senate.

I trust that the warm, throbbing hearts of the American people will cause them to march in a solid phalanx to vic-

tory, and that the honest press of the United States will send these messages over the country and let the people know that they have been given a Joab stab under the fifth rib, and let the American people know that in this sad hour they still have hope and that they have champions who will come to their rescue. [Applause.]

The predatory interests say, "Let us take it out of politics." It is already in politics, in every schoolhouse, in every village, in every hamlet, on every farm, in every hut, in every palace, in every factory, and in every drawing-room in the United States. Talk about taking this great problem out of politics, it has just entered. A great project that this Government owns, that the taxpayers of this Republic have toiled for is going into obsolescence and into waste. At whose behest? Not at the behest of the American people who really go out and fight the battles of our Republic; not at the behest of the people who are the backbone of the United States and stand up for the best principles of our Republic, but at the behest of powerful predatory interests. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ERECTION OF STRUCTURES ON THE POTOMAC RIVER

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of a Senate resolution (S. J. Res. 182) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital, with an amendment, which I send to the desk.

The Clerk read the title of the Senate joint resolution.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I wish to propound a parliamentary inquiry with reference to the subject we were on a moment ago. I want to ask the Speaker whether or not he would be willing to recognize me to move to suspend the rules and pass a resolution instructing the conferees on the part of the House now considering the veterans' hospital bill. This would be perfectly in order. This is within the power of the Speaker and if the Speaker would recognize me, or any other Member to offer such a resolution, I should like very much to have that done now, because in a few hours the Congress is going to die. We could instruct the conferees to agree or to report a disagreement so that the House might take further action in the matter.

The SPEAKER. The Chair has no official knowledge of what the conferees have done or what they propose, and in the opinion of the Chair, the House must have enough confidence in its conferees not to assume that they are not representing the opinion of the House. The Chair would not entertain such a motion.

Mr. CRAMTON. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S. J. Res. 182) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital, with an amendment which I have sent to the desk.

The Clerk read as follows:

Resolved, etc., That hereafter no wharf or dock or artificial fill or bulkhead or other structure shall be located or erected on the shores of the Potomac River and its tributaries, or in or over these rivers, within the District of Columbia without the approval of the Commissioners of the District of Columbia and of the Director of Public Buildings and Public Parks of the National Capital, both as to location and plans; nor without such permit therefor as may be required from the War Department in the exercise of its jurisdiction conferred by law over the navigable waters of the United States: *Provided*, That this bill shall not be held to apply to the shore of the Potomac within the limits of the city of Alexandria, Va.

The SPEAKER. Is a second demanded?

Mr. LAGUARDIA. I demand a second.

Mr. CRAMTON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, ladies and gentlemen of the House, a year ago Congress passed a bill to establish a great memorial parkway on both banks of the Potomac from Mount Vernon to Great Falls.

Many years ago when the District of Columbia was created it included land on each side of the Potomac. Some 70 or 80 years ago the Government ceded back to Virginia that part on the other side of the Potomac. At that time the Government retained the land up to high-water mark on the Virginia side. It is held that the Government owns the land in the Potomac up to high-water mark on the Virginia side.

Under that theory of the law no adjacent property owner has any right to build any structure on land that belongs to the United States Government. Nevertheless adjacent property owners are asserting the right from time to time to construct wharves and other structures in the Potomac below high-water mark.

Such a case occurred last year in the application of the Sun Oil Co. If that permit had been granted to the Sun Oil Co. to build a wharf in the Potomac on land that belongs to the United States Government what would have been the result? In the building of the parkway, as soon as adjacent lands were acquired and the parkway came into being, we would have had to buy those structures put upon the land belonging to the United States Government.

Now, it is held by the Chief of Engineers that he can not determine anything when a permit is asked for except whether navigation would be interfered with; that he could not pass upon the question whether the person had title to the land.

The engineer was overruled by the Secretary of War who disapproved of the application of the Sun Oil Co. The case is pending in court. My understanding is that if Congress adjourns without legislation making clear the situation that the case will be proceeded with and it will be attempted to establish that the land belongs to the United States, but that a permit granted by the War Department would give them the authority to place this improvement upon the Federal-owned land. It will be contended that the Secretary of War would not have any authority to pass upon any question except whether it would interfere with navigation.

The legislation in question passed the Senate last May. It was not intended to affect the water front of Alexandria because the parkway does not include land in Alexandria. This legislation is designed to remove any question and I am keeping my promise to move an amendment that will specially exempt from the operation of the bill the shore adjacent to Alexandria.

I have a statement from Colonel Grant, the executive officer. I hesitate to take too much time, but there will be some opposition to the bill, and I think you should understand pretty clearly what the facts are. Colonel Grant is the executive officer of the National Park and Planning Commission which seeks this legislation. He states that it is highly essential that this legislation be enacted. He says:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Washington, D. C., February 27, 1931.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

Subject: Control of wharves and other structures in waters of the District of Columbia; H. J. Res. 345 and S. J. Res. 182.

MY DEAR MR. CRAMTON: Yesterday evening there came to my attention a printed broadside dated February 10, 1931, with a printed subscripture "Rebecca S. Greathouse." This broadside is headed "Memorandum on H. J. Res. 345–S. J. Res. 182." While not addressed to anyone in particular, I can only assume that this broadside was written, printed, and has been distributed with the view to interfering with the passage of the joint resolution referred to. I do not wish to take your time with the refutation of the personal attack on me contained therein; but do feel

concerned that the implications against the said joint resolution should not be given more consideration than they deserve.

The effect of the joint resolution recommended by this commission, is to designate the officers who are to exercise control over the construction of wharves and other structures in the waters within the District of Columbia. It does not in any way extend jurisdiction of these or any other Government official beyond the legal limits of the District, and merely prohibits the building of such structures without their approval within these limits.

The title of the United States to certain water-front property, and the tendency for squatters to establish themselves on property owned by the Government and to build there improvements and structures to the disadvantage of the Government and for which the Government afterwards will have to pay high prices in damages if and when it wishes to use its own property, was recognized many years ago by Congress. Finally the ownership of the United States having been investigated by a commission, the act of Congress approved April 27, 1912 (37 Stat. 93), charged the Department of Justice with the duty of clearing the title of the United States to any part of the lands concerned, the full ownership of which was contested.

These cases are complicated and the Department of Justice has handled them individually one at a time as proposed development of private interests on Government land has made it necessary.

The proposal of the Sun Oil Co. to construct a tank farm for the bulk storage of oil and gasoline on property to be bought from Mr. Greathouse, contemplated this use of land included within the project for the George Washington Memorial Parkway which was approved by Congress in the act of May 29, 1930, and the construction of a wharf on land owned by the United States and waters within the District of Columbia. The owners of part of this land lying in Virginia are now in court seeking a writ of mandamus to require the Secretary of War to issue a permit for the construction of the wharf, which would evidentally be private use of public land within the District of Columbia in violation of existing law.

The project of the Sun Oil Co., itself an objectionable encroaching of industrial interests in a residential district in Virginia in close proximity of the expensive Key Bridge and injurious to the carrying out of the George Washington Memorial Parkway, would inevitably result in the ultimate transfer of the large aggregation of bulk storage from south of Rosslyn to the Rosslyn water front above the Key Bridge. Practically all of the public sentiment of Arlington County and the neighboring part of Virginia was arrayed against this project, as expressed by the two Senators of Virginia and the Representative of the Virginia district in the House, the citizens' associations, and many other organizations. The Arlington County Zoning Commission itself recommended that the land to be occupied by the Sun Oil Co. should be reserved for residential use, but in spite of this recommendation of their own zoning commission, the supervisors of Arlington County granted the permit.

This project is not the only case in which private interests in Virginia are attempting to take advantage of the favorable conditions created by the United States projects to make developments incompatible therewith, on land or in waters to which the United States has title and over which the District of Columbia has jurisdiction. Another such case is being appealed in the Supreme Court by the Department of Justice (copy of brief enclosed). The claims of the United States in these cases are based on decisions of the Supreme Court.

1. Marine Railway and Coal *v.* United States (257 U. S. 63) and,

2. Morris *v.* United States (174 U. S. 196).

Evidently, as the official having jurisdiction and custody of any public land in the District of Columbia not otherwise assigned by law, the Director of Public Buildings and Public Parks has felt it incumbent upon him to do all in his power to protect the public interests confided to his care. In taking what steps were possible for this purpose, I have been fulfilling a manifest public duty, and at the same time have felt that I was assisting the majority of property owners in Arlington County to protect themselves and other property against injury by obnoxious developments, which will not be possible without illegal use of Government property. Immediate passage of the joint resolution referred to seems to be an important step to protect the Government's own interests and property, by prohibiting the improper use of the latter, requiring the squatters to prove any title or rights they may have on the premises, instead of permitting them to go ahead with their structures and putting on the Government the burden of ousting them and then perhaps paying them damages for insisting upon using its own property.

Some years ago Gen. H. M. Chittenden said:

"The greatest obstacle that the promoters of public work have to overcome are not those of nature but of man. Nature is sometimes a stubborn adversary, but she always acts in the open without subterfuge or indirection; but human ignorance, prejudice, and self-interest are handicaps of a different character. Ignorance is the least important, because it may yield to instruction. Prejudice, that is, prejudgment of a case is immeasurably worse; but self-interest is the main insufferable obstacle of all. Public measures are judged by their effect upon the private pocketbook, and the rarest phenomenon in the world is willingness to subordinate personal interest to the public welfare."

This is just such a case where selfish interests are desirous of using the Government itself to promote a project injurious not only to the direct interests of the Government, but also to what appear to be the interests of the majority of their community. It is unfortunate, of course, that public interests should interfere with the sale by Mr. Greathouse and his children of their property, because the Government is not willing to permit its own adjacent property to be used against its own interests. But, it may be pointed out, that the passage of H. R. 16218 (S. 5740) will permit this commission to purchase the Greathouse property immediately at a fair price and without incurring the additional cost of any improvements that might be put on it as the result of its sale to some other party, such as the Sun Oil Co.

Very respectfully yours,

U. S. GRANT, 3d,
Executive and Disbursing Officer.

In the City of Washington all over the District of Columbia the Congress has passed legislation which gives to the Zoning Commission the right to determine the character of the development not of land belonging to the United States, but of lands belonging to individuals. In this case we are applying a similar principle, except that we want the Government of the United States to have the right through the Planning Commission and the Commissioners of the District of Columbia to determine what kind of development there can be in the District of Columbia not on privately owned land, but on land that belongs to the Government of the United States.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. If this is Government-owned land, and the Government should control it, why does the gentleman provide in this resolution that consent shall be had of the District Commissioners?

Mr. CRAMTON. Because it is land within the District of Columbia.

Mr. BLANTON. But the District Commissioners have nothing to do with Government property in the District of Columbia. Government property is controlled by Government officials and the District Commissioners are not Government officials.

Mr. CRAMTON. They have to do with the administration of affairs in the District of Columbia. They are appointed by the President of the United States. They represent the Government of the United States in governing the District of Columbia. I reserve the remainder of my time.

Mr. LAGUARDIA. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. LEHLBACH.]

Mr. LEHLBACH. Mr. Speaker, I want to speak temperately and in an endeavor to speak temperately and reasonably I want to say that in the 16 years of my experience in this House I never saw pressed for passage a more outrageous piece of legislation than this. [Applause.] It may not be of great moment to the people generally, but here is a deliberate attempt to deprive people of their property without due process of law or without compensation. This is not any Sun Oil Co. This is the matter of a man and his wife, named Greathouse, who have a little property over in the State of Virginia which abuts on the Potomac River. The Federal Government has no right to the riparian lands between high and low water marks; otherwise this bill would not be here, for the Government could exercise its proprietorship and prevent any structure being erected on Government property. That claim of the Government is disputed, and never, since this property was ceded back to the State of Virginia, has it been successfully asserted by the Government.

This proposition is to deprive these people who own that property of the right to use it lawfully for their own interest, in order to cheapen it so that the Government can buy it for a song if and when they get ready to condemn it. It is a pitiful, cheap proposition for this mighty, rich Government to try to rob a poor couple in the State of Virginia of their property. This matter is in the courts. The Secretary of War has refused a permit to build a wharf there, although as a matter of fact the wharf would not interfere with navigation. The Secretary of War admits that as soon as that case is heard he will be mandamused to grant that permit, and because an adverse decision is anticipated by those who have this proposed memorial highway in prospect, they want to forestall the judgment of the court by legislation here in Congress. They want to deprive these people of rights which the court is about to give them and they want

to do it by legislation. I doubt whether it would be constitutional. I doubt whether they have the right to take property without paying for it. This highway will not be built until the State of Virginia matches what we propose to spend for it, and that may be scores of years from now, and in the meantime this bill would allow the commission that is going to build this road at some future time in effect to take this property from these people. If I know my colleagues, they are not going to let them do it. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, I think all will agree that I am not property minded. I do not give the snap of my finger for the Sun Oil Co. or any other oil company, and I think my record will bear that out. But I do want to stand for fair play. I do not think it is fair when you do indirectly by legislation that which you can not do directly. This is very simple. Here is property that by its very nature is adapted only to one use, and that is water-front use, and we come in now and say to these people, You shall not use it for for water-front use; and that is all there is to it. In other words, you are zoning this property right out of existence. If this property should be taken but not be taken for the purpose which the gentleman from Michigan has in mind, let us do the honorable thing and come in and pay for it. [Applause.]

No one can ever say that in all my 12 years I have ever become unduly excited about protecting the property of any big corporation, but that is not involved in this question. The question is fundamental, that we are seeking to zone the value right out of this one piece of property, which is adapted only to one use.

We have been very generous to the gentleman from Michigan [Mr. CRAMTON]. Every bill that he has brought before this House has been passed. I may say to the gentleman from Michigan that the land will not run away. When the time comes that you need the land, you will have to acquire it the same as you acquire any other piece of property and you can not make an exception in this case by this indirect method of zoning it out of existence. [Applause.]

Mr. CRAMTON. Mr. Speaker, I simply want to emphasize the Sun Oil Co. case because it is an illustration of what can happen under present conditions. We spent millions of dollars to build the Key Bridge from the District to Virginia without a penny of contribution of any property in Virginia which was benefited by it. We are spending millions to build the Arlington Bridge in the same way, without any contribution by Virginia lands benefited by it.

Mr. MONTAGUE. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. MONTAGUE. Does not the Key Bridge start in the District of Columbia and end in the District of Columbia?

Mr. CRAMTON. Yes; absolutely.

Mr. MONTAGUE. Virginia had no authority in the premises.

Mr. CRAMTON. At both ends in Virginia, on this very kind of land below high-water mark, which I am talking about as belonging to the United States. When it comes to building the bridge it is our land. When it comes to using it for putting up a wharf or some other structure that will disfigure the very area that we are trying to beautify, then it is their land. That is the difference.

Mr. MONTAGUE. The gentleman is incorrect. It was built to go from the District of Columbia over to the Virginia side, and the land on the Virginia side up to Fort Myer belonged to the United States Government. I happened to draft the statute and I know something about it.

Mr. CRAMTON. Each of those bridges starts in the District of Columbia and goes across the river and renders great service to all the property back of the river, without them contributing anything. That was in accordance with law. I am not criticizing that. I am only stating the fact. But having spent these millions to develop that area, Colonel Grant says of the Sun Oil Co. case, which is an example only:

> The project of the Sun Oil Co., itself unobjectionable, encroaching an industrial interest in the residential district in Virginia in close proximity to the expensive Key Bridge, injurious to the carrying out of the parkway, would inevitably result in the transfer of a large aggregation of bulk storage from south of Rosslyn to the Rosslyn water front above the Key Bridge.

As to buying the property of the Greathouse family or anyone else, no one desires to sacrifice the value of the land they own. I have been working for weeks on another bill that would give the commission some money to go in and buy those lands and buy them at the price they actually gave the Sun Oil Co. We do not want to beat down their price, but we do not want permits given for the building of unsightly structures on land that belongs to the United States in the vicinity of important beautification bridges, and so forth, that we have already put up and which we will have to pay for.

Mr. McDUFFIE. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. McDUFFIE. The War Department has jurisdiction over the navigable streams. What is the attitude of the engineers as to this legislation?

Mr. CRAMTON. I stated it once. I will state it again. I ventured to urge on the Chief of Engineers that he would have the right, before he granted the permit for the building of a wharf in the Potomac, to determine not only whether it would interfere with navigation but whether the person asking the permit had title to the land on which he proposed to put his structure that would entitle him to put it there. The Chief of Engineers held that he could not pay any attention to anything except obstructions to navigation.

Mr. McDUFFIE. Let me ask the gentleman further. Is this a matter of such importance that it must be acted upon by this Congress tonight? We will be here in December. Why is it necessary to rush a measure which involves a great policy, through this Congress at this late hour?

Mr. CRAMTON. The Speaker will bear me out if he cares to speak, which he will not, that since last May or June I have been pressing every opportunity to get this bill up for consideration.

Mr. McDUFFIE. What is the emergency about the bill?

Mr. CRAMTON. Simply in order to prevent unsightly structures marring that area adjacent to the George Washington Memorial Boulevard, the Arlington Bridge, the Key Bridge, and the proposed parkway.

Mr. McDUFFIE. Why does not the Government, if it wants this property, do the honorable thing, as suggested by the gentleman from New Jersey and the gentleman from New York, condemn the property and take it? Why should you forestall the action of the court on these property rights by a resolution of this Congress? I say it is unfair and unjust and this resolution should not be passed. [Applause.]

Mr. CRAMTON. I will say to the gentleman that I have been endeavoring to get up a bill that would put at the command of the commission, without immediate matching but with subsequent matching, funds that would enable them to do that very thing, but I have not been able to get it up for consideration.

Mrs. KAHN. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mrs. KAHN. Is it not true that the National Park and Planning Commission has authority to condemn this land?

Mr. CRAMTON. Well, if they had the money with which to buy it.

Mrs. KAHN. But they have the authority, have they not?

Mr. CRAMTON. If they had the money with which to buy it.

Mrs. KAHN. Was there not a decision by the Circuit Court of Appeals of the Fourth Circuit to the effect that the land along the water front did not belong to the District but belonged to the owners of the high land?

Mr. CRAMTON. The Morris case decided to the contrary.

Mr. McDUFFIE. Who is paying taxes on this property?

Mr. CRAMTON. No one is paying taxes on this land, which belongs to the United States.

Mr. McDUFFIE. But on the land which does not belong to the United States and which the gentleman contemplates taking over? Certainly private interests are paying taxes on it.

Mr. CRAMTON. I do not contemplate taking over anything except that which belongs to the United States.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having failed to vote in favor thereof, the motion to suspend the rules and pass the bill was rejected.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16218) to amend subsection (a) of section 1 of an act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930, as amended.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of House bill 16218, as amended. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. McDUFFIE. Mr. Speaker, I object.

Mr. CRAMTON. Will the gentleman withhold his objection?

Mr. McDUFFIE. I will withhold it. May I say to the gentleman that this bill can not pass the Senate; we are wasting time in considering it, and it ought not to pass the House.

Mr. CRAMTON. If the gentleman will permit me to make a statement, I think, perhaps, the gentleman might change his view. The bill as introduced was to amend the George Washington Memorial Parkway act in various particulars. I have bowed to the decision of the House on the other bill, and I hope I can get a hearing on this bill for three or four minutes.

As the bill was originally introduced it provided that of the $7,500,000 authorized, as much as $3,000,000 might be spent without immediate 50-50 matching but that it be matched later. I have been obliged to eliminate that provision from the bill. I have been obliged to eliminate from the bill as submitted all reference to the $3,000,000, to which some gentlemen have objected.

Mr. DICKINSON. Mr. Speaker, I am going to object to this bill, and I object now.

Mr. CRAMTON. The gentleman will understand that I have eliminated from the bill all that I understood was controversial.

Mr. DICKINSON. I expect to object anyway, and I object.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report on House bill 17163, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 45, 46, 59, 66, and 82.

Amendment numbered 25: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 25 with the following amendment: In lieu of the matter inserted by such amendment of the House insert the following:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by floods imposing a public charge against the property of the State beyond its reasonable capacity to bear, $80,307: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

And the House agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: After the word "approved" in the matter inserted by such amendment, insert the following: "March —"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment strike out "the amount herein appropriated shall not exceed $500,000" and insert in lieu thereof the following: "then there is hereby appropriated for the Employment Service, Department of Labor, fiscal year 1932, the sum of $500,000, to be immediately available, for the same objects and purposes specified under this head in the act making appropriations for the Department of Labor for such fiscal year, and of such sum not to exceed $17,650 shall be available for personal services in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

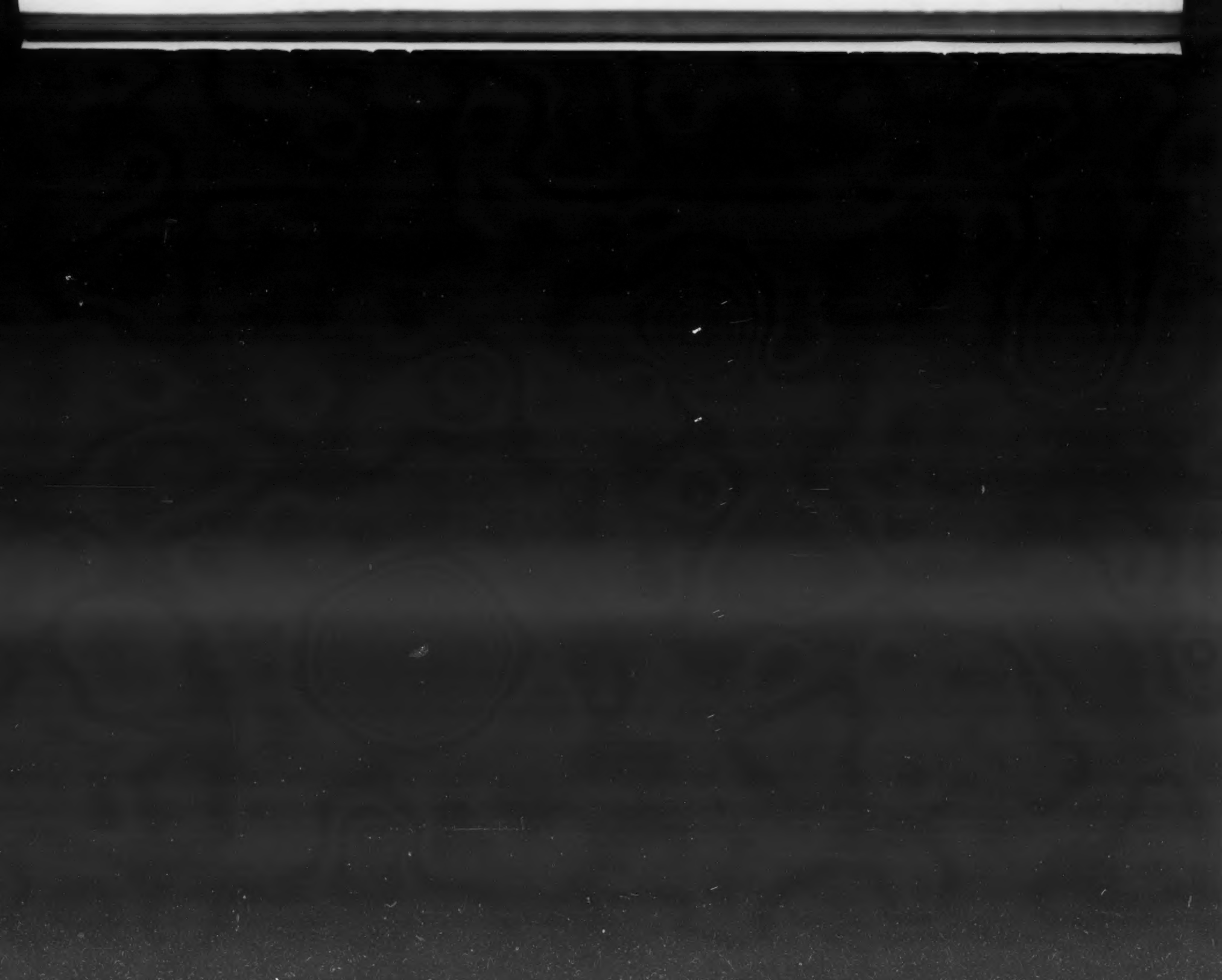
"Monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.: For the erection of a suitable monument on the site of the Pioneer Cemetery at Harrodsburg, Ky., commemorating the first permanent settlement west of the Allegheny Mountains, 'the Cradle of the Old Northwest,' where Gen. George Rogers Clark and his heroic associates at old Fort Harrod planned and inaugurated the campaign carried on by General Clark and his associates in the conquest of the Northwest Territory during the Revolutionary War, as a result of which that vast territory was established as a part of the United States of America, fiscal years 1931 and 1932, $100,000, to be expended under the direction of the Secretary of War: *Provided*, That the plan and design of such monument shall be subject to the approval of the National Commission of Fine Arts: *Provided further*, That the Secretary of War is hereby authorized to enter into an agreement with the State of Kentucky or any subdivision thereof, or any appropriate organization existing therein, for the care of such monument."

And the Senate agree to the same.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.





STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the following amendments:

On No. 14: Strikes out the appropriation of $5,000,000, proposed by the Senate, toward the construction of hospitals under the Veterans' Administration.

On No. 25: Appropriates $80,000, instead of $134,466.69, as proposed by the Senate, and $65,000, as proposed by the House, to reimburse the State of Florida for repairs of flood damage to Federal-aid highways and bridges.

On No. 36: Appropriates $5,000,000, as proposed by the Senate, for advances to the reclamation fund from the general fund of the Treasury.

On No. 44: Appropriates in the alternative $1,500,000 for the United States Employment Service in the event legislation sent to the President for the establishment of such a service is approved by him, or $500,000 to supplement existing appropriations for the present employment service in the event the new legislation is not approved.

On No. 45: Strikes out the appropriation of $1,000,000, proposed by the Senate, for carrying into effect pending legislation for the welfare of infancy and maternity.

On No. 46: Strikes out the appropriation of $150,000, proposed by the Senate, for the improvement of building ways at the Charleston (S. C.) Navy Yard.

On No. 59: Strikes out the provision inserted by the Senate proposing to repeal an existing condition precedent to the construction of a public building at New Bern, N. C.

On No. 66: Strikes the authorization inserted by the Senate to fix a limit of cost of $1,225,000 for a new building for the Court of Claims.

On No. 79: Appropriates $100,000, as proposed by the Senate, for the construction of a monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.

On No. 82: Strikes out the appropriation of $10,000,000 inserted by the Senate to carry into effect pending legislation for construction of the Cove Creek Dam in connection with the Muscle Shoals project.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

STILL FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs.

IMPROVEMENT OF THE WILLAMETTE RIVER

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6024) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.

The Clerk read the bill as follows:

Be it enacted, etc., That the conditions requiring a contribution by the local interests toward the estimated first cost of the improvement of the Willamette River between Oregon City and Portland, Oreg., authorized to be carried out in accordance with the report submitted in House Document No. 372, Seventy-first Congress, second session, are hereby waived.

Mr. McDUFFIE. Mr. Speaker, reserving the right to object to the consideration of this bill, this is rather a departure from the ordinary way of dealing with river and harbor projects. Will not the gentleman inform us of the necessity and the emergency for this legislation?

Mr. DEMPSEY. The river and harbor act expressly provided that while a local contribution was contemplated, and for the time being was provided, that there should be a further and a complete investigation and report as to whether such contribution should be exacted. The facts are these. We provided that the Willamette River should be improved between Oregon City and Portland. It was believed at the time by the engineers——

Mr. McDUFFIE. Local interests were to make a contribution to this improvement of how much, please?

Mr. DEMPSEY. Fifty thousand dollars.

It was believed at the time by the engineers that waterpower interests would derive this much benefit from the improvement, but we provided, in view of the fact that this was not certain, that the investigation should be completed. The investigation was completed. All of the engineers; the resident engineer, the district engineer, the board and the chief, report that there will be no such benefit.

Mr. McDUFFIE. Is any power to be developed on this stretch of the river?

Mr. DEMPSEY. No additional power from this improvement. They thought there would be, but they find out on investigation there will not be, and this was in question at the time the bill was passed.

Mr. McDUFFIE. When was this bill considered by the Rivers and Harbors Committee?

Mr. DEMPSEY. The bill was simply considered in this way. It was called to the attention of the Members and a majority of the Members signed.

Mr. McDUFFIE. I never had it called to my attention.

Mr. WARREN. Mr. Speaker, I object.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to speak for one minute or I reserve the right to object, although I understand there is objection.

I merely wish to direct an inquiry to the majority leader. The House has been in session since 11 o'clock this morning and it is now 12 o'clock at night. The membership of the House is tired. The legislation you are passing now is not for the good of the country, and I would like to ask the gentleman what his intention is as to when we are going to adjourn?

Mr. TILSON. As soon as the Speaker will recognize me for that purpose, it is my intention to ask that we take a recess until 10 o'clock to-morrow.

The SPEAKER. The Chair desires to state that there are two or three matters pending that he does not think will take very long. Two of them are suspensions which he understands will not cause undue delay. The Chair feels under some obligation to recognize these requests. The Chair does not think the House will be in session much longer.

Is there objection to the request of the gentleman from New York [Mr. DEMPSEY]?

Mr. WARREN. I object, Mr. Speaker.

Mr. CRISP. Would the Speaker mind advising the House what are the two bills referred to?

The SPEAKER. The Chair is about to recognize the gentleman from Illinois [Mr. CHINDBLOM] on the Chicago Exposition bill in which he understands there are some questions of diplomatic relations involved.

Mr. BLANTON. Mr. Speaker, there will be debate on that proposition.

The SPEAKER. The Chair is disposed to recognize the gentleman anyway.

Mr. BLANTON. There will have to be a suspension of the rules then.

The SPEAKER. The Chair will recognize the gentleman anyway.

THE CHICAGO WORLD'S FAIR CELEBRATION

Mr. CHINDBLOM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5625) providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. CHINDBLOM. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That there is hereby established a commission, to be known as the Chicago World's Fair Centennial Commission, and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which commission shall serve without additional compensation and shall represent the United States in connection with the holding of an international exhibition, known as A Century of Progress, in the city of Chicago, in the State of Illinois, in the year 1933, in celebration of the one hundredth anniversary of the incorporation of Chicago as a municipality.

SEC. 2. (a) That for the purposes of more effectively carrying out the provisions of this resolution there is hereby created a commissioner of A Century of Progress (the Chicago World's Fair Centennial Celebration), whom the President is hereby authorized to appoint.

(b) That the commissioner shall be paid, out of the amount hereinafter provided by this resolution, such compensation as the commission shall authorize: *Provided*, That such salary shall not be in excess of $10,000 per annum.

(c) That the commission shall prescribe the duties of the commissioner and shall delegate such powers and functions to him as it shall deem advisable in order that there may be exhibited at A Century of Progress (the Chicago World's Fair Centennial Celebration) by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials as illustrate the function and administrative faculty of the Government in the advancement of industry, the arts, and peace, demonstrating the nature of our institutions particularly as regards their adaptation to the wants of the people.

SEC. 3. That the commissioner may employ such clerks, stenographers, and other assistants as may be necessary and fix their reasonable compensations; purchase such material, contract for such labor and other services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and exercise such powers as are delegated to him by the commission as hereinbefore provided; and, in order to facilitate the functioning of his office, may subdelegate such powers (authorized or delegated) to officers and employees as may be deemed advisable by the commission.

SEC. 4. That the heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with the commissioner in the procurement, installation, and display of exhibits; to lend to A Century of Progress (the Chicago World's Fair Centennial Celebration), with the knowledge and consent of the commissioner, such articles, specimens, and exhibits which the commissioner shall deem to be in the interest of the United States to place with the science or other exhibits to be shown under the auspices of that corporation; to contract for such labor or other services as shall be deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and to designate officials or employees of their departments or branches to assist the commissioner. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, the commissioner shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations may be paid from the appropriation provided; and if the return of such property is not practicable, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable, and account therefor.

SEC. 5. That the sum of $1,725,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, of which sum not to exceed the sum of $550,000 may be expended for the erection of such building or group of buildings, and/or for the rental of such space, as the commission may deem adequate to carry out effectively the provisions of this resolution; for the decoration of such structure or structures; for the proper maintenance of such buildings, site, and grounds during the period of the exposition. The commission may contract with A Century of Progress (the Chicago World's Fair Centennial Celebration) for the designing and erection of such building or buildings and/or for the rental of such space as shall be deemed proper. The remaining portion of the appropriation authorized under this resolution shall be available for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the commission may decide shall be included in such Government exhibit and in the exhibits of A Century of Progress (the Chicago World's Fair Centennial Celebration); for the compensation of the commissioner and employees in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government, employed by or detailed for duty with the commission, and for their actual traveling expenses and subsistence or for per diem in lieu thereof at rates to be prescribed by the commission (notwithstanding the provisions of any other act): *Provided*, That no such official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed plus such reasonable allowance for expenses as may be deemed proper by the commissioner; for telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other publications, ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made in advance; for the purchase of a passenger-carrying automobile, its maintenance, repair, and operation, for the official use of the commissioner; for printing and binding; for entertainment of distinguished visitors and all other expenses as may be deemed necessary by the commission to fulfill properly the purposes of this resolution. All purchases, expenditures, and disbursements, under any appropriations which may be provided by authority of this resolution, shall be made under the direction of the commission; may be made in open market without compliance with section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5), in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $1,000 in any instance; shall not be subject to the provisions of any law, other than this resolution, regulating or limiting the expenditure of public money or the employment of personnel; and the approval of the commission shall in every case be final: *Provided*, That the commission, as hereinbefore stipulated, may delegate these powers and functions to the commissioner, and the commissioner, with the consent of the commission, may subdelegate them: *And provided further*, That the commission or its delegated representative may authorize the allotment of funds to any executive department, independent office, or establishment of the Government with the consent of the heads thereof for direct expenditure by said executive department, independent office, or establishment for the purpose of defraying any expenditure which may be incurred by said executive department, independent office, or establishment in executing the duties and functions delegated to said office by the commission; and all accounts and vouchers covering expenditures under these appropriations shall be approved by the commissioner or such assistants as he may delegate, except for such allotments as may be made to the various executive departments and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit or permit any obligations to be incurred in excess of the amount authorized to be appropriated.

SEC. 6. That the commissioner, with the approval of the commission, may receive from any source contributions to aid in carrying out the general purposes of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this resolution. The commissioner is also authorized to receive contributions of material, or borrow material or exhibits, to aid in carrying out the general purposes of this resolution; and at the close of the exposition or when the connection of the Government of the United States therewith ceases, shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property, and provide for the restoration of such borrowed property to a condition which will permit its use at subsequent expositions or fairs, or for reimbursement thereof to the owners in the event of damage to said property; and, under the direction of the commission, dispose of any buildings which may have been constructed and account therefor.

SEC. 7. That it shall be the duty of the commission to transmit to Congress, within six months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

Mr. CHINDBLOM. Mr. Speaker and Members of the House, I want to ask earnestly, with such personal appeal as I may be permitted to employ, that the lateness of the hour and the condition of our legislative program may not prejudice the consideration of this matter at this time.

This bill comes here as the result of a message from the President sent to Congress on December 19 last, Document 698, third session, Seventy-first Congress, in which the President recommends the passage of this act, and with his message sent to the Congress a report from the committee which the President had appointed, pursuant to the joint resolution of Congress passed last June, consisting of representatives of the Departments of State, Commerce, and Agriculture.

This committee went to Chicago and investigated thoroughly the matter of the proposed exposition, and thereafter made a report recommending the participation of the United States in this fair. Congress itself originated by the passage of that resolution the question of the participation of the Government of the United States in the fair.

Mr. CRISP. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. CRISP. When we passed that legislation was it not distinctly stated in the Ways and Means Committee and on the floor of the House that no appropriation would be asked from the Federal Government for that exposition?

Mr. CHINDBLOM. I have the complete record and it shows that when that resolution was passed it was passed in this form. The last section in it reads as follows:

That the Government of the United States is not by this resolution obligated to any expense in connection with holding such world fair, and is not hereafter to be so obligated, other than suitable representation therefor.

My good friend from Georgia [Mr. CRISP] himself, when we passed the first resolution and the other resolution last spring, was kind enough to suggest that, of course, if the Government participated, it would be proper for the Government to make appropriation therefor.

Mr. CRISP. To meet the expenses of the Government. If I am not mistaken, Vice President Dawes, our present ambassador to England, appeared before the committee and urged the passage of the resolution, and his advocacy of it was largely responsible for the committee reporting it out. Mr. Dawes said that the Federal Government would not be asked to make any appropriation to participate in that exposition.

Mr. CHINDBLOM. That language was not used. The question was whether any contribution would be requested for the purposes of the fair, and that was distinctly brought out when the original resolution was passed, authorizing the President to invite the nations of the world to participate in the fair and last June, when the resolution was passed, providing for the appointment of the committee that made the report. Let me make this clear. There is not one cent of contribution requested, nor is there one cent authorized in the pending measure for the purposes of the fair itself. It is all for the purpose of participation by the Government of the United States.

Mr. CRISP. What amount is involved?

Mr. CHINDBLOM. One million seven hundred and twenty-five thousand dollars.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BYRNS. The gentleman here at 12 o'clock midnight is asking the House to pass a bill authorizing an appropriation of $1,725,000. The gentleman, of course, recognizes how unfortunate it is to bring up legislation with which the House is not familiar and which the House has no opportunity to fully discuss at this hour of the night, and just before the adjournment of Congress. The gentleman has just stated that this proposition was brought to the House as long ago as December 19. Why is it that this bill has not been brought before the House at an earlier date, so that the House could have an opportunity to consider it?

Mr. CHINDBLOM. I have been waiting for a week for an opportunity to present this matter. I have realized that there have been bills here of more immediate importance, perhaps, to certain localities in the country and that there have been bills of larger public and general importance and I have abided my time. I do not think I have been unfair to the House. I do not think I am unduly pressing an important matter of this kind upon the House. I am very sorry if now it shall transpire that we must suffer by reason of our forbearance. The gentleman from Massachusetts [Mr. LUCE] is the chairman of the Committee on the Library, which has handled the matter.

Mr. BYRNS. When was it reported from the committee?

Mr. CHINDBLOM. This bill comes from the Senate. My bill was considered by the Library Committee, and the committee was ready to report that out when the Senate bill came over and they substituted the Senate bill for my bill in the committee.

Mr. McDUFFIE. How long ago? When was it?

Mr. CHINDBLOM. It came here on February 12, 1931.

Mr. McDUFFIE. When is this exposition?

Mr. CHINDBLOM. This exposition will be held in 1933; but, anticipating the gentleman's question, because Mr. BLANTON asked the same question, this is the important part of it: We have invited the nations of the world to participate. A considerable number of them have accepted the invitation. If the Government of the United States itself is not going to participate, then, of course, we can hardly expect other nations to continue their plans with great enthusiasm. Let me tell what the fair is. The gentlemen on the Ways and Means Committee will remember that General Dawes told us that there never has been held a world's exposition of this kind. It is called A Century of Progress. It proposes to show the progress of the entire world, and, of course, particularly of the United States, during the last hundred years, since 1833, when Chicago with a white population of 23 persons became a municipality, down to the present moment. It will show the progress of the world in science, art, industry, and particularly agriculture, and all of these matters will be presented there. The people of Chicago are raising $10,000,000. Six and a half million dollars have already been provided. A total of $10,000,000 will be raised. Thirty million dollars to fifty million dollars will be expended on this exposition. It will be located on the lake front on a site of 800 acres. It will be one of the outstanding achievements of this age, and I say by way of illustration that the British Government has promised to send over the Rocket, the first locomotive ever built, for the purpose of completing the exposition in railroads.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. RAGON. I think I recall General Dawes's testimony, and if I recall correctly, the minority leader asked General Dawes something about whether or not there will be any appropriation expected on the part of the Government. General Dawes, if I recall his testimony correctly—it is a long time ago and I do not want to be held to strict accountability—stated they would get the support of the different departments; but as I recall it, General Dawes gaves us the assurance that the Government would not be expected to do one thing.

Mr. CHINDBLOM. This bill does not ask the Government to contribute toward any expense for the organization of the fair.

Mr. RAGON. Just what is it proposed to do with the $1,725,000?

Mr. CHINDBLOM. I can state that very briefly. The committee of the Assistant Secretaries of State, Agriculture, and Commerce have made the allotments, and these are for exposition purposes, that the departments may show what contributions the Government of the United States has made toward agriculture, the arts, the sciences, and all human activities, and the manner in which the Government of the United States is assisting the people of the United States and contributing toward our marvelous progress which we expect to show to the rest of the world. The allotments are: For the Department of Agriculture, $175,000; for the Department of Commerce, $90,000; for the Department of the Interior, $50,000; for the Department of Justice, $10,000; for the Department of Labor, $50,000; for the Navy, $75,000; for the Post Office Department, $25,000; for the Department of State, $10,000; for the Department of the Treasury, $60,000; for the Department of War, $75,000; and other estimates, $150,000.

Mr. RAGON. If I recall correctly, General Dawes, explaining that—and if I am wrong I want to correct it—made the statement that these things would be furnished and that it would not cost the Government out of the Treasury one cent. I want to know if that is correct.

Mr. CHINDBLOM. No. I have reread the hearings. I have prepared myself for this occasion. I may say to the gentleman that I have talked with General Dawes about this

matter, and I can say without violating any confidence, I believe, he does not think or understand that this is a variation from the understanding that was had when we passed this bill.

Mr. RAGON. But the gentleman does agree that General Dawes said they would not call upon the Government for any contribution.

Mr. CHINDBLOM. I think we are carrying that purpose out.

Mr. RAGON. When this House voted, did the House not vote with the understanding that no contribution would be made by the Government?

Mr. CHINDBLOM. I do not think so, because when the House voted it passed the resolution to which I referred a moment ago, in which it is said that the Government shall not be obligated other than "for suitable representation thereat." That language was put in the bill, as I recall it, upon motion of the gentleman from Michigan [Mr. CRAMTON] for the purpose of making it plain that if the Government did participate or have representation this understanding with reference to obligation should not apply. It is in the original act, "other than for suitable representation thereat." That language was discussed on the floor, and the gentleman from Georgia [Mr. CRISP] spoke of the fact that if the Government participated, of course the Government would expect to pay the expense therefor. I will stake my reputation for veracity that that will be found in the record of hearings.

Mr. McDUFFIE. May I interrupt the gentleman?

Mr. CHINDBLOM. I yield.

Mr. McDUFFIE. Why could not the next Congress next December make this appropriation?

Mr. CHINDBLOM. For the reason that the other governments have been invited, according to the proclamation of the President, and representatives have been here, and they are preparing to come. If the Government of the United States now takes an attitude of disinterestedness in this fair, how are we going to expect other governments to come here when we have invited them and Congress has authorized the invitation?

Mr. BYRNS. Will the gentleman yield further?

Mr. CHINDBLOM. I yield.

Mr. BYRNS. I would like to make this observation if the gentleman will permit me? Here is a proposition involving $1,750,000. It seems there is no trouble to get a bill like this before the House. There are gentlemen on this side who have been clamoring for several days to get consideration for a hospital bill for the protection and benefit of the disabled soldiers.

Mr. CHINDBLOM. And I am thoroughly in sympathy with that.

Mr. BYRNS. It has been impossible to secure a vote under the rules of the House on account of the fact that the conferees have that bill under their jurisdiction. As far as I am individually concerned, as one Member of this House, I do not propose to vote another dollar out of this Treasury until we get that bill before us.

Mr. CHINDBLOM. I can well understand that feeling of the gentleman, but will the gentleman permit me to say that even this proposition ought to be permitted to stand upon its own merits? I do not think the membership of the House should assume the position that we are to be punished, or that we are to be selected for some specially unfavorable treatment because of a situation for which I, of course, certainly can not be responsible.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. SCHAFER of Wisconsin. Is the gentleman in favor of accepting the Senate amendment so that we can provide hospitals for the disabled veterans when we are providing a subsidy of $1,725,000 for the Chicago Fair?

Mr. CHINDBLOM. If that suggestion comes from the conference committee, I will vote for it.

Mr. SCHAFER of Wisconsin. Did the gentleman state that the Department of Justice was going to have an exhibit?

Mr. CHINDBLOM. Yes.

Mr. SCHAFER of Wisconsin. What is that exhibit going to be? Some new invention with reference to stills for the benefit of Capone and the other Chicago gangsters?

Mr. CHINDBLOM. No; but the Department of Justice has taken a prominent part in the development and progress of the Nation during the last 100 years.

Mr. SCHAFER of Wisconsin. They may have an exhibit showing the people how to make this Willebrandt wine.

Mr. SABATH. Oh, the gentleman should not bring those things in. Chicago is not responsible for Willebrandt wine or anything else.

Mr. CHINDBLOM. We have made appropriations for previous fairs for two purposes, and I have the items here. One purpose has been for the participation of the Government, and one purpose for appropriating a subsidy or contribution to the actual cost of the exposition. We did so in the case of Chicago in 1893. We did so in the case of St. Louis in 1904. At St. Louis we appropriated $1,579,000 for the Government's participation and $5,000,000 toward the cost of the exposition. At Philadelphia we appropriated $1,186,500 toward the Government appropriation and $1,000,000 toward buildings. At San Francisco we made a similar appropriation. The Congress has always done this. Why should the second largest city in the country, which is doing something for the benefit of the entire Nation and which will redound to the credit and glory of the entire Nation, be treated differently than have the other cities during all these years when fairs have been held? This is not to be a competitive exposition. The purpose is not to show up one producer against another or one merchant against another. Each line of industry, each line of art, each line of science will have a complete exhibition of its progress and its development during the last 100 years.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. McCORMACK of Massachusetts. Will the gentleman tell us how the gentleman from Chicago [Mr. SABATH] feels about this proposition.

Mr. CHINDBLOM. I will be glad to yield to the gentleman from Illinois [Mr. SABATH], so that he may tell the gentleman how he feels.

Mr. Speaker, I reserve the balance of my time.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members, I dislike very much to oppose at this hour so near the close of the last session of the Seventy-first Congress a bill sponsored by my good friend, that active Member of Congress, the gentleman from Illinois [Mr. CHINDBLOM], but after hearing the proceedings all this day I feel that we should stop for a moment and consider the laxity with which we are proposing authorizations of large expenditures of money or attempting, in many cases, to make the actual expenditures regardless of authorization.

While I have not liked certain methods of the Budget Bureau, I can see that in these closing hours the Budget's recommendations have been thrown to the winds. Now is the time to stop for a moment and consider what we are proposing to do. In this short session we have appropriated great sums to prevent misery, death, and starvation in the drought-stricken districts; we have appropriated huge sums for the early construction of public roads; large sums to hurry public-building construction; all in the hope of helping the unemployment situation.

My friends, how can we reach into the Treasury with one hand for funds for such meritorious proposals, and in the same session of Congress extend the other hand into the Treasury for more than $1,700,000 for expenditure in the great exposition proposed to be held in Chicago in 1933? We were told that this exposition would cost the Federal Government nothing. We might have known from previous experiences that such a pledge could not be maintained.

The bill to increase the loan basis of adjusted-service certificates having become a law, the vast appropriations necessary to carry out its provisions must be made. Extra em-

ployees in the Veterans' Bureau will be necessary. Only yesterday General Hines had to go to the officials of the Federal Treasury to arrange for the immediate delivery to him of $20,000,000. His plea was that to permit veterans, now entitled under the law to apply for loans, to stand in line in cities where pay stations existed would be a picture similar to that of a run on a bank. I am informed that the $20,000,000 secured yesterday wilted away like snow on a spring day. By next Monday, I venture to say, that another $20,000,000 will be needed and then another.

Members of the House, take down your history of the Roman Empire and read the chapters describing the decline of that empire; read where when the situation became worse the emperor ordered more circuses and more holidays for the people; read of the taxation problems. Look at the condition of various State treasuries. Why, in many the State legislatures are making every effort to find ways and means to raise additional money for the State. Consider the expenditures called for under public building construction, parks, public monuments, and the like that have passed in this session.

You have heard me predict in previous speeches what I think will happen this coming winter with regard to unemployment. Even if we are charged with excessive expenditures in the Seventy-first Congress and even though each one of us here endeavors to secure all we can for his district and State, our duty in the last analysis is to protect the Federal Treasury. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield myself five minutes. After this House has been in continuous session for 13 hours and 15 minutes, after midnight, we are called upon not to appropriate but to authorize an appropriation of $1,725,000 for this celebration.

The appropriation can not be made until next December, and the celebration is not to occur until the summer of 1933. We meet here next December. We will have a year and a half after we meet not only to authorize but to appropriate, after our country has recovered from the present depression.

Then we will have plenty of time to authorize and to appropriate before this great celebration in Chicago. I am not against it. I am for it.

I expect to support a proper appropriation for it at the proper time, notwithstanding the fact that the distinguished gentleman from Illinois, General Dawes, when he came before the Ways and Means Committee, said, "Gentlemen, I am presenting a most unique proposition for a celebration that will not cost the Government one penny; we will not ask the Government for a single penny for this celebration." That, too, is exactly what the distinguished gentleman from Oregon told us when he brought the proposition on the floor, that it would not cost the Government anything. He said it would not cost a penny, and we voted for it with that understanding.

You gentlemen know what we did for Philadelphia and you know where that great sum of money went, and how it was wastefully dissipated.

You gentlemen know that at this late hour, when Congress is here in this atmosphere, no sane legislation can be passed. This is no time to authorize an appropriation of $1,725,000 in this manner. Why can we not wait? Why can we not suspend this matter until December? We will be back here with a sane Congress in December. We will be back here with minds not beclouded and tired, with minds fresh and clear. We will come back here fresh from the people. We will know what the people want us to do, and it is better that we should wait. With many States having thousands of starving people within their borders we do not want this $1,725,000 authorized at this particular time. I remember that the gentleman from Illinois [Mr. CHINDBLOM] was not so anxious to vote for an appropriation for food for starving people. He voted against it. We had to force that on him before he would accept it. We had to force it on the majority leader. We had to force it on the Congress to get proper relief for the starving people.

You gentlemen, soon after to-morrow, will go back and face your constituents at home. You are going to be asked questions by them. They are going to ask you questions that it will be hard for you to answer. They are going to ask you why, after 13 hours of continuous session, after midnight, you got up here and authorized $1,725,000 for a celebration in Chicago that is not to occur until 1933. [Cries of "Vote!" "Vote!"] That is not going to stop me. I am going to use my time.

I am going to yield some time to some soldier boys here who fought your battles and mine in France who want the hospital bill to come out. They are going to tell you something about this during these 20 minutes and you can not stop them. They are going to let you know what the service men and their families want with respect to hospitalization, and that you can not adjourn this House until we have a definite understanding about this hospital bill.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. CHINDBLOM. Let me say to my friend——

Mr. BLANTON. Did the gentleman vote for the food relief measure? No; he turned us down.

Mr. CHINDBLOM. I know that a great many gentlemen do not want to vote this bill down on its merits, and it would have a very bad effect upon the work of the exposition if by reason of these conditions——

Mr. BLANTON. We are going to vote it down to-night, so you had better withdraw it. You can not pass it here to-night.

Mr. CHINDBLOM. I ask unanimous consent to withdraw the motion.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw his request for suspension of the rules. Is there objection?

There was no objection.

PIPE-LINE BRIDGE ACROSS THE MISSOURI RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6253) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipeline bridge across the Missouri River, and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River and approximately nine-sixteenths of a mile downstream from the bridge of Sioux City Bridge Co. across the Missouri River at Sioux City, Iowa, at a point suitable to the interests of navigation: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said pipe-line bridge such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pine Line Co. of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same, as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

HIGHWAY BRIDGE ACROSS THE MISSOURI RIVER AT ELBOWOODS, N. DAK.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6252) granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak., and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Elbowoods, N. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER, W. VA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6262) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va., authorized to be built by the Monongahela Bridge Co., its successors and assigns, by an act of Congress approved May 16, 1930, are hereby extended one and three years, respectively, from May 16, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House stand in recess until 10 o'clock to-day.

Mr. CONNERY. Mr. Speaker, reserving the right to object, I am going to ask all Members who are interested in the service men, who stayed up all night on many occasions for them in France, to vote against any recess until we get a report on the hospital bill. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. TILSON. Mr. Speaker, I move that the House take a recess until 10 o'clock to-day.

Mr. MEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEAD. If we vote down the motion of the majority leader, then will it be possible for us to get a report from the conferees on the hospital bill who have just had a conference amongst themselves in the lobby; and if so, will it be possible for us to get a vote on the hospital question to-night?

Mr. TILSON. It is expected that we shall have a vote on the hospital bill to-morrow and this is the reason we wish to have two hours to-morrow for the purpose.

Mr. CONNERY. The gentleman says that is expected.

Mr. TILSON. Yes.

Mr. CONNERY. If we can get it to-morrow, why can we not get it to-night?

Mr. TILSON. The conferees have not finished their conference.

The SPEAKER. The question is on the motion of the gentleman from Connecticut.

The question was taken and a division was demanded by Mr. MEAD.

Mr. CONNERY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 143, not voting 197, as follows:

[Roll No. 50]

YEAS—90

Ackerman	Bolton	Clarke, N.Y.	Dickinson
Adkins	Bowman	Cochran, Pa.	Douglas, Ariz.
Aldrich	Brumm	Colton	Eaton, Colo.
Allen	Burtness	Cramton	Englebright
Bacon	Butler	Crowther	Estep
Barbour	Campbell, Pa.	Darrow	Finley
Beers	Carter, Calif.	Dempsey	Fort
Blackburn	Chindblom	Denison	Free
French	Jonas, N. C.	Nelson, Me.	Stalker
Gibson	Kahn	Perkins	Stobbs
Goss	Kinzer	Pratt, Ruth	Strong, Kans.
Graham	Knutson	Ramseyer	Taber
Hadley	Kopp	Reed, N. Y.	Temple
Hale	Leech	Rich	Thatcher
Hall, Ill.	Lehlbach	Robinson	Thurston
Hess	Letts	Rogers	Tilson
Hoch	Luce	Seger	Vincent, Mich.
Hooper	McLaughlin	Selberling	Wigglesworth
Hopkins	Magrady	Shott, W. Va.	Wolfenden
Hudson	Mapes	Simmons	Wolverton, N. J.
Hull, Morton D.	Menges	Sloan	Wood
Jenkins	Michener	Snow	
Johnson, Ind.	Mouser	Stafford	

NAYS—143

Abernethy	Davis	Jones, Tex.	Quin
Allgood	De Priest	Kading	Ragon
Almon	Dickstein	Ketcham	Rainey, Henry T.
Andresen	Dominick	Kvale	Ramey, Frank M.
Arnold	Dowell	LaGuardia	Ramspeck
Auf der Heide	Doxey	Lambertson	Rankin
Bachmann	Dyer	Lankford, Ga.	Rayburn
Black	Erk	Lankford, Va.	Romjue
Bland	Eslick	Leavitt	Sabath
Blanton	Fitzpatrick	Lindsay	Sanders, Tex.
Bloom	Fuller	Lozier	Sandlin
Boylan	Fulmer	McClintock, Ohio	Schafer, Wis.
Briggs	Gambrill	McCormack, Mass.	Schneider
Browning	Garber, Va.	McDuffie	Selvig
Buchanan	Gavagan	McFadden	Shaffer, Va.
Busby	Glover	McKeown	Short, Mo.
Byrns	Goldsborough	McLeod	Sinclair
Campbell, Iowa	Granfield	McReynolds	Sirovich
Canfield	Green	McSwain	Somers, N. Y.
Cannon	Gregory	Maas	Sparks
Carter, Wyo.	Guyer	Mead	Sproul, Kans.
Cartwright	Hall, Miss.	Milligan	Summers, Wash.
Celler	Hall, N. Dak.	Montet	Swanson
Chalmers	Hancock, N. C.	Mooney	Swick
Christgau	Hastings	Moore, Ky.	Tarver
Cochran, Mo.	Hill, Ala.	Morehead	Turpin
Collier	Hill, Wash.	Nelson, Mo.	Warren
Collins	Holaday	Nolan	Welch, Calif.
Condon	Howard	O'Connor, N. Y.	Welsh, Pa.
Connery	Huddleston	O'Connor, Okla.	Whittington
Cooke	Hull, Wis.	Oldfield	Wilson
Cooper, Tenn.	James, Mich.	Oliver, Ala.	Wingo
Crisp	Jeffers	Owen	Wolverton, W. Va.
Cross	Johnson, Okla.	Parsons	Yon
Crosser	Johnson, Tex.	Patterson	Zihlman
Cullen	Johnson, Wash.	Prall	

NOT VOTING—197

Andrew	Eaton, N. J.	Kendall, Ky.	Rowbottom
Arentz	Edwards	Kendall, Pa.	Rutherford
Aswell	Elliott	Kennedy	Sanders, N. Y.
Ayres	Ellis	Kerr	Sears
Bacharach	Esterly	Kiefner	Shreve
Baird	Evans, Calif.	Korell	Simms
Bankhead	Evans, Mont.	Kunz	Smith, Idaho
Beck	Fenn	Kurtz	Smith, W. Va.
Beedy	Fish	Langley	Snell
Bell	Fisher	Lanham	Speaks
Bohn	Fitzgerald	Larsen	Spearing
Box	Foss	Lea	Sproul, Ill.
Brand, Ga.	Frear	Linthicum	Steagall
Brand, Ohio	Freeman	Loofbourow	Stevenson
Brigham	Garber, Okla.	Ludlow	Stone
Britten	Garner	McClintic, Okla.	Strong, Pa.
Browne	Garrett	McCormick, Ill.	Sullivan, N. Y.
Brunner	Gasque	McMillan	Sullivan, Pa.
Buckbee	Gifford	Manlove	Sumners, Tex.
Burdick	Golder	Mansfield	Swing
Cable	Goodwin	Martin	Taylor, Colo.
Carley	Greenwood	Merritt	Taylor, Tenn.
Chase	Griffin	Michaelson	Thompson
Chiperfield	Hall, Ind.	Miller	Timberlake
Christopherson	Halsey	Montague	Tinkham
Clague	Hancock, N. Y.	Moore, Ohio	Treadway
Clancy	Hardy	Moore, Va.	Tucker
Clark, Md.	Hare	Morgan	Underhill
Clark, N. C.	Hartley	Murphy	Underwood
Cole	Haugen	Nelson, Wis.	Vestal
Connolly	Hawley	Newhall	Vinson, Ga.
Cooper, Ohio	Hickey	Niedringhaus	Wainwright
Corning	Hoffman	Norton	Walker
Cox	Hogg, Ind.	O'Connor, La.	Wason
Coyle	Hogg, W. Va.	Oliver, N. Y.	Watres
Craddock	Hope	Palmer	Watson
Crail	Houston, Del.	Palmisano	White
Culkin	Hudspeth	Parker	Whitehead
Dallinger	Hull, Tenn.	Parks	Whitley
Davenport	Hull, William E.	Patman	Williams
DeRouen	Igoe	Peavey	Williamson
Dorsey	Irwin	Pittenger	Woodruff
Doughton	James, N. C.	Pou	Woodrum
Douglass, Mass.	Johnson, Ill.	Pratt, Harcourt J.	Wright
Doutrich	Johnson, Nebr.	Pritchard	Wurzbach
Doyle	Johnson, S. Dak.	Purnell	Wyant
Drane	Johnston, Mo.	Ransley	Yates
Drewry	Kearns	Reece	
Driver	Kelly	Reid, Ill.	
Dunbar	Kemp	Reilly	

So the House refused to recess.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Garner.
Mr. Vestal with Mr. Montague.
Mr. Bacharach with Mr. Drewry.
Mr. Dallinger with Mr. Lanham.
Mr. Johnson of South Dakota with Mr. Corning.
Mr. Culkin with Mr. Bankhead.
Mr. Davenport with Mr. Pou.
Mr. Kendall of Pennsylvania with Mr. Oliver of New York.
Mr. Beck with Mr. Hull of Tennessee.
Mr. Eaton of New Jersey with Mr. Sullivan of New York.
Mr. Doutrich with Mr. Doughton.
Mr. Manlove with Mr. Linthicum.
Mr. Sullivan of Pennsylvania with Mr. Woodrum of Virginia.
Mr. Kurtz with Mrs. Norton.
Mr. Martin with Mr. Edwards.
Mr. Beedy with Mr. Tucker.
Mr. Bohn with Mr. Steagall.
Mr. Esterly with Mr. Reilly.
Mr. Merritt with Mr. Gasque.
Mr. Brigham with Mr. Ayres.
Mr. Evans of California with Mr. Carley.
Mr. Fish with Mr. Igoe.
Mr. Moore of Ohio with Mr. Spearing.
Mr. Foss with Mr. Aswell.
Mr. Murphy with Mr Garrett.
Mr. Frear with Mr. Greenwood.
Mr. Buckbee with Mr. Parks.
Mr. Gifford with Mr. Griffin.
Mr. Underhill with Mr. Bell.
Mr. Burdick with Mr. Hare.
Mr. Niedringhaus with Mr. Box.
Mr. Golder with Mr. Rutherford.
Mr. Pittenger with Mr. Brand of Georgia.
Mr. Parker with Mr. Hudspeth.
Mr. Chase with Mr. Brunner.
Mr. Goodwin with Mr. Smith of West Virginia.
Mr. Harcourt J. Pratt with Mr. Clark of North Carolina.
Mr. Chiperfield with Mr. James of North Carolina.
Mr. Hardy with Mr. Kemp.
Mr. Peavey with Mr. Stevenson.
Mr. Nelson of Wisconsin with Mr. Cox.
Mr. Clague with Mr. Kennedy.
Mr. Hancock of New York with Mr. DeRouen.
Mr. Purnell with Mr. Kerr.
Mr. Hartley with Mr. Sumners of Texas.
Mr. Ransley with Mr. Dorsey.
Mr. Haugen with Mr. Kunz.
Mr. Clancy with Mr. Taylor of Colorado.
Mr. Reid of Illinois with Mr. Underwood.
Mr. Hawley with Mr. Larsen.
Mr. Shreve with Mr. Douglass of Massachusetts.
Mr. Hogg of Indiana with Mr. Lea.
Mr. Connolly with Mr. Doyle.
Mr. Snell with Mr. Vinson of Georgia.
Mr. Coyle with Mr. Whitehead.
Mr. Irwin with Mr. Ludlow.
Mr. Crail with Mr. McMillan.
Mr. Smith of Idaho with Mr. Driver.
Mr. Johnson of Illinois with Mr. Mansfield.
Mr. Hogg of West Virginia with Mr. Williams.
Mr. Cooper of Ohio with Mr. Evans of Montana.
Mr. Watson with Mr. Wright.
Mr. Wyant with Mr. Fisher.
Mr. Yates with Mr. Moore of Virginia.

The vote was announced as above recorded.

CALL OF COMMITTEES

The SPEAKER. This is the morning hour, and the Clerk will call the committees.

The Clerk began the call of committees.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry. The House has refused to recess, and that leaves us in the same position as we were in the Sixty-first Congress. I know the Speaker remembers that Uncle Joe Cannon said that a majority can do anything it desires. Is it not within the power of the House now to instruct the conferees to agree to the Senate amendment on the hospitalization bill, provided the Speaker will recognize anyone to make that motion?

The SPEAKER. That is not in the power of the House.

Mr. SABATH. Does the Chair rule that we can not instruct the conferees?

The SPEAKER. The Chair so rules.

Mr. SABATH. Mr. Speaker, I might appeal from the ruling of the Chair, but I will not do so.

The SPEAKER. The Chair has not recognized the gentleman.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

Mr. RAYBURN. A parliamentary inquiry, Mr. Speaker, the House has not adjourned or recessed from Tuesday. We are still in the legislative day of Tuesday.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. RAYBURN. Mr. Speaker, a parliamentary inquiry. I made a parliamentary inquiry that has not been answered. The House has been legislating in Tuesday and it has not adjourned or recessed. It is still in Tuesday. There is no Wednesday and therefore how can the call of the committees be made?

The SPEAKER. This is the legislative day of Tuesday. We have been transacting business according to the rules. First, we had prayer by the Chaplain on Tuesday. Second, we had the reading and approving of the Journal. Third, we have had the reference of public bills—that has been passed over. Next, we have disposed of business on the Speaker's table, and next we have disposed of many public bills. Now is the morning hour for the consideration of bills called up by committees.

Mr. RAYBURN. Does the Chair hold that this is Tuesday or Wednesday?

The SPEAKER. The legislative day of Tuesday.

Mr. RAYBURN. Let me say, Mr. Speaker, that this is the only Tuesday that I ever saw that had two morning hours. [Laughter.]

Mr. GREEN. Mr. Speaker, reserving the right to object, I want five minutes following the gentleman from New York [Mr. LaGUARDIA].

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes.

Mr. JOHNSON of Washington. Reserving the right to object, I desire to ask a question in the nature of a parliamentary inquiry. Inasmuch as there is a committee near the bottom of the list that has not been called for more than eight years is it not advisable to begin at the star? [Laughter.] If the chairman of the committee is not here I am the ranking member. We have a bill on the calendar from the Committee on Territories No. 19, and we also have a bill for deporting all alien communists. We can pass that bill in a few minutes by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LaGUARDIA. Mr. Speaker, the House has expressed its wish by a substantial majority to give consideration to the veterans' hospital bill. That vote was rather impressive at this hour, when everyone is tired, yet willing to remain here on that bill. That should be sufficient notice to the distinguished gentleman from Massachusetts [Mr. LUCE] and his colleagues representing the House in conference.

While we are waiting for the gentleman from Massachusetts to make up his mind or to come back with the conference report, there is another very important bill that we could pass in a very few moments, and which has the indorsement of the President of the United States. There can be no real opposition to it on its merit. It would do a great deal to calm the gentleman from Washington [Mr. JOHNSON] and his fellow restrictionists, and that is the alien seamen's bill. The Secretary of Labor, Mr. Doak, told me only a day or so ago that the bill, which has already passed the Senate, has the indorsement of the President of the United States. If you are so anxious to keep undesirable aliens from coming to this country, pass the alien seamen's bill, because that is the real source from whence they come. The undesirable aliens enter the country as fake seamen or stowaways without any inspection, physical or otherwise. They sign as seamen or stewards, desert on arrival, all with the knowledge of the steamship companies. A few nights ago this House wanted to jam through a bill, and subsequently did pass a bill, cutting lawful, legitimate immigration by 90 per cent. These immigrants are mostly

parents of American citizens or wives and children of honest, hard-working aliens lawfully admitted. That was a bill dealing with souls, with human beings; and yet there was a big majority in favor of the passage of that bill. The alien seamen's bill is a bill dealing with dollars and cents, and the steamship companies are opposed to the bill. Seemingly, they have greater power than the wishes of the United States and a majority of this House. The bill has already passed the Senate.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. The bill was supposed to be brought up under suspension. That was abandoned. It was then to be brought in by unanimous consent by the gentleman from Washington [Mr. JOHNSON], and the gentleman from Washington has been soliciting people to object to his own bill when he asked unanimous consent. He asked me to do it.

Mr. JOHNSON of Washington. I rise to a point of order.

Mr. LAGUARDIA. Mr. Speaker, the power of the steamship companies is apparently tremendous. They have consistently opposed this bill, and I say this, that the steamship companies are making money on bringing undesirable aliens to this country. The Dollar Line is making money by keeping a double crew of Chinese on every ship and paying them starvation wages. The reserve crew is carried to fill places caused by desertions. Naturally the company profits by a low rate of wages. The desertions of alien pseudo seamen are numerous and the records bear me out on this point. Foreign steamship companies are guilty of the same practice. It is impossible to bring 40 to 50 stowaways on a ship, or a number of men who are not bona fide steaming on a crew, without their knowledge. Guilty knowledge, if you please, because they profit by this unlawful practice. Now, gentlemen, you restrictionists, you who are so keen to prevent undesirable aliens from entering the country, now is your opportunity. I invite the gentleman from Washington [Mr. JOHNSON] to ask for a suspension of the rules and to pass the seamen's bill. [Applause.]

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. Reserving the right to object, on what subject?

Mr. CRISP. On the subject before the House.

Mr. KVALE. Reserving the right to object, will the gentleman permit the gentleman from Washington to make that request at this time?

Mr. CRISP. I submit my request to the House.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. I object.

Mr. JOHNSON of Washington. Mr. Speaker, under the circumstances after the charge made against me—and I might have had the words taken down—I call up Senate 202.

The SPEAKER. That is not a privileged motion.

Mr. JOHNSON of Washington. Then I ask unanimous consent to take from the Speaker's table the bill S. 202 and suspend the rules and pass the same.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOWARD. For the purpose of making a unanimous-consent request to the Speaker and to my fellow Members in the House. I ask unanimous consent to talk for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. KVALE. Reserving the right to object, I ask that this matter be brought before the House. I would like to see this thing brought to a conclusion now.

Mr. BLANTON. The Speaker will not permit it. The Speaker has refused to recognize him for that motion.

Mr. HOWARD. What is the matter? I may bring it before the House.

RULES OF THE HOUSE

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for five minutes upon the parliamentary situation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRISP. Mr. Speaker and my colleagues, the Speaker correctly ruled to-night when he directed the Clerk to call the committees under the morning hour. That is in the rule book. It is obsolete as far as the practical consideration of measures under the rules of the House is concerned. This is the first time the Speaker has called that since he has been Speaker; but he was correct. Under the rules, it was in order.

Now, ladies and gentlemen, I am just as anxious as any of you to have the conferees report on the veterans' hospital bill. There is a way, under the rules of the House, that it could be dealt with, provided the Speaker was acquiescent in it, and there is no other way, under the rules of the House, whereby the House, even 80 per cent of it desiring to act, can act within the rules of the House.

I have considerable to say about liberalizing the rules of the House. I am not going to repeat any of that, but clearly within the rules it is within the power of the Speaker, it is discretionary with him, there is no way to force him, but he can recognize anyone to move to suspend the rules and adopt the resolution instructing the conferees on the veterans' hospital bill to agree to the Senate amendments, or he can adopt a resolution, under the rules, instructing the conferees to report back a disagreement to the House, and give the House itself an opportunity to vote as to whether it wishes to concur.

Now, gentlemen, as far as I am concerned, I am going to play the game according to the rules. I would not vote to overrule the Speaker on any decision he made when I thought the decision was right under the rule.

As I say again, the question of the Speaker recognizing anyone to suspend the rules is within his discretion, and there is no appeal laid under the rules from the Speaker's refusal to recognize anybody.

Mr. RANKIN. Will the gentleman yield?

Mr. CRISP. I will.

Mr. RANKIN. Of course that was the inquiry which I propounded to the Speaker earlier in the evening or this morning. May I ask the gentleman from Georgia this question: It seems to me this is a question that goes to the integrity of the proceedings of the House. If that is the case, would not such a motion be privileged?

Mr. CRISP. I do not think so.

Now I have said all I want to say. I am not going to ask the Speaker to answer any parliamentary question as to that. The Speaker knows the rules of the House and I know the rules of the House, and I know what I am saying is clearly within the rules of the House, but I want to address my remarks now to the conferees of the House.

Gentlemen, when the House refused to adopt a motion instructing you to agree to the Senate amendment, I understand some take the position that that was tantamount to the House instructing you not to agree. Such is not the parliamentary situation. When the House refused to adopt instructions to you the House simply appointed you as their free conferees, to go out with the Senate and see if you could compose and reconcile the differences between the two bodies. You were sent out as free agents, not instructed agents. Now, I have the highest respect for the conferees. I think the conferees have seen, from what has transpired here to-night, the temper of the House, and I am making this appeal to them. It seems to me, ladies and gentlemen, that the sensible thing to do at this hour is to have some assurance from the House conferees that they will have another conference with the Senate conferees and see if they can not reach some agreement, and then for this House to recess until 10 o'clock in the morning. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. KVALE. Has the gentleman concluded his statement?

Mr. CRISP. Yes.

Mr. KVALE. Does the gentleman from New York desire to question the gentleman?

Mr. O'CONNOR of New York. Yes. I want to state to the gentleman that when I objected to the gentleman having unanimous consent to proceed for five minutes I understood he had in mind the seamen's bill and not this bill or I would not have objected, because I am heartily in sympathy with his attitude on this veterans' legislation.

Mr. CRISP. I thank my friend. I may not have spoken clearly. I said the matter before the House, and I thought the only matter before the House was this hospital bill.

Mr. KVALE. Will the gentleman yield for a question on another subject?

Mr. CRISP. Yes.

Mr. KVALE. In view of the question that has been raised here with reference to this seamen's bill, in view of the Speaker's statement that he wished suspensions to apply in instances where they represented the obvious majority of the will of the House of Representatives, in view of the demand for this legislation, in view of the situation here to-night, in view of the obviously small percentage of opposition to this legislation, and in view of the statements made by the gentleman from New York [Mr. LAGUARDIA], does not the gentleman believe and hope that as Members of the House we may have the privilege of voting before we adjourn on the question of the adoption or rejection of the alien seamen's deportation bill?

Mr. CRISP. Personally I would be glad to see that done, but the responsibility is the Speaker's and he will act as he sees his duty.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. BLANTON. Mr. Speaker, I ask that the gentleman may have two additional minutes.

Mr. CRISP. I have no desire to impose myself on the House, but, of course, I will be glad to answer any questions if I have the time.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. BLANTON. If the conferees want to report a disagreement now to the House on the hospital bill and give us a chance, according to our rights under the rules, to instruct them, then does not the gentleman think the House would be willing to recess, because then we would have time to take this matter up at 10 o'clock?

Mr. CRISP. It is apparent that the temper of the House is that if a disagreement should be reported the House would move to concur in the Senate amendment, and if that prevails that would dispose of the matter.

Mr. BYRNS. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. BYRNS. The gentleman has referred to the possibility and expressed the hope that the House conferees would agree to hold a conference and go into another conference with the Senate conferees. Does not the gentleman think that if they would make that agreement or that statement now, with the further statement that in any event they will come back at 10 o'clock in the morning and give the House an opportunity to vote one way or the other on the Senate amendment, that the House might be willing to take a recess, that we might go home and come back and dispose of the matter?

Mr. CRISP. I feel confident of that, and I have just been advised that the Senate has recessed.

The SPEAKER. The time of the gentleman from Georgia has again expired, and the Chair recognizes the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, I would like to make a statement. I am informed the Senate has taken a recess until 9 o'clock and the Senators have gone home. So there would be no possibility of our conferees having any conference with them before morning. If there could be any good purpose served in connection with the legislation we have in mind by staying here, I would be perfectly willing to stay, but I see no good purpose that can be served in that direction; whereas I believe if we wait until to-morrow, when the conferees can meet, they understand the temper of the House——

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SCHAFER of Wisconsin. Did not this last roll call indicate the temper of the House on the hospital bill? Why can not the House conferees let the House determine the question?

Mr. TILSON. But the conferees can not do anything to-night because the Senate has recessed and the Senators have gone home.

Mr. SABATH. Does the gentleman maintain that the conferees of the Senate can not meet the conferees of the House because the Senate has recessed?

Mr. TILSON. They can not meet them to-night.

Mr. BLANTON. Then why not recess until 9 o'clock in the morning?

Mr. TILSON. That is what I want to do.

Mr. SCHAFER of Wisconsin. Does the gentleman mean to say that the House conferees can not make a report to the House at this time?

Mr. TILSON. Of course, they can not report until they have a conference and there is an agreement or a disagreement. The conferees can not do anything now.

Mr. SCHAFER of Wisconsin. Have they announced they can not agree?

Mr. MEAD. Can the gentleman from Connecticut give us any assurance about the conferees reporting?

Mr. TILSON. I can not promise anything. I make good on any promise I make, and therefore I do not make loose promises.

Mr. BYRNS. Will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. BYRNS. The gentleman from Massachusetts [Mr. LUCE], who is chairman of the House conferees, is on the floor. Can we not have a promise from the gentleman from Massachusetts, representing the House conferees, or from the gentleman himself as the majority leader, that we will have an opportunity to vote upon this proposition when we reconvene at 10 o'clock this morning or at whatever hour we decided to reconvene?

Mr. TILSON. Mr. Speaker, I move that the House stand in recess until 9 o'clock.

The question was taken, and the Chair announced he was in doubt.

Mr. CONNERY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 132, not voting 207, as follows:

[Roll No. 51]

YEAS—91

Ackerman	Dyer	Jonas, N. C.	Soger
Adkins	Eaton, Colo.	Kahn	Seiberling
Aldrich	Englebright	Kinzer	Shott, W. Va.
Allen	Estep	Knutson	Simmons
Bacon	Finley	Lankford, Va.	Sloan
Barbour	Fort	Leavitt	Snow
Beers	Free	Leech	Stafford
Blackburn	French	Lehlbach	Stalker
Bolton	Gibson	Luce	Stobbs
Bowman	Goss	McClintock, Ohio	Strong, Pa.
Brumm	Graham	McLaughlin	Summers, Wash.
Burtness	Hadley	Magrady	Taber
Carter, Calif.	Hale	Mapes	Temple
Chalmers	Hall, Ill.	Michener	Thatcher
Chindblom	Hall, N. Dak.	Montet	Thurston
Clarke, N. Y.	Hess	Mouser	Vincent, Mich.
Cochran, Pa.	Hoch	Nelson, Me.	Watres
Colton	Hooper	Perkins	Wigglesworth
Darrow	Hopkins	Pratt, Ruth	Wilson
Dempsey	Hudson	Ramey, Frank M.	Wolfenden
Denison	Hull, Morton D.	Ramseyer	Wolverton, N. J.
De Priest	Jenkins	Reed, N. Y.	Wolverton, W. Va.
Douglas, Ariz.	Johnson, Ind.	Rogers	

NAYS—132

Abernethy	Crowther	Johnson, Okla.	Patman
Allgood	Cullen	Johnson, Tex.	Patterson
Almon	Davis	Johnson, Wash.	Prall
Andresen	Dickstein	Jones, Tex.	Quin
Arnold	Dominick	Kading	Ragon
Auf der Heide	Doughton	Ketcham	Rainey, Henry T.
Bachmann	Dowell	Kvale	Ramspeck
Black	Doxey	LaGuardia	Rankin
Bland	Erk	Lambertson	Rayburn
Blanton	Eslick	Lankford, Ga.	Rich
Bloom	Fitzpatrick	Lindsay	Romjue
Briggs	Fuller	Lozier	Sabath
Browning	Fulmer	McCormack, Mass.	Sanders, Tex.
Buchanan	Gambrill	McDuffie	Sandlin
Busby	Garber, Va.	McFadden	Schafer, Wis.
Byrns	Gavagan	McKeown	Schneider
Campbell, Iowa	Glover	McLeod	Selvig
Canfield	Goldsborough	McReynolds	Shaffer, Va.
Cannon	Granfield	McSwain	Short, Mo.
Carter, Wyo.	Green	Maas	Sinclair
Cartwright	Gregory	Mead	Sirovich
Celler	Guyer	Milligan	Somers, N. Y.
Christgau	Hall, Miss.	Mooney	Sparks
Cochran, Mo.	Hancock, N. C.	Moore, Ky.	Swanson
Collier	Hastings	Morehead	Swick
Collins	Hill, Ala.	Nelson, Mo.	Tarver
Condon	Hill, Wash.	Nolan	Turpin
Connery	Holaday	O'Connor, N. Y.	Warren
Cooke	Howard	O'Connor, Okla.	Welch, Calif.
Cooper, Tenn.	Huddleston	Oldfield	Whittington
Crisp	Hull, Wis.	Oliver, Ala.	Wingo
Cross	James, Mich.	Owen	Yon
Crosser	Jeffers	Parsons	Zihlman

NOT VOTING—207

Andrew	Driver	Kendall, Ky.	Robinson
Arentz	Dunbar	Kendall, Pa.	Rowbottom
Aswell	Eaton, N. J.	Kennedy	Rutherford
Ayres	Edwards	Kerr	Sanders, N. Y.
Bacharach	Elliott	Kiefner	Sears
Baird	Ellis	Kopp	Shreve
Bankhead	Esterly	Korell	Simms
Beck	Evans, Calif.	Kunz	Smith, Idaho
Beedy	Evans, Mont.	Kurtz	Smith, W. Va.
Bell	Fenn	Langley	Snell
Bohn	Fish	Lanham	Speaks
Box	Fisher	Larsen	Spearing
Boylan	Fitzgerald	Lea	Sproul, Ill.
Brand, Ga.	Foss	Letts	Sproul, Kans.
Brand, Ohio	Frear	Linthicum	Steagall
Brigham	Freeman	Loofbourow	Stevenson
Britten	Garber, Okla.	Ludlow	Stone
Browne	Garner	McClintic, Okla.	Strong, Kans.
Brunner	Garrett	McCormick, Ill.	Sullivan, N. Y.
Buckbee	Gasque	McMillan	Sullivan, Pa.
Burdick	Gifford	Manlove	Sumners, Tex.
Butler	Golder	Mansfield	Swing
Cable	Goodwin	Martin	Taylor, Colo.
Campbell, Pa.	Greenwood	Menges	Taylor, Tenn.
Carley	Griffin	Merritt	Thompson
Chase	Hall, Ind.	Michaelson	Tilson
Chiperfield	Halsey	Miller	Timberlake
Christopherson	Hancock, N. Y.	Montague	Tinkham
Clague	Hardy	Moore, Ohio	Treadway
Clancy	Hare	Moore, Va.	Tucker
Clark, Md.	Hartley	Morgan	Underhill
Clark, N. C.	Haugen	Murphy	Underwood
Cole	Hawley	Nelson, Wis.	Vestal
Connolly	Hickey	Newhall	Vinson, Ga.
Cooper, Ohio	Hoffman	Niedringhaus	Wainwright
Corning	Hogg, Ind	Norton	Walker
Cox	Hogg, W. Va.	O'Connor, La.	Wason
Coyle	Hope	Oliver, N. Y.	Watson
Craddock	Houston	Palmer	Welsh, Pa.
Crail	Hudspeth	Palmisano	White
Cramton	Hull, Tenn.	Parker	Whitehead
Culkin	Hull, William E.	Parks	Whitley
Dallinger	Igoe	Peavey	Williams
Davenport	Irwin	Pittenger	Williamson
DeRouen	James, N. C.	Pou	Wood
Dickinson	Johnson, Ill.	Pratt, Harcourt J.	Woodruff
Dorsey	Johnson, Nebr.	Pritchard	Woodrum
Douglass, Mass.	Johnson, S. Dak.	Purnell	Wright
Doutrich	Johnston, Mo.	Ransley	Wurzbach
Doyle	Kearns	Reece	Wyant
Drane	Kelly	Reid, Ill.	Yates
Drewry	Kemp	Reilly	

So the House refused to recess.

The following additional pairs were announced:

Mr. Campbell of Pennsylvania with Mr. Boylan.
Mr. Welsh of Pennsylvania with Mr. McClintic of Oklahoma.

The result of the vote was announced as above recorded.

THE HOSPITALIZATION BILL

Mr. JEFFERS. Mr. Speaker, as a member of the conference committee, I want to ask the Speaker if it would be in order for me to interrogate one of the majority conferees at this time? Would the chairman of the House conferees be in a position that if we recessed now until 9 o'clock that at 9 o'clock the chairman of the House conferees would be willing to then submit this proposition to the House as to whether or not it would be possible under the circumstances for the conferees to take the Senate bill? Would the chairman be in a position now if we recessed until 9 o'clock to let the House determine whether it would instruct the conferees to take the Senate bill?

Mr. LUCE. Mr. Speaker, the gentleman is fully aware of the difficulties that lie in the way of making any such promise. The gentleman is aware that I am but one of three conferees, that I was not the chairman of the subcommittee on hospitals, that I was not a member of that committee, that I had no share in framing the list of allocations that was submitted in the report of that committee. He will, of course, realize that I could not undertake to make a reply for the chairwoman of that committee.

He will also realize that her views in this matter would have a very persuasive influence with her Republican associates on that committee.

Furthermore, he will also understand the physical difficulty in getting together the five Senate members of the conference committee before 9 o'clock.

I may say, for the information of the House, and I think I am disclosing no confidence, that the chairwoman of the subcommittee on hospitals has been confident that before adjournment to-morrow there will be a possibility of some solution of this matter. To promise it before 9 o'clock would be too much.

Now will the gentleman permit me to make a statement of the situation to the House, coming as near as I can to the edge of the parliamentary proprieties. I shall have to ask the gentleman to draw some inferences because I am not disposed to cast any aspersions on the other branch. I should be inconsistent if I broke the rule. So gentlemen may draw their own inferences from this statement. We have been told repeatedly in conference committee and outside that the House bill can not go through the Senate in the increased form, so long as it permits in any way the allocations of the House. You may conclude for yourselves what will happen if the slate is wiped clean. You may understand the power of prestige and of position and of influence in controlling the situation. For myself, my self-respect will not permit me to yield to demands based upon those premises. [Applause.]

Mr. JEFFERS. Mr. Speaker, if the gentleman has concluded, I should like to make a statement at this time. In the first place, the gentleman from Massachusetts [Mr. LUCE] has said something about getting together with the Senate conferees prior to 9 o'clock. Of course, we could not do that. That is entirely beside the mark of the inquiry that I made. I asked if we could have assurance from the majority conferees that when the House met at 9 o'clock the majority conferees on the part of the House would then immediately submit the matter to the House, not to the Senate conferees, for consideration on the part of the House as to whether or not under the circumstances it would not be wisest and best now to take the Senate bill, in view of the fact that the time is so short, and that we will know how in another body even one Member, if he so desires, can hold up the business of legislation.

Another proposition I would like to mention, since the gentleman has gone somewhat into things which happened in conference, and on the part of the conferees, without giving away any secrets or mentioning any names, is that not only one but more than one of the Senate conferees of the majority party have assured us that while they could not submit to the Senate the actual House allocations as is in the conference report, because they felt that the Senate would not take it as is, yet that they—and they are powerful members of the majority party in the Senate—would go to the President of the United States and suggest to him that it was their best advice that he instruct the Federal hospital board in so far as they possibly could to take the House allocations up to $12,500,000. That to me is not entirely satisfactory.

I was proud of the House allocations and had served on the subcommittee and felt it was an honor to do so under our

esteemed chairlady of the subcommittee, who knows this problem well. However, when it comes down to a proposition of only a few hours intervening between now and the adjourning of Congress, I feel that it was my duty as an uninstructed House conferee—and we were uninstructed, the House did not instruct us, it refused to instruct us—it was my duty for the sake of a bill to give way to some extent at least, and I still think it is the wise and safe plan, in order that we may have a bill under the circumstances and with the assurance I mention of these Senators, to give way and get a bill.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. RAYBURN. I think everybody wants to go home. With the slightest assurance from the conferees that this bill may in some form be brought back to the House tomorrow say by 10 o'clock or 10.30 o'clock, with assurance from a majority of the conferees that they will make some sort of a report to the House in the morning, that they will bring the bill into the House with a disagreement or an agreement and put it in position where the House may then act on it, I think that the membership of the House will be perfectly willing to quit at this time and come back at 9 o'clock.

Mr. JEFFERS. With reference to what the gentleman from Texas [Mr. RAYBURN] has said, under the parliamentary situation we can not actually bring the bill into the House with an agreement or disagreement, because we are not in a position to do so. We simply quit the last conference. There is no agreement or disagreement, but we can at least ask the majority conferees if we can have an expression from the House to-morrow morning at 9 o'clock.

Mr. BLANTON. It should be very evident to the chairman of the conferees, from the present temper of the House, that unless he can assure the House he is going to report a disagreement, either to-night or early to-morrow morning, and allow us to instruct the conferees on this hospital bill, we are going to be here from now until 9 o'clock in the morning. We can not move. We will sit in these seats all night. So why not have an understanding and agree that the matter will be reported to the House in the morning?

Mr. JEFFERS. I renew my request to include the chairman of the subcommittee, Mrs. ROGERS, as well as the senior member of the conference, as to whether or not we can have an expression from the House in the morning at 9.30 o'clock as to whether, under the circumstances, it is not best and wisest for us to take the Senate bill.

Mr. LUCE. If the gentleman will permit a Yankee to answer a question with a question——

Mr. JEFFERS. Would it be possible for us to have an expression from the chairman of our subcommittee, Mrs. ROGERS?

Mrs. ROGERS. I am not the chairman of the conferees—Now, will the gentleman yield just a moment?

Mr. JEFFERS. Surely.

Mrs. ROGERS. May I beg the Members of the House to be loyal to their own bill. It is your bill. It is not just our bill. [Cries of "Vote!"]

Very well Mr. Speaker, they do not care.

Mr. HOLADAY. Will the gentlewoman yield for a question?

Mr. JEFFERS. May I ask the gentlewoman from Massachusetts——

Mr. BYRNS. Will the gentleman from Alabama yield?

Mr. JEFFERS. Certainly, I yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, it would seem to me it ought to be possible for the House to come to some agreement in order that we may take a recess until 9 o'clock in the morning.

All of the House conferees are on the floor. Of course, as has been suggested, they could make their report now, but surely the House should have an opportunity to express its will by a majority vote upon whether or not it wants to adhere to the House bill or to accept the Senate amendment, and surely the House conferees do not wish to deny to a majority of this House that right which it has to express its will with reference to the bill. I do hope that the majority conferees will accede to the question of the gentleman from Alabama [Mr. JEFFERS] and permit this matter to be brought before the House at 9.30 in the morning so that the House might vote one way or the other upon the proposition.

Mr. JEFFERS. Mr. Speaker, I yield to the gentleman from Michigan [Mr. JAMES].

The SPEAKER. All of this debate is proceeding by unanimous consent. The Chair has recognized the gentleman from Alabama [Mr. JEFFERS], and he has the floor as long as no one objects.

Mr. JEFFERS. If I may, I will yield to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES of Michigan. The gentleman from Alabama has stated that a powerful Senate member of the conference has agreed to go to the President on the $12,500,000 proposition. Have they made the same promise regarding the soldiers' home appropriation which came from the House Military Affairs Committee?

Mr. JEFFERS. As far as that is concerned, it is my individual understanding that it is the sense of the Senate conferees that that stands as passed by the House. The only difference is the $5,000,000 which the Senate added, and which we have said at all times to the Senate they could submit to the Federal Hospital Board or the Administrator of Veterans' Affairs.

Mr. JAMES of Michigan. As chairman of the House Committee on Military Affairs, I am interested in the bill that came from our committee.

Mr. JEFFERS. It has been allocated by the Federal Hospital Board, which the Senate entirely agrees to, as I understand.

Mr. HOLADAY. Will the gentleman yield?

Mr. JEFFERS. I yield.

Mr. HOLADAY. If I sense the feeling of this House correctly, I think the House would be entirely satisfied if the majority leader or chairman of the conference committee and the chairman of the subcommittee, the gentlewoman from Massachusetts, in view of the statement of the chairman that he probably would be influenced in his attitude by her attitude, if any of those Members would simply state to the House that to-morrow the conference committee will make a report that they have agreed or that they can not agree and will give the House an opportunity to express itself on the main question, I believe the House would be entirely satisfied and would be willing to adjourn. [Applause.]

Mr. JEFFERS. Just to make the situation clear to the gentleman, we understand from the parliamentary experts that since there was no formal disagreement in the conference with the Senate conferees, but that we simply walked out, we can not come here under the parliamentary situation, strictly adhered to, and report any sort of agreement, but we can come in as conferees and request our body to instruct us what our body thinks is wisest and best to do.

Mr. LaGUARDIA. Will the gentleman yield a moment?

Mr. JEFFERS. Certainly.

Mr. LaGUARDIA. Mr. Speaker, I suggest the situation in the last few days of the House is entirely under the control of the Speaker. Will the Speaker announce what his program will be for the morning, and perhaps that will give us a way out, so that the House may be assured it will have an opportunity to vote on the bill to-morrow?

Mr. JEFFERS. Does the Speaker desire to reply to the gentleman from New York?

The SPEAKER. The Chair is prepared to reply. Of course, the Chair has always been very strenuous in regard to the jurisdiction and power of the House relating to matters in conference with the Senate. The Chair thinks that conferees should have the fullest possible latitude, and in so far as they properly can, to represent the views of the House as expressed at the time they were appointed as conferees.

The Chair some time ago, in response to the gentleman from Mississippi [Mr. RANKIN], I think, said that he would

not recognize a motion to suspend the rules to instruct the conferees to do one thing or another of an affirmative nature.

The Chair would think that in case the conferees had not made some sort of report, affirmative or negative or whatever they pleased, when the House meets to-day, the Chair would feel constrained to entertain a motion to suspend the rules to request the conferees to make some sort of a report to the House. [Applause.]

Mr. RANKIN. Mr. Speaker, with that understanding, I move that the House recess until 9 o'clock.

Mr. JEFFERS. Mr. Speaker, would the Speaker be willing to say that 9.30 would be a reasonable hour?

The SPEAKER. In view of the fact that it is perfectly impossible, I would imagine, to locate any Member of the Senate at this time, it would be wise and proper to give a reasonable leeway, and the Chair would think somewhere about 10 o'clock, which would leave two hours before 12 o'clock, would be ample, but the Chair is not insistent on the exact hour.

Mr. TILSON. Mr. Speaker, I think it should be 10 o'clock, because it was generally understood that we would ask for 10 o'clock, in order to have two hours, and many of the Members have gone home with the idea that it would be 10 o'clock. I think that will give plenty of time, and I should hope it would be 10 o'clock.

Mr. KVALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KVALE. Would that require a two-thirds vote?

The SPEAKER. Yes; a motion to suspend the rules would require a two-thirds vote.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America;

H. R. 531. An act for the relief of John Maika;

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11368. An act to fix the annual compensation of the secretary and the Governor of the Territory of Alaska;

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes;

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.;

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes;

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 528. Joint resolution making appropriation to provide books for the adult blind;

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926; and

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 155. An act for the relief of Jesse J. Britton;

S. 181. An act for the relief of James H. Roache;

S. 182. An act for the relief of Daisy O. Davis;

S. 351. An act for the relief of John Donahue;

S. 401. An act for the relief of Claude J. Church;

S. 543. An act to increase the pay of mail carriers in the village delivery service;

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1244. An act for the relief of Capt. Christian Damson;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 1412. An act for the relief of Stanislaus Siemek;

S. 1640. An act for the relief of John E. Ross;

S. 1918. An act for the relief of Irene Strauss;

S. 2068. An act for the relief of Lester L. Wilson;

S. 2106. An act for the relief of John Baba;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3050. An act for the relief of James M. Booth;

S. 3184. An act to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike, and accretions thereto, in Mare Island Straits, Calif.;

S. 3206. An act for the relief of Rebecca Green;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.);

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2, in said section 5;

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton;*

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 5215. An act for the relief of H. L. Todd;

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5353. An act for the relief of Mrs. Herman M. Warr;

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928;

S. 5516. An act for the relief of E. G. Mason;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor;

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes;

S. 6072. An act for the relief of C. H. Price;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across St. Francis River, one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River four miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia, by and through the State Bridge Commission of West Virginia or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across the boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6254. An act for the relief of United States Marshal George B. McLeod;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

H. J. Res. 357. Joint resolution classifying certain official mail matter;

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931;

H. R. 531. An act for the relief of John Maika;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes;

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.;

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926;

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America;

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 3004. An act for the relief of Arthur Moffatt;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, as amended, and for other purposes;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 528. Joint resolution making appropriation to provide books for the adult blind;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 11368. An act to fix the annual compensation of the secretary and the Governor of the Territory of Alaska;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others; and

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

EXTENSION OF REMARKS

CHANGE OF RULES AND THE INCREASING EXPENSE OF GOVERNMENT

Mr. MOREHEAD. Mr. Speaker, in my eight years' service as Representative of the first district of Nebraska I have been fortunate in my health being such that I have been present at all sessions, and have had courage enough to vote on all legislative and appropriation bills up for consideration.

Nebraska people have dealt generously with me in so many different positions, trusting me to look after their interests. Being of a cautious nature, brought about by experience and observation, I view with considerable apprehension the increasing expense of government. The rules applied by careful business men should be applied to the Government. I can see no difference. The intent and purpose is the same. One is to look after his private affairs and the other is to look after affairs of the State and Nation, which is a sacred duty entrusted to him by the people. There has been much discussion as to change of the rules for the orderly procedure of business in the House. None have been of a nature that would effect a great saving in the appropriations to the taxpayers of the Nation. A Member of the House should have the courage and sincerity of purpose to go on record on any legislative matter, or any appropriation, when a large amount of money is involved. Many times in the appropriation of large sums I have seen the majority changed to a large minority. When a record vote was forced, they had reversed their vote. Therefore when Congress convenes I shall do everything in my power to get a rule compelling a record vote, and I am satisfied it will save several hundreds of millions of dollars to the people and reduce the tremendous amount that is now being appropriated.

I have been appalled at the ever-increasing appropriations for the Army, and particularly for the Navy. Some $400,000,000 has been appropriated during this session of Congress for the Navy. This is the largest amount ever appropriated during peace times. The House and Senate have devoted weeks in discussing an appropriation at this session for drought relief, and then in a very few hours appropriate as much as $30,000,000 in rehabilitating three battleships that are antiquated, will not be modern after the expenditure, and will soon be ready for the scrap heap. The drought relief bill, at least, would reach hundreds of thousands of people, while the Navy appropriation will only benefit a few hundred. I am amazed to see how readily Members of natural economic training vote for many bills of amounts I have mentioned, and are unable to give any good reason for so doing. Often when a Navy bill of questionable merit is up for consideration the corridors of the Capitol, the galleries, and general appearances would indicate a shipbuilders' convention more than the deliberate and serious transactions of a business Congress. The Navy authorities and some Members reach every paper by well-prepared articles. Any Member opposing their program is often branded as a pacifist, an undesirable citizen, communist, or Bolshevik.

This Congress is doing business under the inspiration of George Washington's name. They do not have to think. Quote him, connect him with any bill, and you win. Thirty million dollars to rehabilitate antiquated battleships! His name connected with it and Congressmen must all support it. No mention made of $435,000 a mile for a memorial boulevard in honor of his name.

To stop the raids on the Treasury is a very difficult task, as they enter into a collusion with others who have claims of questionable character to support each other's bills. I would also amend the rule so that an appropriation of any magnitude could not be placed on the unanimous consent or private calendars for at least 20 days before the closing of the Congress.

With the ever-increasing appropriations, raising salaries, and placing a greater number on the Government pay rolls, with the diminishing revenue from imports which have shown a great reduction (and other countries retaliating against the United States and producing more of their supplies, making the demand much less for the American surpluses, there is but one alternative, and that is to raise greater amounts of revenue by the income tax and direct taxation. I shall not question the honesty of purpose of the present administration; but it does seem to me that they are lacking in vision and courage to outline a positive program of economy and enforce it. They can not expect to be successful by opposing appropriations that perhaps benefit millions of people, and then encourage much larger appropriations that benefit the few. With the mounting expense caused by the World War, unless economy is used in the appropriation of large sums for questionable purposes, this country will find that we have a large deficit to take care of at every session of Congress. It seems criminal to me that some of

the great structures in the District are being torn down, and expensive buildings erected, without any justification except the slogans to "furnish labor" and "make the Capital beautiful." It has been the practice of the Representatives of certain States to introduce, and many times secure, by barter, large appropriations for their States, which are purely State matters and should be borne by the States instead of the Federal Government. States which are unable to support themselves and maintain a government, as well as meet the legitimate demands, should be subdivided and attached to other States that are self-supporting. I pay my respects to Representatives who have been of great benefit to the people in general, and have been worse censored than any other Members; and to others who have objected to undeserving bills being passed that are on the calendars.

To provide for new activities it has been necessary to increase the Federal pay roll four hundred times faster than the population has increased. In the year 1820 there was one Federal employees for every 1,173 inhabitants. In 100 years since, more than 400,000 additional employees have been added. Increased costs have been in proportion. In 1800 the Federal Government cost us about $2 per capita. In 1850 it cost us less than $2; but by 1900 the cost had grown to $8.20. In 1930 it had reached the staggering figure of $48.42. Add to this the cost of State government and the municipal and county government and there is reached a grand total of $110 per year the Government costs for every man, woman, and child in the United States. It continues to increase at a total rate of about $500,000,000 a year, or $4 more for each man, woman, and child. It is beginning to be a serious question, not so much as what the Government is worth, or how much it returns to us for our money, but of how much more we can pay for it and still retain our financial stability and our individual freedom, at the present rate of progress. It would take only another generation or two to provide every citizen with a Government job, and that, obviously, is only a roundabout road to that socialism or communism which we profess to abhor. What we shall have to decide before long is whether we are competent to continue as a free people, with each citizen ordering his own life and carving out his own destiny, or whether we shall have to turn all our activities over to the Government, with the bureaucrats carving out our destinies, individual and collective, for us.

As an older Member, with frontier and long business experience, I believe that policies adopted by the State of Nebraska, in many instances, at least, could be advantageously applied to the Federal Government. That is, pay as we go. The organizers of the State government of Nebraska, as it has been transmitted down through generations, had a deep-seated sentiment in the State against incurring debt. It is a heritage of pioneer days. When the State constitution was drafted it contained a provision which did not permit public officials to bond the State or to plunge it into debt. More than one-half a century has passed and that section still remains a part of the constitution. As a result, Nebraska is one of the two States in the Union which do not have a dollar of outstanding indebtedness, and has more than $10,000,000 of trust funds invested for the purpose and maintenance of its educational institutions. She has put more than $42,000,000 into public highways. Within the last 10 years we have levied taxes and collected $10,000,000 for the purpose of building the capitol. We have double that amount invested in the great State university and four normal schools. We have large investments in State parks. We have 15 institutions devoted to the care of the unfortunate, the insane, and the criminal, representing an investment of many millions more. In all this we have not found it necessary to issue a single dollar's worth of bonds, and we have not a single penny of outstanding indebtedness. The financial report of Nebraska has few parallels in the United States, and should be of some advantage to the Federal Government to giving serious consideration to her policies.

The temptation to plunge into debt is stronger in the State and Federal Government than with an individual. The trite old saying "What is everybody's business is nobody's business" applies with particular force when it comes to issuing bonds. We forget that we, as individuals, pay the debt contracted by the sovereign authorities of State and Nation. To me, Nebraska's financial condition is far superior, compared to some of the States which have a large bonded indebtedness, running into millions and millions, where one-fifteenth of all taxes collected is required to pay interest charges. There is a pay day, and maybe a real crisis, if the Federal Government persists in her mounting expenditures, just as grief will come to the States that have found it so easy to pledge their credit. I have serious doubts of the advisability of making it too easy for individuals, States, or nations to contract debts.

Nebraska has made mistakes, but has kept in a financial condition to render relief to the people in sections of the State that are unfortunate. I have very strong convictions that States should reluctantly ask for, and the legislative body of our Federal Government should reluctantly appropriate, money out of the Treasury of the United States belonging to all of the States, for the specific benefit of individual States. My convictions are so pronounced that, in 1913, when, as Governor of Nebraska, a very destructive cyclone visited the metropolis, taking many lives and great property loss, other States offered financial assistance, I refused to accept. But, in a few hours after the storm, by my request, the legislature appropriated sufficient funds to take care of all of the needy; and a commission of six loyal, patriotic Nebraska citizens was appointed by the governor to supervise the expenditure without charge for their services. All needy persons were provided with shelter, food, and clothing. It was a great satisfaction to me as governor that I had a loyal legislature and people, who appropriated sufficient money in a few hours to meet the wants and needs of the stricken without putting them in the attitude of begging from other people in other States.

No doubt a certain chaotic business condition exists throughout the world. The efforts of financiers of America to rehabilitate business conditions in Europe is largely to blame for the depression in America. Billions of foreign securities were sold to American investors, in many instances proving worthless, thereby destroying the confidence of American people. Cheap money caused the American people to play the stock market and invest as readily as they would play a game of golf. Much of this has been brought about by holders of foreign securities, in the hope they could enhance the value of the securities and reap a great profit.

Let us hope that the worst is over and that we will return to slower, more stable, and, I believe, more sane methods of doing business.

HON. RICHARD N. ELLIOTT

Mr. REED of New York. Mr. Speaker, it has been a pleasure and inspiration to be associated for the past few years with Hon. RICHARD N. ELLIOTT, chairman of the Committee on Public Buildings and Grounds. We all make friendships on the floor of the House, but the intimate contacts of committee work afford an unusual opportunity to evaluate the ability and character of those with whom we associate. The courage, tact, and high purpose of our committee chairman has won for him the admiration, love, and respect of every member of the committee.

The service that Hon. RICHARD N. ELLIOTT has rendered to his country in building a more beautiful Washington is a service that will live and be appreciated by future generations throughout the centuries to come. It has required many master builders to perfect the city plan evolved by Washington, Jefferson, and Major l'Enfant. The improvement that is now taking place will soon add to the majesty and beauty of the city of Washington so that it will far surpass in beauty and utility any other capital city in the world.

The great constructive program that is now under way as a result of the legislation which Representative ELLIOTT, with the aid of the fellow members of his committee, has had enacted into law can not and will not be appreciated



for several years. When the great thoroughfares shall have been completed and the beautiful public buildings shall have been erected, then, and not until then, will a grateful public render its verdict of appreciation for work well done.

It would require too much space to review the work performed by the outstanding statesmen of each generation in connection with the beautification of the city of Washington. There have been many builders from the days of Washington to the present time, but no man in any one decade of our country's history has placed more legislation on the books for the beautification and general improvement of Washington than has our distinguished friend, Representative ELLIOTT.

Let us hope that at some future time, perhaps in the golden age of our country yet to be, some statesman, in the paraphrased words of Pericles, the great Athenian patriot and statesman, will say to the citizens of our country:

I would have you, day by day, fix your eyes upon the greatness of the city of Washington until you become filled with love of her, and when you are impressed by the spectacle of her glory, reflect that it has been acquired by men who knew their duty and who had the courage to do it.

FURTHER RESTRICTING IMMIGRATION INTO THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, in connection with the debate in the House during the closing week of the third session of the Seventy-first Congress, permit me to say that during my 18 years as a Member of the House I have seen many strenuous debates on the subject of immigration restriction. I remember the debates in connection with the passage and the veto of the restriction bill by President Taft in 1913 just as I was entering Congress. I remember the strenuous debates in connection with the passage of the Burnett bill and the two vetos of it by President Wilson, and then the strenuous debates during the consideration of the temporary restriction bill of 1921 and the permanent act of 1924 and other pieces of legislation since I have had the honor to be the chairman of the House Committee on Immigration and Naturalization. Although all of these were bitter, I believe I have never seen more intense feeling and more strained relations than in connection with legislation attempted to be passed within the last week.

I do not propose to wrangle with members of the Tammany delegation from New York. Their actions and opposition to anything that interferes with the efforts to regulate and restrict immigration are so well known that there is no need of comment. In previous Congresses many Tammany leaders have asked others and myself to bear down still harder for further restriction and have apologized for the fact because of their constituency they would be unable to vote for restrictive measures. In fact, I know that Tammany leaders can see that their organization is being undermined by a type other than the type who founded and have carried it on.

On receipt last Saturday of a letter from the Assistant Secretary of State, brought to me at the Capitol, I felt it my duty to show that letter to other members, and so did. This, however, did nothing but further inflame both proponents and opponents of S. 202. Some to whom I showed it declared it to be a forgery.

If S. 202 could not be called up except by unanimous consent, I believed that the best parliamentary procedure was to make an effort, knowing that there would be a dozen or more objections, which would have then brought up a situation where the Speaker could recognize me or any member of the committee under suspension of the rules and pass the Senate bill.

The three major bills on which the committee had worked for years fell by the wayside.

House Joint Resolution 500, for the further restriction of immigration, was caught in the final jam in the Senate. Members of the committee were not able to be recognized for the calling up of H. R. 17152, a bill to provide for the deportation of aliens convicted of non-moral-turpitude offenses and sentenced for two or more years in prison. This was a very important measure, designed to catch the big alien bootlegger, the alien hijacker, the alien racketeers, and so forth. H. R. 16296, designed to make certain that those communists publicly acting against the United States Government should be deported, also failed of recognition, although on the calendar. S. 202, a bill to deport certain alien seamen, also failed for lack of recognition.

The committee secured the passage of the bill (H. R. 10672) giving certain naturalization rights to women married to aliens, and so forth, and a bill (H. R. 3394) for the deportation of alien violators of the narcotic laws of the United States. Also, it was successful with bills to pay overtime to employees of the Immigration Inspection Service—on the same basis as that enjoyed by the Customs Service—and secured the passage of several other minor bills designed to correct and improve the immigration and naturalization laws.

OKLAHOMA NEWSPAPER SUGGESTS CHANGE IN GETTYSBURG ADDRESS

Mr. JOHNSON of Oklahoma. Mr. Speaker supplementing my remarks made yesterday on the floor of this House concerning the deplorable conditions in which the independent oil producers and royalty owners have been placed because of the importation of foreign crude I desire to add that I have actively supported a tariff on oil for the past several years.

When the Hawley-Smoot-Grundy tariff bill, passed in 1930, was pending in Congress I made a speech on the floor of this House pointing out the inconsistencies of the tariff makers in writing the most obnoxious tariff bill ever written, giving the industrial East an increased high tariff on everything it manufactures and sells to the South and West, and at the same time refusing to give the independent oil producers any consideration whatever.

When the Capper-Garber embargo bill, proposing to give the oil industry a measure of relief, was recently pending here, I joined other Members of Congress from the great oil-producing States in an earnest effort to secure the adoption of that legislation, and again addressed the House in the interest of the independent oil producers and royalty owners of America. But it is plainly evident that Congress, under the present leadership, has no thought of granting this much-needed relief.

Mr. Speaker, under leave granted me I desire to insert in the RECORD the following editorial from the Daily Banner, of Duncan, Okla.:

"O FATHER OF ALL MERCIES—"

News item (Washington): "All embargo bills before the House Ways and Means Committee, including the compromise Capper-Garber oil restriction bill, were voted down for this session by the committee Monday."

Another news item (Springfield, Ill.): "Gov. W. H. Murray, from Oklahoma, himself a man of the common people, self-educated and rustic like the Great Emancipator, stood Wednesday night in the shadow of the Civil War President's tomb and uttered a prayer for the coming of another Lincoln:

"'O Father of all mercies,
Send us another Lincoln.'"

When he comes—if he comes—this new Lincoln will have to make a speech somewhat different from the Gettysburg address. It will be more like this:

"Seven score and five years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men, except independent oil operators, are created equal. We are now engaged in a great industrial combine, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met before the doors of Congress. We can not enter these doors. We can not petition our Congressmen. The Standard Oil and Gulf Petroleum have advised them far above our poor power, and we are unable to add to or detract from that to which they gave their full measure of influence. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the little fellows, to forget the idea that all men are equal before Congress, so that government of the people by the Gulf and Standard Oil for the Gulf and Standard Oil shall not perish from our country."

THE DAIRY COW VERSUS THE PALM TREE—ANOTHER LEGISLATIVE VICTORY FOR THE DAIRY INDUSTRY—OVERWHELMING VOTES FOR BRIGHAM OLEO BILL IN BOTH HOUSES OF CONGRESS

Mr. KETCHAM, Mr. Speaker, on Wednesday, March 4, 1931, President Hoover approved the Brigham bill imposing a tax of 10 cents per pound on oleomargarine having a yel-

low color in excess of 1.6 per cent whether natural or artificial. Thus was brought to a close another sharp but decisive struggle between the oleomargarine and dairy industries. During the last 10 years at least five very important laws in behalf of the dairy interests of the country have been enacted. Each one has passed both branches of Congress by a large majority, thus indicating the very general interest in the progress of the dairy interests which lead all branches of farming in economic importance. Twenty-one per cent of our total farm income is derived from dairying. One and a half million farm families produce market milk amounting to 130,000,000,000 pounds annually, for which the consuming public pays $2,750,000,000 at the farm. Dairying is now on a commercial basis in 35 States of the Union, and in recent years has had a marked growth in a number of Southern States.

Mr. Speaker, in view of this very general development of dairying and its consequent economic importance I have thought it would be of interest to briefly review the Federal enactments of the last 10 years relating to the industry, and in that connection set out in some detail the steps leading up to the passage of the recent Brigham bill.

Prominent among the such laws passed was the "filled milk" bill. It will be recalled that when prices for butterfat became very attractive some unscrupulous manufacturers of condensed milk separated the natural fats from fluid milk and replaced them with an equal percentage of lower-cost vegetable or animal fats before condensing. This fake product was put up in packages similar to those in which the genuine article was sold and with labeling that tended to deceive the ordinary purchaser. The price of the fake product was not materially lower, although its nourishing qualities were substantially diminished. Its shipment in interstate commerce was outlawed by the passage of the filled milk bill.

The tariff legislation on dairy products during the last 10 years is exceedingly important. Early in 1921 Congress was called in special session to enact emergency tariff legislation on farm products. The World War had practically imposed an embargo on the importation of dairy products into this country. The coming of peace would have opened our markets to cheaper European and Australian dairy products had not the emergency tariff been promptly enacted. A duty of 8 cents per pound on butter and corresponding rates on other dairy products was provided by this emergency law, and later on became permanent law with the passage of the Fordney-McCumber Tariff Acts of 1922. Under the flexible provisions of this law the duty on butter was later advanced to 12 cents per pound. In the revision of 1928 this rate was advanced to 14 cents per pound. This new rate being basic it can be advanced to 21 cents if the Tariff Commission finds our domestic costs of production enough higher than those of our foreign competitors to make the increased duty necessary. Other dairy products have been given like protection.

The Haugen bill recently enacted placed the so-called nut margarines in the same taxing classification as oleomargarines, and was enacted into law following a stubborn fight. About eight years ago some one discovered that these nut margarines could be emulsified in salt water instead of milk, as is the case in oleomargarines, and a new industry sprang up requiring no licensing, Government supervision, or payment of tax. The butter and oleo groups joined in the fight against this interloper, and a victory was achieved in short order. The regulations governing the manufacture and sale of oleomargarines were made applicable to the sale of nut margarines. The vote in both branches of Congress left no doubt as to public sentiment in support of the new law. As a practical proposition the makers of these nut margarines took the same ingredients that are used in cooking compounds, such as Crisco, added salt, coloring matter, and nearly 10 per cent water, and put the product up in packages like those in which butter is sold. While ostensibly made as "cooking compound" and "Bredspred," it really masqueraded as butter without possessing the nourishing properties of butter. It was but another attempt to displace dairy products with those made from coconut and other imported vegetable oils.

Another problem adversely affecting the dairy farmer near the Canadian border was the importation of milk from Canadian provinces where the sanitary restrictions and regulations controlling the American producer of market milk did not prevail. This was deemed to be unfair competition, and the Tabor-Lenroot bill was introduced subjecting these Canadian importations to the same regulations as our own dairymen have to meet. This measure, together with the tariff, saves the American market to the American dairy farmer, and, like other dairy legislation, it passed overwhelmingly.

Important as all these measures unquestionably are to the dairy industry, the recently enacted Brigham bill ranks very high in its immediate and practical effects. Ever since oleomargarine became known in the United States there has been a continuous battle against its sale as and for butter. Its natural color is white, whether made from animal or vegetable fats. When sold in its natural color it pays only a nominal tax of one-fourth cent per pound. As far back as 1886 a tax of 2 cents per pound was levied on all oleomargarine. Even with the narrow price spread in those days between oleomargarine and butter, the 2-cent tax did not prove adequate, and the dairy interests steadily bombarded Congress for higher taxation on the colored product.

In 1902 the Grout bill, providing for a 10-cent tax on oleomargarine artificially colored yellow, one-fourth cent on uncolored, was enacted into law and remained operative until November 12, 1930. It is of more than passing interest to note that the Grout bill as it passed the House did not contain the word "artificially" as descriptive of color. The amendment is credited to Senator Foraker, of Ohio. It was accepted as a compromise by the House on the theory that the larger objective had been attained in the inclusion of the 10-cent tax and the further belief that a natural yellow ingredient could not be discovered or developed.

Attempts were made by the oleomargarine interests to repeal the Grout bill, and its validity was attacked through the courts. These were unsuccessful, and the 10-cent tax has stood as a protection to butter through all these years. Thwarted in their efforts in this direction, the oleomargarine interests turned to their laboratories in search for "natural" ingredients that would give this product the desired yellow color of butter and permit them to escape the 10-cent tax. The highly colored yellow fats of old dairy cows of certain breeds gave them a limited supply of "natural" color. In 1930 practically 350,000,000 pounds of oleomargarine was produced in this country, and but 17,000,000 pounds, or less than 5 per cent, of this was colored.

The long-deferred answer came in the discovery of a process whereby palm oil can be refined and yet retain a sufficiently reddish color so that when 10 per cent of it is mixed with coconut and other oils, largely imported, a perfect imitation of yellow butter could be produced. This being a "natural" product and being used in substantial quantities—10 per cent—in the oleomargarine formulas, the Commissioner of Internal Revenue, on November 12, 1930, ruled that such oleomargarine was free from artificial coloring and should be taxed at one-fourth cent per pound.

Palm oil is derived from the fleshy covering of the palm nut. From a tree producing 150 pounds of palm nuts 31 per cent, or 46 pounds, of palm oil will be secured. At the 10 per cent rate provided in most of the formulas, the product of one tree would color 460 pounds of oleomargarine, and an acre of such trees will provide enough color for nearly 10,000 pounds. Palm oil is produced in the East Indies and in West Africa in unlimited quantities. It comes in free of duty because it was deemed to be of little value when the tariff act was written in 1929. I doubt if Commissioner Burnet could possibly conceive the effects of his unexpected decision. In my opinion, it can be conservatively stated that no more disastrous blow has ever been dealt this or any other farm industry by a departmental decision. The actual drop in butter price from November 12 to January 17 was estimated to amount to $200,000,000 in the entire United

States, a large part of which is attributed to this particular ruling. Naturally there was an immediate demand for corrective action on the part of the dairy interests in all parts of the country. The first step was in the nature of a hearing before Commissioner Burnet on January 10, urging the withdrawal of the ruling. At this hearing all the leading farm organizations were strongly represented and a large number of Senators and Congressmen appeared in support of such withdrawal. Subsequently many congressional delegations in Congress designated a special committee to interview the Secretary of the Treasury, who is the superior officer of the Commissioner of Internal Revenue, urging the necessity of such withdrawal. Later the matter was brought to the attention of the Attorney General and a strong brief was submitted to him setting forth the views of those who opposed the ruling.

Attacking the matter legislatively, a bill was immediately introduced at both ends of the Capitol revising the oleomargarine law of 1902 by setting up a color test as the basis of taxation. The State of Pennsylvania has had a State law for many years containing such a test and it has worked very successfully. This provision is the real heart of the new law. It provides that oleomargarine having a yellow color of 1.6 per cent—practically white—shall be taxed 10 cents per pound.

A better understanding of the real menace of the manufacture and sale of oleomargarine to the butter industry may be gleaned from a comparison of the cost of materials in each product. Oleomargarine made principally from vegetable oils now predominates in the market and a standard formula for its manufacture is given together with prices as quoted in recent trade publications.

Oleomargarine from vegetable oils

800 pounds coconut oil, at $6.50	$52.00
100 pounds peanut oil, at $12	12.00
100 pounds palm oil, at $8.50	8.50
300 pounds milk, at $2	6.00
35 pounds salt, at $1	.35
	78.85

This combination when churned will produce about 1,150 pounds of finished product. Raw materials for 1 pound of oleomargarine therefor cost 6.8 cents. The per pound cost in the formula containing animal fats is 9 cents.

Turning now to the cost of producing the materials in butter, Prof. O. E. Reed, Chief of the Bureau of Dairy Industry, is authority for the statement that the per pound costs in herds producing 200 pounds of butter fat per cow per year averages 39 cents. With manufacturing and marketing costs not materially different in the two products it is very apparent that butter would fare badly in competition when its raw materials cost four or five times those of oleomargarine. Evidence was adduced in the hearings showing that enough palm oil is produced to give a butter color to all the oleomargarine now manufactured.

Discoveries in the field of nutrition during recent years and particularly as to the effects of the fat soluble known as vitamin A were very material factors in passing the Brigham bill. Milk and butter are the principal sorces of vitamin A and the testimony of experts in nutrition, like Dr. E. V. McCollum, of Johns Hopkins, and Dr. Walter H. Eddy, of Columbia, emphasized the health value of butter. In response to a direct question as to the comparative vitamin content of butter and oleomargarine Doctor McCullum said:

> I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even low-grade butter.

In similar vein Doctor Eddy said that 1 pound of butter was equal to 25 pounds of oleomargarine in vitamin A content.

Doctor Bloch, a Danish scientist, adds an important testimonial as to vitamin A in the diet of children. He says:

> When a child, particularly one in the first few years of life, is deprived of its mother's milk or fresh milk, as well as cream and butter, and is kept for a long time on a diet consisting of puddings made from separated milk or buttermilk, bread and other farinaceous food, potato mash, a little pork and other meat, margarin, and pork fat, it will become ill as a result of the absence of the fat-soluble A factor. It is ushered in by the child's ceasing to gain weight; later on there is a loss of weight and the child remains motionless and apathetic. These children are liable to be attacked by some infectious disease which usually takes the form of simple catarrhal infection of the mucous membranes, particularly of the respiratory organs and middle ear. Even if the child eats a little vegetable, fruit, and green stuff now and again, it will not help much, for a child can digest only trifling amounts of green stuff.

The opponents of the legislation made much of the old argument favoring oleomargarine as the "poor man's butter." This was most effectively met by the friends of the bill by insisting that colored oleomargarine had no more food value than uncolored, and that the bill by taxing the colored oleomargarine heavily actually made it possible for the poor to purchase more of the white for less money. Color was added simply to get as near as possible into the price range of butter without giving any added food quality. Hoard's Dairyman sums up this argument forcibly in these words:

> The oleo combine and their apologists and defenders have a great deal to say about oleomargarine being a cheap food for the "poor." There is a consummate hypocrisy in this plea. You will notice that the poor people are not making this plea. It is made for the purpose of overreaching the poor.
>
> The friends of this measure are the true friends of the poor, for they ask that the force of law and the burden of onerous taxation be turned against the counterfeit, while the article which is not colored to deceive can have free course.
>
> This plea for the poor, by these exploiters of poverty, finds conspicuous parallel in the history of Judas Iscariot. When the woman anointed the feet of Christ with the precious ointment Judas had a great deal to say why the ointment was not sold and the money given to the poor. Yet I imagine it is not necessary to recall that Judas was a traitor to both Christ and the poor.

In the hearings on the Brigham bill before the House and Senate committees the several farm organizations rendered very material assistance, and dairy groups from all sections of the country made their views known by letters, telegrams, and petitions. On the final roll call in the House the bill was passed by 302 to 101. The vote in the Senate was likewise overwhelming, 68 to 9. Many votes from consuming centers were given the measure because of the health arguments and also because many city Representatives believe, with all the farm Representatives, that anything that helps agriculture benefits the cities as well as the country. In my opinion, no more practical farm legislation has been enacted during my service in Congress. To have had some part in its enactment is a matter of pride and satisfaction.

THE PROGRESS OF INDIAN LEGISLATION AND ADMINISTRATION

Mr. LEAVITT. Mr. Speaker and Members of the House, since I have been chairman of the House Committee on Indian Affairs I have followed the custom of presenting a summary of the work of the committee at the close of each Congress.

The interest in Indian welfare and legislation bearing thereon is nation-wide. It is very naturally so. The Indians are in great measure the wards of the Federal Government, even though they are at the same time citizens to the full voting degree. The history of the past relationship between the Government and the Indians contains some chapters which have left our people with both an uneasy conscience and an intense desire to do what is constructively right in the present and in the future. This desire has been the governing motive of our people and of our Government for a number of years. It is the general attitude of mind with which the Indian problem is now approached.

It is a simple matter to criticize. I can put my finger on conditions which are deplorable, and if I did not know of the plans being formulated and the efforts being put forth within the Indian Bureau or through required legislation to better those conditions and to cure evils recognized as existing, I would be attacking. As it is, I have felt that the most helpful attitude is that of seeking cures as well as diseases.

THE VOLUME OF MEASURES CONSIDERED

The administration of Indian affairs does not rest with this committee of Congress. That is in the Bureau of Indian

Affairs and the Secretary of the Interior. The province of the House Committee on Indian Affairs is to consider bills proposing legislation affecting the Indians, which have been introduced in the House or which, having passed the Senate, are referred to this committee and to initiate such measures. Two hundred and twenty-nine bills having to do with Indian affairs were introduced in the House during the Seventy-first Congress. This number included some not pressed by their authors, some replaced by later bills, and several duplicates of Senate bills which passed that body first and were then considered. In addition to these 229 House bills and resolutions, 28 more came over from the Senate. Thus a total of 257 measures were referred to the committee in the Seventy-first Congress.

Several of these bills were to provide specific roads, hospitals, or other improvements already authorized in the general and previously existing laws, and only requiring the inclusion of items in the appropriation bills for accomplishment. The policy of the House committee is not to report out unnecessary bills to crowd the calendars and prevent the passage of other bills needed to cover subjects not otherwise taken care of. Such bills, however, do serve the good purpose of calling attention to the need of these improvements, so that items may be included in the appropriation bills or the building program of the bureau.

No action is taken by the committee upon bills whose authors do not ask for reports or hearings. Such bills are often introduced as a basis of study, and there is a development of several years before legislative action is crystallized. On some bills hearings are held to the point of developing the necessity of further study, and then laid aside to undergo a ripening process. All legislation regarding Indians needs to be carefully considered, because it involves human elements of great importance. Resort is therefore had to subcommittee hearings on many measures, such as jurisdictional bills. A subcommittee headed by Judge WILLIAM WILLIAMSON, of South Dakota, has given deep study to all such measures.

It is the practice of the committee to ask the opinion of the department having to do with Indian administration prior to committee consideration. This is not done to surrender any right of Congress, but because the workability of a law should be measured in advance as well as the need of such a law. Often no new law is required to do what is desired, or the rights of the Indians under treaties or otherwise have not been safeguarded in the proposals made. Again, the committee feels the need and desirability of having before it all available information.

In following out this policy 156 bills were referred by me as chairman to the Secretary of the Interior for his report. Up to the day of adjournment 133 reports had been received, and 23 bills were still in the process of departmental study. Often the searching of old laws and treaties is required. Of the 133 reports by the Secretary of the Interior, each including a detailed memorandum by the Commissioner of Indian Affairs, 69 were favorable to the enactment of the bills, often with suggested amendments, and 64 reports were unfavorable.

The House committee reported to the House with recommendation that they do pass 82 House bills, 4 House joint resolutions, and 17 Senate bills which had already passed that body, or a total of 103 bills.

It always happens that some similar Senate bills pass that body while House bills are on the calendar, thus making substitution possible. The final recapitulation of Indian laws achieved in the Seventy-first Congress by final passage and signature of the President is, therefore:

House bills	39
Senate bills substituted for House bills	14
House joint resolution	1
Senate joint resolutions substituted	4
Senate bills	12
Total	70

At the time of adjournment 13 additional House bills which had passed the House were pending in the Senate and 12 were still on the House calendars. Three Senate bills were pending on the House calendars. Unfortunately, one Senate and one House bill having to do with Indian claims against the Government did not meet with Executive approval.

NEED OF SETTLING OLD CLAIMS

This problem of settling old claims of various Indian tribes against the Government is a serious and vital one. It goes to the foundation of justice and also to the necessity of removing from the entire field of the Indian problem the detrimental effect on the Indian mind of great and unfulfilled expectations. The Government ought to pay what it owes to every tribe, and thus aid in removing both the feeling of injustice which exists in some quarters and a cause of delay in progress along the lines of industrial development. General bills aimed to accomplish this have been introduced, but the exact method of procedure has not as yet been fully agreed upon. It remains a challenge of the utmost importance to the Seventy-second Congress. Progress was made by the enactment of seven laws dealing with individual tribes, but the general legislation required is still imperative. I intend to again introduce a bill to create a court of Indian claims, with general jurisdiction, modified by the latest study.

CODIFICATION AND REVISION REQUIRED

I have discussed the volume of business which presents itself to the Indian Committee and one or two of the many other unfinished problems of legislation in order to lead up to a statement of the necessity of bringing about a codification and revision of Indian law. This was intended by H. R. 15498, which I introduced, and which passed the House on the 4th of February. That bill did not pass the Senate, but the unanimous opinion of the House committee is that some such legislation is vitally necessary, and it is hoped that an agreement will be reached in the next Congress.

The purpose of this bill was to authorize $100,000 to enable the President, through the Secretary of the Interior and a group of experts, to codify and revise existing laws relating to the Indians and to make a study and report on the policy of the Federal Government in relation to them as found in the applicable statutes, and of their treaty, property, and citizenship rights; to consider their health, education, and social welfare, the relation of the States to the so-called Indian problem, and any other phase of the national policy affecting the aim and end of Federal guardianship over the affairs of the Indians as embodied in existing laws and treaties, and to make recommendations on all such matters. The plan was to give to this task a group of experts, including at least one Indian, who could and would approach this problem constructively.

The proposal is really that of the Indian Service itself, and is in a manner their answer to the question of what ought first to be done. Indian legislation has been piecemeal and has reached a state of confusion. Policies and methods require study, and proposals should from now on be concrete and not merely critical. Congress should be willing to give them this cooperation for the sake of the Indians themselves. This or a similar measure will be reintroduced.

CRITICISM SHOULD BE CONSTRUCTIVE

Somewhat later, but practically coincident with the beginning of the Seventy-first Congress in March of 1929, the administration of Indian affairs passed into the hands of a new commissioner and assistant commissioner, Messrs. C. J. Rhoads and J. Henry Scattergood. Under the previous administration and with the cooperation of the Appropriations Committee, with Hon. LOUIS C. CRAMTON as subcommittee chairman, an advance had been undertaken, and the roots of progress were entering the soil. But it has been the privilege of the new administration to greatly expand and direct that growth along lines which, when fully understood, will be recognized as being generally forward looking and constructive.

It ought to be said that these plans are just now taking definite and effective shape. There is no fairness in criticizing existing bad conditions, which in places still undoubt-

edly exist, without also inquiring as to what is under way. I can think of no clearer illustration of this truth than that which has to do with certain reimbursable charges against lands within the Gila River Indian Reservation in Arizona. A recent book referred to the existence of an unjust debt laid against the Pima Indians, and charged the present Indian administration with perpetuating the outrage. The debt had to do with the costs of an old irrigation project and the Sacaton Bridge, in connection with the San Carlos irrigation project. A chapter of the recent book is devoted to it. The facts which should be known are that the commissioner and assistant commissioner had this situation under consideration within a few months after they took office. Mr. Scattergood personally took this matter in hand in the summer and fall of 1930, and in December of that year, when Congress convened, suitable bills were introduced by Senator HAYDEN and Representative DOUGLAS, of Arizona. It was my privilege to make the report to the House on the Senate bill, which had passed that body in February. One of the most complete memorandums ever furnished by the Indian Office favorable to a measure was a part of that report. The Senate bill was passed by the House on the closing day of the Congress, and the signature of the President made it law. It charges off from the Indians all costs considered unjust.

ADJUSTING REIMBURSABLE DEBTS

The real attitude of those charged with Indian administration is expressed in their statement regarding the need of this legislation. I make quotations as follows:

> The proposed legislation will relieve the allotted Indian lands of the Gila River Reservation, that are now included or may in the future be included, in the San Carlos irrigation project, of the old reimbursable obligations made years ago, except for an electric transmission line, the cost of which is placed at $100,000 and which is considered an asset to that amount. These reservation lands would then be charged only with their share of the money expended for irrigation on the San Carlos project, together with such charges for the clearing and leveling of the lands as may be placed against them under legislation subsequent to the San Carlos act.
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> * * * * * * *
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> Unless the present bill be enacted into legislation, injustice will result, as these old costs will remain a charge against the Pima Indian lands included in the San Carlos project, thereby placing the construction cost against those lands between $30 and $35 in excess of the construction cost against the white-owned lands within the said San Carlos irrigation project. There is no justification for such inequities.
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> * * * * * * *
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> With regard to the Sacaton Bridge which is constructed across the Gila River on the main highway near the Pima Agency, Ariz., its cost should never have been charged against the Indian lands, as it is beneficial to the general public and would undoubtedly have been a proper charge as a part of the Federal-aid highway, in which event, it being within an Indian reservation, the cost thereof would have been payable 100 per cent out of Federal-aid road funds. Furthermore, it is more than probable that the present value of the bridge as a bridge, estimated at $300,000, would not have been incurred if the construction of a bridge alone, except as part of a Federal-aid road, had been the only consideration at the time. While it is true that some of the Indians benefit the same as the general public by using the bridge, there is no reason why it should be charged against the Indians when the greatest use of the bridge is by other than Indians. In view of the foregoing, it is believed that the entire bridge item should be written off.

I have referred to this case in detail because it has been used as a basis of severe criticism of the Indian Service. I have done so to show that even while the attack was being written the officials were conscientiously preparing for the enactment of necessary curative legislation. Far from perpetuating an unjust situation, they were hard at work to end it.

May I not suggest again, then, that criticism may be very misleading and unfair if the critic does not inform himself as to what is under way to better or eliminate bad conditions.

On April 15, 1929, I introduced a bill to authorize the Secretary of the Interior to adjust reimbursable charges of the Government existing as debts against tribal funds, in such a way as should to the Secretary seem equitable and just, in consideration of all the circumstances under which the charges were made. I proposed a date before which such debts must have been established. Subsequent study develops that a much later date should be set. The introduction of that bill developed the need of a study of these old debts, and on March 18, 1930, I introduced another bill to direct the Secretary of the Interior to investigate reimbursable charges against Indian tribes and lands on Indian reclamation projects, and to report to Congress. In suggesting that form of legislation, the Secretary and the commissioner took a strong position favorable to the adjustment of such charges. A similar position was taken in the letter to Congress, dated December 11, 1929, in which they suggested directions to be taken in legislation having to do with Indian welfare.

When my bill, secondly referred to above, was reached on the calendar it was laid aside on the statement of Congressman CRAMTON, of the Appropriations Committee, that additional funds would be given to the Indian Service to allow the employment of needed skilled personnel within the Indian Bureau itself, to make the required studies. This personnel has been largely selected. Definite progress will be made this summer in gathering the data upon which these old and often unjust reimbursable debts can be adjusted. The field engineering force, under Major Clotts and the district irrigation engineers, has been assigned to the study of the old reclamation charges. It may be expected that the situation will be so far developed by the opening of the next session that I can again advance a bill to authorize the Secretary of the Interior to eliminate or adjust many of these reimbursable debts. It will be a changed bill, to meet the latest developments.

There is no gain in questioning the good faith of former Congresses in creating these debts, but experience and time have shown that there are reclamation costs and roads, bridges, tribal herds, and other items saddled upon Indians and their lands, which are dragging them down instead of resulting in the intended benefits. Again I quote Commissioner Rhoads when he said a year ago:

> The question of reimbursable charges against Indian tribes stands out as one of the important questions in connection with Indian administration.

Surely we shall be ready to complete the legislation needed in the Seventy-second Congress.

PROGRESS IN ADMINISTRATION

It is impossible for me to go into such detail generally as I have indulged in in discussing developments in claims and reimbursable charges legislation. There has been a desire expressed, however, for information as to what is actually going forward in Indian administration. I have gathered data and am submitting it for the consideration and use of those studying the Indian problem and desiring to be helpful. It is only just that in presenting this statement I should interpret as fairly as I can the aims and plans of those having in charge the conduct of Indians affairs, based on their conception of the duty which confronts them. If I can do that reasonably well and couple with it an outline of some of the things actually being accomplished in the furtherance of those aims I shall have made it more possible for all interested to judge fairly of the situation.

THE PRESENT PROGRAM OF THE INDIAN OFFICE

In even a brief statement of the program of the present administration of Indian Affairs a distinction between the Indian as a person and the Indians' property must be emphasized as stated in the report of the Secretary of the Interior for the year ended June 30, 1930:

> In our 100 years' dealing with the Indians two problems have been confused. One relates to his person; that is, his health, education, employment, and general welfare. The other relates to his property—individual, tribal, allotments in trust, allotments in fee, indivisible tribal property, and tribal property of other characters.
>
> The Federal theory has been one of guardianship; unfortunately, guardianship of the person and guardianship of the property have been deemed inseparable. Progress of the individual Indian toward self-support has accordingly been held back to the necessarily slow pace of a distant Government administration of his vast properties.

THE INDIANS' PERSONAL WELFARE

On the human side of the program the Indian Office is working on the theory that it must have a program in the fields of education, health, agricultural development, and

employment developed by specialists who have made outstanding achievements in their professions. Three of these four fields are now in the hands of competent directors, and the fourth position will soon be filled in a similar way. These directors, under the new plan of organization, are given administrative freedom to develop their programs according to the best standards of present-day practice.

Those in charge of these activities are stressing the necessity for the development of individual responsibility among Indians and freedom from a state of dependence. Their efforts point toward a program of education, both in schools and on the reservation, which will achieve this end. The Indian Office feels that the States should share the responsibility for the human-welfare program, and accordingly every effort is being made to bring about cooperative relationships with State activities in these fields and to bring the citizens in general in touch with the needs of local situations.

THE INDIANS' PROPERTY

The present administration aims to study many of the fundamental factors back of its program administering Indian property. Under provision made by Congress an administrative assistant to the commissioner will be appointed who will be charged with the responsibility of seeking solutions of such questions as the reimbursable charges, tribal ownership of land, and other fundamental problems. The new director of irrigation has already commenced his activities by a thoroughgoing analysis of each of the projects in the supervision of his division.

INDIVIDUALIZATION OF SPECIFIC SITUATIONS

Basic to the approach to all reservation situations is respect for the individual needs of each separate tribe or band of Indians, coupled with the special requirements of each local setting. The present administration is attempting to study each problem on its merits rather than to attempt a standardized program for the entire service. This calls for greater decentralization and more responsibility in the hands of the local superintendent. Essential to this approach is an emphasis upon the necessity of preserving the best of the Indians' own traditions, arts, crafts, and his inherited good traits.

APPROPRIATIONS FOR THE INDIAN SERVICE

The interest of Congress in making possible the carrying out of such a program is indicated by the appropriations made, and a comparison for the fiscal years ending June 30, 1930, June 30, 1931, and June 30, 1932, will demonstrate the lines along which progress is being speeded up.

	Fiscal year 1930	Fiscal year 1931	Fiscal year 1932
TREASURY APPROPRIATIONS			
General purposes	$2,100,247.41	$2,399,808.25	$2,490,335.73
Industrial assistance	1,305,000.00	1,724,000.00	1,752,500.00
Irrigation and water development	1,299,954.41	1,445,901.00	2,561,841.00
Education	9,173,500.00	10,369,080.00	11,224,000.00
Conservation of health	3,115,100.00	3,412,110.00	4,352,500.00
Support of Indians	1,594,560.00	1,945,280.00	1,941,300.00
Miscellaneous (roads, annuities, etc.)	288,520.00	427,020.00	710,020.00
Total	18,876,881.82	21,723,199.25	25,032,496.73
Add transfer of Alaska funds		400,000.00	1,243,000.00
Add appropriation for Utes, act of Feb. 13, 1931			1,217,221.25
Add judgment, Fort Berthold, N. Dak.		2,169,168.58	
Total	18,876,881.82	24,292,367.83	27,492,717.98
TRIBAL FUNDS			
General purposes	442,760.26	584,249.63	332,363.98
Industrial assistance	894,479.60	20,000.00	145,000.00
Irrigation and water development	105,000.00	28,500.00	29,500.00
Education	1,149,000.00	1,040,701.08	881,000.00
Health	160,000.00	100,000.00	125,000.00
Support	1,954,550.00	1,784,538.46	1,767,100.00
Miscellaneous	21,000.00	43,000.00	50,000.00
Total	4,726,789.86	3,600,989.17	3,329,963.98

A study of these tables will indicate that, while appropriations from the General Treasury have increased, those from tribal funds have grown smaller.

Stress is being put upon education, conservation of health, and industrial assistance. I have been greatly interested in assembling information regarding advancement along these lines and in developing what is in the minds of the Indian Office in relation thereto. The discussion must necessarily be in some detail for proper understanding.

EDUCATION

The Seventy-first Congress made possible important developments in the program of Indian education.

Progress on the physical side

The first and most necessary of recent developments in education has been on the physical side—adequate food and clothing for children in Indian boarding schools, provision of additional institutional workers and labor-saving devices to decrease the amount of routine labor for the children and increase the opportunity for education, and construction of needed dormitories, school buildings, and other parts of the school plants.

The second line of development—well under way but necessarily much slower of accomplishment than the physical program—involves setting up more nearly adequate personnel for the educational program—better qualified superintendents, principals, teachers of all grades, directors of boys' and girls' activities, and institutional employees dealing directly with Indian children.

Feeding of school children: There can be no question as to the progress made on the problem of feeding Indian children in boarding schools. Of the $1,100,000 allowed in the first deficiency act of 1930, $195,000 was allowed for additional subsistence, $50,000 for noonday lunches in the day schools, $40,000 for subsistence of children during the summer, and $50,000 for clothing. By this and succeeding acts, Congress made provision for sufficient food allowance to furnish a daily per capita provision of 37.8 cents—this being the amount set by an impartial committee of specialists from Government departments. While the schools undoubtedly vary in the success with which they administer this food provision, the almost universal testimony is that the food situation has been satisfactorily solved. Similar satisfactory results have followed on clothing. While individual schools may still be found where the clothing allowance is unsatisfactory, on the whole sufficient clothing is being provided.

Institutional labor: It was formerly regarded as necessary to use half the time of children from the fourth grade up in carrying on the institutional work. When Indian boys and girls came into school late and were consistently several years "overage" the institutional labor was not as serious a problem as it later became. When, however, Indian children began in many places to approximate whites in the age at which they started school and were in grades at more nearly where they belonged, it became evident that the young children should no longer have any considerable institutional burdens. Congressional action on appropriations for 1931 made it possible to hire additional adult labor, purchase laundry machinery and other labor-saving devices, and employ additional teachers. Two hundred assistants and laborers were put in at the schools and literally hundreds of pieces of new machinery—kitchen and bakery equipment and laundry apparatus. As a result, in nearly all the Indian schools boys and girls are attending school for the full session through the sixth grade and three-fourths of the day for the grades beyond the sixth. Gradually the institutional labor is being placed on the only basis on which it can be justified educationally, namely, first, as a contribution from each child to the common task such as would be expected in a good family; second, as part-time work included within a planned vocational-training program. It is not claimed that this stage has been reached in Indian education, but congressional action of the past year has brought the goal measurably nearer.

New construction: In the period of the World War and immediately afterwards building programs everywhere in the United States were seriously retarded. Indian school plants

suffered more than others from neglect, and the process of recovery was slower. Hence the need for an extended construction program, recognized in the congressional legislation for 1931 and 1932. School construction projects authorized for these two years total approximately $3,000,000.

Improvements in personnel

In the last analysis, any educational program depends upon personnel. Congressional appropriations for the past two years have made possible significant steps in raising qualifications, increasing salaries, setting up positions especially intended to meet the vocational needs of Indian youth, and in providing the professional direction for the whole Indian education enterprise that is regarded as essential.

The entrance requirements for the Indian Service educational positions have been raised to such a point that, although they are still below the requirements of the better urban school systems, they are well above the minimum requirements of most of the States. In the Interior Department appropriation act just passed, additional funds were provided for the following types of positions among others: Heads of departments of trade and industrial education, agricultural education, home economics, and vocational guidance; teachers of native crafts; vocational counsellors and school social workers; boys' and girls' advisers; special teachers of music, art, and physical education. It has been possible to increase the entrance requirements for teachers of primary and intermediate grades so that they are on a par with those for junior high school—three years of preparation beyond the secondary school and a year of experience, or four years of preparation in a teachers' college or university or college of recognized standing. For the first time in the history of the Indian Service, it has been possible to place the position of superintendent of Indian schools and school systems on a professional basis, with the requirements of university training and special work in school administration and, in the case of both superintendents and principals, the salaries have been made somewhere near the amount provided in modern salary schedules for professionally qualified people.

As a further result of increased congressional appropriations, the Indian Service has been able to make substantial additions to the group at Washington headquarters and in the field who are responsible for technical educational direction. Some of the newer positions of this sort include an assistant director of education with special preparation in vocational guidance; supervisors of home economics to help carry forward one of the best established parts of the Indian Service program; a supervisor of elementary education and six demonstration teachers or supervisors working under her direction; a supervisor engaged in public-school relations; a supervisor of trade and industrial education; and a director of employment.

Increased standards and corresponding salaries have made it possible to be particularly careful with regard to reinstatement of former teachers and other employees. Further aid to the program has been given by the amendment to the retirement act which reduces the age of retirement for field employees from age 70 to age 65, and a determined effort on the part of the Department of the Interior to refuse extensions, regardless of qualifications, has given the service an unusual opportunity to recruit new people for educational positions all the way from heads of the most important schools to the lowest-paid institutional employees.

In the raising of standards for the Indian Service it is not intended to discriminate against Indian applicants. The same qualifications, however, are being exacted of Indian applicants as of all others, in the belief that Indian people themselves can qualify for any position in the service and do not desire any concessions based on substandard requirements. The gratifying increase in the number of college-trained Indians who have already applied for consideration under the new announcements for positions indicates that this is a desirable step from every point of view.

State's relations in education

The Indian Service is by no means committed to a single type of educational program—whether boarding school or day and public schools—but rather to a program that involves study of each individual jurisdiction to ascertain the special program necessary. It is clear, however, to those who have studied the Indian situation that a decrease in the amount of institutional provision and an increase in the amount of public-school attendance is certainly in the right direction. There have been steady increases in the amount appropriated for public-school attendance and careful studies of a number of the jurisdictions have been made to see to what extent the public-school authorities can look after the schooling of Indian children.

The Indian Service is undertaking such arrangements with the State and local public-school systems as it can in the absence of specific legislation. The State school officials have been particularly cooperative; a recent inquiry as to the use of public-school courses of study in Indian schools elicited offers of unqualified support by the State departments of public instruction. As will be seen from the following table, a large proportion of the Indian school children are attending public schools.

School enrollment of Indian children

(Year ending June 30, 1930; some of the figures are admittedly estimates)

State	Indian children 6-18	Enrolled in some school	Percentage enrolled	Public school	Government boarding school on the reservation	Other Government boarding schools	Government day schools	Mission and private schools
Oklahoma	37,235	25,322	70	19,621	2,472	1,704	.....	1,525
Arizona	14,932	8,238	53	344	2,844	2,488	966	1,596
New Mexico	8,884	4,850	54	108	1,301	1,538	1,189	714
South Dakota	7,592	5,719	75	2,021	870	1,307	743	778
Minnesota	5,261	4,499	85	3,034	375	575	.....	515
California	4,924	2,941	59	1,907	209	601	182	43
Montana	4,529	3,790	84	2,169	445	507	238	431
North Dakota	3,733	2,294	62	1,022	303	606	78	285
Washington	3,676	1,878	53	1,266	178	275	64	95
Wisconsin	3,530	1,568	46	336	325	111	30	766
Nebraska	1,363	953	71	485	.....	380	.....	93
Nevada	1,272	823	65	323	.....	281	219	.....
North Carolina	1,261	1,040	83	512	428	32	68	.....
Oregon	1,171	895	76	443	143	163	37	109
Idaho	1,024	850	83	353	251	90	15	141
Wyoming	571	493	86	125	102	31	.....	235
Mississippi	534	170	32	.....	.....	20	150	.....
Kansas	518	320	61	97	.....	202	21	.....
Utah	437	350	80	80	113	62	86	1
Michigan	372	275	73	100	.....	55	.....	129
Colorado	233	176	76	53	.....	17	105	0
Florida	194	14	7	.....	.....	.....	14	.....
Iowa	122	62	51	9	.....	53	.....	.....
Total	103,363	67,525	65	34,408	10,358	11,098	4,205	7,456

Contracts were made during 1930 and 1931 for payment of tuition for Indian children with 861 boards of education. It is recognized, of course, that merely placing Indian children in public schools, even where the community is cooperative, is by no means the whole solution. Changes that have been made in the appropriation acts are enabling the service to plan for a better follow-up of Indian children and the working out of more satisfactory arrangements between the home and the school. What the Indian Office regards as probable next steps in Federal-State relations in education have already been submitted to the Indian Committee of the House and are here included for convenience:

1. Furnish to the State education authorities the most recent accurate data available as to the location of Indian children of school age in their States.

2. Wherever State and local communities are willing and able to take over the schooling of Indian children, give them every possible encouragement and help.

3. Study carefully each existing boarding-school situation to determine whether the school is one that should be closed soon, continued for some other purpose, or maintained indefinitely.

4. Put existing Indian schools into a position where they constitute a real part of the educational program of the State—using State courses of study wherever possible as a basis and meeting State requirements in so far as these are consistent with an education planned to meet the needs of Indian children.

5. Making better tuition arrangements—using tuition payments in particular as a means for getting a better quality of education for both whites and Indians; better qualified teachers, health follow-up, hot lunch, visiting teacher (school social worker) to work between the school and the home.

6. Develop a more modern type of supervision:

(a) Supervisors from the Indian Office who seek to help the people in the field, rather than merely to inspect; these supervisors to visit public and private schools where Indian children are as well as Government Indian schools.

(b) In States where numbers warrant, a State supervisor of Indian education as part of the staff of the department of public instruction, working directly under the State superintendent or commissioner of education.

One of the chief points in which there has been improvement in the past two years is the extension upward of school facilities in boarding schools and elsewhere. Eight Indian boarding schools now have high-school grades through the twelfth, and of the 12,420 pupils in nonreservation schools, over 7,000 are in junior and senior high-school grades.

Guidance and placement

The second deficiency act of 1931 and the Interior Department appropriation bill of 1932 carry appropriations for securing employment for Indians. Guidance and placement officers have been appointed under these appropriations and a program is now under way. Employment agencies for Indians are now maintained at Phoenix, Ariz., and Minneapolis, Minn. The Minneapolis office, which is the one most recently set up, has two placement and guidance officers, one man and one woman, who give special attention to placing boys and girls leaving the schools; they also assist in securing employment for adult Indians. One placement officer, with an office at Salt Lake City, is rendering a similar service throughout the far West and Southwest, while at San Carlos, Ariz., still another employment man finds work for groups of adult Indians from the reservations. In addition to this work by regular employment officers, the so-called outing centers at Los Angeles, Berkeley, Phoenix, and Kansas City place numbers of Indian girls in domestic service and other types of work, furnishing also the necessary supervision during the period of first employment. Field matrons at Reno, Albuquerque, and Tucson do some employment work, and at Phoenix one of the school industrial staff includes placement in his duties. The funds provided in the Interior Department bill will permit of the strengthening of this employment program; a director of employment is to be appointed, and the main effort will be placed upon making arrangements with existing agencies rather than setting up wholly new machinery by the Indian Service except where absolutely necessary.

THE DIRECTOR OF EDUCATION

This program of Indian education has been under the leadership of Dr. W. Carson Ryan, jr., since August of 1930, or about seven months. The selection of Doctor Ryan by Secretary Wilbur and Commissioner Rhoads is in line with their effort to advance a forward-looking program.

Doctor Ryan was professor of education at Swarthmore College. He had passed highest in the open competition examination held by the United States Civil Service Commission for the Indian Service educational head. He was in the United States Bureau of Education as editor and specialist in vocational education from 1912 to 1920, when he resigned to become educational editor of the New York Evening Post. From the Evening Post he went to Swarthmore as professor of education and head of the department of education under an arrangement that permitted him to continue his active participation in a wide variety of progressive educational enterprises.

The new director is most widely known for his work on educational surveys which began when he was with the Bureau of Education. In 1916 he was the specialist in vocational education and statistics on the survey of education in the Province of Saskatchewan, Canada. In 1926 he was the staff member for secondary education on the survey of the schools of Porto Rico, and later served on the commission that made a survey of education in the Virgin Islands at the request of the Navy Department.

Doctor Ryan was secretary of the National Vocational Guidance Association from 1915 to 1918 and president of that organization in 1926. For many years he served on the editorial council of the National Education Association, and from 1921 to 1927 he was associate editor of School and Society. In 1927 he was the American delegate from the Progressive Education Association to the world conference on education at Locarno, Switzerland, and he is chairman of the International Examinations Enquiry set up as one of the results of this conference. He has recently been active on the President's Commission on Child Welfare and with the President's Advisory Committee on Education.

Indian education will not be a new subject to Doctor Ryan. In 1926 Dr. Hubert Work, then Secretary of the Interior, requested the Institute for Government Research to make a survey of the social and economic conditions of the American Indians. Doctor Ryan was selected by the institute as the specialist to make the study of Indian education. In connection with this work he has visited all the larger schools in the Indian Service and many of the smaller ones. He has also studied public schools and mission schools teaching Indian pupils. He has thus thoroughly familiarized himself with the problems of Indian education and become acquainted with the personnel engaged in the Indian educational enterprise.

Doctor Ryan was graduated from Harvard in 1907 and is a member of Phi Beta Kappa and Phi Delta Kappa. In 1918 he received the degree of doctor of philosophy from George Washington University. Before entering the Bureau of Education Doctor Ryan had served as a teacher, both in high school and university.

I repeat this information regarding Doctor Ryan largely as it was given out at the time of his appointment as director. It should build faith in the minds of the Indians and their friends that a wise and honest effort is under way to advance Indian education. I now insert the plan for vocational training at one school as a concrete example.

VOCATIONAL TRAINING AT CHARLES H. BURKE SCHOOL

E. B. Dale, formerly a supervisor in the department of vocational education of the Los Angeles public schools, was appointed superintendent of the Charles H. Burke School October 1, 1930. This school was established as a vocational school for the Navajos. The following outline presents Superintendent Dale's general plan for this school:

The purpose of a vocational program is to prepare individuals in such a way that they may later follow an intended trade or vocation with profit to themselves and to the industry in which they are employed.

There is considerable difference between a trade school conducted on a metropolitan basis and a vocational school which is operated for some specific purpose such as the Charles H. Burke Indian Vocational School.

The trade school is usually operated along highly specialized lines in order to quickly fit its students for placement in a specialty of some trade or occupation. This is necessary because of the limited time allowed for putting over the content of the courses and the demands of the trades.

These courses are, as a rule, of the short-unit type, teaching a part of a trade or occupation at which the learner can make a living. They are usually tied up with a trade-extension program which allows the student to continue his or her training after placement has actually been made.

It is not only inefficient but uneconomic to operate a trade or vocational program without knowing its objective and setting up a definite training plan. A trained and experienced personnel is needed to put over such a program.

Instructors in such a program must not only know their own trade or vocation but must know that of the trade instructor as well. It is not enough that they can merely do

a job themselves. They must know how to teach the student how to do it as well.

We need a good academic program which is correlated to the practical work of the courses. These must be linked together in a usable way and in a truly vocational program; there is no need for the precollege type of courses.

In answer to these problems the following program has been carefully worked out for the Charles H. Burke Indian School, where Indian students will be fitted to take their places as useful citizens on or near the reservations and with their own people.

GENERAL PLAN OF ORGANIZATION

The fundamental objective of this plan is to prepare the Navajo students and others that may attend the school for a useful and profitable life on their own reservations.

There will be no attempt to train for occupations in which there is no prospect of satisfactory placement. There are several courses of trades for which training might be given, but in which the Navajo Indians do not seem to fit. These can better be offered at other schools where the students are adapted to this type of work.

The five classes of training offered are as follows: (1) Agriculture; (2) stock raising; (3) home making; (4) home building; (5) native arts and crafts.

There will be definite programs leading to placement as assistants in the Indian Service. These are: (1) Indian Service cooking; (2) Indian Service baking; (3) Indian Service laundry.

The vocational instruction will be given under two classifications: (1) Prevocational, 2 hours per day, 1 year; (2) vocational, 4 hours per day, 2 to 3 years.

CONSERVATION OF HEALTH

The greatly increased importance which has come to be recognized as attached to Indian health work is illustrated by the fact that while the Sixty-eighth Congress, the first of which I was a Member, appropriated during two years only $1,597,375 for conservation of Indian health; the Seventy-first Congress has appropriated $3,508,000 for the fiscal year ending June 30, 1931, and $4,550,000 for the fiscal year ending June 30, 1932, or a total of $8,058,000 for the two fiscal years. The headings in general form give real information as to the purposes for which the money is used. They are—

Appropriations for health work for fiscal year 1931

Conservation of health among Indians	[1] $3,073,000
Support of Chippewa hospitals (tribal)	110,000
General health work from tribal funds	275,000
Support of Canton Asylum, South Dakota	50,000
Total	3,508,000

Appropriations for health work for fiscal year 1932

Conservation of health among Indians	$4,050,000
For clinical survey of tuberculosis, trachoma, venereal and other diseases	75,000
Support of Chippewa hospitals (tribal)	100,000
General health work from tribal funds	275,000
Support of Canton Asylum, South Dakota	50,000
Total	4,550,000

At the present time four new hospitals to replace old or dilapidated structures are nearing completion, each with 47 beds. Six new hospitals totaling 252 beds are authorized under the 1931 act and will be shortly under construction. Several more are in process of being planned and will be included in the appropriation estimates this fall, while four more with a total of 290 beds are already authorized for construction under the appropriation and deficiency acts for the fiscal year 1932.

All of the above hospitals were authorized under health funds. In addition thereto, funds were provided under specific boarding schools for the fiscal year 1930 for a new hospital at Phoenix School in Arizona of 60 beds capacity, for remodeling and enlarging the hospital at Fort Totten School, North Dakota, adding 20 beds, and for a new hospital at the Flandreau School, South Dakota, with 35 beds capacity.

[1] Sixty-five thousand dollars reappropriated from 1930 funds in addition.

There is also much helpful and awakening information in the growth of personnel in the Indian health service I tabulate the additions during the fiscal year 1930 and for the fiscal year 1931, as follows:

Personnel added during fiscal year 1930:	
Physicians, whole time	4
Hospital nurses	50
Field or public health nurses	14
Other employees, approximately	120
	188
Additional personnel for fiscal year 1931:	
Senior surgeon, United States Public Health Service as director of hospitals	1
Physicians, whole time	10
Physicians, part time	6
Traveling dentists	6
Assistant supervisors of nurses	2
Hospital nurses	65
Field or public health nurses	32
Other employees, approximately	100
	232

The total personnel engaged in health activities for the current fiscal year—1931—is a little over 1,200, consisting of 5 officers detailed by the United States Public Health Service, 1 to serve as chief medical director, 1 in charge of hospital administration, and 3 as medical directors in charge of field districts, and the following Indian Service employees: 1 assistant to the chief medical director (general field service), 1 district medical director, 1 supervisor of nurses, 2 assistant supervisors of nurses (in field districts), 12 special physicians (eye, ear, nose, and throat), 132 full-time school and agency physicians, 72 part-time school and agency physicians, 14 traveling dentists, 79 field nurses, 262 hospital nurses, 15 nurses to accompany special physicians, and approximately 610 others, consisting of cooks, attendants, laborers, mechanics, teachers, occupational therapists, clerks, field matrons, and so forth.

Prospective personnel to be established for 1932 included the probable detail of 10 additional officers from the United States Public Health Service; additional increases to hospital staffs and extension of field nursing service by the addition of approximately 24 field or public-health nurses.

Increased appropriations for the support of the various hospitals throughout the Indian Service have established an improved medical service to patients cared for by provision of additional personnel, improved dietary, the addition of general hospital equipment, including X-ray, laboratory, and other diagnostic and treatment resources. The standards of treatment as carried out in Indian Service hospitals and sanatoria, while showing a material improvement, are still below those recognized as essential and necessary to patient welfare and treatment by the American College of Surgeons and the American Sanatorium Association. Further improvement along the above lines will be carried forward as rapidly and as completely as consistent with available funds and the ability to recruit professional nursing and other personnel having the necessary training, experience, and general qualifications to satisfy the needs of the Indian Service. The difficulty of securing such personnel retards the attaining of the goal.

Greatly improved measures of cooperation with national, State, county, and local health organizations as well as with voluntary organizations have been effected. This has resulted in cooperative studies among the Indian groups of several States, notably in Minnesota, Wisconsin, California, Oregon, and Montana, and the application of measures for the relief of conditions so disclosed. Due to the increased interest of the several organized health agencies above mentioned these activities will be extended and improved.

The item under the 1932 appropriation act, reading as follows—

For a clinical survey of tuberculosis, trachoma, and venereal and other disease conditions among Indians, $75,000: *Providing*, That in conducting such survey the cooperation of such State and other organizations engaged in similar work shall be enlisted wherever practicable, and where services of physicians, nurses, or other persons are donated their travel and other expenses may be paid from this appropriation—

will add materially to the advancement of the health program.

THE CHIEF MEDICAL DIRECTOR

As in the case of education, the directing head of this health program has had a distinguished career, which instills confidence in his leadership. A summary of his career and experience reads as follows:

M. C. Guthrie, senior surgeon, United States Public Health Service.

Graduated from University of North Carolina, M. D., in 1904.

Entered United States Public Health Service August 26, 1905.

Served in various quarantine, hospital, and public-health activities, examination of immigrants, suppression of epidemic diseases, etc., United States Public Health Service, until 1914.

Chief quarantine officer Panama Canal, 1914 to 1918.

District supervisor, district No. 5, embracing States of Wisconsin, Minnesota, North and South Dakota, and Montana; ex-service men's relief work, 1919 to 1920.

District supervisor, district No. 10, embracing States of North and South Carolina, Tennessee, Georgia, Florida, November 20, 1920, to July 27, 1921.

United States Veterans' Bureau, chief hospital activities, July 27, 1921, to October 3, 1922.

Executive officer, Surgeon General's office, United States Public Health Service, October 3, 1922, to March 25, 1926.

Chief medical director, Office of Indian Affairs, March 26, 1926, to date.

Total length of service, United States Public Health Service, approximately 25½ years.

THE EXTENSION DIVISION

It is not to be understood that industrial and agricultural progress under programs of real merit had not been undertaken previously, but on February 1, 1930, the old industries section was reorganized into the division of agricultural extension and industries of the Indian Service.

The purpose of the new division is to provide the Indians with that kind of technical and practical assistance that will be helpful to them in becoming more self-supporting through their own efforts and thus more self-reliant. The beneficial results of agricultural extension work in the rural communities among the white population is well known and recognized, and it is hoped that more of these same benefits can be extended to the Indian.

There are now approximately 360 workers in the Indian Service devoting all or part of their time to extension work, assisting with home and farm problems. The extension staff consists of a director, an assistant to the director, a livestock supervisor, an extension supervisor, a home-demonstration agent supervisor, 20 agricultural extension agents, 4 of whom are employed on a cooperative basis with States, 6 home-demonstration agents, 2 of whom are employed cooperatively, 33 dairymen, and 221 farm agents.

The time of the director is at present occupied with the organization of the new division and with familiarizing himself with local conditions on the reservations. In his visits to the reservations he confers with the superintendents, the agricultural extension agents, the farm agents, and the home-demonstration agents where there are any, and discusses with them an extension program.

Time and thought have been given to the preparation of civil-service examinations in which new standards have been set up, requiring more training and experience of those wishing to enter the service.

Under the direction of the supervisor of livestock, who was appointed June 30, 1930, a vigorous campaign in the improvement of the dairy herds in the service is going on. The herds are being culled and the nonproducers eliminated, being replaced by higher producing individuals. Feeding rations are being worked out and suggestions made for the improvement of barns and dairy equipment. A hundred or more new dairy cows have been purchased, including new sires, and several hundred more will be purchased before the campaign is over.

The supervisor of home-demonstration agents entered the service October 16, 1930. Since then she has spent her time in the field, visiting with the home demonstration agents on the reservations, becoming acquainted with conditions with the view of later outlining a definite home program in cooperation with the superintendents, home-demonstration agents, and representatives from the other divisions of the service doing related work in the home.

The work of the agricultural extension agents and that of the farm agents—formerly called farmers—where possible, is being confined solely to assisting the Indians with their farm problems and interesting them in farm programs that will provide for themselves a more reliable food supply. In these programs special emphasis is being placed upon home gardens, poultry, a few hogs or sheep, and a dairy cow or two. One of the outstanding needs is a better and more adequate food supply, properly prepared and regularly served. The undernourished Indian preschool child becomes susceptible to disease of all kinds. It is obvious if these conditions are to be changed it must be in the home. The industrial program has already a fair start, but the home program lags for want of trained workers on the reservations to give intelligent direction and helpful assistance.

The home demonstration agent supervisor and the six demonstration agents now employed in the service are stressing gardens and poultry, canning, drying, and the storing of foods in their programs. The preparation of food, garment making, child care, and sanitation are also receiving attention. The results from a home program are necessarily going to be slow, but the extension work is being kindly received and the results obtained are encouraging.

THE DIRECTOR OF EXTENSION

This work is under the leadership of A. C. Cooley. Mr. Cooley has had a long experience in extension work throughout the West. He graduated from the Utah Agricultural College in 1911 and taught agriculture in the high schools of Utah for two years. He began his extension career in July, 1913, as one of the first county agents in Colorado. He went to New Mexico to become director of extension work in that State, which position he held until September, 1919, when he resigned to become head of the office of demonstrations on Federal reclamation projects for the United States Department of Agriculture. In this latter position, which he held until accepting his present position with the Indian Service, he was brought into close and constant contact with extension work in all the Western States.

No clearer picture can be given of the activities of this division than through a recapitulation of the latest appropriations for these specific purposes.

Appropriations for agricultural extension and industrial activities fiscal year 1932

Agriculture and stock raising among Indians	$367,000
Agriculture and stock raising among Indians (experimentation)	15,000
Obtaining employment for Indians	60,000
Industry among Indians	575,000
Suppressing contagious diseases among livestock of Indians (and unexpended balance from 1931)	10,000
Eradication of scabies from sheep and goats, Indian Service	60,000
Tribal funds (industrial assistance reimbursable):	
Fort Lapwai	25,000
Yakima	25,000
Total	1,137,000

In 1930 Congress authorized the use of approximately $870,000 of tribal funds, in amounts ranging from $20,000 to $50,000, to be used as revolving funds; that is, as the funds are reimbursed by those who have borrowed they may be loaned to others. Each year Congress authorizes the use of these collected moneys over again during the current fiscal year.

FIELD AND ORGANIZATION STUDIES

The effort being made to assemble exact and expert information upon which the most constructive policy possible may be based, and to coordinate the various division activities and programs into one comprehensive endeavor toward permanently helpful accomplishment deserves one illustration.

In 1930 Cornell University granted leave to Dr. Earl Bates, professor of anthropology and advisor in Indian extension work and a sincere student of basic Indian problems. Under his advice and the permanent direction of Robert T. Lansdale, a sociologist of training and experience, the human

problem of Indian administration is receiving expert attention. Secretary Wilbur and Commissioners Rhoads and Scattergood have been assembling an expert staff to supplement and lead the practical work and forces in the field.

In order to set up definite objectives and to orientate the new personnel to actual reservation conditions, two 6-day conferences were held in Minnesota and Arizona in 1930.

The Chippewa survey in Minnesota brought together the directors and associates of the divisions of education, health, extension and forestry of the Indian Service, together with the representatives of the Minnesota State departments of education, health, and social welfare, as well as the extension service of the University of Minnesota. The Minnesota Federation of Women's Clubs, the State Daughters of the American Revolution, the Catholic Daughters, and other civic groups interested in these Indians participated in the final conferences at Minneapolis. These Indians are citizens of the State, and a closer cooperative arrangement is being projected whereby the State will assume more and more of the actual supervision of these people and the educational, health, social welfare, and extension agencies of the State be made available for their progress.

The second survey conference was set up among the Pima Indians in Arizona. Here the Federal Government has a six and one-half million dollar investment in the Coolidge Dam and San Carlos project and 50,000 acres of the Gila River Reservation are being cleared. The development of sound community centers in these cleared areas in close cooperation with local, county, and State agencies is planned, although this will remain largely a Federal activity for some years. The representatives of the Arizona State departments of education and health and the extension forces of the University of Arizona joined in the daily field surveys and conferences with the Washington and agency officials of the divisions of administration, education, health, extension, and irrigation. Besides the cooperation of near-by citizens in the survey, the representatives of all the three religious groups working among the Pimas joined hands with the Federal, State, and county officials. These religious groups have agreed to revamp their mission programs in line with the scheme of placing more and more responsibility upon these Indians for the education and care of their own children in a program built around the idea of the conservation of the Indian family as a basis of sound community life and progress.

To better coordinate the activities of the Washington office with the field and to determine the relationship between the various agency folks in their field activities and to determine their relationships for better cooperation with the local and State agencies, two service-area conferences are being planned for the 8 agencies in Oklahoma and for the 11 agencies of North and South Dakota.

IN CLOSING

In introducing the heads of the reorganized divisions of the Indian Service and in interpreting as well as I can their conception of the task in which they are engaged, I have had in mind giving information to the Indians themselves, and to the friends of the Indians generally. All discussion and criticism of the Indian situation should take into consideration these facts. The presence of these especially trained heads of divisions does not lessen the importance of the practically trained men and women in the field. Their knowledge of character and customs can be acquired only by contact, and those who have the trust and confidence of the Indians are invaluable in applying the expanding and developing program.

Progress to a marked degree is being accomplished in the forestry and reclamation programs, and I would desire to discuss them in detail except that I feel the necessity of limiting this statement to the headings covered. I will say, however, that J. P. Kinney, Director of Forestry in the Indian Service, is a graduate in forestry at Cornell, and has been in this work since 1910; and that Maj. William S. Post, director of irrigation, came to this work in January of 1931, with a fine background.

Major Post has been identified with hydraulic engineering in California and adjoining States for many years. His first Government service was with the topographic branch of the United States Geological Survey in the West and Alaska. In private practice he was identified with intensive water development in San Diego County, Calif., resulting in a threefold increase of the irrigated area. As constructing or consulting engineer he has been engaged principally on power and irrigation works, reporting on irrigation projects and designing dams.

I greatly regret the loss from Congress of four valuable members of the House Committee on Indian Affairs, Messrs. SPROUL, of Kansas, LETTS, of Iowa, HALSEY, of Missouri, and O'CONNOR, of Oklahoma. All of these men rendered valuable service to the committee and to the Indians. I also regret the loss of Hon. LOUIS C. CRAMTON, of Michigan, chairman of the subcommittee handling the appropriations for the Interior Department. Under his leadership the appropriations for health, education, and industrial development grew steadily and constructively. He has played a great and helpful part in the expanding program of Indian welfare.

HISTORY OF BILLS

I attach now the history of the bills reported to the Seventy-first Congress by the House Committee on Indian Affairs:

H. R. 155. Providing compensation to the Crow Indians for Custer Battlefield National Cemetery, and for other purposes. (H. Rept. 182. Public Law 129.)

H. R. 563. For the relief of Frank Yarlott. (H. Rept. 71. Private Law 2.)

H. R. 564. For the relief of Josephine LaForge (Sage Woman). (H. Rept. 72. Private Law 4.)

H. R. 565. For the relief of Clarence Stevens. (H. Rept. 73. Private Law 5.)

H. R. 4604. To provide for the recording of the Indian sign language through the instrumentality of Maj. Gen. Hugh L. Scott, retired. (H. Rept. 183. Public Law 97.)

H. R. 4813. Extending the period of time for homestead entries on the Cheyenne River and Standing Rock Indian Reservations. (H. Rept. 141. Passed House March 4, 1930. Pending in Senate at adjournment.)

H. R. 5057. To provide for the construction of a gravel road in the Walker River Indian Reservation. (H. Rept. 802. Pending in House at adjournment.)

H. R. 5191. To authorize the State of Nebraska to make additional use of Niobrara Island. (H. Rept. 98. Public Law 44.)

H. R. 5270. Providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States. (H. Rept. 70. Public Law 30.)

H. R. 5282. Authorizing the deferring of collection of construction costs against Indian lands within irrigation projects, and for other purposes. (H. Rept. 996. S. 1533 substituted, amended, and passed. Public Law 623.)

H. R. 5283. To declare valid the title to certain Indian lands. (H. Rept. 251. Public Law 182.)

H. R. 6574. To reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes. (S. 2231 substituted and reported. H. Rept. 1934. Public Law 709.)

H. R. 6979. To authorize the creation of Indian trust estates, and for other purposes. (H. Rept. 1701. Pending in House at adjournment.)

H. R. 7063. For the relief of H. E. Mills. (H. Rept. 1264. Private Law 298.)

H. R. 7855. For the relief of Carl Stanley Sloan, minor Flathead allottee. (H. Rept. 114. Private Law 6.)

H. R. 7881. Authorizing the Secretary of the Interior to erect a monument as a memorial to the deceased Indian chiefs of the Cheyenne River Sioux Tribe of Indians. (H. Rept. 199. Senate amendment accepted. Public Law 176.)

H. R. 7964. To authorize the issuance of a fee patent for block 23 within the town of Lac du Flambeau, Wis., in favor of the local public-school authorities. (H. Rept. 140. Public Law 104.)

H. R. 8476. To authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therfor. (H. Rept. 485. Public Law 825.)

H. R. 8529. To provide for the establishment of the Yakima Indian Forest. (H. Rept. 1574. Passed House June 23, 1930. Pending in Senate at adjournment.)

H. R. 8812. Authorizing the Menominee Tribe of Indians to employ general attorneys. (H. Rept. 1527. Public Law 775.)

H. R. 8921. Authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians. (H. Rept. 1270. S. 1372 substituted and passed. Public Law 407.)

H. R. 9306. To authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak. (H. Rept. 671. Public Law 131.)

H. R. 9562. To authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo. (H. Rept. 672. Public Law 143.)

H. R. 9761. To authorize the issuance of patents in fee for Indian homesteads on the Crow Reservation, the Blackfeet Reservation, and the Fort Belknap Reservation, in the State of Montana, upon written application therefor. (H. Rept. 885. Passed House April 11, 1930. Pending in Senate at adjournment.)

H. R. 9939. Authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes. (H. Rept. 1133. Public Law 264.)

H. R. 10081. To amend the act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California. (H. Rept. 796. Public Law 177.)

H. R. 10117. Authorizing the payment of grazing fees to E. P. McManigal. (H. Rept. 891. Private Law 65.)

H. R. 10215. To provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation. (H. Rept. 998. S. 4098 substituted and passed. Public Law 225.)

H. R. 10216. Authorizing per capita payments to the Shoshone and Arapahoe Indians. (H. Rept. 886. Public Law 77. S. 3579 substituted, amended, and passed by House.)

H. R. 10425. To amend the act of June 6, 1912 (37 Stat. L. 125; U. S. C., title 25, sec. 425), entitled "An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands." (H. Rept. 1519. Amended by Senate. Pending in House at adjournment.)

H. R. 10515. To ratify certain leases with the Seneca Nation of Indians. (H. Rept. 2278. Passed House January 28, 1931. Pending in Senate at adjournment.)

H. R. 10627. To amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians. (H. Rept. 897. Passed House April 11, 1930. Pending in Senate at adjournment.)

H. R. 10879. Directing the Secretary of the Interior to investigate reimbursable charges against Indian tribes, and for other purposes. (H. Rept. 943. Pending in the House at adjournment.)

H. R. 10880. Authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes. (H. Rept. 1393. S. 3938 substituted and passed with amendments. Public Law 607.)

H. R. 10932. For the relief of homeless and destitute Chippewa Indians in Forest, Langlade, and Oneida Counties, Wis. (H. Rept. 1210. Passed House January 28, 1931. Pending in Senate at adjournment.)

H. R. 11052. To confer full rights of citizenship upon the Cherokee Indians resident in the State of North Carolina, and for other purposes. (H. Rept. 1762. S. 4050 substituted and passed. Public Law 397.)

H. R. 11203. To ratify certain leases with the Seneca Nation of Indians. (H. Rept. 1874. Passed House December 15, 1930. Pending in Senate at adjournment.)

H. R. 11280. To carry out certain obligations to certain enrolled Indians under tribal agreement. (H. Rept. 1346. S. J. Res. 163 substituted and passed. Public Resolution 74.)

H. R. 11281. Authorizing a per capita payment of $50 to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States. (H. Rept. 2477. Public Law 643.)

H. R. 11370. To authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project. (H. Rept. 1274. Public Law 350. S. 4085 substituted and passed.)

H. R. 11429. To regulate collections from Indians in the United States. (H. Rept. 1275. Recommitted to the Committee on Indian Affairs.)

H. R. 11443. To provide for an Indian village at Elko, Nev. (H. Rept. 1773. Public Law 581.)

H. R. 11564. To reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians. (H. Rept. 1399. Private Law 338.)

H. R. 11565. To reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians. (H. Rept. 1400. Private Law 339.)

H. R. 11675. To authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public school use. (H. Rept. 1401. Passed Senate and later returned by its own request.)

H. R. 11753. To amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington. (H. Rept. 1404. S. 872 substituted and passed by House. Public Law 604.)

H. R. 11782. To amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes. (H. Rept. 1272. S. 4203 susbtituted and passed by House. Public Law 355.)

H. R. 11783. To authorize the collection of penalties and fees for stock trespassing on Indian lands. (H. Rept. 1276. Passed House June 9, 1930. Pending in Senate at adjournment.)

H. R. 12576. Providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years. (H. Rept. 2938. Pending in House at adjournment.)

H. R. 12835. Authorizing the use of tribal funds of Indians belonging on the Klamath Reservation, Oreg., to pay expenses connected with suits pending in the Court of Claims, and for other purposes. (H. Rept. 2338. Public Law 648.)

H. R. 12871. Providing for the sale of isolated tracts in the former Crow Indian Reservation, Mont. (H. Rept. 2091. Public Law 649.)

H. R. 12959. For the relief of John T. Doyle. (H. Rept. 2190. S. 4715 substituted and passed. Private Law 419.)

H. R. 12960. For the relief of Mrs. Thomas Doyle (Margaret Doyle). (H. Rept. 2186. S. 4716 substituted and passed. Private Law 464.)

H. R. 13053. To authorize the Secretary of the Interior to accept donations to or in behalf of institutions conducted for the benefit of Indians. (H. Rept. 2088. Public Law 650.)

H. R. 13132. Authorizing the use of Osage funds for attorneys' fees and expenses of litigation. (H. Rept. 2113. Public Law 583.)

H. R. 13133. To authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz. (H. Rept. 2591. S. 5033 substituted and passed by House. Public Law 840.)

H. R. 13276. To establish the Needles Rocks wild-life refuge. (H. Rept. 2095. Passed House January 5, 1931. Pending in Senate at adjournment.)

H. R. 13293. To provide funds for cooperation with the school board at Frazer, Mont., in the construction of a high-school building to be available to Indian children of the Fort Peck Indian Reservation. (H. Rept. 2474. Public Law 652.)

H. R. 13528. Providing for payment of $25 to each enrolled Chippewa Indian of Minnesota from funds standing to their credit in the Treasury of the United States. (H. Rept. 2275. Public Law 653.)

H. R. 13584. To amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims." (H. Rept. 2447. Vetoed by the President. H. Doc. 780.)

H. R. 13856. Authorizing the Secretary of the Interior to pay E. C. Sampson, of Billings, Mont., for services rendered the Crow Tribe of Indians. (H. Rept. 2273. Pending in House at adjournment.)

H. R. 14575. To amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina. (S. 5110 substituted and reported. H. Rept. 2633. Public Law 841.)

H. R. 14992. To cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation. (S. 5313 substituted and reported. H. Rept. 2629. Public Law 844.)

H. R. 15064. To reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif. (H. Rept. 2187. Public Law 707.)

H. R. 15263. To relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements. (H. Rept. 2415. Public Law 780.)

H. R. 15267. To amend an act entitled "An act to authorize the cancellation under certain conditions of patents in fee simple to Indians for allotments held in trust by the United States." (H. Rept. 2269. Public Law 713.)

H. R. 15498. Authorizing the President, through the Secretary of the Interior, to study, report, and recommend on a revision and codification of the statutes affecting the American Indians. (H. Rept. 2422. Passed House February 4, 1931. Pending in Senate at adjournment.)

H. R. 15601. To provide funds for cooperation with the school board at Poplar, Mont., in the extension of the high-school building to be available to Indian children of the Fort Peck Indian Reservation. (H. Rept. 2475. Public Law 657.)

H. R. 15603. To extend the restrictive period against alienation, lease, mortgage, or other encumbrance of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes. (H. Rept. 2188. Ordered recommitted to Committee on Indian Affairs. Again reported February 11, 1931. H. Rept. 2592. S. 6169 substituted and passed, with amendment. S. 6169 pending in Senate at adjournment.)

H. R. 15772. To amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes." (H. Rept. 2327. Public Law 658.)

H. R. 15821. For the relief of Ben Spotted Horse. (H. Rept. 2610. Pending in House at adjournment.)

H. R. 15987. To authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Ariz. (H. Rept. 2397. Public Law 667.)

H. R. 16005. To permit relinquishments and reconveyances of privately owned land within certain counties in the State of Arizona to the United States for the benefit of the Navajo Indians, and for other purposes. (H. Rept. 2599. Pending in House at adjournment.)

H. R. 16213. To provide for distribution of tribal funds of the Puyallup Indians of the State of Washington. (H. Rept. 2605. S. 6146 substituted and passed. Public Law 854.)

H. R. 16303. To authorize an investigation with respect to the construction of a dam across the Owyhee River within the Duck Valley Indian Reservation, Nev., and for other purposes. (H. Rept. 2493. Public Law 760.)

H. R. 16466. Authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians. (H. Rept. 2487. Pending in the House at adjournment.)

H. R. 16706. To authorize the Secretary of the Interior to extend the time for payment of charges due on the Blackfeet Indian irrigation project, and for other purposes. (H. Rept. 2449. S. 1533 substituted and passed. Public Law 623.)

H. R. 16761. For the relief of the Sherburne Mercantile Co. (H. Rept. 2885. Pending in the House at adjournment.)

H. R. 16858. To confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina. (H. Rept. 2805. S. 5979 substituted, amended, and passed. Pending in the Senate at adjournment.)

H. R. 16862. Relating to the adoption of minors by the Crow Indians of Montana. (H. Rept. 2604. S. 6098 substituted and passed. Public Law 800.)

H. R. 16863. Authorizing the classification of the Crow Indians of Montana. (H. Rept. 2607. S. 6099 substituted and passed. Public Law 801.)

H. R. 16932. For the relief of Thomas C. LaForge. (H. Rept. 2717. Pending in the House at adjournment.)

H. R. 16953. To authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor. (H. Rept. 2726. S. 6011 substituted and passed. Public Law 850.)

H. R. 17037. For the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes. (H. Rept. 2716. S. 6136 substituted and passed by House. Public Law 803.)

H. R. 17151. To authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak. (H. Rept. 2807. Pending in the House at adjournment.)

HOUSE JOINT RESOLUTIONS

H. J. Res. 144. Authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes. (H. Rept. 139. S. J. Res. 30 substituted and passed by House. Public Resolution 53.)

H. J. Res. 172. Authorizing the use of tribal funds belonging to the Chippewa Indians in the State of Minnesota to pay the expenses and compensation of their delegates sent to Washington in looking after their affairs. (Report withheld.)

H. J. Res. 188. Authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim. (H. Rept. 892. Public Resolution 70.)

H. J. Res. 273. To pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma. (S. J. Res. 156 substituted and passed by House. Public Resolution 68. No report filed.)

H. J. Res. 312. To clarify and amend an act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," approved March 2, 1927. (H. Rept. 1688. S. J. Res. 167 substituted and passed. Public Resolution 84.)

H. J. Res. 454. Authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak. (H. Rept. 2609. S. J. Res. 226 substituted and passed by House. Public Resolution 125.)

SENATE BILLS

S. 134. Authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes. (H. Rept. 1573. Public Law 450.)

S. 135. To provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes. (H. Rept. 1691. Public Law 451.)

S. 320. Authorizing the reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo. (H. Rept. 1208. (Public Law 274.)

S. 615. Authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes. (H. Rept. 1948. Public Law 622.)

S. 873. To supplement the act entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington," approved March 13, 1924. (H. Rept. 2476. Pending in the House at adjournment.)

S. 1533. To authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes. (H. Rept. 2423. Public Law 623. See H. R. 16706.)

S. 2231. To reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes. (H. Rept. 1934. Public Law 709.)

S. 2895. Authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians of Oregon, or either of them, to submit their claims to the Court of Claims. (H. Rept. 1692. Public Law 552.)

S. 3156. Providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon. (H. Rept. 1926. Pending in the House at adjournment.)

S. 3165. Conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands. (H. Rept. 1693. Vetoed by the President; S. Doc. 280.)

S. 3335. Conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon. (H. Rept. 2758. Pending in the House at adjournment.)

S. 4051. Authorizing the Pillager Bands of Chippewa Indians residing in the State of Minnesota to submit their claims to the Court of Claims. (H. Rept. 1935. Public Law 788.)

S. 4140. Providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes. (H. Rept. 1518. Public Law 398.)

S. 5110. To amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina. (H. Rept. 2633. Public Law 841.)

S. 5295. Authorizing an additional per capita payment to the Shoshone and Arapahoe Indians. (H. Rept. 2274. Public Law 605.)

S. 5313. To cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz. (H. Rept. 2629. Public Law 844.)

S. 5979. To confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emigrant and Western Cherokee Indians of Oklahoma and North Carolina. (H. Rept. 2884. Pending in the Senate at adjournment. Amended by House Committee on Indian Affairs.)

FACTS ON THE OIL CONTROVERSY BEFORE THE WAYS AND MEANS COMMITTEE

Mr. RAMSEYER. Mr. Speaker, a number of erroneous statements have been given to the press and also made on the floor of this House in regard to the attitude of members of the Ways and Means Committee on an embargo or a tariff on oil. To-day, when House Resolution 391 was under consideration directing the Tariff Commission to investigate the differences in the costs of production of oil in this country and in competing countries, the gentleman from Arkansas [Mr. RAGON] made a speech in which appears this statement:

> That very question of a tariff on oil was voted upon in the Ways and Means Committee.

At another place in the speech he made the statement that there were 8 votes in favor of a tariff on oil 7 of which were cast by Democrats and 1 by a Republican. I at the time challenged the accuracy of his statements. Owing to the limited time for debate, I was unable to get time to present the facts to the House following his speech.

During the second and third weeks of February the Ways and Means Committee had five or six days' hearings on the question of an embargo on oil. This committee also had other hearings on bills for an embargo on farm products and bills for an embargo on products from Russia. These hearings were closed and on Monday, February 23, the committee met to consider three general proposals relating to embargoes as contained in the bills, H. R. 16585, by Mr. GARBER of Oklahoma, "To regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes"; H. R. 16468, by Mr. BURTNESS, "To place an embargo on certain agricultural products"; and H. R. 16035, by Mr. WILLIAMSON, "To prohibit the importation of any article or merchandise from the Union of Soviet Socialistic Republics."

At this meeting the Garber bill was first considered. There was a mimeographed compromise proposal handed to each member of the committee which was referred to as a substitute for the Garber bill, H. R. 16585. After some discussion a motion was made to indefinitely postpone this proposal. After further discussion this motion to indefinitely postpone was unanimously agreed to. Not a Republican and not a Democrat voted against it. Naturally, I supposed that that disposed of the oil question for that meeting.

The question then came up as to the disposition of other embargo and tariff bills pending before the committee. Those who participated in this discussion, both Republicans and Democrats, seemed to be agreed that owing to the lateness of the session it would be futile to attempt to report

out any of those bills with the hope of getting action thereon in both the House and the Senate. After a number of members, both Republicans and Democrats, had submitted motions having for their purpose the postponement of legislation relating to tariff and embargo bills, the following resolution was submitted:

Whereas in the opinion of the committee there would not be sufficient time during the remainder of the present session for the consideration of tariff or embargo bills: Therefore

Resolved, That the consideration of all such bills referred to and pending before this committee be postponed.

As I have already stated, the motion to indefinitely postpone the compromise proposal for an embargo and a tariff on oil had been unanimously agreed to. No definite action had been taken on the Burtness bill to place an embargo on certain agricultural products. As soon as the chairman submitted the foregoing resolution which I have just quoted, I made a motion to amend it by adding to the resolution the words, "except H. R. 16468," which is the Burtness bill. I favored this Burtness bill and wanted to test out the attitude of other members of the committee thereon. My motion to amend having been stated, the gentleman from Texas [Mr. GARNER] then moved to amend my motion by adding, "and except the Hastings bill." The Hastings bill was then not before the committee. No one knew its exact contents. The gentleman from Texas [Mr. GARNER] remembered in a general way that the year before the last year the gentleman from Oklahoma [Mr. HASTINGS] had introduced a bill providing for a duty on oil. The oil question having previously been postponed by unanimous vote of the committee, I oppose the Garner amendment to my amendment because I wanted a square out vote on the question of considering the Burtness bill to place an embargo on certain agricultural products. The Garner amendment did not present the issue of a tariff or no tariff on oil. The issue raised by the Garner amendment was whether the consideration of a tariff on oil should be postponed with all other embargo and tariff bills.

The issue on my amendment was whether the Burtness bill should be excepted in the resolution postponing consideration of all tariff and embargo bills. On the Garner motion to amend my amendment the ayes were 7 and the noes were 13, so that motion was lost. On my motion to except the Burtness bill from the resolution postponing consideration of all tariff and embargo bills, the ayes were 3 and the noes 17.

Of the 7 ayes on the Garner amendment 1 was by a Republican and 6 were by Democrats. Of the 3 ayes on my motion to amend by excepting the Burtness bill the ayes were 3, all of which were by Republicans. Now, if it is fair for some Democrats to attempt to give the impression to the country that they are more in favor of an embargo or a tariff on oil to help the independent oil producers because of the vote on the Garner amendment, then it is just as fair to assert and claim that all the Democrats are hostile to the farmers, because not a one of them voted to except the Burtness bill from the resolution to postpone. Furthermore, in weighing the good faith of the statements of some Democrats in this controversy it should not be overlooked that of the 10 Democrats on the Ways and Means Committee only 1 of them had ever voted for a protective-tariff measure.

After the Garner amendment and my amendment were both voted down the question recurred on the resolution to postpone the consideration of all tariff and embargo bills for this session of Congress. On this motion the ayes were 13 and the noes 7. Another Republican and myself voted no, 5 Democrats voted no, and 4 Democrats voted aye. In all fairness it should be stated that neither this vote nor the other votes referred to by me reflected the judgment of the members of the Ways and Means Committee on the merits of the various tariff or embargo bills pending before them, but the votes merely reflected the judgment of the members of the committee on the practical situation as to whether it was possible to get consideration on any of the aforesaid tariff and embargo bills in both Senate and House during the remaining days of the session.

In the light of what has transpired since Monday, February 23, it is very evident now that none of the embargo or tariff bills, which were before the Ways and Means Committee on that date, would have had any chance whatever of getting through the Senate. The Ways and Means Committee also had a meeting to consider a joint resolution to prevent the importation of watered sugar as sirup and thus escape the sugar duty. So far as I could get the sentiment of the members of the Ways and Means Committee, all of them, including both Republicans and Democrats, were in favor of the proposal. The proposition was in every way meritorious and was intended merely to prevent fraud. This resolution would probably have passed the House without opposition. Word came to us from the Senate that the proposal could not go through that body. Rumored threats came to us that members of the Senate intended to offer amendments all the way from a change of duty on sugar to a general revision of the 1930 tariff law. Under these circumstances the Ways and Means Committee did not report out this joint resolution, because there was no possibility of getting it through both Houses of Congress.

On February 5 the Commerce Committee of the Senate reported out the Capper bill for an embargo on oil. Although this bill was before the Senate for almost a month before adjournment on March 4, the Senate refused to consider it.

I cite another instance to show the futility of undertaking during the closing days of the session to report out tariff and embargo bills. The Ways and Means Committee reported out a joint resolution to authorize the members of that committee or a subcommittee thereof to investigate the oil situation and to make a first-hand study of oil production and the prorating policies of the Southwest oil-producing States with a view to be prepared to recommend legislation at the beginning of the next Congress. This resolution passed the House without opposition, but it was killed in the Senate.

A word in closing on the geographical location of the members of the Ways and Means Committee. The committee is composed of 25 members—15 Republicans and 10 Democrats. East of the Allegheny Mountains the members are located as follows: Republicans—Massachusetts, 1; Rhode Island, 1; New York, 2; Pennsylvania, 2; and New Jersey, 1. Democrats—New York, 1; North Carolina, 1; and Georgia, 1. West of the Allegheny Mountains the members are located as follows: Republicans—one each from the States of Ohio, Michigan, Wisconsin, Illinois, Iowa, Colorado, Washington, and Oregon. Democrats—one each from the States of Indiana, Tennessee, Mississippi, Texas, Arkansas, Illinois, and Washington.

The facts I have presented herein can not be controverted. They are a matter of record. Those who undertake to make political capital out of the action of the Ways and Means Committee on tariff and embargo bills pending before that committee during the last session will have to go outside the actual facts and happenings to do so.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House recess until 9.30 this morning.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes a. m.) the House stood in recess until Wednesday, March 4, 1931, at 9.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

874. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, Library of Congress, for the fiscal year 1932, in the sum of $100,000 (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

875. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1931, to re-

main available until June 30, 1932, amounting to $35,000, for the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931 (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

876. A letter from the Secretary of the Treasury, transmitting copy of the fourteenth annual report of the Federal Farm Loan Board for the year ended December 31, 1930 (H. Doc. No. 555); to the Committee on Banking and Currency and ordered to be printed with accompanying papers.

877. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on review of existing projects for flood control and navigation of the Mississippi River in its alluvial valley as shown by Public Document No. 391, Seventieth Congress (S. 3740) (H. Doc. No. 798); to the Committee on Flood Control and ordered to be printed with illustrations.

878. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Cape Cod Canal, Mass., and of Buzzards Bay, Mass., at its upper end, with a view to provide additional anchorage area and improving the approaches to the Cape Cod Canal in so far as it may be the duty of the United States to improve the same (H. Doc. No. 795); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPROUL: Committee on Indian Affairs. H. R. 12576. A bill providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years; without amendment (Rept. No. 2938). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 6024. An act relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.; without amendment (Rept. No. 2939). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17303. A bill granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River; with amendment (Rept. No. 2940). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 17337. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.; with amendment (Rept. No. 2941). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 16022. A bill for the relief of Blanche Knight; without amendment (Rept. No. 2942). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 17361) to amend the act approved March 2, 1929, entitled "An act to supplement the naturalization laws, and for other purposes"; to the Committee on Immigration and Naturalization.

By Mr. CRAMTON: A bill (H. R. 17362) to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: Joint resolution (H. J. Res. 528) making an appropriation to provide books for the adult blind; to the Committee on Appropriations.

By Mr. HAWLEY: Joint resolution (H. J. Res. 529) to amend section 302 of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. ESTERLY: Joint resolution (H. J. Res. 530) to provide for the erection at Philadelphia, Pa., of a monument to the memory of Haym Salomon; to the Committee on the Library.

By Mr. WOOD: Joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs; to the Committee on Appropriations.

Also, joint resolution (H. J. Res. 533) making additional appropriation for expenses of special and select committees of the House of Representatives for the fiscal year 1932; to the Committee on Appropriations.

By Mr. FISH: Resolution (H. Res. 390) to print 14,000 additional copies of the Report of the Special Committee to Investigate Communist Activities in the United States; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Montana, memorializing the Congress of the United States for the passage of pending legislation providing that the United States shall aid the States in the construction of rural post roads; to the Committee on Roads.

Memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States to place an embargo upon all grains and grain products imported into the United States until such time as Congress shall enact legislation beneficial to the farmer, to the Committee on Ways and Means.

Memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to take action at the earliest possible date to prevent the unit of the Reclamation Service known as the Langell Valley Community in Klamath County to become dry and arid, thus causing the Government to lose its investment of $700,000 and the settlers of Langell Valley to lose their investment of $900,000; to the Committee on Irrigation and Reclamation.

By Mr. HAWLEY: Memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States for the navigation development of the Columbia River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. KVALE: Memorial of the Minnesota State Legislature, submitted by Hon. Mike Holm, secretary of state, memorializing Congress to establish a fur-breeding experiment station in the State of Minnesota; to the Committee on Agriculture.

By Mr. SIMMS: Memorial of the Tenth Legislature of the State of New Mexico, memorializing the Congress of the United States to include in the plan for an adequate flood-control program of the Mississippi River area the construction of a flood-control reservoir on the Canadian River within the State of New Mexico; to the Committee on Flood Control.

By Mr. LEAVITT: Memorial adopted by the Twenty-second Legislative Assembly of the State of Montana, favorable to enactment of H. R. 13542, Seventy-first Congress, or similar legislation for the improvement of rural post roads; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 17363) granting a pension to Josephine Hatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17364) granting an increase of pension to Nellie L. P. Earlewine; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 17365) granting an increase of pension to Malinda J. Messenger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17366) granting an increase of pension to Addie P. Funk; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 17367) granting an increase in pension to Anna Milholland; to the Committee on Invalid Pensions.

By Mr. LAMBERTSON: A bill (H. R. 17368) granting a pension to Velma Johnson; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 17369) granting a pension to Mary C. McKarnin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17370) granting an increase of pension to Sterling G. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 17371) granting a pension to James G. Elza; to the Committee on Pensions.

Also, a bill (H. R. 17372) granting a pension to Luticia C. Anderson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10326. Petition of Peoples Personal Liberty League, favoring the modifications of the eighteenth amendment; to the Committee on the Judiciary.

10327. Petition of Speers Sand & Clay Works (Inc.), for the impeachment of Judge Elliott Northcott, United States Circuit Court of Appeals, Fourth Circuit; to the Committee on the Judiciary.

10328. By Mr. ENGLEBRIGHT: Petition of State Council of California, Junior Order United American Mechanics, approving House Joint Resolution 473; to the Committee on Immigration and Naturalization.

10329. Also, petition of United Irish Societies of San Francisco, Calif., through its president, Bernard Naughton, as citizens of this Republic, celebrating the birthday of our first President, George Washington; to the Committee on Foreign Affairs.

10330. By Mr. HULL of Wisconsin: Resolution of the Chippewa County Farmers Institute, in meeting at Stanley, Wis., favoring the Brigham bill and protesting against the ruling by the Commissioner of Internal Revenue regarding the use of palm oil in oleomargarine; to the Committee on Agriculture.

10331. Also, petition of Grant Local, No. 139, Farmers Union, Neillsville, Wis., favoring the Brigham bill and protesting against the ruling of the Commissioner of Internal Revenue regarding the use of palm oil in oleomargarine; to the Committee on Agriculture.

10332. Also, resolution of the Hillside Dairy Co., Stanley, Wis., favoring the Brigham bill and opposing the recent ruling of the Commissioner of Internal Revenue as to the use of palm oil in oleomargarine; to the Committee on Agriculture.

10333. Also, petition of citizens of Sparta, Wis., favoring the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10334. By Mr. HOPE: Petition of Alta C. Jennings and 49 others, of Brownell, Kans., urging the passage of House Joint Resolution 356; to the Committee on the Judiciary.

10335. By Mr. LUCE: Petition of residents of Massachusetts, urging passage of bill exempting dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

10336. By Mr. STRONG of Kansas: Petition of Mrs. J. S. Bailey, president Woman's Christian Temperance Union, Bennington, Kans., and citizens of Bennington, Salina, and Solomon, Kans., favoring the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10337. By Mr. WOLVERTON of West Virginia: Petition of the Woman's Christian Temperance Union, of Shinnston, W. Va., by Mrs. Lloyd Tetrick, president, and Miss Josephine Harmer, secretary, urging Congress to enact legislation providing for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10338. By Mr. YATES: Petition of East Side Manufacturers Association, through S. S. Eagle, president, Granite City, Ill., urging the passage of Senate bill 3969, known as the Capper-Reed bill; to the Committee on Education.

10339. Also, petition of Margaret McShone, 1240 West Vine Street, Springfield, Ill., protests the passage of Senate bill 4582, introduced by Senator F. H. GILLETT; to the Committee on the Judiciary.

10340. Also, petition of Miss Alice Boynton, president Women's International League for Peace and Freedom, Chicago, Ill., urging the passage of House bill 16975, as in her opinion it will equalize the laws relative to discrimination against married women; to the Committee on Immigration and Naturalization.

10341. Also, petition of many citizens of Springfield, Ill., urging the passage of the Sparks-Capper amendment to the Constitution relative to the 7,500,000 unnaturalized aliens in the United States; to the Commitee on the Judiciary.

SENATE

WEDNESDAY, MARCH 4, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 9 o'clock a. m., on the expiration of the recess.

INVESTIGATION OF THE OIL INDUSTRY

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. JONES. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, I desire to proceed in order, and for the time being I decline to yield to anyone.

I submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. THOMAS of Oklahoma. Is there any Senate rule which provides just how fast a Member addressing the United States Senate must speak his words?

The VICE PRESIDENT. That is a matter for the Senator to determine for himself.

Mr. THOMAS of Oklahoma. I have before me numerous notes. Owing to the fact that I was detained on the floor night before last until 3 o'clock in the morning, and detained upon the floor last night until after 1 o'clock, I have not had time to arrange my notes properly, and it may be that during the discussion I may waste a few seconds of time in looking for the data I desire to use. Because of that fact I do not wish to be considered as yielding the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Under the rules of the Senate, how long may a Senator stand at his desk arranging his notes without talking?

The VICE PRESIDENT. That would be a question for the Chair to determine when the question came up.

Mr. THOMAS of Oklahoma. I serve notice that I shall proceed in the best of faith.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. I want to inquire what steps may be necessary for me to take to abandon really the consideration of the conference report on the maternity bill?

The VICE PRESIDENT. If the Senator having the floor will yield for that purpose, it can be done. Otherwise the Senator can not be taken off the floor for the purpose.

Mr. JONES. I am perfectly willing to abandon it.

Mr. THOMAS of Oklahoma. Mr. President, at this time I refuse to yield to anyone for any purpose. I submit a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.



Mr. THOMAS of Oklahoma. If some Senator should secure the attention of the Chair and ask permission to submit a unanimous-consent request and I yield for that purpose, will I thereby lose the floor?

The VICE PRESIDENT. The Chair thinks the question would depend upon the purpose for which the Senator yielded. If he yielded simply for a unanimous-consent request, with the understanding that he would not lose the floor, of course he would not lose it.

Mr. THOMAS of Oklahoma. The only purpose for which I would yield would be to fix a time to vote on the adoption of Senate Resolution 418.

Mr. NORRIS. Mr. President, I ask unanimous consent——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska for that purpose?

Mr. THOMAS of Oklahoma. I yield if I do not thereby lose the floor.

Mr. NORRIS. I ask unanimous consent that a vote on the resolution of the Senator from Oklahoma be had at 10 minutes to 12.

Mr. BINGHAM. Before that request is submitted to the Senate there must be a call for a quorum.

The VICE PRESIDENT. No quorum is necessary for the submission of such a request. Will the Senator from Oklahoma yield to the Senator from Nebraska to submit his unanimous-consent request?

Mr. THOMAS of Oklahoma. I will not yield for that purpose until my rights on the floor have been determined. I now submit this parliamentary inquiry: If I from time to time shall submit unanimous-consent requests, will I thereby even take a chance of losing the floor?

The VICE PRESIDENT. That would depend upon the nature of the request.

Mr. THOMAS of Oklahoma. The only request would be to fix a time to vote upon Senate Resolution 418.

The VICE PRESIDENT. The Chair would think under those circumstances the Senator would not lose the floor.

Mr. THOMAS of Oklahoma. Mr. President, I serve notice that I will not yield for any purpose. If any Senator desires to submit or have submitted a unanimous-consent request, let him prepare such request in writing and place it in my hands; and if the Chair will permit me to do so, I shall myself, within my discretion, submit the request.

Mr. THOMAS of Oklahoma addressed the Senate. After having spoken for half an hour—

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes;

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the obversance and commemoration of the death of Brig. Gen. Casimir Pulaski;

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs; and

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma resumed his speech. After having spoken for half an hour—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.; and

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11529) for the relief of William J. Bodiford.

The message further announced that the House had passed the bill (S. 5979) to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather;

H. R. 11529. An act for the relief of William J. Bodiford; and

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma continued his speech. After having spoken in all for nearly two hours—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House receded from its disagreement to the amendment of the Senate to the bill (H. R. 16982) to authorize an appropriation to

provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, and concurred therein.

The message also announced that the House had passed a joint resolution (H. J. Res. 534) to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.; and

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

HOSPITALIZATION OF VETERANS

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Massachusetts. Is it a fact that unless the joint resolution just presented from the House is passed, the measure authorizing the building of veterans' hospitals will be nullified because of no funds for the erection of the hospitals?

The VICE PRESIDENT. Of course, the law would not lapse, but there would be no appropriation to carry out the purposes of the law.

Mr. THOMAS of Oklahoma. I ask unanimous consent that the report just received from the honorable House of Representatives be read for the information of the Senate.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent that the Senator be not taken from the floor and that immediate action be taken upon the joint resolution.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, I am willing to yield on the condition that I do not lose the floor.

The VICE PRESIDENT. Is there objection to the request that the joint resolution be considered without the Senator losing the floor? The Chair hears no objection, and the Chair lays the joint resolution before the Senate.

The joint resolution (H. J. Res. 534) to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the sum of $5,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for carrying out the provisions of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved March 4, 1931.

The joint resolution was ordered to a third reading, read the third time, and passed.

PROPOSED MERGER OF THE ROOSEVELT STEAMSHIP CO. AND THE INTERNATIONAL MERCANTILE MARINE CO.

Mr. FLETCHER. Mr. President, in response to Senate Resolution No. 431, adopted February 3, 1931, requesting certain information in connection with the merger of the Roosevelt Steamship Co. and the International Mercantile Marine Co., the Shipping Board has made a preliminary statement to the Senate.

The Shipping Board says:

(1) It has been stated to the board indirectly that representatives of the Roosevelt Steamship Co. and associates have purchased a working control of the stock of the International Mercantile Marine Co.

(2) The matter has never been formally presented to the board, although there was some informal discussion of the subject with representatives of the corporation in July, 1930.

(3) It is the recorded and established policy of the board to prevent its managing agents to directly or indirectly operate foreign flag lines or vessels in competition with lines established and operated or sold by the board.

(4) The investigations being made by the board have not developed to the point where the board can state definitely at this time what action it will take as a result of this merger.

The International Mercantile Marine-Roosevelt combination operates through the Roosevelt Co. American-flag services for the Shipping Board from the North Atlantic to Australia, India, and the Far East; and holds an ocean-mail contract for a service from Baltimore to Hamburg and Bremen.

The International Mercantile Marine-Roosevelt combination through the International Mercantile Marine operates several foreign-flag lines in competition with American-flag lines, which I shall show in detail, and holds an ocean-mail contract for a service from New York to Balboa.

In the Shipping Board's contract with its managing agents, under which contract the Roosevelt Co. operates services for the board, there appears the following clause:

SEC. 29. Except with the specific approval of the owner the managing operator shall not be permitted to operate either as agent, owner, or charterer foreign flag vessels competing with vessels operated by or for the United States Shipping Board.

The board has, as it states in its reply to the Senate, consistently refused to permit its managing agents to handle foreign-flag vessels in competition with American-flag vessels operated by or for the board. The Roosevelt Co. is violating the above clause of the operating agreement unless it has "the specific approval" of the Shipping Board.

At a hearing last year before the House Merchant Marine Committee, in a letter last year to the Senate Commerce Committee, and in its last annual report to the Congress, the Shipping Board recommended the enactment of legislation to prohibit the award of ocean mail contracts to companies operating foreign-flag ships in competition with American-flag ships.

An amendment to the merchant marine act, 1928 (H. R. 8361), prohibiting the award of ocean-mail contracts to companies operating foreign-flag ships in competition with American-flag ships was unanimously passed by the House and a similar amendment (H. R. 9592) is pending on the Senate Calendar. It should be approved.

I now desire to show in detail the extent the International Mercantile Marine-Roosevelt organization, through the International Mercantile Marine, is using foreign-flag vessels to compete with American-flag services. All of these American-flag services were established by the board, some have been sold, and some are still being operated by the board.

INTERNATIONAL MERCANTILE MARINE LINES, FOREIGN FLAG

Red Star Line, New York to Antwerp.
Atlantic Transport Co., New York to London.
The Leyland Line, New York to Manchester.
White Star Line (I. M. M. agents), New York to Southampton.
White Star Line (I. M. M. agents), outports to Liverpool.
The Leyland Line, South Atlantic and Gulf ports to Europe.

AMERICAN LINES, AMERICAN FLAG

American Diamond Lines, New York to Antwerp.
American Merchant Line, New York to London.
Oriole Line, New York to Manchester.
United States Lines, New York to Southampton.
American Hampton Roads Line, outports to Liverpool.
South Atlantic Mail Line.
Mobile Oceanic Line.
Dixie Line.
Southern States Line, South Atlantic and Gulf ports to Europe.

In view of the situation outlined, the consistent policy and practice of the Shipping Board and the board's reply to the Senate, I feel we are justified in assuming the board will take appropriate action to prevent, so far as it has the power,

American companies operating foreign-flag ships in competition with American-flag vessels.

The enactment of the legislation to which I have previously referred would enable the Government to make impossible many of the abuses mentioned.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma resumed his speech. After having spoken for some time—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, informed the Senate that a committee of three Members of the House had been appointed by the Speaker to join with a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The message announced that the House had passed without amendment the bill (S. 6225) granting an increase of pension to Jessie R. Greene.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish American War Veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. HAYDEN. I yield for a question.

Mr. JONES. A joint resolution has just come from the House providing an appropriation for the Army Band to attend the annual encampment of the Grand Army of the Republic at Des Moines, Iowa, and also one providing for the payment of the expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans at New Orleans in September, 1931. Will the Senator permit these joint resolutions to be reported and passed?

Mr. THOMAS of Oklahoma. Mr. President, if I do not thereby lose the floor, and the Presiding Officer will protect my right to the floor, I will gladly yield for that purpose.

Mr. JONES. I ask unanimous consent that that be done.

The VICE PRESIDENT. Is consent given without the Senator losing the floor? The Chair hears no objection. The joint resolution will be read.

ATTENDANCE OF UNITED STATES ARMY BAND AT GRAND ARMY OF THE REPUBLIC ENCAMPMENT

The joint resolution (H. J. Res. 536) making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa, was read twice by its title.

Mr. JONES. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

ATTENDANCE OF UNITED STATES MARINE BAND AT CONVENTION OF SPANISH-AMERICAN WAR VETERANS

The joint resolution (H. J. Res. 535) making an appropriation for the expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931, was read twice by its title.

Mr. JONES. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF UNEMPLOYMENT-INSURANCE SYSTEMS

The VICE PRESIDENT. Pursuant to Senate Resolution 483, agreed to February 28, 1931, providing for a select committee to investigate unemployment-insurance systems, the Chair appoints the following Senators as members of the select committee: The Senator from New York [Mr. WAGNER], the Senator from Illinois [Mr. GLENN], and the Senator from Rhode Island [Mr. HEBERT].

ADVANCES TO THE RECLAMATION FUND (S. DOC. NO. 329)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, fiscal year 1931, for advances to the reclamation fund, amounting to $5,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

HOSPITAL AND DOMICILIARY FACILITIES AND SERVICES, VETERANS' ADMINISTRATION (S. DOC. NO. 330)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Veterans' Administration for hospital and domiciliary facilities and services amounting to $5,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

The VICE PRESIDENT laid before the Senate a communication from the president of the American group of the Interparliamentary Union, submitting, pursuant to law, a report relative to the American group of the Interparliamentary Union, including its expenditures, which was referred to the Committee on Foreign Relations.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the Governor of the Federal Reserve Board, transmitting the seventeenth annual report of the board, covering operations for the year 1930, which, with the accompanying report, was referred to the Committee on Banking and Currency.

ADJUSTED-SERVICE CERTIFICATES—VETERANS' LEGISLATION

The VICE PRESIDENT laid before the Senate the following telegram, which was ordered to lie on the table and to be printed in the RECORD:

HARRISBURG, PA., *March 2, 1931.*

THE UNITED STATES SENATE,
Washington, D. C.:

The Department of Pennsylvania, Veterans of Foreign Wars of the United States, thanks the Senate for their support of the soldiers' bonus bill and their passing of the bill over the President's veto.

C. A. GNAU,
Adjutant, Harrisburg, Pa.

The VICE PRESIDENT also laid before the Senate a communication from the department commander for the District of Columbia, Veterans of Foreign Wars of the United States, which was ordered to lie on the table and to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D. C., March 3, 1931.

To the honorable the VICE PRESIDENT OF THE UNITED STATES.

SIR: The following resolution was unanimously adopted at a regular stated meeting on Monday night, March 2:

"*Resolved*, That the District of Columbia Department, No. 1, Veterans of Foreign Wars of the United States, hereby express their thanks and appreciation for the sympathetic attitude of the present Congress toward the veterans and respectfully request that this resolution be read into the minutes of the United States Senate.

Respectfully,

[SEAL.]

WILLIAM L. THOMAS,
Department Commander.
ARTHUR C. FOWLE,
Department Adjutant.

PETITIONS

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was ordered to lie on the table:

STATE OF IDAHO, DEPARTMENT OF STATE.

I, Fred E. Lukens, secretary of state of the State of Idaho, and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of senate joint memorial No. 9, enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 27th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 28th day of February, A. D. 1931.

[SEAL.] FRED E. LUKENS, *Secretary of State.*

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
In the Senate.

Senate Joint Memorial 9. (By State Affairs Committee)

To His Excellency President Herbert Hoover, Hon. William E. Borah, chairman of the Foreign Relations Committee, and to the honorable Senators, the House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

Whereas the purchasing power of approximately 50 per cent of the entire population of the world has been decreased by approximately 50 per cent, owing in large part to the depreciation in value of silver as a commodity and as a medium of money; and

Whereas said depreciation in the value of silver has been due in large part to its discontinuance by several countries as a medium of exchange in trade; and

Whereas said depreciation has materially affected the economic fabric of the State of Idaho by diminishing the value of its mineral resources and making it impossible to operate our mines at a profit, thereby necessitating closing down many of the mines and depriving many of our citizens of employment; and

Whereas it has also depreciated the value of our agricultural commodities and the products of our forests by reducing the opportunities to export the same to China, India, and the Latin American countries through the ports of the Pacific coast owing to the depreciation in the buying power of those nations; and

Whereas the depreciation in the value of silver has had a like effect upon the economic conditions, not only in Idaho but all of the States west of the Rocky Mountains, and to a similar degree upon all of the States of the Union; and

Whereas the subcommittee of the Committee on Foreign Relations has had this question under consideration for several months and has made its report and recommendations relative thereto, said recommendations being evidenced by Senate Resolutions Nos. 442 and 443, introduced by Senator KEY PITTMAN, chairman of the subcommittee of the Foreign Relations Committee, and which in substance called upon our President to take certain action relative to the dumping of silver upon the market of the world derived from the melting of silver coins, and the calling of an international conference or conferences looking to an agreement or understanding with regard to the use and status of silver as money, and that our President give consideration to the practicability of our Government alone, or in connection with other governments, in establishing a silver pool or fund for the advancement of silver to the National Government of China for use as money: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That we urge upon our senior Senator, WILLIAM E. BORAH, chairman of the Foreign Relations Committee of the Senate, to have prompt and immediate consideration of the report of its subcommittee, and its approval obtained for Senate Resolutions Nos. 442 and 443 heretofore referred to, and their adoption by this session of Congress, and to urge His Excellency President Herbert Hoover, if he deem it compatible to the best interests of the Government, to take the action suggested in said resolutions, to the end that the purchasing power of our sister nations may be reestablished, and that the misery and famine that is now prevailing in some of them be decreased and the plenty and surpluses of commodities now available in the United States may be distributed to the mutual advantage of the people of the entire world; be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to His Excellency President Herbert Hoover, to the senior Senator from Idaho, Hon. WILLIAM E. BORAH, chairman of the Foreign Relations Committee, and to the Senate and House of Representatives of the United States of America, and that copies hereof be sent to the other Senator and Representatives in Congress from this State, and to the Chamber of Commerce of United States.

This senate joint memorial passed the senate on the 20th day of February, 1931.

G. P. MIX,
President of the Senate.

This senate joint memorial passed the house of representatives on the 24th day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 9 originated in the senate during the twenty-first session of the Legislature of the State of Idaho.

CARL C. KITCHEN,
Secretary of the Senate.

Mr. THOMAS of Oklahoma presented the following concurrent resolution of the Legislature of the State of South Carolina, which was ordered to lie on the table:

A concurrent resolution

Whereas the General Assembly of South Carolina has noticed with interest the approval by the Agricultural Committee of the United States Senate on a resolution by Senator SMITH, of South Carolina, appropriating money for loan to farmers in South Carolina, North Carolina, Georgia, Florida, and Alabama for seed, feed, and fertilizer; and

Whereas under the present distressed agricultural condition of this State it is necessary that the farmers receive some relief; and

Whereas we believe aid from the Federal Government at this time in the particulars set forth in this resolution will greatly relieve the present depression: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Hon. E. D. SMITH, senior United States Senator from South Carolina, be commended for his effort in endeavoring to secure this aid for farmers in this State.

Resolved further, That the United States Senators and Members of Congress from South Carolina be urged to continue their effort in securing this appropriation for the relief of distressed farmers of this State.

Resolved further, That it is the sense of the General Assembly of South Carolina that the immediate securing of this relief is necessary in order to relieve our present distressed agricultural conditions.

Resolved further, That copies of this resolution be transmitted to the Hon. E. D. SMITH and the Hon. COLE. L. BLEASE, United States Senators from South Carolina, and to each Member of Congress from South Carolina.

IN THE HOUSE OF REPRESENTATIVES,
Columbia, S. C., February 17, 1931.

I hereby certify that the foregoing is a true copy of a concurrent resolution adopted by the house and concurred in by the senate.

J. WILSON GIBBES,
Clerk of the House.

Mr. GOLDSBOROUGH presented petitions of sundry citizens of the State of Maryland, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American war veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 4, 1931, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor;

S. 6103. An act to authorize a change in the design of the quarter-dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather;

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

IMPORTATION OF GOODS FROM SOVIET RUSSIA

Mr. ODDIE. Mr. President, in support of S. 4848, the bill which I introduced to prohibit the importation of goods from Soviet Russia (and referred to the Committee on Finance), I herewith submit some of the principal indorsements from national patriotic societies and from the industries adversely affected by soviet dumping, which I desire to have inserted in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

(For release Monday evening, March 2, 1931)

NEW YORK CITY, *February 28, 1931.*

The PRESIDENT OF THE UNITED STATES,
White House, Washington, D. C.

Mr. PRESIDENT: It being conclusively established by unimpeachable evidence that the Soviet Government of Russia has not only fomented discontent, disloyalty, and revolution throughout the world but also through the expropriation of all agencies of production without compensation and by mobilization of labor on a war basis, is now engaged in and directing an economic assault upon all nations in pursuance of its ultimate aim, a world revolution, permit me to point out certain special considerations which, in the opinion of a multitude of Americans associated with patriotic and fraternal societies, labor unions, and farm groups, demand the immediate imposition of an embargo upon trade with Soviet Russia:

1. All agencies of production, national and private, having been acquired without cost, all merchandise exported by the Union of Socialist Soviet Republics is free from all interest charges or charges for amortization of capital.

2. All agencies of production being maintained and operated by labor paid in fiat money, it is indisputable that exports from the Soviet Union cost nothing, and may be sold at any price deemed expedient by the directors of the Gosplan for the establishment of gold credits or the destruction of foreign enterprises as may be determined by the leaders of the communist régime.

Under the conditions set forth above, which might be indefinitely elaborated, it is obvious that no enterprise conducting its business on a gold basis with free labor working on American standards, or even far below that level, can possibly compete. Now, if American industry and agriculture can not compete with foreign enterprises conducted in the fashion set forth above, we are face to face with an aggravation of the existing economic depression which means ultimate ruin, and with the ruin of even a substantial fraction of American agencies of production, the ultimate aim of the communist dictatorship will unquestionably have been attained.

As a remedy for the situation set forth in this letter, delegates from 52 patriotic and fraternal societies and other groups in convention in Washington on February 18, 1931, adopted a resolution advocating that an embargo be imposed upon trade with Russia, a copy of which is inclosed herewith for your information.

Respectfully submitted.

JOHN B. TREVOR,
Chairman Board of the American Coalition.

A RESOLUTION ADVOCATING AN EMBARGO UPON ALL TRADE WITH SOVIET RUSSIA ADOPTED AT A SPECIAL MEETING OF THE ADVISORY BOARD OF THE AMERICAN COALITION OF PATRIOTIC SOCIETIES HELD ON FEBRUARY 18, 1931, IN WASHINGTON, D. C.

A national emergency exists. The time has come for all patriotic, labor, and farm groups to unite in a common defense against the soviet economic war as well as the communistic propaganda which the ruthless dictators of Soviet Russia are directing against our civilization and our Government: Therefore be it

Resolved, That whereas for 13 years the 140,000,000 people of Russia have been made the helpless victims of communistic experiments of a handful of dictators and their supporters who are openly and proudly committed to the task of world revolution and a world-wide communistic state; and

Whereas the soviets are openly engaged in an economic war against civilization, the aim of which is to create major economic crisis throughout the world by attacks from within each nation through agitators and propaganda designed to cause revolution or disturbances resulting in a paralysis of industry, unemployment, and the destruction of the markets of the world; and

Whereas at the same time the 5-year plan of economic war is providing a flood of merchandise produced by forced and oppressed labor from raw materials that cost nothing, controlled through state monopolies and dumped into the markets of the world for the twofold purpose of creating unemployment and poverty among the workers and farmers of every nation, including the United States, and for establishing gold credits at any cost for the purchase of more machinery to pour out more goods to be used as munitions in the economic war; and

Whereas every effort has been made to make this trade war appear innocent and honest to the outside world, in the words of G. T. Grinko, vice chairman of the Soviet Planning Commission, "The 5-year plan is an important part of the offensive of the proletariat of the world * * * it is a great plan of world revolution"; and

Whereas in the words of Hugh L. Cooper, president of Russo-American Chamber of Commerce, appearing for his employers—the soviets—before the House Ways and Means Committee, "They are exporting a very large amount of wheat now. I think that the exports of wheat from Russia will go on increasing to a point where the American farmer will never be able to export one bushel of wheat to Europe again." In fact, the American farmer has already lost the export wheat market of the world to the soviets at prices against which he can not compete, and within two years faces the loss of the export market for cotton, since the rising tide of Russian cotton production has in three years reduced Russia's purchases of cotton from the United States to $17,000,000 in 1929–30, as against $51,000,000 in 1927–28; and

Whereas American labor and industry have likewise been seriously injured at home and abroad through this unfair and destructive competition, and since all of this competition with its debased currency and pauper wages paid by paper rubles, supported only by foreign credits, is on a basis against which the American worker, farmer, and industry can never compete unless we are willing to lower our standards of living to those of the conscripted victims of communist dictatorship, forego our freedom, our religion, and our Government, and adopt the ruthless gospel of communism; and

Whereas it has been said that in the event our country protects our people against the dumping of communist products we will lose the $150,000,000 annual trade in machinery and equipment now being exported to the soviets, we wish to state that if allowed to continue the Soviet Union may be for three or four years a good customer, but she will, through this very machinery, be growing into our most dangerous competitor, and when she has attained her industrial growth she will become more than a competitor,

since she is bound by her fundamental political principles to become a military aggressor. For that reason, since we are convinced that the greatest danger to the peace of the world is our continued assistance to the soviets, we believe that the United States should cease to furnish the machines and equipment which are the most valuable munitions of the soviet economic war. We believe that given five years more with the continued aid of American technicians, methods, and machinery, the destruction of civilization is certain. For that reason we are calling upon all American business men, bankers, and engineers to stop their efforts in helping to build up the Frankenstein which is dedicated to our destruction, thus proving that Lenin was wrong when he declared that our civilization would commit suicide for a temporary profit; and

Whereas it has been demonstrated that it is the consistent policy of the Soviet Government to promote discontent, disloyalty, and subversion of governments with which it has sought economic and political relations, and that there is little likelihood of the communist dictators abandoning their fundamental principle of world revolution, we believe the time has come for us to respectfully petition Congress to protect our institutions and our people against the greatest menace the world has ever known; and

Whereas there is no law in our land which will adequately protect our Government and our people against the soviet economic war, and since on March 4, 1931, the Members of Congress who are sworn to protect the Constitution will probably adjourn to their respective States for a 10-month recess: Therefore be it

Resolved, That in the opinion of the undersigned Congress should enact legislation before March 4, 1931, providing for an embargo against all trade with the Union of Socialist Soviet Republics; and be it further

Resolved, That in the judgment of the undersigned Congress should take immediate steps for the suppression of all agencies of the communistic dictatorship of the Union of Socialist Soviet Republics in the United States and the immediate deportation of all aliens within the United States who are now engaged in promoting the interests of the soviets and in the dissemination of communist propaganda throughout the United States of America.

JOHN B. TREVOR,
Chairman of the Board of the
American Coalition of Patriotic Societies.

And the following organizations:

Military Society, War 1812, by Charles E. Warren, president.

Leonia (N. J.) Women's Republican Club, by Mrs. William B. Shelton.

National Patriotic Association, by Mrs. Charles Wendell Holmes, president.

New York Colony, Society of New England Women, by Mrs. L. Grant Baldwin.

Order of Independent Americans, by Maurice H. Rasener.

Patriotic Women of America, by Mrs. William R. Stewart, president.

Patriotic Order of Americans, National Camp, by Mrs. Harriet Watkins, national president.

Society of New York State Women, by Mrs. Daniel Pelton Duffie, president.

Sons and Daughters of Liberty, by Matthew Kenney, national secretary.

United Daughters of the Confederacy, New York State Chapter, by Mrs. J. Harvie Dew, president.

American Defense Society, by Richard A. Charles, executive secretary.

American Vigilance Intelligence Federation, by H. A. Jung.

National Patriotic League, by H. Ralph Burton.

Ladies' Auxiliary, Order of Independent Americans, by Mrs. Maurice H. Rasener.

Military Corps of Artillery, State of New York, by Charles E. Warren.

National Sojourners, by Joseph H. Colyer, jr., and Admiral R. E. Coontz.

Sons of the American Revolution, by Josiah A. Van Orsdel, president general, and C. E. Emig.

Naval and Military Order Spanish-American War, by Robert Lee Longstreet.

American War Mothers, by Mrs. Clara L. Doocy, Mrs. N. N. Nock, and Mrs. Edward Campbell Shields.

National Society of New England Women, by Mrs. Natalie R. Fernald.

Daughters of America, by Mrs. Sadye Linkletter, national legislative chairman; Mrs. L. A. Grubbs; Helen W. Luckett; Mrs. Jessie Lowe; and Mrs. Naomi E. Swann.

Patriotic Order Sons of America, by Mr. C. H. Paul, national legislative chairman, and Herman Miller, national secretary.

Allied Patriotic Societies (Inc.), by Francis H. Kinnicutt, president.

Ridgewood (N. J.) Unit, Republican Women, by Mrs. Katherine H. Stratton, president.

National Society Daughters of the Revolution, by Mrs. Oscar Coblentz.

Daughters of the Revolution, New Jersey Society, by Mrs. Oscar Coblentz.

Daughters of the Union Veterans of the Civil War, 1861–1865, by Miss Ellen Myers, proxy for Miss Katharine Flood, chairman national legislative committee.

Dames of the Loyal Legion, by Mary D. Lightfoot, chairman national legislative committee; Mrs. Mary Logan Tucker; and Mrs. Clarence W. Bispham.

United States Daughters of 1812, by Mrs. Frank D. Callan, president.

American Legion Auxiliary, by Mrs. D. R. Reilly, proxy for Mrs. C. B. Parkhurst, legislative chairman, and Mrs. Amos Fries.

American Women's Legion, by Mrs. Acheson F. Hassan, president; Mrs. John Denby Hird; and Mrs. Edward Campbell.

Reserve Officers' Training Corps Association, by Lieut. Col. Orvel Johnson, secretary, and Amos Fries, president.

Veterans of Foreign Wars (Americanization Committee), by Capt. Edwin S. Bettleheim, jr.

Ladies' Auxiliary, Veterans of Foreign Wars, by Mrs. Clay Keene Miller, national legislative chairman.

Military Order of the World War, by John Lewis Smith, chairman legislative committee.

Junior Order United American Mechanics, by John H. Noyes, legislative chairman.

Daughters of the American Revolution, by Mrs. William Sherman Walker, Mrs. Harriet Rigdon, and Mrs. Charles Lynch.

National Society Women Descendants Ancient and Honorable Artillery, by Mrs. Charles O. Keyser, representing Mrs. Charles N. Jewett, president.

George Baldwin McCoy Unit, American Women's League, by Mrs. Charles Demonet, president, and Mrs. Harry Shanton.

Westchester Security League, by Evelyn Dent Boyer.

Maryland Daughters of American Revolution, by Mrs. Paul Scharf.

District Society Dames of the Loyal Legion, by Mrs. E. S. Alvord.

District of Columbia Society United States Daughters of 1812, by Mrs. Frederick K. Sparrow.

National Patriotic Council, by Rexford L. Holmes, secretary.

Virginia National Federation of Women's Clubs, by Miss Helen Norris Cummings.

American War Veterans' Club, by Lieut. Col. Fred B. Ryens.

The Patriotic Builders, by Mrs. F. F. Crenawalt.

Bergen County Women's Republican Club, by Mrs. H. V. D. Moore, president.

Better American Federation, by Lieut. Col. LeRoy Smith.

Daughters of the Union, by Mrs. Daniel F. Duffie, president.

The Government Club (Inc.), by Mrs. George E. Owens.

Junior Order American Vigilance Intelligence Federation, by Rachel Holmes.

Daughters of the Defenders of the Republic, by Mrs. Amanda Shaw Hirsch, president general.

CHICAGO, ILL., *December 3, 1930.*

Hon. TASKER L. ODDIE of Nevada,
Senate Office Building:

As American chairman, youth section, International Entente Against the Third International, and chairman, junior committee, National Patriotic Association, express herewith gratitude and appreciation of the young people throughout America for your courageous action in introducing the bill intending to exclude soviet products from our markets. In the years gone by the people of our country realized the danger to industry resulting from forced labor. The slaves of the South were well treated and well fed compared with this enduring forced labor in Russia. What has become of the spirit of America that we condone now a condition we obliterated in our own country? If we can put an embargo on parrots as being dangerous to our health we can certainly expect an embargo to be put on soviet shipments into the United States as being dangerous to the safety and well-being of our people and our Nation. We respectfully request an acknowledgment for our files.

RACHEL E. HOLMES.

PENNSYLVANIA SOCIETY SONS OF THE AMERICAN REVOLUTION,
Pittsburgh, Pa., December 16, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SIR: As directed by said resolutions, I am herewith inclosing to you copy of resolutions adopted by the board of management, Pennsylvania Society, Sons of the American Revolution, at meeting held Thursday, December 4, 1930.

Yours respectfully,

JOHN L. WALKER, *Secretary.*

COPY OF RESOLUTIONS PRESENTED AT MEETING OF BOARD OF MANAGEMENT, PENNSYLVANIA SOCIETY, SONS OF THE AMERICAN REVOLUTION, THURSDAY, DECEMBER 4, 1930, BY COMPATRIOTS FRANKLIN BLACKSTONE AND H. L. M'KAIN, AND UNANIMOUSLY ADOPTED

Whereas an article in the Pittsburgh Post-Gazette of December 2, 1930, contains an interview with the Hon. TASKER L. ODDIE, of Nevada, in which it is mentioned that he has introduced a bill in the Senate to ban the importation into the United States of America of all products of Soviet Russia; and

Whereas Senator ODDIE is quoted regarding said bill, as follows: "The bill not only includes articles and merchandise mined, produced, or manufactured wholly or in part in any territory subject to the jurisdiction or control of the Government of the Union of the Soviet Socialist Republics, but also includes such articles and merchandise which may be produced or manufactured in other countries from materials which have been mined, produced, or manufactured in any soviet territory.

"Our Nation is in the throes of an international depression and confronted by a most serious employment problem. The dumping of soviet lumber, pulpwood, wood pulp, matches, glue, coal, manganese ore, etc., is seriously restricting employment in these industries.

"The manganese industry, which at the beginning of 1930 was prepared to produce over 200,000 tons of metallurgical grade ore, or more than 25 per cent of domestic consumption, is now shutdown because of the dumping of soviet ore at Pittsburgh at artificially low prices.

"If an antidumping bill were to include only those soviet products most damaging to domestic industries, it would not be long before the soviet front would be shifted to the production of other commodities equally or even more disastrous in their effect upon our industries.

"It is necessary, therefore, to exclude all soviet articles and merchandise"; and

Whereas it is the consensus of opinion of the board of management of the Pennsylvania Society, Sons of the American Revolution, that the opinion as quoted to Senator ODDIE is representative of the best interests of the citizenry of the United States of America: Be it therefore

Resolved, That the board of management of the Pennsylvania Society, Sons of the American Revolution, commends the opinion of the Hon. TASKER L. ODDIE, as hereinbefore quoted, and voices an appreciation of his efforts in behalf of American citizens; and be it further

Resolved, That a copy of this resolution be sent to Senator ODDIE by our secretary, and copies also to the Hon. DAVID A. REED and the Hon. JAMES J. DAVIS, United States Senators from Pennsylvania.

NATIONAL HEADQUARTERS,
MILITARY ORDER OF THE WORLD WAR,
Washington, D. C., February 7, 1931.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: Some time ago we received a communication from you concerning your bill for embargo against imports from Soviet Russia.

Attached hereto is a copy of a resolution that was passed by the officers and general staff of the Military Order of the World War at their recent meeting, indicating the opposition of this order to Russian dumping policy.

Our commander in chief, Gen. John Ross Delafield, of New York, desires that I mail this copy to you, asking your consideration, and indicating our support of your bill, now in the hands of the Ways and Means Committee.

Copies of this resolution have been sent this week to the members of the Ways and Means Committee of the House and the Finance Committee of the Senate

Yours very sincerely,

C. NIXON,
Adjutant General Military Order of the World War.

RESOLUTION AGAINST DUMPING

Whereas it is obvious that the Soviet Republic is seeking to build gold credits from the sale of raw materials and goods in the United States, which goods are produced by convict or forced or underpaid (and undernourished) labor; and

Whereas there is need for protection of our own labor against convict, forced, and underpaid labor and further need to provide employment at home and provide for continued production of items vital to industry in the United States; and

Whereas our laws forbid the importation of goods produced by convict labor: Therefore be it

Resolved by the officers and general staff of the Military Order of the World War at their meeting January 7, 1931, at national headquarters, Washington, D. C., That the order urges the executive and legislative branches of the Federal Government to take immediate steps to protect the interests of labor and economic interests of this country, placing an embargo on importation of goods produced by forced and convict labor;

Further, that a copy of this resolution be sent to the chairman and members of the respective committees in the Senate and the House of Representatives and to the Secretary of Commerce and the Secretary of Labor.

BOTHWELL KANE POST, NO. 21, AMERICAN LEGION,
Fort Worth, Tex., January 23, 1931.

Hon. TASKER L. ODDIE (Nevada),
Washington, D. C.

DEAR SENATOR ODDIE: This letter is to express the appreciation of all veterans and active military organizations in this city of your fearless (S. 4848) bill against soviet goods and raw materials. If their funds for investment could only have been included it would be a complete block to their activities.

American Legion posts, Spanish-American War Veterans' posts (and their auxiliaries), Veterans of Foreign Wars, Disabled American Veterans, Confederate Veterans, Grand Army of the Republic post, and several civic clubs all desire me to express to you their entire support and approval and hope for success for your bill.

Very sincerely yours,

ALLAN F. MCLEAN,
Commander Bothwell Kane Post, No. 21, American Legion.

THE GOVERNMENT CLUB (INC.),
New York City, January 7, 1931.

Hon. TASKER L. ODDIE,
Senator from Nevada, Washington, D. C.

MY DEAR SENATOR ODDIE: I can not congratulate you too strongly upon the bill which you introduced "prohibiting the importation of any article for merchandise from the Union of Soviet Socialist Republics." This organization has always stood for the exposé of communist activities in this country and the nonrecognition of Soviet Russia, be it moral or commercial. I wonder if some time during the current season you could make it possible to address this organization on this subject at the Hotel Astor, New York City.

For recommendation of us you could apply to General Pershing; and while General Summerall is no longer there, he would have happily indorsed us. You may also refer to ROYAL JOHNSON, of the House, who is a member of this organization.

The following dates are available: Monday, March 2, 1931; Monday, April 6, 1931; and Monday, May 4, 1931.

Hoping one of these dates will prove available, and appreciating the courtesy of a prompt response, I am,

Faithfully yours,

BETTY E. OWENS, *President.*
(Mrs. George E. Owens.)

IZAAK WALTON LEAGUE OF AMERICA (INC.),
Clearfield, Pa., January 16, 1931.

Hon. TASKER LOWNDES ODDIE,
Washington, D. C.

MY DEAR SENATOR ODDIE: Under this same cover I am sending you a box of soviet matches. These matches are not unlike others of the "safety type," except that every penny made as profit by their sale in this country is used against the principles and political institutions of the country. It is different with matches made in Sweden, for in that case our trade makes for friendly relations and world peace.

There is something else peculiar about this particular box. It is one of several purchased at Fort Meade, in the "exchange," where they are sold at 3 cents a carton, containing 12 boxes. This same match is given out as medical supplies in the Walter Reed Hospital in Washington. Why?

With our own matchmakers idle or on part time, why must the Government spend taxpayers' money for communistic-made goods?

Wishing you every success in your endeavor to focus the spot light on this slinking, slimy reptile, I am,

Sincerely yours,

SEYMOUR BULLOCK,
National Field Representative.

PHILADELPHIA, PA., *December 3, 1930.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Having noticed the article in the New York World this morning, wherein the bill you have introduced to prohibit the importation of any articles or merchandise produced in whole or in part by the Union of Soviet Socialist Republics was prominently featured, I take pleasure in highly commending you for the action you have taken and sincerely hope your bill will be passed by an overwhelming vote in the United States Senate and the House of Representatives and that the President will approve it.

I am in hearty accord with the purposes of this bill, and firmly believe such legislation should be enacted as speedily as possible in order that the industries and workers in the United States may realize the benefits therefrom without unnecessary delay.

Sincerely yours,

W. E. BRYAN,
General President United Leather Workers International Union.

NATIONAL LEAGUE OF AMERICANS OF RUSSIAN ORIGIN (INC.),
New York City, N. Y., December 10, 1930.

Hon. TASKER L. ODDIE,
Senator, Washington, D. C.

DEAR SIR: We take the liberty of thanking you for the introduction of the soviet embargo bill.

Protecting American labor, you protect as well the Russian people, oppressed by communists and deprived of all human rights.

Your bill will contribute to better relations between the American and Russian peoples in future.

Sincerely yours,

J. J. LISSITZYN,
General Secretary.

NATIONAL LEAGUE OF AMERICANS OF RUSSIAN ORIGIN (INC.),
New York City, N. Y., January 7, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SIR: Thanking you for your kind letter of December 12, 1930, with inclosure, I hope that the inclosed appeal will provide some moral support for your soviet embargo bill.

Sincerely yours,

J. J. LISSITZYN,
General Secretary.

APPEAL TO THE AMERICAN PEOPLE

Two hundred and ten Russians, prominent in all branches of science, literature, etc., appeal to the American people. Among the signers are 67 prominent scientists (professors, Frank, Illyin, Kamenka, Struve, Nolde, Kisevetter, Lossky, Shmurlo, etc.), 23 well-known writers and journalists (Bunin, Kuprin, Merejkovsky, Aldenov, Chirikov, Gessen, etc.), 43 social and political leaders, from former ministers of empire and diplomats (Giers, Kokovtzeff, Sablin, to socialist leaders Argunoff, Avxentieff, Bourtzeff, Titoff, etc.), 19 presidents of student and alumni organizations, 9 artists (S. V. Rachmaninoff, N. N. Kedroff, etc.), 15 leading business men (P. Goukassoff, A. Gunsbourg, G. Nobel, etc.), 17 military and cossack leaders (Generals Denikin, Miller, Bogaevsky, etc.), also clergymen, physicians, and other intellectuals.

(The original appeal and signatures have been sent to Hon. Henry L. Stimson, United States Secretary of State.)

TO THE CITIZENS OF FREE AMERICA

The eyes of a country which has been great, but whose people are now starving in slavery, are turned to you.

Who among you can witness without protest tortures and countless executions? Who can remain indifferent to the persecution of religion?

Can you approve the deprivation of all goods of every member of a nation? Can you be indifferent to the fact that hundreds of thousands of persons are condemned to hard labor?

Can you allow the importation into America of the products of the work of slaves?

Do you realize that all this is being done on purpose to disorganize the economic relationship between all countries, to upset the markets of the world?

Can you suffer that this infamous power of the Third International, which has ruined Russia and is propagating ideas of treason and robbery throughout the world receive financial aid from your country?

Can you have any sympathy for the government which calls itself "the government of peasants and workers," but which has enslaved all the peasants and workers of its country? You must know that behind this so-called democratic rule is hiding a despotism which hates liberty.

LIST OF PERSONS, IN ALPHABETICAL ORDER, WHO HAVE SIGNED THE APPEAL TO THE AMERICAN PEOPLE

I. MEMBERS OF THE CLERGY

Archbishop Alexander, formerly Russian Orthodox archbishop of North America, now Russian Orthodox archbishop for Belgium and Holland and dean of the Russian Church at Brussels.

Rev. Nicholas Behr, graduated at the law faculty of the St. Petersburg University; former secretary of the ministry of foreign affairs; first secretary of the legation in Brussels; assistant chief of the chancellery of the minister of foreign affairs and of the diplomatic chancellery at general headquarters during the Great War; was appointed under the provisional government to the post of counselor of the legation in Stockholm; ordained priest in 1921; from 1927 curate of the Russian Orthodox parish church in London.

Rev. N. Ezerski, Russian Orthodox priest in Grenoble; barrister, member of the first Duma of the Empire, collaborated in the newspapers, Russkiya Vedomosti (Russian News), Slovo (The Word), and Rietch (Speech). At the time of the white movement acted as superintendent for food supply in the Tchernomorsky Province and was member of the municipal council in Novorossyisk. Emigrated to Serbia and acted as representative of the Red Cross. Was ordained in France in 1918.

Archpriest Gregory Lomako, graduated at the St. Petersburg Ecclesiastical Academy. Was priest in the Kouban region, president of the diocese council, member of the Moscow ecclesiastical council that elected Patriarch Tikhon, member of the supreme church administration in southeast Russia. Following the Novorossyisk evacuation came to France and is now curate of the Menton parish.

Protopresbyter George Shavelski, master (magister) of theology, honorary member of the St. Petersburg Ecclesiastical Academy and of the Moscow Archeological Institute. From 1915 to 1917 member of the Holy Synod, vice president of the ecclesiastical councils of Moscow (1917–18) and of Stavrpol (1919). Member of the supreme church council under the Moscow patriarch (1917–18); from May, 1918, member of the supreme church administration in South Russia. From 1923 professor at the theological faculty of the university in Sofia. President of the Russian academical group in Bulgaria.

Bishop Sergius, former bishop of the Cholm diocese (now part of Poland); at present vicar bishop in Czechoslovakia.

Archpriest George Spassky, formerly chief priest of the Black Sea fleet; now archpriest of the Alexander Nevsky Church in Paris.

II. CHIEFS OF THE RUSSIAN MILITARY ORGANIZATIONS ABROAD

Gen. N. Baratoff, lieutenant general of the general staff, former commander of the First Caucasian Cossack Division; during the Great War commander of the expeditionary corps in Persia. Was commissioned from the voluntary army as chief representative of the general commanding the armed forces of south Russia with the commander in chief of the British occupation army in Transcaucasia; Minister of Foreign Affairs in the south Russian Government; now president of the Central Union of the Russian Military Invalids Abroad.

Gen. A. Denikin, lieutenant general; during the Great War chief of staff at general headquarters and later commander in chief of the southwestern front. Former commander in chief of the white armies in the south of Russia from 1918 to 1920. Author of military treatises.

General Erdeli, cavalry general, general staff officer; during the Great War commander of the second army, and later commander of the special army of the southwestern front; was imprisoned by the Bolsheviks at Bychow at the same time as Generals Korniloff and Denikin and escaped with them to the Don region, where he took part in the first Kouban campaign; former commander in chief of North Caucasus; now president of the Union of Former Combatants of the Great War (anciens combattants russes).

Gen. N. Golovin, lieutenant general, former professor at the Nicholas Academy of the general staff; during the Great War chief of staff of the Russian-Rumanian front; represented General Denikin and Admiral Kolchak in London; was assistant to the high commander, Admiral Kolchak; was evacuated to France via Japan; held lectures on higher tactics in the French and American General Staff colleges by special invitation on the part of these colleges. Author of several military treatises, i. e., of the History of the Campaign of 1914, the Battle of Galicia, Articles on Modern Cavalry, the Problem of the Pacific in the Twentieth Century. Head of the Russian military high school in Paris.

Admiral M. A. Kedroff, rear admiral; during the Great War commanded a mining division; acted as first assistant to the minister of the marine under the provisional government; at the time of the civil war commanded the Black Sea fleet and was minister of the marine in the government of General Baron Wrangel; now president of the Army and Navy Union in Paris.

Gen. Eugene de Miller, lieutenant general; during the Great War, chief of the staff of the Fifth Army, commander of the Twenty-sixth Army Corps and representative of Russian general headquarters with King Victor Emmanuel III, of Italy, the Italian commander in chief. In 1919–20 commander in chief of the northern army (in the Mourmansk-Archangelsk region). Now president of the Russian General Military Union, abroad.

General Repieff, lieutenant general; former commander of the Eighteenth Army Corps, artillery inspector of the First Army Corps of the Russian Army at Gallipoli; now president of the Central Committee of the Gallipoli Association and president of the Gallipoli Union in France.

Gen. M. Souvoroff, lieutenant general; during the Great War staff officer attached to the commander of the Ninth Army; regimental commander and chief of staff of the Second Army. Member of the political committee under General Youdenitch at the northwestern front. Now member of the Russian National Committee and of the Union of General Staff Officers Abroad.

Gen. V. de Vitovsky, lieutenant general; former commander of the First Army Corps. Now president of the Gallipoli Association.

III. CHIEFS OF RUSSIAN COSSACK ORGANIZATIONS ABROAD

Gen. A. Bogaevsky, lieutenant general, former chief of staff to the ataman of all Cossack troops in the field; former commander of the First Cavalry Division of the Guards; commanded the Second Brigade of the Voluntary Army at the time of the "Ice Campaign"; from February, 1919, president of the Don Government under General Krasnoff, and ataman of the Don Cossacks; representative in France of the United Council of the Don, Kouban, and Terek Cossacks; honorary president of the Cossack Union and member of the emigrants committee in Paris.

Gen. E. Boukhanovsky, president of the government of the Tersk Cossacks.

N. Melnikoff, former president of the Union of Justices of the Peace at Novocherkassk, member of the Novocherkassk High Court of Justice, president of the Military Council (parliament) of the Don region, president of the Don Government, former president of the government of south Russia, former member of the Constituant Assembly; now president of the Cossack Union Abroad, editor of the review Our Native Country (Rodimy Krai).

General Naoumenko, major general, ataman of the Kouban Cossacks.

P. A. Skatchkoff, former justice of the peace for the Donetsk district of the Don region; during the Great War was divisional veterinary inspector. Member of the military council of the Don region, ataman by election of the Tchermedved district. Emigrated to Serbia and was at the head of the Union of Don Cossacks in Belgrade. Is now curator of the Don Archives in Prague.

Colonel Solomakhine, colonel, chief of the field staff of the ataman of the Kouban Cossacks.

General Toporkoff, lieutenant general; assistant of the ataman of the Kouban Cossacks.

General Vdovenko, lieutenant general; ataman of the Terek Cossacks.

IV. STATESMEN AND POLITICIANS

A. A. Argunoff, former member of the central committee of the party of social revolutionaries; former emigrant; editor of the Volia Rossii in St. Petersburg; member of the All-Russian Constituent Assembly; former member of the Resurrection Union; former member of the Siberian directorate; former editor of the newspaper the Southern Morning in the Kouban region. Now president of the central committee of the party Peasant Russia.

N. Astrov, barrister, former mayor of Moscow, member of the central committee of the party the People's Liberty, former vice president of the Union of Towns and Zemstvos, member of the Russian National Center in Moscow and south Russia.

N. Avxentieff, doctor of philosophy, member of the party of social revolutionaries (right wing), former minister of the pro-

visional government, former president of the Russian Government in Omsk (the directorate), president of the committee of Russian towns and Zemstvos; president of the Russian League for the Defense of the Rights of Man and Citizen.

V. Bourtzeff, journalist; former emigrant; editor of the newspaper the Common Cause; vice president of the Russian national committee abroad.

Victor Briansky, former assistant to the mayor of Moscow (1906–1917); representative of the All-Russian Union of Towns in Yugoslavia; member of the board of the Russian Credit Co. in Yugoslavia.

Prince Pierre Dolgoroukoff, landowner and president of the Zemstvo Council (Zemskaja Ouprava) in the Koursk Province. Member of the central committee of the party of Constitutional Democrats. Vice president of the First Duma of the Empire. Now president of the local section of the Union of Towns in Prague and president of the local section of the Russian National Committee in Prague; also vice president of the Russian National Committee in Paris.

Alexander Euler, active member of the Crimean Zemstvo; member of the central committee of the party of the People's Liberty; at present member of the Towns and Zemstvo Association in Bulgaria.

John Efremoff, member of the Duma of the Empire and leader of the Progressive Party (1907–1917); chairman of the Russian group of the Interparliamentary Union and member of the Interparliamentary Council; Minister of Justice and Minister of Social Prevision in the Provisory Government of 1917 and minister plenipotentiary of that Government in Switzerland; member of the European council of the Carnegie Endowment for International Peace; member of the International Diplomatic Academy; member of the American Society of International Law; member-correspondent of the Inter-American Institute of Law and Compared Legislation at Mexico.

Michel Fedoroff, former minister for industry and commerce in the cabinet of Count S. Witte; former counselor of the St. Petersburg municipality (member of the town duma); former editor of the St. Petersburg newspaper the Word (Slovo); during the Great War vice president of the Union of Towns and of the military industrial committee; member of the party the People's Liberty; president of the Russian National Center in Moscow and south Russia under General Denikin, president of the Russian National Union in Paris and vice president of the Russian National Committee; editor of the Struggle for Russia; president of the central committee for provision of university instruction to Russian youth abroad.

Giers, former Russian ambassador in Constantinople and in Rome; president of the council of former Russian ambassadors in Paris.

A. Goukassoff, doctor of philosophy; president of the board of the Russian Central Association; publisher of the newspaper Vozrojdenie (Resurrection) in Paris; owner of oil and shipping concerns.

A. Goutchkoff, former president of the Third Duma of the Empire; president of the parliamentary committee in Paris (composed of former members of the Russian legislative chambers); member of the Russian National Committee in Paris.

Count Paul Ignatieff, former Minister of Public Instruction; honorary member of the Russian Academy of Sciences; now president of the Russian Red Cross abroad (old organization).

Madam A. Jekoulino, from 1903 to 1919 head of a girls' college in Kiev; in 1905 opened in Kiev a private evening school of high studies for women, which was closed by the bolsheviks in 1918; was for some time representative of the union of towns in Constantinople and later in Czechoslovakia, where she is now working in the pedagogical bureau.

A. Kartacheff, former professor of the St. Petersburg Ecclesiastical Academy and of the St. Petersburg School of High Studies for Women; former Minister of Cults in the Provisional Government of Russia; now professor of the Orthodox Theological Academy in Paris and president of the Russian National Committee Abroad.

Michel Kazarinoff, formerly a well-known lawyer in St. Petersburg; occupies in the emigration the post of president of the union of Russian lawyers abroad; also member of the board of the Russian financial union and of the union of industry and commerce.

Vl. Keller, active member of the Zemstvo and municipalities; honorary justice of the peace, member of the all-Russian union of the Zemstvo, member of the central committee of the party of the people's liberty, and of the Russian national center; vice president of the refugees' committee in Bavaria.

M. Kindiakoff, member of the Duma of the Empire, vice president of the Russian National Committee Abroad, member of the emigrants' committee in France, member of the board of the Russian Red Cross (old organization).

Count W. Kokovtzoff, former Minister of Finance; former Prime Minister; chairman of the International Bank for Commerce in St. Petersburg; chairman of the Banque Internationale de Commerce in Paris; and president of the Comité Russe des organisations unifiées (Russian united organizations committee) in Paris.

A. Konovaloff, head of the firm Ivan Konovaloff & Sons—one of the largest flax enterprises in Russia; member of the Fourth Duma of the Empire, counselor of the Moscow municipality, member of the Moscow Province Zemstvo, vice president of the union of towns and of the Zemstvo Union, from 1912 member of the Duma of the Empire, Minister of Industry and Commerce in the Provisional Government, from 1924 to April, 1930, president of the Union of Towns and Zemstvos (the Zemgor) in Paris.

E. Kovalevsky, former member of the Duma of the Empire, member of the scientific committee under the ministry of public instruction, author of a number of works on the question of public instruction; now president of the secondary-school section of the Russian academical group in Paris, and vice president of the Russian National Committee.

Dr. G. Lodygensky, graduated at the Military Medical Academy in St. Petersburg; former president of the Kiev International Red Cross committee for assisting the victims of the civil war in Russia; now president of the Geneva section of the Russian Red Cross and secretary of the Auber League.

N. Lwow, former member of the First, Third, and Fourth Dumas of the Empire, vice president of the Duma of the Empire; in 1919 was editor of the newspaper, Great Russia, in south Russia; now president of the supreme council of the Russian Central Association.

Serge Maslov, former vice president of the All-Russian Council of Peasant Deputies; member of the constituent assembly, delegated by the party of social-revolutionaries; deputy president of the government of the north region; now editor of the review, Peasant Russia, and deputy president of the Labor Peasants' Party.

V. Malinine, engineer; former member of the Moscow Municipal Council (Gorodskaia Auprava); administrator of the medical and sanitary institutions of the city of Moscow; during the Great War was at the head of all lazarets for wounded and sick combatants in Moscow organized by the Moscow municipality and by private individuals.

G. Meinhard, former assistant to the attorney general of the Toula regional court of justice; justice of peace of Moscow by election of the Moscow municipality; counselor of the Moscow municipality; during the civil war in Russia was president of the special commission for investigation of Bolshevik atrocities; now secretary of the Russian National Committee Abroad.

V. Nossovitch, former attorney general of the senate supreme court of criminal appeal; senator; minister of the interior in the government of general Denikin.

Waz. Novikoff, former deputy mayor of St. Petersburg; senator; now general secretary of the Union of Industry and Commerce in Paris.

Prince Vladimir Obolensky, former member of the Duma of the Empire; now collaborates in the Russian newspaper, the Latest News (Poslednija Novosti), edited in Paris.

Countess S. Panina, known for her useful activity in the field of public instruction. In 1908 she founded in St. Petersburg a People's Home, which ministered to the cultural and educational needs of the poorest inhabitants of the city. In 1917 was undersecretary for public instruction in the provisional government. Is now at the head of the Russian Home (Russki Ochag), a cultural and educational center for the Russian emigrant students in Prague. President of the Russian Women's Society for Mutual Aid in Czechoslovakia and of the Russian section of the Czechoslovak Association of the I. F. U. W. (International Federation of Women with University Education).

P. Pereverzeff, St. Petersburg solicitor; member of the party of social revolutionaries; minister of justice in the provisional government.

Vladimir Rafalsky, formerly of the Russian diplomatic service; was attached to the embassies in Constantinople, Rome; was later in Prague.

E. Sabline, born in 1876 in Russia; entered Russian diplomatic service in 1889; secretary of the legation in Belgrade; special mission to Sofia and Vienna; chargé d'affaires in Morocco; secretary of the Russian delegation at the conference in Algeciras; first secretary in Teheran; chargé d'affaires in Teheran; counselor of the embassy in London; last Russian chargé d'affaires in Great Britain; represented in London Admiral Kolchak, General Denikin, and Gen. Baron Wrangel; actually president of the Russian Refugees' Relief in London.

Henri Sliosberg, formerly solicitor in St. Petersburg, member of the Law Society. In 1891 collaborated with the commission delegated to Russia by the American Congress for the study of the Jewish question. Defended the interests of Russian Jewry together with Baron Horace Gunzburg. From 1897 participated in the Jewish Colonization Association; former president of the Jewish Society in St. Petersburg; president of the O. R. T.; organizer and active member of the Ekoro; former member of the central Semitic relief committee for victims of the war; former member of the Council of the Ministry of Interior; honorary president of the relief committee for Jews in Paris; president of the Relief Society for Russian Jews belonging to the intelligentsia.

Nicolas Tagantzeff, senator, now president of the union of former members of the bar in Russia.

N. Teslenko, barrister, member of the Duma of the Empire, representing the city of Moscow; now president of the Association of Russian Lawyers in France; member of the party of People's Liberty.

Alexander Titoff, born in Rostoff, Russia, in 1878; took his doctor degree in Leipzig; was active member of the Zemstvo and of the Moscow municipality. During the war was member of the head committee of the All-Russian Union of Towns and of the Union of Zemstvos and Towns; organized the supply of drugs for these organizations and several chemical factories for supply of the army. In the government of Prince Lvoff and of Kerensky was undersecretary for food and supply. Professor of the Moscow University. Member of the party of National Socialists. Since 1920 is living in Paris, where he is directing an important laboratory of bacteriological products.

I. Thorjevsky, former undersecretary of agriculture at the time when Krivoshein was minister; member of the board of the Russian Bank for Trade and Industry in Paris; writer and poet.

Mme. A. Tyrkova-Williams, writer, journalist; from 1906 to 1917 member of the central committee of the party of the People's Liberty. Left Russia in 1918 and settled in England, together with her husband, a well-known journalist on the staff of the Times. Wrote, in joint authorship with her husband, a novel out of the time of the Russian revolution called "Hust of Darkness," and the history of the first years of the revolution under the title "From Liberty to Brest-Litovsk."

N. S. Vostrotin, former member of the Duma of the Empire; member of the central committee of the party of the People's Liberty; vice president of the Russian National Committee Abroad.

Yureneff, engineer, member of the central committee of the party of People's Liberty; former minister of ways and communications under the provisional government; deputy mayor of Moscow; member of the executive committee of the Zemgor (Union of Towns and Zemstvos); president of the provisional committee of the All-Russian Union of Towns Abroad.

W. Zeeler, barrister, president of the committee of the party of People's Liberty for the Don region and municipality; commissar in Rostov-on-the-Don under the provisional government; minister of the interior of the south Russian government under General Denikin; now member of the executive committee of the Zemstvo and Towns' Council Abroad.

N. Zvorikine, formerly barrister at the Moscow High Court of Justice; president of the Northern Agricultural Society of St. Petersburg, honorary justice of peace, member of the Société d'Economie Sociale, Société d'Economie Politique, Société des Agriculteurs de France, and others; author of many books on economic questions, vice president of the society, The Study of Russia.

V. SCIENTISTS

V. Agafonoff, former professor of mineralogy, geology, and study of the soil at the University of Simferopol. Works at present in the laboratory of physical geography of the Paris University (The Sorbonne) on the study of soil.

Al. Antziferoff, professor, doctor of political economy and statistics, former senior professor of the University of Kharkov, and of the High Commercial Institute of Kharkov; former director of the School of High Studies for Women; Professor of the Russian law faculty at the Paris University (The Sorbonne); president of the Russian academical group in Paris; member of the Russian National Committee; vice president of the central committee for providing university instruction to Russian youth abroad.

A. L. Baikoff, former professor of international law at the Moscow University; now professor of the same subject at the Russian law faculty of the Paris University (The Sorbonne).

Prof. B. Baskakow, major general of the general staff; former professor at the Nicolas Academy of the general staff in St. Petersburg; member of the Russian Scientifical Institute, in Belgrade.

A. L. Bem, former qualified curator of manuscripts at the Russian Academy of Sciences, lecturer of Russian language at the Carlov University of Prague, secretary of the Pedagogical Bureau at Prague, member of the central committee of the party, Peasant Russia; journalist and scientist.

M. Bernatzky, former professor of political economy at the St. Petersburg Polytechnical Institute, former minister of finance of the South-Russian Government, financial adviser of the Council of Former Russian Ambassadors in Paris.

J. Bieckermann, scientist, writer, author of a well-known book, Don Quijote and Faust; and of several treatises on sociology, and on the Jewish question.

Prof. A. Bilimovitch, former rector of the University of Novorossyisk, superintendent of public instruction of the school district of Odessa, now professor at the University of Belgrade and member-correspondent of the Serbian Academy of Sciences.

A. Braunstein, professor at the medical faculty of the Moscow University, is now practicing as doctor in Berlin.

Prof. N. Boubnoff, former professor of the University of St. Vladimir in Kiev; now professor at the Lublin University in Yugoslavia.

Prof. S. S. Demosthenov, senior professor of political economy at the University of Sofia.

Prof. D. A. Dobroclonsky, doctor of church history, professor emeritus of the University of Novorossyisk, professor at the School of High Studies for Women; now professor at the theological faculty of the Belgrade University, president of the Society of Russian Scientists in Yugoslavia.

Prof. B. Eliachevitch, former professor of civil law at the economic section of the St. Petersburg Polytechnical Institute (from 1902 to 1918), and at the School of High Studies for Women (1909–1918); former member of the Council of the Ministry for Industry and Commerce; from 1900 to 1905 was member of the Liberation Union.

Assistant Prof. B. Evreinoff graduated at the faculty for history and philology of the St. Petersburg University. Was justice of the peace in the Olga district of the Koursk Province; took part in the civil war in south Russia on the side of the voluntary army; severely wounded, he was evacuated to Saloniki; is now in Prague getting ready to qualify for the degree of reader and master of Russian history; has published several learned treatises; is member of the association of republican-democrats.

Prof. V. Farmakovski, former professor of the Polytechnical Institute at Kiev; now professor of the technical faculty of the Belgrade University.

Prof. S. Frank, professor of philosophy at the Moscow University; author of the books The Object of Knowledge, The Soul of Man, The Spiritual Base of Society, and others; now professor of the Russian Scientific Institute in Berlin.

Prof. V. Frantzeff, member of the Russian Academy of Sciences; former professor of Slav philology at the Kiev University of St. Vladimir; former professor of the Warsaw University; now member of the Bulgarian Academy of Sciences; professor of the Carlov University in Prague; author of numerous treatises on Slav philology.

Prof. N. P. Georgievsky, doctor of political economy and statistics. Senator. Former professor of the St. Petersburg University; former director of the central statistical committee and president of the statistical council in St. Petersburg; honorary member of the royal statistical society and the American statistical association; professor of statistics at the Russian law faculty in Prague.

N. Gloubokovsky, professor, doctor of divinity, member of the Russian Academy of Sciences; doctor of theology; professor of the St. Petersburg Ecclesiastical Academy and of the St. Petersburg University; now professor of the Sofia University in Bulgaria.

Doctor Ignatovsky, professor of medicine, former senior professor of the Warsaw University and later of the University in Rostov-on-the-Don; senior professor of the Belgrade University (in Serbia), director of the university clinic of medicine, vice president of the Russian-Serbian doctors' association.

Prof. Dr. I. Ilijin, professor of the Moscow University; author of the book The Philosophy of Hegel, and of others; now professor of the Russian Scientifical Institute in Berlin and editor of the review, The Bell (Kolokol).

Prof. W. Ilijin, director of the Ekaterinoslav regional institute for agricultural research; assistant professor of the Ekaterinoslav University; now professor of the Russian Agricultural Cooperative Institute in Prague, and professor of the Russian Pedagogical Institute in Prague.

Prof. N. Jekouline, professor of political economy and statistics; member of the Slav Institute in Prague; lecturer at the economic section of the Prague Polytechnical Institute.

Prof. John Joukoff, former professor of chemical technology at the Kiev Polytechnical Institute; former director of the laboratories of the All-Russian Sugar Factory Owners' Association in Kiev. Now member of the Academical Union, adviser to the sugar department of the Skoda works.

Prof. A. Kamenka, former professor of the St. Petersburg University; now professor at the Russian Scientifical Institute in Berlin; collaborates in the newspaper Rul (The Helm).

Dr. L. Kepinoff, former assistant professor of the St. Petersburg Military Medical Academy; now works for the Pasteur Institute in Paris and is secretary to the Russian Academical Group in Paris.

Prof. A. Kichensky, former professor of pathological anatomy at the Novorossyiski University in Odessa; former rector of this university; president of the committee for the struggle against tuberculosis in Prague, and vice president of the Russian Academical Group in Czechoslovakia.

Prof. A. Kisevetter, former professor of Russian history at the Moscow University, editor of the monthly review Rousskaya Mysl (the Russian Thought) and of the newspaper Rousskiya Viedomosti (Russian News); author of a treatise on the history of Russian cities; member of the central committee of the party of People's Liberty (cadets); member of the Douma of the Empire elected by the city of Moscow in 1907; now professor of Russian history at the Carlov University in Prague.

Prof. Dr. D. Konjeff, former professor of the Veterinary Institute in Kharkoff; now professor at the Belgrade University.

Prof. V. Korentchevsky, former professor of the Military Medical Academy in St. Petersburg; now president of the academical group in London, president of the London Committee for the Assistance of Russian Students, president of the Second Congress of Russian Scientists in Prague, director of the Lister Institute in London.

Prof. A. Kossitsky, former professor of the Polytechnical Institute in Kiev, professor of the Belgrade University.

Prof. A. Kopyloff, former professor of the Polytechnical Institute in Novotcherkassk (Don region); now professor of the Lubliana University in Yugoslavia.

Prof. Dr. St. Kulbakine, former professor of the Kharkov University; member-correspondent of the Russian Academy of Sciences; now professor at the Belgrade University and member-correspondent of the Serbian Academy of Sciences; member of the Slav Institute in Prague; member of the Committee of the Russian Scientifical Institute in Belgrade.

Prof. N. Kulman, former professor of Russian language and literature at the Pedagogical Institute for Women, at the School of High Studies for Women, at the Military Academy of Law, and at the Music Conservatory in St. Petersburg; was member of the commission for award of the Poushkin prizes at the Academy of Sciences. Former member of the board of the Nicolaev Works and Wharfs Co., of the Russian Shipbuilding Co., of the Hartman Enginebuilding Co., and of the Kharkov Enginebuilding Co. From 1923 lectured on the history of the Russian language and literature in Serbia; from 1930 appointed as lecturer of Russian language at the Paris Sorbonne.

Prof. Dr. V. Laskareff, former senior professor of geology at the Novorossyisk University; now professor of the Belgrade University.

Prof. A. Lebedieff, former professor of the St. Petersburg Mining Institute; now professor of the Belgrade University.

Prof. N. Lossky, former professor of philosophy at the St. Petersburg University; now professor on the same subject at the

Russian University in Prague. His chief books are: The Intuitive Basis of Knowledge, Macmillan, 1919; Handbuch der Logik, Leipzig, 1927; The World as Organic Whole, Oxford, 1928; L'Intuition, la Matière et la Vie, Paris, 1928; The Freedom of the Will (in preparation).

André Mandelstamm, doctor of international law; professor of the St. Petersburg University; member of the Institute of International Law and of the International Diplomatic Academy; former first dragoman (translator) of the Russian embassy in Constantinople; former legal adviser at the Russian Ministry of Foreign Affairs.

Prof. A. Makletzoff, former professor of criminal law at the Kharkov University; now professor of the Lubliana University in Yugoslavia.

Prof. Dr. I. Markoff, former senior professor of the Kiev Polytechnical Institute; now senior professor at the agronomical faculty of the Belgrade University; president of the Union of Russian Agronomers and Foresters in the Kingdom of Yugoslavia.

Prof. A. Markoff, master (magister) of financial law; former lecturer at the Commercial Institute in Kharkov; lectured on economic geography at the Russian Commercial Institute and on political economy at the Franco-Russian Institute of Social and Economic Sciences in Paris; collaborates in the Russian newspapers Poslednlya Novosti (The Latest News) and Rul (The Helm); member of the Association of Republican Democrats.

Prof. S. Metalnikoff, former professor of biology at the St. Petersburg University; former director of the Biological Institute in St. Petersburg; now director of the biological laboratory of the Pasteur Institute in Paris; author of numerous treatises on biology and bacteriology.

Prof. M. Michelson, master (magister) of financial law; assistant professor at the Lausanne University; reader of financial law at the Moscow University; former financial expert at the Russian Political Council in Paris; now professor of the Russian Commercial Institute, at the Russian faculty of law, and at the French-Russian Institute in Paris; administrator of the Committee of Russian Commercial Banks in Paris.

Prof. V. Nikitin, former professor of the St. Petersburg Mining Institute; now professor of the Lubliana University in Yugoslavia.

Prof. Baron Boris Nolde, former professor at the faculty of law of the St. Petersburg University; member of the Institute of International Law in St. Petersburg; former member of the Permanent Court of Arbitration at The Hague (la Cour permanente d'Arbitrage de La Haye).

Prof. M. Novikoff, former professor of the Moscow University; dean of the faculty for physics and mathematics and rector of the Moscow University; former counselor of the Moscow municipality; former member of the Duma of the Empire, representing the city of Moscow; rector of the Russian People's University in Prague; and professor at the Carlov University in Prague.

Prof. P. Ostrouchov, former professor of political economy and statistics at the St. Petersburg Polytechnical Institute, now reader (privat docent) on the same subjects at the Russian faculty of law in Prague.

Professor Doctor Pavlovsky, surgeon and bacteriologist, former professor of surgery at the Kiev University, now practitioner in the town Soroka in Bessarabia (Rumania).

Prof. Alexander Pilenco, former professor of international law at the St. Petersburg University, professor at the Alexander Lyceum in St. Petersburg, counselor of the St. Petersburg municipality, former editor of the foreign department of the newspaper Novoye Vremia (New Time), professor of the Carnegie Hague Academy, professor at the faculty of law of the Paris University (the Sorbonne), former commercial agent of General Denikin's army in Constantinople.

Prof. G. Pio-Uisky, professor emeritus of the St. Petersburg Polytechncal Institute, professor at the Institute of Ways and Communication, now professor of the Belgrade University, president of the Russian Engineers' Union in Yugoslavia.

Prof. Dmitry P. Riaboushinsky, graduated at the Moscow University; assistant professor of the Moscow University; founder of the Aerodynamic Institute of Koutchino, near Moscow, and director thereof; emigrated to France in 1918; docteur ès sciences (Paris University, 1922); member of the board and research professor of the Institut de Mécanique des Fluides (Paris University) and associate director of the laboratory of this institute; member of the board of the Russian academic group in Paris; president of the Société Russe de Philosophie des Sciences; author of many scientific publications on mathematics, aerodynamics, and hydrodynamics.

Prof. P. Rychkoff, former dean of the engineering section of the Kiev Polytechnical Institute, former dean of the railway section of the People's University at Kiev, now professor of the technical faculty of the Belgrade University.

Prof. S. Savitch, former professor of the Electrotechnical Institute and of the School of High Studies for Women in St. Petersburg, advisor on insurance questions at the ministry of ways of communication and at the ministry of finance, member-correspondent of the Institute of Actuaries in London and of the Institut des Actualités Françaises in Paris.

Prof. Dr. N. Saltykow, doctor of mathematics, former professor of higher mathematics at the Kiev Polytechnical Institute, and later at the Kharkov University; former mayor of Kharkov; now professor of the Belgrade University; vice president of the Russian academical group in Yugoslavia and member of the board of the Russian Scientifical Institute in Belgrade; honorary member of the Brussels Mathematical Society; president of the Russian National Committee in Belgrade; member of the Russian National Committee in Paris.

Prof. B. Scheglovytoff, former professor at the Institute for Civil Engineers in St. Petersburg, former director of the Moscow-Kourak and Syzran-Vlazma railways, former administrator of the exploitation of all state and private railways in Russia, former president of the central committee for the regulation of cargo lines on the whole net of Russian railways, professor of exploitation and construction of railways at the Belgrade University.

Prof. E. Shmurlo, former professor of Russian history in St. Petersburg, qualified correspondent of the Russian Academy of Sciences for the research and publication of historical documents in Rome (concerning the relations between Russia and Italy).

Prof. Dr. E. Spektorsky, former rector of the Kiev University; now professor of the Belgrade University; president of the Russian Scientific Institute in Belgrade.

Prof. Alex. Stéboute, former professor of the Tauris University; professor of the Moscow Agricultural School for Women; former president of the Moscow Agricultural Society; now professor of the Belgrade University; member of the International Agricultural Institute in Rome; member-correspondent of the Czech Agricultural Academy; member of the Yugoslav Agricultural Society.

Peter Struve, born at Perm, 1870; economist and political writer; professor of political economy and economic history at Petrograd; actual fellow of the Russian Academy of Sciences; H. c. LL. D. (University of Cambridge, England); since 1901 actively engaged in the struggle for constitutional reforms; member for Petrograd of the Second Duma of the State (1907); 1920 acting as minister of foreign affairs in the government of General Wrangel; chief work on Economics, Economy, and Price, two volumes, Petrograd, 1913–1917 (in Russia); vice president of the Russian National Committee in Paris.

Prof. St. Svistchoff, former professor at the St. Petersburg Polytechnical Institute; former director of the Military School of Topography; now professor at the Belgrade University; directs the work of the scientific section of the Military Institute of Topography.

Prof. Dr. Th. Taranovsky, historian of Slav law; former university professor; now senior professor at the Belgrade University; member of the Bulgarian Academy of Sciences; member of the Slav Institute in Prague; president of the Russian academical group in Yugoslavia; president of the Union of Russian Writers and Journalists Abroad.

Prof. N. Timacheff, former professor of the general theory of law at the economic faculty of the St. Petersburg Polytechnical Institute; abroad, acted till 1927 as member of the Russian Scientific Institute in Berlin; is now professor of the Russian Institute attached to the Paris University and collaborates in the newspaper Vozrojdenie (Resurrection).

Prof. Igor Tjutrjumoff, senator; former counselor of the St. Petersburg municipality; now professor of civil law at the University of Youriev.

Prof. A. Van der Vliet, former senior professor at the St. Petersburg Polytechnical Institute; former director and professor of the Imperial Institute for Forestry; now professor at the Czech Polytechnical High School in Prague.

Prof. Al. Vilkoff, doctor of philosophy of the Berlin University; former professor of financial law at the Don University; now dean and professor of the Russian law faculty in Prague and president of the Society of Russian Barristers in Prague.

Prof. S. Zavadsky, senator; former professor of the St. Petersburg University and of the Alexander Lyceum in St. Petersburg; now professor of the Russian faculty of law in Prague.

Prof. Wassily Zenkowsky, professor of philosophy at the Kiev University from 1915 to 1918; from 1920 to 1923 at the theological faculty in Belgrade; from 1923 to 1926 at the Pedagogical Institute in Prague; from 1926 at the Theological Institute in Paris; from 1923 president of the Russian Pedagogical Bureau abroad, and president of the Russian Christian Students Movement.

VI. PERSONS WORKING IN THE FIELD OF FINANCE, TRADE, AND INDUSTRY

V. Archaouloff, technical engineer; constructor of the J. Cockerill factory in Belgium; engineer to the Caucasus & Mercury Co.; chief engineer of the Poutiloff Works; constructor of the Baltic Works of the Russian Navy; chief engineer of the St. Petersburg Metal Works; president of the board of the Caucasus & Mercury Co.; member of the board of the Russian Steamship & Trading Co. (Ropit), member of the technical committee of the Ministry for Industry and Commerce; now member of the Russian Union of Industry, Commerce, and Finance in Paris.

P. Bourychkine, graduated at the law faculty of the Moscow University and at the economic section of the Moscow Commercial Institute; owner of the Moscow firm J. V. Bourichkine & Co.; deputy mayor of Moscow; assistant president of the All-Russian Union of Towns; senior member of the financial committees of the Moscow and Nijni Fairs; during the civil war in Russia was minister of finance in the government of Admiral Kolchak; now member of the Russian Union for Industry, Commerce, and Finance abroad, and professor at the Russian Commercial Institute in France.

A. Bylinine, managing director of the Rossiya Insurance Co.; member of the board of the Siberian Trade Bank; now member of the board of the Société Commerciale et Financière Caross.

Al. Fenine, former president of the Council of the South Russian Mining Congresses; chairman of several coal companies in the Don mining region in south Russia; Minister of Industry and Commerce in the south Russian government of General Denikin.

Assistant president of the academical group of Russian professors in Czechoslovakia; professor of the Mining Academy in Przybram. Lecturer in the Russian People's University in Prague; member of the Prague section of the Russian National Committee.

Paul Goukassoff, former member of the Council of the Empire representing industrial circles; former counselor of the Bakou municipality; chairman of the congresses of Bakou oil owners; honorary justice of the peace; founder and president of the Caspian Co. and the Caspian pipe line; former member of the board of the Russian Union of Industry and Commerce; chairman of the Russian Bank for Industry and Commerce, and of several industrial and oil concerns; now vice president of the Union of Commercial, Industrial, and Financial Workers Abroad.

Baron Alfred de Gunzbourg, son of Baron Horace Gunzbourg, the well-known banker and philantropist. Mining engineer; former managing director of the Lena Co. in east Siberia. During the Great War officer in the Russian Army. Now honorary president of the Société de secours aux Juifs russes (Russian Jews Relief Society) and of the Comité de secours aux Intellectuels juifs de Russie (committee for assisting Russian Jews of the Intelligentsia), and president of the Russian-Jewish community in Paris.

N. N. Isnard, civil engineer; represented in Petrograd the Council of the Congresses of Baku Oil Owners; vice president of the All-Russian Council of the Congresses of Representatives of Industry and Commerce; vice president of the central committee of War Industry; now president of the Union of Russian Engineers in France; and vice president of the Russian Union for Commerce, Industry, and Finance Abroad.

B. Kamenka, president of the board of the Azoff-Don Bank; chairman of the Rossiya and Kaross insurance companies; member of the board of the Nobel Bros. Oil Co.; administrateur de la Banque des Pays du Nord à Paris and Administrateur du Crédit Général de Belgique à Bruxelles.

Etienne Lianosoff, graduated at the Moscow University in physics and mathematics and in law; founded the Russian Oil Trust; during the civil war in Russia was prime minister and minister of foreign affairs in the northwestern government of General Youdenitch. Now member of the Russian Union for Commerce, Industry, and Finance Abroad and member of the Russian National Committee in Paris.

E. Lubovitch, former managing director of the Federation of Trade and Industry of Russia; former vice president of the Union of Trade and Industry of St. Petersburg. At present vice president of the Russian Financial Industrial and Commercial Association in Paris.

Gustav Nobel, director of the company "Nobel Bros."

B. Sokoloff, managing director and assistant president of the Council of the Congresses of Mine Owners in South Russia. Now general secretary to the International Group of Owners of Mining and Metallurgical Enterprises in South Russia; member of the committee and of the Board of the Russian Union for Commerce, Industry, and Finance; member of the Central Committee for Providing University Instruction to Russian Youth Abroad; member of the Russian National Committee Abroad.

P. Theakston, former managing director of the Company for the Sale of Products of Russian Metallurgical Works (syndicate of Russian metallurgical works) in St. Petersburg. Now chairman of the Salamandra Insurance Co. and of the Danish Reinsurance Co.. (Reassurance Compagnie Salamandra, A/S Copenhagen).

S. Tretiakoff, former member of the Moscow stock-exchange committee; chairman of several important textile limited companies in Russia. Now vice president of the Union of Financial, Industrial, and Commercial Workers and member of the Russian National Committee in Paris.

Volnovsky-Krieger, engineer, former director of the Vladikavkaz railway; former minister of ways and communications. Now member of the Council of the Union for Commerce, Industry, and Finance Abroad.

VII. WRITERS AND JOURNALISTS

M. Aldanov, national socialist; writer; author of the novels the Ninth of Thermidor, the Island of St. Helena, Devil's Bridge, Contemporaries, etc.

I. Bounakoff-Foundaminsky, member of the party of social revolutionaries; editor of the review Contemporary Notes (Sovremennyia Zapiski); writer.

A. Bunge, journalist; was lawyer in St. Petersburg.

I. Bunin, honorary member of the Russian Academy of Sciences in the literary section; well-known Russian author. His works have been translated into nearly all European languages.

B. Brutzkus, economist, author of the book, Socialist Economy, and of many treaties in the domain of national business and economics; professor of the Scientifical Institute in Berlin.

Valery Carrick, author and illustrator of folk tales; a learned authority on Russian folklore.

A. Fedoroff, writer; professor at the High Cooperative School in Sofia, Bulgaria.

I. Hessen, member of the Second Duma of the Empire, member of the central committee of the party of People's Liberty; formerly editor of the newspaper, Rietch (the Speech) and of the law review, Pravo (the Right) in St. Petersburg; now editor of the newspaper Rul (the Helm).

Madam Z. Hippius, authoress, poetess, critic (pseudonym, Anton Krainy).

A. Jablonovsky, journalist, vice president of the United Association of Russian Writers and Journalists Abroad.

A. S. Isgojeff, contributed to the newspaper Rietch (the Speech) and to the review Rousskaya Mysl (the Russian Thought); journalist; member of the central committee of the party of People's Liberty; author of the books, the Communal Law (1905) and Russia and Revolution (1911). Now contributes to the Russian newspaper, the Struggle for Russia, Rul (the Helm), Sevodnia (To-day), and Russia and the Slav World.

A. Kuprin, well-known Russian author; wrote the books, the Pit, the Duel, the Grenadine Bracelet, all of which have been translated into foreign languages, and others.

Gr. Landau, writer; author of the book, the Twilight of Europe, and of numerous works of scientific research on questions of law, politics, etc.; is one of the editors of the newspaper Rul, in Berlin.

Ivan Lukash, writer and journalist; during the Great War military correspondent on the front; enlisted afterwards as a volunteer; took part in the civil war in the army of General Wrangal; author of numerous novels; the Flames of Moscow has been translated into foreign languages and was edited in New York in 1930, by the Macmillan Co.

S. Melgounoff, national socialist; historian; writer; one of the founders of the review, the Struggle for Russia; editor of the review the Past and the Voice of the Past in Foreign Lands; author of the books, Alexander I, Red Terror, Admiral Kolchak, N. V. Tchaikovsky, and others.

D. Merejkovsky, well-known Russian author; wrote the following books which are translated into foreign languages: Leonardo da Vinci, Peter the Great, Julian the Apostate, Resurrected Gods, the Downfall of Atlantis, and others.

W. Nabokoff-Sirin, poet; author of the novels: Loujin's Defense, King, Lady, and Valet; translator of Hamlet.

W. Nemirovich—Danchenko, Russian writer and journalist. Author of well-known essays on the Russian-Turkish War of 1876–1878.

J. Semenoff, doctor of law of the Paris University; editor of the newspaper Vozrojdenie (Resurrection); member of the party of People's Liberty.

Voldemar Tatarinoff, writer and journalist; contributes to the newspaper Rul in Berlin.

Eug. Tchirikoff, well-known writer. Author of the novels Youth, the Tarkhanoff Family, the Beast from the Abyss, and others.

B. Zaitzeff, well-known Russian writer, author of the novels, the Golden Pattern, Serge Radonejsky, Athos, and others.

Prof. C. Zaitzeff, formerly at the head of the municipal economic department of the ministry of interior; now professor of administrative law at the Russian Law Faculty in Prague; editor of the weekly paper, Rossyia i Slavianstvo (Russia and the Slav World) in Paris; member of the Russian national committee.

VIII. ARTISTS AND MUSICIANS

Albert Benois, well-known painter in water colors.

John Denissoff, a member of the well-known N. N. Kedroff quartet.

Madam S. Gladkaia-Kedroff, formerly singer at the Imperial Opera in St. Petersburg and Moscow; professor at the Imperial Conservatory of Music in St. Petersburg. Now professor at the Russian Conservatory of Music in Paris, and at the École Normale de Musique in Paris.

T. Kasakoff, a member of the well-known N. N. Kedroff quartet.

Constantine Kedroff, a member of the well-known N. N. Kedroff quartet.

Prof. N. N. Kedroff, leader and organizer of the N. N. Kedroff quartet. Formerly a singer at the Imperial Opera in St. Petersburg and Moscow; professor at the Imperial Conservatory of Music, and at the Imperial Court Choir. Now vice director and professor of the Russian Conservatory of Music in Paris.

Sergei Rachmaninoff, famous Russian pianist and composer.

Dm. Stelletsky, well-known Russian artist.

Nicolas Tcherepnine, well-known pianist and composer; director of the Russian Conservatory of Music in Paris.

IX. PHYSICIANS AND SURGEONS

Prof. S. Abramoff, former professor of pathological anatomy at the Moscow Medical High School for Women; from 1922 to 1925 professor of pathological anatomy at the Sofia University in Bulgaria. At present director of a laboratory for medical analyses in Paris laboratoire de la rive gauche; author of numerous scientific treatises and of handbooks on bacteriology and pathological anatomy.

Prof. I. Alexinsky, M. D., professor of surgical pathology at the Moscow University; member of the First Duma of the Empire; during the Great War directed the medical section of the Russian Red Cross with the armies of the southwestern front; now president of the Union of the Russian Medical Organizations Abroad; president of the Society of Russian Doctors in France; president of the Russian Patriotic Union, and president of the committee for the assistance of the families of those who died for their country.

Doctor Prokopeniko, oculist of the Russian Red Cross; lecturer at the College of the Social Sciences in Paris.

Dr. S. Sieroff was on the staff of the clinic of the military medical academy in St. Petersburg; during the civil war was chief of the sanitary section of the north Caucasian front; is now physician of the Russian Red Cross and is an active worker in the social and clerical field.

Doctor Tchekounoff, director of the Essentuki mineral water resort in the Caucasus; now physician of the Russian Red Cross in Paris; is engaged in sociological activities.

X. LEADERS OF LABOR ORGANIZATIONS

S. Gorodetzky, former president of the Archangel court of justice; during the revolution directed the law department in the provisional government of the northern region; in the emigration, president of the union of members of the bar in Berlin; now president of the Russian labor union in Paris.

G. Boutleroff, mining engineer; former chairman of the Vyksunsky Metallurgical & Mechanical Works (Ltd.); former member of the St. Petersburg municipal council; former minister of industry in the northwestern government under General Youdenitch; now president of the mutual-aid found of Russian Commercial Institute in Paris.

N. Krichevsky, former commander of the Kouban Plastoun division (Cossack sappers); in the emigration, president of the Russian labor union (1924–1927); journalist; contributes to many Russian emigrant newspapers.

XI. YOUNG RUSSIA

Paul Bogdanovitch, colonel; chief of the National Association of Russian Scouts.

Alexander Checan, graduated at the Sofia State University; president of the Union of Russians, who graduated at high schools abroad.

Boris Cernavin, engineer; president of the office of students' groups in Prague; foreman of the electromechanical sections; manager of the Prague Home of the Young Russians' Union.

Alexander Chitkov, president of the Union of the Russian Emigrant Students' Associations; senior of the National Union of Slav Youth in Prague; graduated at the Russian High School of Law in Prague; and at the mechanical section of the Prague Polytechnic Institute. Member of the Russian national committee.

Paul Eronine, president of the Emigrant Students' Union in Paris.

G. Gotua, president of the Russian Students' Union at the Belgrade University in Yugoslavia; president of the National Students' Club in France; is lecturing at the Institut d'Etudes Slaves (Slav Studies Institute) of the Paris University.

Vlad. Lazarevski, doctor of law; graduated at the "École Libre des Sciences Politiques" in Paris; journalist; general secretary to the Federation of the Russian Unions of Persons who Graduated at High School Abroad; former vice president of the Central Union of the Associations of Russian Emigrant Students'; and editor of the monthly review Gody (the Years).

S. Markoff, president of the Union of Technical Students in Yugoslavia.

George Maximovitch, president of the Corporation of Russian Students in Yugoslavia.

Alexander Nikitin, graduated at the law faculty of the Petrograd University; now secretary to the Russian Christian Students' Movement Abroad.

K. Orloff, president of the Union of Russian Students in Mathematics of the Belgrade University.

Pianoff, secretary to the Russian Christian Students' Movement in France.

D. Romanoff, president of the Cossack Students' Union in Paris.

Dr. Elie Savtchenko, graduated at the Russian Faculty of Law in Prague; was attached to the Faculty of International Law in order to prepare for a professorship; former president of the Russian union of persons who graduated at high schools abroad; now president of the Federation of the Russian Unions of Persons who Graduated at High Schools Abroad; author; has published Les Insurgés du Kouban.

Victor Sazonow, engineer, honorary assistant president of the Office of Students' Groups in Prague, president of the special fund for the assistance of Russian students in Czechoslovakia.

P. Stankevitch, president of the Union of Russian Students of Agriculture and Forestry in Yugoslavia.

A. Tzedko, president of the Union of Students of Theology in Belgrade.

Valentine Vlassief, graduated at the Russian Faculty of Law in Prague and at the Agricultural Cooperative Institute in Czechoslovakia, president of the union of Russians who graduated at high schools in Czechoslovakia, vice president of the Federation of Russian Unions of Persons who Graduated at High Schools Abroad.

A. Zankevitch, engineer and agronomist, president of the Yugoslav section of the federation of Russians who graduated at high schools abroad.

Even though the country where slavery is law be far away from free America, can you remain indifferent to its misery?

The grandeur, the culture, and wealth of a country create moral obligations for its citizens.

You have always been true to the great principles of honor, equality, and liberty. You can not stretch out your hand to a despot who is trampling these principles under his feet.

That is why the Russian people who are suffering so acutely turn their eyes to the citizens of a great free country in the hope that your country will not hinder the Russian people in their fight for freedom against their tyrants.

Remember that everyone who buys the products of slaves in Russia, who mistakes the communist power for the true Russian Government and who grants financial aid to it supports the communist government at a moment when it is on the point of breaking down.

In the name of the great past and brilliant future of your country, be a friend and an ally of the great Russian people but not of Russia's torturers.

Michel Fedoroff, Giers, Sergei Rachmaninoff, Eugène de Miller, E. Sabline, General V. de Vitkovsky, Archiprêtre Georges Spassky, Gustav Nobel, A. Denikine, A. Bogaevsky, V. Bourtzeff, Admiral M. A. Kedroff, A. Konovaloff, M. Bernatsky, I. Bunin, N. Golovine, N. Lwoff, A. Goutchkoff, A. Kuprin, N. Avxentieff, A. Kartachoff, Serge Maslov, A. Argunov, Henri Sliosberg, S. Zavadsky, Prof. Dr. Peter Struve, LL. D., Etienne Lianosoff, Prof. D. Kichensky, Evêque Sergius, Prof. V. Korentchevsky, Prof. A. Kisevetter, D. Merejkovsky, Z. Hippius, Alfred de Gunzbourg, Prof. N. Lossky, Prof. Al. Antziferoff, I. Bounakoff, A. Jekoulina, Prince Vladimir Obolensky, Prof. S. Metalnikov, Prof. M. Novikoff, Prof. A. Titoff, M. Souvoroff, Prof. Dr. V. I. Iljin, Prof. E. Smurlo, Prof. Igor Tjutrjumoff, Général N. Baratoff, Ing. Yureneff, N. Astrov, Prince Pierre Dolgoroukoff, Prof. V. Frantzeff, Prof. D. Riabouchinsky, Prof. I. Alexinsky, A. Michelson, Prof. N. Timasheff, Prof. S. S. Demosthenov, Prof. A. Vilkov, Prof. Dr. A. Pavlovsky, Prof. P. Ostrouchov, Docent B. Evreinov, A. Bem, V. Nossovitch, Prof. Dr. N. Saltykow, A. S. Isgojeff, P. Skatchkoff, Eugen Tshirikoff, Al. Penin, Countess S. Panina, B. Sokoloff, Vladimir Rafalsky, Victor Briansky, Prof. N. P. Georgievsky, Prof. Jean Joukoff, Prof. N. Jekouline, Dr. S. Sieroff, Prof. A. Markoff, Dr. Elie Savtchenko, P. Pereverzeff, Alexandre Checan, M. Aldanov, S. Melgounoff, Alexander Chitkov, Boris Zaitzeff, Prof. B. Eliachevitch, Boris Chernavin, Prof. N. N. Kedroff, Jean Denissoff, Constantin Kedroff, T. Kasakoff, S. Gorodetsky, Viktor Sazonov, Valentin Vlassjeff, Paul Goukassoff, P. Theakston, Prof. V. Agafonoff, A. Goukassov, J. Semenoff, E. Kovalevsky, Prof. Alexandre Pilenco, S. Vostrotine, Prof. S. Abramov, D. Romanoff, M. Kindiakoff, N. Zvorikine, G. Meinhard, Valery Carrick, Comte W. Kokovtzoff, B. Kamenka, A. Gabaeff, Prof. Baron Boris Nolde, W. Roudneff, W. Zeeler, Comte Paul Ignatieff, Was. Novikoff, Vlad. Lazarevski, A. Bylinine, S. Gladkaia-Kedroff, Dm. Stelletsky, Albert Benois, Prof. N. Kulmann, V. Archaouloff, Nicolas Tcherepnine, Nicolas Tagantzeff, B. Kondratieff, N. Teslenko, Doctor Prokopenko, Doctor Tchekounoff, P. Kovalevsky, Dr. G. Lodygensky, N. Melnikoff, Michel Kazarinoff, Prof. Dr. A. L. Baikoff, Paul Bouryschkine, Paul Eronine, Prof. S. Savitch, André Mandelstamm, Jean Efremoff, Alexander Kasem-Beg, Pianoff, W. Nabokoff-Sirine, Nemirovich-Danchenko, A. Iablonovsky, Paul Bogdanovitch, Gr. Landau, Voldemar Tatarinoff, Prof. A. Kaminka, J. Hessen, Alexander Nikitin, General Bokhanovsky, General Vdovenko, General Naoumenko, Solomakhine, General Toporkoff, Prof. S. Frank, Prof. S. Bickermann, Dr. L. Kiepinoff, Woinovsky-Krieger, N. Isnard, E. Lubowitch, S. Tretiakoff, General Erdeli, General Repieff, Prof. Dr. E. Spektorsky, Prof. G. Plotnisky, Prof. Dr. A. Dobrocionsky, Dr. Med. Prof. A. Jgnatowsky, Prof. Dr. Th. Taranovsky, Prof. A. Van der Vliet, Prof. Dr. I. Markoff, Prof. A. Lebedeff, Prof. V. Steglovitoff, Prof. P. Richkoff, Prof. Alex. Stéboute, Prof. V. Farmakovski, Prof. Dr. V. Laskarev, Prof. I. A. Ilin, Prof. A. Bilimovitch, Prof. Svistzoff, Prof. B. Baskakow, Prof. Dr. D. Konjev, D. D. Prof. Nicholas N. Gloubokovsky, Prof. Dr. St. Kulbakine, Alexander Fedorov, Alexander Euler, A. Bunge, B. Brutzkus, A. Braunstein, V. Malinine, G. Boutleroff, A. Zankevitch, M. Korotkin, J. Iatchmeneff, G. Gotua, Putilin, S. Markoff, Georges Maximovitch, K. Orloff, P. Stankevitch, A. Tzedke, J. Thorjevsky, W. Keller, N. Kastcheeff, Prof. Cyrille Zaitzeff, Prof. Alexandre Makletzoff, Prof. Vassili Nikitine, Prof. Dr. Nicholas Boubnov, Prof. Ing. Kapyiov Alexej, A. Tyrkova-Williams, Ivan Lukash, N. Krichevsky, Prof. Kossitzky, Archbishop Alexander, N. Ezerski Orthodox priest, Archiprêtre G. Lomako, Archpriest John Tzereteli, Protopresviter George Shavelsky, Prof. Wassily Zenkowsky, Rev. N. Behr.

PARIS, *November 7, 1930.*

STATE OF WASHINGTON,
TWENTY-SECOND REGULAR SESSION.

Senate Joint Memorial 3, as amended January 30, 1931, read first and second time, ordered printed, and under suspension of rules of January 30, 1931, read third time, and adopted, yeas 37, nays 0; sent to the house January 30, 1931. Relating to United States Senate bill No. 4848, entitled "A bill to prohibit the importation of any article of merchandise from the Union of Socialist Soviet Republics"

We, your memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition your honorable body as follows:

Whereas many of the basic industries and pursuits of the West, particularly the State of Washington, are engaged in wheat raising and in the manufacture and production of pulpwood, lumber, other forest products, and manganese; and

Whereas large sums of money have been invested in the farms and plants and equipment for the production and manufacture of

all such products, and large numbers of people are directly dependent upon the productions and operations of all such activities for the livelihood of themselves and their families; and

Whereas the welfare and prosperity of the West, particularly the State of Washington, is directly dependent upon the continuance of productions of wheat, pulp, and paper, lumber manufacture, logging, and manganese mining, and upon the continuance of operations of allied and dependent activities; and

Whereas continued and increased importations of all such products from Russia present distinct menaces to and threaten the continued employment of American labor and American production and the development, growth, progress, and prosperity of the West, particularly the State of Washington, as well as its several manufacturing and commercial activities; and

Whereas it is necessary in the promotion of our general welfare and to create and continue progress and prosperity that American labor and industry shall not be forced into competition with convict or forced or indentured labor in the production of products, and it is believed that the Congress of the United States is duly and fully authorized to enact laws preventing and prohibiting such competition, that of necessity tend to force lowering the standard of American living and wages, and operate to produce idleness to labor and distress and depressions to business and commercial activities, and as it is believed the enactment of such laws would be in strict accord with the spirit of the Constitution of the United States of America:

Therefore your memorialists most sincerely and respectfully memorialize your honorable bodies to enact at the present session of Congress a law or laws that will prevent and prohibit the importation into the United States of any and all products produced or manufactured by convict or forced or indentured labor of any kind; and be it further

Resolved, That a copy of this memorial be immediately forwarded by air mail to the Hon. Herbert Hoover, the President of the United States, to the chairman of the Ways and Means Committee of the House of Representatives, chairman of the Finance Committee of the United States Senate, and to the Senators and Members of the House of Representatives in the Congress of the United States from the State of Washington.

MINING ASSOCIATION OF CALIFORNIA,
Sacramento, Calif., February 21, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR: Inclosed find copy of resolution adopted February 20, 1931, by Sacramento Chapter, Mining Association of California, indorsing the provisions of United States Senate bill No. 4848, for the prevention of the importation of any article of merchandise from the Union of Soviet Socialist Republics. The resolution is self-explanatory.

In justification of the action taken, we understand that the competition of Russian products grown or manufactured and distributed by the Soviet Government's underpaid and forced labor is largely responsible for the demoralization of our wheat market; that the price of sugar in the European markets has recently been broken by the same medium; that our American manganese industry can not possibly meet the ruinous competition from the same source, and that the industries of our Northwest in the manufacturing and production of pulpwood, lumber, and other forest products, manganese, and wheat growing are all likewise jeopardized.

Bespeaking your support of Senate bill No. 4848, we remain,

SACRAMENTO CHAPTER,
MINING ASSOCIATION OF CALIFORNIA,
By C. S. BROOKS, *Secretary.*

Whereas many of the industries of the United States, particularly the production of manganese, have recently been threatened with ruinous losses, if not extinction, through the competition of imported products of the Union of Soviet Socialistic Republics, grown or manufactured and distributed by the controlled and greatly underpaid labor of those Republics; and

Whereas it is necessary to the promotion of our general welfare, and to create and continue progress and prosperity, that American labor and industry shall not be forced into competition with convict or forced or indentured labor in the production of products; and

Whereas it is believed that the Congress of the United States is duly and fully authorized to enact laws preventing and prohibiting such competition, that of necessity tends to lower the standard of American living and wages and operates to produce idleness to labor and distress and depression to business and commercial activities; and

Whereas we believe the enactment of such laws would be in strict accord with the spirit of the Constitution of the United States of America; and

Whereas on December 2, 1930, Senator TASKER L. ODDIE introduced into the Senate of the United States Senate bill 4848, in words and figures as follows, to wit:

"A bill to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics

"*Be it enacted, etc.*, That the transportation into the United States, or any Territory subject to the jurisdiction thereof, of any article or merchandise (1) from any territory subject to the jurisdiction or control of the Government of the Union of Soviet Socialist Republics; (2) mined, produced, or manufactured wholly or in part in any such territory; or (3) produced or manufactured from materials any of which have been mined, produced, or manufactured in any such territory is prohibited. The Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this act,"

which bill was read twice and referred to the Committee on Finance: Now, therefore, be it

Resolved, That Sacramento Chapter, Mining Association of California, in regular meeting assembled on this 20th day of February, 1931, hereby indorses the provisions of said Senate bill 4848 and urges upon our Senators and Representatives from California that they make every effort in their power to secure the enactment into law of said Senate bill 4848, or some similar measure which will carry into effect substantially the same provisions; and be it further

Resolved, That a copy of these resolutions be mailed to President Herbert Hoover, Senators REED SMOOT and TASKER L. ODDIE, Representatives WILLIS C. HAWLEY and WILLIAM WILLIAMSON, all of Washington, D. C., and all Members of Congress and United States Senate from California.

I hereby certify the above and foregoing to be a true and correct copy of the resolutions unanimously adopted by Sacramento Chapter, Mining Association of California, at a regular meeting thereof held at its office in Sacramento, Calif., on this 20th day of February, 1931.

C. S. BROOKS,
Secretary Sacramento Chapter,
Mining Association of California.

GALVESTON CHAMBER OF COMMERCE,
Galveston, Tex., February 20, 1931.

Senator TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: I attach hereto copy of resolution adopted by the board of directors of the Galveston Chamber of Commerce, indorsing Senate bill S. 4848, introduced by yourself, seeking to prohibit the importation of merchandise from the Union of Soviet Socialist Republics.

I believe you will be interested in learning of the action taken by our board of directors in this matter.

Very truly yours,

F. L. BODY, *General Manager.*

A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE GALVESTON CHAMBER OF COMMERCE INDORSING SENATE BILL S. 4848, INTRODUCED BY SENATOR TASKER L. ODDIE

Whereas the prosperity of the American people is contingent upon the enactment of laws protecting home industry; and

Whereas the Union of Soviet Socialist Republics are endeavoring to invade the American market, adopting methods which are considered unfair to American labor and industry, and thus creating a condition of competition which will not tend to be for growth and prosperity of our people; and

Whereas the Hon. TASKER L. ODDIE has introduced in the Senate a bill known as S. 4848, which seeks to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics: Therefore be it

Resolved, That the chamber of commerce, by action of its board of directors, unanimously indorses Senator ODDIE's bill and instructs that copy of this resolution be forwarded to our Senators and Representatives and other public officials as a protest against such competition.

GALVESTON CHAMBER OF COMMERCE,
CLARK W. THOMPSON, *President.*

Attest:

F. L. BODY, *Secretary.*

THE FRUITA CHAMBER OF COMMERCE,
Fruita, Colo., January 21, 1931.

Hon. TASKER L. ODDIE,
Senator, Nevada, Washington, D. C.

MY DEAR SENATOR: Your efforts and action in introducing Senate bill 4848, December 2, 1930, have been observed here.

We wish to take this opportunity to show to you our approval of this action, and thank you for it.

There is no doubt that the great mining State of Colorado would benefit in a large way by either an increase in the tariff on manganese and wood pulp or an absolute embargo.

The wage scale paid miners in foreign countries and in this country, commensurate with the standard of living as established in each country, should be sufficient reason in itself, that every Senator would give his support to this bill.

We will be interested in this bill and will watch its progress.

Will be interested to know how soon it has a chance to be reported out of the Finance Committee.

Very sincerely and truly yours,

L. H. DEWEY, *Secretary.*

JOINT CONFERENCE ON UNFAIR RUSSIAN COMPETITION

NEW YORK, January 9, 1931.—At a meeting of the Joint Conference on Unfair Russian Competition, just concluded in New York, the following resolution was adopted:

"Whereas the Joint Conference Against Unfair Russian Competition is composed of American industries adversely affected by soviet business methods; and

"Whereas Senator TASKER L. ODDIE, of Nevada, has introduced in the Senate of the United States a bill embargoing all articles of merchandise emanating from Russia; and

"Whereas it is the desire of the conference to acknowledge to Senator TASKER L. ODDIE its appreciation for his efforts and to support the passage of the said bill: Now, therefore, be it

"*Resolved*, That the Conference Against Unfair Russian Competition extends to Senator TASKER L. ODDIE its thanks and appreciation for his patriotic efforts in behalf of American industry and labor; and be it further

"*Resolved*, That this conference does and will support the efforts of Senator TASKER L. ODDIE in the passage of the said bill, and to that end give every encouragement and assistance."

The conferences are participated in by industries most affected by soviet dumping. The industries represented in the conferences are anthracite coal, lumber, asbestos, sausage casings, pulpwood, manganese, matches, fur, fur dressing and dyeing, phosphate, and glue. It was declared that all the above industries are being seriously injured by soviet dumping.

SEATTLE, WASH., *December 20, 1930.*

Hon. TASKER ODDIE,
United States Senate:

West Coast Lumbermen's Association indorses purpose of your bill concerning importation of Russian products into United States, and strongly commends your courageous position for protecting American industries and labor from socialized exploitation raw materials and forced labor under Russian system. We strongly hope constructive legislation to accomplish these purposes can be enacted at present session of Congress.

W. B. GREELEY,
Secretary-Manager.

NEW YORK, *January 6, 1931.*

Senator TASKER L. ODDIE,
Senate Office Building, Room No. 447, Washington, D. C.

DEAR SIR: Recently there have been frequent quotations in the United States market of Russian phosphate testing 68 per cent and upward at $2.50 per gross ton f. o. b. Kola, Russia, and an ocean freight rate to North Atlantic ports of the United States of $2.50 per gross ton is perfectly possible, so that the cost of landing the goods at North Atlantic ports of the United States would be only slightly over $5 per gross ton.

So far none of the material has been imported, and it is, therefore, not possible for us to say that the material is exactly comparable to the phosphate rock mined in Florida testing 68 per cent, but it seems a reasonably fair assumption that the Russian material would be a competitive article.

Our information inclines us to believe that the actual cost of transportation from the mines to the port in Russia is pretty nearly equal to, if not in excess of, the price asked f. o. b. Russian port. We are informed that such transportation is first by automobile truck, then by narrow gage, and finally by broad-gage railroad.

The mines in question are in the Chibin tableland in the northwestern part of the Kola Peninsula, near Biely, on the Murman Railroad.

American phosphate rock of 68 per cent grade can not be sold for less than $5.85 laid down at North Atlantic ports. Consequently, the effect of the lower Russian quotation is to unsettle the American market and slow down American production.

There is no doubt in our minds that if the facts relating to labor conditions and costs in connection with the production of phosphate rock in Russia could be established, Russian phosphate would be excluded from entering the United States under any or all of the following acts of Congress: Section No. 307, convict-made goods; section No. 337, unfair practices in import trade, both of the tariff act of 1930; and the antidumping act of 1921.

JANUARY 6, 1931.

Senator TASKER L. ODDIE:

We understand the position of the Treasury Department to be that unless it can be proved that goods are entering in violation of the law they can not be excluded, and that it is impossible for the United States Government to make an investigation in Russia. Substantially, the Treasury Department's position, as we understand it, is that what the United States Government confesses its inability to do, it requests the private citizen of the United States to accomplish. To the lay mind employing American labor at American prices it seems as though these laws are being interpreted solely for the benefit of foreigners, and I can not believe that this was the intention of the Congress.

We respectfully ask that Congress take such action as may be necessary to correct this situation, so as to actually give American business and labor the protection which we believe was the intention of Congress when making these laws.

Very truly yours,

PHOSPHATE EXPORT ASSOCIATION,
MORGAN H. HALL, *President.*

NATIONAL ASSOCIATION OF GLUE MANUFACTURERS (INC.),
New York, N. Y., December 8, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: Please accept thanks for your letter of December 3 transmitting copy of bill which you have introduced to the Senate providing for an embargo against Russian goods. The action which you have taken in the important matter is greatly appreciated by the glue manufacturers of this country, and also, no doubt, by the manufacturers of other products which are forced to meet the unfair competition of goods imported from Soviet Russia.

An embargo against Russian products produced by forced or prison labor is the only way in which the manufacturers of this country may be protected against an influx of merchandise which is sold at prices with which the American producer can not possibly compete.

The members of this organization will do everything possible to support the passage of the bill in question.

Very truly yours,

H. B. SWEATT, *Secretary.*

NATIONAL ASSOCIATION OF GLUE MANUFACTURERS (INC.),
New York, N. Y., November 26, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: As members of the joint conference on unfair Russian competition, we have received a copy of your telegram of October 6 to Mr. J. Carson Adkerson, chairman of the conference, in which you express your intention to introduce a bill for an embargo against certain Russian imports and work for its adoption at the next session of Congress.

The National Association of Glue Manufacturers, representing producers of approximately 65 per cent of all animal glue made in the United States, desires to convey its appreciation of and to indorse this proposed move. Action by the Congress appears to be the only redress left to American industry against the unconscionable trade practices of Soviet Russia.

The animal glue industry of the United States is being very seriously depressed and injured by heavy and increasing imports of glue from Russia. Following is a statement of these imports for the years 1928, 1929, and the first six months of 1930:

	Pounds	Average declared value	Average declared value of total glue imports
1928	354,675	$0.065	$0.087
1929	762,128	.055	.099
1930, first 6 months	1,037,256	.062	.103

Particular attention is called to the imports for the first 6 months of this year, amounting to over a million pounds at a declared valuation of $0.062 per pound, as against a general average value for all glue imports of $0.103 per pound. The quantity of Russian glue entering this country during the first half of this year represents over 11 per cent of the total imports of glue.

This Russian glue is being offered to consumers in this country as low as 7 cents per pound, which is so far below the production cost of comparable domestic glues that our manufacturers can not even compete for the business, and the general level of glue prices is being disastrously affected because of these offerings.

It is obviously impossible for the American glue manufacturers to produce evidence as to the conditions under which this Russian glue is produced. We know the prices at which this glue is being sold do not reflect production costs in other European countries or in the United States, and it seems clear that the Soviet Government monopoly is using forced or indentured labor in its glue factories, and no doubt procuring its raw materials at little or no cost.

We are of the opinion that these offerings of glue at almost any price and regardless of established values represents another example of the effort of Soviet Russia to sell commodities in this country at no profit, and probably at a loss, in order to establish credits with which they can purchase commodities which they need. These sales of Russian glue in the United States constitute the most unfair kind of foreign competition, damaging as it does a long-established industry with millions of dollars of invested capital and thousands of American workers.

If this condition existed with regard to glue imports from any other country, the facts as to dumping could be ascertained and the protection afforded in our tariff law against this unfair foreign competition could be invoked. In the case of Russia, however, where our Government has no trade representatives and can send none, these facts which are so apparent can not be developed, and the Russians have thus far been able to calmly invade our markets with impunity.

Having no recourse to the ordinary safeguards against these intolerable conditions intended to be set up by Congress for the protection of American industry and labor, we earnestly request that animal glue be included with other commodities in any embargo act which may be considered by the Congress.

Very truly yours,

H. B. SWEATT, *Secretary.*

Mr. ODDIE. Mr. President, a resolution has just been submitted to me by the junior committee of the National Patriotic Association requesting the enactment at this session of Congress of a bill prohibiting imports from the Union of Soviet Socialist Republics from entering the United States. The resolution shows that a very intensive study has been made of this subject and it is unusually well ex-

pressed. In view of the fact that I have introduced S. 4848, a bill making provision for carrying into effect the recommendations embodied therein, I ask unanimous consent that the resolution and letter of transmittal be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

NATIONAL PATRIOTIC ASSOCIATION,
Chicago, February 16, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: We send you under separate cover copy of a resolution adopted by this committee expressing the thoughts of our members throughout the Nation, and which we are particularly desirous to have read to the Senate. We do not know if this can be done, but we hope so.

Respectfully,

RACHEL HOLMES, *Chairman.*

Resolution adopted by the junior committee, National Patriotic Association

Whereas during the past year we have seen many of our schoolmates forced to leave school through no fault or choice of their own, many who have abandoned their diplomas during their graduation year and with it all hope of a successful professional career in which they had expected honorably to engage—we have seen young people slip into a tubercular state due to lack of proper food and unavoidably changed living conditions—we see the twisted bodies of rickety children born without the physical inheritance necessary for sturdy development—and the worry and despair of parents and friends due to the changed financial conditions common to all; and

Whereas we see on all sides the result of the economic war being carried out by the declared enemy of our form of government, the Union of Socialist Soviet Republics, our industry disrupted, our farm produce and our dairy products without proper value in our own country, our mills and mines and lumber camps idle, our rich fields valueless, laborers who can find no work, professional people who have no practice, people who have lost their occupation, their income, their savings, and who fear to lose their homes, and we see the beautiful structure of our civilization built so lovingly by those who made our great Nation blasted, torn apart, and consumed by the collective labor operated by the government of the Union of Socialist Soviet Republics; and

Whereas there is no equivalent in world exchange rates for the unit of production by collective labor because the medium of exchange between civilized nations is gold and silver; and

Whereas the government of the Union of Socialist Soviet Republics (commonly called Russia) has come into the markets of the world disrupting all exchange, because their unit of value is human labor such as that of Pharaoh's time or the old days of slavery in our own country; and

Whereas the cruel and inhuman conditions under which thousands are compelled to labor in the Union of Socialist Soviet Republics have no counterpart in American history—the idea of human bondage is repugnant to those raised in the American tradition of freedom—and American industry can not compete with collective labor, a question which those who fought in the Civil War thought they had settled for all time; and

Whereas American industry, American pride, and the American people themselves can not survive the conditions resulting from the importation of goods whose production is for use and not for profit—use in breaking up the world markets and wrecking the standard of exchange, replacing the product of our own labor, bringing incredible hardship on our citizens and the children of our land, spoiling their future, crippling their bodies, dwarfing their minds, taking a toll for which there can be no compensation; and

Whereas the children of our land are gravely imperiled by the industrial situation resulting from the shipment to the United States of America of articles and materials from the Union of Socialist Soviet Republics (commonly called Russia): Therefore be it

Resolved, That we, members of the junior committee, National Patriotic Association, born in the United States of America, minors, do hereby, in the name of the children and young people of this Republic, most earnestly solicit and entreat the Senate of the United States of America to take action that the transportation into the United States, or any territory subject to the jurisdiction thereof, of any article or merchandise from any territory subject to the jurisdiction or control of the government of the Union of Socialist Soviet Republics mined, produced, or manufactured wholly or in part in any such territory, or produced or manufactured from materials, any of which have been mined, produced, or manufactured in any such territory is prohibited and can not happen any more.

Respectfully submitted.

RACHEL HOLMES, *Chairman.*
GEORGE PAULS, *Secretary.*
MADGE MARGARET HOLMES, *Librarian.*

Mr. ODDIE. When the so-called Kendall bill (H. R. 16517) was passed by the House and was referred to the Senate Committee on Finance I requested a hearing before that committee in order to urge some important amendments to remove the "joker" provisions of the House bill and make it effective for industries producing less than 100 per cent of the domestic consumption requirements, such as the manganese industry. No hearings were granted me by the Finance Committee either on H. R. 16517 or S. 4848, the bill which I introduced on December 2, 1930, to prohibit imports into the United States of goods from Soviet Russia. I therefore desire to place my correspondence with the Finance Committee and my amendments to H. R. 16517 in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

FEBRUARY 23, 1931.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: On Saturday the House passed H. R. 16517, the so-called Kendall bill, prohibiting the importation of forced or convict labor produced goods into the United States.

This bill in its present form affords no adequate protection from soviet dumping, as is provided for in the bill which I have introduced, S. 4848, now before your committee.

In view of these conditions and the great importance to American industry and labor of preventing the continuation of soviet dumping, I request that hearings be held on H. R. 16517 before the same is reported to the Senate.

Very sincerely yours,

TASKER L. ODDIE.

FEBRUARY 25, 1931.

Hon. REED SMOOT,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: In my letter to you of February 23, 1931, I called attention to the ineffectiveness of the Kendall bill, H. R. 16517, now pending before the Senate Committee on Finance, in protecting many of the industries which can not meet the competition of soviet products dumped on the American market at artificially low prices.

I inclose herewith certain amendments which I should very much like to have the committee consider before reporting the bill. If these amendments could be included by the committee it would obviate very extensive opposition on the floor of the Senate, which would probably lead to the defeat of the bill. I therefore will greatly appreciate your bringing these amendments to the attention of the committee, together with the attached brief statement setting forth reasons for their incorporation in the bill.

Very sincerely yours,

TASKER L. ODDIE.

H. R. 16517

An act to prohibit importation of products of convict and forced labor, to protect labor and industry in the United States, and for other purposes

Be it enacted, etc., That all goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded, wholly or in part, in any foreign country by convict labor, or/and forced labor, or/and indentured labor under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation hereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this act relating to goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded by forced labor or/and indentured labor, shall take effect on April 1, 1931, and shall remain in full force and effect until Congress provides otherwise, but shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

In any proceeding under or involving the application of any provision of this act reports and depositions of officers or agents of the United States shall be admissible in evidence.

AMENDMENTS INTENDED TO BE PROPOSED BY MR. ODDIE TO H. R. 16517

The preamble, line 1, eliminate "and" and insert a comma therefor. Immediately after the comma and following the word "forced," insert the following: "conscripted, or indentured."

Page 1, line 6, immediately after the comma, following the words "forced labor," insert the following: "or/and conscripted labor."

Page 2, line 4, immediately after the words "or unloaded by," insert the following: "convict labor or/and." Immediately after the words "forced labor or/and," insert the following: "conscripted labor or/and."

Page 2, line 11, immediately after the words "United States," insert the following: ", or in countries from which they may be lawfully imported."



Page 2, line 16, immediately after the period, insert the following: "'Conscripted labor,' as herein used, shall mean all work or service performed in any country wherein labor is subject to the direction and control of the government."

So that the bill, as amended, will read as follows:

"An act to prohibit importation of products of convict, forced, conscripted, or indentured labor, to protect labor and industry in the United States, and for other purposes.

"*Be it enacted, etc.*, That all goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded, wholly or in part, in any foreign country by convict labor, or/and forced labor, or/and conscripted labor, or/and indentured labor under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation hereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this act relating to goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded by convict labor or/and forced labor or/and conscripted labor, or/and indentured labor shall take effect on April 1, 1931, and shall remain in full force and effect until Congress provides otherwise, but shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States or in countries from which they may be lawfully imported, as to meet the consumptive demands of the United States.

"'Forced labor,' as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. 'Conscripted labor,' as herein used, shall mean all work or service performed in any country wherein labor is subject to the direction and control of the government.

"In any proceeding under or involving the application of any provision of this act reports and deposition of officers or agents of the United States shall be admissible in evidence."

REASONS FOR AMENDMENTS SUGGESTED TO H. R. 16517

The first amendment is the inclusion of "conscripted labor" and a definition therefor, and you will note how well it fits the soviet situation.

The second amendment is the one on page 2, line 11, immediately after the words "United States," insert the following: ", or in countries from which they may be lawfully imported,". No industry would be protected from the imports of convict, forced, conscripted, or indentured, labor-produced goods except the domestic industry supplying 100 per cent of the consumptive requirements of the Nation. Obviously, there are many industries which are not producing 100 per cent of the domestic requirements of certain products which are now and will continue to be adversely affected by soviet dumping.

The effect of the amendment is to have the provisions of the bill apply to those industries which may not be producing 100 per cent of the consumptive requirements of the Nation so long as the remainder of the consumptive requirements of the Nation can be lawfully imported from foreign countries.

In the case of manganese, there are at least three centers of foreign production, any one of which, in accordance with the American Iron and Steel Institute, could supply the domestic requirements of the United States, so that if Russian imports of manganese were completely stopped it would in no way endanger domestic consumers by limiting the supply, especially as the manganese industry in the United States is equipped to produce at least 25 per cent of the domestic requirements on short notice and should soon be able to develop an output equal to or exceeding the amount of ore imported from Soviet Russia in 1930. Furthermore, the amendment which would include the lawful importation of products from other countries would have the effect of compelling such countries as are now using slave labor to discontinue the practice in order to take advantage of the American market. The bill as it stands, without amendment, offers no such inducement and really would operate to encourage the more extensive use of slave labor in many foreign countries.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On March 3, 1931:

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.;

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix c. t. a. under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5215. An act for the relief of H. L. Todd;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6180. An act to legalize a bridge across the St. Francis River four miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6190. An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6254. An act for the relief of United States Marshal George B. McLeod;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3206. An act for the relief of Rebecca Green;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4726. An act for the relief of Alexander H. Bright;

S. 5516. An act for the relief of E. G. Mason;

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes; and

S. 4715. An act for the relief of John T. Doyle.

On March 4, 1931:

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 2106. An act for the relief of John Baba;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 1412. An act for the relief of Stanislaus Siemek;

S. 1640. An act for the relief of John E. Ross;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation and issuance of a patent to the band of Indians therefor;

S. 6072. An act for the relief of C. H. Price;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184, 226), as amended;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress;

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission;

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 155. An act for the relief of Jesse J. Britton;

S. 1244. An act for the relief of Capt. Christian Damson;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 2068. An act for the relief of Lester L. Wilson;

S. 4334. An act for the relief of G. Elias & Bros. (Inc.);

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes; and

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928.

The message also announced that the following acts and joint resolutions were approved and signed by the President of the United States at the Capitol on March 4, 1931:

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins;

S. J. Res. 247. Joint resolution authorizing the president to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski;

S. 351. An act for the relief of John Donahue;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 3184. An act to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton*;

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5313. An act to cancel reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway, to the late Stephen T. Mather; and

S. 1496. An act for the relief of Edith Barber.

FINANCIAL SUMMARY OF THE THIRD SESSION OF THE SEVENTY-FIRST CONGRESS

Mr. McKELLAR. Mr. President, being a member of the Committee on Appropriations of the Senate, I wish to make some comments on the appropriations made for the support of the Government for the fiscal year beginning July 1, 1931.

DOLES

Inasmuch as the present administration fought persistently and effectively all real relief to the drought-stricken areas on the ground that they were "doles," I think it is nothing but fair and right to let the record speak, showing the kind of "doles" that the administration really is in favor of. Where men, women, and children were hungry, through no fault of their own but through act of God, the administration opposed any relief for them, calling such proposed relief "doles," although the President had warmly fought for such measures in his previous history, notably the case of the hundred million dollars that he urged for relief to the starving and hungry in Europe in 1919.

REPUBLICAN "DOLES"

But there is a class of "doles," apparently, that the administration is still very much in favor of. It is what it probably considers "fair treatment" to the financially strong and powerful. Under no circumstances could these "fair treatment" contributions be called "doles," inasmuch as they provide for payment by the Government to individuals, institutions, and corporations of such enormous sums that the word "dole" would have no significance as applied to such munificent gratuities. Certainly these organizations do not need "doles" or "contributions" or any other kind of aid from the Federal Government. In its attitude the administration possibly believes in the Biblical statement so often quoted, "To everyone that hath shall be given and he shall have abundance," rather than to give to them that hath not.

I now enumerate these abundant gifts to those who need no gifts recommended by the President to this very Congress.

SHIP LOAN FUND

He recommended giving an addition to a fund to the shipping interests, and the Republican Congress gave it to them, of $35,000,000 to be added to a fund already received by them from the Government of $150,000,000 called a revolving fund for their benefit, upon which previous $150,000,000 the Government is now receiving as low as 1.8 per cent interest. This Congress raised that interest rate to 3½ per cent on the $35,000,000 given to these great shipping interests this year, but it charges the soldiers 4½ per cent on their own money. None of these shipping interests need that contribution or "dole" or "fair treatment." They are amply able to get along by themselves without Federal aid. The most of them which use this fund are amply able to get all the money that they want from the banks in the regular way, but they hath, and the President recommends these gifts to them that hath!

SHIP SUBSIDIES

But this is not all that is given to the shipping interests. The President recommends the sum of $36,600,000, and the Republican Congress gave it to them, the most of which is subsidy for carrying ocean mails.

I want to illustrate how this is done. Here I may add that I say nothing about the transfer by the Shipping Board for nominal compensation the ships themselves. That is another story; but here is the way the Government treats these shipowners after it has virtually given them the ships. I will illustrate the situation by referring to only 17 companies.

The poundage rates prevailing generally under the International Postal Union is hereafter shown in the following table as an illustration. There is also shown the amount in fact paid by the Postmaster General under recommendation of President Hoover:

American Scantic Line (p. 42), compensation for 28 voyages: At normal rates, $2,600; amount in fact paid, $260,000.

American South African Line (p. 42), compensation for eight voyages: At normal rates, $375; amount in fact paid, $165,000.

American West African Line (p. 43), compensation for 12 voyages: At normal rates, $735; amount in fact paid, $195,000.

Dollar Steamship Line (p. 43), compensation for 15 voyages: At normal rates, $13,500; amount in fact paid, $728,000.

Dollar Steamship Line (p. 44), compensation for 15 voyages: At normal rates, $5,950; amount in fact paid, $650,000.

Eastern Steamship Line (p. 44), compensation for 78 voyages: At normal rates, $1,400; amount in fact paid, $147,000.

Export Steamship Corporation (p. 44), compensation for 66 voyages: At normal rates, $1,770; amount in fact paid, $820,000.

Grace Steamship Co. (p. 45), compensation for 20 voyages: At normal rates, $30,000; under this contract, $390,000.

Lykes Bros. Steamship Co. (p. 45), compensation for 34 voyages: At normal rates, $165; under this contract, $157,000.

Munson Steamship Line (p. 46), compensation for 20 voyages: At normal rates, $33,200; under this contract, $920,000.

New York & Cuba Mail Steamship Co. (p. 46), compensation for 33 voyages: At normal rates, $35; under this contract, $224,000.

New York & Cuba Mail Steamship Co. (p. 46), compensation for 30 voyages: At normal rates, $1,360; under this contract, $242,000.

Oceanic & Oriental Navigation Co. (p. 47), compensation for eight voyages: At normal rates, $535; under this contract, $113,000.

Oceanic & Oriental Navigation Co. (p. 47), compensation for seven voyages: At normal rates, $145; under this contract, $123,000.

Pac-Argentine-Brazil Line (p. 48), compensation for six voyages: At normal rates, $3; under this contract, $102,000.

States Steamship Co. (p. 49), compensation for 14 voyages: At normal rates, $145; under this contract, $230,000.

States Steamship Co. (p. 49), compensation for eight voyages: At normal rates, $133; under this contract, $122,000.

Take these 17 shipping concerns—some of them, notably the Dollar Line, the Munson Line, and the Grace Line are among the most powerful corporations in the country—as an illustration; we find that the actual compensation to these 17 companies under Postal Union rates is $92,051, while the amount paid them out of the Treasury is $5,582,000, or net gifts out of the Treasury of $5,495,949, and it must be remembered that these gifts are not just gifts for 1 year but they run for 10 years under contract. In 10 years these 17 companies will receive $54,959,900. There is no question of "dole" in this program. It is the gift of great riches out of the peoples' money in the Treasury. Verily, to them that hath shall be given under this Republican administration.

AIR MAIL GIFTS

The gifts to the great air mail corporations are almost as great. The President recommended and the Congress appropriated $20,750,000 for carrying air mail. Substantially the entire amount is a contribution or gift from the Treasury to these companies. The detailed figures are not obtainable because the administration's friends in the Senate were able to keep down an investigation.

TREATMENT OF THE RAILROADS

The Republican administration has not been niggardly in its treatment by way of mail contracts to the great railroad corporations of the country. In the year 1921, when railroad rates were enormous, the Government paid to the railroads for transporting the mails $59,886,822, and then Mr. Harding came in and the first year of his administration the compensation to the railroads for carrying the mails was increased to $96,000,000, and they have continuously increased until to-day the railroads receive $127,000,000 for carrying the mails. In other words, the enormous war rates of railroads for carrying mail have increased by

112 per cent—in round numbers from $60,000,000 in 1921 to $127,000,000 in 1931. This $127,000,000 was recommended by the President and passed by a Republican Congress.

It may be argued that the volume of mail has been increased since 1921, and that is true. The postal business generally has increased 40 per cent, the volume of mail has increased about 20 per cent, while the pay to the railroads has increased nearly six times that much.

The first cost accounting of the Post Office Department was had in 1923, and the total poundage carried that year was 5,697,931,692, while in 1931 the total poundage carried was 6,969,560,909.

So that, assuming the rate of 1921 was fair and normal, the gratuity given by the Interstate Commerce Commission and the Republican Party to the railroads in the way of mail rates since 1921 is not less than $55,833,000 per year over and above a reasonable and profitable consideration.

It must be said in fairness to the railroads that they are the only ones receiving postal subsidies that give any real service therefor. As high as their rates are, they are greatly less than the air or ocean mail rates. They give excellent service, they are purely American institutions, and if the Government is to give subsidies they are more deserving than other recipients of postal subsidies.

SUBSIDY TO MAGAZINES

A prominent New York magazine editor and publisher attacks, in his March number, the Post Office Department. He suggests many people claim that a nonpartisan commission should manage the postal business, and that the telephone, telegraph, railway express, automobile, and airplane companies should form a "postal corporation that would give us a much better service than we now enjoy at a saving of a hundred million a year."

That publisher then further says:

> It is impossible with constantly changing political appointees and with 435 Congressmen and 96 Senators concerned about post-office patronage in their own States and districts, while they "frank" their speeches and their quotas of free garden seeds to their constituents, to put the Post Office upon a strictly business basis. * * * It (the Post Office Department) supplies the answer to socialists who favor Government operation of railroads and utilities.

Of all the cool effrontery that I have ever seen exhibited this is the coolest. This publisher attributes the so-called deficit in the Post Office Department to the use of the "frank" of Congressmen in sending out free speches and garden seed. What a poor ignoramus he is! The free garden seed law was repealed many years ago, and no seeds are sent out at all. And according to the cost accounting, the franking of speeches can not cost the Government more than $100,000, and perhaps not half that much, while the so-called deficit last year was $58,000,000! It is thus seen that the cost of "franking" speeches is so infinitesimal as to be almost negative. According to the department's same cost accounting the entire franking privilege of Senators and Congressmen costs the department $575,000 per year. At least $475,000 of this is the cost of letter mail; but this letter mail is not all actual cost to the Government, for nearly every letter a Congressman or Senator writes he gets two in return, and as letter mail brings the Government a great profit these two pay the Government for the letter the Congressman or Senator mails free. In other words, the letters of the Congressmen and Senators really produce a paying business to the department. How easy it is for some men to write without any knowledge of the facts concerning which they write!

Now, let us go a step further and see what one of the principal causes of the alleged deficit in the department is. Why, it is the subsidy which the Government pays to these very magazine publishers. This very publisher, who denounces the department as inefficient, is getting his part of a $25,000,000 subsidy from the Government; $25,000,000 of the so-called $58,000,000 deficit is due to loss on magazines. For every 7 cents, cost of transporting his own magazine in the mails, the Government bears 5 cents of that cost, and yet that publisher is not satisfied with this legalized graft, but is complaining publicly in a carefully prepared, though a wholly unsubstantiated, article that a deficit exists and that the department is being run inefficiently. It is as brazen a piece of effrontery and ignorance as was ever published. I will invite him before our Post Office Committee next session, and let him propose an increase of rates on magazines that will prevent loss to the Government on that class of mail matter.

As a matter of fact, magazines constitute a large part of second-class mail. The cost of transporting them is, in round numbers, $36,000,000, for which the Government receives only $11,000,000, leaving a loss of $25,000,000.

Now, under the recent cost-accounting system by the Post Office Department it is shown that the Government makes a profit of $70,000,000 on first-class mail, but loses about ninety millions on second-class mail. There is also a loss on third-class mail of $21,000,000, and a smaller loss on fourth-class mail or parcel post of $15,000,000. The aggregate net loss in all branches of the department for last year was about $58,000,000, as shown by this cost-accounting system. The Postmaster General recommended in his annual report an increase of first-class letter postage to 2½ cents, and also recommended an increase in parcel-post rates. Of course, if these recommendations are carried out, the users of letter mail and parcel-post mail, constituting for the most part the business and consuming public, will simply be taxed to pay these exorbitant subsidies.

Verily, again, I say to them that hath shall be given under Republican rule. But no "doles" to the starving and suffering men, women, and children in the drought-stricken areas, and the soldiers are loaned their own money heretofore set aside for them at 4½ per cent. By 1945 this 4½ per cent interest will eat up the remaining half of the certificate.

The Post Office Department has been made the great subsidy department of the Government. These subsidies are as follows:

Magazines and other second-class matter	$90,000,000
Ship subsidies	36,600,000
Air mail subsidies	20,750,000
Railroad subsidies in mail transportation	55,833,000

Making a total of $203,183,000. We thus see how the people's money goes. It is fair to say that the President did not originate the subsidy to the magazines and to the railroads. They have been subsidized for a very long time, and he merely continued to recommend these subsidies. But the air and ocean mail subsidies are of most recent origin. If these four subsidies were canceled, as they ought to be, the department would show a large surplus every year.

In this paper I have not mentioned the large amounts spent for rentals of post-office, subpost-office, and garage buildings. This matter is now in the hands of a Senate investigating committee and I shall await its report. It has already been shown, however, that favored ones have been generously treated; but, as I understand, the entire losses to the department have not yet been definitely ascertained, so I do not attempt to include them.

All contracts, whether for rentals or for carrying mails on railroads, busses, trucks, airships, steamships, launches, star routes, or other methods of transportation, should be let by a committee of three permanent high civil-service officials, experts in rates and in handling the mails, designated by the Postmaster General at the beginning of his term, after advertising and receiving open, competitive bids, and then let them to the lowest and best bidder, each of such contracts to be signed by the three civil-service employees and countersigned by the Postmaster General.

A statute of this nature would repeal the iniquitous system of requiring the Interstate Commerce Commission to fix rates for the railroads carrying mail, would prevent unreasonable ocean and air mail contracts, would prevent improper rentals, and would save the Government enormous sums and secure more efficient and satisfactory service. If this were done, there would be no more deficits in the postal revenues.

FEDERAL FARM BOARD

Up to December 1 last Congress had already appropriated $250,000,000 for the purpose of carrying out the provisions

of what is known as the agricultural marketing act, approved June 13, 1929. This act had been passed by the Congress and was in form and substance just what the President desired. The provisions which the Progressive Republicans and Democrats desired were all stricken from the bill. These were, notably, the equalization fee and the debenture provision. As soon as the board began to function the prices of all agricultural products began to go down. The board seems to have construed its duty to go on the future markets and deal in both grain and cotton and other agricultural products. In so far as cotton is concerned, the board simply rejuvenated a number of cotton cooperative associations and through these associations became an active dealer in cotton. It was testified to that they even bought membership on the cotton exchange in New York to carry on their speculations. It was testified that the board had already lost $45,000,000 and stood to lose even more. This, out of a total of $112,000,000 that had been devoted to cotton. The board came before the Congress, upon recommendation of the President, and on December 20 received an appropriation of $150,000,000 more, and in the bill approved February 3, 1931, received another $100,000,000. In my judgment, these $250,000,000 might as well never have been appropriated. Mr. Legge testified that the cooperative associations backed by his board were now doing 15 per cent of the cotton business in competition with other cotton dealers and he hoped, with the appropriation of the $250,000,000, that they would increase their business. Now, Mr. President, if there ever was a Government entrance into private business, this Farm Board as constituted by the President is engaged in private business. The Government has now appropriated this additional $250,000,000 at this session for the purpose of going into the cotton and wheat and other agricultural products business in competition with other dealers—in competition with its own citizens. In other words, the administration comes and requests of the Congress $250,000,000 to go into the cotton, wheat, and agricultural products business in competition with its own citizens, and yet in the Muscle Shoals veto the same administration gave as a reason for the veto that the Government ought not to go into the power business in competition with its own citizens. Virtually the appropriation of this $250,000,000 for the Farm Board was an appropriation for the Government to speculate on the future markets and to go into business in competition with its own citizens.

TAX REFUNDS

When it comes to refunding taxes, mostly to the profiteers of 1917 and 1918, our appropriations have heretofore been enormous. I got through an amendment some time ago requiring greater publicity in making these tax refunds, and it has helped wonderfully, but they are still very large. This year the regular Treasury bill provided for an appropriation for this purpose of only $26,000,000, and the appropriation is made for claims of the fiscal year 1932 and prior years. This is the wording of all the acts, and the result is that at the last session of Congress we appropriated enormously more money than was necessary because of the decrease in these refunds due to the publicity above mentioned. It is known that these refunds had been made secretly by clerks in the Treasury Department, even the highest officials testifying that they knew nothing about the refunds. To illustrate these refunds, two years ago the United States Steel Corporation was given a refund and credits of something like $58,000,000 for taxes paid in 1917. I hope that even the small publicity that we have will prevent future raids on the Treasury of this kind in the interest of the powerful and influential. Of course, where mistakes are made in the payment of taxes the Government should refund, but under the present administration of the Treasury nearly $2,000,000,000 have been paid back, mostly to the great corporations, on account of taxes paid in 1917 and 1918 during the war, and it is idle to say that these taxes were paid through mistake. The tax refund system of the present administration should be a stench in the nostrils of all decent people. But even this year there will be spent the enormous sum of $85,247,642, according to the President's budget for refund of taxes.

UNITED STATES SHIPPING BOARD

The several millions of dollars appropriated for the United States Shipping Board is a useless waste of the peoples' money, as their principal business has deteriorated into the business of making sales at nominal prices of ships to great shipping owners and then scurrying around for subsidies for such shipowners. It cost the American people this year $37,406,000.

The United States Shipping Board and Merchant Fleet Corporation should be abolished, the properties in the hands of the board should be put up at public sale and sold, and the money in their hands paid into the Treasury. These two useless institutions constitute a large drain upon the Public Treasury and should be dispensed with. The Congress this year appropriated $50,000,000 to these corporations out of their "operating funds."

AIRCRAFT

The appropriation for the Department of Commerce of $8,992,642 for air-navigation vessels is pure subsidy and should not be tolerated. This division is really an adjunct of the private air transportation lines.

BUREAU OF EFFICIENCY

The appropriation of $200,270 for the Bureau of Efficiency is a waste of the people's money. The Bureau of Efficiency is like a fifth wheel to a wagon and ought to be abolished. This work is done by the General Accounting Office.

FEDERAL POWER COMMISSION

The appropriation for the Federal Power Commission of $260,195 should not have been made and that commission should be abolished.

COMMISSIONS

The most of the commissions and individual bureaus established by the Government should be abolished, but there are some of these commissions doing good work, like the Federal Reserve Board, the Federal Board for Vocational Education, the Board of Tax Appeals, the General Accounting Office, and, with limitations, the Civil Service Commission. The Civil Service Commission does a splendid work and is a most valuable adjunct to the Government, but the merit system is very greatly injured and hampered by the administration in carrying out Executive orders which nullify, in a large degree, the merit system.

BATTLESHIPS

The appropriation of $30,000,000 to recondition three old battleships was due to the frightful destruction of new battleships in the Naval Disarmament Conference in Washington in 1922. We sunk our new battleships under that agreement and kept old ones that could not shoot as far as the British battleships by from 3 to 5 miles. This appropriation of $30,000,000 is for the purpose of elevating the guns and try to get them in a measure as good as the British vessels. The appropriation, of course, is due to Republican mismanagement and inefficiency and to the exceedingly unwise Washington agreement of 1922.

APPROPRIATIONS FOR PUBLIC BUILDINGS

The tremendous increase in appropriations for public buildings, amounting to $60,000,000, is largely the result of the present panic. They are needed improvements and will be of considerable benefit in furnishing employment for some of our unemployed, and therefore are to be commended.

RIVERS AND HARBORS

The large increase in appropriations, amounting to $122,174,740, for rivers and harbors is proper for the same reason.

PUBLIC ROADS

The large increase in appropriations, amounting to $269,500,000, for public roads is much needed and will be highly beneficial for the same reason.

PUBLIC HEALTH

The appropriation of $14,295,101 for public health is much needed.

APPROPRIATIONS FOR DROUGHT-STRICKEN REGIONS

The two appropriations for relief of the drought-stricken areas—$45,000,000 for fertilizer, food for work stock, and the like, and $20,000,000 to be loaned farmers for food and other supplies—were much needed, but the President hedged them about with so many restrictions that the good coming from these appropriations is very doubtful and will probably be limited. How much money will be spent under these restrictions it is difficult yet to say. The Republican administration has treated appropriations for this splendid purpose in a very different way from the way it treated the appropriations for ship subsidies, shipbuilding subsidies, aircraft subsidies, magazine subsidies, tax-refund subsidies, and other subsidies given to those who need no subsidies.

READJUSTED COMPENSATION PAY LOANS

There was no specific appropriation at this session of Congress for increase of loans made to the soldiers, and it would not be mentioned here but for the misinformation that has been given out by the administration about it. When these certificates were issued some seven years ago a sinking fund was established to take care of these certificates when they matured in 1945. There have been accumulations through taxes each year to said fund until it now amounts to $771,000,000 less some $26,000,000 that is to be used for an insurance fund, so that there is about $750,000,000, and it is not believed that loans in a larger sum than this $750,000,000 will be made. The statement that these loans would result in an increase in taxation and demand enormous appropriations has no foundation in fact.

RECAPITULATION

To recapitulate the gratuities passed on by this admintration to the prosperous and powerful, I enumerate as follows:

Ocean mail contract subsidy	$36,600,000
Air mail contract subsidy	20,750,000
Magazine subsidy largely	90,000,000
Railroad subsidy on postal transportation	55,833,000
Aircraft subsidy, Department of Commerce	9,992,842
Tax refunds	85,247,642
Federal Farm Board, for speculation and in competition with private business	250,000,000
Battleships	30,000,000
Bureau of Efficiency	200,270
Federal Power Commission	260,195
U. S. Shipping Board	37,406,000
U. S. Fleet Corporation, appropriated out of operating funds	50,000,000
Or a total of	675,289,949

In other words, assuming that the ordinary expenditures of Government are $4,714,127,681.20, one dollar in every seven collected in taxes from the people goes as a continuing gratuity or bonus to the great and powerful interests which need no relief or bonus or gratuity. Remember this is a yearly and continuing bonus to these special interests. Bear this in mind also, in thinking to what desperate lengths the Republican administration went to avoid lending the hungry men, women, and children in the drought-stricken area the comparatively small sum of $20,000,000 to sustain life. If not one dollar in the $675,289,949 had been appropriated by the Government in this session of Congress, both the Government and the people would have been better off.

To this should be added various aids going to the great interests in naval and military appropriations, but the amounts of which I have not the data.

On the other hand, the large appropriations, amounting to $465,969,841, for public buildings, for rivers and harbors improvement, for road improvement, and public health were highly commendable.

The failure of the Government to appropriate for the drought-stricken sufferers was a blot upon the Government that it can not soon efface.

ECONOMIES IN APPROPRIATIONS

Our Republican friends have much to say about the President's Budget Bureau, and seem to regard it as bringing about economies in appropriations. I call attention to the comparative estimates of appropriations with actual appropriations made by the Congress at this session, which I ask may be regarded as Exhibit No. 1 to these remarks.

An examination of this exhibit will show that the Congress appropriated more than was recommended by the Budget in five appropriations, namely, Agriculture, Interior, the first deficiency bill, the second deficiency bill, and a miscellaneous bill gotten up at the last of the session. On the other hand, the Congress appropriated less than the President and the Budget recommended in the following bills: District of Columbia, independent offices, legislative, Navy, State, Justice, Commerce, Labor, Treasury, Post Office, and War Departments; also, the emergency construction appropriation. The result of all these appropriations showed that the House and the Senate appropriated $27,785,701.07 less than the President and the Budget Bureau recommended.

Much is said in our newspapers about the wicked extravagance of the Congress, but when we get down to brass tacks the figures show that the Congress is a true economist.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00
State, Justice, Commerce, and Labor	138,650,960.34	137,423,954.34	−1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,891.00	445,765,735.00	−4,582,156.00
Military activities	338,933,359.00	334,655,965.00	−4,277,394.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second Deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress—Continued

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Emergency construction appropriations, 1931	$150,000,000.00	$116,000,000.00	−$34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[4] 7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[4] Estimated.

APPROPRIATIONS MUST BE REDUCED

Mr. HARRIS. Mr. President, I firmly believe that from the standpoint of appropriations and how to meet them we have arrived at a time when a warning should be sounded and in no uncertain tones. The saturnalia of extravagance of the Republican administration meets the condemnation of the people of our country.

Approximately $10,249,819,000 appropriations by the last Congress, both Houses and the President being Republican, means a tax of about $81 on every one of the 122,735,046 people in the United States. It is a tax of about $405 on every family in the United States. The average family income is only $738 per year. No matter how this burden of taxation is collected it will eventually come out of the pockets of those who must toil for a living. President Hoover recommended appropriations for $27,785,701.07 more than Congress appropriated.

The last two years of President Coolidge's administration $9,298,814,741 was appropriated, an average per year of $4,649,407,370. The $10,249,819,000 of appropriations and authorizations for the Congress just closed under President Hoover equals about two-thirds of our total public debt at this time (more than sixteen billion dollars), most of which was left over from the World War.

We have staring us in the face $5,180,107,522.24 appropriated at the session just closed for the fiscal year 1932 and prior fiscal years—the largest amount ever appropriated at a single session for a fiscal year in peace times. Compare this with the average yearly expense before the war under the Wilson administration of $1,118,418,311, which shows an increase in the expense of the Government in only a few years since then of about 400 per cent.

The last Congress appropriated $125,000 for our diplomats in foreign countries to spend on flowers and entertainments, and so forth, but the same Congress only allows $70,000 for research work on the cause and cure of cancer, which causes more deaths in the United States every year than American soldiers and sailors killed in the entire World War. Other countries less prosperous than the United States are spending millions annually for cancer-research work.

The last Congress appropriated $36,600,000, which was loaned to the Shipping Trust at only 3½ per cent interest, while the soldiers must pay 4½ per cent on their bonus loans.

The President's veto of Senator WAGNER's bill for the relief of unemployment saved the Government $1,500,000, but the defeat of this measure will cause millions of our citizens to continue walking the streets trying to find employment.

Congress increased appropriations for the Commerce Department very little, though a large amount was greatly needed to help save the rapidly falling off of our foreign trade.

The huge and unheard-of expenditures and commitments by the last Congress were greater than ever made by our own or any other country on earth in peace times. These obligations must be met and with cold cash. Our opportunities for meeting this huge obligation are nothing like as good as in previous years. We are face to face with the question of how we can reduce our national expenditures so as to keep step with diminishing receipts. Unless we do it, it will prevent any tax reduction during the next few years and in all probability will leave us with a deficit and an issue of bonds or an increase in bonds or an increase in taxes.

Does anyone question that such extravagant appropriations cause high tax burdens and business depression? Bond issues are unpopular. I warn all that appropriations will have to be reduced. It is our duty to protect the interest of the taxpayers. Extravagance and waste will have to be eliminated. To accomplish this is an extremely difficult task, which will command the very best efforts of all concerned. It is easy to increase appropriations but extremely difficult to reduce them.

The large increase in expenditures of the State, county, and city governments is no excuse for extravagance of the Federal Government, but is all the more reason why Congress should do everything possible to prevent waste as an example to them.

I submit herewith two tables, one making a comparison of estimates and appropriations for the third session of the Seventy-first Congress and another making a comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress, as follows:

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bill	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress—Continued

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
State, Justice, Commerce, and Labor	$138,650,960.34	$137,423,954.34	−$1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,691.00	445,765,735.00	−4,582,156.00
Military activities	538,933,359.00	334,655,965.00	−4,277,394.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43
Emergency construction appropriations, 1931	150,000,000.00	116,000,000.00	−34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[1]7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[1] Estimated.

Comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session compared with same for Seventy-first Congress, second session
REGULAR ANNUAL ACTS			
Agriculture	$155,397,770.00	$215,578,860.00	+$60,181,090.00
District of Columbia	45,776,032.00	45,672,838.00	−103,194.00
Independent offices	553,523,166.00	1,052,777,010.00	[1] +499,253,844.00
Interior	286,543,423.74	89,247,606.73	[2] −197,295,817.01
Legislative	26,557,767.58	26,973,185.00	+415,417.42
Navy	280,573,111.00	358,253,952.00	−22,319,159.00
State, Justice, Commerce, and Labor	114,253,236.14	137,423,954.34	+23,170,718.20
State	17,020,469.14	17,522,323.34	+501,854.20
Justice	31,771,112.00	51,239,201.00	+19,468,089.00
Commerce	53,240,485.00	54,332,230.00	+1,091,745.00
Labor	12,221,170.00	14,330,200.00	+2,109,030.00
Treasury and Post Office	1,149,088,008.00	1,083,148,923.00	−65,939,085.00
Treasury	312,304,931.00	241,865,146.00	−70,439,785.00
Post Office	836,783,077.00	841,283,777.00	+4,500,700.00
War Department	456,544,151.00	445,765,735.00	−10,778,416.00
Military	339,106,459.00	334,655,965.00	−4,450,494.00
Nonmilitary	117,437,692.00	111,109,770.00	−6,327,922.00
Total, regular annuals	3,168,256,665.46	3,454,842,064.07	+286,585,398.61

[1] Aside from the increases of $100,000,000 for the Federal Farm Board and $35,000,000 for the Shipping Board construction loan fund, the remainder of this apparent increase is due to the consolidation of appropriations for the Veterans' Bureau, Bureau of Pensions, and National Home for Disabled Volunteer Soldiers into the Veterans' Administration.

[2] This apparent decrease is due to the transfer of the Bureau of Pensions from the Interior Department to the Veterans' Administration.

Comparison of appropriation made during the third session of the Seventy-first Congress with those of the second session of such Congress—Continued

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session compared with same for Seventy-first Congress, second session
DEFICIENCY AND MISCELLANEOUS ACTS			
First deficiency, 1930	$169,547,689.96		−$169,547,689.96
Second deficiency, 1930	74,105,104.67		−74,105,104.67
First deficiency, 1931		$109,303,822.12	+109,303,822.12
Second deficiency, 1931		83,990,967.05	+83,990,967.05
Emergency construction, 1931		116,000,000.00	+116,000,000.00
Agricultural marketing fund		150,000,000.00	+150,000,000.00
Farmers' seed, feed, and fertilizer loans		45,000,000.00	+45,000,000.00
Miscellaneous private relief and other acts	43,468,781.35	[3] 7,000,000.00	−36,468,781.35
Total, deficiency and miscellaneous acts	287,121,575.98	511,294,789.17	+224,173,213.19
PERMANENTS AND INDEFINITES			
Agriculture	11,618,436.00	11,618,436.00	
Commerce	3,000.00	3,000.00	
Independent offices	89,543,586.00	91,036,621.00	+1,493,035.00
Interior	20,963,700.00	15,952,500.00	−5,011,200.00
Labor	9,000.00	9,000.00	
Legislative	233,500.00	234,005.00	+505.00
Navy	1,851,550.00	1,839,470.00	−12,080.00
Post Office	220,000.00	200,000.00	−20,000.00
State	141,233.00	141,233.00	
Treasury:			
Interest on the public debt	[4] 603,000,000.00	581,000,000.00	−22,000,000.00
Sinking fund and other public debt retirement funds	[4] 440,998,200.00	468,509,905.00	+27,511,705.00
Ordinary permanents and indefinites	26,004,935.00	25,860,084.00	−144,851.00
Total, Treasury	1,070,003,135.00	1,075,369,989.00	+5,366,854.00
War Department:			
Military activities	1,375,900.00	1,375,900.00	
Nonmilitary activities	8,251,515.00	12,929,515.00	+4,678,000.00
Total, War Department	9,627,415.00	14,305,415.00	+4,678,000.00
District of Columbia	2,482,500.00	3,261,000.00	+778,500.00
Total, permanents and indefinites	[4] 1,206,697,055.00	1,213,970,669.00	+7,273,614.00
Grand total	4,662,075,296.44	5,180,107,522.24	+518,032,225.80

[3] Estimated.
[4] Revised in the Budget of December, 1930.

LET HIM WHO CHARGES EXTRAVAGANCE POINT OUT THE ITEMS

Mr. JONES. Mr. President, the appropriations for the third session of the Seventy-first Congress just closed, instead of being characterized as extravagance and lack of necessity, have been granted only after the most searching and careful consideration, having in mind, in addition to carrying out the legislation passed in behalf of the World War veterans too late last session to have the necessary appropriations made, the two great outstanding needs of the country in this particular emergency, namely, relief of the drought-stricken areas through loans to farmers for seed, feed, fertilizer, and other purposes, and assistance with a view to increasing employment by expediting Government programs on essential public works. The appropriations made have been considered from these standpoints in the belief that the Government should take the lead and point the way in relief measures so far as that is possible within the limits of proper governmental functions.

These relief measures have been enacted with a view to meeting the fundamental necessities of recovery, namely, the furnishing of employment to aid citizens in earning a living by honest labor and to loan to those in the depressed and stricken agricultural areas the urgent means by which they may put in crops and otherwise rehabilitate agricultural production for the support of themselves and their families and contribute to the recovery of their respective communities.

The appropriations for these purposes are nation-wide. They are not limited to any particular area or section of the country, and from this expenditure of Federal funds there should be to private industry and capital a stimulus and encouragement that will materially assist in the restoration of normal conditions to agriculture and industry.

The appropriations made at this session specifically for extraordinary purposes occasioned by depression and drought amount to $450,226,251, and for the veterans' legislation heretofore referred to, and which passed too late during the last session for the appropriation to be made, amount to $174,651,331.55.

The total appropriations made during the third session of this Congress for the fiscal year 1932 and prior years total $5,180,107,522.24. The appropriations for the second session of this Congress for the fiscal year 1931 and prior years total $4,662,075,296.44. The total increase of appropriations for this session over last session is $518,032,225.80. If you take from this sum the extraordinary appropriations of $450,226,251, the excess of normal appropriations over those of the current year is only $67,805,974.80. This is practically a normal increase; it is really not an increase over normal

appropriations when we take into account the $174,651,331.55 which is included in this coming year's appropriations to take care of the veterans' legislation above referred to, but on the contrary this is a substantial reduction of normal appropriations for the last few years.

The appropriation of $5,180,107,522.24 at this session is $27,785,701.07 less than the Budget estimates.

Some of our friends and colleagues will very likely criticize severely and harshly the aggregate of our appropriations as extravagant and out of all proportion to our needs, yet they have secured—and properly so—large expenditures for their sections for public buildings, rivers and harbors, and other general improvements, to all of which they are justly entitled, and they have also been among the most earnest advocates of the extraordinary appropriations made. Those who charge extravagance should point out specific items which they actually opposed; they can not do it.

This country is growing and expanding. Governmental activities are broadening. Our appropriations must necessarily increase to keep pace with these developments. We had nearly forgotten the "billion-dollar Congress" when some of our critical friends mentioned it. We shall soon cease spending much time over the fact that we have had a "$10,000,000,000 Congress." There is no telling to what sublime heights our great country will attain. We have the best and the most faithful and industrious working people on the globe. We have a fruitful and resourceful country. Development is taking place continually. There is evidence of the ingenuity of our people everywhere. Why seek to encourage the blues and bring discouragement because appropriations have comparatively increased in order that more of our people might be employed and rescued from the unfortunate economic situation they are now suffering under? This emergency work is timely and will help materially. Instead of being denounced it should be praised. Nor is it fair, especially under such circumstances, to use the aggregate of the appropriations as a basis for criticism. We hope that the depression is nearing a close and that we will soon be back to general employment and prosperity.

In closing this brief statement I desire to offer a prayerful wish for the good health and success of our Chief Executive, who has so nobly faced these trying times. His pathway has been difficult. Most complex and intricate problems have confronted him. Nagging and captious criticism has been leveled at him and at every earnest attempt to solve these problems. He has faced every problem with patience, diligence, sanity, and courage. He may have made mistakes, but he has given his best to the country. No man could have done better, and, in my judgment, President Hoover can confidently rely upon the mature, calm, dispassionate, and honest judgment of the American people.

I present herewith a table showing the principal increases and decreases in the appropriations made during the third session of the Seventy-first Congress for the fiscal year 1932 and prior fiscal years compared with those made during the second session of said Congress for the fiscal year 1931 and prior years.

(There have been numerous increases and decreases in individual items throughout the different appropriation bills, but the items set forth below represent the major increases and decreases in appropriation during this session.)

Increases

The appropriations for the Veterans' Administration made during the second session of the Seventy-first Congress for the fiscal year 1931 and prior fiscal years amounted to $777,780,195.67. Appropriations for such administration made at the present session for the fiscal year 1932 and prior fiscal years totaled $952,431,527.22, an increase of $174,651,331.55. This increase is very largely due to the fact that legislation granting increased benefits to veterans and their dependents passed at the second session of the Seventy-first Congress was enacted too late to make the additional appropriations therefor for the fiscal year 1931 at that session, and which necessitated making such additional appropriations at this session for both fiscal years 1931 and 1932	$174,651,331.55
Agricultural marketing fund for making loans to cooperative marketing associations, the appropriations at this session being $250,000,000, against $100,000,000 at last session, an increase of	150,000,000.00
Loans for seed, feed, fertilizer, and agricultural rehabilitation in the drought and storm stricken areas, including rural sanitation and medical supplies	69,000,000.00
Federal-aid roads, the appropriations at this session, including $80,000,000 in the emergency construction act, total $239,080,307, compared to $106,400,000 for last session, an increase of	132,680,307.00
Forest roads and trails, forest highways, national-park roads, and roads over public lands, etc., including $10,500,000 in the emergency construction act, total $30,500,000 for this session, compared with $21,221,628 for the last session, an increase of	9,278,372.00
Rivers and harbors and flood control, the appropriations made at this session, including $25,500,000 in the emergency construction act, aggregate $121,900,000, compared to $103,400,000 at the last session, an increase of	18,500,000.00
Shipping Board construction loan fund, a new item of appropriation to supplement receipts credited to such fund in aid of the merchant marine	35,000,000.00
Emergency construction items under the Departments of Agriculture, Interior, Navy, Treasury, and War for the present session of Congress, no comparable items for the last session	14,941,347.00
Advances to the reclamation fund, to supplement receipts to such fund, no comparable items for the last session	5,000,000.00
Increases in compensation to certain classes of Government employees on account of the act of July 3, 1930; Brookhart Act, amending the classification act of 1923, the amount made necessary for both the fiscal years 1931 and 1932, due to the fact that this legislation was enacted too late at the last session to make any appropriation for the fiscal year 1931	8,000,000.00
Public buildings, construction, sites, rent of temporary quarters, and additional technical and architectural services, the amount appropriated at the last session, $61,078,975, is increased to $76,905,200 for the present session, or by	15,826,225.00
Public-building authorization: With a view to expansion of the public-building program, the present session of Congress passed an act authorizing the appropriation of $100,000,000 additional for building construction to house Government activities throughout the country generally. Pursuant to this additional legislation provision was made in the final appropriation bill of the session for some 300 projects, to cost approximately $70,000,000, with authority in the Secretary of the Treasury to enter into contracts for not to exceed that amount. These projects, together with those heretofore	

specifically authorized, will have available for their prosecution, from appropriations made at this session and from balances of appropriations heretofore made, an amount in excess of $120,000,000 for the remainder of this and the next fiscal year.

Decreases

Refunding internal-revenue taxes erroneously collected, the appropriations for the last session amounted to $130,000,000, compared to $26,000,000 at this session—a reduction of $104,000,000.00

The appropriations for the Navy Department and Naval Establishment for the last session totaled $384,485,322.77, compared to $375,667,900.24—decrease due to the large unexpended balances that will be available for ship construction from previous appropriations 8,817,422.53

Mr. JONES. I also present herewith two tables, one making a comparison of estimates and appropriations for the third session of the Seventy-first Congress and the other making a comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of said Congress.

There is often confusion in the mind of the layman between a statement of appropriations and a statement of actual expenditures. Appropriations constitute the authority to make expenditures. A statement of expenditures covers a given fiscal year. Appropriations made at any given session of Congress are often applicable to several different fiscal years and will affect the expenditure statements of those fiscal years. The total of appropriations made at this session will result in expenditures very largely in three different fiscal years, namely, the present fiscal year, which ends on June 30 next; the ensuing fiscal year, which ends on June 30, 1932; and a portion of them will not be expended until the fiscal year ending June 30, 1933. Any statement or belief that the appropriations made at this session, totaling as they do in excess of $5,000,000,000, constitute "expenditures" of that amount for any one fiscal year is erroneous. The appropriations made at this session, when they result in expenditures, will be chargeable in the proper fiscal year against the revenues of that fiscal year, whether they are postal revenues or revenues in the general fund of the Treasury.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00
State, Justice, Commerce, and Labor	138,650,960.34	137,423,954.34	−1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,891.00	445,765,735.00	−4,582,156.00
Military activities	338,933,359.00	334,655,965.00	−4,277,394.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43
Emergency construction appropriations, 1931	150,000,000.00	116,000,000.00	−34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[4] 7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.
[4] Estimated.

Comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session, compared with same for Seventy-first Congress, second session
REGULAR ANNUAL ACTS			
Agriculture	$155,397,770.00	$215,578,860.00	+$60,181,090.00
District of Columbia	45,776,032.00	45,672,838.00	−103,194.00
Independent offices	553,523,166.00	1,052,777,010.00	[1] +499,253,844.00

[1] Aside from the increases of $100,000,000 for the Federal Farm Board and $35,000,000 for the Shipping Board construction-loan fund, the remainder of this apparent increase is due to the consolidation of appropriations for the Veterans' Bureau, Bureau of Pensions, and National Home for Disabled Volunteer Soldiers into the Veterans' Administration.

Comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress—Continued.

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session, compared with same for Seventy-first Congress, second session
REGULAR ANNUAL ACTS—continued			
Interior	$286, 543, 423. 74	$89, 247, 606. 73	[3] −$197, 295, 817. 01
Legislative	26, 557, 767. 58	26, 973, 185. 00	+415, 417. 42
Navy	380, 573, 111. 00	358, 253, 952. 00	−22, 319, 159. 00
State, Justice, Commerce, and Labor	114, 253, 236. 14	137, 423, 954. 34	+23, 170, 718. 20
State	17, 020, 469. 14	17, 522, 323. 34	+501, 854. 20
Justice	31, 771, 112. 00	51, 239, 201. 00	+19, 468, 089. 00
Commerce	53, 240, 485. 00	54, 332, 230. 00	+1, 091, 745. 00
Labor	12, 221, 170. 00	14, 330, 200. 00	+2, 109, 030. 00
Treasury and Post Office	1, 149, 088, 008. 00	1, 083, 148, 923. 00	−65, 939, 085. 00
Treasury	312, 304, 931. 00	241, 865, 146. 00	−70, 439, 785. 00
Post Office	836, 783, 077. 00	841, 283, 777. 00	+4, 500, 700. 00
War Department	456, 544, 151. 00	445, 765, 735. 00	−10, 778, 416. 00
Military	339, 106, 459. 00	334, 655, 965. 00	−4, 450, 494. 00
Nonmilitary	117, 437, 692. 00	111, 109, 770. 00	−6, 327, 922. 00
Total, regular annuals	3, 168, 256, 665. 46	3, 454, 842, 064. 07	+286, 585, 398. 61
DEFICIENCY AND MISCELLANEOUS ACTS			
First deficiency, 1930	169, 547, 689. 96		−169, 547, 689. 96
Second deficiency, 1930	74, 105, 104. 67		−74, 105, 104. 67
First deficiency, 1931		109, 303, 822. 12	+109, 303, 822. 12
Second deficiency, 1931		83, 990, 967. 05	+83, 990, 967. 05
Emergency construction, 1931		116, 000, 000. 00	+116, 000, 000. 00
Agricultural marketing fund		150, 000, 000. 00	+150, 000, 000. 00
Farmers' seed, feed, and fertilizer loans		45, 000, 000. 00	+45, 000, 000. 00
Miscellaneous private relief and other acts	43, 468, 781. 35	[2] 7, 000, 000. 00	−36, 468, 781. 35
Total, deficiency and miscellaneous acts	287, 121, 575. 98	511, 294, 789. 17	+224, 173, 213. 19
PERMANENT AND INDEFINITES			
Agriculture	11, 618, 436. 00	11, 618, 436. 00	
Commerce	3, 000. 00	3, 000. 00	
Independent offices	89, 543, 586. 00	91, 036, 621. 00	+1, 493, 035. 00
Interior	20, 963, 700. 00	15, 952, 500. 00	−5, 011, 200. 00
Labor	9, 000. 00	9, 000. 00	
Legislative	233, 500. 00	234, 005. 00	+505. 00
Navy	1, 851, 550. 00	1, 839, 470. 00	−12, 080. 00
Post Office	220, 000. 00	200, 000. 00	−20, 000. 00
State	141, 233. 00	141, 233. 00	
Treasury:			
Interest on the public debt	[4] 603, 000, 000. 00	581, 000, 000. 00	−22, 000, 000. 00
Sinking fund and other public debt retirement funds	[4] 440, 998, 200. 00	468, 509, 905. 00	+27, 511, 705. 00
Ordinary permanents and indefinites	26, 004, 935. 00	25, 860, 084. 00	−144, 851. 00
Total, Treasury	1, 070, 003, 135. 00	1, 075, 369, 989. 00	+5, 366, 854. 00
War Department:			
Military activities	1, 375, 900. 00	1, 375, 900. 00	
Nonmilitary activities	8, 251, 515. 00	12, 929, 515. 00	+4, 678, 000. 00
Total, War Department	9, 627, 415. 00	14, 305, 415. 00	+4, 678, 000. 00
District of Columbia	2, 482, 500. 00	3, 261, 000. 00	+778, 500. 00
Total, permanent and indefinites	[4] 1, 206, 697, 055. 00	1, 213, 970, 669. 00	+7, 273, 614. 00
Grand total	4, 662, 075, 296. 44	5, 180, 107, 522. 24	+518, 032, 225. 80

[3] This apparent decrease is due to the transfer of the Bureau of Pensions from the Interior Department to the Veterans' Administration.
[2] Estimated.
[4] Revised in the Budget of December, 1930.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma resumed and concluded his speech, which follows entire.

Mr. President, last night I was proceeding to give to the Senate some figures. I want to say again that I have but one purpose in view, one hope in view, and that is for the passage of the resolution providing for the appointment of a Senate committee to make a study of the third largest industry in America—the oil industry—and that through such study better conditions may be brought to millions of the people of our country.

Mr. President, as I shall proceed this morning the first two hours will be given over to the making of the best record I can upon the oil situation. Beginning at 11 o'clock I propose to start to read into the RECORD copies of two contracts made between the United States Government, acting through the Shipping Board, and the Secretary of the Treasury, acting through the Gulf Oil Refining Co. At 11.50 o'clock I will proceed to summarize my argument.

Mr. President, on last night when I yielded for permission to make a motion for a recess I was reading from a news item under a New York date line of July 26, as follows:

HUGE OIL PROFITS MAKE NEW RECORD

NEW YORK, July 26.—Profits of leading oil companies in the Standard Oil group, during the 8-year period from 1921 to 1929, stagger the imagination.

These concerns are now striving to unite and limit output that further profits may be assured.

Dividend payments to stockholders of these concerns in the eight years totaled $1,157,000,000, while surplus increased more than $20,000,000. Standard Oil Co. of New Jersey is leader in these remarkable profits. During the eight years this concern issued $222,000,000 in cash dividends and $393,000,000 in stock dividends.

At this time I place in the RECORD a news item emanating from the Bee Bureau. That appears to be a news service. It is of date Washington, January 16, 1931. I will read the article:

Independent oil rights of little value at capital.

I have discovered that fact.

INDEPENDENT OIL RIGHTS OF LITTLE VALUE AT CAPITAL—WILBUR'S ASSISTANT SAYS GENERAL WELFARE FIRST IN KETTLEMAN SITUATION

WASHINGTON, January 16—(Bee Bureau).—That the property rights of independents in the Kettleman Hills oil field amount to little or nothing in the eyes of the Department of the Interior is to-day an acknowledged fact. This was made certain by a statement made to Hayden F. Jones, president of the Fresno real estate board by Northcutt Ely, executive assistant to Secretary of Interior Wilbur.

Jones had called on the Secretary to protest, both verbally and in writing, against the proposed united agreement in the Kettleman field as being unjust to the independent operators and the fee owners of property. After a discussion of the matter for about 15 minutes, Secretary Wilbur turned the Fresno man over to Ely, who, in the course of conversation in his office, told Jones as follows:

Here is the particular part to which I desire to call the attention of the Senate and the country:

We are not asking you or anybody else to sign this agreement and no one can compel you to do it, but if we had our way we would plug in every well in the Kettleman Hills. We are not interested in your property rights of protecting your values. What we are interested in is in saving gasoline for the next war.

I wonder when that war is coming? Whom are we preparing to fight? Here is a quotation presumed to be from the executive assistant to the Secretary of the Interior, telling the people of California, as they have told the people of my State, that they are not interested in property rights or property values. They are only interested in saving oil and gasoline for the next war.

It is more important to the other 120,000,000 American people to save gasoline for use in the next war than it is to look after any property or individual rights that any of you have at present.

On the same page, immediately following the article which I have just read we find this news item, an Associated Press dispatch:

COMPACT URGED

WASHINGTON, January 16.—Secretary Wilbur, chairman of the Federal Oil Conservation Board, told the governors' oil relief conference to-day the only lasting remedy for the plight of the industry was a compact between oil-producing States limiting production.

Mr. President, my State has limited its oil production. Texas, one of the leading producing oil States, has limited its oil production. California, another of the leading oil States, has likewise limited its oil production. Yet when these States have curtailed production to practically nothing and we ask these great importing companies to otherwise limit their production, what sort of an answer do we get?

At this point I call the attention of the Senate and the country to the particular significance of the Sherman antitrust law. That law was enacted presumably to protect the people against these gigantic concerns. Here in this instance the Sherman antitrust law is being used by the big companies to protect themselves against the little companies. I will tell you why. The small companies are now curtailing their production. They have suggested to the large companies that they likewise curtail their importations of oil. The big companies say "We would like to do that, but we can not. We can not even talk about it. We can not even think about curtailing our imports, because the moment that we consider it we would be violating the Sherman antitrust law." These gigantic companies against which the Sherman antitrust law was enacted to protect the people are now using that identical law—to give them an advantage over the smaller companies. Yes; to oppress the people of America interested in the producing of oil.

I read further from the Associated Press dispatch, quoting Secretary Wilbur:

He made a number of suggestions for such a compact, similar and in some cases duplicates of proposals made at the Colorado Springs governors' conference in 1929, in which he urged full conservation of "irrecoverable natural resources."

Mr. President, developments have taken place in the last few months whereby in some of these gigantic oil fields hundreds, thousands, even tens of thousands of oil wells have been closed. Owners of oil wells that will produce only half a barrel of oil a day or 1 barrel of oil a day or 2 or 3 barrels of oil a day, when they can sell that oil for only 75 cents a barrel, can not continue to pump those wells, and because of conditions as we find them the owners of the wells can not operate them at a profit or pay expenses, and so those wells are closed. In the Kansas field, in the Oklahoma field, in the Texas field thousands of oil wells called "strippers," which means small production, because the owners can not find a market for their oil, because they have no storage facilities, have been forced to abandon such wells. Those wells collectively producing 500,000 barrels of oil a day have been closed, and 500,000 barrels of oil a day have been destroyed. Is that conservation? All the Interior Department seems to be interested in is conservation; yet the policy of that department is destroying thousands and tens of thousands of oil wells in these United States.

Mr. President, not only is the oil situation causing trouble here in Washington but it is a problem in the oil-producing States. There are 20 of those States. The great State of New York is an oil-producing State; the great State of Pennsylvania likewise is an oil-producing State; West Virginia and Ohio and Kentucky and Indiana and Illinois and Michigan are oil-producing States. Then there are Wyoming and Montana; Kansas and Arkansas; and Oklahoma, Louisiana, Mississippi, Texas, and New Mexico; and in the far West the leader of them all is the great State of California. In each of those oil-producing States to-day not only hundreds, not only thousands, but tens of thousands of American citizens are out of employment because there is no sale for the oil; but when we come to the Congress and ask for relief, although the claims of almost everyone else have been considered, we get no relief.

Last June, when the tariff bill was being considered, we proposed a measure of relief in the form of a tariff upon oil imports. We were unable to secure that relief. Let me remind the Senate of the history of that fight. The oil men came here from these 20 States. They were impoverished,

and they were depressed. They came before the committees of the Senate and likewise before the committees of the House of Representatives. These oil men, unschooled in the etiquette of Washington, unfamiliar with parliamentary law, knowing nothing but business, went direct to the committees and asked the committees of Congress to hear them. They were heard by the House Committee on Ways and Means; they were heard by Members of the United States Senate. They even called upon Senators in their offices; they called upon them at their homes; they called upon Senators wherever they might find them, and presented the condition in the oil industry direct to Members of the Senate of the United States.

About the time their amendment came up for consideration in connection with the tariff bill some influence became active. I do not know what it was, but I know that it became active, and all at once it became apparent that a vigorous effort was being made to defeat that legislation. Even the lobby committee was called together; and on the very night before the amendment was to be considered the rooms of these gentlemen from the Western States were raided; their papers and their telegrams were seized by the lobby committee, and those letters and telegrams were brought before the United States Senate and exhibited here in opposition to the oil tariff tax amendment.

Mr. President, during the consideration of the tariff bill some four or five different amendments were proposed designed to provide relief to the oil industry. On each of those amendments there were cast in favor of the oil-tax proposal no fewer than 29 votes, if my memory serves me correctly, and on one vote the tariff proposal lacked only one single vote of tying. So at that time, while we did have support for the relief of the oil producers, influences which were at work were successful. So, when the Congress was about to adjourn last year, there was nothing in the tariff bill proposing a tax upon oil, and there was no relief granted to the oil industry; but to the last day of the consideration of the tariff bill, I proposed a little amendment. I do not know whether Senators were asleep or not, but I believe that if some of them had been awake when I proposed that amendment it would have met with opposition.

I proposed an amendment that the Tariff Commission be requested to make an investigation of the cost of producing oil in the mid-continent field, and transporting that oil to the Atlantic seaboard, and at the same time requesting the Tariff Commission to make an investigation of the cost of producing oil in Venezuela and transporting that oil to the Atlantic seaboard. It was a simple little amendment and there was no objection to it. It went into the bill and became a part of the tariff act.

So when the tariff law became effective and the Tariff Commission saw this request, an instruction so to speak, that commission became active, and during the past summer actually made an inquiry and investigation as to the cost of producing oil at home and abroad. What did that investigation disclose? That investigation disclosed that oil produced in Venezuela—in the main, produced by American companies, produced by American capital—can be produced in Venezuela and transported to New York or to Baltimore or to Philadelphia or to New Jersey points along the Atlantic seaboard, for a total cost of 79 cents per barrel. The same Tariff Commission that found these facts likewise found that it cost $1.98 a barrel to produce oil in the mid-continent field and to transport that oil to the Atlantic seaboard. So we now have the only authentic information of which I am aware as to the oil business; that information has been obtained by the Tariff Commission, and it discloses that American capital can produce oil in Venezuela and deliver that oil to the Atlantic seaboard for $1.19 per barrel cheaper than oil can be produced in the mid-continent field in the United States and delivered to the Atlantic seaboard.

Mr. President, what does that mean? It means the Atlantic seaboard is using Venezuelan oil; the refineries along the Atlantic seaboard are being supplied with oil from Venezuela; and yet we have here in America now a flood of American oil, produced by American capital and by American labor, that can not be sold.

This is not my resolution, Mr. President; it was prepared and introduced by the distinguished Senator from North Dakota [Mr. NYE]. I did make the motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the resolution, and, through that motion, the resolution was placed upon the calendar. I am only asking, Mr. President, for the adoption of that resolution, now upon the calendar, providing for the appointment of a Senate committee consisting of five members, the appointments to be made by the Vice President, for the express purpose of making a study of the oil industry, the third largest industry in America; and when I say the third largest in America that means, of course, the third largest in the world.

Mr. President, I said a moment ago that the unfavorable conditions in the oil industry had produced trouble in my State. Why, Mr. President, to-day in one of the leading parks of the capital of my State there is a camp the tents for which are supplied by the National Guard, with field kitchens—gigantic kettles on wheels—furnished by the War Department by the grace and through the cooperation of the Secretary of War. There, in that large city park, in tents furnished by the National Guard, with field kettles from Fort Sill, manned by ex-service men who are drawing no salary, there are being fed to-day, Mr. President, more than 6,000 men, women, and children. That many were fed yesterday, and the day before; and so long as winter continues and until jobs can be provided such service in my State will continue.

Mr. President, if I may have the attention of the Senate, I will submit the following unanimous-consent request. I will read it first, and then I will see whether I will submit it:

Ordered, by unanimous consent, that at 10 o'clock to-day, March 4, 1931, the Senate, without further debate, shall vote upon the resolution (S. Res. 418) creating a special committee to investigate crude-oil prices and certain other matters relating thereto.

Mr. President, at this point I will ask unanimous consent to have inserted in the RECORD a copy of Senate Resolution No. 418.

The VICE PRESIDENT. Without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 418) is as follows:

Resolved, That a special committee of five Senators shall be forthwith appointed by the Vice President, and said committee is hereby authorized and instructed to investigate and report to the Senate as early as possible.

First. The cause or causes of the low price of crude oil in the United States and the margins between the price of crude oil and the selling price of the products of crude oil.

Second. Whether said conditions have resulted in whole or in part from any contract, combination, in the form of a trust or otherwise, or conspiracy in restraint of trade and commerce among the several States and Territories or with foreign countries.

Third. Whether said prices have been controlled, in whole or in part, by any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and Territories or with foreign nations.

Fourth. Whether such corporation, joint-stock company, or corporate combination, in purchasing crude oil, gasoline, and other petroleum products, by any order or practice of discrimination, boycotts, blacklists, or in any manner discriminates against any particular oil field.

Fifth. The organization, capitalization, profits, conduct, and management of the business of such corporation or corporations, company or companies, and corporate combinations, if any.

Sixth. The stocks of crude oil, gasoline, and other petroleum products at refineries or elsewhere in the United States at the end of each year for the years 1928, 1929, and 1930, and the holders or owners thereof.

Seventh. Whether any combination, agreement, understanding, or other relationship exists between corporations, joint-stock companies, or combinations engaged in the oil industry and corporations, joint-stock companies, or combinations engaged in the operation of pipe lines and local public utilities, and if so, the effect of said relationship upon the production and sale of crude oil, gasoline, and other petroleum products in the United States.

Eighth. The profit of companies refining and marketing petroleum in the United States for the years 1928, 1929, and 1930, and the component elements of said profits.

Ninth. All other facts as bear upon the recent changes in price of crude oil, gasoline, or other petroleum products or upon any of the foregoing matters.

The said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; to employ counsel, experts, and other assistants.

The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the processes of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee.

The expenses of said investigation not exceeding in the aggregate $50,000 shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. THOMAS of Oklahoma. I now submit the unanimous-consent request just read.

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. Does not that require a call for a quorum?

The VICE PRESIDENT. The request for a final vote, being on a simple Senate resolution, does not require a call for a quorum.

Mr. REED. I suggest the absence of a quorum.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. REED. I object to the unanimous-consent request.

The VICE PRESIDENT. Objection is made.

Mr. THOMAS of Oklahoma. I now desire to call the attention of the Senate to a special cable to the New York Times as published in that newspaper on February 18, 1931. I read:

[From the New York Times, February 18, 1931]

COURT FIGHT IN LONDON OVER VENEZUELAN OIL—AMERICAN FIRMS SEEK "MILLIONS" FROM ANGLO-SAXON PETROLEUM, CHARGING CONTRACT BREACH

LONDON, February 17.—A legal battle over oil in Venezuela in which, in the words of the plaintiff's attorney, "the damages may be millions," started here to-day.

Sir Patrick Hastings, former attorney general, opening the case for the plaintiffs, said that the General Asphalt Co. and the Barber Asphalt Co., controlled by the General Asphalt Co., both of which are American corporations, claimed damages for a breach of contract from the Anglo-Saxon Petroleum Co. (Ltd.), of London.

"The question," Sir Patrick said, "was whether the Anglo-Saxon Petroleum Co. had agreed that the American companies should receive 9⅜ per cent of the oil from the Vigas concession in Venezuela. The Anglo-Saxon Petroleum Co.," he explained, "has a capital of $125,000,000, of which 60 per cent was held by the Royal Dutch Co. and 40 per cent by the Shell Co.

"So immense are the powers, rights, and influence of the Anglo-Saxon Petroleum Co.," he said, "that it is able to make—and I make no sort of suggestion against the propriety of it—practically what arrangements it likes between vendors, purchasers, and managers as to the place, method, and price of the deliveries of oil with which it is concerned."

Mr. President, this trouble is not only local; American capital has invaded foreign fields; and because of that invasion this capital is causing trouble to other peoples of other lands.

I call the attention of the Senate to another New York Times article of date March 3. The article is under the following headline:

Oil institute maps market code action. Court test of Trade Commission's authority to cancel rules is considered at Chicago.

Here we have evidence of the power of these gigantic oil companies trying to modify and control the rules and regulations to be made by our own Federal bureau, the Federal Trade Commission.

CHICAGO, March 2.—Leaders of the petroleum industry attended an emergency meeting of the American Petroleum Institute's general marketing committee here to-day to formulate a policy with respect to the Federal Trade Committee's recent action in withdrawing its approval of 18 rules of the institute's marketing code and rewriting two of three remaining rules.

The meeting was a closed session held under the chairmanship of Edward G. Seubert, president of the Standard Oil Co., of Indiana.

Courses being considered are proceeding with the revised code as approved by the Federal Trade Commission, petitioning the commission to reinstate the old code, or proceeding with the old code without the sanction of the commission.

In the event that the latter course is adopted it probably would mean that the problem would be submitted in a test suit in the courts.

Much significance is attached to the outcome of the deliberations, for upon them may rest the policy of the Federal Trade Commission with respect to 127 other codes adopted by the various industrial and trade organizations of the Nation.

There is a concrete illustration of the power of this industry that I am now seeking to have a committee appointed to study.

Others taking part in the discussions were E. B. Reeser, president of the Petroleum Institute; K. R. Kingsbury, president of the Standard Oil Co., of California; W. M. Irish, president of the Atlantic Refining Co.; Walter C. Teagle, president of the Standard Co., of New Jersey, and Judge C. B. Ames, counsel of the Texas Corporation.

Mr. President, the Congress now about to adjourn has appropriated a large amount of money; just how much, I do not know. I see before me the distinguished chairman of the Appropriations Committee of the House of Representatives. I can not ask him the question. No doubt he would know. No doubt he could tell me if I could ask the question and he could reply. I can not do that. At this moment I do not know how much money we have appropriated.

We have upon the floor the distinguished chairman of the Senate Committee on Appropriations, the Senator from Washington [Mr. JONES]. He does not know how much money we have appropriated at this session. No one knows until a tabulation is made, but I prophesy it is more than $5,000,000,000. I saw the statement in a paper a day or two ago that this Congress, the Seventy-first, had appropriated $10,000,000,000. That means the three sessions of the Seventy-first Congress. To-day is the closing day of the Seventy-first Congress, which has appropriated more than $10,000,000,000, if the news item was reliable.

Mr. President, how much money is $10,000,000,000? I do not know. I have before me figures furnished by Mr. Sheild, the clerk of the Committee on Appropriations of the House of Representatives. The figures I have are attached to a letter of the date June 15, 1928. At this time I desire to insert in the RECORD, if I may, the letter from Mr. Sheild and the attached data showing the amounts of the appropriations made by the Sixty-seventh, the Sixty-eighth, and the Sixty-ninth Congresses.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. What is the request of the Senator?

Mr. THOMAS of Oklahoma. I am inserting in the RECORD a letter and some accompanying data from Mr. Sheild, the clerk of the Committee on Appropriations of the House of Representatives.

Mr. ASHURST. Reserving the right to object, I say that every Senator is or should be interested in the veterans' hospital bill, H. R. 16982. That bill should become a law.

Mr. HARRISON. Will the Senator yield?

Mr. ASHURST. I am reserving the right to object, and I do not want to lose that right.

Mr. THOMAS of Oklahoma. Mr. President, I do not yield for anything which may possibly take me from the floor; and I depend upon the Chair to protect me in my rights.

Mr. ASHURST. Mr. President, the Chair asked, "Is there objection?" I am now exercising my right to say whether or not I object; and the Chair may not restrict me to two words.

The VICE PRESIDENT. The Chair has not attempted to do that.

Mr. ASHURST. I thank the Chair. Reserving the right to object, with due deference to the Chair, I desire to be heard.

The VICE PRESIDENT. The Chair would hold that that would be tantamount to an objection.

Mr. ASHURST. Reserving the right to object to the request propounded by the Senator from Oklahoma, I repeat

that I now demand action on the bill expanding and enlarging the hospital facilities for our disabled ex-service men.

Mr. THOMAS of Oklahoma. Mr. President, I withdraw the request.

The VICE PRESIDENT. The Senator withdraws it.

Mr. ASHURST. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. Is it possible that the Senate of the United States will, by any sort of fiction, permit the soldiers' hospital bill to die? To do so would be a reproach to the Senate; and I beg the Senator to allow us to vote, at the appropriate time, on the conference report on the soldiers' hospital bill.

Ex-service men are languishing in hospitals, and additional hospital facilities are now much needed, and we are pouring out words, words, words when we should be "doing." The Senator as a patriot ought to allow the Senate to pass the hospital bill. [Applause in the galleries.]

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. ASHURST. The country knows the truth now.

Mr. THOMAS of Oklahoma (reading):

JUNE 15, 1928.

Hon. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR THOMAS: In response to your recent request, I inclose herewith statement showing for each session of Congress—

Mr. President, I think perhaps I should not let go by the patriotic appeal made to me by the distinguished Senator from Arizona; but I am advised that there is no agreement on that bill. It is not in shape for passage.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. If there should be an agreement, would the Senator permit the hospital bill to pass?

Mr. THOMAS of Oklahoma. Mr. President, I will do so gladly.

Mr. ASHURST. Mr. President, the Senator is a friend to the disabled soldiers.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. SWANSON. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. Does the Senator from Oklahoma yield?

Mr. SWANSON. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. Rule VII, section 7, contains this provision, and I think the action described in it would not take the Senator from Oklahoma off the floor:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose.

The inquiry I desire to make is whether it is not true that if a resolution comes here from the House, and all we have to do is to concur, it does not take the Senator off the floor, but the business is simply suspended, and he would resume the floor if he were to do that. It could not be done without his consent, but if he should consent for a House resolution or an amendment to be laid before the Senate, the rule says the business being transacted at that time is suspended, which means that it will be resumed where he left off. The Senator would still be entitled to the floor if messages of that kind from the House were laid before the Senate and business suspended under the rules; would he not?

The VICE PRESIDENT. The Chair would hold that that could not be done without the Senator's consent.

Mr. SWANSON. I say, with his consent, though, it is simply a suspension of the business which was being transacted. It is suspended, and is resumed where it was left off; is it not?

The VICE PRESIDENT. If the matter laid before the Senate would be subject to debate—as it would be—if it should be debated, that would take the Senator from the floor.

Mr. SWANSON. If it is not debated, though, it is simply a suspension.

The VICE PRESIDENT. That question will have to be decided when it comes up.

Mr. THOMAS of Oklahoma. Mr. President, I was undertaking to read a letter from Mr. Sheild, the clerk of the House Committee on Appropriations, addressed to myself:

> In response to your recent request, I inclose herewith statement showing for each session of Congress since the passage of the Budget Act the total appropriations, the total estimates, the net reduction in the estimates, and the aggregate reduction effected by Congress in the seven sets of estimates.
>
> With best wishes, I am sincerely,
>
> M. C. SHEILD, *Clerk.*

With this letter I received the following statement of figures:

In the first column, "Fiscal year for which appropriations were made."

In the second column, "Budget estimate."

In the third column, "Appropriations."

In the fourth column, "Decrease in appropriation under Budget estimate."

In the fifth column, the "net decrease in appropriations under Budget estimates."

For the first session of the Sixty-seventh Congress, the Budget estimate was for appropriations of $3,924,586,066.78. The appropriations made in the first and second sessions of the Sixty-seventh Congress were $3,751,917,629.14. That shows that the Congress appropriated less than was requested by the Budget Bureau, the exact sum being $172,668,437.64.

Supplemental and deficiency appropriations for 1922 and prior years: The Budget estimate was $467,571,992.68. The appropriations were only $327,878,638.05. Again the Congress was more economical than was the Budget Bureau, because the Congress did not appropriate as much money as the Budget Bureau estimated and recommended. The exact figures are $139,693,354.63.

The Sixty-seventh Congress was more economical than was the Budget Bureau. It was more economical to the extent of $312,361,792.27.

We hear much throughout the country to the effect that Congress is the spendthrift of the Government. We hear much throughout the country to the effect that it is the Congress that is the cause of high taxes. Yet, in the Sixty-seventh Congress, the Congress actually appropriated $300,000,000 less than was asked for by the President, acting through his Budget Director.

In the Sixty-seventh Congress, the third and fourth sessions, the Budget estimate for those sessions was $3,714,602,281.19. The Congress, however, appropriated only $3,706,779,083.12.

Again in that Congress we did not appropriate as much as the Budget Bureau estimated for, or as much money as the President recommended should be appropriated. The Congress that year actually saved the people of the country the sum of $7,823,198.07.

Supplemental deficiencies for 1922 and prior years. The amount asked for was $236,411,166.57.

Mr. President, the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] does me the honor to sit close by me and listen to what I am trying to say. I think there is a sympathetic attitude on the part of the distinguished senior Senator from Wisconsin toward my resolution, and before I get through I shall have something to say about La Follette the first. I am glad to have by me now LA FOLLOTTE the second.

The amount asked for by the Budget Bureau in 1923 for deficiencies was $236,411,166.57, but the Congress appropriated only $233,492,860.49, another saving of the Congress over the estimates made by the Budget Bureau and the President in the sum of $2,918,306.08.

The President, acting through the Budget Bureau, in the first session of the Sixty-eighth Congress, requested that the Congress appropriate for all purposes the sum of





$3,632,173,054.96, but the Congress appropriated only $3,622,125,959.19. Again Congress saved to the country the sum of $10,047,095.77.

In that year there was requested to be appropriated by the Budget Bureau for deficiencies and supplemental purposes $160,974,906.47, but the Congress appropriated a little more for deficiencies than the Budget Bureau estimated, because the Congress appropriated $161,997,365.16. In other words, for deficiencies and supplemental purposes the Congress exceeded the Budget estimate in the sum of $1,022,458.69.

In the second session of the Sixty-eighth Congress, the President, acting through the Budget Bureau, requested total appropriations in the sum of $3,747,876,017.78, but the Congress did not appropriate as much as the President requested, did not appropriate as much as the Bureau of the Budget requested and estimated for, because the Congress appropriated only $3,736,124,595.31. The Congress actually saved the people of the country the sum of $11,751,422.47.

Then came the first session of the Sixty-ninth Congress, in 1927. In that session the President, acting through the Budget Bureau, asked Congress to appropriate the sum of $3,961,470,187.42, but the Congress did not appropriate that much money.

All these years the country has been told that the Congress was the spendthrift of the Nation, that high taxes were caused by Congress cutting the purse strings and discarding them. But I am showing that it has not been the Congress that has been the spendthrift; it has been the President asking, through the Budget Bureau, these gigantic sums, and in practically every session of the Congress the Congress has reduced estimates submitted by the President of the United States.

Mr. BINGHAM. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. What is the pending question?

The VICE PRESIDENT. The pending question is on the motion to proceed to the consideration of Senate Resolution 418.

Mr. THOMAS of Oklahoma. Mr. President, Congress appropriated in that year the sum of $3,953,628,990.08. In other words, the Congress saved the people the sum of $7,841,197.34.

The same Congress was requested to appropriate for deficiency purposes the sum of $454,709,266.73, and the Congress that year exceeded the estimates by a million, because they appropriated $455,834,499.75. So that year Congress exceeded the estimates in the sum of $1,125,133.

In the second session of the Sixty-ninth Congress the President requested Congress to appropriate for all purposes the stupendous sum of $4,022,971,757.60, but the Congress did not appropriate that much money. The Congress, the more economical body of this Government, refused to accede to the demands made by the President, refused to accede to the demands and requests made by the Budget Director, and appropriated the sum of only $4,014,988,936.40, thus saving to the taxpayers the sum of $7,982,821.20.

Then in the last session of the Sixty-ninth Congress, for deficiency and supplemental appropriations, the request was made for $195,792,534.01. Congress exceeded that by a small amount and actually appropriated $196,022,416.18. Hence the Congress exceeded the estimates in the sum of $229,882.17.

Mr. President, let me recapitulate. The Budget law has been in force only a few years. Since the Budget law was enacted the President, acting through his own appointee, the Budget Director, has made up the estimates and submitted the same to the Congress. During those years, in campaign times and other times, we have heard the charge made throughout the country that the Congress, without regard to the people's interests, without regard to the taxpayers' interest, has gone wild in the making of appropriations. But what are the facts? In each Congress we failed and refused to make the appropriations requested by the President and by the Budget Bureau.

In the Sixty-seventh Congress, first and second sessions, the Congress reduced the estimates in the sum of $312,361,792.27. In the Sixty-seventh Congress, third and fourth sessions, Congress actually reduced the estimates submitted by the Budget Director and the President in the sum of $10,741,504.15.

In the Sixty-eighth Congress, first session, Congress refused to appropriate as much money as was requested by the President and by the Budget Director by the sum of $9,024,637.08.

In the Sixty-eighth Congress, second session, Congress refused to appropriate as much money as was requested by the Budget Director and the President, and the amount of money saved was $12,596,495.90. In the first session of the Sixty-ninth Congress we actually saved the taxpayers of the country the sum of $6,716,064.34.

Mr. President, from the time the budget system of financing was established, under the entire régime of the Budget law, Congress, without exception, has appropriated less money than has been requested by the Chief Executive. Congress has appropriated less money than has been estimated for by the Budget Director.

I am giving these figures to offset and refute the allegations made and the belief that is held throughout the country that the Congress is an irresponsible body, that the Congress has cut the purse strings and has discarded them, and that the Congress, without regard to the taxpayers' interests and the people's interest, is appropriating money by the millions and by the billions over the protests of the Chief Executive and the other executive officers of this Government.

In the second session of the Sixty-ninth Congress, we saved, under the estimate, the sum of $7,752,939.03.

Now I want to give for the RECORD some idea of how much money it takes to pay our Federal taxes each year. The country does not know. The country may have the opinion that it costs $5,000,000,000 to run this Nation for a year, but the public does not understand how much money that is. If I may, let me give a picture of the amount of gold, silver, and paper it takes each year to pay the running expenses of the United States Government.

The only real money we have is the money in circulation; I mean that is the only real money that is available to the people of the Nation. We have something like eight or ten billion dollars in the Treasury. We have a Treasury full of gold, four or five billion dollars of it, but it is not in circulation. The paper money stacked in the Treasury, in bales, being seasoned for delivery, is not in circulation.

Mr. President, how much money is in circulation? Let me answer that question. There is not enough money in circulation to pay the taxes of the United States Government for 12 months. Does anyone dispute that statement? I think last year, if the statements I saw were correct, it took $5,000,000,000 to pay the expenses of maintaining the United States Government. There is not that much money in circulation.

Mr. President, let me call attention to official figures. I exhibit to the Senate a statement from the Treasury Department of date January 31, 1931. That statement is scarcely 30 days old. The statement is upon Form No. 1028, Treasury Department, Public Debt Service. The statement shows that on January 31, 1931, there was in circulation the sum of $4,609,881,106. That is all the gold, silver, and paper money there was in actual circulation throughout the United States and even throughout the world, for our American money is found everywhere.

That does not include the money in the Federal reserve banks. That money is not in circulation. That does not include the money in the Treasury. That money is not in circulation. The total amount in circulation, according to this statement, is only $4,609,000,000. Every dollar of gold, every dollar of paper, every dollar of silver outside of the Treasury, if collected and placed in front of the Vice Presi-

dent's desk, would not be enough to pay the expenses of the operation of the United States Government for 12 months.

You can go to all the banks of the Republic, and there are only 27,049 of them; you can go to their vaults and get all of the gold in their vaults, get all of the silver, copper, and nickel in the vaults of those banks, get all of the paper money in all of those banks, and in imagination bring it here and stack it in front of the Vice President's desk. That is all the money in all of the banks of the United States, the 24,079 banks, and there is the pile. Then go out among all the people, go into their places of business, go into their cash registers, into their safes and safe-deposit boxes, and rob them and get all the money that they have, and bring it here and add it to the pile. Then go into the hiding places where money is concealed in cigar boxes, in sugar bowls, in baking-powder cans, in the mythical stocking, and get all the money, gold, silver, and paper, that is in hiding, and add it to that pile. Then go among the hiding places elsewhere where money is buried and get it and add it to that pile. Then go to the 122,000,000 people of America, search their pockets, turn their pockets wrong side out. Mr. President, I regret to say you would not add very much to that pile, but search them and add to that pile what you can find.

That is still not all the money in circulation. American money is found throughout the world. Go to the little island of Cuba. There practically the only money that is in circulation is United States money, United States greenbacks, United States silver. It is estimated that in Cuba there is more than $100,000,000 of American money in circulation. Rob the island of Cuba, get every dollar of American money there, and bring it here and add it to that pile.

That still is not all the money in circulation. Go every place throughout the world—I care not where you go—you find American money. Go to England, go to France, go to Italy, go to Germany, and you will find American money. Search out all the money in foreign lands and add it to that pile. Even go to Russia and there you will find American money in great quantities. Take all the money in Russia, take all the American money throughout the world and add it to that pile. That, then, is all the money in circulation. Yet, Mr. President, that pile of money is not big enough to pay the expenses of the operation of the United States Government for a single twelve months' period.

Mr. President, at this point I desire to read into the RECORD some facts and figures relative to the present status of the oil industry. There is no chance, as I see it, to get any information through any authentic source at the hands of the Senate. The best we can do is to make the record.

The American oil industry has invested therein something like $12,000,000,000. That is the best estimate we have. It may be $15,000,000,000; it may be $20,000,000,000; it may be even more than that. No one knows. It was the hope of the proponents of the resolution that through the operation of the resolution and through the activities of the committee and in the study to be made we might ascertain actually how much money is invested in the oil business.

The oil industry employs something like 2,000,000 people. It has annual sales of more than $3,000,000,000. The words "oil industry" are used so glibly by practically everybody to-day that very few stop to think that the industry employs, directly and indirectly, some 2,000,000; produces a billion barrels of crude oil a year; makes sales of refined products worth close to $3,000,000,000 a year; and has total assets of $12,000,000,000.

If the billion barrels of crude oil produced in the United States in 1929 had been stored in standard-size oil storage tanks of 55,000 barrels each, it would have required nearly 20,000 tanks to hold last year's output. If those 20,000 tanks had been placed in a single tank farm laid out as they are usually laid out, the farm would have covered 125 square miles.

Mr. President, I am in no position to force my will upon the Senate. I have never tried to do it. I am not trying to do it now. I am only asking that the third largest industry in America have a chance, a slight chance, and the only chance it can have is through making public the facts relating to that industry. The only way that the facts in relation to the industry can be made public is through a study by a committee of the House of Representatives or of the Senate of the United States. All I am asking is a chance to have a vote upon the resolution.

I have asked no one to support the resolution. I have never asked anyone to vote for or against any matter in which I am interested. That, in my judgment, is not ethical. Nobody asks me to vote for or against a measure. If some one should come and appeal to me to vote for or against some proposal I do not think I would take such appeal very kindly. I depend upon statements of facts and try to get those facts home to the Members of the Senate, and then, on their oath and upon their consciences as Senators, I let them exercise their judgment. They can vote as they will. I have no complaint.

Mr. BROUSSARD. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BROUSSARD. Is the Senator supporting his own resolution or——

Mr. THOMAS of Oklahoma. I am supporting the Nye resolution. I have no resolution.

Mr. BROUSSARD. I mean by that the Senate resolution, or is he supporting the House resolution?

Mr. THOMAS of Oklahoma. I will make that plain. Some time ago the distinguished Senator from North Dakota [Mr. NYE] introduced Senate Resolution 418. The resolution provided for a study being made of the oil industry by a committee of five Senators to be appointed by the Vice President. The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. A few days ago the distinguished Senator from North Dakota, the author of the resolution, and I appeared before that committee. We requested the committee to report out the resolution. For some reasons best known to the members of the committee the resolution was not reported.

At a later date I entered a motion that on some subsequent date I would move to discharge the committee from the further consideration of the resolution. I entered the motion, and a few days ago I called up the motion. The Senate agreed to the motion. The resolution, Senate Resolution 418, by Senator NYE, provided only for a study to be made—not a tax, not an embargo, only a study to be made—of this large industry to the end, I hope, that the Senate, when it reconvenes in December will have some information and likewise have some Senators on the floor who have first-hand information on this most important industry.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BROUSSARD. I am interested in the investigation of lumber as well as oil. That is why I propounded the question. I want to ask the question now. Would there be an opportunity of passing such a resolution as that which the Senator has in mind by taking the House resolution which includes other commodities and might include lumber, in which I am very much interested?

Mr. THOMAS of Oklahoma. That is a perfectly legitimate question and I am glad to give my reaction thereto. The honorable House of Representatives, a coordinate branch of this Congress, has given much attention this winter to the demands and pleas and requests of those engaged in the lumber and in the oil industry. Hearings were held and an attempt was made by many gentlemen in the other branch of the Congress to bring out of the committee and have considered upon its merits legislation proposing relief for those engaged in such industries. But for some reason the bills were not reported. Some powers interfered. They had a legal and constitutional right to

interfere. I am not complaining because they interfered. I am not complaining of any Senator upon this floor for opposing the resolution and opposing my motion. It is a little bit strange, however, it seems to me, that the opposition comes from the source it has.

Mr. President, if the billion barrels of crude oil produced in the United States in 1929 had been stored in standard size oil storage tanks—55,000 barrels each—it would have required nearly 20,000 tanks to hold last year's output. And if these 20,000 tanks had been grouped in a single tank farm, laid out the way tank farms are regularly laid out, the "farm" would have covered 125 square miles.

Or if instead of storing last year's output of crude oil in a giant tank farm it had flowed as "a river of oil" 100 feet wide and 10 feet deep, the river would have been 1,000 miles long.

Last year's output of crude oil, a billion barrels, was transported through about 100,000 miles of trunk (large size) pipe lines and gathering (small size) pipe lines. These pipe lines carried an average of about 2,500,000 barrels of crude oil a day and it traveled at an average of about 4 miles an hour, or 100 miles a day. Crude oil imported into the United States—about 79,000,000 barrels last year—is brought in by oil tank steamers.

About 91 per cent of the billion barrels of crude oil produced, transported, and stored in 1929 actually went through refineries. About 2½ per cent was exported and about 2 per cent used for all other purposes. In other words, about 95.5 per cent of all the crude oil produced in the United States last year was "used up." This means that we produced 45,000,000 barrels more oil in the United States than the amount of domestic oil run to stills. However, 75,000,000 barrels of foreign oil, mostly from Venezuela, Colombia, and Mexico, were run to stills. Had 75,000,000 barrels of domestic oil been run to stills—instead of foreign oil—it would have required all of the 45,000,000 barrels referred to above together with 30,000,000 barrels that would have been drawn from storage. Every barrel of foreign crude oil run to stills in the United States replaces crude oil produced in the United States and, to that extent, injures our own domestic oil industry.

Out of this slightly less than a billion barrels of crude oil refined in the United States last year 434,000,000 barrels of gasoline were made. And if this gasoline were loaded into average size tank cars—about 200 barrels to the car—it would make a "train" 16,000 miles long. In 1929 the daily consumption of gasoline averaged a little more than 1,000,000 barrels a day. If the average motor vehicle got 15 miles to the gallon of gasoline, the 25,000,000 motor vehicles in the United States last year "traveled" an average of about 630,000,000 miles every 24 hours.

Probably less than 25 of the big oil companies market half of the refined products sold at filling stations. The other 50 per cent is sold by tens of thousands of "marketers" most of whom own only one filling station, and very few of whom own a good sized chain of stations.

Summed up in a few words, the crude oil of the United States is produced by about 16,000 companies, partnerships, and individuals—this crude is transported and stored by about 50 big companies—it is refined in about 360 really "active" refineries owned by about 200 refining companies, and the finished products are sold at something like 300,000 retail outlets.

Pipe-line companies and refiners are in very strategic positions, because it is generally understood that in most instances they "make the prices" for both crude oil and its finished products. Combined, there are only a few hundred pipe-line companies and refiners.

The great bulk of the producers of crude oil and the marketers of refined products are in pitifully vulnerable positions. In point of numbers the large majority of the producers of crude oil, the independents (except a few of the larger ones), have nothing whatever to say about what they are to receive for their crude oil, regardless of what it costs them to find it and to produce it. They accept what they can get for it. Likewise, the great majority of the marketers of refined products, the independents (except a few of the larger ones), have practically nothing whatever to say about the price at which they will retail their products. The other fellow fixes the price at which they sell.

Thus a very few companies practically control the oil industry, because they control the price paid for crude oil and the price at which its refined products are sold.

In order that we may understand the many problems with which we are confronted and the underlying causes of our existing depression, I deem it advisable to review briefly the history of the industry for the past 10 years, the policies and purposes of those in authority and the leaders of the industry, which have had considerable influence in bringing about, if they are not directly responsible for, the present conditions.

Let us go back to the year 1921, when conditions very similar to those of the present were prevalent in the petroleum industry, brought about at that time by vast importations of oil, chiefly from Mexico. Then there was under consideration in the Committee on Ways and Means, at that time under the chairmanship of Mr. Fordney, the question of giving protection to this industry by the levying of a tariff on imported crude oil. The Committee on Ways and Means of the House had voted a tariff on oil in the then pending bill, and President Harding at that time, in a letter to Mr. Fordney requesting that a tariff on oil be omitted from the bill, for the first time declared the Government's policy of so-called conservation, which will be more fully analyzed and defined after I have traced its course and effect from that date to the present time. Congress failed to give oil the protection to which it was then entitled; but the Mexican Government shortly thereafter levied an export tax upon oil, which, to some extent at least, was an aid to the domestic industry. Thereafter the production of oil in Mexico gradually declined, while exploration and development work was begun in Venezuela, Colombia, and other South American countries.

In 1924, continuing the policy first enunciated by President Harding in 1921, President Coolidge appointed four members of his Cabinet as the Federal Oil Conservation Board, with the Secretary of the Interior as chairman. This board held hearings for the purpose of determining the extent of our petroleum reserves. The aid of the American Petroleum Institute was asked and given, and the country was alarmed at the reports emanating from the board and leaders of the petroleum industry that our petroleum reserves were in danger of exhaustion within a few years, and that even our safety as a nation was at stake. This was no new thing, as men prominent in the industry and others had for years from time to time made predictions of the early exhaustion of our oil resources. The rank and file of the producing branch of the business paid little heed to the hearings before the Federal Oil Conservation Board, or to the warnings of those timid souls who prophesied the early demise of the petroleum industry in the United States. They did not believe these predictions, thought them harmless, and did not then foresee the results of their indifference. The major factors in the industry, many of whom held large concessions in Central and South America, participated in the hearings and aided in the dissemination to the people and the officials of the State and Federal Governments of information tending to convince the country of the early exhaustion of this irreplaceable natural resource, and to crystallize public sentiment in favor of hoarding our supplies, unused, for future generations. For years the press has been filled, to such an extent as to amount to propaganda, with the predictions and forebodings of these prophets of disaster. Whatever merit this so-called conservation policy had at its inception, subsequent developments have conclusively shown that the same was founded upon a false foundation of fact; that the use of the word "conservation" in connection with this policy was not in its true sense; that instead it meant reservation of our supplies in the ground, and the effect has been to mislead the people into believing that we were wasting our petroleum resources, which was far from the truth.

In 1928 it became apparent that there was an oversupply of oil being thrown upon the markets of the United States due to increasing domestic production and increasing imports, chiefly from Venezuela. The American Petroleum Institute created a committee on world production and consumption, the avowed purpose of which was to bring about a curtailment of production in the United States and a curtailment of imports, so as to bring production and imports in balance with consumption. Elaborate plans were formulated early in 1929, were submitted to the Federal Oil Conservation Board, and by that board referred to the Attorney General for the purpose of ascertaining whether the plan could be carried out without violation of the antitrust laws. The Attorney General could not promise immunity, and the work of the committee, covering the production of the country as a whole, was discontinued. In lieu thereof committees for curtailment of production were set to work in the various States under the authority of State laws where same existed, and these State committees and subcommittees in the various districts within the States have succeeded to a remarkable degree in reducing the production of oil within the United States. As a corollary of this work and as a part of it, the plan contemplated the curtailment of production in the countries of South America, particularly Venezuela, which, had it succeeded, would have resulted in a reduction of imports of crude oil and refined products into the United States.

In the early part of 1929 Mr. M. L. Requa, reported at the time to be acting in behalf of President Hoover, called upon the governors of the several oil-producing States to enlist their aid in holding a conference of the petroleum industry, and later called such a conference to meet at Colorado Springs, Colo., on June 10, 1929. This conference was attended by several of the governors and also by a large number of delegates from the various oil-producing States, representing all branches of the industry. The conference was opened by Mr. Requa with a statement of the aims thereof. Doctor Wilbur, Secretary of the Interior, again announced the conservation policies of the Federal Oil Conservation Board, and Dr. George Otis Smith, Director of the United States Geological Survey, among other things, stated, in substance, that the next 10 years would in all probability see the exhaustion of our petroleum reserves to the point of endangering national defense. The doctrine of conservation was again expounded, and the delegates representing the various States were asked to form a compact among the States producing oil, which compact, when adopted and approved by Congress, would become the supreme law of the land; a commission would be appointed under the authority of the compact, with power to regulate and control the production of oil, to determine how much oil should be produced within the United States, and to allocate that production among the several oil-producing States.

When it became apparent that the real purpose of the meeting was not conservation in its real and accepted sense, but that the purpose was, by degrees and from time to time, to reduce the production of oil in the United States and reserve our supplies in the ground for an indefinite period to come, and at the same time import our requirements in large part from foreign countries, the Colorado Springs conference adjourned without having accomplished anything whatever toward the consummation of the purpose for which it was called.

However, this conference had far-reaching effects. It revealed in all its hideousness to the rank and file of the petroleum industry the true intent and purposes of those who had been fostering and promoting the so-called conservation program to shut in domestic production, to stop development, to reserve our oil supplies in the ground, to be developed and used after the foreign supplies have been exhausted, and to turn the markets for petroleum in the United States—approximately 70 per cent of the markets of the world—over to a few large companies engaged in exploiting the petroleum reserves of South America, and in importing the production thereof into the United States. If there has been any doubt as to these intents and purposes in the past, all doubt must now be dispelled, since under date of January 6, 1931, Secretary Wilbur, after having received an invitation from the Governors of Oklahoma and Kansas to participate in this conference, gave to the Associated Press an interview declaring himself against a tariff on oil, and saying, if he is correctly quoted by the press:

> The chief result would be that the big companies, which now have many wells shut in and not in operation, would open them up, adding to the production. Overproduction is the basic ill of the industry.

It might be pertinent at this time to inquire what big companies have advised Secretary Wilbur in advance as to how they would defeat any beneficial results from a tariff on oil. The honorable Secretary also said:

> In the future the country with the oil will dominate civilization. In it will be centered the wealth. America must conserve her supply. If we waste our oil reserves now, we will pay foreign countries through the nose for every barrel we import later. If I were the landlord of this country, I would see that we used as much imported oil as possible, and let the other fellow waste his reserves.

The last quoted sentence is a full and complete admission of the purposes of those promoting the so-called conservation movement—to turn over to four companies, chiefly engaged in importing oil, the entire markets of the United States even though it might mean the destruction of one of the greatest industries in the United States, the impoverishment of a section of the United States and of the people thereof, almost if not quite one-third the area of the entire country, with a population of some 22,000,000 people, and a civilization builded upon the oil industry.

In speaking thus, does the honorable Secretary present to the public the views of the administration, or is he simply holding fast to ideas and convictions acquired some years ago under circumstances which might then have excused the views but which in the light of subsequent events are indeed archaic?

The conference at Colorado Springs, having failed to bring forth a compact under which production could be controlled, the efforts by voluntary cooperation and in some States under the provisions of State law to curtail production proceeded with remarkable success. Indeed, the figures are startling. We find that for the week ending August 24, 1929, the production of crude oil in the United States averaged 2,975,435 barrels per day, and for the week ending January 3, 1931, 2,082,100 barrels per day, or a curtailment in production in that period, brought about by the cooperation on the part of small and large producers alike throughout the country, of 893,335 barrels daily. We will produce in the United States this year approximately 100,000,000 barrels of oil less than we did in the year 1929, and while we have been reducing the domestic production 100,000,000 barrels the importers have, during 1930, brought into the United States and thrown upon our markets, duty free, more than 100,000,000 barrels of crude oil and refined products. In fact, the imports of gasoline during the first nine months of 1930 increased 125 per cent over the same period of 1929. The report of the committee on economics of the American Petroleum Institute at its Chicago meeting, November 10, 1930, shows that each 5,000,000 barrels of gasoline imported would displace for the six months ending March 31, 1931, 114,000 barrels daily of domestic production, while the report of the economics committee appointed by Secretary Wilbur to forecast the demand for petroleum products and ascertain and allocate oil production necessary to supply that demand for the six months ending March 31, 1931, shows that each barrel of gasoline imported displaces from the market four barrels of domestic crude. Crude oil, gasoline, and other refined products imported in the year 1930 have displaced from the market approximately 400,000 barrels daily of domestic production.

Since for a period of more than seven years there has been an intense propaganda fostered and promoted throughout the country, in the daily press and in many of the Nation's most prominent magazines, to convince the public of the early exhaustion of the petroleum reserves of the United States, it appears advisable at this point to outline briefly

some of the former estimates of future oil production in the United States, and later to call attention to the vast petroleum reserves which we actually possess. It would also be pertinent to inquire what forces and organizations, corporate or individual, have promoted and paid for this propaganda, and who are the beneficiaries thereof. An inquiry of this nature, properly and fairly conducted, would in all probability go far toward explaining the so-called conservation movement, and why it has been urged for a period of years.

In referring to the former estimates of future recoverable petroleum reserves, let me state in advance that I do not wish to reflect in any way whatever upon the good faith of the eminent engineers and other authorities making these estimates, but the recital of these estimates, in the light of subsequent information, will demonstrate how easily even the most eminent and learned can be mistaken on this subject, and will show further that perhaps the present advocates of the reservation of our petroleum reserves safely in the ground may be mistaken.

1908. David T. Day: Estimated minimum of 8,500,000,000 barrels. Estimated a maximum of fifteen to twenty-two and one-half billion barrels. From 1908 to 1930, inclusive, United States has produced 11,442,447,000 barrels. All of Day's minimum, plus 33 per cent.

1914. Ralph Arnold: Estimated future production at 5,700,000,000 barrels. From 1914 to 1930, inclusive, United States produced 10,079,396,000 barrels. All of Arnold's estimate, plus over 80 per cent.

1915. United States Geological Survey: Estimated future production at 7,600,000,000 barrels. From 1915 to 1930, inclusive, United States has produced 9,813,633,000 barrels. All of that estimate, plus 29 per cent.

1921. Certain petroleum geologists of the American Association of Petroleum Geologists. Estimated future production at 9,150,000,000 barrels 1921 to 1930, inclusive, United States produced 7,719,222,000 barrels. Nearly 85 per cent in nine years.

1925. The committee of eleven appointed by the Federal Oil Conservation Board. Estimated future production from proven acreage on present methods, 5,300,000,000 barrels. 1925 to 1930, inclusive, United States has produced from these properties and new pools 5,243,161,000 barrels, almost 99 per cent.

1930. In the year 1930 the United States, according to the best estimates available at the present time, produced 901,000,000 barrels, compared with 1,005,598,000 barrels in 1929.

1859 to 1930, inclusive. From beginning to date the United States has produced a total of 13,149,090,000 barrels.

The production curve has been on the upgrade for several years. The country could have produced this year, had there been any demand for it, several hundred million barrels in excess of that which was produced.

In 1913 the United States produced 248,446,000 barrels. In 1929 Oklahoma alone produced over 253,000,000 barrels, or more oil than the entire United States produced in so recent a year as 1913. Oklahoma produces a billion barrels of oil each four years; it is capable of producing a billion barrels each year if the demand called for such development.

Mr. REED. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield for a question?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. REED. Has the Senator heard that the House of Representatives has accepted the Senate amendment to the veterans' hospital bill?

Mr. THOMAS of Oklahoma. Mr. President, I am delighted to have that information even at this late hour.

The same is true of Texas and California. It is highly probable that any one of the States of Oklahoma, Texas, and California can produce as much oil as the entire United States has produced to date.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SHORTRIDGE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. On the 3d day of March, 1931, the Senate referred to the Committee on Privileges and Elections the pending contest of George M. Pritchard and Josiah W. Bailey, involving the question whether said George M. Pritchard or said Josiah W. Bailey, or either of them, is entitled to membership in the United States Senate as a Senator from the State of North Carolina.

My parliamentary inquiry is, Mr. President, May I, as a matter of privilege, offer this resolution at the instance of the Committee on Privileges and Elections, of which committee I am chairman, and may it be entertained, without the Senator from Oklahoma losing the floor?

The VICE PRESIDENT. The Chair would hold that the matter is not a privileged one, and that the Senator would lose the floor if that were done.

Mr. SHORTRIDGE. May I, then, ask the Senator from Oklahoma——

Mr. THOMAS of Oklahoma. Mr. President, I am yielding only for a question.

Mr. SHORTRIDGE. May I ask the Senator from Oklahoma, if unanimous consent be granted for entertaining the proposed resolution without the Senator losing the floor, would he be willing to yield?

Mr. THOMAS of Oklahoma. Mr. President, I have stated from the first that all I am asking is a vote upon this resolution; that if that could have been had I would have taken no time whatever. I think the third largest industry in America—employing in good times hundreds of thousands, now in depressed times the same hundreds of thousands out of employment—I think that class of our unfortunate citizenship, located in 20 States throughout the Union, are entitled to at least this consideration at the hands of this Congress.

Mr. SHORTRIDGE. I agree with the Senator and will vote for his resolution. May I ask him now, if unanimous consent be granted for entertaining this proposed resolution without the Senator losing the floor, will he yield for that purpose?

Mr. THOMAS of Oklahoma. Mr. President, to accommodate the Senator—I know his good faith, and I sympathize with his position, and I hope he does with mine——

Mr. SHORTRIDGE. I do.

Mr. THOMAS of Oklahoma. I ask unanimous consent that a final vote be had upon Senate Resolution 418 at 10 o'clock and 40 minutes.

Mr. SHORTRIDGE. That is hardly responsive to my question.

The VICE PRESIDENT. The Senator declines to yield.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Did not the Senator from Oklahoma submit a unanimous-consent agreement that we might vote on his resolution at 10.40 o'clock?

Mr. THOMAS of Oklahoma. But the Chair did not put the question.

Mr. BINGHAM. I ask the Chair if he will not put the request for unanimous consent.

The VICE PRESIDENT. Does the Senator submit the request?

Mr. THOMAS of Oklahoma. Mr. President, I withdraw the request.

Mr. President, because there is no possible relief for the unemployed among our unfortunate citizenship, because of an influence working here that has worked for all these years against the oil tariff, against the embargo, and against the study, I know of no way in which I can help the unfortunates in this gigantic industry better than by holding the floor until 12 o'clock, to the end that the attention of the country may be called to the facts disclosed by the record now being made.

I have just stated that Oklahoma produces a billion barrels of oil each four years. It is capable of producing a billion barrels each year if the demand called for such development.

The same is true of Texas and California. It is highly probable that any one of the States of Oklahoma, Texas, and California can produce as much oil as the entire United States has produced to date. The oil resources of these States loom larger with each passing year as deeper drilling and exploration work is done. These States are getting the development at this time, and have for a number of years last past. Other States would leap forward accordingly if development to a like extent were done within their borders.

I am not making a plea for the unfortunates of my State alone. I am making it for the unfortunates of Texas, California, West Virginia, New York, Pennsylvania, Ohio, Indiana, Kansas, Arkansas, Mississippi, New Mexico, Arizona, Montana, Wyoming, and last, but by no means least, the State of California.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Connecticut?

Mr. THOMAS of Oklahoma. I will yield for a question, Mr. President.

Mr. BINGHAM. Does the Senator know that there are some 200 postmasters awaiting confirmation who can not draw their salaries? And would the Senator be willing——

Mr. THOMAS of Oklahoma. Let me answer that question. The chairman of the committee handling those confirmations had them in his hand last night when he objected to the consideration of this resolution.

Mr. BINGHAM. Mr. President, one more question. Would the Senator be willing to yield for an executive session, provided he did not lose the floor and could resume it as soon as the executive session was over?

Mr. THOMAS of Oklahoma. Mr. President, the only relief I am going to get is the possible opportunity to call the attention of the country to the fact that here in the United States Senate supreme ignorance reigns about this industry; and when we ask for information, objections are raised.

Mr. BLAINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BLAINE. Does the Senator know that these 200 postmaster nominations can not be confirmed upon the objection of a single Senator?

Mr. THOMAS of Oklahoma. Mr. President, I appreciate the information. The only power any Member of this body has upon this floor is through facts and his ability to use such facts.

Mr. President, I am not taking advantage of the rules of this body to get some legislation over. I am taking advantage of the rules of this body in the interest of hundreds of thousands of men and women who can not now help themselves. I am not filibustering. [Laughter.] I have not filibustered during this session. It is true that I occupied 13 hours upon this floor in behalf of citizens who could not through any other means receive a hearing and consideration. I refer to the unfortunate Indians of this Nation. The only way I could get the attention of the Indian Bureau, which presumes to supervise the Indians, was by using so much time upon this floor.

As a member of a subcommittee, I made a trip throughout the country looking into the condition of those unfortunate citizens, and when I came back here and in cooperation with our committee proposed some relief for them we were met with objections at the hands of the Indian Bureau; and I felt it my duty as the representative of one-half of our Indian population to call the facts and the conditions surrounding these unfortunate people to the attention of the Senate and of the country.

Mr. President, while we did not get much in the way of legislation, we did get something. Through our speeches we did secure some relief for those unfortunate people.

While almost every other class of our people were being considered the House of Representatives included in the Interior Department appropriation bill a provision for $150,000 to take care of the cold and hungry Indians of the country, and when that bill came to the Senate——

Mr. STEIWER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. STEIWER. Would the Senator consider a unanimous-consent agreement for an executive session limited to 10 minutes past 11 o'clock, with the express understanding, as shown by the draft which I hand the Senator, that at the conclusion we recur to legislative business and that the Senator resume the floor for the continuation of his remarks?

Mr. THOMAS of Oklahoma. Mr. President, I was advised a moment ago that there are a number of nominations of postmasters and perhaps other Federal officials awaiting action. I was likewise advised that none of those nominations can be confirmed except by unanimous consent; that a single objection made to the confirmation of any one of those gentlemen or ladies would postpone the consideration of such particular nominee. I am further advised that such objection will be made; and with that advice, I can not yield for that purpose.

Mr. President, I stated a moment ago that the 13 hours which I occupied upon this floor had already brought some results. The Senate Committee on Appropriations struck from the Interior Department appropriation bill the item of $150,000, to be made immediately available, to feed and clothe the landless and moneyless Indian citizens of this Nation, and the bill came before this body in that form. I objected to that amendment. I opposed that amendment on the floor, and I insisted here that the Congress make available immediately the sum of $150,000 to feed and clothe the naked and the cold and the hungry Indians of the United States and am glad to say that the Senate sustained my position and such sum was approved.

Mr. President, as our committee went throughout the country during the past two years examining into Indian conditions we found the Federal employees in many places were giving little if any consideration to their Indian wards. But after the committee came back to Washington and took some interest in the matter and made the facts public, I am now advised that the Indian Bureau employees throughout the Nation are the busiest set of employees to be found in the Federal service. On yesterday an inspector of the Indian Office called upon me in my office. He told me that already he had been away down yonder in the far-western part of the United States looking after some of our Indian wards, and that just as soon as he could arrange some private matters he was going back.

I have no apology to make for the time I have consumed here in behalf of the Indian citizens. I make no apology now for the time I am occupying.

It may be that some of you are wondering just whom I have in mind. I have tried to help the Indian, who could not help himself. I have tried to help the unemployed, who have had little consideration by this Congress. On the second day of this session, when the President had sent his message to the Congress devoting 6 of 11 pages to the unemployment situation, and the distress which exists throughout the Nation, immediately upon the reading of that message I introduced a resolution, which is now on the Vice President's desk, asking for the appointment of a special committee of the elder statesmen of this body, the chairmen of the great committees, the most competent men of this body, to constitute a special committee to consider the special matter embracing one-half of the message of the President.

Mr. President, I knew the conditions throughout the country. I knew of the thousands and the tens of thousands and the millions out of employment, and I knew what they would have to suffer before the ides of March arrived.

In the hope that a study could be made of the entire unemployment situation, in the hope that the chairmen of the

great committees could be brought together on one committee and make a survey of the Nation, and then, knowing the facts, that great committee would proceed to act upon those facts to the end that every class of our citizens could have attention, I offered that resolution.

Mr. President, objections were made to the resolution. I called it up on two occasions, and objections were made. At last I moved that the Senate proceed to the consideration of the resolution, and when that motion was made, with objections from the leaders of this body the resolution failed, and as a result this particular class I had in mind when this session of Congress convened until this hour has had little or no consideration.

Mr. President, what man have I in mind? I want to say to the distinguished senior Senator from Nebraska that I do not have in mind any stockholder or any member of the 50 companies to which I called his attention last night—50 power companies—a great majority in 1930 making larger net incomes than in 1929.

What man have I in mind? I now exhibit to the Senate the man I have in mind.

(Mr. THOMAS of Oklahoma at this point produced and exhibited to the Senate an old, worn-ragged, and much-patched pair of overalls.)

Mr. THOMAS of Oklahoma. Mr. President, this is about all that is left of the man I have in mind—some one has gotten all but his breeches. I have the man in mind who wore this garment. He is not in my State alone. That man is in every State of this Republic to-day. That man has had no consideration at the hands of the Congress of the United States. Congress has appropriated money to construct some buildings and has appropriated money to lend to great corporations. Last winter a bill was passed through the Congress giving Wall Street a direct rebate of $160,000,000. In this Congress money has been appropriated to be loaned to banks; money appropriated to lend to men who have security. But the man who wore this ragged garment has had little consideration and no relief at the hands of this Congress. And now here is all that is left. The question is, Shall this man have a chance to survive?

Mr. President, I know what overalls mean. I have worn overalls myself. I have compassion for the poor fellow who was reduced to such extremity, and no doubt he has already "gone west."

Mr. President, last fall the special subcommittee of the Committee on Indian Affairs, while making a trip throughout the Nation, and in holding its investigation, had testimony before it that Indian citizens were actually starving to death in the United States.

(At this point Mr. THOMAS of Oklahoma yielded for the passage of House Joint Resolution 534.)

Mr. THOMAS of Oklahoma. Mr. President, a few days ago I received a letter dated Washington, D. C., February 28, 1931. It is addressed to myself. I proceed to read it:

WASHINGTON, D. C., *February 28, 1931.*

Hon. ELMER THOMAS,
Washington, D. C.

DEAR SENATOR THOMAS: In the midst of depression the Nation is without effective political or economic leadership. The session of Congress now drawing to a close has revealed the imperative need of formulating a constructive legislative program. Months of misery in the industrial centers and on the farms have disclosed lack of any proposals for the solution of one of the greatest economic crises ever confronting the Nation.

The disastrous results of failing to meet the responsibilities of this situation will be increasingly evident during the next nine months. The signers of this call for a conference, to be held in Washington, March 11–12, believe that there are certain economic and political problems affecting the welfare of every citizen which must be solved if this Republic is to endure and realize for all that fullness and richness of life which was the hope that spurred our forefathers to found this Government.

We believe that a constructive solution for these problems can be found by men and women who are aligned with different political parties. We hold that the magnitude of these problems demands an intelligent effort to solve them, without regard to partisan or political advantage.

We assure you this conference is not called to form the basis for a new party. To this end it is our purpose that the conference shall be nonpartisan in character and shall be devoted to the exchange of ideas looking solely to the formulation of a sound legislative program to be advanced at the next session of Congress. A series of round-table discussions will take place, concerned chiefly with the following general subjects:

1. Unemployment and industrial stabilization.
2. Public utilities.
3. Agriculture.
4. Tariff.
5. Return to representative government.

The invitation to this conference is extended to some of those who have shown an interest in these questions. We invite you to attend in the belief that you appreciate the vital importance of a definite legislative solution of these economic questions. We assure you that it is our purpose to make this a conference in the true sense of the word and that its objectives shall be confined to the purposes set forth in this call.

In view of the shortness of time, will you not wire your answer to the chairman, at the Senate Office Building, Washington, D. C.

Sincerely yours,

G. W. NORRIS, *Chairman.*
EDWARD P. COSTIGAN,
BRONSON CUTTING.
ROBERT M. LA FOLLETTE, Jr.
BURTON K. WHEELER.

Last night, Mr. President, I called the attention of the Senate to some 50 public utilities which made larger profits in 1930, the worst year in history, than they made in 1929, the best year in history. When I was presenting these figures the sponsor of this letter tried to take me from the floor.

Upon the invitation of these distinguished gentlemen, with whose purposes I am in sympathy, before this controversy arose I dictated the following reply:

MARCH 3, 1931.

Hon. G. W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your kind invitation to attend conference set for March 11–12 and advise that I will be present.

Yours most cordially,

ELMER THOMAS.

Mr. President, the problems set forth in the letter read a moment ago are the ones I have in mind. I approve of that movement. I approve of trying to get some help for the unemployed in the industrial sections and in the agricultural sections. That is all the Nye resolution proposes. It is not my resolution. The distinguished author of the resolution, the Senator from North Dakota [Mr. NYE], sits now to my right. He is a distinguished Senator who has rendered valuable service not only to the Senate but to the people of the Nation. When we proposed a resolution asking for a study of the identical things for which this conference was called, the man who called the conference tried to take me from the floor.

Mr. President, for many years we have had in this body distinguished Senators—and I question not their motives—barking at the heels of the baby octopi, and now when we have the old he-octopus—the oil monopoly, the daddy of them all—treed and we are trying to investigate him, objection is made.

Mr. President, I know of no good use that can be made of the overalls which I have exhibited to the Senate unless perchance they might be photographed and made a badge of the party in power in the next campaign; the badge of the administration which permitted such things to happen in the United States of America.

Mr. President, I ask unanimous consent that that part of the statement prepared by Mr. Wirt Franklin from which I was reading when I was diverted and which I have not yet read be printed in the RECORD in connection with my remarks without further reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The remainder of the statement referred to is as follows:

The production of the United States has been swinging upward from the discovery of oil to the present time—a period of 72 years. When we consider that the vast domain from the Canadian line to the Gulf of Mexico, lying immediately east of the Rocky Mountains, as well as the Pacific Coast States, is potential oil territory, practically undeveloped and unexplored at this time, it is apparent that the production curve will be on the upward trend for many years to come and that when said curve starts downward, if that day ever comes, we will produce from our then known reserves of oil as much or more oil than has been produced prior to the day when the decline curve will start on its downward course.

What I have heretofore said has been applicable to reserves of oil to be produced from oil wells. Let us now consider the vast reserves contained in the oil-shale deposits in the States of Colorado, Wyoming, Utah, Indiana, and other States. These deposits have been accurately surveyed, their oil content measured, and suffice it to say that in one deposit in Colorado alone the experts of the Government and the Colorado Bureau of Mines are agreed that there are 80,000,000,000 barrels of recoverable oil should it ever become necessary to use the same.

We have in the coal deposits of the United States, which are more than 50 per cent of the coal deposits of the world, another great source of oil, so great, indeed, that it is difficult for the human mind to comprehend. By hydrogenation oil and its derivatives, including gasoline, can be successfully produced from coal. It is not at all improbable that the perfection of this process, using coal, or the discovery of some other form of power may within a few years make our present oil reserves all but valueless.

Secretary Wilbur and other protagonists of so-called conservation continually speak of wasting our oil reserves, when, as a matter of fact, we are only using them without waste. It is certainly not fair to continually tell the public that the American petroleum industry is wasting our valuable oil reserves when the country is utilizing this great natural resource for the creation of new wealth within the country. This is the oil age. Let us utilize our oil while it is yet valuable and before the discovery of some new form of power which may supersede oil for the generation of power. It is the utmost folly to continue on a program which, perhaps, was conceived with honesty of intentions but which has outlived its usefulness and has become destructive in a superlative degree.

Imagine for a moment, if you will, that men of similar vision to those promoting the so-called oil conservation policy of the present day had been directing the policies of the Government and the course of business from the foundation of our country until the present time; that, acknowledging our natural resources, the products of our mines, were irreplaceable, they should be preserved for use at some distant day; and that instead of developing our natural resources and utilizing them, we had clung tenaciously to a policy of so-called conservation or reservation, then this great country of ours would now be, from the Atlantic to the Pacific, an undeveloped expanse of almost unbroken wilderness; the few inhabitants thereof, a pastoral people; the great civilization which we have builded, and the great industrial and commercial development which has taken place, as yet undreamed of. What has made the United States the most enlightened, the most prosperous, the most advanced in all lines of endeavor of any nation in the world, has been the utilization of our natural resources. It would be just as logical to contend that we should import our iron ore, our lumber, our lead, coal, zinc, and other mineral products, reserving our supplies thereof in this country for some future national emergency, as it is to insist that we should import our requirements of oil. In fact, Russia is at this time willing to sell us all these things at a price less than our cost of production, and France, Great Britain, and other nations indebted to the United States would willingly pay their war debts by sending to us all of these products. How any patriotic American citizen can advocate such a policy is beyond comprehension.

We have heard a great deal and read more in the daily press and the oil journals concerning the overproduction of crude oil in the United States. As a matter of fact, during the last 12 years (1918 to 1929, inclusive), there has not been an overproduction in the United States, but there has been an oversupply. During that period we have imported 950,000,000 barrels of crude oil. During that period we lacked 600,000,000 barrels of producing as much oil as we consumed, but during the same period we added to storage of crude oil in the United States 350,000,000 barrels, which addition to storage, as may be seen by these figures, was occasioned almost wholly by importing more oil into this country than we had any need of, so that it clearly appears that the great burden upon the petroleum industry of carrying in storage nearly 700,000,000 barrels of crude and refined products was not occasioned by overproduction in the United States, but overimportation of foreign oils.

Now let us inquire as to what effect the so-called conservation policy, coupled with the proration and curtailment movement and the importation of oil and refined products, has had upon the petroleum industry in the United States. The price of crude oil at the well has been reduced from time to time until now it is being sold very much below the cost of production, except in isolated pools of new and large flush production, although, as before stated, we have reduced the production since the peak week in August, 1929, nearly 900,000 barrels daily, and the average price of crude oil throughout the country has, during the same period, been reduced more than one-third in price.

The case of Oklahoma is typical of all the rest. During the week ending August 24, 1929, the production of Oklahoma was 735,750 barrels per day, and for all of this production there was a ready market. Since then, by cooperative effort, and in line with the published suggestions of the Federal Oil Conservation Board and the requests of the major purchasers of oil in that State, the production has been reduced until in the week ending January 3, 1931, the State of Oklahoma actually produced only 448,900 barrels daily, or a reduction in the production during that period of 286,850 barrels daily. This has been accomplished in that State in the face of the fact that the State could, with ease, supply sufficient oil to furnish the entire markets of the United States at the present time and for a long time to come from production already developed.

The proration movement and the curtailment of production in the various oil-producing States was inaugurated ostensibly for the purpose of stabilizing the petroleum industry, of preventing additions to storage, and balancing supply with demand. It has been a success only in so far as it has proved the ability of the industry to cooperate and accomplish curtailment of production. As production has been reduced imports have absorbed the market demand theretofore supplied by domestic oil, and instead of the price of oil being stabilized it has been steadily reduced until we are now almost upon a competitive basis, so far as prices are concerned, with cheap Venezuelan oil. One of two things must happen, and soon. Either imports of crude oil and refined products must be curtailed, and the price thereof equalized with domestic products by the imposition of an adequate tariff, or the petroleum industry must be permanently placed upon a competitive basis, so far as price is concerned, with the foreign oil. In fact, this is being gradually brought about, and it will not be many months before the destruction of the petroleum industry in the United States is complete. Already some 30,000 small wells in northeastern Oklahoma and southeastern Kansas have lost their market, due to the inability of the Prairie Oil & Gas Co. to continue purchasing oil in the mid-continent field.

As stated by Mr. M. L. Requa, in opening the Colorado Springs conference, there are in the United States approximately 250,000 wells with an average production of 1 barrel per day each. In addition to that, there are some 50,000 wells with an average production of 5 barrels per day each. In the aggregate, these wells have a settled production of over 500,000 barrels. They have been operated at a loss for more than three years. Many of them are being abandoned and plugged each week, under the benign influence of the present so-called conservation program. Ultimately these wells will all be lost, and in the name of conservation 300,000 small wells, with a daily production of 500,000 barrels, and with recoverable reserves of oil of hundreds of millions of barrels, will have been destroyed. To save these wells would be true conservation, and it is within the power of the Federal Government to save them if it will. As they are being abandoned the oil-field laborer, with his family, living on the lease and operating these wells, has been thrown out of employment. He knows no other kind of work, and under present conditions could not obtain employment if he did. There are literally thousands of these families at the present time dependent upon charity, and I can say with feeling and in truth that these men are native Americans, the kind that do not ask for charity; they do not wish to receive it but who only claim the right by honest toil to support themselves and families.

Conservation has been tried as a remedy for the demoralization of the petroleum industry, and it has miserably failed and will continue to fail as long as imported oil and refined products absorb the market demand as fast as domestic production is reduced. The domestic petroleum industry is being ruthlessly destroyed in the name of conservation. The purchasing power of the oil-producing States has been reduced by hundreds of millions of dollars. The welfare of the petroleum industry is no longer of local significance. If one-third of the area of the United States, with a population of 22,000,000 of people, is impoverished to the point where the inhabitants can not purchase from the industrial and manufacturing sections of the country those things which a civilized and highly developed community need, there can be no industrial and commercial recovery in the United States for many years to come. The civilization of the Southwest has been builded upon oil and the allied and kindred industries dependent upon the petroleum industry. If this industry is destroyed, and the wealth and prosperity which it has created is transferred to some foreign country, this great civilization, until recent years prosperous and contented, will be destroyed, half of the people in the oil country must seek employment and outlets for their energies in other lines of industries already overcrowded, most of them will be compelled to leave that country, and the wonderful cities of the Southwest, builded for the most part by the oil industry, will become depopulated and their magnificent office buildings become the roosting places of bats and sparrows.

We are met to-day in an attempt to work out a remedy for the appalling conditions in the petroleum industry with which we are confronted. All other principal industries of the United States, when suffering under similar conditions to that now prevailing in the petroleum industry, have been granted relief and given protection from foreign domination and control by a protective tariff. The principle of a protective tariff for industries being injured or destroyed by cheap foreign imports has become the settled policy of this Government. Both the Democratic and Republican Parties in their platforms in the year 1928 strongly indorsed such protection to American industries, and I would again remind you that Vice President Curtis, in campaigning for the election of the present administration in a tour of the mid-continent field, in that year promised the industry tariff protection, and we all know that he was sincere in his declarations.

When it became apparent in the latter part of January, 1930, after a drastic cut in the price of crude oil, without any economic reason therefor, that those major companies engaged in importing crude oil and refined products in the United States had not given the full measure of cooperation promised by them in curtailing their foreign production and imports commensurate with the curtailment of production in the United States, and after those same interests believed it was too late for the domestic producers to

obtain relief from Congress in the then pending tariff bill, a mass meeting of the oil industry was held in Tulsa, Okla., on January 29, 1930. A large delegation of oil men arrived in Washington on February 3, 1930, and presented to President Hoover and to the Congress their plea for protection to this great basic industry. The tariff bill had then passed the House, had been reported by the Finance Committee to the floor of the Senate, and the time was too short within which to thoroughly acquaint the House and Senate with the true condition of the petroleum industry. Since then conditions have steadily grown worse, and most of the things which were then told Congress would happen if we were not given protection have transpired. Congress did include in the tariff bill a provision directing the Tariff Commission to investigate and report to Congress the cost of Venezuelan oil and refined products delivered at Gulf and Atlantic ports and the cost of domestic oil delivered at the same ports, and we are now expecting that report to be completed within a few days. Certainly, by such a provision in the tariff bill it was the intention of Congress, should the facts warrant, to grant us relief and protection at the next ensuing session of Congress. The kindly reception accorded us at the last session, the generous support given in such a short time by Congress is assurance that when the Members realize the true facts in connection with this question relief and protection will be granted.

Congress has recently had under consideration relief bills under which it is proposed to give relief in various sections of the country to the farmers and others. In the oil-producing States, as is generally known, the farmers and landowners own one-eighth royalty in all the oil and gas produced. The producing oil companies hold under lease for future prospecting millions of acres in all the oil-producing States, on which a rental, usually $1 per acre, is being paid, in addition to the bonus or purchase price of the leases themselves, from which the farmers, in thousands of instances, have been able to pay off their mortgages and improve their farms, while the annual rental during recent years of crop failures and low prices for farm products has paid the taxes on their farms and in addition helped to support the farmers and their families. But with prevalent conditions in the petroleum industry those engaged in the producing branch of the business, having had their resources and income severely reduced, are unable to continue paying these rentals, are surrendering the leases, and the farmers are being deprived of millions of dollars of income heretofore enjoyed by them. Literally thousands of men, formerly employed in and near the oil fields, are now idle and the community funds raised in the adjacent cities and towns are being called upon to assist them. In addition, the oil men themselves, in some districts where they are still able to raise the money, are contributing funds and through committees administering relief to the families of idle oil-field employees. How much better it would be for Congress to bring relief to the petroleum industry through a measure imposing a tariff on imported crude oil and refined products which would bring revenue into the Federal Treasury instead of by inaction on this measure making it necessary to appropriate millions from the Treasury for relief.

It was at one time argued by those importing crude oil into this country that there should be no tariff or other limitation on imports, because the crude oil was brought to the United States and gave employment to American capital and labor. This is no longer true. The Royal Dutch Shell has constructed and has had in operation for several years a refinery at Curocau, a Dutch Island off the coast of Venezuela, the capacity of which has been increased in the last year to 250,000 barrels per day, while the Pan-American Co., subsidiary of the Standard Oil Co. of Indiana, has a refinery on the island of Aruba (also a Dutch island off the coast of Venezuela) of 110,000 barrels daily capacity. In addition to these there are two smaller plants with an aggregate capacity of more than 30,000 barrels per day. Operating on cheap oil produced on the mainland, transported at a negligible cost to the refineries, and with transportation in tankers for the refined products from these huge refineries, the American petroleum industry is no longer able to compete in the world markets with them. He who can not visualize within the next few years the complete loss of our export market has little imagination, indeed. The American companies now exporting oil to Europe will continue to export the same for some years to come, due to the fact that they have their own controlled outlets. It is from these refineries that the gasoline and other refined products come, which absorb by leaps and bounds the market formerly supplied by Pennsylvania, New York, West Virginia, Ohio, Indiana, Illinois, California, and the great mid-continent field, and which has made necessary the proration program and the vast curtailment in the production of the United States.

The Department of Commerce maintains in the capitals and most of the principal cities of the world, commercial attachés, for the purpose of advancing the commercial interest of the United States and a large part of their duties is in assisting to secure additional market outlets for petroleum products produced and refined in the United States. At the same time Secretary Wilbur, of the Interior Department, and chairman of the Federal Oil Conservation Board, is devoting his energies to reducing domestic production and encouraging these other countries to send their petroleum products to the markets of the United States.

Is the oil industry of this country to continue in the curtailment of production in an ever-increasing degree, while the output of Venezuela and other South American countries continues to absorb the domestic market, without paying 1 cent of taxation to support the Government of the United States, the States, or the legal subdivisions thereof, whereas the domestic oil industry is the most heavily taxed of any industry in the United States, paying first in most States a gross-production tax of 3 or 4 per cent of all the oil and gas produced; a State income tax, a Federal income tax, an ad valorem tax, capital-stock tax, and other taxes too numerous to mention?

But those engaged in importing oil will contend that there should be no tariff on imports, because our exports of petroleum are greater in value than our imports. If this argument is sound and of compelling force, then Congress should, without delay, repeal the tariff bill in its entirety, for on examination we find that on the following products, to wit, iron and steel, semimanufactured; steel mill products; iron and steel, advanced manufacture; electrical machinery; industrial machinery; office appliances and printing machinery; automobiles and other vehicles; animal oils and fats; manufactured cotton; manufactures of wood; pigments, paints, and varnishes; soaps and toilet preparations; photographic goods; scientific and professional instruments, and musical instruments, the imports during the calendar year 1929 were $172,577,000, while the exports from the United States of the same products totaled $1,725,111,000. During the same year the foreign value of imported crude petroleum and refined products was $140,966,000, duty free, while the exports of the same products totaled, in American value, $531,173,000. Imports of petroleum, both crude and refined, in 1929, amounted to approximately 110,000,000 barrels (about 10 per cent in barrels of the domestic production), while in 1930 it is estimated that the total number of barrels of imports of both crude and refined products will be slightly in excess of 100,000,000 barrels, and the estimated production of crude oil in the United States for the year 1930 slightly in excess of 900,000,000 barrels. The imports of crude oil in 1930 have been reduced, as compared with the year 1929, but the imports of gasoline and other refined products have been so greatly increased as to displace a much greater amount of domestic crude from the market than was the case in the year 1929.

Secretary Wilbur, in his recent release to the Associated Press, contended that since the imports were only about 10 per cent of our domestic crude production they were a negligible factor. But it is too well recognized as sound economics to require more than the mere statement thereof that a 10 per cent surplus of any commodity thrown on the market will demoralize completely the price structure of the whole supply, and this is what has occurred in the petroleum industry. A 10 per cent or even a 5 per cent surplus production of cotton, wheat, corn, or of any manufactured or industrial commodity has always brought about widespread depression and demoralization in the price structure of the commodity of which there is an oversupply on the market. Especially is this true in the case of oil and refined products, when those engaged in producing and refining the same in Venezuela and other South American countries are able at will to increase the imports in any amount so that the threat of the same continually hangs over the domestic market.

At the time of the last reduction in the price of crude oil in the mid-continent field, which reduction amounted to more than 25 per cent in the then average price, those companies posting the reduced price accompanied the same with the statement that it was made necessary because of competition. Certainly it was not the competition of domestic production, because at the time of the posting of this crude price reduction the cooperative movement to curtail production had reduced the same nearly 600,000 barrels per day in the United States; the companies posting the reduced prices for crude oil, after having promised full cooperation in the proration program, betrayed producers by withdrawing from storage 26,000,000 barrels of oil in the year 1930.

In recent months imported gasoline has been sold in tanker lots in Atlantic seaports as low as 4 cents per gallon. Certainly it must have been the competition of this imported gasoline that made necessary the reduction in price of the domestic product. This reduction in the price of crude oil was followed throughout the United States by an average reduction in the wholesale price of gasoline (which was not passed on to the consumer) of 2 cents per gallon. Granting, for the sake of argument, that the difference in the values of our imports and exports of petroleum products, and the favorable trade balance of $390,000,000 created thereby was all profit, even though that profit went to only four or five huge corporations, and keeping in mind that within the last year the price of 36-gravity mid-continent crude has been reduced more than one-third (50 cents per barrel), how long would it take at 50 cents per barrel, with a daily consumption in the United States at the present time upward of 2,500,000 barrels of crude oil, to entirely account for said $390,000,000 favorable trade balance from crude-oil production alone? And let us also ask how long it would take at 2 cents a gallon (the amount of reduction in the wholesale price of gasoline in recent months), with a daily consumption of 1,250,000 barrels of gasoline, to account a second time for said $390,000,000 of favorable trade balance?

While the argument is made that our exports of petroleum products exceed our imports thereof, we find, upon an analysis of the figures that, taking into consideration the exports from the Pacific coast, to which there are no imports, or, if any, only a negligible amount, that there are more barrels of petroleum products imported to the Gulf and Atlantic ports than are exported from the same ports.

Again, it is stated that there should be no tariff on imports of petroleum products because it would be detrimental to the interests of the consumers, the buyers of gasoline, that the consumers so far outnumber the producers and refiners and those employed in the petroleum industry that their interests are paramount.

However, there seems to be little relation between the price of crude oil to the producer in the United States and the price of gasoline and lubricating oils to the consumer. This can be illustrated briefly by referring to the fact that in February, 1926, in 52 representative cities throughout the United States, the average price of gasoline at the filling station, exclusive of tax, was 18.09 cents per gallon, while the average price of crude oil of 36 gravity Baumé during February, 1926, in Oklahoma and Kansas was $2.04 per barrel. The average recovery of gasoline by the refining methods then in use was 35 per cent, or 14.70 gallons per barrel. In 1929 the average price of gasoline at the filling stations in the same cities, exclusive of tax, was 18.39 cents per gallon, while the price of crude oil of 36 gravity Baumé in Kansas and Oklahoma was $1.20 and the recovery of gasoline by improved refining methods had increased to 46 per cent, or 19.32 gallons of gasoline for each barrel of oil. The same relative price schedules obtained throughout the years 1926 and 1929. The price of gasoline to the consumer has not fluctuated in proportion to the price of crude oil.

Cheap imported fuel oil has caused the price of the domestic fuel oil in the refining centers of the mid-continent field to fall at times below 50 cents per barrel, thus bringing about a very wasteful utilization of this oil, which might better be saved for higher uses than fuel. This cheap fuel oil, coming into competition with coal, has brought serious distress to the coal industry throughout the country, which industry has been compelled to discharge from employment during the time this condition has prevailed not less than 50,000 American laborers employed in the mines and in the transportation of coal. The unemployment problem now receiving such diligent consideration by the administration might be greatly reduced by shutting out imports of cheap fuel oil, allowing the use of coal in many industrial and manufacturing centers, and thus bringing about a reemployment of thousands of miners who are now idle.

If the present program of so-called conservation is continued, and results in the shutting down of producing wells and the cessation of development and exploration work, the known oil reserves of the United States will become practically valueless. The present owners, unable to hold the same without receiving any income therefrom, will be compelled to sell them in a market demoralized because of this program. The purchasers who would be willing to buy under these conditions would be the same corporations who control and monopolize the production and marketing of oil throughout the world, outside of the United States. It is acknowledged that there is a world monopoly on oil outside of this country. The markets of the United States are approximately 70 per cent of the markets of the world for petroleum products. If it is desirable that monopoly shall securely fasten its tentacles upon the petroleum industry of the United States with the same grip it holds upon the remainder of the world, and if it is desirable that the consumers of the United States should ultimately pay the same price for gasoline and other petroleum products that are charged in Europe and other foreign countries, then the so-called program of conservation should be continued, even though it bring utter ruin in its wake to one-fifth of the population of the United States directly and indirectly and in a lesser degree to the entire country; even though it shall cause an increase in ad valorem taxes in the oil-producing States to make up for the taxes lost from the gross production tax on oil and gas; even though its effect on general business, banking, and agriculture, through destruction of consuming power, shall be most serious; even though 20,000 oil producers, individuals, partnerships, and large and small corporations shall be put out of business and their 800,000 employees and their families compelled to look for work in other lines; and even though the advocates of this policy, in reserving the petroleum resources of the United States for future generations, shall, after viewing the havoc wrought by their program, have a feeling of righteous accomplishment.

I have never contended that a tariff on oil is a panacea for all the ills of the industry. Were imports entirely eliminated we must still proceed with a sane, orderly program of development and operation of our oil fields and by cooperation balance supply with demand, as we have so ably demonstrated we can do—as we have done in the past two years.

I would like to say in closing that we should not be discouraged. We have won much support. The whole petroleum industry, the business, and commercial interests, the farmers and the landowners of the oil-producing States now present a solid front in demanding immediate relief, and are militantly supporting the program for the exclusion of foreign oil from the domestic markets, either through the instrumentality of a protective tariff, or if the political exigencies prevent that form of remedy, then by an embargo for a period of years forbidding any importation of oil products whatever.

The directors of the American Petroleum Institute, at its meeting in Chicago November 10, adopted by a majority vote a resolution indorsing in principle a tariff on the importation of crude oil and refined products into the United States. On December 5 at the annual meeting of the directors of the General Mid-Continent Oil and Gas Association, which association embraces the six States of Kansas, Oklahoma, New Mexico, Texas, Louisiana, and Arkansas, and contains in its membership representatives of most of the producing, refining, and marketing interests engaged in business in that district, adopted with only one dissenting vote, a resolution strongly demanding a tariff on oil and refined products, and directing the officers of the association to do everything in their power to secure that form of relief for the industry. The Rocky Mountain Oil and Gas Association took similar action. All the local oil and gas associations throughout the country have done likewise. The Independent Petroleum Association of America, with membership in every oil-producing State of the Union, is a unit in demanding tariff relief. The chambers of commerce of most of the cities and towns in the oil States have likewise demanded a tariff on oil. A number of State legislatures, which have been in session since the depression in the oil industry has become acute, have memorialized Congress for this relief, the latest one to take such action being the Legislature of California, early this week. Various farm organizations have taken a decided stand in favor of a tariff on oil.

With this united and determined support, I feel that Congress and the administration should and will give heed to our prayers and grant us that protection which only they can grant and thus prevent our complete demoralization and ruin. The historical and statistical facts justify, the social and economic conditions demand, this relief. Certainly, with all this before them, our Government can find a way.

Mr. THOMAS of Oklahoma. Mr. President, I advised the Senate when I began at 9 o'clock this morning that at 11 o'clock I would proceed to read into the RECORD copies of contracts made between the United States Government and the Gulf Refining Co. whereunder the oil used by the Shipping Board is furnished by a company reputed to be dominated by the Secretary of the Treasury. I wonder if that circumstance could have anything to do with the objections made to the passage of this resolution.

I hold in my hand and I exhibit to the Senate copies of two contracts with a letter attached. The letter is as follows:

UNITED STATES SHIPPING BOARD,
Washington, January 16, 1931.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with telephone request from your office this morning to the Fleet Corporation, I send you herewith one copy each of our contracts now in effect with the Gulf Refining Co. for fuel oil and lubricating oils.

Very truly yours,

E. C. PLUMMER, *Vice Chairman.*

Mr. President, that identifies the contracts. I read:

CONTRACT NO. 10284

Fuel-oil contract, entered into the 11th day of July, 1928, between the Gulf Refining Co., a Texas corporation, with offices at Pittsburgh, Pa., hereinafter called "seller," and the United States Shipping Board Merchant Fleet Corporation, a District of Columbia corporation, hereinafter called the "buyer," witnesseth:

That, in consideration of the mutual and dependent promises hereinafter set forth, the parties hereto agree as follows:

I. The seller hereby agrees to sell and deliver to the buyer, and the buyer hereby agrees to purchase and receive from the seller at the ports of New York, N. Y., Philadelphia, Pa., Charleston, S. C., Savannah, Ga., Jacksonville, Fla., Port Tampa, Fla., New Orleans, La., Galveston, Tex., and Port Arthur, Tex., bunker fuel oil "C" for use as fuel by buyer's oil-burning vessels which are defined to be for the purpose of this contract all vessels belonging to the United States of America operated by the United States Shipping Board through the buyer, upon orders of the buyer or its managing operators or their agents as hereinafter set forth and in accordance with the following terms and conditions:

II. Specifications for bunker fuel oil "C": The fuel oil to be delivered hereunder shall be equal to or better than the following specification:

It shall be hydrocarbon oil, free from grit, acid, and fibrous or other foreign matter likely to clog or injure the burners or valves.

The flash point shall not be lower than 150° F. (Pensky-Martens closed tester).

The viscosity shall not be greater than 300 seconds at 122° F. (Saybolt Furol viscosimeter).

Water and sediment: The sediment content shall not be more than 0.25 per cent. The total water plus sediment shall not be more than 2 per cent. A deduction in quantity will be made for all water plus sediment in excess of 1 per cent equal to such excess.

III. Unit of quantity: The unit of quantity shall be the barrel of 42 United States gallons of 231 cubic inches at a standard temperature of 60° F., and a temperature correction shall be made by the divisional method at the time of delivery at the rate of 0.0004 for every 1° F. that the temperature of the fuel oil is above or below 60° F.

Under no circumstances shall the temperature of fuel oil when placed in vessel's tanks exceed 120° F.

IV. Quantity: The quantity of fuel oil to be delivered and received hereunder shall be the maximum bunker requirements of the buyer's oil-burning vessels (except vessels operated under any form of agreement other than agreement known as "Operating agreement, 1924") at the aforesaid ports, and such additional oil, to be taken as cargo at Port Arthur, Tex., as may be required by the buyer to supply its bunkering stations, excepting its Pacific Ocean and Panama Canal bunkering stations: *Provided, however,* That the buyer shall not be obligated to purchase and receive, and the seller shall not be obligated to sell and deliver without its consent in any one calendar month in excess of the following maximum monthly quantities:

Port and maximum monthly quantity:	Barrels
New York	315,000
Philadelphia	60,000

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. COPELAND. May I ask the Senator, if it can be done without taking him from the floor whether he will yield for consideration of a resolution to extend the copyrights, which will expire previous to that date to January 1, 1935? It will be an extension of four years on copyrights. If it can be done without taking him from the floor, will he yield under unanimous consent for that purpose?

Mr. THOMAS of Oklahoma. Mr. President, I will yield on condition that I do not lose the floor; and I depend upon the Vice President to protect my right to the floor. I ask unanimous consent to that effect.

The VICE PRESIDENT. Is there objection?

Mr. WATSON. May we have this proposition stated, so that we may hear it?

The VICE PRESIDENT. Let the Senate be in order, and let the Secretary read the joint resolution.

The joint resolution (S. J. Res. 265) extending the duration of copyright protection in certain cases was read the first time by its title and the second time at length, as follows:

Senate Joint Resolution 265

Resolved, etc., That in any case in which the original renewal term of copyright subsisting in any work on the date of approval of this resolution would expire prior to January 1, 1935, such term is hereby extended from the date of such expiration to January 1, 1935.

Mr. BLAINE. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from New York may himself state his request.

Mr. COPELAND. This is a proposal that the copyright of any book or other production which expires previous to January 1, 1935, shall be extended to January 1, 1935.

Mr. BLAINE. May I ask the Senator if it is new legislation?

Mr. THOMAS of Oklahoma. Mr. President, I am depending upon the Presiding Officer to protect my rights to the floor.

The VICE PRESIDENT. The Chair will protect the Senator; the Senator has not yielded the floor.

Mr. COPELAND. This is new legislation.

Mr. BLAINE. Then I object.

The VICE PRESIDENT. The objection is made, and the joint resolution will lie on the table. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. I was proceeding to read into the RECORD, Mr. President, a copy of the contract between the United States Government, acting through the Shipping Board, and the Gulf Oil & Refining Co., whereby the gasoline, kerosene, fuel oil, and lubricants used by the Shipping Board are furnished by the Gulf Refining Co. I continue reading from the contract:

Period of deliveries—	Barrels
Charleston	27,500
Savannah	27,500
Jacksonville	16,500
Port Tampa	16,500
New Orleans	185,000
Galveston	210,000
Port Arthur:	
Bunkers, exclusive of tank steamers	44,000
Cargo oil, including bunkers for tank steamers	[1] 180,000

Mr. President, I wonder how many of these contracts are in existence? I wonder how many commodities purchased by the United States Government of the more than 400 now made from oil are covered by contracts of this character? I did not know this contract existed; I doubt if any Member of the Senate, save one, or, perchance, two, knew that it existed. Yet when I ask that a committee be appointed to secure information of this kind, we find very determined opposition, and I will say that to date that opposition has been successful.

[1] But not in excess of 1,000,000 barrels of cargo fuel oil, including bunkers for tank steamers loading cargo in any one calendar year.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator if he would object to my asking unanimous consent, provided he would not lose the floor, to have printed in the RECORD a 2-page article by former Senator Jonathan Bourne, jr., of Oregon, on the question of the presidential veto, which I was requested to have printed in the RECORD, and I am afraid I will have no other opportunity to do so?

Mr. THOMAS of Oklahoma. I can not yield for that purpose. [Laughter.]

Mr. President, I ask unanimous consent to have incorporated in the CONGRESSIONAL RECORD an article entitled "Drift Toward Dictatorship," by Jonathan Bourne, jr., a former Senator of the United States from Oregon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(The article appears at the conclusion of Mr. THOMAS's remarks.)

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the article just ordered to be printed in the RECORD may also be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. THOMAS of Oklahoma. Mr. President, I continue reading from the contract:

V. Period of deliveries: This contract shall be for the period of one year commencing January 1, 1929, and shall be continued thereafter for two additional periods of one year each: *Provided, however*, That nothing herein contained shall bind the buyer in any fiscal year for the future payment of money in excess of the appropriations made by Congress for the purpose of operating vessels under the control of the buyer.

Mr. President, earlier in this discussion I tried to convey to the Senate some information about the number of products that are made from oil. One who does not live in an oil-producing State, one who knows oil only as a thick, black fluid, has, perhaps, but little conception of what that black fluid contains. When oil is mentioned, one who is not familiar with the subject, perhaps, would think that only two or three commodities can be made from oil.

(At this point a message from the House of Representatives, by Mr. Chaffee, one of its clerks, was received. The message appears under its proper heading.)

Mr. THOMAS of Oklahoma. Mr. President, I was proceeding to try to outline, as best I could, with what knowledge I have of the oil industry, the various commodities that are made from crude oil, this thick, black liquid that comes from beneath the ground, some of it from a depth of a mile and a half. When this liquid is brought from the ground it is a thick, soupy, black substance, and one uninitiated, perhaps, would think that only kerosene and gasoline and lubricating oil could be made from this liquid. But that is far from the truth.

From this black, thick, slick liquid more than 400 commercial articles are now made. All classes of greases are made from oil. Why, Mr. President, even soap is made from it; and fatty acids are also obtained from oil. Even a substitute butter is made from oil, and it may be that some of the distinguished Senators upon this floor have indulged in the delightful pastime of consuming butter made from crude oil.

In addition to the commodities which I have mentioned, saccharin is made from oil; substitutes for leather are made from oil; and, I understand, some of those substitutes are made into clothing; so it is a fact that clothing worn by men, women, and children is made from crude oil.

Then we have matches made from oil; we have candles made from oil; we even have alcohol made from oil. It may be that some of the peculiar gyrations which some people profess to have seen here in Washington and other

places throughout the country are caused by the class of alcohol that is made from this black liquid substance.

Mr. President, 400 and more substances are made from crude oil. The Senate perhaps did not know that fact. Yet when we try to get some information to the effect that butter can be made from oil, that paints and varnishes can be made from oil, that soap can be made from oil, that alcohol and medicines can be made from oil, and are being made from oil, and that hundreds of other commodities are also being made from oil, and a simple Senate resolution comes before this body that affects the third largest industry in America, we find determined opposition; and, I may repeat, that, so far, that opposition has been successful. I wonder when the people are to have some information upon this third largest industry in this country?

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. HAYDEN. Is the Senator from Oklahoma aware that the House of Representatives has amended the bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes?

Mr. THOMAS of Oklahoma. Yes; I am aware of that fact, and I will make a statement about it.

Mr. HAYDEN. Is the Senator willing, provided he would not lose the floor, that I might make a motion to concur in the House amendments to that bill?

Mr. THOMAS of Oklahoma. Let me first make my statement.

Mr. President, I am aware of that fact; and that brings me back to the Indian problem [laughter]; and after I make my statement the distinguished Senator from Arizona will not ask me to yield.

Mr. President, the bill to which the Senator now calls the attention of the Senate pertains to my State. Oklahoma has 150,000 Indians; Oklahoma has 40 counties, in which are located the members of the Five Civilized Tribes, and the Five Civilized Tribes embrace 100,000 Indians. It is true that upon some of the heirship lands in those counties the restrictions will expire in April of this year. Under existing laws some classes of those heirship lands are under the jurisdiction of the courts of my State and other classes are under the Indian Bureau here in Washington.

The Indian Bureau prepared and sent to the Indian Affairs Committee of the Senate a bill proposing to disturb the land titles in 40 counties in Oklahoma. Mr. President, the Five Civilized Tribes consist of the Cherokee, the Chickasaw, the Choctaw, the Seminole, and the Creek Tribes. Two of these tribes, the Chickasaws and the Choctaws, have governors. Governor Johnson represents the Chickasaws; Chief Dwight is chief of the Choctaws; Mr. Lewis is attorney for the Choctaws; and Mr. McVeagh is attorney for the Chickasaws.

The Indian Office knew that these governors and chiefs were in Washington, because they are paying their expenses while they are here. The Indian Office knew that these attorneys were here. They have contracts with the Government and are being paid by the Government. While the governors of these tribes were here, and while the attorneys of these tribes were here, the Indian Office proceeded to prepare a bill without even advising and conferring with the governors and the chiefs and the attorneys. They sent such bill to our committee, direct to the distinguished chairman of the committee, the Senator from North Dakota [Mr. FRAZIER] without having conferred with the governors and without having conferred with the attorneys; and members of the Indian Bureau were reported to be secretly saying, "We are going to slip that bill through the United States Senate and the United States House of Representatives."

Let me ask the distinguished Senator from Arizona why did not the responsible officials in the Indian Bureau confer with the governors of the tribes and the attorneys of the tribes in the preparation of that bill?

Mr. HAYDEN. The——

Mr. THOMAS of Oklahoma. I do not want an answer. I do not yield for that purpose. The answer is apparent. Why did not the Indian Bureau confer with the attorneys in the preparation of this bill?

Mr. President, there has been laid upon my desk, since I commenced to talk about the Indian question, a telegram addressed to Hon. JIM MCCLINTIC, Member of Congress from my State. The date of its arrival was March 2. I have not seen it before, and I have not had time to read it. If I can glance through it I probably shall ask that it be read or read it myself; but I desire to answer the question of the distinguished Senator from Arizona [Mr. HAYDEN].

The Indian Office did not confer with the heads, the governors, and the attorneys for these Indians, but prepared a bill proposing to disturb the land titles in my State—a bill taking jurisdiction from the courts of my State. Does the distinguished Senator from Arizona presume that my colleague [Mr. PINE] and myself in this House, and the Members of the other body, would stand to see a bill passed through this body or that body condemning the courts of my State as either inefficient, incompetent, or corrupt? If the Senator does think so, he mistakes the temper of the Oklahoma delegation in the Congress of the United States.

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. I will answer the Senator's question if he will give me time.

Mr. HAYDEN. I should like to ask a question.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The VICE PRESIDENT. The Senator declines to yield.

Mr. JONES. Mr. President——

Mr. THOMAS of Oklahoma. Mr. President, I have not completed answering the Senator's question.

After the Indian Bureau had tried to slip this bill through the Congress—and they used the word "slip"—we had a hearing before our Senate committee; and, at my request, the attorneys for these tribes came before the committee, and pointed out to our committee what the bill would accomplish.

Mr. THOMAS of Oklahoma. Mr. President, I now ask unanimous consent to have published as a public document a number of papers marked "Memorandum on substitute bill S. 2497, by Winter S. Martin, attorney at law, Seattle, Wash."

Mr. REED. I object.

The VICE PRESIDENT. The Senator from Pennsylvania objects.

Mr. THOMAS of Oklahoma. Mr. President, I was trying to explain to the distinguished Senator from Arizona [Mr. HAYDEN] why I can not yield for consideration of the bill he is now asking to have called up.

After this bill had been exposed in our committee, after it had been exposed in the House of Representatives, not a member of our delegation would even think about considering the legislation. Then members of our delegation from Oklahoma went down to the Indian Bureau and undertook to write a substitute carrying the same idea and purpose and intent; and the substitute was prepared, brought back to the Senate, and, by my distinguished colleague the Senator from North Dakota [Mr. FRAZIER], introduced in the Senate; and again it went to our committee.

Mr. President, I renew the request I made a moment ago, that this memorandum on S. 2497 be printed as a public document.

Mr. REED. Mr. President, I understand that this is done at the request of the Senator from Minnesota [Mr. SHIPSTEAD]. Therefore I do not object.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. THOMAS of Oklahoma. Mr. President, when this substitute had been agreed upon and brought back and reintroduced it came out with a favorable report from our committee. I was for the bill—at least, I thought I was. The bill came up on the calendar. But between the time the bill reached the calendar and the time it could be reached upon the floor it was reported to me that the attorney for the Indian Bureau was making statements that the substitute, under rules and regulations to be prescribed by the Secretary of the Interior, would accomplish the same purpose as the original bill, whereupon my distinguished colleague from Oklahoma, Mr. HASTINGS, called me to the telephone and said, "Do not let that bill pass."

The bill did not come up at that time. If it had, I would have objected. Late Saturday night this bill came up on the calendar, and at that time a third substitute had been prepared and was brought here. The substitute was not considered by the committee.

No member of the committee, save the distinguished chairman and myself, ever saw the substitute. This third proposal was another attempt to enact the legislation we all had in mind.

The substitute went through. It went to the other House; and on Sunday I received long-distance telephone calls from Oklahoma asking me to read this bill over the telephone, which I did. I wired the bill down there on Sunday; and since Sunday telegrams by the dozens have come in from my State protesting against the pasage of the bill.

The telegram that I hold in my hand is signed by W. A. Durant, chief clerk of the Oklahoma House of Representatives, which is now in session. Mr. Durant is himself a member of the Choctaw Tribe of Indians. He served in the State legislature of my State for many years. At one time he was speaker of the house of representatives. He would make a creditable Member of Congress, a creditable Member of the Senate of the United States, or would serve creditably in any position within the gift of the people of his State or of his Nation.

Mr. HAYDEN. What does Mr. Durant say?

Mr. THOMAS of Oklahoma. I now ask unanimous consent to send this telegram to the desk—I have not read it; I know it is a protest against the passage of this bill—and I ask that it be read in my time.

Mr. REED. I object.

The VICE PRESIDENT. Objection is made.

Mr. THOMAS of Oklahoma. Mr. President, this telegram is dated March 2, 1931. It is addressed to Hon. JIM MCCLINTIC, Member of Congress, Washington, D. C., and is as follows:

OKLAHOMA CITY, OKLA., *March 2, 1931.*

Hon. JIM MCCLINTIC,
Member of Congress, Washington, D. C.:

The House of Representatives of the State of Oklahoma passed the following resolution to-day:

"A resolution memorializing Congress to defeat provisions of House bill No. 15603 on House Calendar No. 445 and under report No. 2188 of the Seventy-first Congress, third session, providing for the extension of the restricting period against alienation lease mortgage or other encumberances of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes

"Whereas there is now pending in the House of Representatives of the United States on House Calendar No. 445 under report No. 2188 House bill No. 15603, which does by its terms extend restrictions placed upon alienation lease mortgage and other encumberances of any interest of restricted heirs of members of the Five Civilized Tribes; and

"Whereas the said provisions are applicable only to inherited land and will continue such property from the tax rolls of the State; and

"Whereas the said bill does by its terms prevent the handling and managing of such property by local, State, and county agencies and places the same entirely under the control and management of the Secretary of the Interior and deprives such Indian heirs of the protection of home government and places it at long range and beyond their personal reach; and

"Whereas the same contains, in the opinions of the House of Representatives of the State of Oklahoma, many other objectionable features: Therefore be it

"*Resolved by the House of Representatives of the State of Oklahoma in its thirteenth assembly,* That the Congress of the United States is hereby memorialized to not inflict upon the State and the Indian citizenship of the State this burden, which we believe to be unjust; and be it further

"*Resolved,* That copies of this resolution be forwarded to each Representative and Senator from the State of Oklahoma in the National Congress, calling their attention to our objections to the said bill."

W. A. DURANT, *Chief Clerk.*

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. Mr. President, my time is limited. I can not yield further.

The VICE PRESIDENT. The Senator declines to yield.

Mr. GILLETT. Mr. President, will the Senator yield to me to ask to have a letter printed in the RECORD?

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. GILLETT. I simply wish to secure permission to have a letter printed in the RECORD.

Mr. THOMAS of Oklahoma. I shall be glad to yield if the Chair will protect my right to the floor while I am yielding.

The VICE PRESIDENT. The Chair would hold that the Senator would not lose the floor by yielding for that purpose.

Mr. GILLETT. I ask unanimous consent to have printed in the RECORD a letter and the accompanying balance sheet.

The VICE PRESIDENT. Without objection, it is so ordered.

(The matter referred appears at the conclusion of Mr. THOMAS's remarks.)

Mr. BINGHAM. Mr. President, will the Senator yield to me to make a similar request?

Mr. THOMAS of Oklahoma. Making the same request of the Chair, I shall be glad to accommodate the Senator if I may not thereby lose the floor.

Mr. BINGHAM. I ask to have printed as a Senate document a supplemental brief entitled "Is Congress Empowered to Alienate Sovereignty of the United States," by Daniel R. Williams.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. Mr. President, the distinguished Senator from Colorado is the Senator who made objection to the consideration of this resolution. I do not blame him in any sense for his objection. He had that right. He exercised that right, which he had the perfect privilege to do; but, having the right now to proceed, I refuse to yield.

Mr. PHIPPS. Mr. President, these nominations——

The VICE PRESIDENT. The Senator declines to yield. Let the Senate be in order.

Mr. THOMAS of Oklahoma. When I was diverted from the regular line of my discourse, I was reading from a contract between the United States Government, acting through the Shipping Board, and the Secretary of the Treasury, acting through the Gulf Refining Co.

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. Mr. President, my time is rapidly slipping by. I have a mass of most valuable and interesting data that I desire to incorporate in the RECORD. It is my only opportunity; and for that reason I must decline to yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. THOMAS of Oklahoma. Here is the form of delivery:

(1) F. o. b. buyer's vessels taken from seller's terminal loading stations, in bunker and/or or cargo lots as required; and/or

(2) F. o. b. buyer's vessels taken from seller's barges at docks, wharves, or piers, or in stream within harbor limits, in bunker lots as required (except at Port Tampa, Fla., where form of delivery No. 1 only applies and at Port Arthur, Tex., when buyer takes cargo lots and/or bunker lots for tank steamers loading cargoes).

The buyer reserves the right, either directly or through its managing operators or their agents, to specify the forms of delivery and quantity in each and every instance.

For the purposes of this agreement the harbor limits of New York are defined as follows:

Harlem, One hundred and twenty-fifth Street.
East River, opposite One hundredth Street.
Newton Creek, Penny Bridge.
Gowanus Canal, First Bridge.
Brooklyn, Fort Hamilton.
Staten Island, Fort Wadsworth.
Kill von Kull, Staten Island Bridge Creek (including Shooters Island).
Bayonne, western extremity Bergen Point.
Hudson River, One hundred and thirty-fifth Street.

VII. Conditions of delivery: The buyer shall notify the seller not less than 36 hours in advance, except when otherwise mutually agreed, when requiring delivery at terminals, and not less than 48 hours in advance, except when otherwise mutually agreed, when requiring delivery of barge, of the quantity of fuel oil required and the time and location of delivery desired. The seller shall give buyer's vessels clear and safe berth when deliveries are made at terminals or come alongside promptly where deliveries are made in stream.

Mr. BARKLEY. Mr. President, will the Senator yield for a question about this contract?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BARKLEY. Is this a contract between the Gulf Refining Co. and the Shipping Board?

Mr. THOMAS of Oklahoma. It is a copy of such original contract.

Mr. BARKLEY. Was that contract entered into as a result of public bidding, or was it a private contract entered into in private?

Mr. THOMAS of Oklahoma. Mr. President, that is the kind of information I had hoped to procure under the Nye resolution. Distinguished Senators here objected. I can not answer the question. I am sorry.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. McKELLAR. I ask the Senator if he thinks the same influences are at work in holding up his resolution which have been at work here under the leadership of the Senator from New York [Mr. COPELAND] in holding up a similar resolution before?

Mr. THOMAS of Oklahoma. Mr. President, I continue to read [laughter]:

The buyer's ships will give seller's barges prompt access to berth; such berth to be adequate for safe arrival, stay, and departure of barges.

The seller shall supply equipment, including pipe lines, flexible hose connections, proper flanges, etc., to permit speedy connection with vessel's intake lines, and shall deliver fuel oil at the rate of the maximum receiving capacity of the buyer's vessels at the time of taking delivery hereunder.

Mr. President, let me digress for a moment. This contract is based upon the theory that the oil to be furnished to the Shipping Board shall be furnished from tankers in the rivers or in the ocean. What does that mean? It means that the oil covered by this contract does not come from the interior; it comes from some foreign field. The distinguished Senator from Michigan is reported to have said a few days ago that the Secretary of the Treasury had served under three Presidents, but corrected the statement and said three Presidents had served under the Secretary of the Treasury.

Here we have a contract made by the responsible head of the Gulf Refining Co., a billion-dollar concern, to furnish oil to one branch of the Government. How was this contract made? I can not answer. Distinguished Senators upon this floor, perhaps, could answer that question, but I can not yield now for that purpose if they could, and we will not find out. We will never find out until the Senate of the United States at some future day, when it has more courage than it has now, more desire for information, passes a resolution and appoints members of committees who have, first, courage; second, initiative; and, third, the ability to ferret out answers to these questions.

It can not be done now. I regret it. It is such information as that sought by the distinguished Senator from Kentucky that I want. It is that class of information which the distinguished Senator from North Dakota wanted when he introduced this resolution. He can not get it. The distinguished Senator not only can not get the information, none of us can have it.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. NORBECK. Mr. President, realizing that there are only about 10 minutes left before the Congress will adjourn, I wanted to ask whether the Senator would not be willing to let us go into executive session and confirm the postmasters and other nominations upon the calendar, and nothing else?

Mr. THOMAS of Oklahoma. I am advised that objections will be made to these nominations.

Mr. President, not so very long ago I was in the great city of New York. I had occasion there to go through the bread lines and the soup houses. On another occasion later I was in that great city and went down into the financial section. There I saw great crowds assembled. I mingled with the crowds. On an improvised platform was standing an impassioned orator. He was speaking to the unemployed; he was calling their attention to the failure and the refusal of the Congress to keep them in mind when relief measures were being brought before the Congress.

Mr. NORBECK. Mr. President——

Mr. THOMAS of Oklahoma, Mr. President, I am sorry I can not yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. THOMAS of Oklahoma. The Senate was condemned, the Congress was condemned, the President was condemned; and I heard there, much to my chagrin and to my embarrassment, that our form of government is being condemned as being inefficient, as being irresponsible, and irresponsive to the people of this Republic.

Mr. President and Senators, I trust nothing serious will come of this period of depression, but I receive telegrams daily, and I receive letters daily, which cause me to shudder.

All is not well outside of Washington. Senators are due to be surprised when they get home. I hope times will get better. I hope we will have an early spring. I hope that the early garden crops may be planted and that they can come forth and produce food. I hope that our sister State across the Potomac, Virginia, and the State on the other side of Washington, Maryland, may be blessed with a bountiful supply of rain. My distinguished colleague from Kentucky [Mr. BARKLEY] implores me to make a plea for the sovereign Commonwealth of Kentucky, and I am glad to do it, although I will say, Mr. President, that my reason for omitting Kentucky was that I did not presume that any citizen of that great State was in particular need of water. [Laughter.]

Mr. President, I continue to read from this contract, and I regret that I will not be able to read it all. I will not ask to have it put in the RECORD, even, but here it is. It is in the archives of this Government. How many more are there I do not know. Distinguished Senators upon this floor do not know. The only difference between them and me is that I want to know, and some of them do not apparently want to know.

Mr. President, I want to read one more paragraph from this contract.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. THOMAS of Oklahoma. I want to give the process——

Mr. SHORTRIDGE. Will the Senator yield for a brief question?

Mr. THOMAS of Oklahoma. I yield.

Mr. SHORTRIDGE. If he can do so without losing the floor, by unanimous consent, will not the Senator yield in order that we may spend a minute considering the Executive Calendar?

SEVERAL SENATORS. Regular order!

Mr. THOMAS of Oklahoma. Mr. President, I sympathize with the soon-hope-to-be public officials of the Nation, but they are not suffering, they are not cold and hungry.

Mr. SHORTRIDGE. But, Senator——

Mr. THOMAS of Oklahoma. They are not cold and hungry.

The VICE PRESIDENT. The Senator declines to yield.

Mr. THOMAS of Oklahoma. They are not wearing clothes like these overalls. It is the man recently associated with this garment that I have in view.

The VICE PRESIDENT. Will the Senator yield while the Chair appoints a committee of two Senators to join a similar House committee to wait upon the President?

Mr. THOMAS of Oklahoma. If I do not thereby lose the floor.

Mr. NORRIS. Mr. President, that is a House concurrent resolution, is it not?

The VICE PRESIDENT. It is.

Mr. NORRIS. It is a debatable question. I have no objection to the Senator having the floor after it is disposed of, but that itself is a debatable question, and I want to give notice——

The VICE PRESIDENT. The Chair withdraws his suggestion.

Mr. NORRIS. That I want to speak on it if it is laid before the Senate.

Mr. THOMAS of Oklahoma. Mr. President, yielding to the plea of these postmasters throughout the country, I now ask unanimous consent, provided I do not lose the floor, that as in executive session——

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The regular order is demanded. The Senator from Oklahoma will proceed.

Mr. THOMAS of Oklahoma. Mr. President, it is now 11.55 o'clock. I apologize to the Senate and to the country for occupying this time. I did not want to do it. I made every effort to avoid it. I was forced to do it. But what is the issue joined here in the last minutes of the Seventy-first Congress?

Recent developments throughout the country, and even in this Chamber, make paramount the question: Who controls and manages the Government of the United States?

The existing depression, drought, and governmental administration have divided our people into two major groups—one controls and profits from government, and the other, although it pays the taxes, fights the battles and performs the work, by the dominating group is neglected, ignored, and forgotten.

The special-interests group, embracing finance, transportation, and industry, is highly and efficiently organized. The people's group, embracing the unemployed, the wage earners, farmers, veterans, and honest business, is at the mercy of the organized few who know what they want and get what they request.

Our present economic system, traveling the road of chains, consolidations, and mergers will soon reach industrial monopoly, and industrial monopoly means human slavery.

To what degree heretofore free Americans will submit to the dictation of monopoly remains to be demonstrated. Already the rumblings and echoes of distress, discord, and denunciation are reaching the Nation's Capitol.

In a favored land, with storehouses bulging with food, our people are hungry; with warehouses crowded with clothing, our people are naked and cold; and with our banks overflowing with money, our people are penniless.

To check the mad march of the Four Hundred of Privilege, to make it possible for the people to eat some of the food they grow, to wear some of the clothing they produce, and to secure some of the money and wealth they create, constitute the supreme challenge to those who represent the people, those who are charged with the responsibility of preserving and perpetuating the form of government established under the Constitution of the United States.

Mr. President, I apologize to you for occupying so much time, and I thank you sincerely for the courtesies extended during this discussion.

METHANOL

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that there may be printed in the RECORD a study on methanol.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In regard to Senate Resolution 437, submitted by Senator BROUSSARD, of Louisiana, relative to the Bureau of Mines study of the toxicity of methanol or methyl alcohol, and offered as a complaint against the Bureau of Mines that it did not cooperate with the Public Health Service in this work (see CONGRESSIONAL RECORD, February 10, p. 4449).

All medical personnel of the Bureau of Mines, including the chief of the health and safety branch, is detailed from the Public Health Service by the Surgeon General, who receives reports on all health work carried out by the Bureau of Mines. In regard to the special study on the toxicity of methanol, the Bureau of Mines conferred with the Public Health Service before undertaking this study, and it was agreed that the Bureau of Mines should make the laboratory portion of the study and certain field surveys. The Bureau of Mines had suitable laboratory facilities readily available and had also been interested for several years in the synthesis of methanol and other hydrocarbons from gases, which are usually made from coal or other mineral substance. This is indicated by a number of papers released on this subject, a list of which is inclosed. Furthermore, the Public Health Service assigned additional medical personnel to the Bureau of Mines to advise and assist in the prosecution of the methanol study. Representatives of the Public Health Service were present at all conferences, at which progress reports were presented and plans for future work discussed.

The manuscript of Bureau of Mines Information Circular 6415, Observations and Notes on the Effect of Methanol Antifreeze on Health, which constitutes an important item in Mr. BROUSSARD's complaint, was submitted to the Surgeon General of the Public Health Service for criticism and suggestions, and was released only after these criticisms had been received. This fact is substantiated by the Public Health Service News Release, which has been published in numerous journals and papers, including the American Journal of Public Health for January, 1931. Copies of these are inclosed. It will be noted that Surgeon General H. S. Cumming stated in this release that he had kept in touch with the observations being made by the Bureau of Mines, and that he felt that there was need for immediate release of information which would protect the general public. In the last paragraph this release states:

"A complete study is advisable as to how far methanol can be used safely in other ways; in the meantime, the Surgeon General recommends that methanol be used by the general public as an antifreeze only, and that the precautions advised by the Bureau of Mines be strictly observed."

The Bureau of Mines received no money. The study was carried out under a cooperative agreement with the three major producers of synthetic methanol in the United States. This agreement (copy of which is inclosed) is of the same character as that used for many years by the Bureau of Mines on similar studies. The agreement states that the producers of methanol will pay bills not to exceed $10,000 in connection with this study. The Bureau of Mines does not handle or disburse any of this money. This money was paid by the disbursing agent of the cooperating companies on vouchers submitted by the Bureau of Mines. Money advanced by Bureau of Mines representatives for items reimbursable by the cooperating organizations covering travel and subsistence and the purchase of green feed in the wholesale produce market for animals used in the methanol study totaled $820.98, as shown by the attached vouchers. The Bureau of Mines keeps a record of moneys expended by the cooperators similar to the records kept for other funds.

The Bureau of Mines carries out many studies under similar agreements on the various lines of work designated in the bureau's organic act. In this act Congress directed the bureau to make inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, metallurgical, mineral, and allied industries.

Industrial organizations and individuals making scientific investigations do not always make the results available to the public. Where there is a willingness that the public may benefit by knowing all the facts disclosed by a study of some problem in the field of the mineral industry, the Bureau of Mines has entered into cooperative agreements whereby the resources of both parties are brought to bear on the subject. Requests for carrying out such cooperative investigations have come from many industries and organizations.

Studies are made on subjects where there is a hazard to the public and where the public interest is paramount. All the information obtained from the studies made with the Bureau of Mines is available for public use, whether or not its publication is desired by the cooperating group. The decision of when and where and how to publish the results found by the bureau lies with the bureau. All the agreements for such studies contain the following clause: "Publication of the results of this investigation shall be under the control of the director of the bureau."

Among the investigations carried out under similar cooperative agreements have been those for the ventilation of vehicular tunnels, made with especial reference to the ventilation of the Holland Vehicular Tunnel. The hazard from carbon monoxide in the exhaust gas of automobiles was the controlling factor. The information thus obtained and made public has been used as a basis for constructing vehicular tunnels in many parts of the United States, as the information obtained was fundamental. Another was a cooperative investigation of toxic gases from Mexican and other high-sulphur petroleums. The information obtained has been found especially valuable in protecting the workers in the oil fields of Texas and southwestern United States. Experimental studies on the effect of ethyl gasoline and its combustion products; the physiological response attending exposure to vapors of methyl bromide, methyl chloride, ethyl bromide, and ethyl chloride; the effect of repeated daily exposure of several hours to small amounts of automobile exhaust gas; and acute response of guinea pigs to vapors of some new commercial organic compounds, Reprint No. 1349, Ethylene Dichloride, No. 1; Reprint No. 1379, Ethyl Benzene, No. 2; Reprint No. 1389, Cellosolve (Monoethyl ether of ethylene glycol), No. 3; Reprint No. 1401, Ethylene Oxide, No. 4; Reprint No. 1405, Vinyl Chloride, No. 5; Reprint No 1407, Dioxan, No. 6, are among the studies carried out by the bureau under similar cooperative agreements. All of these studies are obviously in line with the intent of the organic act creating the Bureau of Mines.

The last six investigations are on substances made from gases by synthetic methods. No use was known for some of them at the time when they were made. The makers desired knowledge as to their toxic properties in order to determine how they could be used safely before placing them on the market. Methanol, made synthetically, is known to be poisonous; the extent of the hazard when used as an antifreeze, however, was open to question.

If Congress and the people of the United States do not desire the Bureau of Mines to make such studies and the bureau is so advised by Congress, we are sure that the Bureau of Mines will direct in its efforts to other much-needed investigations.

For many years each act making appropriations to the Bureau of Mines has contained a clause stating that the Secretary of the Treasury may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made for the Bureau of Mines.

During the Seventy-first Congress laws were enacted increasing the authority and duties of the Public Health Service, so that officers of that service may be detailed to the departments or establishments carrying on public-health activities, and permitting the Secretary of the Treasury to accept gifts for investigation and research on fundamental problems on diseases of man and matters pertaining thereto. It would seem, therefore, that it is the desire of the people and of Congress that such investigations be carried out by governmental bureaus with the help of either public or private funds.

In reference to Senator BROUSSARD's statement as printed in the CONGRESSIONAL RECORD of February 10, 1931, page 4449, regarding the editorial of the Journal of the American Medical Association: Apparently the opinion expressed in this editorial is not unanimous in the medical profession as evidenced by a letter, signed by six leading professors, including the deans, of the department of industrial hygiene, school of public health, Harvard University, to the editor of the Journal of the American Medical Association:

FEBRUARY 3, 1931.

The EDITOR JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION,
535 North Dearborn Street, Chicago, Ill.

DEAR SIR: We have read your editorial, Misleading Methyl Chloride Publicity, on pages 272 and 273 of the January 24, 1931, issue of the Journal. Assuming that you present data to substantiate your criticisms, it is, of course, your privilege to disagree with results that the Bureau of Mines may publish. However, technical criticism is a vastly different matter from indulging in such outbursts as that in your concluding paragraph:

"It is unfortunate that a branch of the Government, the Bureau of Mines, which has had such an enviable record in the past, has recently seemed to be swayed to serve more the interests of certain chemical manufacturers than to serve the interests of the public. It is laudable that the Government should investigate general hazards to the public, but it is quite unfortunate that independent action may be threatened by considerations arising from the fact that research is carried on under 'cooperative agreements.'"

For some years the Bureau of Mines has carried out investigations, through formal contracts, with private individuals and private firms. They have gone to the Bureau of Mines presumably because of its experience, facilities, and the integrity of its personnel. No one in the bureau is a penny the richer as the result of such work; nor is the problem accepted unless it promises to produce information of value either to science, to industry, or to human welfare. The firm or individual submitting the problem pays the bill—as he should—but has no control over the prosecution of the work or of the results obtained.

With regard to the report on methyl chloride poisoning, which you discuss, we wish to point out that you have ignored the earlier and much more extensive study of the compound, which has already been published by the Bureau of Mines, and in which the toxic properties of methyl chloride are fully described. Apparently you believe that the brief report on a single feature, about which the Roessler & Hasslacher Chemical Co. requested information, was the only one made.

We regard the series of papers from the Bureau of Mines—now appearing in Public Health Reports—on the toxicity of various new commercial solvents, as an important contribution to industrial toxicology, but not necessarily the final word. If you read these reports you will find the bureau has done a great deal more than search for "warning agents" which "are not a guarantee of protection." Incidentally your distinction between a toxic gas like ammonia, which warns, and one to which a warning must be added, is subtle to say the least.

It seems to us that one of the important duties of the Bureau of Mines is to investigate the toxicity of new substances used in industry which may affect the public health. It represents an impartial agency for protection against hazardous advances made by industry. That its reports may be misrepresented in ill-advised advertising is not a criticism of this bureau, but of the inability to control public misrepresentation. If the American Medical Association disagrees, it would be more fitting for them to set up machinery to do the bureau's work than to make unsupported attacks upon the integrity of its personnel.

Very truly yours,

JOSEPH C. AUB.
C. K. DRINKER.
PHILIP DRINKER.
D. L. EDSALL.
ALICE HAMILTON.
REID HUNT.

This letter was published in the Journal of the American Medical Association February 21, 1931, with the appended statement:

"A careful rereading of the editorial in question should convince anyone that its whole purpose is constructive. It does not attack the integrity of the personnel of the Bureau of Mines. It suggests merely the danger in a situation which may lay them open to such attacks."

The Bureau of Mines is continuing the studies on methanol with especial attention to precautionary measures to be taken to prevent the use of methanol antifreeze as a beverage.

A number of substances have been tried which will tend to prevent one from drinking methanol antifreeze due to its disagreeable taste; also by adding emetics to the antifreeze, which will cause persons to vomit should they drink methanol antifreeze containing the emetic.

It is the duty of the Bureau of Mines to find safe methods of using products from the mineral and allied industries.

AGREEMENT BETWEEN THE DEPARTMENT OF COMMERCE AND THE CARBIDE & CARBON CHEMICALS CORPORATION, DU PONT AMMONIA CO., AND THE COMMERCIAL SOLVENTS CORPORATION

Whereas the Department of Commerce, acting through the Bureau of Mines (hereinafter referred to as the bureau), is conducting investigations of the toxicity of industrial gases and vapors; and

Whereas the Carbide & Carbon Chemicals Corporation, the Du Pont Ammonia Co., and the Commercial Solvents Corporation (hereinafter referred to as the corporations) are also interested in the same subjects, and in particular the toxic properties and possible health hazards attending the use of methanol for antifreeze and other general purposes: Now therefore, it is agreed

1. That the bureau and the corporations will cooperate in planning and directing an investigation of the toxicity of methanol.

2. The bureau will furnish such laboratory facilities and apparatus as are at hand, heat, light, power, and technical supervision and services of a specialized technical personnel.

3. The corporations will furnish funds for employing any additional personnel that may be required as assistants to the bureau's personnel, it being understood that the selection, employing, and direction of this personnel is to be performed solely by the bureau. The corporations shall also pay all expenses incurred in the purchase of supplies, in making repairs, and special equipment not available at the bureau or provided by the corporations. The cost of this item to the corporations is estimated to be $10,000. These expenses are to be paid by the corporations on certificate of the director of the bureau, or his authorized agent.

4. The investigation shall be carried on at the Pittsburgh experiment station of the bureau, and under the direction of the chief surgeon.

5. The plan of the investigation will be in accordance with the attached tentative outline. The plan may be changed by mutual consent of both parties to this agreement.

6. On completion of the investigation the bureau will prepare and transmit to the corporations a complete report of the investigation.

7. Publications of the results of this investigation shall be under the control of the director of the bureau. All manuscripts, before publication, will be submitted to the corporations for review and comment. Due acknowledgment will be made in the publications to the cooperation of the corporations. No progress reports or publicity notices will be given out for publication before the investigation is completed except by mutual consent of both parties to this agreement.

Upon approval of the Secretary of Commerce this agreement shall be effective as of the 1st day of July, 1930, and shall remain in force until June 30, 1931.

In witness whereof the parties have hereunto set their hands by their duly authorized agents this 27th day of August, 1930.

BUREAU OF MINES,
O. P. HOOD, *Acting Director.*
CARBIDE & CARBON CHEMICALS CORPORATION,
R. W. WHITE.
DU PONT AMMONIA CO.,
F. A. WARDENBURG.
COMMERCIAL SOLVENTS CORPORATION,
W. D. TICKNOR.

Department of Commerce, approved August 27, 1930.
E. F. MORGAN, *Acting Secretary.*

TENTATIVE OUTLINE OF THE TOXICITY OF METHANOL

OBJECTIVES

1. Toxicity of methanol when acquired by inhalation: Study to be made by exposing animals to known methanol-air mixtures. Conditions of exposure to cover range producing acute and chronic poisoning for both continuous exposure (24 hours daily) and repeated exposure (6 to 8 hours daily). Complete data for lethal time-concentration curve to be obtained. Animals to consist of dogs and guinea pigs, and possibly monkeys or rabbits if a wide difference in susceptibility is noted for dogs and guinea pigs.

2. Toxicity of methanol when acquired by skin absorption: Conditions of test to include (a) 99.5 per cent methanol; 70 per cent methanol, 30 per cent water mixtures, and 40 per cent methanol, 60 per cent water mixtures. Other mixtures may be selected if necessary to complete information. Quantities of methanol and methanol-water mixtures used daily to range from those producing distinct effect after repeated application, to those free from apparent ill effect.

3. Determine amount of methanol to which persons (both automobile drivers and garage attendants) are exposed in its use for radiator antifreeze.

OBSERVATIONS—OBJECTIVES 1 AND 2

1. Symptoms: Observations to be made regularly for objective symptoms and changes in weight and growth.

2. Blood changes: All animals to be observed for blood changes as number of red and white blood cells; differential white counts and hemoglobin.

3. Pathological changes: Gross examinations to be made on all animals. Specimens of tissue to be taken for microscopic examination, particularly for neuropathological changes.

4. Chemical determination: Study of the chemical fate of methanol in the body.

OBSERVATIONS—OBJECTIVE 3

1. Determine the amount of methanol vapor in the air of closed-type automobiles when (a) engine is operating at normal temperatures and (b) when radiator liquid is "boiling."

2. Determine amount of methanol vapor in air in vicinity of front of automobiles when (a) engine is operating at normal temperatures and (b) when radiator liquid is "boiling."

3. Determine amount of methanol vapor to which a garage attendant might be exposed during the normal procedure of putting methanol into a radiator.

4. Make observation regarding spilling practice and exposure of garage attendants from spillage on the hands.

DRIFT TOWARD DICTATORSHIP

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that there may be printed in the RECORD an article by Hon. Jonathan Bourne, jr., entitled "Drift Toward Dictatorship."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DRIFT TOWARD DICTATORSHIP

Do the American people desire a dictatorial form of government? Certainly not. To-day the President of the United States has greater power than any ruler in the history of the world because of the great virility of our people and enormous resources and wealth of our country and the governmental powers now centralized in him.

No such thing as a superman ever has or ever will exist.

It is axiomatic that the operation of centralized power in an individual or in a commission consisting of a few individuals can only be commensurate with the integrity, ability, and experience of the few in which said power is centralized.

To-day a President of the United States directly or indirectly controls the air, the earth, and the waters of our country because of his appointing power of our numerous commissions and the resultant accountability of the appointees to him. He may direct the Radio Commission controlling air transmission; the policies of the Interstate Commerce Commission, controlling our transportation; the banking and financial interests of our country through the Federal Reserve Board; the manufacturing interests of our country through the Tariff Commission and the Federal Trade Commission; the shipping of our country through the Shipping Board; and he practically controls Government expenditures and congressional appropriations through the Director of the Budget.

His influence indirectly affects the press of the country because of fears of possible discrimination under second-class postage and the disinclination of the gentlemen of the fourth estate to be "non persona grata" at the White House.

THE VETO POWER

The framers of the Constitution delegated the veto prerogative to the Nation's Chief Executive simply for the purpose of enabling him to exercise the power on constitutional grounds and not with the intention of delegating to an individual the power to set aside by a stroke of the pen the wishes of nearly two-thirds of the Nation as represented in the legislative branch of our Government. This power was an outgrowth of the English monarchical government, which, though the Crown has had the veto prerogative, has never been exercised on legislation during the past 140 years.

Our forefathers could not have realized the possible danger of the power they were delegating to an individual in their constitutional provision of the veto power and the coincident two-thirds requirement. They, doubtless, judged that the public men of the Nation in the future would be actuated by the same unselfish and patriotic motives that influenced them in their proclamation of our national independence and their solicitude for the public welfare. Their rugged, honest minds had no conception of the degenerative motives that ambition and selfishness might ultimately inculcate in the minds of some of our public men. They, doubtless, never thought of the possibility in the hoped for many centuries of life that our Nation might endure that any temporary occupant of the White House could consider his own interests and self-perpetuation rather than an improvement in the welfare of our country as a whole.

Unless this power be diminished the time may come when our National Capitol and the White House may degenerate into the clearing house for selfish interests and rewards for chicanery, debauchery, and subsidy—a result that even our forefathers, brainy as they were, could hardly foresee. In my humble opinion our Government would be in a far stronger position if the presidential veto power were limited so that a majority of both Houses instead of two-thirds could override a presidential veto. I realize that it would probably take several decades before a constitutional amendment would be enacted to bring about this change in our form of government.

The desirability or nondesirability of such a change would be echinated in the public mind and public opinion rapidly crystalized should any party go to the people with a plank in its platform advocating the presidential nonusage of the veto power except on constitutional grounds, or should any candidate for the presidency announces that if elected he would never exercise the veto power except on constitutional grounds.

These thoughts are not intentional criticisms of any individual but existing instrumentalities and methods which, if unchecked, may sometimes be of the greatest menace to our country. Issues are all-important; individuals are but incidents to same. Issues, if sound and demonstrable, will be adopted, and the political success of the individuals will be because of their identification with the principles rather than their political acumen or personal popularity.

JONATHAN BOURNE.

FOREIGN LOAN CONTROL—MUSCLE SHOALS

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have published in the RECORD two editorials from the Baltimore Sun of March 3 and 4.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun of March 3, 1931]

FOREIGN LOAN CONTROL

In what promises to become a very bitter controversy between the Senate and the State Department over the department's practice of passing upon foreign security flotations in the United States one fact seems to stand out clearly. It is that this practice has no sanction in existing law. It is another of those all too numerous cases of lawmaking by the executive branch of the Government in defiance of the constitutional scheme, which reposes the legislative power in Congress.

Whether or not the State Department's foreign security supervision program, which it announces will be continued and expanded in spite of unanimous Senate condemnation, is desirable as a matter of expediency is a question about which there can be honest disagreement. Yet in the past it has on occasion served the most undesirable purpose of creating the impression among some investors that the department has indorsed those issues it has passed upon, although the department has been at some pains to make it clear that such is not the case. What it has done by way of checking foreign security sales in the United States that would work against the larger interests of the country is a question; but there is no evidence that the accomplishments have balanced the damage done in creating the impression, played upon by some security sellers, that the department is a sort of underwriter of foreign issues.

In any event, it seems quite clear that the State Department, in its foreign-security supervision, is following a policy that can only be justified by a carefully considered and clear declaration of legislative policy. Far from having such a declaration at present, the Senate is unanimously on record as opposed to such procedure. Senator GLASS, of Virginia, the author of this resolution, will do well to carry out his announced intention to fight this issue to a decisive finish. The present situation is grossly unsatisfactory from the standpoint of preserving orderly and constitu-

tional processes of government, and should be peculiarly offensive to an administration that has had so much to say about the importance of law observance.

[From the Baltimore Sun of March 4, 1931]

MUSCLE SHOALS

It must be conceded even by Mr. Hoover's most ardent admirers that he has a very peculiar mind. He works himself almost into a frenzy of anguish over the thought of having the Federal Government engage in the power business at Muscle Shoals. In this connection he says: "I hesitate to contemplate the future of our institutions, of our Government, and of our country if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is to be devoted to barter in the markets. It is not liberalism; it is degeneration."

And yet the man who penned those passionate words is reported by his physicians to be sleeping well and in good health, although there is constantly before him the spectacle of the Federal Farm Board, of his own design and creation, which is embarked with his blessing upon colossal "barter in the markets." And barter of a type whose successful negotiation certainly calls for quite as high a type of business skill as that involved in the power industry. In the face of that record of devotion to the great principle that the Government shall not compete with private enterprise, the President's uncommonly oratorical flight on this subject must be dismissed by most thoughtful people as a piece of special pleading.

It is the power industry that the President is anxious to have avoid Government competition. That is the only conclusion that can be supported by his record. What this whole proposition comes down to, as a matter of fact, is that the President feels he would rather cast his lot with the great private utility groups that want to go ahead as is—subject to more or less public regulation—and he is against the group which is convinced that regulation is a failure and that the way to bring the power companies to reasonable terms is to put the Government into competition with them, either directly or by a comparative performance at some point, as at Muscle Shoals. The President has not laid down a great principle. He takes a stand on the power question.

But that is to the good. The President's opponents have been at disadvantages. During his campaign he managed to convey to many of the people in the South the impression that he was disposed to regard Muscle Shoals as a peculiar case, where Government development of power resources might be a desirable thing. He made a statement at Elizabethton which his progressive followers hailed as meaning that, and he afterward "explained" so ambiguously that they continued to believe. All that mistaken hope and faith, all that confusion is washed up now. The President is a 100 per cent private operation advocate. Yet, it may be added, he has made no political sacrifice, even though his opponents now have a clear target. It is very probable that a majority of the people of the country at present have the same view as his.

As to the Muscle Shoals matter itself, it has been our opinion that an intelligent national handling of the power issue would permit an honest experiment in Government ownership and operation, and that Muscle Shoals would be a good place to try it, especially since it promises otherwise to continue as a wasting asset. We still think so. We think some risk of loss might be taken, though we remain unconvinced that there would be loss, as compared with other offers. For on Mr. Hoover's detailed figures on the financial aspects of the proposed Muscle Shoals legislation one must reserve judgment. If the President proves no sounder on these figures than he has been on many others—for example, his statistics when he defended the signing of the Smoot-Hawley tariff law—a reasonable reserve will have been abundantly warranted.

Also, it has been commonly accepted as a fact that no worthy leasing arrangement for Muscle Shoals has ever been submitted to the Government by private interests, a fact to be kept in mind while playing with rows of figures.

EASTERN STATES FARMERS' EXCHANGE AND MILLING CORPORATION

Mr. GILLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and the accompanying balance sheet relative to the Eastern States Farmers' Exchange and Milling Corporation.

There being no objection, the letter and balance sheet were ordered to be printed in the RECORD, as follows:

WEST SPRINGFIELD, MASS., *February 20, 1931.*

Hon. FREDERICK H. GILLETT,
Senate Office Building, Washington, D. C.

DEAR SENATOR GILLETT: Knowing your interest in any developments in New England, I thought you might like to see the consolidated balance sheet of the Eastern States Farmers' Exchange & Milling Corporation, which has proved to be an important factor for improving agricultural conditions in New England.

This farmers' exchange started by getting a group of people to loan their credit for a period of five years to the extent of $40,000. A bank agreed to loan 75 per cent of this credit, or $30,000.

We started by perhaps 10 or 15 farmers uniting to buy a carload of feed coming from the West. They paid cash for the feed on arrival. The bank would advance cash—90 per cent against the bill of lading, which required an additional 10 per cent for financing, for which we used this underwriting.

The first year the sales amounted to over $195,000. To-day we have over 32,000 farmers to whom we are supplying not only dairy feeds but all kinds, such as chicken, duck, swine, horse feed, etc. Our business the last two years have been a trifle under $12,000,000.

The bulk of the business is done in New England, although we are also working New Jersey, Pennsylvania, Delaware, and Maryland. We do not expect to take in any more States. I expect to see this business grow to $20,000,000.

We own a fine milling plant at Buffalo, which I helped to finance, and also a fine office building in West Springfield, which cost over $200,000.

This is one of the most satisfactory and helpful pieces of work for the betterment of the farmer, and New England in general, that I feel I have ever had a part in, and I am getting a great deal of satisfaction in the way the exchange has developed.

Sincerely yours,

H. A. MOSES.

Eastern States Farmers' Exchange, Eastern States Cooperative Milling Corporation, Eastern States Agricultural Credit Corporation

ASSETS

Cash		$200,868.47
Drafts and accounts receivable—Merchandise		229,842.21
Accounts receivable—Miscellaneous		1,369.60
Notes receivable—Miscellaneous		5,014.66
Accrued interest on bonds held as collateral on loan		379.18
Inventories:		
Merchandise	$501,311.67	
Supplies, bags, etc.	36,283.56	
		537,595.23
Grain futures at market price of commitments	189,837.50	
Less unpaid balance of commitment price	99,552.99	
		90,284.51
Investment: Buffalo Corn Exchange seat		800.00
Plant and equipment at Buffalo at cost	$774,004.39	
Less reserve for depreciation	142,677.04	
	631,327.35	
Land and office building and equipment at West Springfield at cost	268,317.65	
Less reserve for depreciation	44,218.37	
	224,099.28	
		855,426.63
Deferred charges		22,443.88
Total assets		1,944,024.37

Consolidated balance sheet as at December 27, 1930

LIABILITIES AND SURPLUS

Accounts payable	$17,467.01	
Accrued pay roll, mortgage interest, and other expenses	6,841.58	
		$24,308.59
Notes payable—banks:		
Federal Intermediate Credit Bank of Springfield	300,000.00	
Less bonds at cost and cash for investment held as collateral	60,983.83	
	239,016.17	
Manufacturers & Traders, Peoples Trust Co.	175,000.00	
		414,016.17
Dividend on preferred stock, payable Jan. 1, 1931		1,787.10
Preferred stock retirement, Jan. 1, 1931	$5,950.00	
Premium on preferred stock retirement	297.50	
		6,247.50
Reserves and accruals:		
Patronage dividends and tonnage refunds	156,255.28	
Commissions	7,853.94	
Taxes and license fees	8,461.71	
Meetings	11,947.73	
Advertising	380.91	
Credit reserves and sales discounts, resident agents	23,022.70	
		207,922.27
Mortgages on plant, equipment, and office building, payable $15,000 semiannually		240,000.00
Total liabilities and reserves		894,281.63
Liability to preferred stockholders of Eastern States Cooperative Milling Corporation outstanding stock		53,620.00
Surplus:		
Unappropriated	$852,298.63	
General emergency reserve	47,496.32	
Reserve for payment of mortgage principal	2,500.00	
Commodity contingency reserve	60,955.21	
30 per cent clause reserve	32,842.58	
		996,122.74
Total liabilities, reserves and surplus		1,944,024.37

FINAL ADJOURNMENT

The VICE PRESIDENT. The hour of 12 o'clock having arrived, the Chair declares the Seventy-first Congress adjourned without day.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 4, 1931

(Legislative day of Tuesday, March 3, 1931)

The House met at 9.30 o'clock a. m. on the expiration of the recess.

OIL-PRODUCING STATES WILL NOT SURRENDER—SECTIONAL SELFISHNESS TRIUMPHS

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks by including two editorials, one from the Wichita Daily Beacon and the other from the El Dorado

Times, both editorials showing the condition of the independent oil producers.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection.

There was no objection.

Mr. AYRES. Mr. Speaker, the following editorial entitled "Oil-Producing States Will Not Surrender" clearly sets forth how the people of that section regard the course pursued by the responsible leaders of Congress in failing to relieve the independent oil industry:

[From the Wichita Beacon, February 24, 1931]

OIL-PRODUCING STATES WILL NOT SURRENDER

Kansas and other oil-producing States, their pleas for protection for petroleum refused, serve notice on Washington, D. C., that they have just begun to fight. George Washington and the Thirteen Colonies met with many reverses in their struggles for human rights. They conquered, and so will Kansas and other regions of the West and Middle West, where men, producing a vital necessity for the welfare of the Nation, are not given to surrender.

The oil-producing States of the mid-continent field have received a slap in the face that they will resent with action. The industrial East is dependent on oil for its existence. Without oil its wheels of industry will cease to turn, its engines will no longer throb, its cities will stagnate and decay. Oil-producing States have the power to impair business of the East and to make selfish politicians scurry to cover in cowardly dismay.

Oil-producing States, of course, have no desire to injure other parts of this Nation, regardless of the unjust discriminatory action of Congress, which refuses us the protection to which we are entitled and which other States enjoy.

Kansas and her sister States, however, will not permit to pass this opportunity of reminding the Congress of the United States and Eastern politicians controlled by the interests of greed that they have the power to compel the enactment of laws insuring decent treatment and the ability to survive an economic crisis such as confronts the industry of oil to-day.

Congress will soon adjourn, after the most useless, pitiful session in the history of the Republic. It has done nothing other than to saddle the country with an additional burden of debt. Its leadership is notable for its absence, and the rank and file of the present Congress, with the exception of a few public-spirited men, have backbone compared to which the jellyfish is a tower of strength. It is not surprising that the Democrats threaten the supremacy of the Republican majority in Congress, which had an opportunity for unparalleled service of which it utterly failed to take advantage.

Now is the time for all the good people of the West, the Middle West, and the Southwest part of this Nation to get together, staging a battle for their rights that selfish interests, political and economic, will never forget.

The next march of the mid-continent States on Washington will not be vainly made.

Mr. AYRES. Mr. Speaker, the following editorial from the El Dorado Times, a Republican daily newspaper of general circulation throughout the State of Kansas, to my mind, correctly states the feeling of the people in the State of Kansas regarding the treatment of the independent oil producers:

SECTIONAL SELFISHNESS TRIUMPHS

Right between the eyes.

That's where the movement for legislation designing relief for the oil industry got it yesterday when the House Ways and Means Committee acted.

The committee, by a vote of 13 to 7, closed the door upon all forms of aid embodied in tariff or limitations of imports by the lame excuse that time does not exist during the remainder of the present short session of Congress to consider fully the subject.

And this was an excuse—nothing more. The adverse vote was a definite reflection of deeply rooted sentiment against granting to the harassed domestic oil industry any of the protective devices which other industries enjoy in such great abundance. The number of oil-producing States is small—12, at most. So representatives from other States, heeding the call of certain of the big oil companies, of certain of the power interests, and of the textiles group, could fall back upon the plaintive plea of higher prices for gasoline and fuel oil, and vote to withhold from the oil industry the tariff protection it so urgently needs.

What is sauce for the goose ought also to be sauce for the gander. But not in tariff matters. The eastern goose, basking as it has done for years under the protecting wings of a high tariff, sees fit to deny to a mid-western gander the same benefits that it enjoys. The Middle West has always supported the eastern and seaboard sections in its drive for lofty tariffs. But another day is coming. When the East seeks again to hold up its high walls, it will find the mid-section of the country strangely indifferent to its calls.

There was not a sound reason why the oil industry should be denied a modicum of relief which it sought. All this talk about higher prices for gasoline and other refined products under a moderate tariff schedule, or a reduction of imports from foreign countries, was the veriest moonshine. The men who uttered it knew it. The retail price of gasoline in this country has not been dependent upon, or reflective of, the price of crude petroleum. Gasoline has been just as high—even a fractional part of a cent higher—with oil selling at about a dollar a barrel as it was when the price was three times that high. The tariff, or limitations of oil imports, would have tended to stabilize the condition of the domestic industry. It would have shut the gates against the unrestrained flood of foreign oil. It would have given greater outlet to oil produced in this country. It would have aided development, stimulated drilling, hastened the day of the opening of new pools, helped to have brought back the United States oil industry to something like its former prosperity and welfare. It would have been a patriotic service. Justice, economics, and common sense were on the side of the oil men.

But selfishness, rank sectional greed, triumphed. It did so a year ago. The oil men who fought this fight went up against a citadel firmly entrenched within high walls. They reckoned well with the forces arrayed against them. They were not deterred. They made a brave and intelligent campaign. But they didn't have a Chinaman's chance.

It is not strange that there is talk to-day of insurrection and bolting. The Middle West, which has always stood with its party and the eastern representatives for high tariff, felt it has been denied a portion of the feast which it has helped provide for others. It is not taking kindly to this added rebuff. It is going to be dominated hereafter by its own special interests, even as the other fellows have followed the halter rein of theirs. There will be a day of reckoning and the Middle West will have its share in the events of that fated occasion.

This part of the country can be slapped down once, twice, but not always. It is no time now to make idle threats. The only thing to do is to remember, and to make sure that the Senators and Representatives from the rebuffed oil-producing States remember also, and vote accordingly. Kansas and Oklahoma, for instance, are not going to take kindly to the idea that their own Congressmen can go back and help pull the East's chestnuts out of the fire when their own States have been rudely repulsed for merely seeking a share of the advantages that the other fellow enjoys.

SURVEY OF THE BLUE RIVER SYSTEM OF NEBRASKA

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks and to use liberally from a report of investigation made by two representatives of the Government on fisheries in my district, in which investigation I took a part.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SLOAN. Mr. Speaker, the Federal Bureau of Fisheries, presided over by Commissioner Henry O'Malley, in his proper care and zeal for our Federal system, is making well-directed efforts to develop our fish supply in many parts of the country not hitherto granted such opportunity or attention.

I herewith insert as part of my remarks Economic Circular No. 73, which gives information of value to the fourth district of Nebraska and to other sections similarly situated.

A CURSORY SURVEY OF THE BLUE RIVER SYSTEM OF NEBRASKA

(By H. L. Canfield, superintendent U. S. Fisheries Station, La Crosse, Wis., and A. H. Wiebe, associate aquatic biologist, U. S. Bureau of Fisheries)

INTRODUCTION

A brief survey of the Blue River system of Nebraska was undertaken during the month of July, 1930. The purpose of this survey was to determine what species of game fish might be introduced profitably into the streams that constitute this river system. Since only a very limited period of time, a very limited personnel, and limited equipment were available for this survey, the work accomplished is very incomplete. However, it was thought that some conclusions could be drawn from the results obtained; and inasmuch as this river system may be taken as representative, in a measure at least, of other streams of this region, it was deemed advisable to publish these results and conclusions in the form of a brief report.

The work of the survey covered determination of pH, methyl orange alkalinity, dissolved oxygen, taking of temperatures, seining for fish, and the making of such observations on aquatic organisms in general as the equipment and the scope of the work permitted.

The points at which the streams of this river system were visited are as follows: On the Big Blue River at Stromsburg in Polk County; Surprise and Ulysses in Butler County; Staplehurst, Seward, and Milford in Seward County; Crete and Wilber in Saline County; Beatrice, Blue Springs, and Barnston in Gage County; on the Little Blue River at Fairbury in Jefferson County; Hebron in Thayer County; on Sandy Creek at Alexandria in Thayer County; on the West Fork of the Big Blue River at Stockham in Hamilton County; McCool Junction in York County, Beaver Crossing in Seward County; and on Beaver Creek at York in York County.

DESCRIPTION OF THE BLUE RIVER SYSTEM

The streams of the Blue River system are typical of streams that run through cultivated areas. All of these streams are, with the exception of short distances near the head, rather turbid and loaded with silt. The bottom for the most part is composed of deposits of fine silt washed in from the plowed fields. There are many places, of course, where, owing to the swiftness of the current, the silt is swept away and the bottom is gravelly. The width of the streams varies considerably; the Big Blue River, for instance, is only a few feet across at Stromsburg, but in its lower reaches it is a fair-sized river. The width of this stream is in many places greatly modified by power dams that have been constructed along its course.

LIMNOLGICAL OBSERVATIONS

The results of pH, dissolved oxygen, and methyl orange alkalinity are shown in Table 1. The table also gives the temperature of the water, the date, and the time of day when the sampling occurred. The time of day is often of considerable importance because many streams exhibit diurnal variations in the content of dissolved gases. Whether this applies to that river system under consideration is not known.

pH

Table 1 shows that the pH in the Big Blue River varied from a minimum of 7.5 at Seward, Milford, Wilber, Barnston, and at Crete (below the city) to a maximum of 8.2 at Stromsburg, which is near the head of the river. Intermediate values of 7.7 occurred at Staplehurst, at Beatrice (below the city), and at Blue Springs. Values of 7.9 were obtained at Ulysses, Crete, and Beatrice. The water of the Little Blue River showed a pH of 8.3 at Fairbury; this is slightly higher than the maximum value for the Big Blue. Sandy Creek at Alexandria showed pH values of 7.4 and 7.5 above and below a dam, respectively. The West Fork of the Big Blue River gave pH values of 7.5, 7.7, and 7.9, respectively. The lowest pH obtained during this survey occurred at York on Beaver Creek. This unusually low value of 7.3 is due, in a measure at least, to pollution. Beaver Creek at this place is nothing but a series of pools and riffles. The volume of water flow was very small at the time. The exceptionally low value for dissolved oxygen shows that this stream was in all probability overloaded with organic matter. The sewage from York—a town of 3,000—is discharged into this stream about a mile above this sampling station. The pH values are all on the alkaline side of neutrality (neutrality being at pH 7), and the range is such as can be tolerated by our common warm-water fishes. For the most part the streams are not sufficiently alkaline to be detrimental to some species of trout. The variations in pH value or in the alkalinity of the water as shown in Table 1 may be due to several factors—difference in temperature, difference in the amount of aeration, difference in the amount of spring water, and to the addition of sewage. The effect of sewage on the alkalinity is well illustrated by the difference in the pH values above and below the cities at Crete and at Beatrice. The effect on the alkalinity itself is not detrimental to fish life, but the reduction in the dissolved oxygen that accompanies such changes may often prove fatal.

TABLE 1.—*Observations on rivers and streams comprising Blue River system in Nebraska*

[Dissolved oxygen, pH values, and methyl orange alkalinity in parts per million, and temperatures in degrees F.]

Place	Date	Time	pH	Oxygen	Alkalinity	Temperature	Remarks
BIG BLUE RIVER							
Stromsburg	1930 July 14	9 a. m.	8.2	13.3	200	65	Halfway to bottom.
Ulysses	do	4.30 p. m.	7.9	9.0	280	78	Surface.
			7.9	9.0			Bottom.
Staplehurst	July 15	8 a. m.	7.7	9.3	280	65	
Seward	July 12	2.30 p. m.	7.5	5.35	280	78	Surface.
Milford, above dam	July 15	10.30 a. m.	7.5	6.13		74	Do.
				4.26		72	Bottom.
Milford, below dam	do	1 p. m.	7.5	6.13		76	Surface.
			7.5	5.60			Bottom.
Crete:							
Above dam	July 17	11.30 a. m.	7.9	5.86		78	Surface.
			7.9	5.86	225	75	Bottom.
Below dam	do	11.30 a. m.	7.9	7.60		78	Surface.
			7.9	7.46	230	75	Bottom.
Below city	do	10.30 a. m.	7.5	5.33		75	100 yards below sewer.
Wilber	do	4.15 p. m.	7.5	5.33		78	Surface.
Beatrice:							
Above city	July 18	8 a. m.	7.9	8.00		72	2 feet below surface.
						76	
Below city	do	10.30 a. m.	7.7	5.2		74	Bottom.
Blue Springs	do	3 p. m.	7.7	5.86		80	Surface.
Barnston	do	5 p. m.	7.5	5.60			Do.
LITTLE BLUE RIVER							
Fairbury	July 19	9.30 a. m.	8.3	9.33	205	72	Do.
SANDY CREEK							
Alexandria, above dam	do	2.30 p. m.	7.4	7.20		66	Surface along edge.
			7.5	9.06		64	Surface midstream.
WEST FORK							
Stockham	July 16	2.30 p. m.	7.5	6.4	240	76	Halfway to bottom.
McCool Junction	do	11 a. m.	7.7	8.26	210	69	Surface.
Beaver Crossing	July 15	3.30 p. m.	7.9	7.47	210	73	Halfway to bottom.
Beaver Creek at York	July 16	9 a. m.	7.3	1.06	310	65	Do.

Methyl orange alkalinity

The methyl orange alkalinity is not of as great importance as the pH in determining the suitability of a body of water for fish life, but it gives a rather fair approximation of the hardness of the water. The claim has been advanced by certain European workers at least that lakes having hard water support a relatively much higher crop of animal plankton, which is a factor of prime importance in the food of small fish. Indirectly, then, the hardness of the water does have an effect on fish life. Only a few determinations were made during this survey. But they suffice to show that the waters of the Big Blue, the Little Blue, the West Fork, and Beaver Creek are rather hard. Values varying from 200 parts per million to 280 parts per million were obtained on the Big Blue. The water of the Little Blue gave a value of 205 parts per million. The West Fork gave values of 210 parts per million and 240 parts per million. The maximum of 310 parts per million was obtained in Beaver Creek at York. The same factors that bring about variation in pH also affect the value for methyl orange alkalinity, and in general in a body of water in which the pH is controlled primarily by carbonic acid the methyl orange alkalinity will decrease as the pH value increases. Tests made on the water at Seward show that carbonic acid is the principal acid in the water of the Big Blue.

Dissolved oxygen

The dissolved oxygen content of the water is, in the absence of specific poisons such as drugs or salts of heavy metals, the most reliable criterion of the fitness of a body of water to support fish life. As Table 1 shows, the dissolved oxygen in the Big Blue ranged from a maximum of 13.3 parts per million at Stromsburg to surface minimum of 5.33 parts per million below the sewer outlet at Crete and below the town at Wilber. The minimum of 4.26 for the river was obtained in bottom samples some distance above the dam at Wilber. The Little Blue at Fairbury had a dissolved oxygen content of 9.33 parts per million. Sandy Creek at Alexandria gave values of 7.20 and 9.06, respectively, above and below the dam.

West Fork gave values ranging from 6.4 parts per million to 8.26 parts per million. Beaver Creek, below York, gave the exceptionally low value of 1.06 parts per million. This is the only value for dissolved oxygen obtained that falls below the minimum required by most fish. All the other values are well above the critical concentration required for fish. The effect of sewage on the oxygen supply is well illustrated by the results obtained at Crete. Here the water had a dissolved oxygen content of 7.6 parts per million at the surface and 7.46 parts per million at the bottom below the dam and above the city. At 100 and 600 yards below the sewer outlet below the city the dissolved oxygen had been reduced to 5.33 parts per million. The beneficial effects of dams in aerating the water is also shown by the determinations at Crete. As Table 1 shows, the values obtained below the dam were considerably higher than those obtained above the dam. The results at Beatrice also show the effects of sewage. Some distance above the city the water had a dissolved oxygen content of 8.0 parts per million. Some distance below the sewer outlet this had been reduced to 5.2 parts per million, and this in spite of the fact that the water had passed over a dam between those two sampling stations.

SEINING OPERATIONS AND SOME MISCELLANEOUS OPERATIONS

Big Blue River

Stromsburg: The river at Stromsburg is quite narrow and so shallow that for some distance the water was not over 2 feet in depth. Although there was considerable current, the water was fairly clear and the gravelly bottom could be seen in some places. May-fly nymphs were abundant under stones and sticks, nests of blackhead minnow eggs were found, but no game fish of any sort were taken in our seine haul. The river at this point is probably too small for the adults of most species of game fish.

Surprise: The water at Surprise is quite turbid, and the current is very slack. A station was established about a half mile above the power dam, and several seine hauls were made in about 4 feet of water. While no game fish were taken in these seine hauls, minnows were quite common and small frogs were extremely abundant. During the time the authors were present a small boy fishing just above the dam caught 1 large bullhead, 1 large carp, several small bullheads, and four 5-inch green sunfish. Below the dam people were catching bullheads. Numerous adult minnows and a school of small minnow fry were observed along the edge of a pool below the dam. The river bottom was muddy above the dam but gravelly below.

Ulysses: Operations at the station at Ulysses were carried on about three-fourths of a mile above a power dam. The river is fairly wide, with very little current at this point, due to the backing up of the water by the dam. The water had a depth of approximately 3 feet and was cleaner than above the dam at Surprise. The bottom is soft mud. A number of seine hauls were made which yielded several small bullheads, several small carp, a number of minnows, and a couple of small green sunfish. Some adult carp were observed going over the cork line. Below the dam a number of anglers were fishing for carp and bullheads.

Staplehurst: The river at Staplehurst is fairly wide, and a station was established at a point where it was not affected by any dam. The depth of water at this place ranged between 3 and 4 feet; and although there was a very fair current in the river, the water was comparatively clear. No game fish were taken in our seine, but minnows and crayfish were common. May-fly nymphs were present under stones and sticks.

Seward: The station at Seward was located about a mile above Sewards Dam. This placed it just above the mouth of Lincolns Creek. The water at this point was about 3 feet in depth, with very little current, and had a muddy appearance. The bottom was covered with soft mud, and samples taken from this mud contained no life. Four seine hauls yielded 24 minnows, several small bullheads, one 4-inch sucker, 2 white crappie fingerlings, 1 small ring perch, and 1 small carp. Below the dam a number of people were fishing for carp and bullheads, and here one of the authors caught a fair-sized carp with his hands. May-fly nymphs were abundant along the shore.

Milford: A station was established about 2 miles above the dam at Milford. As nearly as could be ascertained, it was far enough removed from this dam as to be above the backwater. At this point the river was quite wide and had an average depth of 5½ feet. There was some current; and, although the water was not as turbid as at Seward, the bottom was muddy. A number of seine hauls, which yielded only minnows and crayfish, were made. However, it was reported that bullheads and green sunfish were caught here.

A second series of observations was made a quarter of a mile below this dam. While the river here was not as wide as at the first location, it was still fairly wide. The water was of about the same turbidity as above the dam, but the current was dependent on whether or not the mill race was in operation. At the time visited the river had a depth of 5 feet. Some clams of commercial value are taken here; but apparently there is no commercial shelling and they are used mainly for bait by the fishermen. Several seine hauls were made at this point and resulted in the taking of nine fair-sized crappies, several bullheads, and several channel catfish, two of which were fairly large. One boy, who was fishing here, had a 2-pound catfish, and it was reported that a number of these fish were caught at this place. May-fly nymphs were common under stones along the water's edge.

Crete: One series of observations was made about 50 yards below a power dam at Crete. The water, which appeared clean and fairly clear, had an average depth of only a few feet. However, both the depth of the water and the current depended on the amount of water going through the mill race. There was a hole with a depth of 13 feet at one place, and it was in this hole that our samples were taken. A number of minnows, orange spot, small buffalo fish, and a very small channel catfish were taken. This hole is also used for swimming purposes, and a number of people were swimming at the time the authors were present.

A second series of observations was made about one-fifth of a mile above the dam. The depth of water at this place was about 10 feet. In the several seine hauls made here, there were taken blackfin, several small 4 and 5 inch carp, and several white crappie 5 and 6 inches in length. A 3½-pound catfish that an angler had taken was observed, and several people reported that channel catfish and carp were taken by anglers. Some butterfly mussels were picked up here. In a slough, which connects with the river at moderately high water, the authors took some orange spots, white crappie, yellow perch, bullheads, blackfins, and blackhead minnows, and observed a school of small bullheads. Large yellow pike are taken at times in the river.

Crete, like all other towns along the river, dumps its sewage into the river, but apparently this sewage is not yet a serious menace to fish life. The dissolved oxygen, pH, and surface temperatures were determined at 100 and 600 yards below the sewer outlet. The dissolved oxygen was 5.33 parts per million; the pH, 7.5; and the surface temperature, 75° F., in each case. There are some prospects of having the discharge of sewage into the river stopped, which would be very desirable.

At the present time two ponds, with a total area of from 20 to 30 acres, are under construction. These ponds are being built for the purpose of making natural ice and will be connected with the river above the dam. Here is a good opportunity to establish some good bass fishing. The local fishermen seem well aware of these possibilities for bass fishing and are anxious to have them realized. The company that is building the ponds favors this fishery project.

About halfway between Crete and Wilber is another power dam. Below this dam we observed hundreds of adult carp; and people reported the taking of yellow perch, which had been planted by the State, and white crappie from the backwater above the dam. May-fly nymphs were very plentiful along the edge of the river here and also at Crete.

Wilber: At Wilber another dam is located and has a stretch of relatively deep water above it and shallow water below.

Dewitt: The river at Dewitt presents the same conditions as prevailed at Wilber. Catches of carp and channel catfish are reported at this place.

Beatrice: There are two dams at Beatrice, and a sampling station was established several miles above the power dam, which is the upper one of the two. This removed the station from the effects of the dam. The river here is from 4 to 7 feet deep, fairly clear, with a swift current and a sand and gravel bottom. Minnows and crayfish were quite common; small catfish, 1 inch or more in length, were quite plentiful; and one darter was taken in the seine. People reported the catching of large channel catfish, carp, and white crappie at the dam. While we tried some seining at the dam, there were so many snags that good results were impossible and only one small sunfish was taken.

A few observations were made between the two dams. Here the river is quite wide, with a slow current, and the water is about 7 feet in depth. The surface temperature was 76° F.; the bottom temperature, 74° F.; the pH at the bottom, 7.7; and the dissolved oxygen at the bottom, 5.2 parts per million. By this time the river has received the city sewage, including the waste from the artificial gas plant; but as natural gas is now being installed, this source of pollution will be eliminated. A good many carp are caught here.

Blue Springs: Another power dam is located at Blue Springs and the river conditions are very much the same as they are at the other dams in this river. Catches of carp and channel catfish are reported at this place.

Barnston: The conditions as far as dams and water flow are concerned are identical with those at Blue Springs, Dewitt, Wilber, etc. People report catching buffalo and carp in about equal numbers, as well as white crappies, channel and yellow cats. One man had several carp, a buffalo, and two yellow catfish in a live box. Reports were received of the presence of orange-spotted sunfish. The channel catfish, bullheads, and the green sunfish were taken in our seine. Minnows were common and were mostly blackheads.

The Little Blue

The Little Blue was visited at Hebron and at Fairbury. The physical conditions of the river at these two places are practically identical, since at each place there is a power dam with a stretch of deep backwater above the dam and a stretch of shallow water below it. No chemical tests were made of the water at Hebron, nor was any seining done there. Local inhabitants report the catching of carp, channel catfish, bullheads, and white crappie.

At Fairbury, the Little Blue was visited at some distance above the dam to get away from the effect of the dam. The river at this place is fairly wide; the current, swift; and the bottom, sandy or gravelly. The depth of water varies from point to point but is several feet everywhere. The river appears clean though the water is turbid. Very few fish were taken in our seine; but those taken include one channel cat, two bullheads, and the blackfin and blackhead minnows. Crayfish were also taken. At the dam, people were taking catfish, carp, and white crappie.

Sandy Creek: This tributary of the Little Blue was visited at Alexandria and is largely a spring-fed stream. At Alexandria, where a dam has been constructed to supply water for some private fish ponds, the river is of considerable size.

West Fork

Stockham: The river at Stockham, while quite narrow, has a depth of several feet. There is some current and the water is fairly clear. We took quite a number of blackhead minnows, several common suckers 4 inches in length, and quite a few crayfish.

McCool Junction: The river here is much wider than at Stockham. The current is about 7 miles per hour, and the bottom is mostly sand and gravel. People report catching many catfish, carp, and minnows; but all we took in our seine were a number of minnows. However, in a small lagoon close to the river, we found numerous small white crappie of this year's brood, green sunfish, minnows, and young carp.

Beaver Crossing: The river is wider at Beaver Crossing than at McCool, but the current is not quite as strong. It has a maximum depth of water of 2 feet. All we took in the seine here were a few blackhead minnows and some crayfish. May-fly nymphs were common underneath fallen logs.

A short distance above the place where the above observations were made there is a little expansion in the river, just above the bridge in a little backwater. Here we took 4 adult crappie, 5

large carp, 4 large bullheads, 2 small carp, 2 small crappie, 2 small catfish, 2 fair-sized catfish, 1 blackfin minnow, and 1 crayfish.

Although the station at Beaver Crossing is 6 miles above a dam, there are three dams between it and the mouth of the West Fork.

Beaver Creek: Beaver Creek is a tributary of the West Fork of the Big Blue. It was visited about a mile below York, where it consists of a series of pools and riffles. The water is clear and flows at a fair rate. The oxygen content of the water is low, due to the fact that the stream is too small to care for the discharge of sewage by the town of York. No seining could be done on account of the many snags in the water, but people are reported as having taken bullheads here. Beaver Creek flows into the West Fork a short distance above Beaver Crossing. The effect of the pollution is corrected, apparently, by the time the waters of these two streams have united.

FACTORS THAT MAY AFFECT FISH LIFE

Pollution

That this river system is relatively free from pollution is shown by (1) the high value for dissolved oxygen, (2) the absence of sludge worms in bottom deposits, and (3) by the presence of many May-fly nymphs wherever there are logs or stones to offer them suitable haunts. Beaver Creek for some distance below the sewer outlet at York is an exception. In a couple of places there is some pollution from gas works, as at Beatrice, where the existence of some degree of pollution is indicated by a lower dissolved O_2 content of the water below the city as compared with conditions some distance above the city, but with the coming of natural gas this source of pollution will be eliminated. There are prospects that in some instances the discharge of city sewage will also be discontinued. Efforts are made in some places to prevent garages from dumping their wastes into the city sewer. It appears to the authors that, considering the entire river system as a whole, pollution is a very minor factor as far as fish life is concerned.

Dams

Dams used for power purpose occupy an important rôle in this river system. There are 12 or 13 such dams on the Big Blue from Surprise to Barnston, 3 on the Little Blue from Hebron to Steele City, and 3 on the West Fork of the Big Blue between Beaver Crossing and the mouth of the West Fork. There may be additional dams, but the authors have not become aware of them.

These dams undoubtedly affect the fish life of this river system to a very considerable extent. First, they prevent the upstream migration of fish, as no fishways are maintained. If the fish should have a tendency to move downstream during the high-water stages of the river, they could not again return upstream. This would tend to deplete the fish life of the river. Second, these dams cause great fluctuations in the water level. At times when the dams are not in operation there is nothing but a series of pools for some distance below the dam while the level of the water rises above the dam. Again, when the water goes through the mill race, the level of the water above the dams falls as much as 2 feet in 24 hours at times, while below the dam there will be created a turbulent stream. These sudden changes in level would seem to affect the spawning of the fish, hence it would seem desirable to maintain a more constant water level. However, these dams may also have a beneficial affect, in that they create reservoirs of deeper water, which furnish more suitable places for larger fish.

Silting

During rainy periods, resulting in high waters, enormous quantities of soil are carried from the plowed fields along the river into the stream. This makes the water very turbid and leaves heavy deposits of silt on the bottom. These deposits undoubtedly do at times interfere with the spawning activity of the fish.

HOW TO IMPROVE CONDITIONS OF FISH LIFE

(1) Create more permanent backwaters, as is being done at Crete at the present time. This will furnish spawning places for such fish as the large-mouth black bass, the white crappie, the bluegill, and, in the light of the results obtained at Fairport, Iowa, also for the small-mouth black bass.

(2) Compel the operators of the power dams to maintain a more constant water level.

(3) If such a thing as a practical fishway exists, insist on the establishing of fishway so that the fish can migrate upstream.

FISH SUITABLE FOR THIS RIVER SYSTEM

At the present time the following food fishes are taken in this system: Channel cats, bullheads, carp, white crappie, green sunfish, and buffalo. There is evidence that these food fishes reproduce either in the stream proper or in lagoons and sloughs that constitute a part of this river system. Yellow pike are taken at Crete, but apparently there is no evidence that they are reproducing at present. Some yellow perch are also taken and apparently reproduce in the lagoons or sloughs.

No bass, black crappie, or bluegill sunfish were taken during this survey, nor did any anglers report catching them. The green sunfish seems to be the only sunfish inhabiting this river system at present. The black crappie has been planted here by the State but, apparently, is not propagating itself.

Residents claim that the Big Blue originally was one of the best yellow-pike streams in the country. At present, however, they take no pike except a few old overgrown specimens. Since the pike and pickerel are so extremely predaceous their reintroduction is not recommended. In this connection it may be stated that some very large channel catfish are also taken around the dams.

We would recommend, however, the planting of both species of black bass and of the bluegill. There are plenty of minnows for the bass to feed on, and the water apparently is neither too cold nor too warm for either species. It has the proper range of alkalinity and plenty of dissolved oxygen. Also there are slow-moving waters or even standing water to suit the large mouth and swiftly flowing waters to satisfy the small mouth. There are places like the new ponds that are being built at Crete that should furnish good spawning places for several species of warm-water fishes.

In some places the water, as far as temperature, oxygen supply, and alkalinity are concerned, is suitable for certain species of trout. This is especially true of Sandy Creek at Alexandria. This creek is largely spring fed. However, during high water it is subject to a large influx of warmer water. It is, therefore, a little doubtful whether trout would propagate there. If it were stocked with large fingerling trout, they might grow to maturity and furnish some trout fishing, even if they would not reproduce. If the brown trout were introduced here, it might be able to propagate itself. This fish spawns in fall and can stand fairly high temperatures during the summer. Although Turkey Creek was not visited, it was suggested as a possible trout stream by local residents.

While there may be some doubt as to the advisability of introducing trout into Sandy Creek and Turkey Creek, the introduction of the two species of black bass and the bluegill sunfish into the Blue River system looks to the authors like a reasonable venture.

In conclusion, we want to express our sincere gratitude to Congressman CHARLES H. SLOAN, of Geneva, Nebr., and to those other gentlemen whose help has enabled us to make this survey.

The Blue River system drains 10 of the 11 counties of the fourth congressional district of Nebraska, namely: Butler, Fillmore, Gage, Hamilton, Jefferson, Polk, Saline, Seward, Thayer, and York. Saunders County alone is not to any material extent drained by the Blue system. There are 800 miles of Blue River and its tributaries in the district, with channels of steady continuous running water fit for the habitat and propagation of many kinds of game fish. These streams are generally skirted by growing thrifty forestry, which favors withholding silt from deposit and promises to make the occupation of the local Waltonites desirable.

I had long in a meditative, rather than an active way, considered the development of our fish possibilities. My recent service on the Merchant Marine and Fisheries Committee suggested and prompted the action taken.

I accompanied the two Government representatives named for about 10 days along the Blue, which I affectionately and properly designate the "Nebraska Nile."

I enjoyed the wading, necessary boating, and seining, to investigate and discover the important facts developed and reported.

I found herein, as I believe and profess, that there are few desirable things in the world that our great Corn Belt can not develop or produce, or obtain an equivalent therefor. I forecast in the course of a few years a highly improved fish supply in the 10 counties.

The industry, zeal, and ability exhibited by Doctors Wiebe and Canfield in their work and the courtesy they displayed to many of my constituents made their visit the subject of favorable comment in press and by the public.

From every station mentioned in the report interest has been manifested by applications for contributions from the Federal hatcheries for their localities.

I take this opportunity to commend Commissioner O'Malley's excellent work at the head of our national fishery interests.

APPROPRIATIONS OF THE SEVENTIETH AND SEVENTY-FIRST CONGRESSES

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on appropriations and expenditures and to include a few brief quotations.

The SPEAKER. Without objection, it is so ordered.

Mr. BYRNS. Mr. Speaker, the Seventy-first Congress which has just closed came into being with the inauguration of the present Chief Executive on March 4, 1929. Convinced by campaign promises that the security of the Nation rested with the Republican Party, the electorate had in the 1928 campaign given that party an overwhelming

majority. Campaign orators had regaled the voters with the high lights of economies effected by the Republican administration under Mr. Coolidge and the party nominee for President had solemnly declared that "economy in government" had become a principle of the Republican Party.

The present administration assumed control of Congress and every branch of the Government under a warranty to the country that every possible economy would be practiced. This was their solemn pledge. We have been told by the Republican National Committee that "few administrations in recent years have made such a record of promises kept as that of Herbert Hoover." What, then, of the solemn promise of economy? The answer is that even the "myth" of Coolidge economy disappeared with his régime and that the Seventy-first Congress, at the request of President Hoover, has appropriated the enormous and staggering total of $10,249,819,215.60. From a semblance of economy under Mr. Coolidge the present administration has indulged in a riot of extravagance never heretofore heard of in time of peace. The appropriations of this Congress exceed by almost $1,000,000,000 the total amount appropriated by the Seventieth Congress during the last two years of the Coolidge administration, and which up to that time was the high peak of Government appropriations for peace-time activities of the Government. The total amount appropriated by the Seventieth Congress was $9,293,472,592.

Anticipating criticism of this recklessness and extravagance, Republican papers and apologists contend that this enormous increase is due to conditions over which the administration had no control. They are attempting to leave the impression that drought relief and measures for the relief of unemployment result in this startling total. A simple tabulation of the appropriations carried in all of the so-called relief measures quickly refutes this contention. The appropriations for this purpose will not exceed $200,000,000, the principal items of which are:

Drought relief	$45,000,000
Loans to farmers in drought areas	20,000,000
Rural sanitation	2,000,000
Loans to farmers of 5 Southern States	2,000,000
Emergency construction	127,000,000
Total	196,000,000

This leaves practically three quarters of a billion dollars for which these partisan apologists must account in some other way.

Appropriations were made for the construction of public buildings and Federal aid in the building of roads, but these were a continuation of policies established before Mr. Hoover became President, and can not be classed as appropriations especially made for the relief of unemployment resulting from present economic conditions.

Congress passed a law authorizing additional loans to veterans on their adjusted-service certificates. Lest some one may say that this has served to increase the total of appropriations, I call attention to the fact that no appropriation was made necessary by this act.

One of the principal reasons urged for the passage of the Budget law was that it would serve to fix direct responsibility upon the President for the amount required for the operation of the Government. He determines the amount he believes should be appropriated and sends to Congress a request for such amount. Realizing that the appropriations were the greatest ever to be made in time of peace in the history of this Government, statements have been issued from the White House during the life of this Congress calling attention to the necessity for retrenchment in appropriations and authorizations.

The warning was issued that unless there was retrenchment it would be necessary to increase taxes or issue bonds to meet the cost of operating the Government. Whether by design or not, these statements were widely published, leaving the country under the impression that Congress was entirely to blame for the large amounts appropriated. The reverse is true. While Congress, overwhelmingly Republican, must share the criticism for these huge amounts, the President himself is primarily responsible. The requests for appropriations sent to Congress by the President have actually been reduced during the Seventy-first Congress in the sum of $55,000,000, in round numbers.

As showing the wide departure of the present administration from the economy attempted by the previous administration I call attention to the custom of Mr. Coolidge to hold what he termed "business meetings" twice a year. These meetings were attended by the chief and subchiefs of the various departments and bureaus of the Government and were addressed by Mr. Coolidge and his Budget Director and urged to greater economy in expenditures. Whether from lack of interest or for other reasons, the present administration has held no such meetings, and those who direct the expenditures of these departments and bureaus have received no admonition or encouragement along this line except through general statements issued from time to time for public consumption.

Some time ago the President declared that the Government was confronted with the possibility of a deficit on June 30, this year, of at least $180,000,000. In a statement which I later made on the floor of the House I declared that this deficit would amount to not less than $400,000,000 and possibly reach the sum of $500,000,000. It now appears that the deficit may even be larger than this. The fact, however, that such a large deficit was impending did not deter the President from submitting requests for the large appropriations which a Republican Congress has enacted into law.

In a résumé of appropriations and expenditures the increasing tendency toward centralization of powers and functions of government at Washington can not be adequately dealt with. But every student of government and economics recognizes this continuing centralization as a menace to our institutions and democratic government. Certain it is that under Republican rule this tendency has become exceedingly costly. Governmental expenditures today—in a time of peace and 12 years after the war—are far greater than ever before in the peace-time history of government. They are now within a few hundred millions of what they were in 1921, just three years after the war, and when the country was still maintaining troops in Europe and was paying off huge hang-over war expenses.

The authorizations and commitments made by this and previous Congresses will make it difficult, if not impossible, to reduce Federal expenditures for some time to come, but certainly there can be no justification for further increases.

The people are appalled by the increasing cost of their various forms of government. No one can doubt but that this increased cost is a contributing factor to the present depression in business. There must be greater economy in government and an end to the idea that cost of government can continue to increase without injury to the prosperity of the country, to say nothing of the injustice to the people who must bear the burden. There is no greater or more important issue before the people to-day.

The history of the past few years and the present condition of unemployment and unrest throughout the United States have demonstrated that relief can not be hoped for under Republican rule. There must be a return to Democratic policies and Democratic simplicity.

The following table is a comparison of appropriations made by the several sessions of the Seventieth and Seventy-first Congresses. It should be borne in mind that the Seventieth Congress covered the last two years of President Coolidge and the Seventy-first Congress the first two years of the administration of President Hoover. This table does not include appropriations made in private and miscellaneous acts or payments authorized under indefinite appropriations, such as the war settlement award, in the first session of the Seventy-first Congress or reappropriations.

	Seventieth Congress	Seventy-first Congress
Agriculture	$283,650,347	$370,976,630
District of Columbia	76,097,823	91,448,870
Independent offices	1,069,038,861	1,606,300,176
Interior	558,241,502	375,791,030
Legislative	36,406,538	53,530,952
Navy	722,382,509	738,827,063
State	28,556,433	24,542,792
Justice	54,696,712	83,010,313
Commerce	96,714,509	107,572,715
Labor	21,733,770	26,561,370
Treasury	600,666,492	555,170,077
Post Office	1,579,565,767	1,678,066,854
War	852,306,583	902,309,886
Supplemental and deficiency acts	559,957,018	491,944,501
Emergency construction		116,000,000
Drought relief		45,000,000
Permanent, indefinite	2,758,203,642	2,630,993,534

NOTES.—Twenty million dollars is carried in the Interior bill, second session, Seventy-first Congress, for loans to farmers in the drought-stricken areas; $4,000,000 in deficiency bill in that session for rural sanitation and loans in certain Southern States, and $11,000,000 in the war bill for work incident to the present emergency.

Appropriations for the Pension Bureau and soldiers' homes were provided for in the independent offices bill at the present session on account of transfer from the Interior and War Departments of these bureaus. The Prohibition Bureau was in part transferred from the Treasury Department to the Department of Justice. But all of these appropriations, with the exception of those for emergency relief, have been carried in one or the other of the appropriation acts, and the above table shows in the aggregate the increases which have been made in the regular activities of the Government.

There was appropriated at the special session of the Seventy-first Congress the sum of $199,310,597, which is not included in the above table.

SPEECH OF HON. HENRY ALLEN COOPER

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the late Hon. Henry Allen Cooper.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following news article and a speech delivered by the late Henry Allen Cooper:

[From the Burlington Standard, Saturday, June 15, 1878]

BELLS OF JUBILEE

It had been determined by many of the friends of the Hessian Band on the conclusion of their first grand concert that at some future time previous to their leaving America for their homes they should once more visit Burlington.

That propitious time arrived. The twenty-fifth anniversary of the Society Teutonia was at hand. This was the time; the necessary preparations were then commenced.

President Reuschlein met the band at Jefferson, making the engagement at that place.

On Friday, the 8 p. m. train brought the long-wished-for band to our town. They were met at the depot by the Teutonia Society, with Brownson's Cornet Band, who received the Hessians and escorted them to the hall, where a short session was passed in mutual congratulations by the two bands and members of the society, after which they repaired to the homes of the members, by apportionment, where they were to pass the time during their stay in Burlington.

Saturday, the 8th, the first day of the grand musical festival, was passed by the Hessians among their friends and at the hall, which was tastefully decorated for the occasion and where the arrangements were being perfected for the following day.

In the evening at 8 o'clock the second grand concert of the band in Burlington, the first of this series, was given to a large and delighted audience.

On Sunday morning at 9 a. m. the two Racine societies—the Catholic Young Men's and the St. Joseph's North Side Society—with the Racine City Band and a large delegation of citizens, arrived at Burlington on an extra train. They were met by the Teutonia and the Catholic Young Men's Society with Brownson's Cornet Band and escorted to the hall, where a collation was served.

At 1 o'clock the procession was formed under the guidance of Mr. August Reuschlein as chief marshal, assisted by Mr. William Finke and Lewis Konst, of Racine, in the following order:

The Hessian Band; the Catholic Young Men's Society, Racine; the St. Joseph's North Side Society, Racine; the Racine City Band; the Catholic Young Men's Society, Burlington; G. A. Brownson's Cornet Band; the Teutonia Society.

Then followed the citizens and friends from abroad.

The procession marched to the park, where the afternoon was passed in listening to the music and in mutual congratulations.

In the evening the band gave their second concert at Teutonia Hall, which was filled to its utmost capacity.

Monday, the 10th, was the crowning day of the festival. At 10 o'clock the people began to assemble in the hall, which was soon filled with an anxious and an expectant crowd to listen to Burlington's favorite speaker.

The exercises commenced with music by the Hessian Band, after which the Teutonia Society sang the first piece learned by them 25 years ago! At this point Mr. H. L. Devereux, the oldest member of the society, as president of the day, introduced the orator, Henry A. Cooper, Esq., who spoke for more than an hour in a most able and interesting manner, receiving the closest attention and enthusiastic applause of the entire audience.

At the conclusion of the speech three cheers were given for the speaker, for the society, and for the band. The Teutonias then sang another song, which closed the exercises for the morning.

At 1 p. m. the procession was again formed under Mr. August Reuschlein and marched to the park, where the afternoon was again enjoyed with music by the Hessians and Brownson's Band, songs by the Teutonias and the Young Men's Society, and in partaking of refreshments.

At 6 p. m. the procession returned and escorted the Young Men's Society to their hall, then to the Teutonia Hall, and dispersed.

In the evening a grand ball was given, the Hessian Band furnishing the music. A large company was present, the music enjoyed, and the company engaging in the delights of the mazy dance 'till the wee hours of the morning.

The Hessians were so well pleased with Burlington that they remained over another day—Tuesday—the morning being passed with the friends in town and the afternoon at Brown's Lake, where the orator of the previous day acted as pilot, showing the band the many beauties of our splendid lake. They expressed themselves highly pleased with the lake and its surroundings.

In the evening the band gave their fourth and last concert in Burlington. The hall was again filled with an admiring audience, which was thrilled with the rich melody of this unrivaled band.

The concert over, the band, the society, and some friends, the night being beautiful, moon shining bright and clear, proceeded to the residence of Dr. J. H. Cooper, and serenaded his son, Henry; he had retired for the night, but the soul-stirring strains of the band awoke him, when he appeared at the window, thanking them for the compliment in a neat and appropriate speech, closing with the wish that their voyage across the Atlantic might be as pleasant and as happy to them as had been their visit with us.

Another tune and the company parted and sought their homes.

Thus ended the festival commemorating the first 25 years of the life of the Teutonia Society. It will never be forgotten but will remain fresh in the memory for years to come. It gave to our American friends a true picture of German life.

GERADE WIE IN DEUTSCHLAND

The following is a synopsis of the oration:

"Mr. President and members of the Teutonia Society, ladies and gentlemen—und liebe Nachbarn:

"I am very grateful to the president for his kind words of introduction; but for me to be introduced to the members of the Teutonia Society and their friends in Burlington is very much like a young man being introduced to his mother. Yet, although not a stranger, I presume that just now I feel about as strange as any young man ever did.

"When I accepted the kind invitation of the members of the Teutonia Society to address them on this occasion I had but little idea of the magnitude of the occasion. Among the members of the Teutonia Society were many of the kindest friends of my childhood and the most sympathizing and trusted advisers of my youth. To these I thought to address some simple words of friendly greeting and congratulation, and also such other words as I might be able in recognition of the good work accomplished by the society during the first 25 years of its existence. But I did not expect to address such a multitude from many lands as is here gathered together—an assemblage so strikingly illustrative of the cosmopolitan character of our people. Here are countrymen of Burke and Moore and O'Connell, of Kosciusko and Pulaski, of Huss and Ziska, of Chatham and Nelson and Shakespeare, of Bruce and Burns, all met together in this far-off land at a German festival, to celebrate with a German society.

"But, gentlemen of the Teutonia Society, we are all Germans to-day. We are all glad to meet in honor of a society which has done so much to honor itself. We are glad to meet in recognition of your services to Burlington. You are a source of pride to all her citizens. To you she is deeply indebted. You have added to her wealth, you have added to her culture, and to her opportunities for culture. You have in countless ways advanced her good name. Yours has been a useful, honorable past. And so to-day, at the threshold of a future bright with promise as you pause to look back over the years which lie behind, it is fitting that the youth and beauty, the age and the kind hearts of the community you have so highly benefited should here assemble in token of their gratitude—glad to share with you in the joy of this anniversary morn.

"We are not met, my friends, to commemorate any of war's glorious but bloody and cruel triumphs, nor to live over any lofty scene in the political history of the Nation; but only in memory of the humble beginning, 25 years ago, amid poverty and doubt, in a little western village, of a society devoted to the

cause of human instruction and human happiness. But "peace hath her triumphs." This, my friends, is one of them. That society has been a public benefaction. And that little company of strangers from the land of mystery and song beyond the Rhine, who came bringing their love for art into this western wild and here founded this society, were true philanthropists and as such are deserving of the united thanks of this people.

"But not Burlington alone has reason to be thankful to this class of our fellow citizens. As a nation we owe a debt of gratitude to the Germans who have made America their home. German hospitality—German simplicity of manners—German business honor—German industry—and, above all, German integrity of character, have made a lasting impression for good upon our institutions. None other of our foreign-born citizens have so carefully retained nor so zealously propagated the ideas and customs of their native land. The Germans in America have been like the colonies which in olden times went out from Greece. These took with them to distant shores and there nurtured the manners and the arts and the literature of the mother country; and thus, though widely separated from Greece, hopeless ever again to tread her classic soil, they nevertheless greatly extended the empire of her influence and her fame, by keeping alive in those remote parts the spirit of her exalted life. So has it been with the Germans in America. They, too, in a far country, cherish the memory of the fatherland. And what a fatherland is theirs!

"Germany! Land of education and law! Where ignorance is a crime! Land of philosophy and poetry and song! About whose vine-clad hills linger the traditions and romance of a thousand years! Home of genius which has given Schiller and Lessing and Klopstock and Schlegel and Kotzebue and a multitude of kindred spirits to literature. Which claims Goethe for her child—Goethe, the greatest poet, the most comprehensive intellect since Shakespeare. Which has given Kant and Kepler and the matchless Humboldt to serve the united cause of science and philosophy. Germany! Source of the world's best music and birthplace of its greatest masters. Where were cradled Bach and Handel and Weber and Mozart and the supreme, the inspired, the immortal Beethoven. A land which to-day leads the vanguard of civilization and power on the continent of Europe!

"Deutschland!

"'Wo edler Geister Funken sprühen,
Wo Kränze für das Schöne blühen,
Wo starke Herzen freudig blühen
Für alles Heilige entbrannt:
Da war ihr Vaterland!'

"Coming from such a fatherland, the Germans in America have been its worthy children. To-day German influences are among those most potent in our civilization, and the Germans themselves among the most enlightened and public spirited and law-abiding and honored citizens of the Republic.

"Twenty-five years seem a long time if we would look forward into the illimitable unknown of the future; but if we look back it is but a step to where the vista closes behind us. Still, great events have shaken the earth in that short time. The great engines of social and political influence have worked mighty transformations. Thrones have been built up and cast down. Governments have been established and overthrown. Wars have drenched both continents in blood. Great conquests have been made, but the greatest and most glorious have been the conquests of peace. Civilized enterprise has penetrated every quarter of the globe and her exploring parties have sought out every hidden nook that human zeal and human skill could reach."

(Here follows a graphic description of the leading historical events of the last 25 years, of which we have only room for the following concluding sentences.—Ed.)

"But a description of all the important historical events which the last 25 years have witnessed in Europe and America would fill volumes.

"They have witnessed a united Italy, under the impulse of liberal institutions, assume her position among the great nations of Europe.

"They have seen the liberation of 20,000,000 of white serfs in Russia, and of 5,000,000 of black slaves in America. They have seen representatives from all the monarchies of the Old World gathered together at our centennial anniversary to bear witness to the greatness of our wealth and power and to the blessings of a free government.

"They have seen Napoleon wearing the crown of France in the midst of the glittering pageantries of the proudest court of the proudest capital of the world—they have seen the star of his destiny sink into endless obscurity on the field of Sedan, himself die a neglected exile, and the Republic, which he thought dead, reestablish the beneficent reign of liberty and equality upon the ruins of his Empire.

"And they have seen another man—the embodiment of all the holiest aspirations of the New World—by his greatness and by his goodness, by his love, his charity, his magnanimity, his consecration, rescue this Nation from destruction and save liberty to the world—and, dying, leave a memory upon which his countrymen and the friends of human rights everywhere throughout the earth shall never cease to call down the benedictions of heaven—the emancipator of a race—freedom's apostle and her martyr—Abraham Lincoln.

"This same quarter of a century has also witnessed the most miraculous discoveries of science as well as the most wonderful exhibitions of inventive genius and skill. Puck has put his girdle of telegraph wires and ocean cables around the earth. Time and space have been annihilated.

"Twenty-five years ago a war like the recent one between Russia and Turkey could have been fought out upon the plains of Bulgaria before Burlington's citizens of that day might have known of its beginning. Yet we have seen the results of the recent battles known in every hamlet from New York to San Francisco before the cries of the wounded and dying had ceased or the smoke lifted from the field. Six thousand miles away we have followed, step by step, the bloody struggle for Schipka Pass, while yet the echoes of the cannon were reverberating through the rocky gorges of the Balkans.

"But we have wandered far from home. Let us come back to Burlington at the period to which this day recalls us.

"I can not, from my own personal knowledge, describe the Burlington of 25 years ago, for, though a resident of the place at that time, I was not then much given to statistics. But from some of her old settlers I have learned that 25 years ago Burlington was a quiet village, having 2 schoolhouses (1 vacant), 3 churches (1 vacant), 32 saloons (all occupied), a score or two of dwelling houses, three or four hundred people, and the charter of the Fox River Valley Railroad.

"The village was advantageously located, being, according to the geological investigations of Esquire Royce, directly over the apex of the dome of Pluto's subterranean residence. Though small, Burlington was ambitious and vigorous and had even then acquired a widespread reputation for the abundance and size of its suckers—scientifically known as mullets or red horse. Her inhabitants were afflicted with few diseases, except intermittent fever, and a thirst which was not intermittent. Their principal amusements were attending lawsuits, trading horses, spearing fish, and playing "old sledge." The more dignified and sedate amused themselves with political and religious discussions and the building of opposition meeting houses. Thus they cultivated their mental powers, and few places of its size could boast of more business enterprise and intellectual activity among its citizens.

"The eligibility and beauty of its location had by this time drawn to Burlington a number of intelligent and educated Germans. Although they appreciated the blessings by which they were surrounded, still they felt that something was lacking. They missed the musical enjoyments of their old home beyond the sea. They longed for the sweet songs of the fatherland—'die wunderschoenen deutschen Lieder.' So, on the evening of May 9, in the year 1853, Joseph Bock, William Riel, Henry Martensen, Francis Reuschlein, Jacob Muth, Julius Lueck, Dr. Frederick Korda, Joseph Wackerman, sr., John Ries, Richard Weygand, Conrad Bosshard, William Funk, Charles Wagner, Frederick Keuper, Matthias Bachmayer, Henry Burhans, Caspar Scheidt, and William Rein met at the little Catholic schoolhouse up 'on the hill' and organized the Teutonia Society.

"The Teutonia Society had for its object the cultivation of the art of music, an art which offers to the human race the most refining and the purest of the pleasures of sense. An art so pure that its practice, we have been taught to believe, is among the chiefest delights of the redeemed in heaven.

"'The man that hath no music in himself
Nor is not mov'd by concord of sweet sounds,
Is fit for stratagems, and spoils,
The motions of his spirit are dull as night
And his affections dark as Erebus.
Let no such man be trusted.'

"Mr. Joseph Bock had the honor of being chosen the first director of the society. At its next meeting, a few evenings later, Jacob Wambold, Martin Schafer, Ciriak Preiles, Frederick Millhöft, and Jacob Oelten were enrolled among the members of the society. In the year 1855 the society joined the Northwestern Saengerbund. From this time forward its membership rapidly increased. In its ranks were Catholics and Protestants, Republicans and Democrats, men of various faiths and creeds, but divided as Teutonia was upon many important subjects, yet all distinctions were forgotten, all the members were brothers when they met to sing the songs of the fatherland. Such is the hallowed influence of music, the 'musik' of which Ludwig Tieck says:

"'Wem ich der Sterblichen die Lippe küsse,
Dem tönt die Welt ein göttliches Gedichte;
Wald, Wasser, Feld und Luft spricht ihm Geschichte,
Im Herzen rinnen Paradiesenflüsse.'

"Mr. Bock moved from Burlington about two years after his election as director. After his departure various members of the society acted as its leaders, until, on the 29th day of January in the year 1857, Prof. Rudolph Wald was chosen director of Teutonia, a position he now holds, and since that time has continuously held to his own great honor and to the lasting benefit of the society. The succeeding years 1857, 1858, and 1859 were those during which the society first began to assume the leading place it has since held in the social life of Burlington. In every celebration, or festival, or other public gathering in Burlington, the society took a prominent part. Heading every procession, floating from every platform, was the flag of Teutonia. These are the occasions during those years which we younger Burlingtonians most vividly recollect, and because of them, the name "Teutonia" is interwoven with our earliest associations. These were the days of the good old-fashioned Fourth of July celebrations up in "Perkins's Woods," the palmy days of Mr. Catton—"our Jim"—everybody's friend—and of many other of our old pioneers once familiar to the streets of Burlington, who, one by one, have vanished from our sight but not from our memory.

"The society continued its growth until the breaking out of the great Civil War. Then Teutonia made soldiers of its singers and

sent them to the front to fight the battles of their adopted country. Of those who were at that time members of the society, Theodore Hartman, Julius Leuck, Henry Martensen, John Haas, and Frederick Willhoeft joined the Union Army.

"We all remember those wild days at the opening of the war. We, who were then the children of Burlington, remember how proud we were that some of 'our boys'—the 'big boys' of the 'A class' over at school, the best scholars, the best speakers, the boys who led our sports, our youthful heroes—were going to war. And how we wondered that some of the fathers and mothers of those boys, and some of the 'big girls,' too, should look so sad. It was such a glorious thing to be a soldier and march away under the flags with pulses bounding to the cheers of friends and kindred.

"It was all a holiday to us. But soon came news of a battle. Then that there were western regiments in it—then that the Belle City Rifles and 'our boys' were there. It seems but yesterday since that news came. I see before me faces that were pale with dread that day. I see the little anxious group gathered in the street down town, and hear a choking voice reading: 'There has been a great fight. Henry Benson was badly shot in the hand. He held it up and said "Boys, there's Wisconsin blood for the Union." He was soon afterwards killed.'

"Killed! Killed! One of 'our boys!' I see the gathering tears and hear the only voice which breaks the silence—the voice of an old man—saying 'I knew he was a brave boy, I knew he was a brave boy,' and again I feel the thrill of pride which flashed through the hearts of us youthful listeners as we heard the story of the dead hero.

"One by one Burlington gave her martyrs to the great cause until at last the war was ended, and what there were left of 'our boys' came home. When we saw their thinned ranks our childish wonder ceased. Then we knew why in the early days those fathers and mothers and sweethearts had looked so sad. We saw them now—some with tears of thankfulness grasping the hands of their loved ones; others with bitter tears weeping for boys that did not come back—their 'unreturning brave.'

"Yes; there was joy and there was grief; but in smiles or in tears all were rejoicing in a country redeemed, regenerated, where Freedom undefiled shall sit enthroned forever.

"I see here in the ranks of Teutonia and scattered throughout this audience many who were Union soldiers in the War of the Rebellion.

"The youth of our country can never forget the debt of gratitude we owe to you, the soldiers of the great war. We were children in the days of your heroism. We did not—we could not know all that you were called to do. The crisis was too vast. It was beyond us. Now we have grown to a better appreciation of it. We have learned its significance—its appalling, its overwhelming nature. But for you, we of the younger generation would have come to manhood after the United States of America had been blotted from the map of the world. But for you the land of Washington and Jefferson and their compatriots—the land of "76" and of the Revolution would never have been ours to inherit. To you, soldiers of the great war, we owe the rich heritage of our country's glory, and the richer heritage of her freedom. We behold your victory. We have learned its solemn lessons, and when our country calls we will defend to the last all that you achieved. Be assured that, come what may, those great principles of constitutional government—the sovereignty of the National Union—the absolute equality of all men before the law—for which you fought and for which your dead comrades poured out their generous blood, these shall not fail. They shall stand unchanged, imperishable, while an American heart remembers the example of your own sublime devotion.

"Besides those of Teutonia's soldiers whose names have already been given, and who were members of the society at the outbreak of the war, there are others of her present members who also wore the Union blue. These are William Laske, Louis Konst, Hiram A. Sheldon, August Reuschlein, Charles W. Wood, Henry F. Smith, Andrew Haas, and Michael Zimmer, all of whom are to-day members of the society and prominent sharers in its benefits; a fact which adds emphasis to the truth that none better deserve to enjoy the blessings of peace than those who risked their lives to purchase them.

"In the year 1866 Mr. John Yunker built the hall which for many years bore his name. In it the society was accustomed to meet and there they received the news of Sedan, Napoleon's downfall, and the great victory of 'Unser Fritz' and Kaiser Wilhelm.

"In the latter part of the year 1870 the three German societies then existing in Burlington—the original Teutonia Society, the German Dramatic Society, and the Turner Society—were all united and incorporated under the old name of the Teutonia Society of Burlington. A new constitution was adopted and steps were immediately taken toward the erection of a building adapted to meet the diverse needs of the reorganized society. The result is the beautiful hall within which we are now assembled. Long may it stand to bless the memory of its builders; a place where the people of Burlington shall meet to banish care with music and the drama—'und nach dem Theater, Tanz Kraenzchen wie gewoehnlich!'

"One by one the years have gone until at last we have reached this day—this silver wedding anniversary of your espousal of the cause of art. From poverty and weakness you have lived on through years of privation and sacrifice until this day beholds you surrounded by wives and children and 'troops of friends,' crowned with success, happy and full of hope.

"This is to all of us a joyful day. It does not alone gladden you. It animates and unites all our hearts. Yet our gladness has its alloy. We miss old, familiar faces. All are not here. Where, to-day, is Prelles, with his glorious bass? Where are Henry Martensen and Franz Griebel and genial Charley Diener? Where is Jacob Gill with the ever-present smile upon his face? Where are the loved of other days?

"We look in vain for them. In vain we call aloud their cherished names. They have paid to nature the tribute foreordained from the foundations of the world to be paid to her by all the sons of men.

"Most men flit across the stage of life, drop into the grave, and the turf above them buries alike their memories and their dust. Such lives leave no individual record and they sink into the great dead sea of human experience like drops of rain into the depths of ocean. When a hundred years shall have rolled away, who of us but that will sleep in an unvisited tomb? Youth, manhood, age—oblivion!

"It is the common lot. Yet our friends have escaped it, for the Teutonia Society will live and their loved memories be a part of its treasures. When on earth they were allied with this society. Its good work was their good work, and it shall continue to be theirs. As your great Fichte says:

"'Das was man Tod nennt, kann mein Werk nicht abbrechen; denn mein Werk soll vollendet werden, mit Ihm ist meinem Dasein keine Zeit bestimmt—und ich bin ewig.'

"We have been talking of the past. It is the theme upon which, to-day, the older members of the society and of the audience most delight to linger.

"But there is a future before us with its hopes, its aspirations, and its burden of great duties.

"The people of no other nation have opportunities like ours. The responsibilities of citizenship in this Republic are greater than in any other government on earth. It devolves upon its possessor the duties of sovereignty. As Americans let us meet these duties. I address you no longer as Germans, no longer as Englishmen, no longer as Irishmen—no longer as foreigners. We are all Americans. Here are your homes. Here will be your graves, and the graves of your children, and of your children's children. Surely to you no other country can be so dear—no other soil so hallowed—as that where their ashes will repose. Then let us as Americans all rise to the full measure of our duty.

"What transcendent lessons this young Republic has already taught the statesmen of the Old World. Her history has given the lie to the governmental principles of a century ago—those principles born of ambition and tyranny and impressed upon the minds of men by the unbroken record of centuries of human government. Men had never been able to govern themselves. No republic had long endured. Therefore human equality was a myth and free government a vagary of enthusiasts.

"The great father of English law, Blackstone, says—and he speaks the sentiments universally entertained by the statesmen of his day: 'The distinction of ranks and honors is necessary in every well-governed state. A system of nobility creates and preserves that gradual scale of dignity which proceeds from the peasant to the prince.' Again, he says: 'Where the magistrate upon every succession is elected by the people and may, by the express provision of the laws, be deposed (if not punished) by his subjects. This may sound to some like the perfection of liberty and look well enough when delineated upon paper, but in practice will ever be found productive of tumult, contention, and anarchy.'

"By the example of a hundred years we have demonstrated that this father of English law was a child in his estimate of man's power of self-government.

"Here are no titled ranks. No honors, save such as the generous heart spontaneously yield to intellectual and moral worth. Here is no system of nobility. No blue-ribboned and bejeweled aristocrats. No degrading distinctions of caste. Forty millions of people without a master, occupying the sublimest position among the nations of the earth. The beacon toward which turn the eyes of all God's poor and oppressed. Free and invincible!

"Let us be zealous in whatever tends to make the Nation stronger and purer. Let us measure our public men by the inflexible rule, that splendor of station can not change the hue of dishonor. That a lie on the farm or in the blacksmith shop or in the counting room is a lie in the Senate of the United States. Away with the statesmanship which distinguishes between 'policy' and the dictates of common honesty. The Great Disposer of Events never made any difference between what is 'policy' and what is absolutely right. Away with the statesmen, the politicians, in the high councils of this Nation who vilify and traduce eminent men like Carl Schurz, servants of the people, for no other offense than zeal for their country's welfare or because in public life they are too honest to be what these men call "practical."

"Gentlemen of the Teutonia, we this day close the first volume of the history of your society. We have glanced over the record of the past 25 years there written. We, this day, turn the leaf, and have before us the yet unwritten page of the future. What the next 25 years shall inscribe thereon is buried in the bosom of the vast unknown. Naught but prophetic vision can pierce its measureless expanse or reveal its limitless possibilities. I can only express my faith and my wishes. Judging the future by the past and by the present—knowing that the blood of its fathers flows in the veins of its sons, my faith predicts the continued and increasing success of Teutonia. And here on this day on which we have met to lay our offerings upon the twin altars of memory

and hope—standing here, between the oceans of the past and the future—let me appeal to Teutonia's younger members to carry forward the work of the society in the same spirit which inspired its beginning; to broaden and strengthen its power for good, to keep its aims pure, and to care for its well-being as a noble monument sacred to the memory of its founders. Cherish that liberal public spirit which has been one of their distinguishing characteristics—remembering that no man truly lives who lives for himself alone.

"Then, when another 25 years shall have passed away, the fiftieth—the golden anniversary of Teutonia shall witness a gathering as much excelling this in numbers and splendor as this surpasses the first little gathering at the schoolhouse on the hill; and my fervent wish is that many, very many—yes, all of you, may be blessed with life and health and strength to rejoice in the festivities of that day."

ADDRESS BY CONGRESSMAN LAGUARDIA

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an address made by our progressive colleague from New York, Mr. LAGUARDIA, over the National Broadcasting Co.'s radio system on March 2, 1931, on the subject of public utilities' control in this country.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONTROL OF PUBLIC UTILITIES

Gentlemen of the Power Trust and fellow consumers, I desire to express my thanks to the National Broadcasting Co. for its courtesy in granting me this opportunity to express the consumers' side of the power question. Consumers are not organized and, therefore, seldom have the opportunity to broadcast or to reply to the prosperous electric, gas, and public-utility corporation with unlimited funds collected from these same consumers.

I can understand the anxiety of the Power Trust in protecting their source of easily gotten fortunes. But I do object to their designation of the other side as ignorant, demagogic, radical, and destructive. In my criticism of the power magnates, the big fellows of the Power Trust, I desire to point out that I do not refer to the engineers and technical personnel, who are excellent, efficient, and useful citizens. They are in no way responsible for the conditions and practices which I oppose.

The men in control of the power interests or, to put it plainly, the Power Trust, are not interested or even concerned in public service or the sale of electric current. They are primarily interested in corporate control and the sale of stock. They know more about the stock ticker than the dynamo. Can it be denied that public-utility companies are monopolies? Can the consumer select his electric, gas, or trolley company? Not at all. Then why the expenditures of millions of dollars charged to the consumers for advertisement? The Power Trust is not a "myth." It is an existing, active, well-organized combination of power, gas, electric, and trolley corporations united in a common purpose of keeping private control of public utilities—maintaining high rates, influencing legislation, and fighting public ownership. The uncontroverted proof of the existence of this trust is contained not only in 20 volumes of legal evidence presented to the Federal Trade Commission in Washington but also in the list of mergers published in the trust's own publications and in the copious flow of literature issued by investment bankers, stock brokers, and bond pluggers. The existence of a combination—the Power Trust—is further evidenced by huge expenditures from common funds for purposes entirely selfish and unrelated to actual operation and maintenance of any one company.

By this I mean the maintenance and support by various groups of public utility corporations of the joint committee of the National Utility Association, of 420 Lexington Avenue, New York City, whose telltale photostatic checks to lobbyists, politicians, and others shocked the country not so very long ago. And also the existence of another agency of publicity and dispenser of power funds is the National Electric Light Association. Its checks, too, to institutions of education to insure the teaching of the trust philosophy of public service are now part of public records. Then, there is the various State committees of public information maintained in no less than 36 separate States, all doing the same kind of business. Then, the purchase of investment in newspapers and other publications; a long pay roll of men and women lecturing on the virtues of privately owned public utilities; the retainers of highly paid lobbyists at the Nation and State Capitols are all matters of public record.

The evidence already presented is conclusive of the existence of this combination or trust, but permit me to read from yesterday's daily newspapers. Only yesterday, March 1, 1931, the Consolidated Gas Co., of New York, announced the coming issue and marketing of an additional $110,000,000 of securities. Is the Consolidated Gas Co. an isolated independent entity in New York City? Not at all. In its own announcement it states frankly that the Brooklyn Edison Co., Kings County Electric Light & Power Co., and other companies are units of the consolidated gas system. Then it goes on to say that the total funded debt of the system is $250,937,540. They call it a system. I call it a trust. Then, the news item goes on to talk about the "parent company" and the parent company paid out in dividends during the year no less than $57,080,808. This enormous dividend is derived from excessive rates paid by the consumers. This system, or combination in the East, which is only a small fraction of the entire system and combination, is in and of itself one of the largest combines in the United States.

It is the vicious activities of the combination that have brought upon the private utility companies the opposition of the public and the movement for public ownership and operation of such necessary service. In our present industrial, economic, and social life, electricity and gas have become necessaries of life. Electricity and gas have become as indispensable to our every-day life as air and water. Air is still free, but how would consumers like to buy water from their local gas and electric light company? Think it over. It was not so very long ago that water was monopolized by private corporations. Owing to poor service, exorbitant rates, vicious political activities, private water companies have been put out of business. Yet the same arguments which were urged against public ownership of water supply and the same denunciations of public-spirited men and women who fought private water companies are to-day used by the Power Trust. Comparisons are made by the Power Trust between what they term private ownership and efficient business operation and public ownership with inefficient political operation. I accept that challenge.

The publicly owned and operated water supply all through the country compares more than favorably with the costly privately owned and operated gas or electric service of any city. If the same accountancy practices and returns allowed the gas and electric companies by our corporate-minded courts were applied to any municipal water system, the price of water would be about 25 cents a gallon.

If the same basis for rate fixing were applied to the Panama Canal—and by that I mean valuation of all physical property on the theory of reproduction cost, franchise and good-will value, interest on bonds covering actual investment, and return on stock covering fictitious and artificial valuations—it would cost more than the value of a ship to go through the canal. A better comparison might be made between private and publicly owned companies rendering like services. The rates of the municipally operated electric plant at Jamestown, N. Y., are lower than that of the privately owned company. Yet the publicly owned plant uses expensive coal purchased from private mines, while the private plant uses public waters from a publicly owned stream. The power plants in Canada sell current cheaper than the private plants across the river in New York, both generating the same kind of current from identically the same river. The municipal electric plant in Los Angeles has operated successfully in spite of an unrelenting warfare in the courts waged by the private interests. The municipal electric plant of Cleveland has not only reduced rates but has practically paid for itself in a few years. Tacoma, Seattle, and many cities have their own publicly owned electric plants operating successfully at lower rates than the trust companies in cities of like size. If publicly owned plants and operated by the public and not for profit are better and cheaper than privately owned and operated companies and granted the indispensability of electric service, what justification is there for the continuance of the latter?

Another fair comparison of a very recent occurrence may be cited right here in Washington. Two weeks ago Congress passed a law giving the 78,458 school children of the District of Columbia car fare at 3 cents. About four days ago Congress passed a law granting loans to 3,500,000 veterans of the World War. Within two hours after the veterans' bill passed the first loan was made, and the Veterans' Bureau is prepared to take care of thousands and thousands of applications a day. The school childrens' car fare law, which takes effect immediately, although it has back of it the entire power and force of the United States Government, the President of the United States, the American Congress, has up to this time been ignored by one of the subsidiaries of the Power Trust, who are simply making faces at the United States Government and ignoring the mandate of the law. Yes; we have a public-service commission in the District of Columbia.

The enormous profits just stated resulting from an excessive and exorbitant rate is the complete answer to the statement recently made that consumers are fully protected from the self-styled benevolent monopoly by regulation and State public-service commissions. It was stated, too, that the very people who are now clamoring for public ownership and operation of public-service utilities were the same who years ago demanded and brought about the regulation of public-utility companies. That is true; but when we now witness exorbitant and unreasonable rates resulting in dividends out of all proportion to returns to other industrial investments because, mark you, there is no risk involved in this business.

The Power Trust does not have to find a market. We realize that the whole system of regulation has broken down and this public service, which is necessary to our modern life, can no longer be left in the hands of a greedy, selfish, and unconscionable monopoly. Only a few days ago no less an authority than the distinguished former Secretary of State in the Wilson Cabinet, the Hon. Bainbridge Colby, stated—I quote: "The boastful brag of the utility companies, their lobbyists, legal janizaries, agile accounts, and obliging experts is 'We regulate regulation.'" In other words, the public utilities are regulating the public service commissions instead of the public service commissions regulating the public utility companies. And in support of that statement there stands a long list of former public service commissioners

throughout the country who are now officers of these companies or otherwise on the pay roll.

The present determined and necessary movement for the public ownership and operation of electric service is not the result of any new school of political or economic thought. It is not a new issue for political purposes. It is the inevitable sequence to the greed, selfishness, and viciousness of this combination of public utility companies and their unreasonable exploitation of the consumer. The fight is on, and, like every other fight in this country coming from a patient and exploited public, is bound to be carried on to a successful conclusion. There is a determined fight in every State of the Union for lower rates. There is a determination in the American Congress to carry on as far as the Federal Government has jurisdiction in these matters to curb the control of this trust and protect public streams from private exploitation.

This fight is being led by that great statesman and public-spirited citizen, the Hon. GEORGE W. NORRIS, of the United States Senate. There is an ever-increasing number in both the House and Senate taking up this fight and following his lead. The reasons for this fight are so apparent and so just and the opportunity of rendering great public service is so clear that the movement against this combination is bound to grow and to continue to final success. A combination of power companies and banks can control the industries of any section of the country. American industries are entitled to power as cheaply as may be obtained from publicly owned plants in Canada and other countries. There is not a mother keeping house in this country but dreads the moment when the gas and electric bills come. The rates are too high. The average home has not the opportunity of enjoying the benefits of the progress made in electricity. Every home should have the benefit of the use of power not only for light but for refrigeration, washing, cleaning, and sewing. The publicly owned power plants, whether municipal in this country or government in other countries, have set the standard of reasonable rates. The privately owned trust-controlled corporations have stubbornly kept to constant increasingly high rates.

The Power Trust has had its day; it is high time the consumers have theirs.

WEST POINT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of West Point.

The SPEAKER. Without objection, it is so ordered.

Mr. JAMES of Michigan. Mr. Speaker, under leave to extend my remarks on the bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, I desire to call to the attention of the House certain pertinent information relating to the genesis and progress of the legislation.

For some years it has been evident that if the Military Academy at West Point is to function in the manner intended—that is, provide a thorough military training for young men to become officers in the Army—it is essential that additional land in the vicinity of and for use by the United States Military Academy be acquired. Consequently, on December 9, 1930, I introduced in the House the bill H. R. 14811, which reads as follows:

H. R. 14811

A bill to authorize an appropriation for the purchase of land and buildings thereon joining the West Point Military Reservation, N. Y., and for other purposes

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire, by purchase, condemnation, or otherwise, additional land in the vicinity of, and for use by, the United States Military Academy, in connection with the present military reservation at West Point, N. Y., such land being 15,135 acres, more or less, and including land surrounding Popolopen Lake, land bordering on the River Hudson, and other interlocking plots of land, all located in Orange County, N. Y.; and the sum of $1,500,000 is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended: *Provided*, That nothing herein contained shall adversely affect the existing water supply, its sources, or pipe lines of the town of Highlands, N. Y.

SEC. 2. The Secretary of War shall, by due advertisements in such manner as he deems best and calculated to give the widest necessary publicity, call for offers of land for use in connection with said West Point, N. Y., and if after negotiation he is able to buy said land or any part or parcel or tract thereof, and at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose.

On January 15, 1931, the chairman of the Committee on Military Affairs of the Senate introduced S. 5732, reading as follows:

S. 5732

An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, approximately 17,000 acres of land in Orange County, N. Y., as an addition to the West Point Military Reservation; and there is hereby authorized to be appropriated an amount not to exceed $1,500,000 for payment for the title to such land and the necessary expenses incident to its purchase.

The bill, introduced by myself, authorizes the acquiring of 15,135 acres, while the Senate bill authorizes the acquiring of approximately 17,000 acres. Both bills provide for an appropriation of $1,500,000 to be used in the purchase of the land.

The Senate Military Affairs Committee held no hearing on the proposed legislation. It was favorably reported to the Senate and was passed by that body on January 26, 1931. The measure was taken up by the Committee on Military Affairs of the House on February 12 and an opportunity given to all those interested to present their views on the subject.

Maj. Gen. William R. Smith, Superintendent of the United States Military Academy at West Point, made a complete presentation of the subject from the standpoint of the needs of the academy. His study of the situation brought out the following reasons for the acquisition of this area:

1. Protection of water supply.
2. Aviation field.
3. Rifle range.
4. Pistol range.
5. Small cannon range.
6. Camping grounds and maneuvers ground.

With especial reference to the water supply, it is very evident that it is necessary to secure this additional land without delay. The proposed addition includes the present watershed, which is in fact the only source of water supply available to the academy. Much of the watershed area is used by summer residents for bungalows, lodges, and camps in ever-increasing numbers and, according to the authorities at West Point, it will not be long before the water supply will become so polluted it will not be possible to render it fit for use. For the past two years there has been an actual shortage of water at West Point. At present intake pipes are placed on a small reservation, the water secured being the overflow from Queensboro Lake, Popolopen Lake, and Long Pond. By this proposed legislation, the Government securing control of the area, will be able to place dams at desirable points, and in this way insure to the academy an adequate supply of pure water and present and for future needs.

After personally studying the situation by visiting the academy a number of times, I am of the opinion that this addition is necessary, not only to insure an adequate supply of pure water but also the area is badly needed for training purposes. Although there is an ever-increasing need for small arms, machine gun, and artillery firing instruction, the cadets get but a limited instruction in small-arm firing practice, instruction in machine-gun firing at 1,000-inch range only, and no instruction in artillery firing at West Point. The small-arms range now being used is but a makeshift, which is inadequate and unsafe. There is no site available at the academy for a machine-gun range, and the construction of the Storm King Highway across the artillery range has made it impossible to use the range for artillery-firing practice.

Members of the first class at West Point are at present sent away for instruction in artillery firing and in flying. Instruction in aviation consists of a 5-day visit of the first class at Langley Field, Va., where the maximum number of hours in the air per cadet is not over five hours. This instruction is restricted to one class on account of the expense of sending the cadets to Langley Field. The same

may be said of the instruction in artillery firing. The yearly cost of transporting the cadets for this instruction is about $15,000, and only one class is benefited. By securing this additional area all the classes will have an opportunity to secure this vitally necessary instruction, and the expense of transporting the cadets away from West Point can be saved.

The officials at West Point, being very greatly in favor of the proposed legislation, point out that this addition will mean much to the academy, and at the same time it will not interfere with the road system at present running through the area. Furthermore, the land desired can be acquired at this time at what is considered a reasonable figure. The officials of the Military Academy have pointed out that if additional land is not secured, it will be necessary, either to move the academy to a more adequate site or to curtail the school's military activities. A memorandum submitted to the War Department, which is included in the report of the Committee on Military Affairs on the bill, fully sets forth the attitude of the officials at West Point.

May I call to your attention a reference made to the Military Academy by George Washington in the last letter he wrote before he died. As we are approaching the two hundredth anniversary of the birth of our first President, this is of particular interest:

> The establishment of an institution of this kind, upon a respectable and extensive basis, has ever been considered by me as an object of primary importance to this country; and while I was in the chair of government I omitted no proper opportunity of recommending it in my public speeches and other ways to the attention of the Legislature. (Letter to Alexander Hamilton, dated Mount Vernon, December 12, 1799.)

A statement of President Andrew Jackson in his first message to Congress, December, 1829, is also of interest in this connection:

> I recommend to your fostering care, as one of our safest means of national defense, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our Army, and such of the graduates as from various causes may not pursue the profession of arms will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

As evidencing the widespread interest of the public in the proper functioning of the Military Academy, attention is invited to a letter from Mr. Peter J. Brady, of New York City, the statement of Mr. Edward F. McGrady, of the American Federation of Labor, and the resolution of the Chamber of Commerce of the State of New York, which resolution was indorsed by a number of other similar organizations throughout the country:

NEW YORK CITY, *February 25, 1931.*

Hon. FRANK W. JAMES,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I am inclosing newspaper clippings and editorials relative to the expansion of West Point, favoring the bill already passed by the Senate and reported favorably upon by the House Committee on Military Affairs.

I hope that you will use your best efforts in making it known to the leaders of the Congress in both Houses that you favor this legislation and are doing all that you can toward bringing about the enactment of this law at an early date.

The New York State Federation of Labor has written to every union in the State, urging them to write or wire their Senators and Congressmen, so that this bill will be passed without the interference of any selfish interests, in order that this much-needed work may be provided for the members of their organizations.

Therefore, please be good enough to give this your earliest attention, for we understand that appropriations have already been taken care of in other bills, to provide this employment at an early date.

Yours very truly,

PETER J. BRADY.

* * * * * * *

Mr. MCGRADY. Mr. Chairman and members of the committee, I represent perhaps the largest civilian organization in the United States. The American Federation of Labor is now and has been in favor of giving West Point all that it needs to function effectively, properly, and efficiently. I might say that my organization has in the State of New York upward of 850,000 members, most of them, practically all of them, citizens of the State and taxpayers of the various communities. This organization is solidly behind the request of the authorities at West Point to give that institution adequate suport and we hope that either Congressman JAMES's bill or Senator REED's bill will pass your committee and pass the Congress at this session.

* * * * * * *

Therefore be it

Resolved, That the Chamber of Commerce of the State of New York invites the attention of the President and the Congress of the United States to the needs of the United States Military Academy at West Point, N. Y., in order that it may be preserved and that the requirements for its maintenance as an institution of the first class may be provided; and be it further

Resolved, That the Congress be urged to appropriate $1,500,000 for the acquisition of about 17,000 acres of additional land adjacent to and in the vicinity of the present reservation.

Respectfully submitted.

EUGENIUS H. OUTERBRIDGE, *Chairman*,
J. VIPOND DAVIES,
SAMUEL ROBERT,
JOHN B. TREVOR,
HENRY R. WINTHROP,
Special Committee on National Defense.

The delegation of citizens that appeared before the committee to represent the interests of some 4,000 people living in the town of Highlands, the village of Highland Falls, and the hamlet of Fort Montgomery explained to the Committee on Military Affairs their position respecting the acquisition of land by West Point. Each member of this delegation expressed himself as being interested in promoting the efficiency of the academy and stated that this additional land should be acquired for use by the institution, and only urged that in the acquisition they be protected in their water supply and taxes.

Following statements by members of this delegation as to the effect of the purchase of all the property desired by West Point upon the water supply of these communities and upon the taxes received a thorough study was made by officers of the War Department, representatives of the communities involved, and interested Members of the House.

In presenting the Senate bill to the House, amendments were offered designed to protect the interests of the communities in and around West Point, and a letter from the Secretary of War stating the attitude of the War Department was read for the information of the House. The House agreed to the amendments.

The Senate concurred in these amendments; and with the legislation having been enacted, the officials of the War Department are now enabled to enter into negotiations for the purchase of such areas as are needed, and at the same time work out a solution of the problems involved in a proper regard for the interests of the several communities that will be affected by such purchases.

I am against what is known as the hire-and-purchase method—generally known as the "hire-and-fire" method—and sincerely hope that no matter what pressure is brought to bear on the War Department to depart from the contract system they will not yield.

The following letter from the Secretary of War explains itself:

WAR DEPARTMENT,
Washington, March 13, 1931.

Hon. W. FRANK JAMES,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. JAMES: When you became chairman of the House Military Affairs Committee I am informed that you stated that, in your opinion, it would be a better policy for the War Department to do all of its building under the housing program by contract and not by the purchase and hire method; that you had gone into the matter very carefully at West Point and that, in your opinion, the purchase and hire method there had not worked out satisfactorily; and that the War Department had been criticized over matters in connection therewith over which it had no control.

As you are aware, when the matter was brought to my attention in December, 1929, there were several hundred men at West Point who had been working on the construction there for a number of years and who had been laid off and had no means of livelihood in communities adjoining West Point; that most of them had families and owned their own homes and would have no means of support during the winter months unless the quartermaster was directed or permitted to tear down the old cadet barracks immediately and construct the new barracks without waiting until spring, when the demolition and digging of the foundation for the new building would be done by contract. These were the reasons, as far as the construction at West Point was concerned, which actuated the War Department in departing from its announced policy of erecting buildings under the housing

program by contract, the object of the War Department being to take care of the citizens of Highland Falls and vicinity by hiring them on account of the unemployment emergency in that section and the desire of the citizens of Highland Falls to continue the method of purchase and hire, which had been the practice there previously. Consequently the decision was made at that time in order to satisfy them and the Hon. HAMILTON FISH, Jr., Member of Congress from that district, and we are now carrying on the construction at the present time by the purchase and hire method. When this decision was made it was stated that the approved policy of the War Department in public work of this character was to have the work performed by contract, after due public advertisement, and that the practice would have been followed in the construction at West Point but for the emergency conditions existing, which warranted departure from the usual practice, and that the exception from this practice at West Point would not constitute a precedent.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

YORKTOWN SESQUICENTENNIAL

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein the report of the United States Yorktown Sesquicentennial Commission. Copies are exhausted at present, and I want to get some additional copies.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, pursuant to leave given me on March 4, 1931, I extend my remarks in the RECORD to include the report of the United States Yorktown Sesquicentennial Commission filed January 31, 1930. I omit suggested bills.

The report is as follows:

To the Senate and House of Representatives of the United States:

The United States Yorktown Sesquicentennial Commission, created by the Congress to prepare and report a plan or plans and a program for the commemoration of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781, with an estimate of the probable cost, and for other purposes, as specified in House Concurrent Resolution 43, Seventieth Congress, first session, and subsequent amendments, respectfully reports as follows:

That pursuant to the said resolution the following members of said commission were appointed:

On the part of the Senate: Hon. CLAUDE A. SWANSON, of Virginia; Hon. DAVID A. REED, of Pennsylvania; Hon. WALTER E. EDGE, of New Jersey; Hon. HIRAM BINGHAM, of Connecticut; and Hon. ROBERT F. WAGNER, of New York.

On the part of the House: Hon. Louis A. Frothingham, of Massachusetts; Hon. ROBERT L. BACON, of New York; Hon. ROY G. FITZGERALD, of Ohio; Hon. JOSEPH W. BYRNS, of Tennessee; and Hon. CHARLES R. CRISP, of Georgia.

Hon. Louis A. Frothingham, of Massachusetts, having died, Hon. GEORGE R. STORRS was duly appointed in his stead. Hon. Walter E. Edge having been appointed minister to France, Hon. JOHN G. TOWNSEND, Jr., of Delaware, was appointed in his stead.

This commission met, and pursuant to the provisions of House Concurrent Resolution 43, selected a chairman and vice chairman from among their members, as follows:

Hon. CLAUDE A. SWANSON was elected chairman.

Hon. CHARLES R. CRISP was elected vice chairman.

Hon. S. O. BLAND was elected to serve as secretary for said commission.

The commission has considered all plans and suggestions which have been made to it, and recommends that the ceremonies in commemoration of the siege and surrender be held for four days, one of which shall be the 19th day of October, 1931, the anniversary of the surrender. On that day it is desired that the President of the United States shall be present and make an address. The President has signified his intention to attend, and it is believed that he will make an address on that occasion.

The exercises contemplated are similar to those held in commemoration of the one hundredth anniversary of the surrender, at which time there were present the President of the United States and his Cabinet, ex-Presidents of the United States, the Chief Justice and the Associate Justices of the Supreme Court of the United States, ex-Vice Presidents of the United States, Members of the Senate and House of Representatives of the United States, the Diplomatic Corps, distinguished officers of the Army and Navy, governors of different States in the Union with their staffs, representatives of foreign powers, descendants of participants in the siege and surrender, military and naval units from the United States and foreign powers, military units from the thirteen original States, mayors of principal cities in the United States, patriotic organizations, and many other distinguished guests.

The exercises consisted of speeches by the President, other distinguished citizens, and representatives of foreign powers and of military and naval displays, reviews and parades, and exercises by patriotic organizations.

This commission recommends that the exercises be along the same general lines, consisting of educational and commemorative exercises, assemblages of patriotic societies, and military and naval reviews and parades.

In the absence of information as to the appropriations for the proposed celebration it is impossible for the commission to submit detailed plans now or to do more than submit a broad outline of its plans. The details of the plan and program must be prepared later, and must depend upon the extent to which they will be authorized by enabling legislation.

Historical sites should be marked and made accessible to the public by appropriate driveways, and parking spaces, parade grounds, and encampment grounds must be secured. Facilities for the comfort of the public and a temporary auditorium for use in the event of inclement weather must be provided. Temporary roads must be constructed, an adequate water supply obtained, and other facilities provided.

The United States owns considerable property near Yorktown which should be utilized so far as practicable to avoid expense.

Much of the land which would be needed for the purposes of the celebration has been in litigation for several years past. It appears that this difficulty has now been removed, too late, however, for the commission to work out detailed plans.

The commission recommends that the Congress enact enabling legislation authorizing an appropriation of $200,000 for the purposes of said celebration. This commission feels that a celebration of the character recommended, worthy of this Nation and in keeping with the dignity of the event to be celebrated, would require that sum. In fact, this commission believes that it will be necessary for States, municipalities, and communities to supplement this sum.

This commission recommends also that the Postmaster General be authorized and directed to issue special series of postage stamps, in different denominations and of such different designs as he may determine, commemorative of the one hundred and fiftieth anniversary of the siege and surrender at Yorktown, displaying major events connected with the siege and surrender and appropriate portraits of eminent persons connected with the Revolution. A bill for that purpose has been introduced, at the request of the commission, by Hon. ROY G. FITZGERALD, a member of the commission, and a copy is hereto attached.

This commission recommends that in commemoration of the one hundred and fiftieth anniversary of the end of the Revolutionary War by the surrender of Cornwallis at Yorktown, Va., there shall be coined by the Director of the Mint 500,000 silver 50-cent pieces of standard size, weight, and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, to be legal tender in all payments at face value, with suitable provisions relating to said coins as embodied in a bill which has been introduced, at the request of the commission, by Hon. ROY G. FITZGERALD, and a copy of that bill is hereto attached. This character of legislation is not new and has been enacted in the following instances:

To commemorate the seventy-fifth anniversary of the Gadsden purchase; to commemorate the founding of the city of Trenton, N. J.; to commemorate the Lewis and Clark Expedition; to commemorate the founding of the Massachusetts Bay Colony; and in many other instances.

Inasmuch as the 18th day of October, 1931, immediately preceding the anniversary of the surrender, falls on Sunday, this commission suggests the propriety at an appropriate time of calling by presidential proclamation the attention of the people of the United States to the anniversary, with the request that appropriate religious exercises be held in the churches of the United States in commemoration of that event and in thanksgiving for the blessings that have been bestowed upon the people of the United States.

This commission recommends that all of the States be requested by appropriate presidential proclamation to participate in the sesquicentennial celebration and that all universities, colleges, and schools of all grades be requested on the 19th day of October, 1931, to commemorate the said surrender in an appropriate and patriotic manner.

This commission recommends that the President of the United States be requested to extend to such governments and individuals as the President may determine a cordial invitation to unite with the Government and people of the United States in a fit and appropriate observance of the surrender of Lord Cornwallis at Yorktown.

As this commission was created by concurrent resolution, this commission believes that this commission or such other as may be charged with the responsibility of this celebration should be created by joint resolution or usual enactment, and it recommends that the enabling legislation provide for a commission to be charged with all the powers, duties, and responsibilities with which this commission is now vested and which at the time of the approval of said legislation shall not have been completed.

This commission submits herewith suggestions for legislation in the form of tentative resolutions and will supplement them by later reports and tentative bills or resolutions as occasion may demand.

This commission recommends that the commission be authorized and empowered to do all things necessary and proper to carry into effect any and all plans that may be adopted by Congress.

This commission submits as a part of this report a most exhaustive memorandum of authorities dealing with the siege of Yorktown and the surrender of Cornwallis. This memorandum

has been prepared by Hon. ROY G. FITZGERALD, a member of this commission, and the commission believes that it would be highly useful if a painstaking and thorough research could be made to develop for publication and distribution the most accurate and interesting story of the siege and surrender at Yorktown, with the events leading up to the surrender.

This commission calls attention to the fact that a few months following the Yorktown celebration there will commence a celebration commemorating the two hundredth anniversary of the birth of George Washington and that the Yorktown celebration may be recognized as the beginning of the commemoration of Washington's birth. The commission should be authorized to cooperate with the United States commission for the celebration of the two hundredth anniversary of the birth of George Washington for the purpose of appropriate coordination.

This commission recommends to the Congress for its consideration the bill H. R. 8424, introduced by Representative CRAMTON, of Michigan, on January 10, 1930, which provides for the creation of a national monument to include Jamestown Island, parts of the city of Williamsburg, and the Yorktown battlefield. The park to be established would include the Moore House, wherein the terms of surrender were negotiated. This commission indorses the purposes and principles of this bill and recommends that legislation to accomplish these results be enacted at an early date, to the end that the monument may be available in time for the sesquicentennial celebration if possible.

This commission strongly urges that this great event be celebrated in a manner which will be worthy of this Nation and which will promote good will and amity with all the world. The celebration will seek to exalt the principles of political freedom for which the Revolutionary fathers fought and the ideals of liberty upon which our institutions are founded. It will inspire love of country and devotion to its ideals. It will recall to younger generations the struggles of the past. It will perpetuate the principles upon which the Nation was built and upon which its future must rest. Yorktown was the glorious culmination of a long struggle filled with tragic memories and heroic achievements. Yorktown is the place where the immortal truths declared in Philadelphia were made permanently effective. It is the birthplace of the Nation, and the one hundred and fiftieth anniversary of the surrender should be celebrated in a manner befitting the importance of the event and the greatness of this country.

This commission recommends early consideration of the enabling legislation which will be needed to prepare the celebration.

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(Prepared by Representative ROY G. FITZGERALD, of the United States Yorktown Sesquicentennial Commission)

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5. Report of the Surrender, by Lord Cornwallis.
6. The Siege of Yorktown, by Col. Richard Butler.
7. Lafayette's Expedition to Virginia, by Edward M. Allen.
8. Narrative of the Campaign, by Sir Henry Clinton.
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10. The Yorktown Campaign, by Henry J. Johnston.
11. A Journal of the Southern Expedition, 1780–1783, by Sergt. Maj. William Seymour.
12. Journal of the Campaign, by Lieut. William Feltman.
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MAPS AND PLANS OF THE SIEGE

1. The earliest plan or "draft" was doubtless the one Washington states, October 26, 1781, that he transmitted to Congress with the returns of prisoners and the captured standards. It is not known to be in existence.

2. Map of the Investment of York and Gloucester, in Virginia. Surveyed October 22–28, 1781, by Maj. Sebastian Bauman, Second Continental Artillery. Philadelphia, 1782. Dedicated to Washington. (Copies in libraries of the New York and Pennsylvania Historical Societies. Published on reduced scale in Gordon's History and in Magazine of American History, January, 1881.)

3. Plan of the Siege and Adjacent Country. Drawn by J. F. Renault "with a crown and presented to the Marquis de Lafayette." Engraved by B. Tanner, Philadelphia. 1825 (?). (This appears to be a copy of Bauman's with the legend differently executed and ornamented.)

4. A plan of York and Gloucester, showing the British and American works in 1781. By Capt. Edward Page, Royal Artillery. London, 1782. (Elaborate.)

5. Plan of the same from "an actual survey in possession of Jno. Hills, late lieutenant in the Twenty-third Regiment and assistant engineer." (This is known as the Faden map, London, 1785, and was probably compiled from the survey by Page.)

6. Plan of the Siege of Yorktown in Virginia. London, March 1, 1787.

7. A Plan of the Entrance of Chesapeake Bay, with James and York Rivers, wherein are shown the respective positions (in the beginning of October): First, of the British Army commanded by Lord Cornwallis at Gloucester and York, in Virginia; second, of the American and French Forces under General Washington; third, of the French Fleet under Count de Grasse. By "an officer." Published by William Faden, Charing Cross, November 26, 1781, London. (This and the preceding map, No. 6, are on file at the office of the Chief of Engineers, United States Army, Washington, D. C.)

8. Plan d'York en Virginie avec les qttaques et les Campemens de l'Armee combinee de France et d'Amerique. (This plan, by a French engineer, appears in the fourth volume of Soule's Histoire Des Troubles de l'Amerique Anglaise, Paris, 1787; also in Magazine of American History, June, 1880. In Soule's work, also, is a clear and accurate map showing the march of the French from Newport, R. I., to Yorktown and return. The camp before Yorktown is marked as their "40th.")

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Losses at Yorktown

Killed or missing:	
British	541
French	76
Americans	180

Forces at Yorktown, October, 1781

Allied Army:	
American (3,500 militia)	9,000
French	7,000
Total	16,000

Of whom 1,400 were unfit for duty.

British surrendered 7,157, of which 3,800 were fit for duty, October 19, 1781.

REPORT OF SECRETARY OF THE INTERIOR ON H. R. 17338

Mr. COLTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a report made by the Secretary of the Interior on the bill H. R. 17338, and a brief contract between a former employee of the Interior Department and a publishing company which brought about the situation necessitating some legislation preventing a recurrence of such procedure.

The SPEAKER. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

WASHINGTON, *March 3, 1931.*

Hon. GEORGE S. GRAHAM,
Chairman Judiciary Committee, House of Representatives.

MY DEAR MR. CHAIRMAN: I am pleased to have an opportunity to express this department's views on H. R. 17338, an act to amend the Criminal Code of the United States. This bill would provide a penalty for the sale or publication of Government documents or information contained therein, without the permission of Congress or the head of the department or other establishment having jurisdiction thereof.

This bill was introduced by Chairman COLTON, of the House Committee on the Public Lands, at my request following this department's recent experience with one of the chiefs of field division in the General Land Office.

This man tendered his resignation on September 28, making sensational charges of maladministration by the department of oil-shale lands in Colorado. I immediately requested the Department of Justice to make a thorough investigation. The employee refused to cooperate with the Department of Justice, and subsequently his story was published serially by a New York newspaper. Later the newspaper admitted having paid the man $12,000. It has just developed, however, through documents furnished by this paper to the Senate Committee on Public Lands, on the demand of that committee, that negotiations had been in progress between our employee and the newspaper for two months before he offered his resignation and that he had been under contract for 17 days prior to his resignation. This contract promised payment to him of $12,000, but provided that if he should be discharged prior to tendering his resignation his compensation should be cut to $6,000. It also required that at least 10,000 words be submitted to the newspaper "by September 16, 1930, and prior to the resignation of the party of the first part." Accordingly, this employee remained in Government employment, prepared the material from our records while in Government service, and wrote considerable of it during times covered by an application for sick leave, which was accompanied by a doctor's certificate that he was "actually physically disabled for the performance of his official duties." The whole affair is rendered doubly odorous by the fact that on July 25 this man had been directed by the Commissioner of the Land Office, under my instructions, to take charge of all oil-shale matters in the United States, and instead of rendering to me the report which was expected he handed over the data to the newspaper.

This incident, in spite of the notoriety which it has attracted, is unimportant compared with the possibilities open for a repetition of it. The information possessed by clerks of this department about cases in litigation, the business affairs of companies doing business with the United States, contracts under preparation, specifications for bidding, designs, etc., is beyond measurement. I am advised that at present there is no statute which directly penalizes the sale of such data. This department each year transacts millions of dollars of business in contracts and leases of various sorts. While I have great confidence in the character of our personnel, a repetition of such an incident as this is always possible, and I think we are justified in asking for the protection of such a statute as H. R. 17338. If there are legitimate complaints, and the head of the department fails to act, the information can always be given the Department of Justice, the President, or an appropriate committee of Congress; sale of it is not necessary to protect the public interest.

I accordingly recommend that the bill be enacted.

The department's correspondence with this employee, with the Senate and House Public Lands Committees, with the newspaper which published his material, and other data, will be furnished on request.

Very truly yours,

RAY LYMAN WILBUR,
Secretary of the Interior.

WASHINGTON, *July 25, 1930.*

Mr. RALPH S. KELLEY,
General Land Office, Washington, D. C.

SIR: Under the Secretary's letter to you of July 7, 1930, you were assigned to this office for work on oil-shale claims. It is desired both by this office and the department to expedite final action on cases involving oil shale. You are, therefore, directed to take charge of such work in this office under the supervision of myself and my staff and take such steps as will bring about the desired results.

Very respectfully,

C. C. MOORE, *Commissioner.*

Whereas Ralph S. Kelley, now Chief of Field Division, Department of the Interior, hereinafter referred to as the party of the first part, feeling it to be his duty to advise the public of conduct of the department prejudicial to the public interest, is convinced that he can do nothing effective to this end under existing conditions so long as he continues in office, and proposes to resign from the service September 21, 1930.

Whereas the Press Publishing Co., a New York corporation publishing the World and Evening World newspapers in New York City, party of the second part, proposes to cooperate with the party of the first part so that the public may be fully informed of a situation affecting its interests:

Now, therefore, in consideration of the undertakings and agreements hereinafter set forth the parties hereto do agree each with the other as follows:

I. This agreement shall be effective on the date of the resignation of the party of the first part from the Department of the Interior, now contemplated as of September 21, 1930, but only if the matter submitted by the first party on or before September 16, as provided hereafter, is accepted by the second party. If that is not accepted, this contract shall be null and void whether the first party resigns or does not resign his position.

II. The party of the first part agrees to furnish to the party of the second part a complete statement of his contentions and investigations relative to the oil-shale lands of Colorado as verbally outlined to it, and to supply to it on request any letters, documents, plats, or copies thereof, which he may legally supply, and not subversive of the public interest, for the information of the party of the second part and through it the information of the public by publication in the said newspapers of the party of the second part, or any papers or periodicals to which the party of the second part may sell or syndicate the same.

The party of the first part agrees to hold himself and his proofs referred to at the service of the party of the second part, or any court or congressional investigation in any proceedings growing out of such publication.

III. Subject to the terms and conditions hereinafter set forth, the party of the second part agrees to purchase and pay for the above as follows:



"It will guarantee to the party of the first part the sum of $12,000, one-half to be paid on the publication of the first 10,000 words of the series and the balance on the publication of the last article or not later than 15 days after the first payment. It is understood and agreed, however, that at least 10,000 words of the series shall be submitted to the party of the second part by September 16, 1930, and prior to the resignation of the party of the first part; also a brief summary of the balance of the series, and if found satisfactory to the party of the second part accepted by it within four days thereafter. And upon such acceptance and the receipt of the balance of the series which shall consist of at least an additional 12,000 words devoted to the same subject and which the first party agrees shall be of the same general character and merit, in so far as he can make them so, and shall be submitted to the party of the second part as follows: At least 10,000 words on or before September 23, 1930, and the balance on or before September 30, 1930, the party of the second part shall, subject to the provisions of Article V of this agreement, become obligated to the party of the first part for the full amount provided herein, even though such additional 12,000 words shall be in whole or in part rejected. Said articles and all rights thereto shall be the property of the second part and the party of the first part hereby covenants and agrees that he will not furnish or sell any articles or material of a similar nature or referring to the same general subject matter to any other corporation, firm, association or individual prior to the 15th day of March, 1931.

It is understood that the essence of this contract is the granting to the party of the second part under the terms aforesaid of the first and exclusive use for newspaper and/or periodical publication of the aforesaid articles and that if this condition be violated by the party of the first part all obligations of the party of the second part hereunder shall forthwith terminate and be at an end.

IV. In addition to the compensation hereinbefore referred to, the party of the second part will pay to the party of the first part 50 per cent of the net of the syndication revenue in excess of the above sum of $12,000. The net proceeds of the sale of said articles shall be established by deducting from the receipts of syndication of said articles the sum of $12,000 and the cost of syndication; provided, however, that said cost shall not exceed 10 per cent of the receipts therefrom.

V. If the party of the first part is discharged from the service before his resignation is tendered or his resignation requested before he voluntarily submits it, the value of the series shall be revised pro rata by mutual agreement to a figure not to exceed $6,000. If, however, it is established that his discharge prior to resignation is the result of any employee of the party of the second part, directly or indirectly, communicating to the department the plans of the party of the first part, then and in that event this revision shall not be made.

VI. It is further understood and agreed by the parties hereto that all matter contained in said articles may be submitted to counsel of the party of the second part for advice, and the party of the first part agrees to be guided thereby. The party of the second part shall have full and uncontrolled right to edit, eliminate, or change said articles as it shall deem best, subject, however, to the right of the party of the first part to pass on the factual presentations under his name that are published by the party of the second part.

In witness whereof the party of the first part has hereunto set his hand and seal and the party of the second part has caused these presents to be executed by its duly authorized officers this 11th day of September, 1930.

RALPH S. KELLEY. [L. S.]
PRESS PUBLISHING CO.,
By F. D. WHITE, *Vice President.*

Attest:

PRESS PUBLISHING CO.,
A. S. VAN BENTHUYSEN,
Treasurer.

DEPORTATION OF ALIEN SEAMEN

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in connection therewith a telegram from the Lake Carriers' Association and two short editorials on the bill S. 202.

The SPEAKER. Without objection, it is so ordered.

Mr. SCHNEIDER. Mr. Speaker, bills dealing with this subject have been before both Houses of Congress since 1924. Several hearings have been conducted by the committees of both Houses. A bill introduced by myself in this Congress was H. R. 7763; however, the Senate passed the King bill, S. 202, which was referred to the Committee on Immigration and Naturalization of the House late in the session. This is the third time this legislation has passed the Senate. A hearing was conducted and it was reported to the House with minor amendments. It is regarded by those familiar with immigration legislation as one of the most important phases of our immigration policy. If it fails of enactment, it will be because of the opposition to it by the international shipping interests, and particularly by those flying the American flag.

When our country came to the conclusion that it was necessary to prohibit some kinds of immigration altogether, to regulate some by selection, and finally to determine the number that should come to this country as immigrants it intended a complete reversal of its previous policy. Prior to the enactment of the first Chinese exclusion law, 1891, the policy of our country was that anybody might come and be welcome. The second part of our policy was that certain people were to be excluded because of race. The third, that those might come who were not specifically excluded regardless of number, and the present policy is that none may come except those who are specifically permitted.

With reference to seamen the original policy has not been changed. The necessity for changing the policy will be readily seen when it is known that more than a million seamen come into our ports yearly and that more than 600,000 of them might well consider it an advantage to leave their vessels and seek their fortunes by mingling with the populace of the United States seeking employment wherever they might fit in.

Those who wanted to come to the United States but were prohibited sought to evade the law. Chinese who wanted to come were willing to pay to be landed in such a way as to at once mingle with their kind and become lost to view among their kind. The premium for accomplishing this gradually rose to $1,100 a person.

Another method employed to get into the United States was that of substitution. Young Chinese shipped in China as seamen on foreign or American vessels and deserted in the United States when they could or were substituted by old men ready to go back to China, who took their places on board ship, the young men landing and mixing with the populace. The result of these two methods has been that while there has been some reduction in the number of Chinese in the United States during the 40 years of exclusion there has been no perceptible difference in the collective age of those here.

When the quota law was adopted and strict examination of arrivals was established the shipowners of Europe and America began to carry 50 per cent additions to their crews; 100 per cent and even 200 per cent additions were not uncommon. Coming here with a crew of 300 men, boats left with 75 or 80 seamen, thus leaving behind more than 200 who were subject to no examination or no inquiry into their condition, either mental or physical. The premium paid by white persons for having the opportunity of getting ashore has reached, according to positive proof, up to $400 per person.

The men who came were the kind who could not get visas. In an effort to remedy this evil to some extent, an Executive order was issued instructing the consuls to examine into all the crews of all nations' vessels bound to American ports and to put their visas on the crew lists. The consuls state, however, emphatically that they have no machinery or means nor even the authority to segregate the individuals who might be permitted to come to the United States from those who might not. The master of the vessel might take men to whom the counsul would not give a visa, and it would depend upon the State Department whether those men would be permitted to come ashore or whether they were to be held aboard the ship in involuntary servitude. The result of this has been that more than 500,000—it would take a careful inquiry to find out how many more—have come. Those coming from Europe are scattered throughout the entire territory east of the Mississippi. Those coming to the Pacific are scattered all over the country but largely west of the Mississippi.

When they are found and arrested they have to be deported and repatriated to their own country or to the country whence they came at the expense of the United States.

The bill, in substance, provides a method for examining the seamen on all ships coming from foreign ports immediately upon their arrival in the United States at quarantine and before the vessel is officially entered at the customs. The purpose of the bill is to comb out the undesirables; those who are racially excluded and those who are undesirable,

particularly those who are not bona fide seamen; have them placed in detention at the expense of the vessel that brought them, and repatriated at the expense of that same vessel but on some other vessel than that on which they were brought.

For the purpose of accomplishing this the bill first provides for combing out those who are racially excluded; second, those who are not bona fide seamen—that is to say, men, who, while they claim to be seamen, are in fact immigrants masquerading as seamen. All must be examined under provisions of existing law to ascertain whether they are afflicted with any loathsome or contagious diseases.

Those diseased are placed in the hospital at the expense of the ship that brought them under existing law. Under this bill those who are not bona fide seamen will be placed in detention at the expense of the vessel that brought them and both are finally repatriated at the expense of the vessel that brought them. The machinery for examination and segregation is practically complete now because all seamen coming must be examined to ascertain whether they are diseased or not.

Inasmuch, however, as there are sovereign nations whose inhabitants are racially excluded from the United States and whose vessels necessarily are manned by their own people, it became imperative to permit such nations' vessels to come carrying persons, subjects of the nation as such, but exempting therefrom natives or inhabitants of such colonies, possessions, or mandates as might be under its control.

It is claimed by opponents of this bill that this gives a great advantage to a sovereign nation such as Japan. That would depend entirely upon what such a nation would do toward its seamen. If, like Japan, it would treat them in such a way that they would not want to leave their vessels in the United States, no harm could come to the United States and hence no expense to the nation in question. If, however, a large number of them would undertake to desert the expense would be so great upon the nation in question that it would either have to change the system under which it operated or quit coming altogether, but it would then be according to its own volition. In so far as those vessels would cease coming it would seem to be a real advantage to the United States, giving an opportunity to our own vessels to carry on the trade. The foreign nations protest against the bill, not because it is in violation of treaty nor because it is in violation of comity. No nation would urge comity as a reason to permit violation of another nation's laws.

They claim that the law as enacted would be harsh, expensive, and inconvenient, dislocating existing conditions, and generally acting as a disturbing factor in the shipping business. That would unquestionably be true so far as those who offend against the law are concerned. The law would be harsh because it would be difficult to evade it. It would be costly to the evader because they would have to pay all the costs of repatriation. It would be inconvenient for those who are using it to violate our immigration laws and earn money in some way thereby. It would dislocate some customs that make the violation of our law possible and even legitimate under present laws.

The benefits that the United States would get from the enactment of it would be that the offender against the law would pay the cost of maintenance and repatriation, that cost now falling entirely upon the United States. Meantime commerce would be benefited by gradually improving the skill and efficiency of the seamen who man the vessels. There can be no moral or business reason why the law should not be enacted. The purpose of it is to redress a grievance that the United States has against all foreign vessels who bring in this kind of people, and no one will dispute at this date that the United States has a right to determine who shall come to the United States as an immigrant or in any capacity whatsoever and that it is for the United States to determine it according to its own domestic policy.

On the part of foreign nations there can be no other complaint against it except that it extends our immigration laws to cover the seamen on board of their vessels that come here in order that the immigration laws shall be obeyed and not, as now, violated to a most serious extent. In addition to that the present condition of the law is such that it invites the constant growth of this evil.

A telegram received from the Lake Carriers Association in opposition to this bill reads as follows:

CLEVELAND, OHIO, *March 1, 1931.*

GEO. J. SCHNEIDER,
House of Representatives, Washington, D. C.:

Senate 202, deportation alien seamen, reported favorably to House, should exempt Great Lakes. These vessels hire all crews United Stats ports, hence do not import aliens; but occasionally aliens imported by ocean vessels innocently shipped on Lake boats at United States ports, and if such Lake vessels touch Canadian ports en route become liable for expense of railroad transportation for aliens and escorts as well as steamship fares, although not responsible for original entry of aliens into this country. Lake vessels should not be subjected to these extraordinary penalties for transgressions of ocean ships and failures of immigration officers at seaports. Hope you will undertake amendment exempting Lakes.

GEORGE A. MARR,
President Lake Carriers Association.

This telegram asks that the Lakes be exempt from the operation of this act. Then it confesses that Lake carriers sign men on in ports of the United States without any serious investigation as to who they are. Of course, if such a vessel visits a Canadian port and returns to an American port under this statute, the crew will be examined exactly as if coming from any other foreign country, and aliens would be treated in exactly the same manner. The cost of sending them out of the country would fall on the vessel that employed them, whether they were hired in Canada or in the United States, and taken out as inadmissibles. This telegram is a confession that the law is as much needed on the Lakes as elsewhere.

The following is an editorial which appeared in the Washington Post on February 21, 1931:

EXCLUSION OF SMUGGLED ALIENS

The Senate has refused to reconsider its action on the King bill for the deportation of aliens who are smuggled in as seamen. The measure was passed by unanimous consent last April, but it has been held up ever since on a motion to reconsider. Thousands of aliens come into American ports as seamen and remain unlawfully here as immigrants. The King bill now awaits action by the House.

This bill is expected to put an end to the smuggling of aliens as seamen. It provides that aliens employed on vessels entering American ports from foreign countries shall be examined by inspectors to determine whether they are bona fide seamen and whether they would be subject to exclusion if applying for admittance as immigrants. Aliens who are not seamen would be removed to immigration stations and if not entitled to enter the United States as immigrants would be deported at the expense of the vessel bringing them to this country.

A measure of this kind is necessary to protect American labor against smuggled immigrants. The business of transporting aliens here under the guise of seamen would no longer be profitable under this law.

The House is contemplating the passage of a bill to check immigration for two years. If such a measure were adopted without mending this glaring defect in the present law, the business of smuggling aliens as seamen could be expected to increase. The two measures ought to be considered together and both should be adopted.

And a portion of another editorial in the same paper, published on March 3, 1931, reads as follows:

The favorable action of the House on the Jenkins resolution gives hope that the House will also pass the King bill for the deportation of immigrants who come into the country disguised as seamen. The Immigration Committee reported the bill out favorably. It has already been passed by the Senate. Little objection to it can be expected in the House, since it is designed only to prevent evasion of the immigration law. These are probably the most important measures that have come before Congress on the subject of unemployment. Final enactment of both is urgent.

WILLIAM J. BODIFORD

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11529) for the relief of William J. Bodiford, with a Senate amendment, and concur in the Senate amendment.

The Clerk reported the bill by title and read the Senate amendment, as follows:

Page 1, line 9, after "1899," insert: ", and he shall be entitled to the benefits of any laws relating to pensions."

Mr. BYRNS. Mr. Speaker, what is this bill?

Mr. JAMES of Michigan. This is a private bill of the gentleman from South Carolina [Mr. GASQUE] correcting the war record of a soldier in the war of 1899, which passed the House by unanimous consent on the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

POLAR YEAR PROGRAM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 6173) authorizing an appropriation to defray the expense of participation by the United States Government in the Polar Year Program from August 1, 1932, to August 31, 1933, now on the Speaker's table.

The Clerk read the title of the bill.

Mr. BYRNS. Mr. Speaker, reserving the right to object, my recollection is the gentleman called this bill up yesterday evening and it was objected to. I do not think it is right to ask unanimous consent this morning, with only 30 or 40 Members on the floor, and I am going to object until there is a better attendance.

Mr. TEMPLE. Will the gentleman withhold his objection?

Mr. BYRNS. Yes; certainly.

Mr. TEMPLE. The bill was objected to by the gentleman from Texas [Mr. BLANTON], who afterwards came to me and told me he would withdraw his objection and asked me if I would again present the request.

Mr. BYRNS. I may say to the gentleman that I do not question his statement for a moment, but there were several in the well of the House who expressed some opinion about the matter.

Mr. TEMPLE. There was only one objection.

Mr. BYRNS. Only one objection was necessary, and until there is a better attendance upon the floor I am going to object to the unanimous-consent request with respect to this bill. If necessary, we can have the roll call and get a quorum here, but I am going to object to this bill and any other bill which was called up last night and objected to by Members on either side of the House. I do not think it is exactly fair to those who are absent. We were here until nearly 3 o'clock this morning and it is now 9.30, and, of course, Members are a little late arriving on the floor; and I think, as a matter of fairness, we should not take any such action.

Mr. TEMPLE. I may say to the gentleman that I have no objection whatever to the gentleman asking me to withhold the request, but I do hope I may have a chance later to bring the matter up, but I fear that hope is utterly without possibility of fulfillment. The gentleman from Texas first sent me word that he had withdrawn his objection, and I told his messenger I would rather have a direct statement from the gentleman from Texas himself. He then came across the hall and told me he would withdraw his objection. So I am not at all taking advantage of him in presenting this request in his absence.

Mr. BYRNS. I hope the gentleman will not misunderstand me. I do not question the gentleman's statement for a moment, but I think other gentlemen are entitled to consideration as well as the gentleman from Texas.

Mr. TEMPLE. Mr. Speaker, in view of the remarks of the gentleman from Tennessee [Mr. BYRNS] I withdraw the request.

THE STATES AND THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks on the George Washington Bicentennial Celebration and include therein a patriotic address by Mrs. Ruth Karr McKee.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I am in sincere hopes that the George Washington Bicentennial, which is to take place in the National Capital next year, 1932, will be a success far beyond the dreams of those who are doing the executive work now necessary. I desire to congratulate the officials of the United States commission on the work already done toward making this great celebration a success. I desire to insert herewith the names of the Federal officers and others who comprise the commission.

UNITED STATES COMMISSION FOR THE CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON

COMMISSIONERS

President of the United States, chairman.
Vice President of the United States.
Speaker of the House of Representatives.
United States Senate: SIMEON D. FESS, of Ohio (vice chairman); ARTHUR CAPPER, of Kansas; CARTER GLASS, of Virginia; and MILLARD E. TYDINGS, of Maryland.
House of Representatives: WILLIS C. HAWLEY, of Oregon; JOHN Q. TILSON, of Connecticut; JOSEPH W. BYRNS, of Tennessee; and R. WALTON MOORE, of Virginia.

PRESIDENTIAL COMMISSIONERS

Mrs. Anthony Wayne Cook, of Pennsylvania; Mrs. John Dickinson Sherman, of Colorado; Henry Ford, of Michigan; George Eastman, of New York; C. Bascom Slemp, of Virginia; Wallace McCamant, of Oregon; Albert Bushnell Hart, of Massachusetts; and Bernard M. Baruch, of New York.

EXECUTIVE COMMITTEE

The Senate and House commissioners, C. Bascom Slemp, Mrs. Anthony Wayne Cook, and Bernard M. Baruch.

HISTORIAN

Prof. Albert Bushnell Hart.

ASSOCIATE DIRECTOR

Representative SOL BLOOM.

Last fall I had the privilege of hearing an address entitled "Grammar of Patriotism," delivered by Mrs. Ruth Karr McKee, of Longview, Wash., past president of the Washington State Federation of Women's Clubs and a prominent member of the Daughters of the American Revolution. Mrs. McKee delivered this highly patriotic and most interesting address at a State convention of presidential postmasters. She began by explaining that while postmasters, clerks, and carriers worked for the United States, they also work for all of the people throughout the country. As she put it, "You postmasters work for Uncle Sam, but Uncle Sam works for me; at the same time, we both are Uncle Sam." The speaker then proceeded in a happy vein to show the relation of the citizen to the State and the State to the Nation. I am of the opinion that the address contains material of value to all of those who are called upon to make patriotic addresses. The historical quotations will be found here in one compact, inspiring address. It follows:

GRAMMAR OF PATRIOTISM

We are coming close to the two hundredth anniversary of the birth of George Washington. We are celebrating this year the century of the covered wagon. It is more than 140 years since the adoption of our Constitution. Do you realize that although we belong to the New World, that although European States were old while the American Continent yet lay hidden beyond the tumbling waters of the Atlantic, yet we have the oldest stable Constitution in the world to-day? Every other considerable nation has altered its form of government either by force or by law in that time. This fact alone is notable and should incline us to a careful study from time to time to know just what features of our system have contributed to this happy outcome. Dr. Henry Suzzallo, now president of the Carnegie Foundation, declares that our Constitution should be renewed in the consciousness of the people in every generation, that we may not let slip those principles which have made it unique in history.

When we reflect upon the character of the century in which our plan of government met its test, its stability becomes more outstanding, indeed almost a miracle. Our first century as a nation was coincident with the most explosive century of recorded history. In the three cardinal factors which condition living on our planet—subsistence, or the way man gets his living; transportation, or the way in which he contacts his fellow man; and science, or his awareness of the universe—in these three factors there has been more change in the 1 century than in 20 centuries before. Pliny, who lived about the beginning of our era, wrote as follows of the sail: "There is a grass exists which brings me in seven days from the pillars of Hercules to the mouth of the Tiber. 'Audax vita; scelerum plena' (O bold and daring invention)." Yet the "bold and daring invention" of Pliny's day was still in command of the sea when our ship of state was launched upon its maiden voyage.

Steam, that power that was to transform civilization, was little thought of, though the revolution it brought lay just over the brow of the century. Franklin, scientist as he was, did not dream of what was coming. As he watched Fitch's clumsy boat flounder up the river, he was amused, rather than thrilled. He wrote to a

friend, "There is no philosophical news here, save that a boat rows itself against the tide in our river, at the rate of 4 miles an hour, and it is thought the invention might be made generally useful." What steam has done to industry and to transportation has given us an age so fast that, as Alice in Wonderland said, "You have to run as fast as you can to stand still even." Time and space have become relative; we are no longer in a 3-dimensional world. We are trying to catch up with the phraseology of the fourth dimension and think intelligently about the new concept "space time."

Our novel plan of government was framed in ignorance of all this. The very men who were shaping the craft and setting the course were caught in the cross currents that were sweeping humanity on to wider seas. When the stream flows evenly navigation is not a serious problem. It is the craft that rides through the rapids that stands the test.

Has America met the test? Is she standing it in the presence of the world disintegration that has swept the world in this past decade?

Before I present my idea of the grammar of patriotism I wish us to turn back in our thought briefly to realize again the internal situation under which our Nation took its shape. There were no Americans in those days; there were English, Scotch, German, Dutch, Irish, French, etc., none of them long from old-country backgrounds. They were all caught by the natural stimulus of new surroundings. As William Penn wrote home, "Having gotten out of the crowd by which they were pressed on every hand in Europe our people here, on every little eminence, think nothing taller than themselves except the trees." Thirteen warring Commonwealths, with less population as a whole than now inhabits one of our major cities.

May I give you a picture of what seemed to a thoughful man, looking across the waters, might be the result of the experiment. The Dean of Gloucester said: "As to the future grandeur of America, and its being a rising empire under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived, even by writers of romace. The mutual antipathies and clashing interest of the Americans, their differences in governments, habitudes, and manners, indicate that they will have no center of union and common interest. They never can be united into one compact empire under any species of government whatever; a disunited people to the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little communities."

That the framers of our Constitution met the needs of the situation our strong and prosperous Nation to-day attests. To be sure, "the stars in their course fought" for us. The telescoping of distance which to-day brings the voice of the President to the hearth side of most American homes, with all that has gone before to make this possible, has had its share in the result. But without the plan that lent itself so admirably to this expanding century, the dean's gloomy prophecy might well have been fulfilled.

The very exigencies of the case drove our statesmen from the loose confederation of pure democracy, as attempted at first, into the more stable form of a republic under our Federal Constitution. "The clashing interests" were harmonized; "the center of union" was found; the "common interest" controlled through happy accidents and combinations of circumstances that seem now little less than providential. We should not idolize our Constitution, neither should we idealize it; rather, our attitude should be that of seeking to understand its essential factors and protect them from change.

I would not give you as a motto (or "slogan," as Andy might say), "My country, right or wrong" but, rather, "My country, may she always be right; my life to set her right when wrong." It is in that spirit I wish to present my interpretation of the grammar of patriotism.

Lord Bryce, one of the most understanding friends America has ever had, in the beginning of his exhaustive study of our institutions tells this incident. At one of the early conventions of the Protestant Episcopal Church in America it was desired to revise some of the short prayers of the church and make them more suitable for this country. The prayer for the king was to be omitted. It was proposed by one of the bishops to substitute the following: "O Lord, bless our Nation." Without much thought it was adopted. The next day, however, a great argument arose among the laymen. It was too centralized to suit them. It was reconsidered, and after much heated debate the following form was accepted: "O Lord, bless the people of these United States." This seems drawing a rather fine distinction, and yet in this very matter lies the essence of that principle which has made our Government unique. Lincoln spoke of America as "the last, best hope of the world." It is essential that we should recognize in what our plan differs from any ever before tried among peoples, for it offers the first successful solution of the age-old clash between liberty and stability.

The democracy of Greek Republics, the Amphictyonic Council, the Roman system, the Hanseatic Leagues of the Middle Ages, the Swiss Federation, in all these this ideal was struggling to be born, but it is not correct to say that any one of these was the prototype of the American plan.

Is the United States an aggregate of people?
Is it a pure democracy?
Is it a loose confederation of sovereign States?
Is the name of our country plural, collective or singular?
Shall we say, the United States are a great Nation?

That is not good grammar, nor is it good patriotism. Shall we not say, the United States is a great Nation?

We still have a grammatical conflict in "States is," but it is in that very union of singular and plural that the key to success is found, notwithstanding the strain and stress of the period through which our Government had to test the worth of its plan.

When the calling of the convention was under consideration, General Knox wrote thus to George Washington:

"We imagined the mildness of our Government and the virtues of our people were so correspondent that we were not as other nations, requiring brutal force to support the law. But we find that we are men, actual men, possessing all the turbulent passions belonging to that animal, and we must have a Government adequate for him."

Our Constitution is not a work of perfection. It is written, but not rigid; it is pragmatic, not perfect; it is living, not dead. The foresight of its framers, all unaware of the strain that was to come, were able to make just those adjustments within the frame that have enabled it to grow as the Nation has grown. We call this compromise; it is something much higher than that; it is a principle of life itself. Herbert Spencer gives as the very core of the evolutionary process "the adaptation of inner relations to outer conditions."

Certain cardinal mechanisms in the framework of the Constitution provide this living principle which gives play to all the expansive forces involved in the total situation. While we safeguard this evolution, we need not fear revolution. I use the word "cardinal" advisedly. In origin it means "hinge." Those factors which have operated as hinges are the power of amendment, the separation of powers, judicial review, such interpretative clauses as "commerce between the States," the doctrine of implied powers, etc. I can not enter into a discussion of these to-night. I desire to dwell particularly upon the mechanism which, to me, seems chiefly instrumental in the success of our system and which certainly is novel as an instrument of government; that is, the joint sovereignty of citizens and their representation in a bicameral congress that has a duality of responsibility in representation. What results is joint sovereignty, a codominium of State sovereignty, linked with popular sovereignty, operating through a triangle of forces.

You are a citizen of the State of Washington—yes; but—
You are a citizen of the United States of America.

The State of Washington is also a citizen of the United States. Here was solved, for the first time, the age-old conflict of sovereignties. The conflict between nations, unequal in territory or populations, which yet claim equality of sovereignty. This principle is becoming the solvent for conflicts in the Old World. It is the basis of the League of Nations. It is the principle which may make possible a United States of Europe, and the final solution of international frictions.

This I wish to call the "federal idea." Federal comes from the Latin word "foedus"; "treaty," which in turn was derived from the word "faith," for the whole value of a treaty was that the faith be kept. The "federal idea," as I present it, is this: Our Government primarily rests upon the pooled sovereignty of all the people in the House of Representatives, plus the pooled sovereignty of all the States in the Senate.

To be sure this plan might never have had a chance to prove itself had it not been for another mechanism almost as involuntary as this judicial review.

It is said that an Englishman visiting this country and interested in the working of our Government was especially impressed by this power of judicial review. He searched the Constitution diligently and was much mystified when he could find no specific sanction for it. It lies in the very logic of the situation. If States and people are joined in a cosovereignty; if the legislative, the judicial, and the executive is each to function in a limited field, it becomes necessary that an umpire be found somewhere. The Supreme Court becomes this.

The three chief battles of American history were not fought on battlefields; they are the battle to formulate the Constitution, the battle to adopt it, and the battle to accept the implications of its provisions, this latter not wholly over yet.

We need to be reminded again in these later days of how difficult a matter it was to secure the adoption of the Constitution. Patrick Henry, whose name has always been synonymous with ardent patriotism, was one of the leaders in the fight against it. He made a 23-day speaking tour, speaking from three to eight times a day, one such speech lasting seven hours. In the presence of Washington, in the Virginia Assembly, he demanded:

"Why does this document read, 'We the people,' and not 'We the States'?"

It is indeed this grammatical interpretation that has at all times marked the lines of the major parties. Republicans, whether called Federals or what, have insisted on the Union which is represented in the Federal idea; their opponents have often urged the greater precedence of the "State sovereignty" with its centrifugal tendencies.

The people within certain geographical units can adjust their local differences, for their economic interests are common. The Federal idea, that brought stability in the midst of turbulence, is the power in the court to hold the balance between the parts and to guard a certain common interest that belongs to the whole. Our Government then is not a democracy but a republic. This name is most apposite. "Res publica" means that "common thing" which is the possession of all; that sovereignty, which must be defended from unwarranted pressure, from either the few

or the many. The framers of our Government were fully cognizant of the tyranny of the minority; that tyranny might arise, equally, on the part of the many was not so generally recognized. Madison seems to have understood this. He said:

"Wherever the real power of government lies there is the real danger of oppression. In our Government the real power lies in the majority of the community, and the invasion of private rights is chiefly to be apprehended, not from acts of government contrary to the Constitution but from acts in which the Government is the mere instrument of the major number of its constituents. * * * Wherever there is an interest and power to do wrong, wrong will generally be done; and not less by a powerful and interested party than by a powerful and interested prince."

Lord Bryce remarks that the makers of the Constitution seemed to have been firm believers in the doctrine of the "innate depravity of man." Perhaps this is one of the passages which induced this comment.

The history of the early decades of the court is worth renewed study. Most of our citizens do not at all realize how bitter the resistance was on the part, now of people, now of States. One contemporary comment must suffice. About 1830 this description of the court's work was given:

"It is the triumph of moral forces; it is not the influence of the sword. I repeat, it is a great moral spectacle to see the decrees of the judges of the Supreme Court on the most vital questions of boundaries between sovereign States, proud of their character and position and tenacious of their rights, but yet who submit. * * * They—decrees of court—have stopped armed men in this country. Iowa and Missouri had almost got to arms over their boundaries, but they were stopped by the intervention of the court. In Europe armies run lines, and they run them with bayonets and cannon. They are marked with ruin and devastation. Here they are run by an order of the court by an unarmed surveyor, with chain and compass. The monuments he puts down are not those of destruction but peaceable ones."

Justice Stone, in 1928, said of the interpretation of the "commerce" clause, which I have called one of the important "hinges" of the working of our system: "The commerce clause * * * and the wise interpretation of it by the court perhaps more than any other contributing element have united to bind the several States into a Union. Here the problem has been to maintain the national interest and at the same time bring it into harmony with local interests and the principles of local government." It is then this nice balance between two differentiated sovereignties, States on the one hand, people as a whole on the other, that is the distinguishing mark of our plan; that is the "common thing," the res publica, typified by the mace in the House of Representatives, and placed forever beneath the ægis of law and under the guardianship of the court. It is for this reason that patriotism warrants our grammar to accept the form, "the United States is." Eternal vigilance of our citizenry must see to it that this does not grow into usurpation on the part of the Federal ideal nor descend into dominance on the part of militant States.

Our motto is well chosen: "E Pluribus Unum," "Many in One." The legislative branch formulates law; the Executive administers law; the court adjudicates and interprets. This is the triangle of forces that lies at the base of our Government. In all the past it has given us that freedom "which broadens slowly down, from precedent to precedent."

STEPHEN T. MATHER

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 6279, to authorize a suitable memorial in connection with the parking system in the National Capital.

The Clerk read the bill, as follows:

S. 6279

A bill to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather

Be it enacted, etc., That the National Capital Park and Planning Commission be, and is hereby, authorized and directed to provide, in connection with the park and playground system of the National Capital or the George Washington Parkway, a suitable memorial in memory of the late Stephen T. Mather, the first director of the National Park Service and formerly ex officio member of said National Capital Park and Planning Commission, as in the judgment of said commission shall be appropriate, in recognition of his distinguished service to the Nation.

Mr. BYRNS. Reserving the right to object, I would like to know how much this is going to cost and what is the nature of the monument?

Mr. CRAMTON. It is not contemplated that there shall be any expenditure for several years to come, and at that time no great expenditure. The thought is that in the lands being acquired for the parking system some area be set aside to the memory of Mr. Mather, who did so much for the national system and also for the National Capital.

I thought there would be no controversy. I assure the gentleman that there will be no request for an appropriation for some time.

Mr. BYRNS. Does this authorize an expenditure of money?

Mr. CRAMTON. It authorizes them to provide in connection with the park system a suitable memorial. They are to buy the lands, anyway. It authorizes them to set aside a suitable section for his memory.

Mr. BYRNS. I agree in all that the gentleman has said with reference to the distinguished services of Mr. Mather. I had the pleasure of knowing him, and I enjoyed his friendship. The question occurred to me whether we were giving blanket authority to the Parking and Planning Commission in years to come to proceed and buy a lot of land without reference to cost.

Mr. CRAMTON. It does not extend the lands to be purchased by the Parking and Planning Commission. I will say that there are many here who appreciate Mr. Mather's work. In all my years' service here the richest memory I have of any friendship formed is the friendship I was privileged to have of Stephen T. Mather and the contact with his constructive idealism. I would be very happy if the legislation should pass.

Mr. BYRNS. On the assurance of the gentleman that it does not provide an additional and unnamed authorization to be left to the Parking and Planning Commission, I am not going to object. I do not think it is a wise policy to pass bills and resolutions authorizing future expenditures without some limitation.

Mr. TILSON. No appropriation can be made without it being called to the attention of the gentleman's committee.

Mr. BYRNS. The trouble about it is that under some of these resolutions the work will first be done and then they will come to Congress and ask for an appropriation.

Mr. CRAMTON. The land to be purchased is limited, and this is to set aside an area for the memorial——

Mr. STAFFORD. Reserving the right to object, does this in any way infringe on the plan of admirers of Stephen T. Mather to name a park for him?

Mr. CRAMTON. That plan has never been determined upon.

Mr. STAFFORD. I think it would be a more fitting memorial to have a park named after him than to build a memorial in some unseen spot where it might not be prominent, so that in the days to come people will wonder who Stephen T. Mather was. With a park named after him, naturally that would develop an inquiry in the mind of the public as to the worth of the man.

Mr. CRAMTON. That was suggested by me at one time to the Stephen T. Mather Appreciation and considered by them in connection with many other suggestions. That committee is headed by Mr. John Hays Hammond and includes in its membership Dr. Gilbert H. Grosvenor, president National Geographic Society; Dr. Vernon L. Kellogg, secretary of the National Research Council; Mr. Theodore W. Noyes, editor of the Washington Star; Mr. George W. White, president Metropolitan National Bank of Washington; Mrs. Henry A. Strong, chairman of the Hattie M. Strong Foundation; Mr. Franklin Adams, solicitor of the Pan American Union; and myself. That committee finally announced:

The suggestions that have come to the executive committee from the poll, with reference to the most desirable form which the Stephen T. Mather Appreciation should take, have been numerous and varied. This would naturally be the case since Mr. Mather's interest in parks and the use and preservation of the wonders and beauties of nature was so varied and far-reaching, and the recognition of his influence and his outstanding service nationwide.

The committee has not found it easy to determine upon any one of the suggestions. Any memorial must be to an extent localized while the fame and service of Stephen T. Mather were not local. The committee has been highly gratified by the national interest in the tribute to Mr. Mather and by the strong interest manifested in the completion of so many of the projects that were dear to his heart.

Stephen T. Mather never was solicitous about his own name or fame, but was deeply devoted to the expansion and development of public areas for the preservation and enjoyment of nature. Your committee has decided upon the following program which seems to be best calculated to pay tribute to Stephen T. Mather, perpetuate his memory, place permanently before the Nation his ideals, and so far as possible bring into actuality his dreams and desires. This program consists of three branches of activity for the Appreciation as follows:

1. The committee proposes to secure the services of an outstanding sculptor to prepare an appropriate bronze plaque to be placed in each of the 23 national parks and the 33 national monuments. This plaque will carry in relief the bust of Stephen T. Mather accompanied by his name with an epitome of his work; also a sentence or two from his writings to carry his ideals to each and every visitor to the national parks for all time to come.

For the purpose of the preparation and erection of these memorials in each of the national parks and monuments the committee desires to raise a fund of $25,000. In many cases a granite bowlder base will be provided upon which the plaque will be mounted.

2. The committee feels that since the work of Stephen T. Mather was so essentially national in character, his influence so decidedly national, and the appreciation of his contribution to his country so nation-wide, the National Government should provide in the Nation's Capital some suitable form of tribute to his memory, and it is the desire and purpose of the Stephen T. Mather Appreciation to cooperate with all interested to aid in bringing this about.

3. Stephen T. Mather had many highly desirable local, State, and National park projects in process of development to each of which he gave ungrudgingly his enthusiasm, his irresistible personality, and his organizing ability. Many of these are warmly supported by effective groups who desire to carry them into actuality in appreciation of his leadership. Each dream realized will be eloquent testimony to the wisdom of his vision and the strength of his influence. It is the thought of the committee that not one but many of these dreams should be realized, and the committee believes that it is entirely feasible that each of these groups may very well accomplish that result. It is the desire of the Appreciation to cooperate with each of these groups in every way possible to bring about the realization of these projects.

As chairman of the executive committee I will welcome suggestions as to the individuals who should be appointed to serve as chairmen of the committees in charge of the development of the major projects.

Sincerely yours,

JOHN HAYS HAMMOND,
Chairman of Executive Committee.

Mr. STAFFORD. But the gentleman agrees that maybe in the centuries and ages and eons to come there might be those who will pass by this memorial and wonder who Mr. Stephen T. Mather was.

Mr. CRAMTON. I agree with the gentleman. The future may forget who he was, but the future will never cease to enjoy what he accomplished.

Mr. STAFFORD. Did he have very much to do really with the National Capital park plan? I know that he had much to do with the national parks in the country.

Mr. CRAMTON. He had as much to do as anyone in bringing about this present planning program.

Mr. COLTON. He was practically the father of the present national park system.

Mr. STAFFORD. I do not question his paternity as far as the present park system is concerned, but I am considering whether it is appropriate to establish this memorial here in Washington, which is becoming the center of monuments, a sort of mausoleum for memorials of those who have passed on—and this has no reference whatever to my colleague from Michigan, whom we all regret is passing on.

Mr. CRAMTON. He was largely responsible for creating the National Park and Planning Commission.

Mr. STAFFORD. If this is to be the last offense of the gentleman from Michigan in this Congress, I shall not object.

Mr. CRAMTON. I appreciate my friend's consideration. He has always been helpful in conservation matters.

Stephen T. Mather, the first Director of the National Park Service, of the Department of the Interior, was, in my opinion, the outstanding figure in park conservation work of the past decade.

In these days when we as a Nation have come to realize and appreciate the tremendous importance of having reserved woodland areas as city parks within our congested cities for their residents, in our States as State parks for their citizens, and in our national parks for the people of all our great country, we can not overlook conceding a substantial measure of appreciation to the man who as a Federal official accomplished such outstanding things in national park and State park work, and in the systematic and harmonious expansion of the National Capital park system.

A man of independent fortune and large standing in business circles, he was drafted into the service of his country as an official of the Interior Department because of the great vision he had in the future of the national park system. His innate modesty and his quiet way of accomplishing things precluded praise during his lifetime. His satisfaction was in the joy of accomplishment and in the realization that steadily through his efforts humanity whom he loved was being insured a larger opportunity to enjoy our rich scenic inheritances and the wild life of the woodlands and forests therein.

His work in the national park field is well known and appreciated in the Congress and throughout the country. The national park system has developed from a scattering of Federal scenic reservations, comparatively little used by our people to the present magnificent system in which every kind of service that may be called for by the visitor and consistent with the development of such wild wonderland areas may be found available. In the type of men encountered in the parks, and placed there to be responsive to the call of service to the public may be found the best that our Government can offer in public servants—considerate, kind, tactful, efficient public administrators selected by Mr. Mather as the type he had in mind for such high public service.

The tremendous popularity of the present national park and monument system has in fact brought such pressure upon the Congress and the Interior Department from other States in which no national parks are located for the establishment of national parks within their borders that it presents a danger to the integrity of the present system by the possibility of including areas that do not in the highest degree measure up to the high standards that have been set for the parks. We must not overlook in the halls of Congress that laws can not make a national park, only God has done that.

Mr. Mather was not only the first Director of the National Park Service and the formulator of the policies which govern the protection, development, and operation of the national park system but he was the organizer and first chairman of the national conference on State parks which initiated the movement for the coordinated consideration throughout the States of a country-wide State park system. The national conference on State parks is the direct outgrowth of his initial endeavors in that field and now offers a valuable service to the States in their conservation of important scenic areas within the States themselves for the use and enjoyment of their citizens. Each year, from 1921 to 1928, Mr. Mather was an active figure at the important national conferences held by that organization, and out of his private funds he financed to a considerable extent the work of the conference.

He had long been interested in municipal parks in Chicago, and served on committees among others that were active in promoting the park system of Chicago, as well as boulevards and parkways. He was keenly interested in city planning and brought his live interest to the development of city and regional planning throughout the country. As far back as 1917 he became interested in the District of Columbia park work and had in mind the possibility of acquiring the Gorge of the Potomac and the Great Falls and its establishment as a national park. At the conference on national parks, in Washington, in January, 1917, he arranged for addresses on the park values of the Potomac Gorge. He was always greatly concerned about the destruction of trees in the District, particularly in connection with real estate development, and endeavored in his quiet way to prevent some of this destruction. Likewise, he deplored and called public attention to the destruction of historic structures in the District of Columbia.

When the Congress passed the law establishing the National Capital Park Commission this interest was recognized, and it was provided that the Director of the National Park Service should be a member of that commission. Mr. Mather served on the commission until he severed his connection with the Federal Government because of illness in January, 1929. He was a valuable member of that commission, taking delight in its activities and deliberations and, as I personally know, in the passage of important legislation now on the statutes which led to a larger expansion

of Federal park activities in the great metropolitan area of the District of Columbia, including near-by sections of Virginia and Maryland.

While it is not possible to say that Mr. Mather was responsible for any one park project in the District of Columbia, nor can he be given sole credit for any single achievement in connection with the system of parks, boulevards, and playgrounds, in the District of Columbia, there is no doubt but that his broad knowledge of park affairs and his human influence contributed in considerable measure to the work that has been accomplished during the past few years in that direction.

A memorial to him in the city of Washington, or in its adjacent parkways, is justified by his outstanding work as a park conservationist, national, State, and municipal. Just as we honor here great soldiers and great statesmen whose achievements have not particularly related to the development of the city of Washington, but which have been of greatest value to the country as a whole, so we should honor here men who have achieved great things in art, invention, literature, conservation, medicine, and diplomacy. Achievements along these lines are not so spectacular and glamorous as winning battles or accomplishing great feats of international agreement, but they contribute overwhelmingly to the happiness and well-being of the country as a whole. Already memorials have been erected in Washington, under authority of the Congress, to men who have deserved well of posterity for their achievements and great contributions to the public welfare. It is timely that we recognize the outstanding human qualities and great accomplishments of Stephen T. Mather in providing for the health, recreation, and enjoyment of his fellow man.

President Hoover not so long ago said:

> The day is coming when there is going to be a premium on solitude. If a man can find a piece of land anywhere in this country where he can't hear a bell ring or a whistle blow, that's the place he'll want for a home.

It is inevitable that the day is coming also when it will be impossible to secure any more of the primitive wilderness areas that you and I, your children and mine, now enjoy. At that time, and as time goes into the twilight of our great Nation, what has been done to-day by Stephen T. Mather will be outstanding among the great achievements of history.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EASTERN EMMIGRANT AND WESTERN CHEROKEE INDIANS

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5979) to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill S. 5979, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Eastern Emmigrant and Western Cherokee Indians, duly enrolled members of the Cherokee Nation of Indians, members of the Five Civilized Tribes of Oklahoma, including the duly enrolled members of the Eastern Band of the North Carolina Cherokee Indians, that jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitations, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Cherokee Indians, band or tribe, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Cherokee Indians, band or tribe, may have against the United States.

SEC. 2. That the Eastern Emmigrant and the Western Cherokee Indians as a corporation shall file any suit or suits or claims on behalf of all the Cherokee Indians by blood, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 3. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit or suits shall make the said Indian tribes or bands, or any of said tribes or bands, party or parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Indians, approved in accordance with existing laws, and said contract shall be executed in their behalf by a committee or committees selected by said Indians or provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 4. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for such Indian tribes or any of them.

SEC. 5. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree and shall be paid out of any sum or sums adjudged to be due said tribes, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

Mr. STAFFORD. Reserving the right to object, I question very much whether we should launch on the policy of sending at this late hour some Indian claims to the Court of Claims. I will be glad to allow the gentleman 5 or 10 minutes or an hour in which to explain the matter.

Mr. O'CONNOR of Oklahoma. Mr. Speaker and Members of the House, this may be the last time or it will be some time before I shall again appear at the wailing wall of the House. I have here a bill that was passed by the Senate and which came over to the House Indian Affairs Committee, and, with some amendments made necessary to meet some slight departmental objections, the House Indian Affairs Committee unanimously reported the Senate bill, as amended. It is a jurisdictional bill to take care of a few groups of Indians who were not included in the general jurisdictional bill. We have done a lot of work on this. These people are here. It is only a matter of letting the Court of Claims pass on their cause of action. It does not appropriate any Government money or anything of that kind.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of Oklahoma. Yes.

Mr. HASTINGS. Mr. Speaker and gentlemen of the House, I know about this bill. A jurisdictional bill was passed and approved on March 19, 1924, and under that a suit was brought for these two groups of Indians, the Eastern Cherokee Indians and the Western Cherokee Indians. The difference between them is that those who went west prior to 1835 are called the Western, and those who went subsequent to 1835 are called the Eastern Cherokees. Suit has been brought, and this suit is pending in the Court of Claims. There is some question as to whether the suit can be maintained by the Cherokee Nation for these groups of Indians, and this bill only makes it certain that that suit may be maintained or a separate suit instituted.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of Oklahoma. Yes.

Mr. STAFFORD. When the Indian Affairs Committee had the call on Wednesday we had up a bill referring to the Court of Claims the rights of the Cherokees and the Choctaws as to that property west of the ninety-eighth meridian. I protested very strongly against the bill, and I believe I was the only one in the House when it came up for passage who voted against it. The President of the United States vetoed that bill. Those Indians had had their day in court.

After examination of the decision of the Supreme Court every one would have come to the conclusion that these tribes were trying to take advantage of the Government. The veto went to the Senate. The Senate never acted on the veto. What did the Senate do to circumvent the position of the President? They passed a resolution referring these claims to the Court of Claims. They knew they did not have the votes to override the veto and they did not give the President that much courtesy, as the Constitution provides action should be had upon the veto; but they circumvented his position by adopting a resolution calling upon the Court of Claims to report on the same matter.

Am I right in my exposition?

Mr. HASTINGS. Substantially correct, but by different tribes of Indians.

Mr. STAFFORD. Oh, yes.

Mr. HASTINGS. May I remind the gentleman from Wisconsin [Mr. STAFFORD] that there is a suit already instituted under the act of March 19, 1924, by the Cherokee Nation for the Eastern and Western Cherokee Indians, those two groups.

Mr. STAFFORD. The gentleman says there is a suit now pending?

Mr. HASTINGS. Yes.

Mr. STAFFORD. Pending where?

Mr. HASTINGS. Pending in the Court of Claims under the jurisdictional act of March 19, 1924. There is some question as to whether that suit can be maintained in the name of the Cherokee Nation under that jurisdictional act. This makes it certain that the rights of those two groups of Indians may be protected, and it is the last suit for the Cherokee Indians as far as we know.

Mr. STAFFORD. There is nothing in this bill that refers to the suit that is pending?

Mr. HASTINGS. There is a suit that is pending in the Court of Claims, brought by the Cherokee Nation under the act of March 19, 1924.

Mr. STAFFORD. How much is involved in this litigation?

Mr. HASTINGS. It is more or less of an accounting.

Mr. O'CONNOR of Oklahoma. I want to say a few words to the gentleman from Wisconsin [Mr. STAFFORD]. The gentleman is rendering very valuable service to the Government.

Mr. STAFFORD. The gentleman from Wisconsin is not looking for bouquets.

Mr. O'CONNOR of Oklahoma. Surely the gentleman is too broad-minded to blame this House for the action of another body. All there is to this bill is simply this: It is not certain that the authorization in the jurisdictional bill to the Court of Claims is broad enough to bring a suit in which only the Eastern Creokees and not the whole tribe is interested, or in which the Western Cherokees and not the tribe is interested. They are fearful they can not even intervene in the pending suits. This is a very small and simple matter to let these people have their day in court along with the others on some of these small claims. The Cherokees were brought into the territory at different times, and this is an opportunity to liberalize the jurisdictional act, so that when the litigation which is now pending is wound up, all parties may be in there and have their rights determined and not leave something to haunt us in the future.

Mr. STAFFORD. My inquiry as to the amount involved has not been answered. The gentleman is an encyclopedia of valuable information pertaining to Indian affairs and is thoroughly acquainted with the amount involved, and I am sure he will be able to acquaint the House with the amount in question.

Mr. O'CONNOR of Oklahoma. The situation is really this. These claims consist largely of small amounts that arise by reason of certain agreements that were made to defray certain transportation expenses. In bringing the Indians into the territory there were certain transportation expenses, and they were to be given a certain allowance.

Mr. HASTINGS. It really only involves an accounting.

Mr. STAFFORD. How much is involved?

Mr. HASTINGS. Oh, I do not know. It is more or less of an accounting.

Mr. STAFFORD. Well, but how much? The other day there was a bill pending here for enlarging the Colonial Park, and the mover could not say how much was involved, but later that day we found there was one and a half million dollars involved.

Mr. O'CONNOR of Oklahoma. The gentleman realizes the amount they might ask for is not important, in any event, it is the amount that they will receive, and it is the function of the court to fix and determine that matter.

Mr. STAFFORD. I am becoming a little skeptical since the two gentlemen from Oklahoma who ought to know how much is involved, seem to be vapid of any information.

Mr. HASTINGS. I have been trying to inform the gentleman that it was a question of an accounting. I do not think there is a very large amount involved in it. These Indians should have their day in court.

Mr. STAFFORD. Mr. Speaker, I agree with the gentleman from Oklahoma that this is the closing hour of this Congress. It is a committee amendment which the gentleman is seeking to incorporate. I do not think the bill has one chance in a hundred of passage, therefore I withdraw the reservation of objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GILA RIVER INDIAN RESERVATION, ARIZ.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 5313) to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.

The SPEAKER. The gentleman from Arizona asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That all allotments and other lands comprised in the Gila River Indian Reservation which the Secretary of the Interior shall designate to be permanently included in and irrigated under the San Carlos project are hereby relieved of all liens for the reimbursement to the United States of moneys expended and reimbursable as provided in section 10 of the act of March 3, 1905 (33 Stat. 1081), or in section 2 of the act of August 24, 1912 (37 Stat. 522), or acts amendatory thereof or supplementary thereto as to such expenditures made prior to the passage of the San Carlos act (43 Stat. 475–476), except those made under that part of the act of May 18, 1916 (39 Stat. 123–130), and acts amendatory thereof or supplementary thereto which provides for the construction of the dam above Florence, Ariz., and controlling works and canals which constitute the Florence Casa Grande project; and except further the $100,000 expended for an electric transmission line and rights to electrical energy from the Salt River Valley irrigation project.

SEC. 2. That all expenditures of moneys for or in connection with the Gila River Indian Reservation made reimbursable as provided in said acts of March 3, 1905, or August 24, 1912, or acts amendatory thereof or supplementary thereto, as described in section 1 hereof with the exception there made of moneys expended for the Florence Casa Grande project and for the electrical transmission line and electrical energy, including the expenditures made for the Sacaton bridge and dam valued as a bridge at $300,000, are hereby waived and not required to be paid or reimbursed to the United States, except the expenditures made for the purposes and in the amounts as follows: That part of the Sacaton bridge and dam which is a siphon, valued at $75,000; the Santan and Casa Blanca Canals and other works on the reservation north of the railroad which crosses the river below Sacaton, valued at $87,000, which expenditures in the amount stated shall remain reimbursable, but hereafter shall remain chargeable only against the unallotted lands of the Gila River Indian Reservation; and the irrigation works for taking and distributing water from the Gila and Salt Rivers below said railroad as the Secretary of the Interior shall value them at sums aggregating not more than $50,000, which expenditures in the amount so valued shall remain reimbursable and charged against the allotments on the said Gila River Indian Reservation not included in the San Carlos project.

Mr. PATTERSON. Reserving the right to object.

Mr. STAFFORD. Reserving the right to object, would it be in order, Mr. Speaker, to ask unanimous consent that during the closing hours of this Congress only matters reported from the Committee on Indian Affairs should be in order. This is the second bill that has been considered this

morning by the Committee on Indian Affairs. Last evening we considered a large number of bills from that committee. I want to know whether the gentleman has a half dozen more bills from his committee that will engage the consideration of the Congress in the expiring hours?

Mr. SABATH. The gentleman should modify that request also to include the Committee on Agriculture.

Mr. STAFFORD. Oh, the Committee on Agriculture is far in the distance as far as getting bills through this Congress is concerned. The fame and honor all belongs to the gentleman from Montana, the chairman of the Committee on Indian Affairs [Mr. LEAVITT], and next to the gentleman from Montana the bouquet must be handed to our retiring Member from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Will the gentleman permit me?

Mr. STAFFORD. I yield.

Mr. CRAMTON. Whether this bill is passed at this session or not, I am glad it is called in order that I may say just a word. It relates to a matter that is quite complicated, with which I have had to do for four or five years in the State of Arizona. I know the entire situation.

Mr. STAFFORD. Will the gentleman give us the benefit of some of his valuable information?

Mr. CRAMTON. I should not take the gentleman from Arizona [Mr. DOUGLAS] off his feet, but I may sum it up in this manner: There is a great irrigation district down there that, under the Coolidge Dam, half of the water goes to the whites and half of it to the Pima Indians. The Pima Indians were agriculturalists and irrigationists before any whites ever came to America. After a while the encroachment on their water above took the water away from them.

I have seen many fenced fields barren because there was no longer water. The project was built half for the whites and half for the Indians, and the project was to be paid for by the whites and by the Indians. There are some old charges for some old and outworn works that are no longer any good. There is a bridge that is of little benefit to the Indians and things of that kind. In order to clean up the situation and leave those Indians with a per-acre charge that will be no greater than the charge against the white lands and be a charge that they can pay and will pay it is proposed to wipe off the slate considerable reimbursable charges now standing against those Indians.

Mr. STAFFORD. I think we should have some explanation from the gentleman from Arizona, who is interested in this bill.

Mr. CRAMTON. I beg the gentleman's pardon. I did not intend to encroach, but I want to give my unqualified indorsement of this bill while I am here and have the opportunity to do so.

Mr. CONNERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Arizona yield?

Mr. DOUGLAS of Arizona. I yield for a parliamentary inquiry.

Mr. CONNERY. Mr. Speaker, as I understand, early this morning it was understood that the Speaker was prepared to recognize somebody at 10 o'clock this morning in reference to the conference report on hospitals. I have no desire whatsoever to mix things up, but I would like to know the status of this matter.

The SPEAKER. The Chair has been informed that the conferees met at 10 o'clock and expect to make a report very shortly.

Mr. PATTERSON. I do not like these bills coming in at this time, bills amending certain acts that we do not know about. If the gentleman will make a short explanation in two or three minutes, I shall not object, unless something comes up that I do not like.

Mr. DOUGLAS of Arizona. Mr. Speaker, beginning in 1905, Congress authorized the appropriation of moneys for the construction of certain irrigation works for the benefit of the Indians in what was known and what is still known as the San Carlos Indian Reservation. In 1912 further appropriations were made for the purpose of constructing ditches to convert water to Indian lands. In 1916 there was a further appropriation for a similar purpose. Also in that bill there was an appropriation for the construction of what was known as the Florence Casa Grande project, which was for the purpose of providing waters from the natural flow of the Gila River for white lands. With respect to that authorization there was a provision that a contract must be entered into by the white settlers with the Secretary of the Interior on such terms as to return to the United States the cost of the Florence Casa Grande project.

Mr. SOMERS of New York. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. SOMERS of New York. Does this bill, which we have not had an opportunity to examine, of course, change existing law at all?

Mr. DOUGLAS of Arizona. Yes; it does change existing law. I was coming to that. In 1924 Congress passed what was known as the San Carlos project act, which provided for the construction of a dam and of canals to store and to divert not only the natural flow of the stream but also part of the stored flood waters of the Gila River for Indian as well as white lands. The act provided that the cost o. the San Carlos project was to be repaid to the United States under the terms of a contract which the whites were to make with the Secretary of the Interior, while the Indians were to repay their share. In 1928 the Florence Casa Grande project, to which I have previously referred, was made a part and parcel by act of Congress of the San Carlos project. But the old works that had been constructed prior to that were not made a part of the San Carlos project. They are now useless in most particulars and of little value to the Indians, yet upon the books of the United States they remain a charge against them.

The Pima Indians have no tribal funds. They can not, therefore, repay to the United States the cost of these old reimbursables. Moreover, it would be eminently unfair to ask them to repay to the United States the cost of works which have now become of little value to them by reason, first, of their obsolescence, and, second, by virtue of their replacement by works constructed under the San Carlos Act, for which they are charged.

The bill, therefore, provides for the elimination of charges exclusive of those imposed by the terms of the San Carlos Act, now standing against the Indians in the amount of the difference between the cost of the obsolete and partially worthless works and their present worth.

Mr. LEAVITT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. LEAVITT. Is not this also true, that under existing law this highway bridge, which is on the Indian reservation, could be constructed now entirely out of Federal funds, without any charge to the Indians? The highway bridge has proved to be of use to the white people rather than to the Indians, and there is no justice in having it charged against the Indians. The Commissioner and Assistant Commissioner of Indian Affairs have urged that the Indians be relieved of these unjust charges.

Mr. PATTERSON. Mr. Speaker, I would like to make one observation. This is a bill taking money out of the Treasury or giving back some money to these people.

Mr. DOUGLAS of Arizona. No; that is not the case.

Mr. PATTERSON. This is to relieve them of certain payments, and allow me to make the observation that it is a good thing the Indians or the Government, one or the other or both, have been wealthy because they would not have been able to hold out.

Mr. STAFFORD. I wish the gentleman from Arizona would elaborate upon the wiping off of the cost of the Sacatone Bridge.

Mr. DOUGLAS of Arizona. In the act of 1916 there was an item appropriated for the construction of the Sacaton Dam and Bridge, which was made a charge against the Indian lands within this Indian reservation. By reason of the construction of the San Carlos Dam and by reason of the construction of irrigation canals, the Sacaton Dam has become of no value whatsoever, except as that of a siphon. This bill provides that it shall be charged against the Indian lands in the amount of its value as a siphon and elim-

inate the charge on account of the bridge, for the reasons stated by the gentleman from Montana.

Mr. SABATH. How much is involved in this proposition. How much is due by the project to the Government?

Mr. DOUGLAS of Arizona. There is no project involved in this legislation. As I stated before, there are charges against Indian lands owned by the Indians.

Mr. SABATH. How much is due for this project?

Mr. DOUGLAS of Arizona. This does not pertain to the San Carlos project, but to the works initiated in 1905, which have become obsolete by virtue of the construction of a subsequent project in which the Indians are an integral part. It is eminently unfair to charge these Indians with the cost of something which has become obsolete, which is of no value to them and the cost of which they can not repay.

Mr. SABATH. A lot of these irrigation projects are not able to make the repayment.

Mr. PATTERSON. Mr. Speaker, I shall not object if the matter can be disposed of right away.

Mr. DOUGLAS of Arizona. This bill has nothing to do with any irrigation project under the Reclamation Bureau. Let me state, frankly and fairly, to the Members of the House, that the total reimbursables involved amount to $1,700,000. This bill wipes off certain of such reimbursable items until that amount is reduced to $312,000.

Mr. STAFFORD. Mr. Speaker, from the exposition the gentleman has made, I understand this is merely an accounting as to the present value of these former projects, and allows the Indians to start anew on a bookkeeping process.

Mr. DOUGLAS of Arizona. That is it exactly.

Mr. STAFFORD. Mr. Speaker, with the exposition made by the gentleman from Michigan [Mr. CRAMTON] and, particularly, the exposition made by the author of the bill, I do not wish to detract in the closing hours of this Congress from the exceptional record made by the distinguished gentleman from Montana [Mr. LEAVITT] in having the blue ribbon for having more bills passed than any other committee in this Congress or any prior Congress.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by printing a telegram with respect to the services of the gentleman from Michigan.

The SPEAKER. Without objection, it is so ordered.

The telegram referred to follows:

FLORENCE, ARIZ., *March 2, 1931.*

L. W. DOUGLAS,
House of Representatives, Washington, D. C.:

Directors San Carlos irrigation district request you to express to Congressman CRAMTON their grateful appreciation of part he has taken in creation and guidance San Carlos project. Also convey district's regrets that for immediate future he will be unable to give project his powerful assistance as heretofore.

R. W. KENWORTHY, *President.*

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

SERVICES OF RETIRING MEMBERS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for about two minutes on a subject which will neither authorize nor appropriate any money out of the Treasury. [Laughter and applause.]

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, I desire to take a moment to pay my respects to two of my colleagues from the State of New York, Mr. DEMPSEY, of the Buffalo district, and Mr. WAINWRIGHT, of the Westchester district, who are to-day completing their services in this House.

Mr. DEMPSEY came here 16 years ago. From his legal experience and his general experience in business, he was well qualified to take up his legislative duties. From the very first he was made a member of the Committee on Rivers and Harbors. For the last 8 or 10 years he has been chairman of that committee. He made a specialty of studying the work from the very beginning, and I may say without fear of contradiction that there is no man in either branch of Congress who knows so well every river and harbor project in the length and breadth of this country as does Mr. DEMPSEY. [Applause.] He has been a great chairman of a great committee, and has done a great work for the waterways of the country.

My friend Mr. WAINWRIGHT, who has not been in this body as long as Mr. DEMPSEY, has probably had longer public service than the majority of us. He had very distinguished service in the New York State Legislature and resigned to enter the World War. There also he rendered signal service, and in the beginning of the Harding administration he was appointed Assistant Secretary of War. He resigned this position to become a Member of the Congress.

During all of his stay here he has been on the Military Affairs Committee, where his previous experience in the World War and his service as Assistant Secretary of War fitted him to give exceptionally valuable service on that committee. He could have stayed here indefinitely, but he has resigned to return to the practice of law.

Both of these men can be ill-spared at this time. While I am on my feet I want to also pay my respects to the gentleman from Illinois, Mr. ELLIOTT SPROUL, a member of my committee, who is to-day retiring, and also to Mr. FRANKLIN FORT, of New Jersey, who is retiring, both being members of the Rules Committee. These gentlemen have given most valuable service on that committee, and are held in high regard by their colleagues. We have needed and profited by their advice. May I also at this time extend my regards to all the good fellows who are to-day completing their work in this House? I appreciate the fact that this has been a rather trying session, and we are all glad it has come to an end. Yet I believe on the whole we have enacted a great deal of much-needed legislation.

I expect we are all going to our homes, and I wish you may all have a happy vacation and return next fall fresh and ready to take up the duties of serving the country. I thank you. [Applause.]

ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by my friend from east Tennessee, Mr. TAYLOR, under the auspices of the Republican Party of Tennessee, February 12, last.

The SPEAKER. Is there objection?

There was no objection.

ADDRESS BY REPRESENTATIVE TAYLOR OF TENNESSEE

Mr. Toastmaster, ladies, and gentlemen, I want to congratulate Major Shofner and the members of the State executive committee on the splendid party spirit exemplified on this second observance of the anniversary of the birth of the immortal Abraham Lincoln, the father and patron saint of the great Republican Party of this Nation. The Republicans of Tennessee, under the auspices of their party organization, had their first Lincoln Day celebration last year, and unless we continue these annual Lincoln Day exercises, we shall fail in our proper appreciation of the life and services of this illustrious American.

Mr. Toastmaster, this month of February—the shortest of the year—the whole world pays homage to two great Americans—one the Father of his Country, the other its savior. Beginning amidst entirely different circumstances in life, both attained and commanded the respect and admiration, the honor and devotion of all, irrespective of class or condition. Each had a handicap to overcome—the one that of inherited wealth and aristocracy, the other that of poverty and obscurity. Both lived to verify the eternal truth of the adage that "all men are created equal."

It is well, Mr. Toastmaster and friends, that we should pay annual tribute to the memory of Abraham Lincoln, the first great leader of the Republican Party. Prior to his election our Presidents had been chosen from the gentry or aristocracy of the Nation. He was the first to come up from the crowd—from the plain, common people. Since his day, with few exceptions, we have elevated to the highest office in the gift of the people men who sprang from low estate. This is a striking example of the advance of democracy in government. Lincoln, trained only in the school of vicissitude and adversity, brooked restraint and surmounted difficulties, and alone and unaided reached that lofty pinnacle which men call fame. His life is a magnificent exemplification of the proud fact that in America the accidents of birth and the misfortunes of family are no bar to the boy who is endowed with ambition, industry, and integrity, to whom the highest honors in the gift of the Republic are accessible.

As the years have gone by, thousands have endeavored to smooth the lines from Lincoln's face, but it is the furrowed brow, the sensitive mouth, the sad and kindly eyes, the wrinkled and troubled face that the American people will always adore. He is the gentlest memory, the most appealing figure in all history since the meek and lowly Nazarene trod the shores of Galilee.

Mr. Toastmaster, ours is admittedly the greatest and most powerful nation in the world. And when we reflect that this greatness and power came, in the main, through the services of the Federalist, the Whig, and the Republican Parties we, as Republicans, can feel a just pride in our membership in this great political organization. While our rival party has espoused this position and that, only to later discard and repudiate them as their fallaciousness became apparent, the Republican Party's position on every public question has been justified and sustained by the acid test of experience and by the inexorable verdict of history.

Let us examine the record of the Democratic Party for a moment and behold the "incensing relics" of dead issues which it once espoused and proclaimed as essential to the welfare and salvation of this Nation. In the early history of this Republic, the progenitors of the now Democratic Party opposed national banks and Government aid in internal improvement, inveighing against them as being unconstitutional and contrary to the spirit of our national institutions. But now everybody admits that this position was a stupid fallacy. They championed States' rights and even secession, and now they acknowledge with deep contrition the error of their way. Under the terrific spell of the eloquence of the "peerless one" they boldly declared for the "free and unlimited coinage of silver," but now where is the Democrat that will muster up the hardihood to defend this piece of political nonsense?

Poor old "16 to 1," like the broken body of Cæsar in the Roman capitol, "lies there and none are so poor as will do it reverence." Just a decade ago they attempted to chain this Nation to that "body of death," the infamous League of Nations, whereby Uncle Sam was to become the Santa Claus for the nations of the earth, but now when they are reminded of this fallacy, verily, they are as silent as the Sphinx.

There is only one issue to which they have remained steadfast, and that is the issue of free trade, and they are rapidly abandoning this un-American doctrine.

Contrast this dismal record of exploited and exploded issues with the sound, conservative, and consistent record of the Grand Old Party of Lincoln. It has never been necessary for the Republican party to "eat crow," Mr. Toastmaster. Unlike the sergeant that shot and then hollored "halt," or the passenger riding backward on a train not seeing anything until he had passed it, the Republican Party has not taken a position until the logic thereof has been thoroughly investigated and determined. It has advocated Federal aid for public health, for education, for highways and other internal development, and behold the result. It stood for the Union, it demanded a gold standard for our monetary system. It believes in a strict and vigorous nationalism as against a partnership with the discordant, intriguing and heterogenous nations of the Old World. Mr. Toastmaster, we are not only opposed to the iniquitous League of Nations but we are equally opposed to the so-called World Court. In my humble opinion, the World Court is a cleverly camouflaged back-door entrance to the league and is, therefore, a delusion and a snare. I am opposed to this Nation entering the league in any shape, form, or fashion, be it by the front door, back door, cellar, or attic. I believe the doctrine of Washington, "friendly relations with all nations, entangling alliances with none," was never more applicable and vital than now. The Republican Party stands 100 per cent for a protective tariff of the old McKinley type to protect the American wage earner against the pauper labor of the Old World. Our protective tariff policy, Mr. Toastmaster and friends, has been the sheet anchor of this Nation, but for which the wage scale and standard of life in America would have long since been on a level with that which prevails in European countries. If I had my way, Mr. Toastmaster, I would build a tariff wall so high that the commodities manufactured in the sweat shops by the pauper labor of foreign lands could never enter our borders in competition with the product of the sweat and toil of the independent wage earner of America.

My friends, if the Republican Party has done nothing else, it has performed two major services during the past decade that has or should place the American people under everlasting obligations to it. First, it rescued this Nation from the slimy tentacles of that hydraheaded international octopus—the damnable League of Nations. By this service, it prevented Uncle Sam from becoming an international gendarme, saved millions of American boys from death and disease incident to military service on foreign soil, and the American taxpayer from the billions which would have been spent in carrying out our obligations under the terms of this nefarious pact. Fully mindful of the widows' weeds and the mothers' heart, the Republican Party is committed to stand as with face of flint against this unholy monstrosity.

Second, sensing the danger of unrestricted foreign immigration the Republican Party sponsored and passed immigration legislation which has reduced to a minimum this great menace to the well-being of America. When it appeared that our country was about to become the dumping ground and the melting pot for the scum of Europe, the Republican Party, like a giant refreshed with wine, stepped forward and called a halt to the hordes from across the sea who were threatening to deluge our fair land and fill our prisons, our hospitals, and other eleemosynary institutions with the criminal, the diseased, and the pauper dregs from foreign lands. What the protective tariff is to American industry, our immigration policy is to the American laboring man.

But they say, Mr. Toastmaster, that the Republican Party is partial to big business. The Republican Party is partial to all business, big and little, old and young. The Republican Party realizes that there can be no real prosperity if business is hampered and embarrassed by governmental interference. We stand, therefore, for less government in business and more business in government. And so far as I am concerned, my friends, I would rather belong to a free party that acknowledges its interest in business, be it ever so big, than to belong to a party that is in the financial bondage of one man who bought it with his filthy lucre, and who brazenly boasts that he only purchased it to use it to destroy the eighteenth amendment and reenthrone the damnable liquor traffic in the United States.

I realize that the Democratic Party would like to rid itself of this incubus, but like the old man of the sea, it is powerless to free itself. Raskob has the money bags, and Raskob and his associates will continue to direct the conduct of the Democratic donkey. The party of Jefferson and Jackson is in the middle of a bad fix. It is damned if it does, and doubly damned if it does not. It is in the same predicament as the two fellows that encountered a ferocious bull while passing through a pasture field. One of the men was wearing a red shirt which greatly agitated the bovine. With horns in the air and with tail hoisted, the excited bull made a dash for the two men when one of them scampered up a tree and the other sought refuge in a near-by cave. The bull rushed up to the mouth of the cavern and began to bellow, paw up the earth with his hoofs and sharpen his horns on the near-by saplings. The fellow in the cave would ever and anon emerge to the mouth of the cave and peek out. The bull would make a vicious rush at him and he would retreat into the cave again. Finally he appeared at the mouth of the cave, when his associate, who was safely enconsced amidst the branches of the tree, yelled out to him: "Why don't you stay in the cave, John, until the bull subsides and goes away?" "Stay in the cave, the devil," yelled back John, "there's a pack of wild cats in the cave."

While, of course, we regret to see our brethren in such an embarrassing situation, Mr. Toastmaster, they are responsible for their own predicament, and will, therefore, have to extricate themselves as best they can.

Up among the knobs of Union County, during my early boyhood I clerked in a country store run by my father. During autumn days it was the practice of the hill billies ("one of which I was whom") who resided in that community to assemble around a dilapidated wood stove in the store to chew hillside navy tobacco and talk politics and religion. Ever and anon, during the discussion, they would project the ambier in great gobs on the little red-hot stove and the fumes therefrom would ascend toward the rafters like the incense from a pagan altar.

One cold November day, old Uncle Billie Hooper was engaged in a very heated discussion with some of his pals on the good old hard-shelled Baptist doctrine of foreordination, when two of his neighbors rushed in, greatly excited, and said, "Uncle Billie, while passing by your cabin a few minutes ago we saw a wild cat jump through the window and such a commotion as followed we have never heard before in all our born days. You had better rush home and rescue your wife from the assault of that terrible catamount." Uncle Billy didn't seem the least bit disturbed. Giving his hillside navy a violent cut he turned to the bearers of the wild-cat message and said: "Did you fellers scare that cat into my cabin?" They both solemnly disclaimed any connection whatever with the event. "He just went in thar hisself of his own notion, did he?" said Uncle Billy. "Yes," responded his informants. Settling back in his chair and discharging a large installment of tobacco juice on the stove, Uncle Billy exclaimed: "Well, jist let that ar wild cat take care of his self then." Mr. Toastmaster, so be it with our Democratic brethren in this present dilemma.

My friends, in concluding my remarks to-night, I think it would not be inappropriate in this day of more or less nullification to call attention to the high regard in which the martyred Lincoln held the majesty of law and order. Lincoln was great because of the virtue of humility. From childhood to the grave he was willing to bow to authority—the authority of the law—the authority of God. He believed that the fundamental virtue of good citizenship is humility; that humble submission to legally constituted authority is the highest expression of patriotism. How like a clarion bugle call is this sublimely eloquent utterance of his: "Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in the schools, the seminaries, and in the colleges; let it be written in the primers, in spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in the courts of justice. In short, let it become the political religion of the Nation."

Mr. Toastmaster, it has indeed been a great privilege and no ordinary pleasure to be here on this auspicious occasion and participate in these beautiful, impressive, and inspiring patriotic exercises.

NORTH PLATTE RIVER COMPACT BETWEEN COLORADO AND WYOMING

Mr. EATON of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a copy of contracts in relation to water rights in the North Platte River.

The SPEAKER. Without objection it is so ordered.

Mr. EATON of Colorado. Mr. Speaker, for several years the attorneys general, water commissioners, and State engineers of the States of Colorado and Wyoming have been conducting negotiations leading to a compact between those States concerning the use of the waters of the North Platte River. In this, H. R. 17163, is included an appropriation of $75,000 for continuance of investigations of the Seminole Dam and Reservoir and other possible storage sites and power development in connection with proposed and existing reservoirs on the North Platte River and its tributaries in Wyoming.

I am informed that it is not the intention of either of the States or the Bureau of Reclamation to interfere with the negotiations of the representatives of the States or to in any manner create new or different rights or a status different from that which was in existence when the Legislature of the State of Wyoming adjourned a few days ago.

On account of various reasons not entirely within the control of the States' representatives it was impossible to complete a compact for submission to the session just closed of the Wyoming Legislature, and although the Colorado Legislature has not adjourned, no good purpose would be served by submitting any question to it until the minds of the parties have met.

The attorney general of the State of Colorado, Hon. Clarence L. Ireland, and its commissioner, Hon. Delph E. Carpenter, have requested that the text of the Senate amendment be itself amended by adding thereto the words "that nothing done in pursuance hereof or under the authority hereof shall be construed to initiate or enlarge or constitute any water right or appropriation of water or any priority of water whatever," and I am glad to note that the chairman of the Appropriations Committee has incorporated those words in the amendment which was submitted to and concurred in by the Senate.

For the information of all parties concerned in the several States interested (the State of Nebraska is also interested in the disposition of the waters of the North Platte) I submit herewith the text of the draft of the North Platte River compact, which is now under discussion.

COLORADO'S THIRD DISCUSSION DRAFT OF NORTH PLATTE RIVER COMPACT

This draft embodies articles commonly accepted and redraft of Articles VI, VII, VIII, X, etc., involving matters particularly under discussion. It is submitted without commitment by either State.

The States of Colorado and Wyoming, desiring to remove all causes of present and future controversy between them and among their citizens and water users with respect to the waters of the North Platte River, and, being moved by consideration of interstate comity, have resolved to conclude a compact for those purposes and have named as their commissioners:

Delph E. Carpenter, for the State of Colorado, and John A. Whiting, for the State of Wyoming, who have agreed upon the following articles:

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the North Platte River; to establish the relative importance of definite beneficial uses of the water; to promote interstate comity; to preserve the autonomy of the signatory States; to so conserve and use the waters of the river as to obtain maximum benefits; to promote peaceable and expeditious agricultural and industrial development; and to promote the general welfare of each of the signatories.

ARTICLE II

As used in this compact:

The signatory States are designated as "Colorado" and "Wyoming," respectively.

The term "North Platte River" means the northerly branch of the Platte River, together with all tributaries except the Laramie River and Sand Creek.

The term "Laramie River" means that stream which rises in Colorado, flows into Wyoming, and joins the North Platte River near Fort Laramie, Wyo., together with all tributaries.

The term "Sand Creek" means that stream which rises in Colorado, flows northerly into Wyoming, and joins the Big Laramie River in section 5, township 14 north, range 74 west.

The term "Encampment Creek" means that tributary of the North Platte River which rises in the northwesterly part of Jackson County, Colo., and flows thence into Wyoming, where it joins the North Platte River in township 16 north, range 83 west.

The term "Big Creek" means that stream which rises in Colorado, flows into Wyoming, and joins the North Platte River in section 20, township 14 north, range 81 west.

The term "domestic use" means all ordinary household, culinary, and other domestic uses incident to residential properties, street sprinkling, sewer flushing, watering of parks and lawns, uses of water by cities through water-works systems and transportation purposes, but shall not include the use of water for the generation of power.

The term "power" as applied to the use of water means use for the development of electrical or any other form of energy.

The term "divert" or "diversions," when referring to water in the channel of a stream, means the taking or removal of water from the channel by canals or by other methods, and "point of diversion" means the point or place at which water is taken or removed from the channel of the stream.

The term "North Park Reservoir site," sometimes known as the "Northgate site," means approximately that channel reservoir site in the valley of the North Platte River, near the point where said river flows from North Park in Colorado, and heretofore surveyed and thereafter delineated upon the map and statement of the North Park Reservoir and Interstate Tunnel, consisting of two sheets, approved by the State engineer of Colorado, May 3, 1907, being filing No. 3613 of the files in the office of said State engineer, and the dam site whereof is delineated upon sheet 2 of said map.

The term "tributary to the North Platte River" means any stream which naturally contributes water to said river.

The term "North Park" means that area in Colorado drained by the North Platte River and its tributaries, exclusive of the Laramie River and Sand Creek, and is coextensive with the territory included within the boundaries of Jackson County, Colo.

The term "storage depth," as used with respect to reservoirs, means the depth to which water may be impounded in such reservoirs above the bed of the stream or above a given point.

The term "beneficial consumptive use" of water means the amount of water consumed or lost to the stream system during beneficial uses. It usually refers to the difference between amounts of water diverted from and amounts returning to the stream system with respect to uses within the drainage basin; and it means the total amount of diversion of water where uses are without the drainage basin of the stream system.

ARTICLE III

The rights of Colorado and Wyoming to the use of the waters of the Laramie River and of Sand Creek are not affected or impaired by this compact.

ARTICLE IV

Where the name of a State is used in this compact as a party thereto it shall be construed to include the citizens corporations, districts, administrative departments, bureaus, political subdivisions, agencies, persons, permittees, and all others using, claiming, or in any manner asserting any right to the use of the waters of the North Platte River and/or its tributaries within said State, except as in this compact provided.

Any administrative department, bureau, political subdivision, agency, district, corporation, association, citizen, person, or permittee authorized by or under the law of a signatory State, and all others using, claiming, or in any manner asserting any right to the use of waters of the North Platte River and/or its tributaries within said State, shall be subject to the duties and obligations of such State in this compact.

ARTICLE V

(1) The North Platte River and tributaries are nonnavigable.

(2) Subject to the provisions of this compact, water of the North Platte River may be impounded and/or used for the generation of power, but such impounding and/or use at all times shall be subservient to the use and consumption of such water for domestic and agricultural purposes and shall not interfere with or prevent uses for such dominant purposes.

(3) Uses of water for agricultural and power purposes shall be subservient to uses for domestic purposes.

ARTICLE VI

(1) Colorado grants to Wyoming the right to construct, maintain, and operate a reservoir and power plant at the North Park Reservoir site, under the terms of this compact and the laws of Wyoming, with a storage depth of not to exceed 120 feet above the natural bed of the North Platte River at the dam site of said reservoir, or to such other storage depth as the State engineers of the signatories hereafter may agree to be necessary to provide storage capacity sufficient to provide for full utilization of the waters there available to Wyoming for domestic, agricultural, and power purposes; and grants to Wyoming the right thereby to divert, to impound, and to discharge waters and to regulate the flow of the river for the use and benefit of Wyoming, as herein

provided; and further grants to Wyoming the right to acquire, by purchase, prescription, and/or exercise of the right of eminent domain, such rights of way, easements, lands, franchises, and/or other property as may be necessary or convenient for the construction, maintenance, and/or operation of said reservoir and power plant; subject, however, to the reservations and limitations and upon the conditions expressed in this article, which are and shall be limitations upon and reservations and conditions running with the rights and privileges hereby granted:

(a) Authorization, construction, and/or operation of such reservoir and power plant, and the regulation, storage, release, and uses of water by means thereof and issuance of permits or licenses therefor shall be under the jurisdiction and control of Wyoming and shall be governed by the laws of Wyoming and by this compact, and uses of water stored in said reservoir or discharged through said power plant shall be permitted only upon license or permit issued by the State engineer of Wyoming.

(b) Colorado reserves jurisdiction with respect to the game and the fish upon and within said reservoir, and lands adjacent thereto, upon condition, nevertheless, that the exercise of such reserved jurisdiction shall not interfere with use, operation, and/or regulation of the reservoir and appurtenant works for storage and discharge of waters for any of the uses in this compact provided.

(c) The reservoir shall be so constructed that works for the generation of power may be installed and operated at or below the dam in Colorado or Wyoming, and the signatories consent that such power plant may be constructed and operated at the most feasible location in either State and consent to the use at said power plant of waters flowing to Wyoming under this compact and to the taking and occupancy of lands and other property necessary therefor (including transmission lines) and agree that each State shall have a preferred right to purchase and to resell one-half the power generated at the power plant upon condition that such uses of water stored in said reservoir shall be subservient to the dominant uses of water for domestic and agricultural purposes in Wyoming.

(d) The construction and operation of said reservoir and/or power plant and/or the storage in, regulation of, and discharge therefrom of any waters and/or use of such waters in either Colorado or Wyoming, shall not constitute an appropriation of waters under the laws of Colorado and shall not constitute or become or be asserted by Wyoming or its permittees or by the person, bureau or agency constructing or operating said reservoir and/or power plant or using waters by means thereof, as the basis of claim of any prior, preferred, or superior servitude upon or right to the use of the waters of the North Platte River in North Park at and above the reservoir or as against any user of water in Colorado.

(e) Said reservoir shall be used exclusively by Wyoming, for the storage of water and regulation of river flow for domestic, agricultural, and power uses; shall be controlled and administered the same as if the said reservoir were located within Wyoming; and shall be subject to the laws of Wyoming as regards the protection of other users or appropriators of water from the North Platte River in Wyoming.

(f) Just compensation shall be made for all property taken or injured in Colorado by the construction, maintenance and/or operation of the reservoir, power plant, or appurtenant works, and substitute railroads, highways, and other similar works of equal utility, availability and permanence shall be constructed and provided, without damage or expense to Colorado or the owners, in lieu of any railroad, main public highways, or other similar works injured, submerged or destroyed by construction, maintenance and/or operation of said reservoir, power plant, and appurtenant works, previous to such injury or damage.

(g) Save as herein expressly granted, Colorado reserves sovereignty and jurisdiction over said reservoir and appurtenant works and over the lands and property occupied thereby or used in connection therewith.

ARTICLE VII

(1) Colorado consents that Wyoming may construct, maintain, and operate reservoirs upon Big Creek and Encampment Creek, and upon tributaries of said streams, at the Colorado-Wyoming boundary, for beneficial uses in Wyoming subject to paragraphs (2) and (3) of Article V of this compact; and consents that Wyoming may construct, maintain, and operate feeder canals in Colorado, connecting tributaries of said streams for supply of said reservoirs; and Colorado grants to Wyoming the right to acquire by purchase, prescription, and/or exercise of the right of eminent domain or otherwise, such rights of way, easements, lands, and/or other property as may be necessary or convenient for the construction, maintenance, and operation of such reservoirs and feeder canals in Colorado.

(2) Colorado agrees that diversions, storage, and uses of waters of said creeks by means of said canals and reservoirs shall be recognized, protected, decreed, and administered by Colorado as appropriations of water in Colorado in the same manner as though said reservoirs were situated wholly in Colorado and the uses of water thereby were made in that State; and further agrees that certificates of the Wyoming official having final jurisdiction of adjudication of priorities of appropriation of the waters of said streams in Wyoming, of the respective dates and amounts of the appropriations of water perfected by said reservoirs in Wyoming, shall be admissible before the courts of Colorado as evidence of the respective dates and amounts of the appropriations of water by means of said reservoirs and feeder canals in Colorado.

(3) The provisions of this article shall apply exclusively to the waters of Big Creek and Encampment Creek and their tributaries.

ARTICLE VIII

The signatories agree that Colorado reserves and shall have the perpetual, exclusive, and unrestricted beneficial consumptive use of one-half the natural water supply of the North Platte River originating in North Park, in Colorado, reckoned in periods of 10 consecutive years in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact; and that said waters may be used within and/or without the drainage basin of the North Platte River in North Park.

(2) Wyoming undertakes that the use of waters by Colorado under paragraph (1) of this article shall be free from all claims to waters by Wyoming or caused by depletions of the water supply of the river due to diversions, storage, and/or uses of water by projects hereafter constructed in Wyoming or at the North Park reservoir site.

ARTICLE IX

Should any claim or controversy arise between the signatory States, (1) with respect to the waters of the North Platte River not specifically covered by the terms of this compact, (2) over the meaning or interpretation of any of the terms of this compact, (3) as to the construction or operation of any works to be situated in both States or to be constructed in one State for the benefit of the other State, (4) or as to the diversion of waters in one State for the benefit of the other State, the governors of the signatory States, upon request of one of them, shall forthwith appoint commissioners with power to consider and adjust any such claim or controversy, subject to ratification by the legislatures of the signatory States. Nothing in this article contained shall prevent the adjustment of any such claim or controversy by direct legislative action of the States or be construed to limit or prevent any State from instituting or maintaining suit to protect any right under this compact or to enforce any of its provisions.

ARTICLE X

(1) The State of Colorado shall cause to be established and maintained, without expense to Wyoming, gaging stations on each transbasin diversion from the North Platte River drainage basin in North Park to adjacent drainage basin areas and shall render weekly to the State engineer of Wyoming a report showing the quantity of water diverted daily during the preceding week, unless prevented by weather or other causes beyond the control of Colorado officials.

(2) The State engineer of Colorado and the State engineer of Wyoming are hereby authorized by joint agreement to make, revise, promulgate, amend, and enforce rules and regulations for the proper execution of the terms of this compact not inconsistent or in conflict with its provisions or with the laws of Colorado or Wyoming, and such rules and regulations shall be binding until amended by agreement between them or until terminated by written notice from one to the other.

(3) The State engineer, division engineer, water commissioner, or other official authorized by Colorado law to administer diversions from the North Platte River in Colorado and the State engineer, water superintendent, water commissioner, or any other official authorized by Wyoming law to administer diversions of water from the North Platte River in Wyoming, each within his own jurisdiction as defined by the laws of the signatory State or this compact, shall enforce the provisions of this compact and the rules and regulations for the execution of the terms thereof.

ARTICLE XI

Whenever any official of either State is designated to perform any duty under this compact such designation shall be interpreted to include the State official or officials or the person or persons upon whom the duties now performed by such official may hereafter devolve.

ARTICLE XII

(1) Regulation, diversions, storage, and/or uses of waters of the North Platte River in Colorado and Wyoming, by whomsoever made, shall be subject to this compact.

(2) Except as otherwise provided in this compact, the intrastate use, control, distribution, administration, and disposition of the waters of the North Platte River within each signatory State shall be governed by the laws of that State.

ARTICLE XIII

The signatories, for their common welfare, agree to cooperate: (1) In the development of the water resources of the North Platte River within both States, particularly along the upper reaches of the stream and its tributaries; (2) in securing the construction of canals and reservoirs for the conservation and utilization of the waters of the North Platte River in both Colorado and Wyoming; (3) to prevent unnecessary waste of water; (4) to equalize stream flow; (5) to facilitate and promote return and repeated use of waters diverted; (6) and to promote maximum benefits from uses of water.

ARTICLE XIV

The physical and other conditions peculiar to the North Platte River and to the territory drained and served thereby and to the construction and operation of works for the use of the waters thereof constitute the basis for this compact, and the signatory States agree that the conclusion of this compact shall not establish any general principle or precedent with respect to other interstate streams.

ARTICLE XV

This compact may be terminated or amended by concurrent legislative action of the signatory States or by compact between them. In the event of such termination all rights and obligations which a duly certified copy shall be forwarded to the governor of compact shall remain unimpaired.

ARTICLE XVI

This compact shall be in full force and effect as of the day of its execution, when it shall have been approved by the legislature of each of the signatory States and by the Congress of the United States.

Notice of approval by the legislature of each signatory State shall be given by the governor to the governor of the other State and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at ---------- this ------ day of ----------, A. D. 1931.

MEMORANDUM

Article VIII in the foregoing draft takes the place of Articles VII and VIII in the draft of February 12. These read as follows:

ARTICLE VII

Colorado agrees that the maximum annual diversion of water from the drainage basin of the North Platte River within North Park in Colorado, without previous consent of Wyoming, shall not exceed 30,000 acre-feet of water and that all other uses of waters of the North Platte River in Colorado shall be confined to North Park.

ARTICLE VIII

Subject to the provisions of this compact, Colorado reserves and shall have the first, preferred, unrestricted, and unlimited use of the waters of the North Platte River within North Park in Colorado, and Wyoming agrees to such reservation and use by Colorado, and undertakes that such use shall be free from all claims to water by Wyoming and/or from all claims to water directly or indirectly caused by or resulting from diversions, storage, and/or uses of water in Wyoming.

ATLANTA CENSUS DECISION—AUTHORITIES AND DUTIES OF THE DIRECTOR OF THE CENSUS CONSTRUED

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the subject of the Federal census of 1930, and to include as a part thereof a copy of the recent decision of the Court of Appeals of the District of Columbia construing the powers and authority of the Director of the Census.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker and colleagues, the taking of the Federal census is a tremendous task. The 1930 census enumerations and compilations have been and are of the most complex and far-reaching character. Dr. W. M. Steuart, Director of the Census, and his able staff and organization have done, and are doing, their work in regard to this census in the most thorough and able manner possible. The final result will be a mass of data, accurately and exhaustively assembled and classified, that will constitute the last word in every field thereby covered. The methods employed are those which insure verity and precision, and the figures and data for this decennial census will reflect in the fullest and fairest manner the facts involved.

The published reports of the Bureau of the Census reveal a total population of continental United States of 122,775,046; in our outlying possessions, 14,233,389; or a grand total of 137,008,435. The census of 1920 disclosed a population in continental United States of 105,710,620; in our outlying possessions, 12,112,545; or a grand total of 117,823,165. The urban and rural populations of continental United States, as shown by the Federal enumeration of 1920 and 1930, follow:

1920:	
Urban	54,304,603
Rural	51,406,017
1930:	
Urban	68,954,823
Rural	53,820,223

In 1920, therefore, 51.4 per cent of our population was urban and in 1930 our urban population was 56.2 per cent of the whole.

An interesting instance of the character of service rendered by the Census Bureau is indicated in its action concerning the enumeration and classification of the city of Atlanta and its municipal neighbors. The Georgia metropolis, as we know, is one of the most enterprising and progressive cities of the Nation. Among all of our rapidly growing and ambitious urban centers there exists more or less friendly rivalry. Each desires to surpass its competitors in wealth, industry, and population. The city of Atlanta sought to have its 1930 enumeration include certain contiguous cities and communities as a single enumeration, at least one of these other cities being Decatur, which is located in a county other than that in which the city of Atlanta is situated. Atlanta based its claims, in this behalf, on the provisions of the act of the Georgia State Legislature of August 17, 1929, which sought to establish a so-called municipality of Atlanta by including therein, in addition to the city of Atlanta, 5 other cities and 15 incorporated communities, covering, in the aggregate, 184 square miles.

On June 18, 1929, the date whereon the fifteenth decennial act (of Congress) was approved, there was but one Atlanta, covering about 34 square miles of territory. The area of this "Greater Atlanta," as the Director of the Census pointed out, is exceeded only by that of three other cities of the United States, namely, Los Angeles, with a population of 1,238,048; Chicago, with a population of 3,376,438; and New York, with a population of 6,930,446.

The Georgia act further provides that for its purposes these various cities shall be referred to as "boroughs," but that it shall be unlawful to refer to them as "cities." Each unit under the act maintains, separate and distinct from the city of Atlanta proper, and from each other, taxing, school, police, fire, and other usual and necessary municipal activities. It would appear, therefore, that the major purpose of the endeavor to create a "Greater Atlanta" was to swell the Atlanta population for the benefit which such increase might yield to an enterprising community which knows very well, indeed, how to avail itself thereof in advertising to the world its growth and prosperity.

The Director of the Census, whose sole desire is to have the census reflect the facts fully and fairly, was unwilling to include the population of all these units under the single title of "Atlanta." The claims for such inclusion were urgently presented, and it is to the director's credit that he resisted them and took the action that not only does justice to Atlanta itself, but, as well, to every other city of the country. More than this, his treatment of the subject maintains and preserves the integrity of the census of the Nation as a whole and that of the entire policy of census making. Had he yielded upon this point, the next census would have had but small value so far as urban centers might be concerned, for with the unwise precedent once established nearly every city of the country would be tempted in self-defense to resort to fictional methods to extend its boundaries and to increase its population.

The result of such practices on a nation-wide scale may be well imagined. I have opposed them.

The Director of the Census in his official publications has indicated the population of Atlanta to be 270,366, and has appended a footnote setting forth the facts as regards the act of the Georgia Legislature already cited, with a detailed statement of the population of the various units comprised in the so-called "municipality of Atlanta." Thus the facts involved are fully set forth in a manner which is fair to all concerned.

Under this treatment the city of Louisville, Ky., continues as the second city of the South, with a population, as shown by the 1930 Federal enumeration, of 307,745. Its land area is something like 35 square miles, and the whole has but a single government, its taxing, school, police, fire, and other jurisdictions being the same throughout. New Orleans, with a population of 458,762, will continue as the first city of the South in point of population, and Houston as the third city, with a population of 292,352. Then among other southern cities, with a population over 200,000 each, there follow Atlanta, with 270,366; Dallas, with 260,475; Birmingham,

with 259,678; Memphis, with 253,143; and San Antonio, with 231,542.

As a result of the action of the Director of the Census in regard to the Atlanta matter, there was filed in behalf of that city a suit in the Supreme Court of the District of Columbia petitioning for a writ of mandamus to be addressed to the Director of the Census commanding him to publish in all of the reports, schedules, bulletins, and lists which he should thereafter publish in regard to the population of Atlanta, the city's population as being 360,691; that is to say, the population of the city proper plus that of the added cities and communities already referred to. This action the director resisted, with the result that a decision was rendered by that court denying the writ and dismissing the petition. Thereupon there was taken from that decision an appeal to the Court of Appeals for the District of Columbia. The case was ably presented by both parties to the controversy, with the result that the last-named court recently rendered a judgment affirming the lower court, and submitted a formal opinion upon the issues involved.

Under leave given me to do so, there is included herewith a copy of that opinion.

Also, it may be noted that the Georgia Supreme Court recently held that the so-called "Greater Atlanta" is not a city or town within the meaning of the act of the State legislature regarding the operation of busses. An article appearing in the Atlanta Journal of February 26, 1931, refers to this decision. The article is hereinafter set forth:

[Copy of article published in Atlanta Journal of February 26, 1931]

The legality of the legislative act of 1929 creating "Greater Atlanta" out of the boroughs of Atlanta, Decatur, College Park, and other adjacent territory was questioned in a decision handed down by the Georgia Supreme Court Thursday.

The supreme court made no comment on the act except to set out the following language in the case of the Inter-City Coach Lines against William B. Harrison, comptroller general of the State of Georgia:

"The municipality of Atlanta created by the act of August 17, 1929, is not a city or town in the ordinary sense of cities and towns in this State and as used in the above provision of the motor carrier act."

Lawrence Camp, attorney for the Inter-City Coach Lines, operating between Atlanta and College Park, had raised the point that the motor bus act taxing and regulating bus lines specifically exempted busses operating "exclusively within cities and towns." He contended that as both the borough of Atlanta and the borough of College Park are included within the limits of "Greater Atlanta," the Inter-City company operated "exclusively within the limits of a city or town."

The supreme court, after ruling that greater Atlanta is not a city or town within the meaning of the bus act, upheld the legality of the bus-regulation measure and the amendment to the general tax act that fixed a tax upon motor busses and placed them under the jurisdiction of the Georgia Public Service Commission.

OPINION RENDERED BY THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA EX RELATIONE ATLANTA, A MUNICIPAL CORPORATION; THE GEORGIAN COMPANY, A CORPORATION; CONSTITUTION PUBLISHING COMPANY, A CORPORATION; THE ATLANTA JOURNAL COMPANY, A CORPORATION; HOTEL WINECOTT, A CORPORATION; ANSLEY HOTEL, A CORPORATION; HENRY GRADY HOTEL, A CORPORATION; PIEDMONT HOTEL, A CORPORATION; ROBERT FULTON HOTEL, A CORPORATION; HAVERTY FURNITURE COMPANY, A CORPORATION; AND IVAN ALLEN, APPELLANTS, v. W. M. STEUART, DIRECTOR OF THE CENSUS. NO. 5327

Appeal from the Supreme Court of the District of Columbia

Before Martin, chief justice, and Robb and Van Orsdel, associate justices.

The appellants, as plaintiffs below, petitioned for a writ of mandamus to be addressed to the appellee as Director of the Census, commanding that in all reports, schedules, bulletins, and lists which the director should hereafter publish purporting to give the population of Atlanta, Ga., he shall set forth such population at 360,691 as the true population shown by the census taken by him. An answer contesting the petition was filed by the director and the issue was heard upon the petition and answer. The lower court denied the writ and dismissed the petition. Whereupon this appeal was taken.

It appears that on June 18, 1929, an act of Congress was passed entitled "An act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress." (U. S. Stat., 71st Cong., Public No. 13, ch. 28.) The act provides, among other things, that a census of population shall be taken in the year 1930 in accordance with plans prescribed and approved by the Director of the Census (sec. 1). The census of population shall be taken as of April 1 (sec. 6). The Director of the Census is authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of the act, such as blanks, schedules, circulars, and other items, and also, in such editions as the director may deem necessary, preliminary and other census bulletins and final reports of the several investigations authorized by the act or the prior act to establish a permanent Census Office (sec. 13).

It was manifestly the legislative intent that the census should include a separate enumeration of the population of cities, for it is provided in section 6 of the act that in any city having 2,500 inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof. Moreover, it is public history that such a practice has prevailed for many years in the census service.

It appears that on August 17, 1929, about two months after the date of the above enactment by Congress the Legislature of the State of Georgia passed an act bearing the title "Atlanta: Incorporation of Municipality so Designated; Cities Included to be Known as Boroughs; Unincorporated Communities Included," etc. (Georgia Laws, 1929, Part III, Title I, Municipal Corporations, pp. 835 to 843.) This act incorporated within the area of the "municipality of Atlanta," as it had theretofore existed, five other cities, to wit, Decatur, Avondale Estates, Hapeville, East Point, and College Park, and 15 unincorporated communities. It was provided by section 3 of the act as follows: "That from and after the passage and approval of this act the charters of the cities of Atlanta, Decatur, Avondale Estates, Hapeville, East Point, and College Park, and all amendments thereto, for the purpose of this act only, are respectively amended so that wherever the titles of corporate names of said cities appear the word 'city' shall be stricken out and the word 'borough' inserted in lieu thereof. But it shall not be unlawful to refer to a borough as a city, and when the word city is used either in official documents or in contracts or private writings such irregularity shall not vitiate but the reference shall be understood to be the borough unless it is plainly intended otherwise."

The act provided that each of the old municipalities should be a borough of the new city, and that each should retain all of the governmental powers which it had previously possessed. Each separate borough, therefore, had the right to levy taxes, issue bonds, and grant franchises or licenses. Each borough also retained its own police powers and its control over its own schools, and generally retained all, or substantially all, of the governmental powers which it had previously possessed. The powers granted to the new city of Atlanta itself were meager, almost negligible, nearly all of the governmental powers being vested in the various boroughs. The act also provided that not earlier than the year 1939 a new charter should be provided for the consolidated municipality, which, however, should not go into effect until it was voted upon by the various boroughs.

The census enumeration for 1930 disclosed that the population of the boroughs constituting the consolidated city of Atlanta, taken separately, was as follows, to wit: Atlanta, 270,366; Avondale Estates, 535; College Park, 6,604; Decatur, 13,276; East Point, 9,312; Hapeville, 4,224; unincorporated communities Nos. 1 to 15, 56,174; the total population of this area accordingly being 360,691.

It appears that the director will publish a list of cities of the United States, including the city of Atlanta, in the order of their population as the same existed on April 1, 1930, and will continue to issue bulletins and reports showing the population of Atlanta as of said date, and it is his intention to state therein the population of Atlanta as 270,366, followed by the following footnote, to wit: "An act of the Georgia State Legislature, approved August 17, 1929, provides for the establishment of the 'municipality of Atlanta,' including therein, in addition to the city of Atlanta, 5 other cities and 15 unincorporated communities. The act further provides that 'for the purposes of this act only' these cities 'shall be known as boroughs,' but that it shall not be unlawful to refer to them as cities. The population of the 'municipality of Atlanta,' as thus defined, and of its constituent areas, is as follows:

Municipality of Atlanta	360,691
Atlanta, city or borough	270,366
Avondale Estates, city or borough	535
College Park, city or borough	6,604
Decatur, city or borough	13,276
East Point, city or borough	9,512
Hapeville, city or borough	4,224
Unincorporated communities Nos. 1 to 15	56,174

The appellants, consisting of prominent citizens and business men of Atlanta, who appear for the city as well as in their own right, insist that the director in all his bulletins and reports shall publish the population of Atlanta as 360,691, without the addition of the qualifying explanation proposed by him. They allege that the form adopted by the director is misleading and inaccurate, and will inflict great and irreparable injury upon Atlanta and its residents. They maintain that the size of a city, as made known by the census, exerts a great influence upon its trade and commerce and upon the value of the property of its citizens. They therefore pray for relief as aforesaid.

In his answer the director explains and defends his action as follows:

"The respondent likewise examined the act of August 17, 1929, and found that the so-called 'municipality' of Atlanta possessed none of the qualities or characteristics of any other city in the

United States. The act gave to the officials no governing power, nor could said officials levy taxes, issue bonds, or enact legislation or ordinances of any kind. The respondent on further examining said act found that the autonomy and powers of the various boroughs and other political units contained in the area in question had not been curtailed or affected in any way whatsoever by the act of the Georgia Legislature of August 17, 1929. The act in question did authorize, however, the mayor ex officio and the members of the common council, not earlier than 1939, to draft and submit to the Legislature of the State of Georgia a new charter providing for a consolidation of the governments of the constituent boroughs and unincorporated communities into one; but the act also provided that before any such charter went into effect it had to be submitted to and be voted on by the various boroughs."

It is our opinion upon the issue thus presented that the Director of the Census is acting within his authority, and that the lower court was right in refusing to issue a peremptory writ of mandamus against him.

It is true as claimed by appellants that cities are municipal corporations created by the authority of the State legislature, and that municipalities may be consolidated or portions set off from one and annexed to another at the will of the legislature. "The number, nature, and duration of the power conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State. * * * The State, therefore, at its pleasure may modify or withdraw all such powers, * * * expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter, and destroy the corporation. In all these respects the State is supreme, and its legislative body, conforming its action to the State constitution, may do as it will, unrestrained by any provision of the Constitution of the United States." (Mount Pleasant *v.* Beckwith, 100 U. S. 514; Hunter *v.* Pittsburgh, 207 U. S. 161.) It follows, accordingly, that the area of a city and the density of its population are exclusively within the discretion of the legislature. (Kelly *v.* Pittsburgh, 104 U. S. 78.)

Upon the other hand, it must be remembered that the national census is exclusively within the authority of the Congress of the United States, and the Director of the Census has been designated as the administrative agency through which that authority shall be exercised. The director is necessarily invested with discretion in matters of form and procedure when these are not specifically provided for by law, and the exercise of this authority can not be controlled by State legislation. (McCulloch *v.* Maryland, 4 Wheat. 429; Johnson *v.* Maryland, 254 U. S. 56, 67.)

In this instance the director in the exercise of his discretion has decided that the legislative purposes respecting the census will be best subserved and the public more fully and more correctly enlightened by setting out a detailed statement of the circumstances when reporting the population of Atlanta. It is clear that this decision is not arbitrary or capricious, and it follows that the courts have no authority to interfere by mandamus with it.

"Mandamus is employed to compel the performance, when refused, of a ministerial duty, this being its chief use. It is also employed to compel action, when refused, in matters involving judgment and discretion, but not to direct the exercise of judgment or discretion in a particular way nor to direct the retraction or reversal of action already taken in the exercise of either." (Wilbur *v.* U. S., 218 U. S. 206, 218.)

The judgment of the lower court is affirmed.

GEORGE E. MARTIN,
Chief Justice, Court of Appeals of the District of Columbia.

It will be noted that the Court of Appeals for the District of Columbia holds that the action of the Director of the Census in the indicated matter is one to be determined in the exercise of his judgment and discretion; that his decision in the premises is not arbitrary or capricious; that he has pursued the course which he believed would best serve the purposes for which the census was undertaken; and that, therefore, the courts have no authority to interfere by mandamus with such action.

I believe the subject under discussion is of sufficient interest and importance to justify this treatment of it.

BRIDGE ACROSS THE OHIO RIVER AT MOUNDSVILLE, W. VA.

Mr. DENISON. Mr. Speaker, I call up the bill S. 6216, and ask to extend the time for commencing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., authorized to be built by the Moundsville Bridge Co., its successors and assigns, by an act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 19, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. STAFFORD. Reserving the right to object, I notice on the calendar two bills which, instead of being bridge bills, provide for tunnels under the Delaware River, one from South Philadelphia across to Gloucester, and another from Wilmington across to some point near Salem, N. J.

The gentleman from Pennsylvania [Mr. WELSH] remained here when the calendar was under call on last consent day, hoping that the bill relating to the tunnel between Philadelphia and Gloucester would be reached. It has not been called up by the gentleman in charge of the bill, and I would like to know whether there is any opposition to either of the bills.

Mr. DENISON. I know of no opposition to either of them. There was opposition for some time, but finally the public officials of Pennsylvania and New Jersey reached an amicable agreement, and since that time I know of no opposition. I would have called them up if the parliamentary situation would have allowed.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman so deeply interested in having the bills called up for consideration.

Mr. WELSH of Pennsylvania. I appreciate the gentleman's kindness in these matters, because if these matters had been brought out the construction of one of these tunnels would have been begun within the next 14 months. They are much needed. I will say that the various elements interested on both sides of the river in connection with both tunnels have harmonized their differences. The bills are now on the Speaker's table waiting for recognition. They have been most carefully drawn. The rights of the public have been well protected, and the rights of the investors are also protected. My colleague, Congressman WOLVERTON of New Jersey, and I assisted the committee in drawing the bills, and the committee reported them unanimously. I think they are the last word in legislation of this kind. It is my hope that the parliamentary condition in the Senate will permit of these bills being passed, so that I may claim recognition before we adjourn. I understand that there is a filibuster on in the Senate.

Mr. STAFFORD. If I understand the legislative status, it would be of no avail to have the bills considered at this time.

Mr. WELSH of Pennsylvania. No; but I am waiting now, and if anything happens I would ask to be recognized.

Mr. STAFFORD. I am very sympathetic to these proposals, as I am acquainted with the situation. Any bridge would meet with opposition, but the tunnels would not.

Mr. WELSH of Pennsylvania. That is true; and I appreciate the gentleman's kindness.

Mr. PATTERSON. Is the work already on the way; has it begun?

Mr. DENISON. Yes.

Mr. STAFFORD. The gentleman will remember that this week we passed a bill, which has become a law, by which the State of West Virginia is going to take over all these private toll bridges—a unique position in the history of bridge legislation in this country.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., authorized to be built by the Moundsville Bridge Co., its successors and assigns, by an act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 19, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ADDRESS OF HON. WILLIAM R. DAWES

Mr. DENISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address delivered by Mr. William R. Dawes, on waterways and railways.

The SPEAKER. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, the gentleman from Connecticut [Mr. TILSON] made a request the other day that all Members have the right to extend their own remarks in the RECORD. Does not that include every application of this kind?

The SPEAKER. The Chair has explained several times that general leave given by the House for extension of remarks includes only the Members' own remarks and does not include statements and addresses by other people.

Mr. GRIFFIN. I have in mind to ask unanimous consent to extend my own remarks. Is it necessary to make that application?

The SPEAKER. It is not. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by Hon. William R. Dawes, president of the Mississippi Valley Association, delivered before the Omaha Chamber of Commerce on Friday, February 13, 1931:

RAILWAYS, HIGHWAYS, WATERWAYS, AND SHIPPERS

We hear a great deal nowadays about the plight of the railroads. The press is full of statement and argument as to the reasons for the difficulties in which the railroads find themselves. Much is said as to the effect of so-called newer modes of transportation upon the business and revenues of the railroads, the general complaint being that the railroads are being discriminated against to their own detriment and to the advantage of the users of the highways and waterways.

No one denies that the revenues of the railroads have decreased these later years, due in some respect at least to changing conditions which the present business depression has made more evident and acute.

In this connection it is of interest to note a statement by a presumably railroad proponent. I have recently received a small pamphlet entitled "Railroad Equities—a Survey by John W. Barriger III, Vice President, International Carriers (Ltd.)," published November 20, 1930.

Referring to the drop in price of the stock of the Pennsylvania Railroad, he says: "There seems to be a widespread tendency to conclude that the drop in rail earnings has been due less to the general business depression than to a permanent and growing loss of rail traffic to competitive means of transport. Such conclusions are untenable." And, again, "The fears of competitive transport center around pipe lines, air and motor transport, and inland-waterway development. Each of these admittedly holds certain problems, but their potential dangers are greatly exaggerated in the public eye."

Such a note of optimism is welcome and encourages the belief that even among railroad authorities themselves there is a difference of opinion as to the existence or extent of the dangers that many railroad officials loudly proclaim threaten the efficiency and earnings of the railroads at the present time.

The Central West acknowledges its debt to the railroads in their earlier days of its development and would withhold no measure of praise for what the railroads have done. Without the pioneer spirit which built the railroads across the continent in the face of physical difficulties and dangers and their handicaps in securing funds in those early days, we would not now be enjoying the comforts and luxuries brought to us by the efficient railroad transportation of to-day.

The public has supported the railroads through all these years. The trade of merchants and manufacturers has made possible the earnings which have enabled the railroads to reach their present highly developed state of efficiency.

As an outgrowth of their peculiar and distinctive position in the transportation field the railroads have come to consider themselves as occupying a superior position and appear to believe that the business of the country should be handled by the railroads as a sort of natural right. This feeling of domination in the transportation field can be easily understood; but the railroads apparently have failed to give due recognition to changing business conditions, which affect transportation as well as all other forms of commercial activity. The manufacturer is continually under the necessity of meeting changed conditions and has learned to adjust himself speedily in order that he may preserve his business or be in a position to adopt the newer forms and materials of manufacture. Many businesses, due to new inventions, are obliged to discontinue their former efforts altogether, suffering the losses that naturally follow. Merchants, by good management and foresight, are sometimes able to make adjustments which will permit them to continue and to save a part at least of their original investment.

Many businesses to-day bear little resemblance to their beginnings 20 or 25 years ago. The mortality of business due to the inventive genius of the American people is sometimes startling. If the American people had not been able to meet these changes courageously, they would not witness to-day the magnificent progress made by the Nation in the last 100 years.

For example, while preserving all the benefits of competition the banks of to-day, particularly in the large centers, by cooperation among themselves have built up a financial structure unequaled anywhere in the world. They have oftentimes, through what amounts practically to capital loans to dealers in bonds, real-estate mortgages, and allied forms of investment, assisted in building up strong competitors in the very fields in which they themselves operate at the greatest profit. They have learned that cooperation with rather than antagonism to the newer forms of banking and investment finance proves to be of greater benefit to themselves and their communities.

This is something our railroad friends seem not to have been able to work out satisfactorily in their own field of activity.

HIGHWAYS

One of the most spectacular changes affecting transportation is due to the development and use of the motor vehicle.

The complaint of the railroads is not against the motor car per se, nor its use in personal or private business, but against the present operation of the motor truck and motor bus as common carriers. How much business has been taken from the railroads by the motor truck and bus probably can not be accurately ascertained. Presumably its volume is very considerable and a matter of grave concern to the railroads. The same is true of the passenger automobile in its relation to the passenger business of the railroads.

The claim is being made that the rates charged by the motor truck and bus do not include those allowances for taxes, upkeep, and depreciation comparable with similar allowances required of the rail carriers. They claim the truck and bus operate on a right of way furnished by the State or Federal Government, while the railroads operate on their own right of way, paid for from their own capital funds, and maintained at their own expense. Therefore, the demand is made that the truck and bus be required to make rates sufficient to pay taxes, interest, and capital charges covering the cost of paved highways—in other words, pay for their right of way.

An inquiry into the extent to which the automobile industry contributes to the payment of the modern paved highway discloses some interesting information.

The National Automobile Chamber of Commerce has issued a pamphlet entitled "1931 Edition Highway Tax Costs," by John E. Walker, former special assistant on taxation to the Secretary of the Treasury. The following tables appear (Tables I and II):

TABLE I.—*Sources of rural highway income, 1929*

	State	County and local	Total
General tax levy	$11,431,349	$414,152,567	$425,583,916
Appropriation	60,305,631	75,018,526	135,324,157
Motor-vehicle fees	278,092,734	51,886,324	329,979,058
Gas tax	287,258,416	70,492,878	357,751,294
Miscellaneous	11,726,508	36,228,366	47,954,874
Bonds	161,229,297	110,635,146	271,864,443
Federal aid	77,572,691		77,572,691
Total	887,616,626	758,413,807	1,646,030,433
Per cent	54	46	100

TABLE II.—*Highway expenditures by purpose, 1929*

	State	Per cent	County	Per cent	Total	Per cent
Construction	$557,400,625	69.7	$256,581,811	39.8	$813,982,436	56.4
Maintenance	173,060,321	21.6	260,477,801	40.4	433,538,122	30.0
Miscellaneous	5,524,358	.7	49,455,959	7.7	54,980,317	3.8
Equipment and machinery	18,056,509	2.3			18,056,509	1.2
Interest on bonds	45,834,531	5.7	78,277,070	12.1	124,111,601	8.6
Total	799,876,344	100.0	644,792,641	100.0	1,444,668,985	100.0
Per cent	55.4		44.6		100.0	

Motor-vehicle fees and gas tax above are the amounts used for construction and maintenance only and represent about 88 per cent of gross total collected in 1929.

It must be borne in mind that county and local (city, town, and village) highways are provided chiefly for local use and convenience and have only a limited competitive effect upon rail traffic. State highways being through thoroughfares, are the main object of complaint by the railroads as furnishing a "subsidized" right of way as against the privately-owned right of way of the railroads.

The charge is made that State highways are built largely by moneys derived from taxes and that the railroads contribute a substantial part of these taxes. The above tables indicate that the general tax levies and appropriations from current funds of all of the States have diminished to a comparatively small amount and with the exception of some of the less populated States will soon disappear entirely as furnishing funds for highway construction. Funds derived from motor licenses and gasoline taxes furnished in 1929 about 64 per cent of the total income for State roads and equaled more than the total amount spent in 1929 on construction of State roads.

The gross receipts from all special motor-vehicle taxes for 1929 are given as $779,479,997, which closely approximates the total expenditures on main roads aggregating $799,876,344, for the same period.

It is apparent that the motor vehicle is contributing a very substantial part of the cost of our hard roads, and these contributions, through payments of license fees and gasoline taxes, are likely to increase rather than diminish. It is also worthy of note that 21 States do not now levy general property taxes or make appropriations from current funds for State highways and, accordingly, there is no contribution by the railroads in these States for this purpose. Payments by the railroads for State highway construction are now negligible.

While asserting that motor-truck operations cost around 40 cents per mile, Mr. Barriger, vice president of International Carriers (Ltd.), states that: "The great development of trucking has been due to its economic advantages at terminals." These advantages, however, do not appear to be given consideration in estimating operating results in computations by railroad proponents. It is doubtful if their direct effect on motor-truck operations can be accurately shown, but manifestly the indirect benefits are very important.

WATERWAYS

It is not my purpose at this time to reiterate the arguments in favor of inland-waterway development. I believe the arguments are sound and will eventually be recognized as such by all transportation interests. The development of our inland rivers is not aimed at the destruction of any other form of transportation. It is believed, however, that where transportation can be made economically available to agriculture and industry alike in the Central West that the resultant increased prosperity will be shared by all major forms of transportation. In discussing the many questions which necessarily arise, both waterway and railway advocates should endeavor to avoid partisanship and prejudice and first seek to ascertain all of the facts as to both forms of transportation and give them weight according to their relative importance.

The Bureau of Railway Economics has issued a booklet entitled "An Economic Survey of Inland Water Transportation in the United States," published October 15, 1930. This survey discusses inland-waterway transportation at great length, but for the purposes of this occasion I desire to call attention to their statement and argument as to the expenditures of the Federal Government on the Missouri River and its tributaries alone.

"Missouri section

"The Missouri section, as that term is used in this survey, is made up of the Missouri River proper, the Osage and Gasconade Rivers, and certain other tributaries, the total navigable mileage of these rivers being 2,562 miles, all with a controlling depth of 4 feet or less. The rivers and harbors act, 1930, contemplates a depth of 6 feet for the Missouri River as far up as Sioux City, a distance of 807 miles from its mouth.

"The cost of navigation improvement on the Missouri section to June 30, 1929, was $41,709,087, and its traffic in 1928 was 995,520 tons. The total ton mileage was 5,901,273."

"The total navigation costs of $41,709,087 for the Missouri section, to June 30, 1929, may be segregated as follows":

Cost of new work	$31, 599, 878
Cost of maintenance	7, 110, 712
Operating and care of canals	148, 655
Value of plant, materials, and miscellaneous	2, 849, 842
Total	41, 709, 087

The capital expenditures for "new work," exclusive of maintenance, amounted to $31,599,878, as of date June 30, 1929. It is interesting to note how this sum has been built up over a long period of years. (See Table III.)

TABLE III.—*Cost of new work, Missouri River, 1838–1929*

[Compiled from Report of Chief of Engineers, United States Army, 1929]

Project	History of project	New work, 1838–1929
The Missouri River, Kansas City to mouth, 308 miles.	Government snagging operations began in 1836. First plan for comprehensive improvement, 1882. Prior to 1902, $6,970,510.57 was expended. From 1902 to 1912, $289,592.82 was spent for new work.	$34, 836, 080
The Missouri River, Kansas City to Sioux City, Iowa, 409 miles.	The first work in this section in 1868. Regulation work, 1876. Systematic project for improvement 1882. Expended prior to 1927, $2,586,616.56 for new work.	2, 934, 002
Missouri River, Sioux City, Iowa, to Fort Benton, Mont., 1,478 miles.	The first project Aug. 14, 1876. Expended prior to 1903, $2,501,150.25 for new work and maintenance. Chief of Engineers report 1915, "Most of the early works were experimental and of cheap construction, and while they were often effectual, they rarely lasted more than one season, as the ice or drift brought about their destruction."	3, 032, 717
Osage River, Missouri.	The first work authorized Mar. 3, 1871, for channel deepening. In 1890 construction of lock and dam authorized. River is now (1929) in excellent condition as far as Linn Creek, affording channel depth of 2 feet.	658, 078
Gasconade River	First appropriation June 14, 1880. 1916 removal of dam at Priors Bend authorized. 1929 navigation limited to 12-inch draft.	139, 003
Total		31, 599, 878

Manifestly, a very considerable amount of these early expenditures have little, if any, effect upon the navigation program for the Missouri River as it is proposed to-day. It must be frankly admitted that large sums of money have been wasted in earlier years upon haphazard, piecemeal construction, doubtless authorized and prosecuted in part as a result of political influence or favoritism. Such amounts, whatever they may be, have no place in determining the present-day costs of river navigation. They are no more entitled to be fairly charged as a part of the capital structure of the Missouri River project than are the tremendous losses sustained by the railroads in the earlier years of their operation. It would be utterly unfair to the railroads to increase their capital structure by the amount that has been lost through waste, extravagance, and receiverships.

The point I wish to make is, that the waterway and railway proponents must be fair in statements if we are to arrive at a beneficial solution. Either party who unjustly seeks to discredit the other will suffer, both at the hands of the law-making bodies and the public.

SHIPPERS

In the final analysis the shipping and traveling public will make its own decision as to the relative merits of all forms of transportation and will determine for itself which form of transportation is best adapted to and most economical for its purposes. Traffic moving by various forms of transportation belongs to the business concerns of the country and will be offered for transportation to that agency which can make distribution at the lowest costs. This amounts practically to a vested right lodged in the public, for the simple reason that, in the last analysis, the public supports all forms of transportation.

Business men are interested primarily, so far as transportation is concerned, in low cost of distribution of goods, whether raw materials or manufactured products. They do not ask that trade and commerce shall be handled by any carrier at a loss. They do insist, however, that they are entitled to rates which will enable them to reach the markets of the world on a fairly competitive basis.

At present the Central West is served chiefly by one major form of transportation, which for various reasons not altogether under its own control is unable to furnish a transportation service which will permit a legitimate expansion in the trade and commerce to and from this territory. Business in this great mid area is suffering from both natural and artificial marketing handicaps and feels that it is justly entitled to relief.

Agriculture presents the most perplexing problem now before us. Artificial means looking toward immediate relief are of doubtful efficacy. At the same time, probably what is being done by the Farm Board will be worth the effort and cost in educational value, even if actual results do not measure up to its hopes. Ultimately, in all probability some cooperative or coordinated control of production and distribution will be devised which will protect the interests of the agricultural industry and preserve to the farmer and grower of livestock his opportunity to conduct his operations on a profitable basis.

The Federal Government has embarked upon a program of development of our inland waterways to determine the commercial feasibility of water-borne traffic on our inland rivers. Large sums of money have already been spent, and a great deal more money must be invested before it is possible to move any appreciable amount of traffic by water on our rivers. The business men of the country are anxiously looking to the completion of this great inland waterway system in the belief that it will afford an additional means of economic transportation. The shippers as a class constitute the most important group of taxpayers and are, therefore, meeting the principal costs of this inland waterway development. In my opinion this expenditure is not made with any hostile intent toward the railroads. Competition, however, is so keen nowadays that all business is interested in reducing the costs of distribution. It is the hope of waterway advocates that out of all this development there will come a coordination of the major forms of transportation to the benefit of both producer and consumer.

The railways, highways, waterways, and shippers should join in a concerted effort to promote the interests of agriculture and industry, to the end that they may bring about increased prosperity in the Middle West to the benefit of all concerned.

ADDITIONAL HOSPITAL FACILITIES FOR WORLD WAR VETERANS

Mr. LUCE. Mr. Speaker, I present a conference report upon the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16982) entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and

out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," having met, after full and free conference report to their respective Houses as follows:

That they have been unable to agree.

ROBERT LUCE,
RANDOLPH PERKINS,
EDITH NOURSE ROGERS,
J. E. RANKIN,
LAMAR JEFFERS,
Managers on the part of the House.

REED SMOOT,
JAMES E. WATSON,
DAVID A. REED,
PAT HARRISON,
WILLIAM H. KING,
Managers on the part of the Senate.

Mr. LUCE. Mr. Speaker, I move that the House recede and concur in the Senate amendment. [Applause.]

Inasmuch as but an hour and a half remains of the session, it is my judgment that there should be no long discussion of this matter, but that as quickly as possible, if the House votes to sustain the motion just made, the bill should be messaged to the Senate. However, it would be unfortunate if no time whatever was given to explaining the situation, because the House should vote understandingly. There is involved in this vote something very much more than the question of the amount of money, or the question of its immediate expenditure. There is involved here a principle that is of great importance. If memory serves me right as chairman of the subcommittee on hospitals, a subcommittee created soon after the main committee was established, it fell to me to report its first hospital bill, and unless memory deceives me, that bill was reported without any allocation. Again, if memory does not deceive me, the reports accompanying all hospital bills since then have contained allocations. These have not had the binding force of statutes, but they have been persuasive. Inevitably the Director of the Veterans' Bureau has followed the committee program and now, of course, he would follow any allocation. The principle involved, the principle in accordance with which for many years appropriations were made for rivers and harbors and for post offices, and which now has been dispensed with very largely in those two fields, has in its application to veterans' hospitals now met with opposition in the other branch. Matters having reached this juncture, I feel justified in saying that I do not believe in the allocation principle and never have believed in it, and, therefore, I shall shed no tears if the principle in the Senate bill is adopted. [Applause.] However, I felt it my duty in conformity with the genius, if I may so call it, of the committee of conference, to represent the House view, and I did so until it was manifested last night that a majority of the Members of the House had decided to abandon a position that I think can not be logically defended, and to accept the view for which I have fought for so long.

This bill, then, if my motion prevails, will go to the President with the House committed to the principle as set forth in the Senate report. That report says:

> Various construction programs were submitted to the committee, including estimates of needs furnished by the Administrator of Veterans' Affairs. Your committee, however, believes that the location of the new hospitals and homes and additions to existing hospitals and homes can better be left to the discretion of the Federal Board of Hospitalization, with the approval of the President. This board is composed of outstanding men, thoroughly versed in the subject of hospitalization and domiciliary care, who, after a comprehensive study, will be in a position to best locate the facilities authorized in this bill where they are most needed.

Let it be understood, therefore, that in the vote about to be taken all those who vote to support my motion will commit themselves to the definite policy that hereafter there will be no allocated hospital programs presented to this House. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. Is it not true that the gentleman from Massachusetts [Mr. LUCE], the gentleman from New Jersey [Mr. PERKINS], and myself, and others on the Republican side of the Veterans' Committee fought most strenuously for the position which the gentleman has just stated, and that the allocation program was forced on us by the gentlemen on the Veterans' Committee on the Democratic side of the House, and that from this time on they are committed to the program that there will be no more like rulings?

Mr. LUCE. The gentleman states the truth exactly. [Applause.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Mississippi.

Mr. RANKIN. The statement of the gentleman from South Dakota [Mr. JOHNSON] is most ridiculous. It is the first time I have heard from him in a long time, except in his opposition to this very bill when we wanted to concur in the Senate amendments the other day.

Mr. Speaker, we Democrats have been in the minority on the Veterans' Committee ever since it was organized, and these allocations and this "pork-barrel" policy of which the gentleman is speaking, which they are now forced to abandon, was adopted by the Republicans on the committee.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. RANKIN. For the gentleman to rise now and attempt to mislead the country into believing that the minority, the Democrats, who constitute only one-third of the committee, is responsible for that pork-barrel policy, I repeat, is most ridiculous. [Applause.]

Mr. JOHNSON of South Dakota. There are on the floor of the House some very distinguished soldiers who were members of the Committee on World War Veterans' Legislation. They are from combat units. Among them are the gentleman from Alabama, Mr. JEFFERS; the gentleman from Tennessee, Mr. BROWNING; the gentleman from Missouri, Mr. MILLIGAN; the gentleman from Massachusetts, Mr. CONNERY. There are no gentlemen in the entire world, in my judgment, who have better combat records than those gentlemen, and to settle this matter I should like to have one of them get up and state that I did not state the facts accurately.

Mr. CONNERY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. CONNERY. I will say to the distinguished chairman of the committee that I do not believe he stated those facts exactly accurately, because certainly the Democratic side of the committee being put in the position of forcing the allocations is absolutely wrong. The gentleman's memory is very faulty.

Mr. JOHNSON of South Dakota. I do not know exactly what the attitude of the gentleman from Massachusetts [Mr. CONNERY] was, but I do know what the attitude of the gentleman from Mississippi [Mr. RANKIN] was.

Mr. CONNERY. The minority of a committee can not control the committee. The gentleman knows that. I should like to say to my colleague from Massachusetts [Mr. LUCE] that, inasmuch as he has control of the time, I hope he will not talk much longer, although I would be pleased to listen to him, but I would like to see this bill made a law.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LUCE. My associate on the committee, Mr. JEFFERS, is on his feet. I yield to the gentleman from Alabama.

Mr. JEFFERS. Mr. Speaker, it seems a very weak thing for the majority side, the chairman of the committee, to attempt, even if it were absolutely correct, on the floor of the House, to say that the minority side of a committee could formulate the policies of the committee while the committee was under his direction. Personally, let me say that I feel very strongly that the House of Representatives ought to retain within its power the right to say where this construction should be done. I regret sincerely to have to recede, but we are doing it for the sake of getting the bill passed.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SIMMONS. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Did the gentleman not just a bit overstate the facts we are now committed to a definite policy? Are we not rather submitting to pressure beyond our control, and after all, has not the House of Representatives the veto on these allocations when they come in for appropriation, and can we not hereafter write bills definitely allocating the hospitals?

Mr. LUCE. If the gentlemen on the conference from the other branch were sincere in their declarations, and in my judgment they were, there will never be another allocation bill pass this Congress as long as they are Members.

Mr. SIMMONS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. SIMMONS. I think a large majority of the membership of the House who have studied the veterans' situation are in accord with the idea that a hospital board, nominally under the direction of the President, but actually under the direction of a board of men who know hospitals and their needs, should be the deciding body for the allocation of the hospitals. I would suggest to the gentleman that it is only 20 minutes until 11 o'clock. Let us spend some of the other time to discuss the question of policy, and I suggest that we have a motion for the previous question and pass this bill in order to make certain that it will reach the other body in time to become a law.

Mr. LUCE. Where a gentleman of such consequence as the gentleman from Georgia [Mr. CRISP] takes the floor I can not refrain from yielding.

Mr. CRISP. I appreciate the compliment, but I rose to make the same suggestion which the gentleman from Nebraska [Mr. SIMMONS] made. It is only 1 hour and 20 minutes until this Congress dies and this bill must be enrolled and sent to the President. Let us vote.

Mr. LUCE. I assured the House I would but speak for a few minutes, but if my colleagues on the committee desired to address the House, certainly it would have been unfair for me not to give them an opportunity.

I gladly now move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts [Mr. LUCE] to recede and concur in the Senate amendment.

The motion was agreed to.

HOSPITAL, DOMICILIARY, AND OUT-PATIENT FACILITIES—APPROPRIATION

Mr. WOOD. Mr. Speaker, I offer a House joint resolution (H. J. Res. 534) to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana offers a House joint resolution which the Clerk will report.

The Clerk read the joint resolution, as follows:

House Joint Resolution 534

To provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration

Resolved, etc., That the sum of $5,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for carrying out the provisions of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved March 4, 1931.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMMITTEE TO WAIT ON THE PRESIDENT

Mr. TILSON. Mr. Speaker, I send a resolution to the Clerk's desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Connecticut offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 392

Resolved, That a committee of three Members be appointed by the Speaker to join with a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have concluded the business of the present session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER appointed the following Members: Mr. TILSON, Mr. HAWLEY, and Mr. BYRNS.

CHICAGO WORLD'S FAIR

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, last night I moved to suspend the rules at about the midnight hour, when all of us were exceedingly disturbed about the fate of the hospitalization bill. I then moved to suspend the rules and pass a bill for the participation of the Government in and representation at the World's Fair to be held in Chicago in 1933, to celebrate the one hundredth anniversary of the establishment of that community as a municipality. Congress authorized the President to invite foreign nations to take part in that exposition. He has done so. Congress authorized a committee to prepare plans with reference to the Government's participation in that exposition. The committee did that. The President submitted the report of the committee with his recommendation that the report of the committee be approved in legislation. The report of the committee, together with the form of the bill, is the matter which I presented to the House last night.

I shall not argue the matter further, but this is very important for the success of this undertaking. Foreign nations may stop in their preparations for participation in this World's Fair if nothing is done at this session. Appropriations will be made later on, but I want to ask unanimous consent that the Senate bill may now be agreed to.

The SPEAKER. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I do not see the gentleman from Tennessee [Mr. BYRNS] present. I understand he raised a point against the bill.

Mr. SABATH. May I join with the gentleman from Illinois in that request?

Mr. CHINDBLOM. We do not often ask things of the House.

Mr. SABATH. This is the first time in many, many years that we have made such a request.

Mr. BYRNS. I want to say to the gentleman from Illinois that his colleague, Mr. SABATH, has been talking with me about the matter. I realize the interest the gentleman has in this matter, and the hospital bill having been disposed of, I shall not interpose any objection.

Mr. SABATH. I will very much appreciate it if the gentleman will grant the unanimous-consent request.

Mr. EDWARDS. Mr. Speaker, I withdraw my reservation of objection, in view of the statement made by the gentleman from Tennessee.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5625, providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. PATTERSON. Reserving the right to object, does the gentleman know what action the gentleman from Texas [Mr. BLANTON] would take if he were on the floor.

Mr. CHINDBLOM. He told me last evening that it was not the bill itself to which he objected, but that he did not think it ought to be taken up at that hour and that we ought to pass it next December. But next December will be nine months gone, during which the foreign nations may be lying idle in the matter of participation.

Mr. PATTERSON. In a way this is a diplomatic matter, and in view of the statement made by the gentleman from Tennessee I shall not object.

Mr. RAGON. Mr. Speaker, reserving the right to object, I want to ask the gentleman whether this is the last appropriation we are going to be asked to make for this celebration?

Mr. CHINDBLOM. Absolutely; and this is not for the exposition but for Government participation.

Mr. RAGON. I am not going to object, but the very things the gentleman has outlined here the former Vice President, Mr. Dawes, told us we would not have to pay for, and I am going to say to the gentleman that while I am not going to object at this time, I shall object to anything else along this line.

Mr. JOHNSON of Oklahoma. Mr. Speaker, reserving the right to object, I recall when this bill was up during the last Congress, the distinguished gentleman from Illinois made a speech, and although I can not quote his words, it occurs to me——

Mr. BLANTON. Mr. Speaker, I am going to object, so why prolong the discussion?

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BLANTON. Mr. Speaker, I object.

Mr. SPROUL of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5625) providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes.

The SPEAKER. The Chair regrets very much he can not recognize the gentleman for that purpose.

JESSIE R. GREENE

Mr. KOPP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6225) granting an increase of pension to Jessie R. Greene.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie R. Greene, widow of Capt. Frank L. Greene, late of Company B, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving.

Mr. KOPP. Mr. Speaker and ladies and gentlemen of the House, I crave your indulgence for a few moments while I call your attention to this bill, which has passed the Senate and which is now before the House for consideration.

This bill grants a pension of $150 a month to Jessie Greene, the widow of Frank Greene, in lieu of the pension that she is now receiving. Many of you knew Frank Greene before he received the injury which finally caused his death. You recall his genial personality, his great ability, his constant devotion to duty, and his distinguished services to his country, both in peace and in war. He held the affectionate regard of his fellow men in an unusual degree.

Then came the awful tragedy. In the very prime of his life, while the future was still so full of hope and promise, he was stricken down. You recall his heroic struggle, how through weary months he hovered between life and death, and how though broken and shattered in body he kept a brave spirit to the very end.

Long will be remembered his high sense of honor. When he was overwhelmed by the expenses of his illness the United States Senate contributed $7,500 to the payment of said expenses. As soon, however, as he could get the money together he returned it all. Such was Frank Greene. Such was the man we loved. Such was the man whose memory we shall cherish in our hearts.

My fellow Members, this bill reminds us that she who comforted and sustained him through all the trying years still lives and still must carry on. [Applause.]

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed. [Applause]

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

Mr. KOPP. Mr. Speaker, I ask unanimous consent to revise my remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

IMPROVEMENT OF THE WILLAMETTE RIVER

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6024) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg., and I would like to be heard for about three minutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the conditions requiring a contribution by the local interests toward the estimated first cost of the improvement of the Willamette River between Oregon City and Portland, Oreg., authorized to be carried out in accordance with the report submitted in House Document No. 372, Seventy-first Congress, second session, are hereby waived.

Mr. DEMPSEY. Mr. Speaker and my colleagues, when I brought this matter up last night I had not examined the report. The report at page 42 states the following:

The effects of power and irrigation uses, possibly modified by regulation for flood control, are at present unknown and will remain so until extended study has been made.

This report was made to the committee, and in the face of this report we adopted a provision specifying local contribution on the ground that we did know what the report says we did not know. They have now made a further survey and they have made the extended study referred to, and as a result of this study they say there will be no benefit from power. So there was a mistake made here and this is to rectify a mistake, and as a result of rectifying it we will cheapen the cost of construction of a Federal highway very much more than the amount we waive and we will enable also a great river improvement to be adopted.

Mr. WARREN. Mr. Speaker, reserving the right to object, I objected to this bill last night when it was called up for consideration. I know nothing about the merits of the bill and probably it is all right, but I objected on the ground, as I understood, this bill had never received committee consideration and was brought in here at the eleventh hour and a demand made to pass it by unanimous consent. The gentleman from Texas [Mr. MANSFIELD], the ranking minority member of the committee, has gone home. The gentleman from Alabama [Mr. McDUFFIE] is next to the gentleman from Texas, and the gentleman last night stated he had never been consulted about this matter, and for that reason I objected.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McDUFFIE. I think if the committee had had full and complete hearing on this project they would have approved it. I have gone into this subject since it was brought up on the floor last night. I do think there is merit in it. I do believe the Government will save the amount that it now proposes to relieve the community from contributing to this project, and I think it is a matter of such emergency that we should pass it to-day.

I do not like the idea of bringing this kind of a bill in at the eleventh hour, but I think this will expedite the construction of a very important project.

Mr. HOWARD. Mr. Speaker, I object.

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to proceed for a few minutes on a matter of some interest to the House.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Speaker and Members of the House, now I want to tell you to begin with that this is not a

"swan song." I sing no swan song in the days of my youth. If evil days ever come upon me when I am a Member of this House, then I may do it; but I will chant no threnody, I will give you no dirge; it will be a lilting lay of gladness. [Applause.]

Mr. Speaker, "the earth without form and void" describes primeval chaos.

In obedience to Heaven's first law, order was established. Once established, although often disturbed and shaken, it has continued until now. Along its path, down the millenniums and centuries developing change, called progress, has moved in majesty and power until that which is in light, power, stateliness, and beauty which we call civilization stands as the culmination of man's genius and industry and warrants our own pride and the approval of the Almighty.

Order among men in field, battle, or forum stands toward disorder as light to darkness and discord to harmony.

Many battles of earth have been won when the assembling bugle notes congregated the hosts and the gleaming swords inspiring uniform action without actual engagement.

The scepters of kings invited, repelled, composed, commanded, and order followed so long as recognized authority continued.

With the transfer of power concentrated in one to the multitude, there was crystallized through law into being congresses and parliaments.

That united action might be had and coherent procedure obtained, there has been provided for presiding officers a seat of command and a symbol of power.

These bodies have the mace and similar implements representing the jurisdiction of the body general. There has been adopted in nearly all legislative assemblies an implement not representing the majesty and power of the body directly but the power delegated to the presiding officer to preserve order and enforce decorous procedure. Having at different times in my life visited the legislative bodies of this Capital, those of many States in the Union, neighboring countries on this continent, and having later visited the legislative bodies, or at least several legislative halls of European parliaments, and studying their procedure, I noted the following facts: There were but two symbols of authority in evidence—one was the gavel, but by far more numerously employed was the metallic bell.

The first in calling to order, for quiet, to rise, or adjournment, seemed to partake and respond to the mood, tense, temper, and character of the presiding officer wielding it. While the second, the metallic instrument, seemed to have its one tone, varying somewhat in emphasis but mainly determined by the founder of the bell, which, stricken by child or man, clerk or statesman, gave the same sound and effect.

Here in this greatest legislative assembly in the world I have sat under two great presiding officers—Clark and LONGWORTH. I have seen three other great Speakers wield in characteristic fashion the executive emblem of their conferred power.

The force, character, and power of each of these men seemed to be reflected in the moderate or resounding gavel stroke, varied by the occasion and circumstances.

The genesis of the gavel is not difficult to discover as a parliamentary implement. As such it came primarily into evidence in the latter decades of our colonial history, when open town halls were not so numerous as in later years. If their publicity suited not the purpose of the early patriots along our Atlantic border, whose visions of an independent Republic inspired their activity, still their discretion was to a large extent dominant and manifested in many lodges of esoteric character.

The early council fires burned most frequently in the then rapidly multiplying Masonic lodges.

Here, like most of the recognized lodges of America, throughout the history of the Republic, patriotism was in evidence and law and order given primary position. The gavel, long used, was patterned somewhat after the ancient setting maul of European lodges, both insular and continental, before and during crusading days. Many times after fraternal rites were observed the councils of safety, the sons of freedom, and other budding patriotic organizations sat in these places of secrecy. Out of their ambitions their oppressions, and their common purposes were evolved the finished capable revolutionists when that day dawned.

From that time until the present with the increase of legislatures, the multiplication of municipal councils, the frequent conventions, the secret orders, civic, fraternal, and semireligious character, all have adopted and use this distinctive parliamentary implement in America.

In early times none used the gavel,
Except those who walked the level,
And who upright stood and bold,
Parting squarely as did the men of old.

For the bell is not the Mentor,
When Americans concenter,
For their own or public good,
Now all creeds and parties use the wood.

Other nations have followed our course in the adoption and use of the gavel. I was curious to know through what medium the deliberative assemblies of all the nations spoke, in the important parliamentary function of maintaining order. The magic gavel had for me more interest than the heavy knobbed implement which old men use to drive and pursue the celluloid pellet. My youth has not permitted me to devote much time to that profession, which was once a Caledonian sport. This will explain in part my spending time in playing thus with the gavel and bell for your tolerance, if not entertainment. So I concluded to inquire of the various embassies and legations, whether their lawmaking bodies at home used gavel or bell. I was honored with courteous answers to my inquiries, which answers in substance I communicate.

In little Albania, among the mountains, senators and deputies alike respond to the bell.

Argentina, in the Southern Hemisphere, the nearest counterpart of our own Nation, silver in name, uses the silver bell. In fact, it admonishes her senators and members of her house of deputies with that musical metal.

Austria, the saddest, proudest of the dismembered empires having a republic successor, places in the hands of the presiding officer of her Bundesrath and National Rath, bells as musical as the art of that ancient empire could produce to be used in the deliberations of the new Republic.

Belgium, long known as the cockpit of Europe, once the scene of Waterloo and later the theater of the World War, has a Senate and House of Representatives, and commands her senators and representatives with the bell.

Bolivia, greatest aread inland Republic in the world, uses in senate and house of deputies the liquid-throated instrument, made memorable by Edgar Allan Poe—"The Bells."

Brazil, whence departed the last crowned head from the western continent, largest aread continental nation in our hemisphere, with a constitution patterned after our own, provides their presiding officers with bells to command order.

The British Parliament set the pace and standard of the great parliaments of the world until 1789 when we established its ultimate superior. In both houses of the British Parliament, Commons and Lords, as well, the members bow to the admonishing bell.

Bulgaria, off in the Balkans, in its unicameral congress (Chamber of Deputies), the presiding officer clangs a warning bell.

Canada occupies the unique position in the parliamentary world, where neither gavel nor bell are used. The mace there is the symbol of authority of the body, as it is in the United States.

Chile, energetic, prosperous Republic, lying between the placid Pacific and the towering Andes, favors exemplification of its vast mineral rather than forest wealth by placing in her presiding officers' hands, in both Senate and House of Deputies, silver bells.

China, old when Europe was young, and long before America was, uses the bell. In its history there is no gavel.

Colombia, crowning the southern continent, follows precedent of nearly all Latin Republics, uses bells, although her

constitution closely follows ours, and legislative chambers are called Senate and House of Representatives.

Costa Rica; one star in the Central American constellation, in her single legislative chamber invests its presiding officer with a bell.

Cuba, the Queen of the Antilles; one star, three stripes; Senate and House of Representatives like ours, would have her presiding officer bespeak quiet, convene, and adjourn under the proper crashing intonation of the gavel's fall.

Czechoslovakia, one of the best-bottomed Republics which emerged from kingcraft as a result of the World War, formed its government as near like ours as the traditions, prejudices, and ambitions of her people would permit, gives her presiding officers to command order of her 17 political parties, silver-throated bells.

Denmark, whose temporal landmarks are Hamlet and the World Court, uses the bell in her Rigsdag and Folkething (House of Commons and Senate).

Ecuador, bisected by the Equator, with a constitution following our own, like most of the Latin countries, uses in Senate and House, a bell.

Finland, unicameral, provides her presiding officer with a gavel, a tribute to her friend, the United States.

La belle France—Goldsmith said: "Gay, sprightly land of mirth and social ease," was a monarchy, empire, republic, empire, and republic again, faithful to her traditions of palace and cloister, calms the fiery legislative Gaul and brings such order as may be among a turbulent membership with a clear-toned bell.

A bell in the German Reichstadt spurs the contemplative Teuton to action, quells the asperity of debate between representatives of its many blocs and parties, and suggests in adjournment a benediction, hope, or hate for what was once the Government of the Fatherland and a growing enthusiasm for the new Republic.

Greece, home of the early democracies, republics, and monarchies, both in Senate and Chamber of Deputies quells the rising passions of the excitable Hellenes, of whatever strain, with the soft notes or strident clangs of a table bell.

Guatemala, another star of the quintet constellation, composes, unifies, and thrills her assembly and council with the governing bell.

Holland, or Netherlands (bicameral), greatest of the bell-foundry nations, patronizes her own products, controlling those firm, sometimes obstinate statesmen, who have been valuable to the world.

Honduras, another star in the central cluster in her single Chamber of Deputies follows her northern neighbor in the use of the gavel.

Hungary, now a kingdom and largest factor of the dismembered dual empire, in national assembly and House of Magnates uses the bell.

Ireland, "Fairest Isle of the Ocean," after centuries of bitterness, based upon wrongs, real or fancied, in her Dublin Parliament, now where members speak two languages, the members understand and usually obey the thundering gavel. It is the instrument used by her long-time national friend, where the number of her sons and daughters outnumber the people at home.

Italy, home of art, poetry, and song, nativity of ancient and modern Cæsars who tolerated and then terminated senates, has yet the semblance of parliamentary rule. It commands order out of confusion in Senate and Chamber of Deputies by golden-noted silver bells.

Japan, constitutional monarchy, in her legislative bodies, both House of Peers and Representatives, attend, caution and command of metal, rather than wood.

The Grand Duchy of Luxemburg, in Chamber of Deputies, uses the bell.

Mexico, our neighbor, in her bicameral Congress under her constitution patterned after our own, uses the gavel.

Nicaragua, revolutionary member of the Central America group, uses the gavel, but finds more effective control in our marines.

Cold, far-off Norway, mother of the vikings, with evidence of their having discovered America, emphasizes their conviction by using the gavel.

Panama, a Republic, born of a revolution in defense of its right and an opportunity to realize the dream of Columbus, in its unicameral legislature, uses two bells, either to be alternatively resorted to as the occasion may demand. It may be that some of these countries should have in addition to the legislative bell, a revolutionary bell, whereby revolutions could be averted, controlled, or ended to the "clanging of the bells."

Paraguay closely copies the United States Constitution, but its legislative officers use the bell.

Peru; the Congress of Peru uses the bell. The metal rather than forestry in her history, justifies the choice.

Poland, dismembered kingdom and oppressed Province, convulsed by revolutions, now a Republic battling against dictatorship, places in the hands of Seijm and Senate the conventional continental bell.

Portugal, both national council and the upper chamber are governed by a bell.

Rumania is a kingdom with a parliament where the bell commands order when debate outruns deliberation.

Russia, we know not what implement may be used to bring about deliberative order; perhaps neither gavel nor bell. Rumor, probably not accurate, would prompt one to see order maintained by musket and ball.

San Domingo uses the bell.

Spain—

> Fair land of Chivalry of the old Domain,
> That gave a new world to the old—Stately Spain.

Though dominated by monarch, or dictator, it still has a functioning Cortez where perhaps the most dignified of the world's legislators convene, rise, behave, and adjourn to the liquid, gold-rimmed bell.

Sweden, which has sent so many sons and daughters of intelligence, virtue, and thrift to America, in her two legislative chambers, uses that implement which carries emphasis and potential force, gives better expression in wood than in metal, the gavel.

Switzerland, mountain girt, canyon rent, and lake jeweled, one of the oldest of the Republics. In its legislative halls where three languages are spoken, namely, German, French, and Italian; where thrift, liberty, and independence are the three matching qualities there is conveyed to German, French, and Italian, in vibrant musical tones, caution, and command, by a bell.

Turkey, both in council of state and assembly, uses the bell.

Uruguay, in Senate and House listen to and obey the bell.

Venezuela, both Senate and House of Deputies, convene, deliberate, debate, and adjourn to the command of bells.

Thirty-five, bells; eight, gavels; and two, no instrument.

In a dilettante way I have observed the character and manner of many temporary presiding officers. To me their character and capacity for controlling an excited house or convention is quickly revealed. With mud in their eye, hesitancy of action, or mild-mannered staccato of gavel they do not succeed, where vigorous and resounding stroke, with clear, determined eye flash from the seat of power quiets the disturbance, separates belligerents, and in a moment sends forward purposeful and dignified debate.

In a Western State conservative Democrats were seeking to thwart the quadrennial candidate. As a preliminary they selected as chairman a lawyer of outstanding ability and commanding personality and asked him if he could carry the convention. Quinn said, "Give me the wood; I'll do the rest." He did.

Our gavel, never in jeopardy but now and then in uncertainty, is one of the premier prizes of earth. Its value can not be measured. Gold and diamonds are to it as dross. Its weight in radium would not carry it from hands where this House shall place it.

Its strength lies in the ability of its wielder and the loyalty and nobility of his supporters. While in capable hands and under maximum support it has held the House of Representatives in the first rank of legislation and the estimate of the Nation, leaving the Senate and Executive contending for second place. This was as the fathers ordained it. But, unfortunately, in the process of a half century I have seen

precedence yielded to the Senate, which in turn yielded rank to the Executive. Under Speaker Cannon the supremacy of this House was established and sustained. In an evil day the House yielded to internecine attack. Under two succeeding Speakerships, though both of high order, the House struggled ineffectively for second place.

Recently there has been a tense struggle for second place between Senate and Executive, with the disorganized, centrifugalized Senate apparently clinching third position. I congratulate the House, which I am soon to leave, upon the commanding position it now holds in the respect and estimate not only of the great Republic but of observing mankind. [Applause.]

Let it live for those who love it,
For those who know it true,
For the heaven that smiles above it
And the good that it may do.

Live for bards, martyrs, sages,
The noble of all ages,
Whose deeds crown history's pages
And times great volume make.

For the rights that need assistance,
For the wrongs that need resistance,
For the bright hopes in the distance
And the good you all may do.

Live to hail that season
By gifted minds foretold,
When man shall live by reason
And not alone by gold.

When man to man united
And every wrong thing righted,
The whole world shall be lighted
As Eden was of old.

[Applause.]

EXPENSES OF MARINE BAND AT NEW ORLEANS

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 535, making an appropriation for the expenses of the United States Marine Band in attending the National United Spanish-American War Veterans in New Orleans, La., in September, 1931, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 535

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated the sum of $8,171 for the fiscal year 1932 for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans to be held at New Orleans, La., on September 6 to 10, inclusive, 1931, as authorized by the act approved March 3, 1931.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ATTENDANCE OF ARMY BAND AT DES MOINES, IOWA

Mr. WOOD. Mr. Speaker, I ask unanimous consent for present consideration of H. J. Res. 536, making an appropriation for the attendance of the Army Band at the encampment of the Grand Army of the Republic at Des Moines, Iowa, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 536

Resolved, etc., That for defraying the expenses of the Army Band in attending the annual encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 13 to 16, inclusive, 1931, as authorized by the act approved March 3, 1931, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,500 for the fiscal year 1932: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Army Band may be allowed not to exceed $5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Army Band would be entitled while serving at their permanent stations.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RETIRING MEMBERS

Mr. McLAUGHLIN. Mr. Speaker, the Michigan delegation in the House has asked me to perform a duty, pleasant and at the same time unpleasant; to say a word concerning the two members of our delegation who will not be Members of the next Congress, Mr. LOUIS C. CRAMTON and Mr. GRANT M. HUDSON. [Applause.] This is not the time, and it would not be appropriate, for me to speak of their services in this House, for they are well known.

These men had achieved distinction in Michigan before their election to the House of Representatives in Washington. Much was expected of them by the people of Michigan. They had occupied public positions; they had performed important duties. They had met the expectations of the people in their work there, and much was expected of them here. I know I express the feeling of the people of Michigan when I say their expectations, their hopes have been realized and their demands upon these men have been fully satisfied. We regret their going, and I believe I express the feeling of this body when I express the hope that they may live long and be happy and prosperous. [Applause.]

Mr. LINTHICUM. Mr. Speaker, in the very limited time that I have I am quite sure that I shall not be able to do justice to my subject. I feel that I speak the voice of the entire House when I say that we regret most deeply the retirement of that distinguished gentleman from Virginia, Mr. R. WALTON MOORE. [Applause.] Mr. MOORE came to this House in the Sixty-sixth Congress. He came as a very distinguished lawyer. He brought with him those legal talents and abilities which a gentleman of his high standing would be expected to bring. He has lent much to the work of this House. He has been a substantial support to the rules of this House and the author of some beneficial changes in the rules. He is one who has brought about peace on the troublous waters of this body on many occasions.

An able, experienced, and conscientious legislator, a devoted and hospitable friend, a Virginia statesman of the old school.

I am sure we all feel and we all wish that distinguished Virginian a long life, great happiness, progress, and many visits to the House of Representatives. [Applause.]

I also regret the retirement from the Committee on Foreign Affairs of that gentleman from Wisconsin, Mr. EDWARD E. BROWNE, and the young and able gentleman from Portland, Oreg., Mr. FRANKLIN F. KORELL, and the gentleman from Missouri, my close friend, Mr. EDGAR C. ELLIS. All of those gentlemen have been of great support to the Committee on Foreign Affairs. That committee has been rent asunder, not only by the retirement of these distinguished gentlemen but by the grim reaper gathering from our midst during this Congress such able citizens, such able legislators, such distinguished gentleman from their respective States as Stephen G. Porter, of Pittsburgh, Pa.; as that grand old gentleman resembling Robert E. Lee, Maj. Charles M. Stedman, from North Carolina, who distinguished himself as one of General Lee's staff from Bull Run to Appomattox; and that distinguished gentleman from New York, Mr. David J. O'Connell, always alert, happy, and smiling.

Then, gentlemen, last but not least by any means, that great, stalwart, tall sycamore and distinguished scholar, Henry Allent Cooper, of Wisconsin.

The Foreign Affairs Committee has been rent asunder, and it is our deep prayer that the incoming Congress may give us men who are able to take their part and do their work as able successors of the distinguished men who have left us. [Applause.]

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I present a resolution which I ask to be immediately considered.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 393

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $6 per diem from February

16 to March 3, 1931, inclusive, for the services of an assistant clerk to the Committee on Enrolled Bills.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MUSCLE SHOALS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. ALMON] have two minutes to address the House.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. ALMON. Mr. Speaker, the veto message of the President of the Muscle Shoals bill is based largely upon misinformation. First, that the power at Muscle Shoals would cost 9 mills per kilowatt-hour, when as a matter of fact the Government is generating and selling the power there now, and has been for several years, for 2 mills per kilowatt-hour, and making a profit over and above the expenses of operation.

That the cyanamide process used in the Muscle Shoals plants is practically obsolete, in the face of the fact that a plant using the same process is and has been operated successfully at Niagara Falls, Canada, for 20 years, and the same kind of plants are being operated successfully in Germany for the benefit of agriculture.

That the plants could not have been leased under the terms imposed in the bill. This he could not determine until an opportunity was given to those who were interested in making a lease. If the bill had been approved he could have secured a lessee without any difficulty as he could have given the cheapest power rates that could have been secured anywhere, and he could have made the rental of the plants practically free.

That he is opposed to Government operation of the Muscle Shoals property which is in conflict with the views expressed by him at Elizabethton, Tenn., during his campaign in 1928. He is opposed to the operation of the plants by the Federal Government, but recommends that it be leased to the States of Alabama and Tennessee to be operated by the State governments. He recommends the appointment of another commission. Many have been appointed heretofore and no results accomplished.

The veto message was a great disappointment to American agriculture who has hoped and expected to secure a cheaper and better grade of fertilizer. It is a great disappointment to those who are unemployed and in dire distress. It is a very distinct disappointment to me as the representative of the Muscle Shoals district. But I am not discouraged. The next Congress, coming fresh from the people, will give expression to the views of the great masses of the people and pass a Muscle Shoals bill that will be in the interest of the Government and agriculture, and, if necessary, will pass such a bill notwithstanding it may receive a veto by the President. It is useless for me to make any further comment or statement at this time as the veto message can not be considered in the House, as the Senate failed to pass it over the veto, it being a Senate bill.

It seems that the President has failed to realize the opportunity placed in his hands to do something great and really helpful for the American people. This opportunity is denied at this time, but will be provided for by the next Congress. [Applause.]

RETIRING MEMBERS

Mr. HARE. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. Without objection it is so ordered.

Mr. HARE. Mr. Speaker, no people has become great and remained great who failed to cherish their traditions, honor their heroes, or pay appropriate tribute to their leaders.

I therefore ask this opportunity to express my high appreciation of the friendship and regard of the statesman-like qualities of the retiring Member of this House from Nebraska, Judge WILLIS G. SEARS. [Applause.]

I have been closely associated with him on the Committee of Elections No. 3 for three years, and during that time I have been impressed with his legal ability, his statesmanship, his honesty, and unswerving integrity.

As chairman of the committee, he has at all times been exceedingly courteous and patient, yet firm, unflinching, and courageous in registering his convictions. I am sure we have all been impressed with the modest, gentle, and judicial attitude he has assumed toward every question submitted to this body for consideration. We all regret to see him leave, because his high-erected thoughts, emanating from a heart of courtesy, have been an inspiration to those of us who have been fortunate enough to have been thrown with him from day to day.

In addition to possessing all the qualities of what I consider an outstanding statesman, I find that Judge SEARS was a man of poetic qualities worthy of recognition, and, Mr. Speaker, I would like to have unanimous consent to extend my remarks by including three or four poems recently written by the gentleman from Nebraska, Judge SEARS. [Applause.]

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection. The poems follow:

By Willis G. Sears

THE FIRST ELEVEN O'CLOCK TOAST

'Twas the hour of eleven, and the herd was together,
In a mountainous glen, in a fair kind of weather;
And sentinels watched, keeping intruders at bay,
For the sun had gone down, 'twas the close of the day.
O'er the hills came the yelps of the wolves of the pack,
But so distant the sounds that none feared attack.
And the night owls and hawks were still vainly calling,
And the shadows of midnight now soon would be falling;
'Twas then that the bull elks in friendly convention
Took stock of the herd without any contention;
And 'twas then that the bull elks remembered the past,
And their thoughts on the absent ones fondly were cast;
And those were recalled with a bellowing word,
That once were the joy and the pride of the herd.
And now if they browsed on the prairies of green,
And mixed with the herd, they never were seen.
'Twas then that the bulls would lean over the brink
Of the spring of the glen, and all take a drink
"To the health of those here, and then to all others";
And recalling a while of the far-absent brothers,
Of the ones of the herd who were with them no more,
Who had crossed the Big Water and climbed the far shore.
But none were forgotten, forsaken were none,
Either those of the herd, or who had passed on alone.
Then with antlers the bulls would protect from all harm,
From ravenous wolves and all kindred alarm;
Then lie down with the herdlings till morning should wake,
And all journey forth with the dawning's first break.

ENVIRONMENT—FIRST

Alone was one upon the crowded way,
And watched the endless throng pass heeded by;
While he, a child of snow and sunless day
Held out his heart for human sympathy.
He knew not full the value of his own,
His ice and snow, his walrus and his seal;
Until 'mid thousands, lo, he stood alone
And felt homesickness o'er him rudely steal.
Compared his ice with those of human form;
His walrus, too, with those of tramping feet;
Then hungered he for whirling of the storm,
And longed him for a battle with the sleet.
Oh human! Thou with past environment
Seek not abroad with hope to find content.

ENVIRONMENT—SECOND

Alone one stood midst cold and snow and ice
Of farthest north—he of the city bred,
Paying in full what was to him the price
Of strange adventure. To him the world seemed dead.
Vainly did Northmen the stranger seek to please.
In vain they lured him to their hunting ground.
The more the natives tried, less was his ease,
Till naught of joy but full distress was found.
Then pined he for machinery's clanging wheels
And hungered for the crowds that surge along—
The ecstacy the city lover feels
Who finds in iron the music of a song.
Oh thou! You human! Fitted in and grooved,
Pray past environment be not far removed.

OPPORTUNITY

It is not true she knocks once at thy door,
If no response she turns from thee away;
That with her going thy last chance is o'er
And thou left hopeless for a life and day.
Nor is it true she knocks at ev'ry morn;
That with night's shadows doth thy records burn;
That with morn's breaking is thy chance reborn;
That she knocks on, although her calls you spurn.
But this is true: She is within thy call;
Now at thy door, now on more distant field.
Art thou erect? Or prostrate's been thy fall?
Stretch forth thy hand! She will assistance yield!
Not chill of heart, nor weak of purpose she.
Goddess of hope and help, is Opportunity.

HUMANS

Let's be humans, you and I, for a year.
What care we for creed or pelf,
Let us for a while leave self,
And go out into the world,
With our banner brave unfurled,
Living for our fellow men.
Till a year has gone, and then
Mayhap we'll so cheerful be,
With our lives all charity,
That again with closing year,
Casting out all selfish fear,
With our banner, brave, unfurled,
Waving to the human world,
We'll continue for a while,
Helping all the world to smile.

ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks to insert certain correspondence that I have in explanation thereof.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, the bill allowing the veterans to borrow up to 50 per cent of the face value of their adjusted-service certificates is now the law. They will pay 4½ per cent interest on the loans. On a $1,000 certificate, if a veteran borrows $500, which he may under the act, his certificate is not canceled; in the event of his death his beneficiary will receive $500, less the interest due on the loan. This bill does not entirely meet with my approval. I worked for its passage because it was the best legislation we could get at this session. At the next session of Congress we hope to get a law enacted for the full cash payment of the face value of the certificates. In asking for this payment we are not asking for the payment of a bonus or a gratuity; we are asking for the payment of a just and honest debt that has been confessed by the Congress of the United States as due. It should be paid, like all other Government obligations are paid. There is no reason why payment should be withheld against the consent of the ones to whom the debt is due.

May 28, 1929, I introduced the bill (H. R. 3493) to provide for the full cash payment of these certificates. I made many speeches in and out of Congress since that time advocating this legislation. My speeches, fully explaining the proposal, were sent to every section of the United States. The speeches contained unanswerable arguments for the legislation; the people got the truth and demanded that the proposal be adopted. Every effort was made by the leaders in Congress to apply the gag rule and refuse to even grant a committee hearing but the appeals from the people were so numerous, logical, and reasonable that the leaders were forced to grant consideration.

WHAT OTHERS SAY ABOUT MY EFFORTS

After the passage of the additional loan bill I received hundreds of letters and telegrams from every section of the United States thanking me for my successful effort to get additional relief to the holders of the adjusted-service certificates. I can not authorize the printing of all the letters and telegrams received but will insert a few.

Maj. Thomas J. Leary, executive secretary Veterans' Association Air Service Mechanics Regiments, Chicago, Ill., in a statement to all veterans' publications, a copy being forwarded to me, stated:

In their last-minute railroading through the House, under "suspension of the rules," of a "compromise" bill, Congressman LONGWORTH, et al., have shown what they could and should have done 20 months ago, when Congressman WRIGHT PATMAN introduced his bill calling for immediate payment in full.

This compromise bill is only 50 per cent there, and while the veterans will be thankful to get even a half measure, in this last-minute stealing of the spotlight, the veterans want to remember the man who is responsible for their getting anything at all at this time—Congressman WRIGHT PATMAN, of Texarkana, Tex.

Congressman PATMAN's dignified, level-headed, courageous, and persistent fight conducted since May, 1929, in the face of gag rule in the Ways and Means Committee and the opposition of the Republican steering committee has won him the admiration, friendship, and gratitude of all veterans.

Major Leary was in this fight from the beginning to the end, and no one assisted the cause more than he and his organization.

Frank Clark, a disabled veteran, Lynn, Mass., wounded in the fight at Cantigny, France, May 25, 1918, never received a dime compensation from the Government, a leader in the fight for the payment of the certificates, wrote me as follows:

MY DEAR SIR AND COMRADE: Yours of the 23d is at hand, and would say that in view of the power of all opposition that has had to be bucked I can only say for my part that all those who are to be benefited by the present law, providing it is enacted, can consider themselves mighty lucky to be able to get what they are entitled to get under the provisions of this law at this time, for if it were not for yourself as the author of the Wright Patman bill and the great expense that you went to out of your own private income to introduce what the adjusted-service certificates stood for, it is more than doubtful that no veteran would have the privilege of getting the second loan in the same year. In other words, if it had not been for WRIGHT PATMAN and the supporting Democratic Party no legislation of this nature would have come up before Congress this year for action, and if the boys had waited for the Republican Party to initiate such legislation as this they would have waited until hell froze over.

J. H. Hoeppel, manager the Retired Men's News, Arcadia, Calif., an enthusiastic supporter of the movement, wrote me as follows:

Words can not adequately describe the relief you have brought to hundreds of thousands of your comrades, and you may not even visualize the lives you have saved and the children you have succored.

Your accomplishment outbalances all the Red Cross has ever done in my lifetime, and in thanking you I salute you as a fearless fighter, and hope to meet you in Washington next year and personally tell you how much I admire you.

Edward J. McGeogh, national secretary, Fleet Reserve Association, Washington, D. C., wrote me under date of March 2, 1931, as follows:

MY DEAR CONGRESSMAN PATMAN: May I express to you the thanks of our organization, as well as my personal thanks for your support of the bonus proposition?

I know that you, more than any other person in the United States, are responsible for the passing of the bonus legislation. I know how hard you worked, the hours that you put in on the floor of the House trying to get your colleagues to do justice to the service men.

I know, also, that your party leaders were not in favor of this legislation; in fact, you found few supporters; but confident in the fact that you were fighting a just cause, you proceeded against what appeared insurmountable odds and achieved victory.

To you all honor is due, and I wish to add my praise and congratulations, and express the wish that you may live long and prosper and achieve the highest office which you desire.

Mr. McGeogh and his organization were constantly on the job and rendered effective service.

George E. Hughes, editor Texas Legionnaire, Austin, Tex., February 27, 1931, wired me as follows:

Veterans of Texas join Ernest Cox and me in sending congratulations for the success of your efforts. Papers should carry headline "Country Boy from Texas Defeats President." This act will go far to relieve distress in Texas. Best good wishes.

R. O. Whiteaker, department adjutant, Austin, Tex., wired me as follows:

Many thanks your wires advising passage loan bill House and Senate. Veterans of Nation owe you debt of gratitude for your fearless and tireless fight their behalf. Please convey thanks this department Senators SHEPPARD and CONNALLY and each Texas Representative for their loyal support. With highest regards.

Raymond Fields, national executive committeeman, American Legion, Guthrie, Okla., wired me February 28, 1931, as follows:

Congratulations on the important part you have played in adjusted-service certificate legislation. I am sure that general gratitude of the ex-service men of the Nation will be yours, for they recognize the leadership rôle you so successfully played.

Joe L. Blythe, commander Hornets' Nest Post, American Legion, Charlotte, N. C., February 27, 1931, wired me as follows:

I congratulate you on your successful fight for payment of adjusted-compensation certificates. You have our everlasting gratitude.

The Hornets' Nest Post is entitled to considerable credit for the part it played in the passage of the legislation.

A. D. Story, Naples, Tex., ex-service man, wired me February 28, 1931, as follows:

I know it is through you we got 50 per cent; am with you on your full payment bill.

Phelps Phelps, national chairman, national bonus committee, Broadway and Forty-fourth Street, New York City, wrote me February 21, 1931, as follows:

On behalf of the national bonus committee, I wish to thank you for the splendid fight you put up to give the ex-service men their adjusted compensation. It was greatly through your fight that Congress came into action in aiding the ex-service men when they were in need. They won't squander their money, and many of the married men who had bought homes and farms and find times hard to pay their obligations will find this a godsend.

A prominent official of the Federal Government wrote a constituent of mine—a friend of his—the following letter February 27, 1931, immediately after the passage of the bill over the President's veto:

I have just heard from the Capitol that the Senate has voted a few minutes ago by the necessary two-thirds majority to override the President's veto of the bill to increase loans on bonus certificates to former soldiers to 50 per cent of the value of such certificates.

I imagine that these former soldiers will derive considerable benefit from the passage of the bill at this time when nearly everybody is hard up, and I want to say that the sole credit for its passage is due to WRIGHT PATMAN. During the entire time I have been in Washington and have observed legislation in Congress, I have never seen any man in either branch of Congress work as constantly and with such indefatigable energy for any measure as PATMAN displayed in his work for these former soldiers.

He started the fight without any support in Congress worth mentioning, and won it by keeping everlastingly at the task of building up public sentiment throughout the country, which in the end forced action.

It is the most signal victory I have ever seen won by any Member of Congress during his first term, and really I do not recall such a victory by any Member of long service. I happened to be in position to know what an uphill fight he made to put some measure of relief through for the soldiers.

James M. Barry, Sulphur, Okla., February 19, 1931, wrote me as follows:

I want to thank and congratulate you for your honest and noble efforts and success for the victory of the passage of the bonus bill, and I want to assure you as a native of Texas and also an ex-soldier from Texas that with the many thousand of ex-service men of that State and including ex-service men of Oklahoma, extends to you one of the highest praises and feeling of gratitude and thanks that could be offered to man by man. Thanking you again.

The following letter was received March 3, 1931, from a prominent person from the home town of Mr. Mellon, Pittsburgh, Pa. I do not have authority to use his name, but will quote the contents of his letter:

May I congratulate you—you were fighting powerful combinations and you won.

Should you see the long line of former soldiers—some crippled, many disabled, and most all in reduced circumstances—standing in the street before the Veterans' Bureau here waiting to file their claims for a "loan" you would feel well repaid.

And I am quite sure the veterans will remember the men who made it possible for them to receive needed help at this time of economic stress. And I am equally sure that we are going to also remember who opposed all help.

This morning's newspapers contain the information that Mr. Secretary Mellon is getting the money to pay the veterans at 1½ per cent, though the veterans are charged 4½ per cent compounded yearly. I believe he has purposely seen to the wide publication of that difference, and it is not receiving any applause from the ordinary citizen, as it is only understandable to the Mellon type of mind why the soldier should not be allowed to receive that benefit.

My sincere wishes for your continued service in Congress, and thank you again for your work for the soldier, the remembrance of which shall be continually with us.

Leslie Anderson, a veteran of the World War, Texarkana, Tex., and secretary of a local building and loan association, wrote me under date of March 7, 1931, as follows:

I want to express my deep appreciation for the splendid work you have done in Congress on behalf of the World War veterans. I am well pleased with your work on behalf of the adjusted-service certificate legislation, and while the results secured were not all that you asked for, yet the benefits that are available now will be a great help to the veterans of this community. I have in mind five veterans that are paying for their homes on the monthly installment plan through the Home Building & Loan Association and are now delinquent in their payments on account of unemployment or the present depression. Each of these veterans is applying for a loan on his adjusted-service certificate and is using the funds to make the payments on his home. This will be a distinct benefit to each of these veterans and also to the community.

Letters and telegrams of thanks and congratulations were received by me from officials of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and many other veteran organizations. The letters and telegrams inserted fairly represent the sentiments and thoughts in all of them.

RETIRING MEMBERS

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. FREAR] is recognized for two minutes.

Mr. FREAR. Mr. Speaker, in the few minutes permitted I desire to express on behalf of the Wisconsin delegation, and I believe I speak the sentiments of every Member of the House, when I say that we regret the loss to this membership of two distinguished members of the Wisconsin delegation, both of whom were associated with me in public life at our State capitol in years gone by.

Representative EDWARD E. BROWNE entered this honorable body with myself in the Sixty-third Congress, and has served throughout that Congress and the succeeding Congresses in this body with distinction and honor to himself and those he represented; an able lawyer; a strong advocate of the rights of the common people, and a splendid friend. His loss will be felt by the Committee on Foreign Affairs, of which he was a member, and by those of our delegation who have appreciated his excellent work as a legislator.

It is with like regard that I speak of the loss to this body of Representative MERLIN HULL, of my State. A speaker in the State legislature, thereafter he filled the position of secretary of state as successor to the office I once held. His advent here has brought to the House a man who faithfully represented a splendid constituency with distinction, and on the District Committee his work has been outstanding, always on the side of public welfare.

I bespeak for these Members a general wish for their prosperity and happiness wherever placed in life, and can assure them that they have left pleasant memories with their associates in this body. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. JOHNSON] for two minutes.

Mr. JOHNSON of Texas. Mr. Speaker, on behalf of the Texas delegation, I desire to call the attention of the House to the fact that two members of our delegation will retire to-day after long and honorable service as Members of this House. The Hon. CLAUDE B. HUDSPETH, of El Paso, who has been here for 14 years, and the Hon. JOHN C. BOX, of Jacksonville, Tex., who has served here for 12 years. Both of these Members have been active in the discharge of their duties and have been able and faithful public servants. I know that the entire membership of the House on both sides of the aisle will agree with me when I say that they will be missed personally, officially, and in every other way, because they have been outstanding leaders of the Texas delegation and in this House, and our good will will follow them always. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. MURPHY] for two minutes.

Mr. MURPHY. Mr. Speaker and Members of the House, I have asked for this little time to say a word about the great chairman of the subcommittee with whom I have had the honor to serve for the last eight years. I had hoped to have enough time to tell you something of the real CRAMTON. The CRAMTON you know here is the CRAMTON with the fighting spirit, but the CRAMTON I know is the CRAMTON with the tenderness of a woman and love in his heart for human-

ity. I wish each and every one of you could grasp the CRAMTON whose administration has doubled the allotment given to the Indians, the CRAMTON who has looked after the colored race by stabilizing their educational institutions, the CRAMTON who has built hospitals for the care of the Indians, the CRAMTON who has found out ways for those who go out into the vacant places, those who go out where the pioneers go, the CRAMTON who has found a way for them to reclaim the arid lands of the West. I wish you knew the CRAMTON I know, and to-day I feel a distinct personal loss in his passing. [Applause.]

Representative LOUIS C. CRAMTON, of Michigan, is the son of a Union soldier.

During Mr. CRAMTON's 18 years' service in the House of Representatives, which by the fortunes of politics will terminate to-day, he gained the enviable and just reputation among his colleagues of being a courageous legislator, an indefatigable worker in committee and upon the floor of the House, a forceful debater, a skilled parliamentarian, and a constructive statesman. As a member of the Committee on Appropriations and as chairman of the subcommittee in charge of the bill making appropriations for the Interior Department his labors were untiring in behalf of the proper and efficient administration of the various branches of that service, to which he devoted unsparingly of his time and energies. The Public Park Service, the Public Lands, and the Indian Service each received the benefit of his close study and personal inspection disinterestedly from the viewpoint of one whose only aim was to do exact justice to them and to the Federal Treasury. In these activities he succeeded in such large measure that it can be said in all sincerity and truth that those branches of the Federal service will, by his retiring, suffer the loss of a real friend and the House of Representatives a Member whose judgment and conclusions in respect to them had the confidence of the House.

But in another and perhaps a broader field, in one which should challenge the admiration of the entire country, Mr. CRAMTON was a pioneer and laborer whose zeal and energy and intelligent, almost inspired, patriotism blazed a hitherto untrodden path.

As the son of a Union soldier, as a northern man, Mr. CRAMTON's great work was more closely to cement the North and the South in bonds of fraternity and to bind up and heal the wounds inflicted by the Civil War. In this praiseworthy ambition "the better angels of his nature" had the ascendency over any lingering feelings of prejudice or resentment which would naturally arise to suppress his urge.

We witness, therefore, his first effort taking the form of legislation for the restoration of the Lee Mansion in the Arlington National Cemetery.

It is quite worth while to any lover of our common country to read the original proposition offered by Mr. CRAMTON and enacted by Congress. Here it is:

Whereas the era of internecine strife among the States having yielded to one of better understanding, of common loyalty, and of a more perfect Union; and

Whereas now honor is accorded Robert E. Lee as one of the great military leaders of history, whose exalted character, noble life, and eminent services are recognized and esteemed, and whose manly attributes of precept and example were compelling factors in cementing the American people in bonds of patriotic devotion and action against common external enemies in the war with Spain and in the World War, thus consummating the hope of a reunited country that would again swell the chorus of the Union: Therefore be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed, as nearly as may be practicable, to restore the Lee Mansion in the Arlington National Cemetery, Va., to the condition in which it existed immediately prior to the Civil War and to procure, if possible, articles of furniture and equipment which were then in the mansion and in use by the occupants thereof. He is also authorized, in his discretion, to procure replicas of the furniture and other articles in use in the mansion during the period mentioned, with a view to restoring, as far as may be practicable, the appearance of the interior of the mansion to the condition of its occupancy by the Lee family.

This from the breast and heart of the son of a Union soldier. Were nobler sentiments of reconciliation of contending brothers ever written or ever given more practical effect? Suffice it to say that the appropriations necessary to carry the Cramton Act into effect were made, and the work of restoration executed.

But not content with this splendid constructive work, Mr. CRAMTON pursued his intent still further into other historic realms in the Old Dominion, the mother of Presidents, and rescued from oblivion and neglect those landmarks so closely associated with America's colonial and revolutionary history, and by dint of his untiring energy and devoted patriotism raised them to their proper exalted position of American shrines to which future generations of patriots might repair to learn anew the lessons of the self-sacrifices of our forefathers whose devotion to the cause of self-government established the American Republic.

First, Wakefield, the birthplace of George Washington, long neglected save for an unimposing obelisk, and the near-by burial ground of the Washingtons, were rescued from the hands of vandals and accorded proper respect. It was this same man, CRAMTON, who, in conjunction with the efforts of the National Wakefield Memorial Association, succeeded in the enactment of legislation that established the George Washington Birthplace National Monument at Wakefield, Va., and set it apart for the preservation of the historical associations connected therewith for the benefit and enjoyment of the people—in other words, a shrine—and placed it under the control and management of the National Park Service.

Next came the act of Congress—the author of which was Mr. CRAMTON—to provide for the creation of the Colonial National Monument in the State of Virginia. For the commemoration of the colonial period in American history this act established the Colonial National Monument to include Jamestown Island, colonial Williamsburg, and the battlefield of Yorktown.

That this patriotic movement on the part of Mr. CRAMTON was appreciated by the people of Virginia, as it should be by all liberty loving Americans, is evidenced and reflected by resolutions adopted by the General Assembly of Virginia, which are well worth repeating here, as follows:

Whereas a bill "to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," was offered in the National House of Representatives on January 10, 1930 (H. R. 8424), by Hon. LOUIS C. CRAMTON, which bill provides under certain stated conditions for the inclusion in the proposed Colonial National Monument "Jamestown Island, parts of the city of Williamsburg and the Yorktown battlefield and suitable area to connect said island, city, and battlefield"; and

Whereas the establishment of this proposed Colonial National Monument, embracing a unique but long-neglected historic area within this State, would result in preserving in perpetuity these sacred shrines of national life and liberty and would further result in presenting to the present and future generations the epoch-making events and glorious achievements which marked the birth of this Nation in 1607 and the beginning of representative government in America at Jamestown, Va., in 1619, together with the constructive and immortal contributions made in Williamsburg, Va., to the national independence, to the declaration of the rights and duties of man, and to the creation of the safeguards of national liberty, and which, finally, would result in establishing a perpetual witness to the sacrifice and devotion by which national independence was secured by the culminating victory of the Revolution at Yorktown, Va.; and

Whereas Virginia, while cherishing these sacred memorials and glorious associations, is not herself able to reclaim, develop, enrich, beautify, preserve, and maintain for all time this historic area and thus make it a worthy memorial of the past and an inspiring witness to the future; and because Virginia further feels that what is hers within this area is also a national inheritance, a national trust, and a national responsibility: Therefore be it

Resolved by the house of delegates (the senate concurring), That we do hereby most heartily indorse the Cramton bill, which provides for the creation of the colonial national monument in Virginia, and requests the Virginia Members of the National House of Representatives and Senate to give their active support to the measure, and we hereby commend the Hon. LOUIS C. CRAMTON for his patriotic service to the Nation in preparing and offering this bill; be it further

Resolved, That the General Assembly of the Commonwealth of Virginia now in session in Richmond are in accord in their desire for the early passage of this great patriotic measure; be it further

Resolved, That the Governor of Virginia be, and is hereby, requested to transmit these resolutions in proper form to the Virginia Members of the House and Senate in Washington and to the Hon. LOUIS C. CRAMTON, patron of the bill to create in Virginia a colonial national monument.

Another major piece of legislation fathered in the House by Mr. CRAMTON and by him urged to final enactment was the act of Congress for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac River from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

For the purpose of this statement it will be necessary only to refer to the primary object of this legislation as showing its intelligent and practical patriotism.

Under the act of Congress—

The George Washington Memorial Parkway is to be developed along both shores of the Potomac from Mount Vernon and Fort Washington to a point above Great Falls, except within Alexandria and the District of Columbia.

The parkway will include the Mount Vernon Memorial Highway, when constructed, and also a highway to be constructed from Fort Washington to Great Falls on the Maryland side of the Potomac.

The parkway project includes provision for the protection and preservation of the natural scenery of the gorge and Great Falls of the Potomac. It includes also the historic Patowmack Canal, which George Washington built, and part of the Chesapeake & Ohio Canal below Point of Rocks.

Establishment of this parkway will afford public control of the banks of the Potomac from Mount Vernon, where Washington lived, through the National Capital, which he founded, to Great Falls, where the old canal is a valuable relic of his work as an engineer.

It will be a striking and suitable tribute to the Father of our Nation, and one in which the people of America will take just pride and enjoyment.

One less energetic than Mr. CRAMTON, one less inspired in a cause so noble, would have shrunk from undertaking the stupendous task of guiding these constructive measures safely through the shoals and away from the rocks of congressional processes, but the indomitable spirit and purpose of Mr. CRAMTON carried them to fruition.

No wonder, then, that the people of the old Commonwealth of Virginia, in appreciation, invited Mr. CRAMTON to be the orator on the one hundred and forty-ninth anniversary of the surrender of Cornwallis at Yorktown; and the opening sentence of that oration is sufficient to indicate the unselfish and patriotic motive which animated Mr. CRAMTON, the son of a Union soldier, in an endeavor still further to reunite our common heritage in fraternal bonds of peace and good will:

An invitation to speak in this place on the one hundred and forty-ninth anniversary of the Yorktown victory, on the eve of the sesquicentennial, is an honor which to me carries with it a definite embarrassment, a definite conviction of insufficiency. It does not lie in me, however, to say "No" to Virginia, to whose people and press I am so deeply indebted for many evidences of consideration as generous as it has been kind, and invited participation in such an event is a patriotic duty I can not decline to perform within my powers.

And so to-day, Members of the House, I have tried to draw for you a picture of just a few of the outstanding activities of this splendid man, learned statesman, and legislator. In his passing from the scenes of activity in this House, not only will the district which he has honored by the splendid work he has done but the State of Michigan and the entire United States of America will miss the courageous and resourceful man who by his skill as well as his high integrity was a credit to the strong delegation from his State. It is my personal wish, and I feel sure many others join me, that he will soon return and take up his work again in the National House of Representatives.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia [Mr. EDWARDS] for two minutes.

Mr. EDWARDS. Mr. Speaker, I have been requested by Members of the Georgia delegation to say just a word concerning our good friend, Hon. THOMAS M. BELL, who will not be with us in the next Congress. Mr. BELL has been here a great number of years, I think in all 26 years. He has moved about quietly and made many friends in Congress. He has served faithfully and well. He has many friends here who regret his retirement from the House. He has been a very useful public servant. We will all miss him. This hour brings sad thoughts. Many of us will never gather here again. To you all, in concluding, let me say, God be with you until we meet again. [Applause.]

THE NAVY LEAGUE OF THE UNITED STATES

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include in my remarks a letter addressed to me by the chairman of the Board of the Navy League of the United States in the matter of some remarks I made upon the floor.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, I will say to the gentleman that I have already inserted that letter in the RECORD, with the consent of the House.

Mr. FRENCH. I was not aware of that, so I would like to extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FRENCH. Mr. Speaker, I have obtained permission to extend my remarks for the purpose of printing in the CONGRESSIONAL RECORD a letter addressed to me by Walter Bruce Howe, chairman of the board of the Navy League of the United States, under date of March 2, 1931.

The letter has been addressed to me on account of my remarks in the CONGRESSIONAL RECORD of February 26 last wherein I referred to an open letter from the Navy League under date of February 13, 1931, in which my loyalty to the United States had been questioned on account of my insistence upon a moderate naval program for our country.

In my remarks I said that every citizen in the Republic has the right to criticize but that when criticism of severe character is used the people have a right to know who the critics are and whether or not any self-interest, conscious or unconscious, may have controlled the individual or the group in shaping the criticism. I followed up this statement by challenging the league to give to the public certain data including a list of its membership, the investments of its members in enterprises of particular interest to a naval establishment, the sources of its revenues, and particularly the sources of revenues which would include fees, contributions, and so forth, throughout the period of the league's existence. I stated that "we are familiar with the part that is played through the unconscious influence of personal self-interest," and while I did not challenge the good faith of anyone so far as intentions may be concerned, I do raise the question of the human ability of a person who has personal interests at stake to come to an unbiased conclusion on a problem having to do with those interests.

The reply of the Navy League has omitted to give the information along the lines of my suggestion. The reply is not satisfying, but even so, I believe the public is entitled to the response of the league that my remarks have called forth and with this thought I am appending hereto the letter from the league to which I referred.

The letter is as follows:

[An open letter to the Hon. BURTON L. FRENCH, of Moscow, Idaho, chairman of the Subcommittee on Naval Appropriations, United States House of Representatives, from the Navy League of the United States]

WASHINGTON, D. C., *March 2, 1931.*

MY DEAR MR. FRENCH: The CONGRESSIONAL RECORD of February 26 contains your remarks in the House of Representatives in opposition to authority to modernize three of our battleships at the total cost of $30,000,000 to be expended in the next four years, a measure urged upon the Congress by the administration, recommended by the Naval Committees of both Houses and subsequently passed by large majorities in both Chambers.

In the course of your remarks you quote from the recent pamphlet of the Navy League of the United States its figures which show that the average replacement cost in new construction for the future treaty Navy of the United States, what will then have to be spent for new ships as old ones become obsolete, will be $121,000,000 per annum. You do not question this estimate or the stated elements on which it is based, but you denounce the Navy League for having made it, you call the statement of fact an astounding demand on the Treasury. Your speech leaves little doubt that, since the cost of maintaining a treaty Navy is one that is astounding to you, you are ready for that reason and for other reasons which you have suggested, to oppose the naval construc-

tion which will give and maintain for us naval parity as defined by the naval treaties. Your remarks do not contain the declaration which in the circumstances would be the logical, if not correct, conclusion; namely, that we can not achieve the parity which the treaties concede because we can not afford it.

Instead, you ask if it is not so that the Navy League of the United States, in emphasizing these facts under the guise of patriotism, is not moved by selfish motives, is not acting in the interest of undisclosed, profit-seeking individuals in control of its activities. You do not say that this unworthy motive exists, but you ask questions as to the financial interests of the league, as to the self-seeking attitude of naval officers who might on disclosure be found to be members, as to undisclosed authorship of its literature, and you then assert that the public should be informed, in order, presumably, that it may realize the worst.

It is my purpose in addressing this open letter to you to answer fully the questions you ask in the expectation that the true circumstances, namely, that the Navy League, a civilian organization, represents no special interest, acts from no undisclosed motives, but on the contrary, seeks by stating facts to keep the national defense a reality, will set your mind at rest, and by settling the side issue of motives, permit a return to a consideration of facts and the sober pursuit of policy based thereon.

In the course of your remarks you made statements about the Navy League of the United States, challenged it to answer certain questions, and argued from the questions you asked rather than from the answers you invited. I, therefore, as an officer of the Navy League respond with an answer to your questions, and supply comment on the answers in order to readjust the conclusions based by you on the questions alone.

Your remarks in opposition to modernization of the battleships may, I believe, be fairly summarized as follows:

Such expenditure at this time would be discouraging to foreign countries attempting to carry forward a program of naval reduction, and furthermore would be unjustifiable because in your own judgment battleships belong to a type that is becoming obsolete. Presumably in connection with the efforts of foreign countries to carry forward naval reduction, you mention the naval limitation treaties of Washington and London, and the Kellogg pact which in point of time comes between the naval treaties. You call attention to the naval appropriations in current and pending naval supply bills as including a figure of $63,000,000 represented by new and unexpired appropriations for construction and you advance the opinion, on the authority of a British writer on naval problems, that the United States Navy in every material factor will be the strongest afloat. You quote from our pamphlet above referred to which reaches the conclusion that the replacement cost of the United States Fleet, when up to treaty terms will be $121,000,000 annually. You in no way controvert this estimate, as I have said, nor do you question the fact also stated in that pamphlet that the United States Fleet is at present below the parity established by the London treaty, and inferior in that respect to the present situation of the fleets of Great Britain and Japan, the other full participants in that pact.

Taking the Navy League's estimate for fleet replacement costs when the United States Fleet is up to treaty terms, you add annual charges incidental to the maintenance of such a fleet and you remark that such a program demands vast expense in upkeep, in addition to replacement construction costs, and you denounce the program.

In the course of your remarks you make reference to a circular letter issued by the Navy League on February 13, 1931, as criticizing yourself and challenging the good faith and integrity of public officers. That publication by the Navy League quotes a statement made by you in Congress in January, 1927, in part as follows:

"The lanes of the sea might be closed to us for weeks or for years should the necessity arise. The United States within her own territory could sustain her people without suffering."

The Navy League's statement shows this remark and others made at the same time, were quoted with approval by the British delegation at the Geneva conference in 1927 to controvert the official American position there, and that it was quoted by the Secretary of State for Foreign Affairs in the House of Commons at about the same time. Our statement quotes a contrary opinion voiced by Herbert Hoover, now President of the United States in 1928, and expresses regret that the chairman of the committee that prepares the naval appropriation bill should be more concerned with the welfare of the British Navy than of the United States Navy.

You suggest that this publication was printed to cast discredit upon you. I beg to interrupt this summary of your remarks to assure you that the statement was not made to discredit you, except in so far as it took issue with your judgment that the United States can sustain her people without suffering during years when the lanes of the sea may be closed to them. This, I believe, falls within the kind of criticism which you concede to be the right of every citizen. In addition to the eminent opinion cited contrary to your view, I take this opportunity to recommend to you former Secretary of Commerce Redfield's book, Dependent America.

You characterize the two Navy League publications to which you refer as propaganda challenging the good faith and integrity of public officers, and making astounding demands upon the Treasury, all in the name of liberty and of national defense. In this connection and in the course of your remarks you imply and reiterate the implication that in making these demands which you characterize as extraordinary, those who are responsible for the publications of the Navy League are actuated by personal self-interests. You state:

"The Navy League, I understand, is a nation-wide organization and has some five or six thousand members. I am told that it has been in existence for something like 28 years. It has been actively identified with propaganda work looking to the expansion of the Naval Establishment, but there is much more about the Navy League that the public does not know than that which is known. The public does not know who the members are; the public does not know how frequently meetings are held and how commonly these meetings are attended; the public does not know who is responsible for the literature, the propaganda that is put forth; the public does not know of what interests may be served by those who put forth this propaganda; the public has a right to know these things touching an organization that purports to speak to the country in the name of patriotism and purports to emphasize its attitude upon great national questions, and purports to arraign the good faith and confidence of men charged with public responsibility."

In the next paragraph of the CONGRESSIONAL RECORD you challenge the Navy League to supply to the public certain information about itself. The points you thus raise and the answers to them are as follows:

A list of all its members. If you are concerned as to who our members are, we shall be glad to have you go over the card files in our office containing that list. We should, however, dislike to publish the list. Very few voluntary membership organizations publish their lists. To publish ours would mean that our members would be subjected to the inconvenience of being circularized by the commercial enterprises which seize upon such lists for their own purposes. This fully states our reasons for being unwilling to publish the list. The answers given below to your other questions concerning our membership are subject to your verification, and would seem to obviate a legitimate need for such publication.

You ask us to show as to every officer of the Army, Navy, and Marine Corps, who is a member, the rank of such officer, and as to all other members, whether or not they have relatives in the Naval Establishment of officer rank. Any American citizen is eligible to membership, and we have members in every State of the Union. The only inhibiting clause in our constitution is that it stipulates that no naval officer in the active service may be an official of the league. As a matter of fact, however, there is not a single such officer of the Navy or Marine Corps who is a member of our organization. There are 21 retired officers of the Navy who are members and one retired marine officer, but they had nothing to gain by an expansion of the Navy. Their ranks as retired officers are as follows: 10 rear admirals, 9 captains, 1 colonel, 1 commander, 1 lieutenant commander, and 1 lieutenant. Without sending out a questionnaire to our members it would be impossible to say how many of them have relatives in the Naval Establishment. My opinion is that there are not many. Our list shows three officers of the Army in the active service and two on the retired list are members. Of the 3, 1 is a colonel and 2 lieutenant colonels. Of the 2 retired Army officers, 1 is a major general and 1 a lieutenant colonel. During my connection with the league of approximately eight years they have made no suggestion to the league on any subject.

You ask us to publish a list of investments held by us in any corporation or enterprise having to do with naval construction, the manufacture and production of armaments, or any of the considerable factors or commodities purchased for any purpose by the Navy; whether or not we are interested in or identified with aircraft corporations of any kind and the extent to which such interests exist. I can assure you definitely that the league has no such investments. The investment income of the league is derived entirely from notes secured on real estate in Washington, D. C. Did we hold any stocks or bonds, however, it would be difficult to find any of the larger American corporations some of whose products are not sold to the Naval Establishment.

You challenge the Navy League to indicate to the public all the sources of revenue it possesses, and to indicate such revenue over a period of its existence. The income of the league is derived entirely from the following sources:

(1) Interest on the above-mentioned real-estate notes; (2) membership dues; and (3) additional contributions from something over 100 of its civilian members. During my connection with the league of about eight years last past there has been no other source of revenue than these.

Your specific question is thus answered, but in order that you may judge whether any special interests are served by the activities of the league, you should also be informed of the fact that the officers of the league have not received suggestions or requests from any special contributor, or from those who pay dues, to direct the policy of the league in favor of any special interest. Furthermore, that they have not received such requests from any individual or concern that might be considered a direct beneficiary of naval expansion or expenditure. I am also glad to express my personal opinion that if the policy of the Navy League were to be employed in the service of any special or selfish interest, the financial support of our members, and of each one of them who makes a special contribution would be withdrawn from the Navy League. This support is and has been received from individuals on account of their interest in the national defense, and their desire that through the league the public may receive fair and accurate statements affecting the naval policy and situation of the United States.

You challenge the league to make public an outline of expenditures. The league maintains an office in Washington where naval

information is collected and where informative circulars are prepared. These are mailed, as you know, to Members of Congress, to the daily press, and to a considerable mailing list of individuals who have asked to receive our statements. Some moneys are expended in paying the travel expenses of speakers, but no honorarium to a speaker is ever paid. This is an answer to your question.

I also believe it will be well for you to know that all the officers of the league, except the executive secretary and the assistant treasurer, serve without monetary or other remuneration. The two particular officers above mentioned are employed only to assist in the work of the league which has just been mentioned and are not required, nor would they be permitted, to directly or personally attempt to influence the Members of Congress. Nor has the league ever employed any agent or representative to attempt to influence the action of any international or other conference.

You say in your remarks that Members of Congress are being deluged by telegrams and letters and other forms of propaganda in favor of an immense shipbuilding program. The Navy League has sent four printed statements over its name to the Members of Congress during the present session. It has not in any way inaugurated or taken part in any steps looking to individuals writing or telegraphing their Congressmen regarding naval matters. If Congressmen have received such communications they have been from sources unknown to the Navy League.

You challenge the organization to publish the names of the members of the board of directors who have had a part in the preparation, either by writing or approving the literature that the organization is disseminating. You say you have been furnished with a copy of the names of the directors. As to the authorship of our circulars, I may say that most of the actual writing has been done by Mr. William Howard Garner, our president, by Mr. William M. Galvin, the executive secretary, and by myself.

The approval of the directors of such literature is not as a matter of routine obtained in advance as to any specific article published by the league. The requirements of time and the geographical distribution of the directors does not permit such consultation. The officers, however, regard themselves as responsible to the directors and the membership and are guided by general policies adopted by the directors at their annual meetings and ratified at the annual membership meetings. The directors are furnished with copies of all league publications, which conform to the general policies of the league outlined as far as possible in advance at the annual meeting of the directors. I do not recall that any director has ever expressed disapproval of any of these published statements. The directors and members at their annual meetings have consistently ratified the policy of each preceding year. When important new developments arise between annual meetings, a meeting of the executive committee of the directors is called and the views of its members obtained as to the policy appropriate to the new development. The whole membership is furnished with an annual report, which informs them in general as to what has been done in the past year and as to what is contemplated for the coming year.

You challenge the organization to publish the names of officers of the Naval Establishment who have prepared for publication articles that have been disseminated by the Navy League and to indicate specifically what those articles may be. Throughout my connection with the Navy League no officer of the Naval Establishment has prepared for the Navy League any article which it has disseminated. But on this point I do not see the pertinency of your question. Supposing a naval officer had prepared an article, which has not happened, it seems to me that the validity of the information is what matters most, and not the authorship. In practice the Navy League informs itself accurately as to naval facts, but the league reaches its decisions upon its own responsibility and without seeking approval of any source outside itself.

You challenge the organization to indicate specifically the conferences held by any considerable numbers of the Navy League and the part that is taken by the membership of the league generally. The league issues no call for a conference of its members, except the call for the annual meeting, which call is accompanied by the annual report. The members are represented at the annual meeting by a large number of proxies and a much lesser personal attendance. This I attribute to the wide distribution of our membership, to their reliance on the annual reports, and their concurrence with the conduct of the league.

You say that the public does not know who is responsible for our literature. Every statement of the league is signed by one of its responsible officers.

The answers given above to your questions contain the assurance that there is no undisclosed authorship in the league's publications. In recent publications where space has permitted there has appeared a statement of the league's policy over my name as chairman of the board. You have repeatedly received this statement, as has every other Member of Congress, but in order to complete the information which you invite, I quote it. It is as follows:

"The Navy League of the United States is an organization of civilians. Its policies are formulated independently by its officers and directors, who are all civilians and, excepting the executive secretary, serve without pay. A guiding policy of the league, adopted in 1923, reenunciated in 1929, and very generally approved in the Navy Day press comment of October 1929, is: 'We approve limitation of armaments by international agreement. We repudiate the reduction of armaments by example as unwise and dangerous.'"

"The principal activity of the league is to disseminate facts bearing on naval matters to the press upon which public opinion may be formed, but it reserves the right to express opinions.

"The league invariably assumes open responsibility for each and every statement it issues, and all statements emanating from it invariably have the name of the league and one of its officers. When its statements are mailed to the press, copies are then sent to the White House and to the Navy Department; also to other offices of the Government. Their text first becomes known outside the Navy League when they are thus mailed and distributed."

I have tried to answer as fully as possible your questions about the Navy League, and also by definite statements to mark as baseless the implications, the veiled or open accusations against the Navy League, supported only by questions and surmises which appear throughout your remarks as quoted in the CONGRESSIONAL RECORD.

My answers are all subject to verification by you, and leave you no ground to believe that the Navy League is acting, to use your language, "on account of selfish purposes that have no relation to national defense." The action of the Navy League in fact demonstrates the possibility of supporting the national defense from unselfish and disinterested motives.

In the same speech you say that "revelation of 15 years ago disclosed that the directors and active members of the Navy League at that time were the beneficiaries of construction work under the Navy." You refer to alleged "revelations" by a Member of Congress that in the list of our founder members, a class of membership which may be compared to life members in other organizations, there were the names of bankers and officers of large corporations, and he sought to impute to them a desire to bring on a war in order that they or their concerns might profit thereby, and he imputed to them selfish motives that had no relation to national defense. The alleged "revelations" to which you refer were completely answered on the floor of the House at that time. What they amounted to was, that starting with the allegation that some of the members of the league were largely interested in the industry of that day, which during the European war devoted itself in part to the manufacture of munitions, Congress and the public were asked to believe that the efforts of the Navy League to induce an adequate preparation for the war which then hung over us were made at the direction of those few founder members and in their selfish interest. The said "revelations," if they had any weight as such, necessarily excluded the possibility of unselfish and disinterested advocacy in the national defense by the Navy League, which, in the circumstances existing in the year 1916, was nonsense and so regarded by everyone except the members of the group who on the eve of our entry into the World War were opposing the very measures supported by the Navy League, which the next few months proved to be vital to the interests of the country.

That serious-minded people approved the activities of the league in 1916 is shown, at least to our satisfaction, by the membership of such high-minded and patriotic individuals as Cardinal Gibbons, President James of the University of Illinois, Professor Steinmetz, Albert J. Beveridge, and Alton B. Parker, to mention only an eminent cleric, an eminent educator, an eminent scientist, and two eminent statesmen of different political faiths, and by the fact that in 1918 Theodore Roosevelt gave to the Navy League a part of the money awarded to him with the Nobel Peace Prize. It is not unfair to add that the Navy League was right as was proved by the event.

Now, coming down to date, what the Navy League advocates in 1931 is nothing more than what has been advocated by three administrations at three international conferences, a policy to which many great organizations, including your own political party, have committed themselves, namely, the principle of naval parity.

The Navy League favors the accomplishment of naval parity by the United States within the treaty limits, and it supports this view by the publication of accurate facts. In the pamphlet dated February 14, 1931, it states as a fact supported by figures that it will cost the United States on the average of $121,000,000 a year to replace its full treaty Navy of the future with new construction as vessels become over age.

You in your speech do not question either the figures or the facts, but you denounce the statement of the undenied facts as an astounding demand upon the Treasury. You momentarily divert attention from the facts by questioning the motives of the Navy League of the United States, but the mind instinctively reverts to the facts.

There is no longer a fair place in the discussion of naval appropriations for an allusion such as appears in your speech to the proponents of ever-increasing Naval Establishments. Their day is over. The size of our Navy is limited by treaty. There remains however room for a difference of opinion between those who do not want us to have any Navy, those who want us to have merely part of a treaty Navy, and those who want us to have a treaty Navy. In the latter class is the Navy League because it believes, with no unworthy motive, that naval parity as an actual fact and supported by international agreement is essential to international stability, the promotion of peace, and the protection of the United States and its sea lanes.

Your remarks on February 26, 1931, as well as your remarks which appear in the CONGRESSIONAL RECORD for January 4, 1927, which have been recently quoted by the Navy League, it can be inferred that you do not see the need of parity, and you believe that a United States Fleet when up to treaty terms will

cost too much, and that you are opposed to the necessary expenditure, and that you will use your influential position to prevent the United States from achieving parity. I, however, in this letter have shown a disapproval of inferences, and I therefore express the hope that you will take an early opportunity to state whether you favor or oppose an orderly building and replacement program designed to bring the United States Fleet up to treaty strength and maintain it there.

Sincerely yours,

WALTER BRUCE HOWE,
Chairman of the Board of the
Navy League of the United States.

RETIRING MEMBERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, at the request of the chairman, and on behalf of the Judiciary Committee of the House, I wish to voice our sincere regret at the leaving of us at the expiration of this Congress of three of our very able Members.

The gentleman from Indiana [Mr. HICKEY] has been upon this committee for a number of years. He is a distinguished lawyer and has rendered great public service.

The gentleman from Massachusetts [Mr. STOBBS] whom we all know as one of our finest Members and one of our ablest lawyers, is leaving us also.

The gentleman from North Carolina [Mr. JONAS] has served on our committee during the present Congress. He has been a splendid member of the committee, and has rendered fine service.

The country is unfortunate that in the next Congress we will not have them as members of the Judiciary Committee. Our committee is truly sorry that these Members are leaving the House and we hope they will return for further service. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. GREEN] for one minute.

Mr. GREEN. Mr. Speaker and my colleagues, possibly the greatest construction program or achievement which has been accomplished in the last decade has been accomplished by the Rivers and Harbors Committee of the House under the able leadership of Congressman WALLACE DEMPSEY, of New York. Congressman DEMPSEY has known no sections of our Nation. He has been fair, he has been painstaking, and conscientious. He has been impartial, giving fair consideration to all sections of the country. He has dealt fairly and generously with Florida as well as other States. We deeply appreciate his efforts. He has been ably assisted by the distinguished gentleman from Ohio [Mr. CHALMERS]. In the retirement of these two gentlemen from the Congress, the Nation is losing two of waterway improvements' most able champions. We shall miss their pleasant personalities and splendid services. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. LUCE] for two minutes.

Mr. LUCE. Mr. Speaker, the Massachusetts delegation in the House is about to lose one of its valued members. Mr. STOBBS retires voluntarily to resume the practice of his profession.

If it had been his will to remain in the House we are confident that he could have stayed here as long as he might have chosen. He feels, however, he ought to return to private life. On leaving the House he takes with him the good will of all who have been brought in contact with him. An able lawyer, diligent and energetic, gifted in capacity for speech, a man of the strictest integrity, a man of complete courage, we are certain that whether he passes the rest of his days in private occupation or returns to public service, he will continue to play an honored part, he will continue to be the delight of his friends, he will continue to have the confidence and respect of his fellow citizens in Massachusetts, and all here who have known him by personal association. [Applause.]

INVESTIGATION OF RAILROAD HOLDING COMPANIES

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on some phases and some results of the investigation of railroad holding companies.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. RAYBURN. Mr. Speaker, the Committee on Interstate and Foreign Commerce was authorized under Resolution No. 114, passed January 24, 1930, to investigate the ownership and control, directly or indirectly (through stock ownership or control or otherwise), of stocks, securities, or capital interests in any common carrier engaged in transportation of persons or property in interstate commerce by holding companies, investment trusts, individuals, partnerships, corporations, associations, and trusts, and the organization, financing, development, management, operation, and control of such holding companies, investment trusts, partnerships, corporations, associations, and trusts with a view to determining the effect of such ownership and control on interstate and foreign commerce. The committee was authorized to select counsel and such clerical and expert help as was necessary to carry the investigation through thoroughly. The chairman of the committee employed as counsel Dr. Walter M. W. Splawn, former railroad commissioner of the State of Texas and former president of the University of Texas. Doctor Splawn is an able lawyer and an economist of high order. He began at once the investigation and it was completed and a full report, covering more than 1,700 pages, was submitted to the House of Representatives by the chairman of the committee in February, 1931, the whole investigation covering a period of less than 10½ months.

The Interstate Commerce Commission in its report in 1929 called attention that the holding company had become active in acquiring control of or substantial interests in railroads. An investigation was recommended by the commission. Commissioner Eastman testified among other things as follows:

By the use of holding companies it seems to me that jurisdiction of the commission over issue of securities under section 20a of the interstate commerce act has in some cases been evaded.

Mr. Eastman further says:

Holding companies which control or are controlled by or are affiliated with railroad companies may be used to control noncarrier companies, and this common control may be used to effect results which are subversive to the public interest.

Following these and other suggestions made by the commission and others it is held in the report submitted by Doctor Splawn to the Congress through the Committee on Interstate and Foreign Commerce that they are sufficient to set forth:

(1) The possibility of unification beyond the jurisdiction of the commission, as provided under paragraph 2, section 5, of the interstate commerce act as amended;

(2) To present the indictment against the holding company, particularly as made by the chairman of the legislative committee of the commission;

(3) The investigation conducted by the Committee on Interstate and Foreign Commerce has been directed—

1. To the possibility of unification or consolidation without the approval of the commission;

2. To the holding company as an instrumentality which may be used in the manner described by Commissioner Eastman and in other ways.

The whole field covered by the recommendation of the Interstate Commerce Commission it was evident could not be covered in the short time before the convening of the short session of the Seventy-first Congress nor could it all be covered under Resolution No. 114 adopted by the Congress. It was, however, found possible to complete the investigation of the ownership of railroads. It was developed in this field that by the use of holding companies railroad managements had in a practical way evaded the consolidation provision of the transportation act of 1920 and to all its intents and purposes had brought about consolidations without the approval of the Interstate Commerce Commission as was required by law. The best definition that I have seen of a pure holding company is a corporation which merely owns the securities of other corporations without operating any business. The investigation developed





that the holding company is being used not only in the field of railroad transportation but even more vastly in the field of public utilities and many other kinds of business.

In the report you will find a study made of the constitutional power of Congress to regulate stock ownership of railroads engaged in interstate commerce. If you have the time to go through this and investigate it, you will find a most interesting and enlightened study. This study was made under the direction of Doctor Splawn by Dean Breckenridge, of the law department of the University of North Carolina. You will also find another study on the question, Should Holding Companies Be Outlawed, by Prof. James C. Bonbright, of Columbia University. Professor Bonbright is an economist of high standing.

In my opinion there has not been an investigation made by any committee of Congress that for the time devoted to it has developed as complete and useful results as this one. You can pick up this report and find a picture of every one of the 160 Class I railroads in the United States. It might not be amiss to say that a Class I railroad is a railroad having annual operating revenues in excess of a million dollars. A map is introduced showing the location of every one of these Class I railroads, their officers, their capital, their mileage, their 30 largest stockholders, what holding companies, if any, control them, and what holding companies own stock in these railroads. In other words, a complete physical and financial set-up of every Class I railroad in the United States. Not to my knowledge is there another document extant that contains anything near as complete a picture of the railroads, their ownerships, and their controls as this one.

The investigation of the railroads under the resolution having been completed, Doctor Splawn made certain recommendations to be found, beginning on page 85 of part 1 of the report. It is recommended that paragraph 2 of section 5 of the interstate commerce act as amended be amended to bring within the jurisdiction of the Interstate Commerce Commission for approval or disapproval any acquisition of control of a railroad which would result in bringing that road into affiliation with, in control of, or under the management of another road, whether the acquisition be by holding companies or otherwise. After the report was submitted Chairman PARKER introduced a bill to bring the acquisition of railroads by holding companies under the jurisdiction of the Interstate Commerce Commission, but time would not permit the consideration that we should have in order to pass the legislation. I hope and believe that the next session of Congress will pass such legislation. If we do not, we make a poor spectacle of our law in that we do not intend under the law for railroads to be consolidated without the approval of the Interstate Commerce Commission, yet they are in effect being consolidated through the agency of the holding company that was not operating in the transportation field when the transportation act was passed in 1920.

The holding company has been more active in the eastern field up to this time than in any other section of the country. In the territory east of the Mississippi River, where the four great trunk-line systems have announced an agreement for consolidation, it is presumed that this plan will be submitted to the Interstate Commerce Commission within the next few months. It will be interesting to see the reaction of the Interstate Commerce Commission to the financial set-up of these companies. After they consider this question it is felt certain that they will have found valuable recommendations to make to Congress with reference to these financial set-ups and a probable recommendation for the unscrambling of these acquisitions through holding companies which have been made without the consent of the commission.

It was the wish of the majority of the Committee on Interstate and Foreign Commerce that the scope of the investigation be broadened to cover the whole field of public utilities as they affected interstate commerce. I, in company with Chairman PARKER of the committee, appeared before the Rules Committee of the House urging that we be given authority to go into this field in order that we might have the full picture by the assembling of the Seventy-second Congress in December. As valuable and as surprising as some of the developments with reference to holding companies in the railroad field have been, the public mind is prepared to believe that more surprising and sensational developments would occur under an investigation of public utilities. It is believed by a vast number of people in the country—and I am one of them—that in the public utilities field more things are being done that are adverse to the public interest than in any other field in which an investigation might be extended. If reasonably well authenticated statements and results of investigations are true, there must be a house cleaning in these lines of business. We are not authorized to conduct this investigation further because Members of the House were informed that a resolution to that effect could not pass the Senate. We hope at the next session of Congress, however, unless a satisfactory investigation of these matters is concluded by some other agency of the Government, to pass a simple resolution through the House for authority, instead of a joint resolution through both bodies. Without sensation and without glamor, without persecution or prosecution, we desire to arrive at the cold facts with reference to public utilities as we have arrived at all the facts with reference to holding companies in the railroad field.

In conclusion allow me to say a word with reference to the services of the counsel for the committee, Doctor Splawn. At the conclusion of his investigation Doctor Splawn received a vote of thanks by the Committee on Interstate and Foreign Commerce. He has done a work within a few months that it ordinarily would take years to do. He is the type of man whose findings and whose recommendations will be taken seriously by everyone who knows him. He went about the matter of the investigation in a businesslike way. He did not desire to advertise himself or be sensational but he got the facts; all the pertinent facts. By taking down these three volumes the layman can find out more about the railroad set-up in the country than he could by taking down many volumes to be found elsewhere. No less authority than Prof. William Z. Ripley says:

> The committee is to be congratulated in this instance upon the masterly assembling of the pertinent facts. Much credit for this is due to Dean Walter M. W. Splawn, of the American University, with the able assistance not only of the staff but the officials and accountants of the very corporations which were under examination. The volume is a tribute also to the technical and diplomatic ability of the governmental experts. Much of its success also is unquestionably due to the tactful wording of the subject by Chairman PARKER of the committee.

Further he says:

> It is a sober, undemagogic presentation of a concrete issue, leading up to a specific remedy for dealing with this matter. There is not a trace of bombast in it. It is in brief a text which contains a great deal of material deserving of the attention of economists, lawyers, and, it goes without saying, of the Congress of the United States.
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> The legal profession will find the study with which the main body of the report begins, on the constitutional power of Congress to regulate stock ownership in railroads engaged in interstate commerce, of especial importance.

FARM CONDITIONS IN NORTHWEST

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a small résumé of conditions in the Northwest.

The SPEAKER. Without objection, it is so ordered.

Mr. KNUTSON. Mr. Speaker, there recently appeared in the Boston News Bureau a statement by Mr. Frederick E. Murphy, publisher of the Minneapolis Tribune, on conditions in our part of the country, which carries a note of optimism which is indeed refreshing in these days of gloom and pessimism.

Under leave, kindly granted me by the House, Mr. Murphy's statement follows:

[From Boston News Bureau of February 20, 1931]

NO SANTA CLAUS NEEDED, PUBLISHER SAYS

NEW YORK.—"Whatever politicians or professional gloom spreaders tell you, the time-tried, cow-sow-hen-steer type of farming today, such as we practice in the Northwest, is far from being 'deflated' or begging Uncle Sam to play Santa Claus," says F. E. Murphy, of Minneapolis.

He is a director of the Associated Press, publisher of the Minneapolis Tribune, a practical farmer, and breeder of Holstein cattle himself, on a 4,000-acre farm in the Red River Valley. He came to New York to address business groups on the agricultural situation. He denies any general farm depression and presents an array of facts to prove that "good farming with good livestock" is not depressed nor seeking political farm relief, but is traveling fast along the "cow paths to prosperity."

SAYS ONLY SINGLE-CROP FARMER IS DEFLATED

"It is only the single-crop farmer," the publisher said, "raising raw materials like feeds, grains, cotton, and wheat, who is deflated this year. Prices of livestock, poultry, and dairy products are not far out of line with those of the general merchandise that farmers buy.

"This is demonstrated by surveys by the Department of Agriculture, comparing farm-product prices with commodity prices. There was a time when America's golden grain belt was our territory, Minnesota, the Dakotas, and Montana. That is what built up our flour-milling industry. But within the past decade this has become America's 'bread and butter' land. Wheat has long since ceased to be the index of our prosperity.

"Northwestern farmers have found the true solution to the farm problem not in Washington but on their own farms. It sums up in five words, 'Good farming with good livestock.' This form of farm relief we all know will work. It has proved itself sound in the testing time of agriculture and business in 1930."

WHEAT PRICE PEGGING UNSUCCESSFUL

Regarding the Farm Board, Mr. Murphy said: "Alexander Legge is a good friend of mine, but he and his Farm Board have grabbed a bear by the tail, and they can't let go. It will throw them headlong one of these fine days. Pegging the wheat price, even if successful, would never solve the farm problem. It has only one effect. It simply stimulates overproduction of something already overproduced. It is the easiest crop to grow, the most primitive form of farming.

"We have a world surplus of wheat. But America's surplus wheat does not come from the Northwestern spring wheat States. Wheat now is our least important crop in Minnesota. Our 1929 crop brought $21,000,000, our 1930 crop only $12,500,000. Yet Minnesota's egg crop alone brings $40,000,000; eggs and poultry, $80,000,000. The barnyard biddy isn't asking for farm relief; she lays her egg and advertises her product.

"The packers paid us $90,000,000 for Minnesota pork, $56,000,000 for cattle and calves. Our potato crop, worth $25,600,000, brings more than wheat; our hay crop, $62,000,000, or about three times that of wheat; our 1930 corn crop is worth $72,000,000. These two great feeding crops are marketed as pork and milk, beefsteak and mutton chops, which turn cheap feeds into high-priced products.

BUTTER IS BIGGEST CASH ITEM

"Our biggest farm cash item is butter, which returns $125,600,000, the largest production of any State or all of Canada. All dairy products total about $200,000,000, nearly ten times the wheat crop that becomes a political football so often. Livestock, dairy, and poultry income in Minnesota—cow-sow-hen-steer money—brought $422,500,000 in 1929. Compare that with the world gold production of $410,000,000 a year to get some idea of its magnitude.

"In our four Northwestern States, from the Mississippi to the Rockies, wheat was worth $178,500,000 in 1929. But the dairying, livestock, and poultry income was $807,500,000, or four and one-half times wheat. The dairy cow alone gave us $301,000,000 of new wealth in this old-time 'Grain Belt.' Her owner is not interested in high wheat prices. He wants low-cost bran, mill feeds, and grains to hold down his costs. So does the swine and cattle feeder. Price fixing only makes it harder for them to make any profit. In our country they far outnumber the wheat growers. More of the latter are changing over their type of farming every year.

LIVESTOCK PRICES HOLD WELL

"The most significant fact is that all these livestock products are not depressed in price like grains and feeds. It is true that they sell for lower prices now than in 1929. It is no advantage to have prices so high nobody can buy. The prices now have come down to reasonable levels. The livestock prices are not far out of line with the general level of prices of merchandise bought by farmers. For these also have come down along with farm prices.

"So the good livestock farmer to-day has buying power still intact, with lower costs than in 10 years. He is increasing in numbers every year, changing over to crop rotations, abandoning soil mining and speculative farming, restoring soil fertility with manure, building sound agriculture. Other regions of America might take their cue from our farmers and learn how to milk their way out of debt.

"In order to finance this development of livestock farming, a loaning company was formed, the Agricultural Credit Corporation, to which New York business interests and financiers subscribed $5,000,000 of the $10,000,000 capital. This company lends direct to farmers, most of whom are hard-up and mortgaged wheat growers. Up to $1,000 is provided at 6½ per cent for a 3-year period to stock up grain farms with sheep, dairy cattle, purebred bulls, and feeder cattle. Since its organization in 1924, 13,600 farmers have been aided with loans totaling $6,780,833. They have repaid of this $4,474,391 out of the actual income from the livestock itself.

SOUND BANKING SECURITY

"C. T. Jaffray, of the First National Bank of Minneapolis, president of the Soo Line, is head of the organization," Mr. Murphy said. "He declares that the $2,306,442 worth of this livestock paper still outstanding is as sound a banking security as he ever found. The losses have been negligible."

RETIRING MEMBERS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I want to take this opportunity of indicating my deep regret that two distinguished colleagues from our neighboring State of Illinois will not be with us in the next Congress. I refer to the hard-working chairman of our Committee on Claims, Mr. IRWIN, and our most lovable colleague, Mr. SPROUL of Illinois. [Applause.]

While the gentleman from Illinois, Mr. SPROUL, has differed with me on the prohibition question, I hope to see him return to the Congress, the same as I hope the gentleman from Illinois, Mr. IRWIN, may return. Both of these gentlemen have been painstaking, conscientious, diligent, and efficient, true representatives of the wishes of their constituents as they interpreted them. [Applause.]

Mr. CONNERY. Mr. Speaker, as the ranking Democrat from New England, I wish to echo the sentiments expressed by the distinguished gentleman from Massachusetts [Mr. LUCE] in reference to our colleague, the Hon. GEORGE STOBBS, who is retiring from the Congress. We agree heartily in all the sentiments stated by the gentleman from Massachusetts [Mr. LUCE], and we are sorry to lose such a valuable Representative from Massachusetts as Mr. STOBBS. [Applause.]

Mr. WILSON. Mr. Speaker, I wish to express the appreciation of the people of Louisiana as well as the Members of the House, for the splendid service rendered by the two retiring Members, J. ZACH SPEARING and JAMES O'CONNOR. [Applause.]

VETERANS' HOSPITALS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the hospital bill, and to include therein certain correspondence bearing on that question.

The SPEAKER. Without objection, it is so ordered.

Mr. MEAD. Mr. Speaker, an unfortunate controversy arose over the legislation to provide additional hospital facilities for war veterans. The House insists upon the allocations as recommended in the report accompanying the bill, while the Senate report authorizes the Federal Board for Hospitalization to decide on the location of the sites. The House bill also differs from the Senate bill in the matter of the amount of money appropriated, the House having passed two bills authorizing an appropriation of approximately $15,000,000 for construction of hospitals as well as for soldiers' homes, all to be constructed within definite locations. The Senate substituted one bill combining the projects and increasing the appropriation to $20,877,000, and then deliberately rejected the House program, giving the Federal Hospital Board the power to determine the location of the hospitals where in their judgment they were most needed. While the House may be justified to a degree in standing out for the allocations designated in their report, the Senate is entirely justified in the position it takes, because of the haste with which the House report was drawn and also because of the lack of investigation into the propriety of one particular recommendation. I have in mind and desire to make particular reference to the location of the hospital recommended by General Hines for Buffalo, N. Y., which was changed by the committee to Chautauqua County, N. Y. The bills which were introduced recommended a general medical hospital for western New York, and this was followed with a specific recommendation from General Hines, who urged the location of the hospital somewhere near the regional office, which is located in Buffalo, N. Y. The subcommittee of the House Veterans' Committee further approved the recommendation of General

Hines, for Buffalo was included in the report made by the subcommittee to the full committee on Monday, February 9, last. I am advised that the matter was changed in the report approved by the full committee without motion or discussion, and the only reason advanced in the final report submitted to the House was that Chautauqua County is a health center and that Buffalo, because of its air pollution, is not the proper place to locate such an institution. In refutation of this hasty and unwarranted action let me quote authorities who know something of the conditions relating to Buffalo and western New York. General Hines, the Administrator of Veterans' Affairs, together with the Federal Board for Hospitalization, traversed all the territory within the area of the Buffalo regional office, investigating sites and locations, and speaking with the experience gained by personal observation General Hines, in a letter to me dated February 3, 1931, makes this statement:

I can assure you that such a project [the enlargement of the marine hospital at Buffalo], which is outside the jurisdiction of the Veterans' Administration, will not jeopardize the consideration which is now being given to the need of a general hospital and regional office facilities in or near the city of Buffalo.

In further explanation of what the general meant by "in or near Buffalo," he advised one of my colleagues that he meant a location which would distinctly identify the hospital with the city of Buffalo.

James P. Cotter, chairman of the hospital committee of the American Legion and one of the first to advocate a general hospital for western New York, in a letter to the Hon EDITH NOURSE ROGERS, chairman of the subcommittee, makes the following statement:

FEBRUARY 14, 1931.

Hon. EDITH NOURSE ROGERS,
United States Congress, Washington, D. C.

DEAR MADAM: I am very sorry that the situation arose in reference to the contest between Jamestown and Buffalo on the hospital bill. It is too bad that the choice of site could not have been left out of the bill and that matter determined later. I fear that you have not been fully informed in reference to the accessibility of Jamestown to the so-called western New York area now covered by the Buffalo regional office of the United States Veterans' Bureau. Jamestown is on the Erie Railroad, and the only cities which have direct contact with it are all small ones—Salamanca, Olean, Hornell, Elmira, and Binghamton.

The large cities in our area are Buffalo, Niagara Falls, Rochester, Syracuse, and Utica, which are served principally by the New York Central Railroad. Buffalo alone of those places has contact with Jamestown by the Erie Railroad four times in 24 hours—two trains taking two hours and the other two taking three hours. Jamestown is 75 miles from Buffalo, which distance is greater than that of Boston from the Bedford Hospital or the Rutland Hospital in your State. On account of the hills between Buffalo and Jamestown it is dangerous driving there in the winter; in fact, Buffalo is reached more easily than Jamestown by Silver Creek, Dunkirk, and Westfield, three of the cities in Chautauqua County next largest to Jamestown.

As State chairman, I believe that you could hardly pick a worse county in the State for our area, as covered by the inclosed map, than Chautauqua County. As you will note by the map, it is in the extreme southwest corner of the State. Wyoming, Genesee, Livingston, Ontario, all have plenty of rural sites if you insist upon getting miles away from a city; and all those counties can better serve the veterans in the area covered by the inclosed map than Chautauqua County. They submitted sites for the neuropsychiatric hospital last year, and Ontario County was finally selected.

You give as an argument that in your own State the hospitals are located a long distance from the city, and that hospitals should be a long distance away. That argument applies primarily to tuberculosis hospitals and neuropsychiatric hospitals, where the cases remain hospitalized for a long time. With general medical and surgical cases there is a much more rapid turnover, and transportation should be given more consideration. In addition, a hospital in Erie, Wyoming, Livingston, or Monroe would have the advantage of the expert physicians who have already volunteered assistance at both Rochester and Buffalo, and in Buffalo there is the largest supply of radium in the country, which will be available for veteran treatment.

It seems to me that the only fair way of treating this bill is to ask for the appropriation without any recommendation, and allow the determination of site to come up later. Personally, I would be willing to concede your subcommittee on hospitals at that time an equal voice with that of the Veterans' Bureau.

I trust that you will reconsider the steps that have been taken and remove from the bill the designation of the site.

Respectfully yours,

JAMES P. COTTER,
Chairman Hospital Committee, American Legion, State of New York.

Dr. Francis E. Fronczak, health commissioner of the city of Buffalo and one of the outstanding public health authorities in the United States, himself a World War veteran who has been honored by a number of allied governments for his exceptional service along health lines, addressed the following letter to the Hon. REED SMOOT, chairman of the Senate Finance Committee, who is also chairman of the conferees on the hospital bill. This letter clearly refutes the statements made by the chairman of our subcommittee, Mrs. ROGERS, and that of my colleague, Mr. REED, before the House when the legislation was first considered:

FEBRUARY 25, 1931.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the bill that passed the House of Representatives Monday, February 16, appropriating $12,500,000 for veterans' hospital construction a recommendation from the House Committee on Veterans' Affairs designated Chautauqua County as the location of a 200-bed general hospital to serve the veterans of 31 counties of western New York.

This was contrary to the recommendation made by Gen. Frank T. Hines, Administrator of Veterans' Affairs, that this hospital, to serve the best interests of the greatest number of veterans of this area, should be located in or very near the city of Buffalo.

His recommendation was undoubtedly based on statistics which show that over a period of seven months 5,000 new claims were received at the Buffalo regional office of the Veterans' Bureau. These claims include disability allowance and disability compensation. This office serves the 31 counties which this general hospital would serve. Seventy per cent of these claims came from Erie County alone and 70 per cent of this number were from the city of Buffalo. It is a fact that 90 per cent of the veterans who would be patients at this hospital would come from or be obliged to go through the city of Buffalo to reach their destination.

The only reason so far that Mrs. EDITH ROGERS, chairman of the subcommittee on veterans' affairs, has ever given for the change of this location from Buffalo to Chautauqua County has been based on health conditions of the city of Buffalo, as stressed by Congressman REED, from Chautauqua County.

Congressman REED stated before the House that the Adams Memorial Hospital, the T. B. Municipal Hospital, of Buffalo, is located 40 miles south of Buffalo to escape conditions in this city; also that the State Hospital for the Insane was removed from Buffalo for the same reasons. He said that the smoke resulting from the large amount of coal consumption from the many factories in Buffalo is thrown over the city night and day, and that steamboats, tugs, and barges swarm the harbor of Buffalo, sounding their heavy fog whistles when the weather is bad, and also that Buffalo has sought to relieve its own sick people from the noise, smoke, and confusion by sending them 40 miles outside of the city, and therefore Buffalo or the immediate vicinity is not a proper or healthy place to locate a general hospital.

The City of Buffalo Board of Health takes exception to these remarks of Congressman REED, and answers them with the following statements as to the health conditions of our city:

"Buffalo's health record is an enviable one for a first-class city. The public-health administration is acknowledged as highly efficient, and accurate statistics give the municipality a low morbidity rate and low death rate. The death rate last year was 12.5 per thousand population. The infant mortality—67 per thousand births. The city is ideally located on lake and river and enjoys an unequaled summer climate among cities of its size in this section of the United States.

"Buffalo is a great medical center. For the past 80 years the University of Buffalo has maintained a medical school. Allied hospitals furnish medical and professional services second to none. Within the city of Buffalo are 25 hospitals, with almost 6,000 beds, and the Buffalo City Hospital is a large general hospital, one section of which is devoted to the care of cases of tuberculosis. There are 6 health centers and 20 welfare stations, with nursing services for the poor.

"The only hospital of the municipality located away from the city is the J. N. Adams Memorial Hospital, Perrysburg, N. Y., for incipient cases of tuberculosis. This hospital came into being through a gift of the tract of land by J. N. Adams, a former mayor. It is a memorial institution and a sanatorium and is located at a high altitude.

"The Buffalo State Hospital for the Insane is located on Forest Avenue, in the city, and has been in operation for half a century. The statement that the State hospital had to be moved to Gowanda is incorrect, as the Gowanda institution is a separate unit built on its present site.

In a nation-wide intercity contest, with over a hundred cities participating, Buffalo was awarded honorable-mention certificate for its health administration and salubrity.

Buffalo has a greater amount of radium for cancer treatment than any other city of the world.

As to smoke and air pollution conditions in Buffalo, investigations have been made repeatedly, and available figures as result of an examination made two years ago show as follows:

Particles of dust per cubic foot

Buffalo	12,350
Cleveland	13,840

Detroit	15,300
Pittsburgh	16,100
Cincinnati	16,770
St. Louis	17,600

Pittsburgh has a veterans' hospital but a short distance from the city. Cincinnati has a veterans' hospital within the city.

So far as the purity of the air is concerned, you will find within a very few miles of Buffalo air just as free from smoke, dust, soot, and gases emitted from industries as in Chautauqua County.

The population of Jamestown, Chautauqua County, is about 45,000, while the population of Buffalo is nearly 600,000. Of course, it is evident that Jamestown could not have as good a consulting staff of specialists, necessary in a general hospital such as the bureau proposes to erect. Such consulting-staff specialists and technicians can only be found in the larger cities, especially where a medical school is in existence.

In view of the facts of Buffalo's location, physical characteristics, sanitation, pure-water supply, and excellent health conditions generally, no valid argument can be advanced against the establishment of a general hospital in or near the municipality.

Very truly yours,

FRANCIS E. FRONCZAK, M. D.,
Health Commissioner.

General Hines not only designated Buffalo in his report because of its availability as a health center but also because of the fact that it can best serve the 31 counties of New York State which go to make up the territory of the Buffalo veterans' regional office.

The so-called center selected, according to the letter of Gen. Frank T. Hines in the letter dated April 24, 1930, approved May 1, 1930, by President Hoover, at Limestone, in Cattaraugus County, does not determine the center of population to be served by this proposed hospital. That center was for the neuropschyciatric cases and took in parts of Ohio and Pennsylvania, including Pittsburgh, that were not already served by a neuropschyciatric hospital.

This hospital will be primarily for the 31 counties in New York State attached to the Buffalo regional office. Pennsylvania will not be figured in because there is being placed at Aspinwall, Pa., according to this bill, 200 beds for general medical cases. At any rate, the new center will have to be determined in accordance with the rules and it will not be the same one as for neuropschyciatric cases. And a general hospital at Jamestown will be only 100 miles from the general beds at Aspinwall, Pa. There will be no general hospital from there to New York, 400 miles.

To further refute the statement that the air of Buffalo is polluted with an excess of smoke and dust, let me say that a report on pollution of air in cities covering all the large cities of the United States recently published shows that the air of Buffalo is superior for hospital purposes than that of most of the large cities of the country. In this recent nation-wide report Buffalo attained four positions higher than in the 1928 report and stands much better than either Pittsburgh, Cincinnati, St. Louis, Detroit, or Cleveland, and yet those cities have veterans' hospitals located either within the city limits or in close proximity thereto. The climate of Buffalo is singularly adapted for hospital purposes, especially for veterans accustomed to the climate of that section of the country.

In a report on the climate of Buffalo the Federal meteorologist James Harvey Spencer, makes the following statement:

I have lived in nearly all sections of the United States, from the Atlantic to the Pacific, during the past 30 years, devoting much time and energy during that long period to climatic studies; and I do not hesitate to express the belief, as the result of my studies, that the Buffalo climate as an "all-the-year-'round" proposition has no superior in the United States. Indeed, it is the most "comfortable" climate I have ever found, and remarkably well adapted to all the ordinary demands of business, agriculture, and commerce.

There is no other important American city between the Rocky Mountains and the Atlantic coast that has such a cool and delightful summer as Buffalo. Even Canadian cities like Winnipeg and Toronto are considerably warmer than Buffalo when the great hot waves are sweeping across the country; and the same is true of Lake region cities like Chicago, Detroit, and Cleveland. This is due to the fact that southwest winds, which are, for the most part, the hot-wave winds of America, come off the water only at Buffalo.

In other words, it is the Lake Erie breeze that keeps the weather cool at Buffalo while other cities are experiencing scorching land winds, although from the same direction. It is only when the southwest wind dies out at Buffalo that fairly warm weather is experienced; but a "warm" day at Buffalo would be considered cool in such cities as Philadelphia, Washington, Pittsburgh, Cincinnati, St. Louis, Kansas City, and Des Moines.

JUNE WEATHER ALL SUMMER

We do not have sizzling hot and humid waves, withering droughts, and burned-up park and golf courses. Summer in Buffalo is all June, with pleasantly warm and sunshiny days and with cool and comfortable nights that are ideal for sleeping. July and August exist only on the pages of the calendar. Actually we have three to four months of June weather. The average temperature during both July and August at Buffalo is indeed lower than during June in such cities as Cincinnati, New York, Philadelphia, St. Louis, and Washington. There are not to exceed three to five days during the three summer months when the sun does not shine during some part of the day.

The meteorologist refers to summer as the three months of June, July, and August. The average temperature for these three months at Buffalo is 67.7°; the hottest month, July, gives an average of 69.9°.

Only once in a year, on the average, does the maximum temperature at Buffalo reach or exceed 90°, as compared to 5 times at Detroit; 7 at Boston and New York; 8 at St. Paul; 9 at Chicago; 13 at Philadelphia; 20 at Baltimore; 22 at Cincinnati; 31 at St. Louis; 53 at Tampa, Fla.; 65 at Montgomery, Ala.; and 80 at Dallas, Tex.

THE FALL SEASON

The American fall is so ideal from the Atlantic to the Pacific, and from the Gulf of Mexico to beyond the Canadian border, that comparisons are unnecessary. It is sufficient to say that Buffalo, like other American cities, has an ideal fall, characterized by moderate winds; pleasant, sunshiny weather; mild temperature; and rather light precipitation. But, unlike most American cities, the entire period from May to November, inclusive, is a continuous period of fine and comfortable weather at Buffalo, although with sufficient rainfall to prevent the burning up of crops, parks, and golf courses.

WINTER BEGINS LATE

Following a long and delightful fall, the Buffalo winter sets in rather late as a rule. There is no snow to speak of before November 15 and often not until December 1. The average mean winter temperature (26°) is the same as Chicago and Detroit, although the minimum temperature during any severe cold wave will, as a rule, be about 5° to 10° higher at Buffalo than in Chicago, Detroit, Pittsburgh, St. Louis, and many other cities. During the average Buffalo winter there are only 4 days with a temperature of zero or lower, as compared to 3 at Pittsburgh and St. Louis, 5 at Detroit, 9 at Chicago, and 34 at St. Paul.

In most of our American cities a large part of the winter precipitation is rain. In Buffalo it is nearly all snow. The total annual amount averages about 74 inches. There are many days with small amounts, and few individual storms give deep snows. Indeed, a 10-inch fall is rare at Buffalo. Average snowfall (unmelted) by months is as follows: January, 20.2 inches; February, 17.6 inches; March, 10 inches; April, 3.4 inches; May, 0.3 inch; June to September, inclusive, none; October, 0.6 inch; November, 5.8 inches; December, 16.4 inches; total annual, 74.3 inches.

The winter landscape at Buffalo is usually a picture of clean, white snow, due to frequent falls. Hence, winter sports are as much enjoyed here as in many Canadian cities. Although cloudy weather predominates, the sun peeps through the clouds for brief intervals on many winter days, and there are occasional days when the skies are entirely clear.

There is seldom or never weather at Buffalo, either winter or summer, so extreme that it affects industrial conditions adversely.

SPRING

The Buffalo spring is the kind that agriculturists have praised for centuries in weather sayings like these:

"A late spring, a great blessing."

"A late spring never deceives."

It is in part the late spring that makes the Buffalo district one of the best and safest fruit-growing sections of the country, with danger from killing frost only slight when the fruit trees are in blossom.

When I first experienced a "Buffalo spring" I was more than delighted. Spring weather is usually favorable for vigorous walks in the open; there are no March and April hot waves to force the buds prematurely, and the blooming periods of all the spring flowers and shrubs are much longer than I have ever seen them in other climates. Moreover, July and August are just a continuation of spring, with "June" roses in bloom until late July.

HUMIDITY NOT EXCESSIVE

Relative humidity is not excessive at Buffalo. The average annual humidity, as shown by Bulletin Q of the Weather Bureau, is 73 per cent, as compared to 75 per cent at Chicago and Detroit, 74 per cent at New York, 73 per cent at Cleveland and Washington, and 72 per cent at Des Moines and Pittsburgh. Owing to the cool summers, the relative humidity is scarcely noticed at Buffalo.

When I came to Buffalo I expected to find the wind velocity for the city as a whole much higher than it actually is. The Weather Bureau anemometer is necessarily exposed at a very high elevation and near the shore of Lake Erie, where the winds are greatest. Back a mile or more from the lake, in the residential sections, the winds are very much lighter than at the Weather Bureau office. The prevailing winds are from the southwest in all months, except west during January, November, and December.

The average date of killing frost in the spring at Buffalo is April 25, and does not differ materially from other northern cities in approximately the same latitude, among them Detroit, Chicago, and Des Moines. The average date of first killing frost in the autumn is October 19, which is about the same as at Detroit and Chicago, but about a week later than at Des Moines. Killing frost at Buffalo comes about 20 days later in the spring and only about 10 days earlier in the fall than at Richmond, Va., and St. Louis, Mo.

The best mental and physical work can be done in a climate having an average annual temperature of about 50°, with a cool summer; while frequent changes in the weather, if not too severe, promote efficiency and well being. These are outstanding climatic conditions here, and are among the reasons why Buffalo excels as a convention city and offers an ideal location for big industries. In considering the Buffalo climate, you should also remember that the sun shines some part of the day on 300 days in the year, on the average.

In response to an appeal from the Jamestown Chamber of Commerce for assistance in securing the hospital for Chautauqua County, Mr. Botsford, the executive vice president of the Buffalo chamber, sent the following reply, which contains very valuable information in connection with the proper location of a veterans' hospital for western New York. I quote practically the entire letter, because it will prove a great aid in the ultimate solution of this involved question:

FEBRUARY 17, 1931.

JAMESTOWN CHAMBER OF COMMERCE.

GENTLEMEN: Your telegram of the 14th, regarding appropriation for war veterans' hospital to serve western New York, was duly received. We are glad to note your interest and hasten to reply. As your telegram was given to the press, we trust you will pardon our giving a copy of this reply to the reporters.

The choice of a location for a hospital should be determined primarily in the interests of the patients it is to serve. Ease and economy of access for the sick and for the friends who will naturally visit them are of first importance. We feel that the interests of wholesalers and retailers who may supply such an institution and its staff should be regarded as of minor importance. A hospital of this kind ought to be located where supplies can be obtained quickly and economically. Service from wholesalers and retailers is necessary, but the prospective profits to any particular group ought not to influence the selection of a site.

The number of men drafted into service in the World War from Erie County numbered 25,041; from Niagara County, 4,367; from Chautauqua County, 3,785; from Monroe County, 14,850; from Onondaga County, 9,608; all other counties in western New York sent considerably smaller numbers, most of them well under 3,000. The number of veterans needing hospital care are in about the same proportion. The results of our surveys, which were prepared long ago for the information of Washington authorities, indicate that Buffalo is a most convenient point for the veterans of western New York. The great veteran population in Erie, Niagara, and Monroe Counties, with their proportionately large hospital and potential hospital cases, tends to place the center near Buffalo. There are various ways of figuring this, of course, but the weight of numbers, even if the territory to be served is enlarged, will continue close to Buffalo.

We must also bear in mind that Buffalo is a leading medical center. The Gratwick Cancer Laboratory, our equipment for chronic and for incipient tuberculosis, the existence of a great medical school, of effective clinics in the City Hospital and other large hospitals, and our laboratories all provide a type of service which supplements a veterans' hospital and should be easy of access. There is a constant interchange between hospitals of patients suffering from various troubles. It would seem to us that the hundreds of cases which this veterans' hospital is planned to house ought to have, within easy reach, the best facilities which western New York can provide.

As you know, Buffalo is the converging point for railroads and also for highways, bus lines, and other facilities which incoming and outgoing patients and visitors will naturally desire to use. We appreciate the importance of Jamestown as a business center and the fact that Chautauqua County is located in the marketing area of which Buffalo is the center, as shown by the United States Department of Commerce survey. We feel, however, that the service to be rendered by the proposed hospital will be more effective and useful to those for whom it is planned if located here. This chamber is not interested in any particular site; it does not and will not represent any persons having real estate to sell for a hospital location. We are, however, deeply concerned to have the Federal Government carry out its pledges for the care of veterans. When a veteran reports at a regional office for an examination, he is paid on a basis of $2.65 per day for physical examination with subsistence, lodging, and railroad transportation, both ways. This happens to be a convenient location for the great majority of veterans in western New York and in northern Pennsylvania. It is the most economical place for them to reach and will involve less per diem, subsistence, and transport cost to the Federal Government.

In this connection, consideration should be given to the regional office. This office, employing about 100 people and serving daily 150 to 500 veterans, should be located close to the hospital. It is inconceivable that this regional office should be placed where the great proportion of its visitors would be unable to reach it without expense. We are aware that many Government hospitals and soldiers' homes have, in the past, been located for political reasons or in order to satisfy the ambitions of particular localities. We feel that the matter is too important and involves too many homes and sick people to be subjected to such influences. In all such matters we glady place at the disposal of the authorities all the facts in our possession. We believe that Congress should proceed without prejudice or political trading and settle the matter strictly in the best interests of the sick veterans for whom the expense is to be incurred.

SAMUEL B. BOTSFORD,
Executive Vice President.

Personally, I would not care to assume the responsibility of locating a veterans' hospital because I am of the opinion that this work can better be accomplished by the Federal Hospitalization Board, who are appointed by the President of the United States for the purpose of selecting the best available locations for our heroic veterans of the World War. If this matter was handled properly by those in charge of the legislation we would not witness this apparent deadlock between the two legislative bodies of Congress. For my part I would be entirely satisfied if the locations were designated by the veterans' hospital board, for they would select the best available locations. I supported the measure and appeared before the committee and I hope before the session is over that a general medical hospital will be assured the veterans of western New York.

RETIRING MEMBERS

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DOWELL. Mr. Speaker and ladies and gentlemen of the House, the Iowa delegation at the close of this session will lose two of its most prominent, active, and able Members in this House.

As we all know, Congressman DICKINSON for a number of years has been one of the most active and one of the ablest Members of this body. [Applause.] His State, recognizing his great ability and his worth, has elected him to represent our State in the Senate of the United States. We are all proud of the fact that he is going to serve in that body, and we all regret that he must leave us here.

Judge LETTS has served with distinction, with honor, and with great credit as a Member of this House, and he will leave us at the close of this session.

The Iowa delegation desires, through me, to express great regret at the loss of these two Members of the delegation in the House, and I know that all the Members join with us with regret that they will not return at the next session of Congress, and I know also you will all join in our best wishes to them both for success and happiness in their future work. [Applause.]

Mr. BLANTON. Mr. Speaker, I ask to speak for two minutes.

The SPEAKER. Without objection, the gentleman from Texas will be recognized.

Mr. BLANTON. Mr. Speaker, one of the most lovable characters who has ever served in this House leaves public service at noon to-day. I refer to the Hon. CLAUDE B. HUDSPETH. He has ably represented what is known as the old Jumbo district of Texas for 12 years. In 1917 I came to Congress from that district and he succeeded me. I have never known anyone in my life who has been so well able to claim the friendship of men and hold it as Mr. HUDSPETH. He has just entered the hospital at Baltimore this morning, and I am sure I express the sentiment of this House when I say that we hope and pray that he will speedily recover. [Applause.] He has held many positions of trust in my State. He has adorned the circuit bench and has been a member of our State senate, and every man in the great State of Texas who knows him loves him well. [Applause.]

ENTERTAINMENT AFTER ADJOURNMENT OF HOUSE

Mr. CLARKE of New York. Mr. Speaker, for the information of the Members of the House I beg to say that promptly

upon the falling of the gavel our program of entertainment will begin. We hope that the Members and their friends will give us as much room as possible down in the Hall here. We want to devote an hour and a half to expressions of good fellowship in the closing hours of the Congress.

ARTICLE BY SENATOR FESS

Mr. WOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article written by the distinguished Senator from Ohio [Mr. FESS].

The SPEAKER. Is there objection?

There was no objection.

The article is as follows:

[From the Sunday Star, Washington, D. C., March 1, 1931]

AMERICA PRESSES ONWARD

On March 4—next Wednesday—the Hoover administration will be two years old. Half of the term of office to which Mr. Hoover was elected by an enormous majority will have elapsed.

Here is a time for the casting up of accounts, to determine the standing of the Nation as an economic unit, of the President and of the party in power.

National assets and liabilities—the real welfare of the Nation—can not be truly measured and assayed by a count of partisan votes. Neither can the real success of a political party be determined by mere reference to the size of the vote it controls in the legislative chambers of the Nation.

Within the month just ended the Nation observed, in grateful remembrance and homage, the anniversary of Abraham Lincoln's birth. Yet in 1865, when an assassin's bullet ended his life, the national balance sheet showed tremendous liabilities, tremendous losses, tremendous hazards impending. A great national debt had been created; the Southern States were impoverished; scores of thousands of precious human lives had been destroyed on the battlefield; our foreign trade had been disrupted; partisan and sectional animosities had been multiplied.

Against these national liabilities of nearly 70 years ago there was one great asset to be applied—the Union had been preserved. And swiftly, in the years that followed, there developed from that asset the world's greatest, richest, most powerful, most peaceful Nation, surpassing all others in the material well-being of its people.

In the dark days of 1865 the country's welfare was in the hands of a new political unit, the Republican Party. That party has continued in charge of the Nation's affairs almost all the time since.

In the sweep of economic circumstances during the last two years that have almost engulfed governments and nations like the great flood of old, the United States of America remains the "high spot" of economic security and social stability. No government in the world has greater reason for pride in actual accomplishment for the welfare of many millions of people during a period when the economic foundations of civilization have been rocked by universal causes.

Our great fundamental institutions remain unchanged; an orderly representative Government of law, based on the Constitution; a national ideal of fair and equal opportunity for every man and woman.

The political promise contained in the platform of the political party which was victorious in 1928 has been transmuted into substantial accomplishment. One has but to glance over the country—North, South, East, and West—to grasp the truth of this statement. Here are great internal waterways being developed; giant ships being built by American workingmen to bear the American flag on all the seas; a vast and permanent road system under construction; capacious hospitals under construction to care for those who served the country in time of war; millions of people enabled to finance agricultural operations through the assistance of the Federal Government; huge revetments and similar works under construction to prevent floods that in the past have constituted a national peril and problem; barriers firmly erected to prevent the flooding of American markets with the product and labor of countries whose people subsist in a way unknown to our own.

Above all, we have maintained in America during a time of world-wide, sweeping, destructive changes the asset that has made our Nation supreme, the ideal upon which the Republic was founded—a government responsive to the needs and will of the people, with a firm purpose of affording equality or opportunity and free scope for individual initiative to all its people.

In government, as in business, there are times when readjustments must be made, certain losses borne for the purpose of rebuilding. The Nation in the last year or two has had to meet and resist tidal waves of economic change and pressure which originated far from our own shores, and which have overthrown not only parties but entire systems of government. To escape unscathed here was impossible; to relieve and rebuild was not only possible but has been actually accomplished in America without any real impairment of our fundamental economic structure. The assets of wise administration are enormously greater than the liabilities from drought and economic disturbance.

LIABILITIES AND LOSSES

The liabilities and losses are perfectly obvious and apparent—not because they are printed in red ink but because they are shouted night and day, week in and week out. On the other hand, the enormous surplus of sound, solid, permanent assets of Nation, President, and Republican Party are not anywhere near so apparent to a large part of our population, since such items are not news—at least, not interesting news.

The fact is that not only is the Nation perfectly solvent but the President and his party have on the credit side assets that far outweigh and dwarf the liabilities alleged by partisan propagandists.

Let us see what these assets are compared with the only liability of any importance—the current business depression and drought—with the cause of which the administration had nothing to do. "As goes the Nation, so goes the President and his party," to paraphrase an old political maxim. The party out of power holds the party in power responsible for all the ills suffered by the people. In other words, the success of the party and its leader is measured by the welfare of the Nation without regard to the source or its content. Partisan attack suggests the question: "Is the United States bankrupt, insolvent, tottering to ruin and destruction, about to disintegrate?" Were this attack honest and the question serious, the answer would be: "Not by a considerable margin!"

Perhaps the answer to the question could best be illustrated by another: "What other nation would any American prefer to live in, where he would find equal comfort, luxury, and opportunity; equal freedom and equal chance for happiness and progress?"

Were the question seriously propounded, the very fact that we have had to impose severe restrictions on immigration from every other country on the face of the globe, of course, gives the answer: "Even under present depressed business conditions in the United States it is by so large a margin incomparably the best place in the world in which to live that barriers must be erected by law to prevent the swarming in of millions of men and women from other nations, bent on bettering their own conditions."

It would be too much to hope for exemption when all the world is involved. True, we have unemployment—too much of it. But is that a new and crushing liability and one particularly chargeable to Republican administration? Here are the words of another Ohio Senator:

CINCINNATI SHOPS LIGHT

"Last week I was in the city of Cincinnati. Upon inquiry I found that the shops there were only running about 40 per cent of their capacity. I am advised that in the great iron and steel centers of Ohio the mills are running only about 50 per cent of their capacity. There is not an industrial center in the State of Ohio or in western Pennsylvania or in New York or Illinois that is not very seriously affected by nonemployment. * * * I found that in the city of Toledo already there had been bread lines of 2,000 a day; later I found in reading another newspaper that that morning the authorities had to feed 1,200 men for breakfast and give them baskets of food to take home. I sent out a questionnaire * * * and word comes back from nearly every one of these industrial centers that 40 per cent of the workingmen of the country are out of employment."

Those statements were made 10 years ago, in January, 1921, by Senator Atlee Pomerene, a distinguished Democrat and a close friend of Woodrow Wilson. They referred to conditions then existing as the Wilson administration drew to a close.

But the country rapidly recovered and attained a greater degree of prosperity than had ever before been enjoyed. It will not do to underestimate or minimize business depression and unemployment, but we are in much more danger from overemphasizing conditions of distress as a basis of dangerous nostrums, on the one hand, and of losing courage because we do not see the real assets and resources of the country that guarantee recovery on the other.

Nowhere has there been more emphasis, political and otherwise, on unemployment than in New York. Yet in 1930 New York led the Nation in average savings in banks of that type, with $847.16, compared with $810.11 the year before. And all over the country in 1930 savings deposits increased approximately $1,000,000,000. In just 17 States the savings deposits in the "depression year" of 1930 increased practically $600,000,000! Furthermore, the number of savings deposits increased by more than $500,000 last year.

When the present year began there were about 13,000,000 people having deposits of $9,464,732,492 in the mutual savings banks—and still enemies of the administration foster the idea that the country is on the brink of ruin.

In Massachusetts, an industrial State that has been affected by world-wide conditions, savings deposits nevertheless rose more than $70,000,000 in 1930, and the number of depositors increased by 120,000.

I shall not weary the reader with an itemization of our national assets; yet it is necessary to cite some figures to demonstrate in contrast how insignificant are our liabilities. Here in a Nation of more than 120,000,000 people, occupying a vast and fertile territory extending from ocean to ocean, there are countless "prophets of disaster" tolling the knell of all our hopes and aspirations, predicting dire calamity and not only advocating but demanding doles of money from the United States Treasury to support what has always been a free, independent, and proud people. All this is in the face of the fatal consequences of Great Britain's experience with the dole.

That Nation—the United States of America—with but 6 per cent of the world's population, produces one-third of the world's goods. Ninety per cent of that production we consume at home—which means, of course, that we have the highest standard of living in the world. In the last 10 years our people have invested $36,000,000,000 in homes. Our 6 per cent of the world's population produces 43 per cent of the world's coal, 54 per cent of the iron, 64 per cent of the steel, 49 per cent of the copper, 64 per cent of the

petroleum, 51 per cent of the lumber, 60 per cent of the cotton and 84 per cent of the motor vehicles of the world. Yet there are undoubtedly many thousands of our people who have been so misled by partisan criticism that they are ready to believe the country is "ruined" unless the nostrums of those who preach disaster are swallowed.

For years and decades, while America was developing and growing, we were heavily indebted to the Old World, borrowers in her money markets. Now the chancellor of the British exchequer tells parliament that the monetary stock of gold of the United States is greater than the combined gold holdings of the United Kingdom, France, Germany, and Spain. We have more than twice as much gold as France; six times as much as Great Britain, with her world-wide empire and trade.

Yet those who criticize the tariff policy of the Republican Party shout that the last tariff revision is responsible for such woes as we have. They disregard utterly the warning found in the condition of Great Britain, which for generations has adhered to a free trade policy. That situation was described in an economic bulletin published in February, 1931, in these words:

SERIOUS BRITISH SITUATION

"The industrial situation of Great Britain is now more serious than at any time since the war. The number of persons on the dole is larger than in 1921. Instead of recovering trade which drifted away during the war there is reason for those whose fortunes and living are dependent upon British industry to fear that they are losing more."

During a period of 70 years, except for intervals of 16 years, the economic policy of the United States has been guided by the Republican Party. And nowhere else in the world has there been such a growth of wealth shared by the mass of people. The liability, therefore, of a decrease of business and employment during the last year is the kind of temporary draft upon our resources and strength that is encountered and overcome in every sound private business enterprise.

So much for our national balance sheet. Let us examine now the Republican Party's record two years after it was again given the responsibility of directing the Nation's affairs. The party's liabilities after the 1928 election consisted of certain definite pledges contained in its platform of that year.

The promises were to reduce taxes when conditions warranted such action; to adjust the tariff to maintain the American standard of living; to arrange for payment of the debts owed to America by foreign nations; to aid our farmers in the marketing of their products; and to provide adequate relief for disabled war veterans.

Without exception those promises have been fulfilled.

Taxes were reduced to the extent of $160,000,000 a year. Despite protracted opposition, resulting in a year's delay largely responsible for the unsettlement of business, the tariff was revised to furnish agriculture with a proper measure of protection and to safeguard the domestic market for the products of American farms and factories.

The Federal Farm Board was established and supplied with $500,000,000 to assist in creating a new and better marketing system. Debt settlements were effected with France, Germany, and Austria. Better hospital and medical facilities and increased disability compensation were provided for war veterans and their survivors.

Thus were the pledges redeemed.

DUTIES EVER CHANGING

But the duties and responsibilities of political leadership are ever changing, ever growing. Conditions change from month to month and year to year; emergencies arise; new opportunities for service are presented.

In India, China, Russia, throughout Europe, South America, and even in far-away Australia, great economic and political changes took place that were bound to have a repercussion in our own country. It was necessary to add to the party program; to expand Government agencies to deal with unemployment; to provide a public building and public works program to take up the slack in industry. The upbuilding of an American merchant marine was made more effective. The construction of an internal waterway system was broadened and improved; increased amounts were appropriated for public roads. Costly competition with other nations in naval armament was limited by treaty with other great powers. When the act of God brought suffering and distress through a wide area through lack of rainfall many millions of dollars were appropriated from the Federal Treasury for relief purposes.

To catalogue the necessary and helpful legislation enacted during the last two years would require page after page. Enough has been said to demonstrate that the party which was given a new vote of confidence in 1928 has justified that confidence.

We come now to President Hoover's standing with the country. Probably no President in the history of our country has come to that office with such a varied complement of enemies and critics both within and without his party. The criticism touches the extremes of political animosities. The election which resulted in his elevation to the Presidency by an overwhelming majority was one that left bitter memories. The elements which made him strong with the people were not essentially pleasing to distinctively politically minded leaders.

Mr. Hoover had not previously held elective office. He was what the political leader might term an "amateur in politics," though not in statesmanship. His ability as an executive and administrator had been thoroughly tested and proved during the World War and afterwards as a member of the Cabinet. Yet his lack of first-hand political experience as a manipulator of the party machinery made him an exceedingly tempting target for those in press or forum who were expert in impairing political opponents.

It will not be disputed that no President in recent times has been confronted by more difficult problems than he has met in these two years. Mr. Hoover inherited a cleavage of long standing in his own party. The economic problems of the whole world, as they affected and involved our wide-flung interests, were laid on his doorstep. The heavens refused to rain on a section of the country that had already suffered and been impoverished by too much water a few years previous. A new concept of government, involving the support of the people by the Government, instead of the support of the Government by the people, was being constantly promoted by those who appealed to the self-interest of their audiences. Because he refused to yield he was openly charged as being hard-hearted by men who knew that the world recognized him as its most humane personality to-day.

On the floor of the Senate he was gravely charged with having more sympathy for foreign people than his own, because he had answered the call of Woodrow Wilson to administer the fund when Wilson as President had requested $100,000,000 to feed Europe, which was threatened with starvation because of the collapse of the entire economic fabric as well as the hopeless confusion of governmental processes due to war.

Systematic campaigns were carried on to bring about relinquishment of our just claim of billions of dollars loaned to foreign countries when they were in peril. It was urged upon the President that this would promote our own prosperity by increasing foreign purchasing power—ignoring and disregarding the fact that our own people would be obliged to repay billions of dollars in the form of war-time bonds. A policy of "reduce taxes, increase expenditures, issue bonds, borrow from Peter to pay Paul" was urged, regardless of ultimate financial consequences to the Nation. "Stop or slow up paying the war debt" was another proposition advocated.

Many a man with much more experience in public office, with much more political experience than Mr. Hoover, might have been led from the path of duty and right by such urgings, such pleas, such arguments, such threats of political reprisal and vengeance for failure to take heed. Party disruption was threatened, attempted. On every side President Hoover was surrounded by critics and enemies. Systematic commercialized villification was practiced.

Through all the clamor and confusion of attack Mr. Hoover has steered a straight course, guided by two beacons—his sense of right and of public duty and the fundamental principles of the party that has endured 70 years in a position of leadership.

On the liability side it may be said that President Hoover has had conflicts with Congress. So did Washington, Lincoln, Jackson, Roosvelt, Wilson, and Coolidge, to mention but a few of our Presidents.

DEPRESSION DEALT WITH

Charged against Mr. Hoover as a liability is the business depression and its consequent unemployment. But has any President ever dealt more broadly, effectively, and successfully with a similar unavoidable condition? Nation-wide organization of industry and labor was made to minimize distress and speed the day of recovery. Strikes and lockouts have been reduced to one-tenth the level reached in the last previous economic adjustment. Wages have been held to a high level, hours of work a day kept from extension and even shortened. Relief agencies have been better organized, better supplied with funds than ever before.

Against the insidiuous and persistent effort to make the Government every man's keeper President Hoover has taken a firm stand with such words as these, words that have guided his own action, despite criticism and savage attack:

"The true growth of the Nation is the growth of character in its citizens. The spread of government destroys initiative, and thus destroys character. Character is made in the community as well as in the individual by assuming responsibilities, not by escape from them. Carried to its logical extreme, all this shouldering of individual and community responsibility upon the Government can lead but to the superstate, where every man becomes the servant of the State and real liberty is lost. Such was not the Government that Lincoln sought to build."

And so as the first half of his first term of office ends President Hoover's own strength of character, of will, of determination is more apparent than ever before. Those who at the beginning of his term whispered that he was "weak" have long since abandoned that line of attack; his strength of mind and character is too apparent. Without rancor or vindictiveness he follows the path of principle hewed by the leaders of the party who preceded him in the Presidency, but with a distinctive and distinguishing ability to accomplish what is needed for the Nation that has rarely been equaled.

The first and most essential quality of leadership, political or otherwise, is strength—of mind, of courage, of ideals. And this is the great Hoover asset, the asset that will bring lasting profit to the Nation in the two years ahead—gain of material prosperity and gain of national ideals.

RETIRING MEMBERS

Mr. BYRNS. Mr. Speaker, and ladies and gentlemen of the House, as a minority member of the Committee on Appropriations who has served for a great many years with our retiring friend, the gentleman from Michigan [Mr. CRAMTON], I wish to bear testimony to the great value of the services which he has rendered not only as a Member of this

House, but as a member of that committee. The work of the Appropriations Committee is not spectacular. It consists of the patient and arduous examination of estimates for appropriations carried on in the committee room, and few appreciate the great amount of work involved and the close and long-drawn-out attention required throughout the session. Members of the House recognize the very great value of the work performed by Mr. CRAMTON as a member of the committee and also his influence in general legislation. The Appropriations Committee has never had a more untiring, a more earnest, a more energetic or abler member than our friend from Michigan, who retires to-day. [Applause.] His retirement is a real loss to Congress and to the country, and I am sure we all hope for him great prosperity in all his undertakings. [Applause.]

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, we, your committee appointed on the part of the House to join a like committee on the part of the Senate to wait upon the President and inform him that the Congress has completed the work of the session, have performed that duty so far as waiting upon the President is concerned, and beg to report that the President has no further communication to make to the House at this time.

RETIRING MEMBERS

Mr. GUYER. Mr. Speaker, I rise to express my sentiments with respect to several men who with the expiration of this Congress leave the House of Representatives. First, the gentleman from Kansas [Mr. SPROUL], my beloved colleague, who to-day finishes eight years of valuable and conscientious service in this Chamber. Mr. SPROUL came here in the days following the World War, and his term of service has covered a period of vast constructive development and at the same time feverish with the spirit of change. He brought to the work of the House a mind filled with ripe knowledge and an honest purpose to do his duty as it appeared to him. He has filled his term with honest and tireless endeavor for his country, and he has made a most enviable record. No man ever represented Kansas in the House with more earnest and unselfish devotion.

Logical and convincing on the floor, he always made a deep impression when he spoke. His speech delivered in behalf of a tariff on oil, May 21, 1929, foreshadowed the present plight of oil, which has left the industry prostrate in the Middle West. But it was on his committees that Mr. SPROUL did his most effective work. An able lawyer, with an intensely practical mind, he brought to the councils of his committees the most valuable aid in the formulation of legislation and earned the most flattering approbation of his colleagues on his committees. He was a member of two most important committees, that of Indian Affairs and Mines and Mining.

Hon. SCOTT LEAVITT, chairman of the Committee on Indian Affairs, says that Mr. SPROUL—

added to the committee the criticisms of measures based on his fundamental friendship for the Indians which insured care in the consideration of all measures before the committee.

Hon. THOMAS J. HALSEY, another member of the same committee said that Mr. SPROUL's services—

by reason of his long and varied experience, coupled with his profound knowledge of the law, rendered him one of the most valuable members of this committee.

Mr. SPROUL was chairman of the Committee on Mines and Mining, and that committee thus loses a most able leader of a subject of which he was master. In the retirement of Mr. SPROUL the House loses one of its most progressive and aggressive leaders as well as one of its most earnest and effective workers. [Applause.]

I take pleasure in saying a word of appreciation of Hon. ED. M. IRWIN, chairman of the Committee on Claims. Mr. IRWIN last fall ran over 40,000 ahead of the head of his ticket in Illinois, and I am sure his vacation will not have a very long duration. He has been one of the best men on the Committee on Claims as well as one of its most beloved and honored chairmen. He was diplomatic, and had the confidence as well as the affection of every member of the committee. It is doubtful if any chairman on any committee of the House worked harder and to better advantage than the gentleman from Illinois who retires with the kindest feeling and the keenest regrets of the whole House. [Applause.]

Permit me to add a word of commendation for that distinguished statesman, Hon. JOHN C. BOX, of Texas. There is no more conscientious and courageous man in Congress than Mr. Box. In his considerations of measures before Congress no man hews closer to the line of principle, regardless of persons and parties involved. His very fidelity to his country, and the interests of its people as a whole, militated against him in the primaries in his own State. That is the sort of Spartan courage that is all too rare and too often not properly appreciated. Across the gulf of party affiliation I want to render this faltering tribute to this fearless and incorruptible public servant. I learned to love him, though a Democrat—and greater love hath no Republican. [Applause and laughter.]

STATEMENT OF SENATOR BULKLEY, OF OHIO

Mr. CROSSER. Mr. Speaker, because of the fact that a filibuster now being conducted in the Senate prevents any Member of the Senate from procuring leave to extend his remarks, the Senator from Ohio [Mr. BULKLEY] has requested me to procure leave to extend in the RECORD a statement made by him in regard to Senate Resolution 459. He also desires to have extended in the RECORD an address made by Rev. M. E. Dodd on February 26, 1931, on the subject What Would Wilson Do?

I therefore ask unanimous consent that the statement of Senator BULKLEY and the address of Rev. M. E. Dodd, to both of which I have just referred, be extended in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The following resolution was adopted by the Senate on February 23, 1931:

Resolved, That the Attorney General is requested to report to the Senate as soon as practicable the following information relative to the monograph prepared and published by the Bureau of Prohibition in October, 1930, entitled "The Value of Law Observance, a Factual Monograph":

(a) The procedure followed by the bureau in the compilation and interpretation of the factual material embodied in such monograph and in investigating reliable and authoritative sources in order to insure the truth and accuracy of the observations and conclusions contained therein;

(b) The action, if any, taken by the Bureau of Prohibition or any other bureau in the Department of Justice to verify and substantiate the factual material the accuracy of which was emphatically questioned or directly denied (1) by E. Clemens Horst, Esq., of San Francisco, Calif., in his letters of October 31, 1930, and November 1, 1930, addressed to Hon. Amos W. W. Woodcock, Director of the Bureau of Prohibition, or (2) by Hon. FIORELLO H. LAGUARDIA, of New York, in his letter of December 13, 1930, addressed to Hon. William D. Mitchell, Attorney General of the United States, or (3) by Hon. JOHN J. COCHRAN, of Missouri, in an address in the House of Representatives on January 6, 1931;

(c) The corrections or changes, if any, in the second and third prints of such monograph and the total number of copies published in each of the three prints, the dates of publication, and the method of distribution of copies of the monograph.

The purpose of this resolution was to give to the Attorney General and the Bureau of Prohibition a fair and reasonable opportunity to explain what steps have been taken toward keeping official publications going out to the public under the seal of the Department of Justice free from inaccuracies and misrepresentations. Up to the time of adjournment no reply to the resolution of inquiry has been received from the Attorney General.

There is no apparent reason why in the course of a week's time the resolution could not have been answered, and the failure of the Attorney General to make any answer is an unfavorable reflection on him and on the Bureau of Prohibition. Inasmuch as some public statement may yet be forthcoming, it is only fair that we should temporarily reserve judgment as to the sincerity of those responsible for the publication of the monograph in question, but if the bureau continues to circulate additional copies of this monograph without correction and without explanation, the only possible conclusion is that there is a deliberate willingness to deceive the public on this important question

and that the seal of the Department of Justice, which ought to be the symbol of truth and honesty, is being used to deceive and defraud.

Additional evidence of misstatements and inaccuracies, either inadvertent or willful, contained in this monograph have been shown in a recent series of articles appearing in the Washington News and in other newspapers, which articles are appended hereto.

Herewith is a series of articles written by Adrien Adelman, special writer for the Scripps-Howard newspapers, which has been appearing in those newspapers from coast to coast. The articles seek to analyze and point out the misstatements of alleged facts contained in the recent Department of Justice monograph entitled "Law Enforcement."

ONE MISREPRESENTATION A DAY

By Adrien Adelman

ARTICLE 1

"Inebriety may be said to have been born in America and developed far more rapidly here than elsewhere."

This is one of the "undisputed facts" gathered by the Bureau of Prohibition of the Department of Justice. It is set forth on page 25 of its propaganda booklet, The Value of Law Observance, which is supposed to "educate" the public concerning prohibition.

The Bible records the drunkenness of Noah. The Greeks and Romans had their gods of wine, Dionysius and Bacchus, and worshiped them. An ancient Greek is quoted by one authority, "'Tis a shame to be drunk among sober men; 'tis also a shame to stay sober among men that are drunk."

Northern European races were always hard drinkers and an Englishman writing about the time 1000 A. D. said: "The English were notoriously hard drinkers. * * * Men and women would sit for long hours drinking. * * * Hence when it was almost dark they would reel home."

The fact seems to be that instead of drunkenness being born in the United States its birthday is lost in remote antiquity.

It may be added that Prohibition Director Woodcock admits reading and takes responsibility for the "educational" booklet. Attention of Attorney General Mitchell was specifically called to this statement December 13 by Representative LAGUARDIA, of New York—but the booklet is still being circulated.

ARTICLE 2

After making the United States the birthplace of drunkenness, the Bureau of Prohibition in its educational booklet, The Value of Law Observance, says, "This may be due to the abnormal rush that the United States has developed—a physiological condition that will not tolerate stimulants."

This is an argument that alcohol is a stimulant.

Later in the booklet, however, it is said, "The general results of the experiments carried on show that alcohol is a narcotic, depressing in nature in its effect upon both mental and physical activity."

The booklet then goes on to say, "Prior to the passage of laws prohibiting the unlimited use of alcohol in any State the States tacitly licensed inebriety and drunkenness."

Representative COCHRAN of Missouri, in a speech from the floor, made it clear that this statement is ridiculous.

"Practically all States had laws against drunkenness," he said. "Drunks were arrested, prosecuted, and fined or sent to jail long before there was any prohibition law."

On the other hand, the national prohibition law does not prohibit the drinking of alcohol or alcoholic beverages.

ARTICLE 3

The Department of Justice's educational booklet, the Value of Law Observance, says, "We find it is shown that alcohol is responsible for * * * almost all venereal diseases" in this country.

The real fact is that mortality statistics show that the principal disease in question accounted for only 0.9 per cent of deaths in the registration area in 1910—10 years before national prohibition—but that in 1928, after eight years of prohibition, this figure had increased to 1.2 per cent.

Also Ireland—and the Irish are not prohibitionists—has one of the lowest such disease rates in the world. Nor, on the other hand, have the Mohammedans, whose religion forbids alcoholic liquor, higher reputations for asceticism than the drinking western peoples.

ARTICLE 4

The Department of Justice in its booklet, the Value of Law Observance, offers a table of figures, and says, "These figures show that the consumption of liquor was increasing rapidly prior to 1920."

An examination of the table itself seems to disprove the statement.

It shows that in the first year for which figures are given, 1900, the consumption of alcoholic liquors in the United States in gallons per capita was as follows:

	Gallons
Distilled spirits	1.28
Wines	.39
Beer	16.06
Total	17.73

In 1919, the last year before Federal prohibition, the department's own figures show this consumption:

	Gallons
Distilled spirits	0.77
Wines	.51
Beer	8.00
Total	9.28

A rapid reduction, not a rapid increase.

ARTICLE 5

The booklet the Value of Law Observance, issued by the Department of Justice to "educate" the public, says "Deaths from alcoholism between 1900 and 1919 showed a marked increase."

A table appears showing deaths from alcoholism and another for deaths from cirrhosis of the liver. The tables start with the year 1913.

Taking this year and the last year prior to 1920, or 1919, the following figures are found per 100,000 population:

Alcoholism

1913	5.9
1919	1.6

Cirrhosis of the liver

1913	13.4
1919	7.9

It therefore appears from the department's own records that instead of the "marked increase," which is claimed in the case of alcoholism, there is a marked decrease in that as well as cirrhosis. The 1919 figure in the case of alcoholism is less than one-third of the 1913 figure.

The death rate from alcoholism, as told in the booklet, rose from 1.6 in 1919, the last year before prohibition, to 4.1 in 1928, the last year for which figures are given. This is an increase of 156 per cent.

ARTICLE 6

The Department of Justice, in its booklet on the Value of Law Observance, says, "The observance of the prohibition law has led to a trend of increased thrift which probably is a statement that can be made without contradiction." And the booklet gives, among other figures, the per capita savings for the years 1912 to 1916 as $90, compared with $188 for the years 1921 to 1925.

The whole truth is not given.

On December 6 Representative TINKHAM, of Massachusetts, called to Prohibition Director Woodcock's attention the deceptive character of the booklet on this point. He pointed out that while total savings had increased 84 per cent in the nine years immediately following prohibition, they had increased 98 per cent in the years immediately preceding prohibition.

TINKHAM's figures show that the rate of growth of total savings had decreased about 14 per cent during the prohibition period, and even the rate of growth of per capita savings had decreased during the same time.

ARTICLE 7

The Prohibition Bureau's educational booklet the Value of Law Observance contains a quotation from Dr. William H. Welch, of Johns Hopkins University. Doctor Welch recently was termed "the leader of scientific medicine in America" by President Hoover.

Welch is quoted as saying: "Alcohol in sufficient quantities is a poison to all living organisms, both vegetable and animal."

The booklet does not state, however, that Doctor Welch repeatedly indicates in his discussion that he is talking about the abuse of alcohol or its excessive use, as shown by such phrases as "alcoholic abuse," "immoderate use," "alcoholic intemperance," "alcoholic excess." Nor does it quote statements by a colleague of Doctor Welch in the same book showing that many other substances—such as sugar and salt—are also poisons when in "sufficient" quantities.

But, after mentioning arsenic and strychnine, the Government booklet adds:

"Doctor Welch maintains that alcohol is not merely a poison but the most far-reaching and virulent of poisons, because its effect is insidious and is cumulative as time goes on."

This is a misrepresentation of Doctor Welch's position, a reading of his writings reveals. Also, when the matter was called to his attention, he said his position was not correctly stated.

ARTICLE 8

The Government's prohibition propaganda pamphlet, the Value of Law Observance, asserts that "the taking of alcohol in moderate quantities causes heart trouble, as well as apoplexy, diseases of the kidneys, and cirrhosis of the liver."

Death rates for these diseases for 1919 and 1928 are interesting in connection with this statement.

If the moderate use of alcohol was really the major factor in causing these diseases, it seems that they would have diminished with prohibition.

But such is not the case.

The Government's own statistics on deaths per 100,000 population follow:

Heart disease

1919	146.7
1928	207.7

Cerebral hemorrhage (apoplexy, etc.)

1919	82.2
1928	91.3

Nephritis (kidney disease)

1919	88
1928	95

Figures on deaths from cirrhosis of the liver—shown in a previous article—are:

1919	7.9
1928	8.6

It therefore seems that the Government's own statistics show that there has been an increase in the death rate of every disease since the advent of prohibition, which the propaganda booklet says the moderate use of alcohol causes.

WHAT WOULD WILSON DO?

(Address by M. E. Dodd, D. D., LL. D., pastor First Baptist Church, president Dodd College, Shreveport, La.)

When the World War armistice became effective in November, 1918, I was in the field with the soldiers between Nancy and Metz. That night I came back to the town of Toul. One of the greatest demonstrations I had ever seen was staged in the public square. Miss Margaret Wilson, the President's daughter, was the center of attraction and enthusiasm in that demonstration.

On Thanksgiving Day I arrived in Paris. Late in the afternoon I was elbowing my way through the jostling crowds down Rue de Rivoli to my hotel when great shouts and acclamations were heard in the distance as they came nearer and nearer. I climbed on the top of an automobile with others to see the passing show, to discover that it was the first visit of Mr. Lloyd George to the French capital after the cessation of hostilities. I remarked to a French gentleman that this demonstration was a tremendous tribute from the French to the brilliant British Premier, and expressed surprise that it excelled the demonstration over the visit of King Albert of Belgium, which I had also witnessed. The French gentleman shrugged his shoulders, opened the palms of his hands, and exclaimed, "Yes; a great demonstration; but you just wait until Monsieur le President Wilson comes and we will show you how the French can celebrate."

Everywhere I went after this in my speaking campaigns among the soldiers of the various armies I found Wilson parks, Wilson streets, and Wilson monuments springing up all over, not only in France but in Belgium and Italy and England. This was especially true of other smaller countries, 18 of which declared war on Germany between April 6, when Mr. Wilson recommended the American declaration of war, and August 5.

All of this is an illustration of how the downtrodden, the oppressed people of all these nations, looked upon Wilson as their leader, defender, spokesman, and almost as redeemer.

Not only did Mr. Wilson's war-time policies, principles, and programs demonstrate his sympathy for the masses of humanity, but this deep-seated devotion manifested itself in many other ways.

In his campaign for the governorship of New Jersey he said over and over, "The deepest conviction and passion of my heart is that the common people, by which I mean all of us, are to be absolutely trusted. When I look back at the genesis of America, I see this written over every page, that the nations are renewed from the bottom, not from the top; that the genius which springs up from the ranks of unknown men is the genius which renews the youth and the energy of the people; and in every age of the world, where you stop the courses of the blood from the roots, you injure the great, useful structure to the extent that atrophy, death, and decay are sure in ensue."

My friends, we need another Wilson at this hour to raise his voice in the interest of universal good by protecting the masses from these corrupt, depressing, destructive, and baneful influences which rob them of personal rights, personal initiative, and personal opportunity.

The heart of this great statesman and lover of humanity was laid open in his Mexican policy, when he said, "I am more interested in the fortunes of oppressed men, pitiful women and children, than in any property rights whatever. The people of Mexico are striving for the rights that are fundamental to life and happiness—15,000,000 oppressed men, overburdened women, and pitiful children in virtual bondage in their own home of fertile lands and inexhaustible treasure!"

When the question as between dividends on investments, or even property values themselves, and the interest of the people were involved he never hesitated not for a single second to take his stand in behalf of human interest.

When the jingoists were seeing red and urging a war, many of them no doubt with questionable patriotic motives, Mr. Wilson said, "I do not have to fight, and neither do the gentlemen on the Capitol Hill who now clamor for it. It is some poor farmer's boy, or the son of some poor widow away off in some modest community, or perhaps the scion of a great family who will have to do the fighting and the dying. I will not resort to war until I have exhausted every means to keep out of this mess."

But when the man who was "too proud to fight," and who was elected the second time by the American people because "he kept us out of war," did get into war, all the fighting blood of 400 years of Irish ancestry from his father's side and all the indomitable pluck inherited from 400 years of Scotch blood from his mother's side got into action and never stopped until it won. He brought every American resource—intellectual, moral, material, and spiritual—into requisition for the winning of one great objective more completely than any other man had ever done.

In concluding his war message, he said, "It is a fearful thing to lead this great, peaceful people into war. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free."

Wilson, the schoolmaster, the mystic, the idealist, flung prudence to the winds and cast himself into this deathless struggle for the welfare of humanity. Speaking to the officers of the Atlantic Fleet, he said, "Men that do not know danger are the rashest men, and I have several times ventured to make this suggestion to the men about me in both arms of the service. Please leave out of your vocabulary altogether the word 'prudent.' Do not stop to think about what is prudent for a moment. Do the thing that is audacious to the utmost point of risk and daring, because that is exactly the thing that the other side does not understand, and you will win by the audacity of method when you can not win by circumspection and prudence."

This spirit, Mr. Wilson claimed, was traditionally and fundamentally American as contrasted with the professionalism by which things are done out of the book.

If Wilson were living to-day, I believe he would hurl himself, with all the powers of his dynamic personality, his gigantic brain, and great spirit, into the fight for the rights of the plain people who constitute the great masses of society.

Wilson was the invisible foe of concentrated wealth and of special privilege. He believed that Government was ordained of God for the good of society as a whole, and not for the protection of a few.

Wilson considered the World War a battle between two opposing and irreconcilable ideas, one autocratic, the other democratic. "To make the world safe for democracy" was his great slogan, and as a result of his leadership in this war of ideas 44 crowned heads went into the junk heap. It was one case where the pen was mightier than the sword and where brain triumphed over brawn.

He drew such a keen line of distinction between the German people and the merciless, autocratic, domineering governors that even Ludendorf declared that it was Wilson propaganda which sowed the seed of dissension that ruined German morale at home. And with that broke, the war was won. He delivered the world from the idea of the divine right of kings to the divine right of the people.

In his letter of reply to the Pope's proposal for peace Wilson said: "The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible government which, having secretly planned to dominate the world, proceeded to carry out the plan without regard either to the second obligations of treaty or the long-established practices and long-cherished principles of international action and honor."

Again he said, "Responsible statesmen must now everywhere see, if they never saw before, that no peace can rest securely upon political or economic restrictions meant to benefit some nations and cripple or embarrass others, upon vindictive action of any sort or any kind of revenge or deliberate injury."

And again, "Punitive damages, the dismemberment of empires, the establishment of selfish and exclusive economic leagues we deem inexpedient and in the end worse than futile, and no proper basis for a peace of any kind, least of all for an enduring peace."

It is not difficult to see from these quotations just what his attitude would be toward present-day conditions where a government of commissions centralized in the interest of the few while the masses groan under the intolerable burdens.

What he would do is again revealed by the vast program of benevolent and humanitarian legislation which he secured for the statute books for both New Jersey and the Nation. Among these may be mentioned the income tax law, the child labor law, the 8-hour day for the working man, the Federal banking system, the regulation of public utilities, the employers' liability act, and the popular election of United States Senators.

In all of his legislative program he expressed a desire "to be guided, so that as the tasks multiply and the days come when all will seem confusion and dismay, we may lift up our eyes to the hills out of these dark valleys where the crags of special privileges overshadow and darken our path, to where the sun gleams through the great passage in the broken cliffs, the sun of God, the sun meant to regenerate men, the sun meant to liberate them from their passion and despair, and to lift us to those uplands which are the promised land of every man who desires liberty and achievement."

While he possessed high scholarship, he was plainly democratic and did not hesitate to say, "The great voice of America does not come from seats of learning. It comes in a murmur from the hills and woods, and the farms and factories and the mills, rolling on and gaining volume until it comes to us from the homes of common men. Do these murmurs echo in the corridors of our universities? I have not heard them." A clarion call to the spirit that now moves America. Still later he shouted, "I will not cry peace so long as social injustice and political wrong exist in the State."

He believed that it was the voice of this common mass of America which exalted him to his high place, and that he had a solemn obligation in all conscience to fulfill by protecting the masses from masked "privilege" and to restore to the people a government which would meet their needs.

And yet there was nothing to terrify those who were apprehensive lest property rights should be violated. Justice would be done to all, and yet those who looked upon government as a

power to promote private corporate interest would find no comfort from his administration.

Over and over he would say, "Men and women and children must be shielded in their lives, their very vitality, from the consequences of great industrial and social processes which they can not alter, control, or singly cope with."

Nor was he simply an idealist giving forth fragrant phrases, but he was a man of action, going forth to battle with an unsheathed sword, never to be put up until the victory was won.

In two months after war was declared a vast nation-wide machinery had registered 10,000,000 men and 32 camp cities had sprung up overnight, with 40,000 men in each of them. Within three months after war was declared there were fighting men in France, and in October following they were in the firing line, and there were 27,000 trained officers at home ready to go to the battle front. He was an idealist whose ideals became realities.

One of the means by which Wilson sought to achieve the high end of protecting the people against special privilege was what he was pleased to call "pitiless publicity." What was done in the dark places he would tell on the housetops. His was an open-door policy.

During his term of office as President he made the announcement from the White House that he proposed to resist the enemies of society and righteous government with "pitiless publicity." He said that these enemies feared nothing so much as they did publicity. "Publicity," he said, "was the most effective means of education." The silence of men in public office and life; the silence of men of the press; and the silence of practically all radio stations of power make of this station KWKH the refuge of the oppressed for an understanding of the causes which are leading our country into a state of prostration through commercial and economic ruin.

One of the mottoes of this station is the weapon of Wilson, "pitiless publicity."

Woodrow Wilson, son of the parsonage, man of destiny, man of God, prophet, and priest, had the patriotism of Washington, the lucidity of Lincoln, and the spirit of the crusaders. Though dead, he yet speaks, and in the breast of multiplied millions of plain people there still surge the hopes and dreams for freedom which he fanned into a flame.

And just as Wilson freed vast multitudes from the tyranny of political autocracy, so we need another Wilson to liberate the masses from the more terrible tyranny of industrial and centralized commercialism.

This is the end which Mr. Henderson, through his radio station KWKH, is seeking to attain, and he deserves the sympathy, cooperation, and support of all right-thinking people everywhere.

COMMUNIST ACTIVITIES IN THE UNITED STATES

Mr. FISH. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 390, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 390

Resolved, That there be printed 14,000 additional copies of House Report No. 2290, Seventy-first Congress, being a report of the Special Committee to Investigate Communist Activities in the United States, of which 4,000 copies shall be distributed to Members through the folding room of the House and 10,000 copies through the House document room.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

RETIRING MEMBERS

Mr. MANLOVE. Mr. Speaker, I take this occasion to say a word or two about some retiring Members from the State of Missouri and express our hearty appreciation for the services and companionship they have rendered. We deeply regret to lose the services of these distinguished retiring Members from the State of Missouri—Mr. ELLIS, Mr. HALSEY, Mr. PALMER, Mr. KIEFNER, Mr. SHORT, and Mr. JOHNSTON.

I appreciate the permission granted me by the House to express words of commendation in behalf of six of my Missouri colleagues who, with the expiration of this Congress, will leave the House of Representatives. The political tidal wave which recently swept the shores of many Republican districts carried these six earnest, unselfish Missouri statesmen back to the fields of private endeavor. I speak the sentiment of every Member of Congress, on both sides of the aisle, when I say that each of these conscientious, courageous men has made a place for himself in the hearts and minds of those with whom he served. They will be missed but not forgotten.

Permit me to tersely picture, in ill-metered verse, my impressions of this closing hour of the Seventy-first Congress, as follows:

'Twas March the fourth, in thirty-one;
The gavel had fallen, and all was done.
There was laughter, and music by the band,
And kind words spoken on every hand.

All seemed jolly and well content,
For everywhere there was merriment;
Yet in that crowd, let us not forget,
Was many a heartache and deep regret.

Many strong men went out that door,
With ambitions unfilled, to return no more,
And others hoped that future days
Would bring them fortune—a thousand ways.

Others may sing of winners proud,
And shout their virtues long and loud;
I save my song where fate has struck,
And wish the losers better luck.

From rocks of Maine to sun-kissed West,
Each man loves his home State best.
So let me tell, as others may,
Of six good men from out my way.

Of six sturdy, stalwart sons of fame
Who homeward turned, from whence they came.
Where the "Father of Waters" and "Old Mizzou"
Languidly flow by their State, and through.

Where mountains rise and prairies fade,
Where ore is found and fortunes made;
Where farmers win, with honest toil,
The wealth of life from a limestone soil.

Each held in heart a well-earned pride
Of friendships formed, true and tried.
Each knew that a parchment, no shadow could dim,
Was forever the record well written of him.

For back in that House of marble walls,
Of historic files and galleried halls,
Were friends who watched those six men go
And said, "We can hardly believe it so."

Colleagues who bade them a fond farewell,
With truer warmth than words can tell,
Who lauded their tireless, toilsome days
And spoke of their labors with wholesome praise.

EDGAR C. ELLIS, dean of that clan.
Had served five terms as a Congressman.
Noble of stature, of thought, and of deed,
His standard of life, "The American's Creed."

CHARLES EDWARD KIEFNER, determined of will,
Wrote in the record, "From Perryville."
And quietly studied with zealous mind
Proposed legislation of every kind.

ROWLAND L. JOHNSTON, well versed in the law,
And as neat a man as you ever saw.
Of dignified manner, yet pleasant and kind,
As clear a thinker as you'll ever find.

THOMAS J. HALSEY, of ancestral fame,
Proud of his forebears, proud of the name.
Well it may be, and well for us all,
That one of them answered the "minute-men" call.

JOHN WILLIAM PALMER went as he came,
Without word of fault or one word of blame.
Commanding of figure, so straight and so tall,
His motto of life, "A square deal for all."

DEWEY SHORT, bearing illustrious names,
From Galena town on the winding James,
With silver tongue and master's degrees,
Has championed well our State decrees.

Mr. DOXEY. Mr. Speaker, ladies and gentlemen of the House, just serving my first term in Congress causes me to hesitate at this time to address the membership of the House, but somehow I can not refrain from rising and saying a few words of approbation and regret with respect to the gentlewoman from Arkansas [Mrs. OLDFIELD]. [Applause.]

For two years I have served on the same committee with her, and have learned to appreciate her splendid work and to regard her judgment most highly. In all things I have found her to be diligent, painstaking, and broad-minded. Graciousness, culture, and refinement were always manifested by her.

Her service in the House has been characterized by earnestness and unselfish devotion to duty.

Mrs. OLDFIELD has been an inspiration to me, and I know she has also been an inspiration to others with whom she has served.

I am sure that I express the sentiments of every Member of the House in saying that we deeply regret her voluntary retirement from the Halls of Congress. [Applause.]

Mr. BEEDY. Mr. Speaker, I wish to give expression for, I think I may say, the entire membership of this body of our good wishes for a man who has earned the esteem and affection of every Member of the House of Representatives. He has won that esteem and that affection because he embodies not only the essential qualities of a faithful and effective representative of the people, but because he embodies the essential qualities of a true American gentleman.

We bid him farewell, and we wish him Godspeed in what we trust will be long-extended service at the other end of the Capitol. I am proud to pay this well-deserved tribute to my distinguished colleague from Maine, Hon. WALLACE H. WHITE. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, in the closing moments of this Congress, as a colleague and an old friend of the Representative from the third Illinois district, Hon. ELLIOTT W. SPROUL, I can not refrain from speaking a word in expressing my high appreciation of his splendid, manly character, of his devotion to public duty, of his loyalty and faithfulness to his friends, and of his ever-present anxiety to be of service wherever he may be placed.

His colleagues from Illinois bid him a fond farewell in this Chamber, but wish him Godspeed for many years to come. [Applause.]

RELIEF FOR PEOPLE IN CITIES

Mr. BLACK. Mr. Speaker and gentlemen of the House, this session has largely devoted itself to taking money from the people in the cities and giving it to the farmers. We can not do anything for the people of the city now, but the administration can, in the allocation of the new work in the Navy Department. The Navy Department can give some work to the New York Navy Yard. I urge it.

I want to give the last word of warning to the White House, as a manifestation of my friendship. [Laughter.] I saw a picture the other day that is very ominous to the White House. It was a picture of Calvin Coolidge taken beside a cow. [Laughter and applause.]

HON. HUBERT FISHER

Mr. BYRNS. Mr. Speaker, I am sure every Member of the House regrets the voluntary retirement from Congress of Hon. HUBERT FISHER, who has represented the tenth district of Tennessee for so many years so faithfully and so efficiently. [Applause.]

I speak for myself and the entire Tennessee delegation when I say that he has won the affectionate regard of every one of his colleagues on both sides of the Chamber. We love him for his high character, his kindly manner, and his great moral worth. No Member has labored more assiduously to serve the people of his district and his State; and no people have had more able and faithful representation than those of the splendid district which he has had the honor to represent, and no retiring Member leaves behind him a greater number of personal friends and well wishers.

We hope for him when he retires to private life and to his home in Memphis, a long life of prosperity and happiness. We will miss him here, because there has been no more able and no more faithful, no more earnest Member of Congress than HUBERT FISHER during the entire years of his service. [Applause.]

EXTENSION OF REMARKS

A TRIBUTE TO RETIRING KENTUCKY MEMBERS OF THE HOUSE

Mr. THATCHER. Mr. Speaker and Members of the House, permit me to pay a brief tribute to my Kentucky colleagues who are leaving this body to-day upon the expiration of this, the Seventy-first Congress.

JOHN L. DORSEY, JR.

Beginning with the second Kentucky district, there is Representative JOHN L. DORSEY, Jr., of Henderson, Democrat and lawyer. He has served as Representative for the present short term, having been elected last November to fill the unexpired term caused by the resignation of Hon. David H. Kincheloe, who was appointed by President Hoover to the position of judge of the United States Customs Court at New York. Representative DORSEY, though serving here for so short a period, has met his duties with diligence and ability. He has made many friends on both sides of the aisle, and they will regret his going. He did not seek reelection.

J. D. CRADDOCK

Another retiring Member is J. D. CRADDOCK, of Munfordville, Republican, Spanish War veteran, and man of affairs, of the fourth Kentucky district. In 1928 he achieved the distinction of winning election to Congress in this heavily Democratic district, being the only Republican who ever won a seat in Congress from the district, except Hon. John W. Lewis, who was elected to the Fifty-fourth Congress, 1895–1897. Though winning in 1928 by a majority of more than 4,600 over Democratic opposition, last fall the district swung back to its moorings and he failed of reelection. During his two years of congressional service he has served his constituents most capably and he has made a host of friends in Washington, both in and out of Congress.

J. LINCOLN NEWHALL

The only Republican who has ever been elected to Congress from the sixth Kentucky district is J. LINCOLN NEWHALL, of Covington. He won his election to the Seventy-first Congress by a majority over his Democratic opponent of 5,700 votes. In the last election the district resumed its place in the Democratic column and he lost reelection to his opponent of two years before. His genial personality has endeared him to all those with whom he has come in contact in the National Capital during the past two years. His colleagues are very grateful for the fact that he has recovered from a recent and very dangerous illness. Faithfully and effectively he has served the people of his district. Man of business and talent, our good wishes will accompany him wherever he may go.

ROBERT BLACKBURN

Another Kentucky Republican, who, in 1928, won the distinction of election to Congress from a district which theretofore had never elected a candidate of his party, is ROBERT BLACKBURN, of Lexington. His is the seventh Kentucky district, formerly represented by Henry Clay, and afterwards by Col. William C. P. Breckinridge. Mr. BLACKBURN is a Spanish War veteran and business man. He, like the other retiring Kentucky Members, has the capacity for friendship, and in our midst he has won affectionate regard and esteem. He has served his district with noteworthy ability and success. Though elected in 1928 to the Seventy-first Congress by a majority of 5,668 over his Democratic opponent, he lost to the same opponent in the pendulum swing of 1930.

LEWIS L. WALKER

The eighth congressional district of Kentucky in 1928 elected as its Member to the Seventy-first Congress, Judge LEWIS L. WALKER, of Lancaster. His reputation as a lawyer of ability and as a man of fine constructive capacity was maintained during his congressional service. He won his election by a majority of 3,507 votes over his Democratic opponent, who, in 1930, was elected to the Seventy-second Congress. Judge WALKER, however, was not a candidate for reelection. The district is normally Democratic. He returns to the practice of law with the good wishes and esteem of his colleagues here.

ELVA R. KENDALL

In 1928 there was elected to the Seventy-first Congress, to represent the normally Democratic ninth Kentucky district, ELVA R. KENDALL, World War veteran and business man, of Carlisle. During his service in Congress he has shown special interest in legislation relating to veterans and the civil service. His congressional record is of a character most creditable. He has been untiring, and most successful, in serving the people of his district. Although elected in 1928 by a majority of about 5,600, in 1930 his Democratic opponent of two years before won over him, the district having returned to the Democratic fold. We wish and bespeak for him further successes of high order. He leaves behind him in Washington a host of friends.

MRS. KATHERINE LANGLEY

The last of the list of out-going Members is Mrs. KATHERINE LANGLEY, of Pikeville. Hers is the tenth Kentucky district and is normally Republican by a substantial majority. She was elected to the Seventieth Congress and reelected to the Seventy-first Congress. Her opponent of 1928 was the beneficiary of the Democratic tide of 1930 and, as her opponent again, was reelected to the Seventy-second Congress in her stead. Representative LANGLEY is the daughter of a former Congressman and the wife of a former Congressman. Thus, when she came to the House in her own right, she was well versed in congressional procedure. Her training and talents have won for her in Congress a high place. She has served her constituency with unswerving loyalty and effectiveness. Her district could not have been more ably represented. In both Houses there is deep regret because of her departure. Her energy, courage, tact, and persistency are bound to earn her further outstanding honors, either here or elsewhere.

In conclusion, permit me to say, Mr. Speaker and colleagues, that, politically speaking, the names of most of those of whom I have spoken may appear to constitute something of a "casualty list," yet by every token of faithful and efficient service they have earned the right to be placed on an "honor roll." They have deported themselves here in such manner as to win the unfailing regard of their colleagues and associates. I know that I voice the sentiment of all of us who have served with them in this Chamber when I say to all these retiring Kentucky Members, "May Heaven's richest blessings attend you."

HON. SCHUYLER MERRITT

Mr. TREADWAY. Mr. Speaker, the adjournment of Congress sine die brings back to the minds of mature men memories of college graduation. There is a certain element of pleasure and gladness at the release from duty and the routine of business. But far transcending this feeling is the sadness at the breaking of ties of long standing.

During the Sixty-fifth Congress a new Member was sworn in, and I have enjoyed a personal intimacy with him from that day to this. His present term of service expires at noon to-day. I refer to the Hon. SCHUYLER MERRITT, of Connecticut. No one ever knows what the future has in store, but if a vote should be cast by those who have been thrown into close association with this gentleman over a period of years, a unanimous expression of hope for his return to the halls of Congress would be forthcoming.

Throughout my life it has been my privilege to be thrown into contact with a great variety of men in all walks of life. I can truthfully say that I have never been more closely drawn to anyone than to the gentleman from Connecticut. His personality is so charming that he endears himself to all kinds and classes. His popularity in the House is great. His going is a loss not only to his State and to New England, but to the country as a whole, and we hope it is but temporary. The age of a man is not judged by his years but by the way in which he has lived and the imprint he has made on the lives of his associates and friends. We sincerely wish for Friend MERRITT all the joys of good health and pleasure which he so richly deserves, and we look forward with anticipation to a resumption of his public service.

HON. HENRY ALLEN COOPER

Mr. TEMPLE. Mr. Speaker, the following memorial resolution upon the death of Hon. HENRY ALLEN COOPER was adopted by the Committee on Foreign Affairs, March 4, 1931:

Resolved, That the Committee on Foreign Affairs desires to record its high appreciation of the splendid service which the late HENRY ALLEN COOPER rendered during his many years of service as one of its members.

His analytical mind, his comprehensive knowledge of international law, his extensive field of reading, his wide experience as a Member of Congress for 36 years made him an extremely valuable Member of the House and the Foreign Affairs Committee.

A lover of justice, a high sense of public duty, a lofty vision of the future, and unbounded enthusiasm for every cause he believed in, were the qualities which made up his noble character.

In high appreciation of the valuable service he rendered to his country and cherishing affectionate personal regard for his memory, the committee orders that a copy of this resolution be communicated to Mrs. Cooper with the expression of its deep sympathy with her in the great loss which she and all of us have sustained.

EDWARD E. BROWNE,
R. WALTON MOORE,
CHARLES A. EATON,
Subcommittee.

Attest:

FRANK S. CISNA,
Clerk Committee on Foreign Affairs.

ADJUSTED-SERVICE CERTIFICATE

Mr. BACHMANN. Mr. Speaker, I have noted in the CONGRESSIONAL RECORD of March 2, 1931, on page 6613, the remarks of Hon. DAVID A. REED, Senator from Pennsylvania, in connection with his insertion of a letter dated February 28, 1931, from the senior Senator from West Virginia, Hon. GUY D. GOFF, to Mr. R. F. Guthrie, State commander Disabled American Veterans, Charleston, W. Va., in reply to a telegram received by Senator GOFF purporting to have been signed by Mr. Guthrie.

So that there may not be any injustice done Senator GOFF or the State commander of Disabled American Veterans, it is my purpose to call attention to the fact that Mr. Guthrie did not sign the telegram that was received by Senator GOFF as is evidenced by the following letter sent Senator GOFF by Mr. Guthrie:

DISABLED AMERICAN VETERANS OF WORLD WAR,
CHARLESTON CHAPTER, No. 1,
Charleston, W. Va., March 3, 1931.

Hon. GUY D. GOFF,
Washington, D. C.

MY DEAR SENATOR GOFF: I am just in receipt of your letter of February 28, 1931, and was very much affected by the telegram that was sent by some of the disabled American veterans here at Charleston to you.

Frankly, I was always under the impression that both the Senators had supported the bill that was referred to, and I was not interested enough in it to even write a letter to either one of them asking their support of this legislation. After the action on the bill some of the local veterans made the remark that they would send a telegram to each one of the Senators, and no doubt they learned that you did not support the legislation and worded the telegram that way.

I am too familiar with the good work that you have done for the veterans of the World War of West Virginia, and know of hundreds of cases my own self in which your valuable assistance has helped many and many a veteran.

I frankly believe that this legislation, while it may help a few temporarily, that they will be left worse off in the long run.

I would not for anything under the sun utter one word of fault against a man that has stood up for the veterans as you have and done what he has thought best for their own welfare.

I assure you that there are not in this State one-tenth of 1 per cent of the veterans that are not loyally behind you. It would be most ungrateful for anyone, after your long period of service in their interests, to find fault with your work.

I trust that you will accept this letter as an apology for any veteran that would do anything to condemn the good work that you have done while in the United States Senate in their behalf. While there are hundreds of them who have talked to me before and since this legislation was passed, and I was told that they would wire the Senators, if I had known that there would have been a telegram sent as above stated I surely would have not let it go.

It hurts me very much to see you leave the Senate at Washington, for I know that not only veterans of this State but everyone else is losing a hard worker and trusted friend.

It was never my pleasure to have met you personally, but I have written you on different occasions, and have always found you up and fighting for the veterans.

I hope that you will accept this letter as an apology, and I assure you that the writer has always been a loyal supporter of yourself, and will continue to be so in the future.

With kindest regards, I am,

Very sincerely,

ROBERT F. GUTHRIE,
State Commander.

Upon receipt of Mr. Guthrie's explanatory letter, Senator GOFF wired him as follows:

[Telegram]

MARCH 4, 1931.

ROBERT F. GUTHRIE, Esq.,
Charleston, W. Va.:

Regret exceedingly that some surreptitious character assassin should have been so devoid of human instincts and the loyal impulses so characteristic of World War veterans as to have used your name in his pitiful attack upon my bonus vote. Such a person is not worthy of the trust or confidence of even the most degenerate and progressive paranoiac criminal. You are very courageous and outstandingly generous to write me as you do, and I shall prize your letter forever. Hoping to see you soon, and

asking you to know that my appreciation is sincere and that it will always have a place even in my subconscious memory, I am,

Very cordially yours,

GUY D. GOFF.

This is just one of the many instances where some unscrupulous person seeks to mislead Members of Congress by false representations, and I desire to call the attention of the Congress to the fact that very often telegrams are received purporting to be from some official of certain organizations, when, in truth and in fact, that official is not aware and has no knowledge that such a message bearing his name has been sent.

PROTECTING DAIRY INTERESTS

Mr. STRONG of Kansas. Mr. Speaker, the bill restoring the 10 cents a pound tax on oleomargarine has become a law, and this time, I think, we have established the yellow color of butter so that the manufacturers of oleomargarine can not deceive the public through selling their product colored to imitate butter.

The trouble all came about through the oleomargarine manufacturers finding a way to deodorize palm oil so that it could be used to color oleomargarine to imitate butter and then securing a ruling from the Commissioner of Internal Revenue to the effect that such use of palm oil was not an artificial coloring and therefore exempted oleomargarine from the 10 cents a pound tax it had been paying for over 20 years. This decision was rendered on November 12, and immediately advertisements of colored oleomargarine as a substitute for butter appeared in the Saturday Evening Post and other publications of large circulation, and within 60 days butter fell in price over 10 cents a pound.

Early in January I called a meeting of Congressmen from the dairy States, and among other things planned at such meeting was the introduction of a bill to restore the 10 cents a pound tax on oleomargarine and have the same introduced in both the Senate and House.

Then a rule had to be secured to bring the bill up for consideration and vote. A hearing was secured before the Rules Committee. Chairman HAUGEN, of the Committee on Agriculture, who had reported the bill; Congressman BRIGHAM, who had introduced the bill at the request of our group meeting; Representatives CLARKE, of New York; MENGES, of Pennsylvania; KETCHAM, of Michigan; KNUTSON, of Minnesota, and other Congressmen from dairy States, appeared at such hearing and made statements in favor of the bill. As officers of the group meeting referred to, Mr. KVALE, of Minnesota, and myself filed the following statement:

Hon. BERTRAND H. SNELL,

Chairman the Rules Committee, Washington, D. C.:

The undersigned officers of a meeting of Representatives from the States largely interested in dairying that was held recently, when the disastrous results of the decision secured by the manufacturers of oleomargarine from the Commissioner of Internal Revenue became known, have been asked to file the following statement with your committee in the interest of securing a rule for the consideration of H. R. 16836, known as the Brigham bill.

The passage of this bill, H. R. 16836, through Congress will not increase the tax on oleomargarine that has existed in the past, nor will it change the law regarding oleomargarine from what Congress intended when the same was passed. Its sole purpose is to carry out the intention of existing law which has been set aside by the ruling of the Internal Revenue Commissioner.

Unless H. R. 16836 is passed, coconut oil and palm oil, neither of which are produced in the United States and both of which are admitted without payment of duty, will become practically the sole ingredients of oleomargarine, eliminating the use of animal fats, cottonseed, peanut, and soybean oils.

There is no objection to the manufacture of oleomargarine if it is not made and sold to the public as butter; but it is being so sold. Salesmen of oleomargarine are calling attention to the fact that "oleomargarine as now manufactured and colored looks like butter, tastes like butter, and spreads like butter, and when taken from the packages, which are similar to those of butter, it can not be told from butter under ordinary conditions, and can be sold for much less than the cost of producing real butter." The result will be that hotels, restaurants, boarding houses, and railroads will be induced to perpetrate this fraud upon those who desire and believe they are being served the health-giving qualities of real butter, and the dairy industry will be destroyed.

The claim that people who desire to use oleomargarine because of its lower price will be forced to pay the tax of 10 cents a pound is untrue, for the tax of one-fourth cent a pound, which uncolored oleomargarine has carried in the past, will not be increased under the passage of this bill, whose sole purpose is to protect those who produce real butter and the public from having an article sold as butter that is not butter.

The appeal to cotton producers because of the use in the past of cottonseed oil as an ingredient in making oleomargarine does not now apply, since palm oil is cheaper, and used with coconut oil creates a substance more nearly resembling butter.

For many years the Department of Agriculture and agricultural colleges of the different States have been urging diversified farming and pointing out that though the milking and caring for cows meant hard work and long hours, that it would insure a fair return to those who would engage in it, with the result that millions of farmers in over half the States of the Union have invested millions of dollars in dairy herds, which they have striven constantly to improve. For the last year depressed prices for butter forced the dairying industry to carry on with little or no profit. Since the recent decision of the Internal Revenue Commissioner permits oleomargarine colored to look like butter to be sold without the oleomargarine tax it has paid for years, the price of butter has fallen to where dairying is being carried on at a loss, and unless some relief from the sale of imitation butter is secured this great industry will be destroyed.

We therefore respectfully, on the part of a large number of representatives from butter-producing States, request your committee to report favorably on a rule to make possible the immediate consideration of H. R. 16836.

JAMES G. STRONG, *Chairman.*
PAUL KVALE, *Secretary.*

After several days the Rules Committee favorably reported a rule for the consideration of the bill, but we had to fight every step of the way. The manufacturers of oleomargarine had a strong organization and many times we thought we were defeated, and in fact not until the day before Congress adjourned were we able to complete this bill's passage through Congress. Lest there be a failure in the same reaching the President promptly, the Committee on Enrolled Bills intrusted the bill to me and I personally presented it to the President, inviting to accompany me the author and several supporters of the bill in both the House and Senate and the representatives of several farm organizations. The next day the President sent me the pen with which he signed the bill, which I regard as an evidence of one of the most successful fights I have made for agriculture during my 12 years of service in Congress.

I think few realize the importance of the dairy industry. Of the $12,000,000,000 of gross farm income, the dairy cow produces two and a half billions, or 21 per cent of the total. Hogs produce 13.2 per cent; cotton, 11.6 per cent; all grain, 10.8 per cent; poultry, 10.6 per cent; vegetables, 9.8 per cent; other crops, 8.9 per cent; other livestock, 8 per cent; and fruits and nuts, 6.1 per cent. Thus we see the dairy cow produces nearly twice as much revenue as any other department of agriculture.

Oleomargarine used to be produced largely of animal fats, cottonseed, peanut, and soybean oils, but recently coconut oil, imported from the Philippines, has been the predominant ingredient, and within the last year a way was found to deodorize palm oil, imported from Africa and South America, so that one of the most popular brands of oleomargarine was composed of 85 per cent coconut oil, 12 per cent palm oil, and less than 3 per cent of the animal fats and oils produced in the United States.

It is interesting also to note the increased value to health of butter over oleomargarine. Vitamin A is that substance indispensable for normal nutrition. Without it the salivary gland and digestive glands generally do not retain their physiological functions. Butter contains about twenty-five times as much of the substance known as vitamin A as does oleomargarine. Hence to permit oleomargarine to be manufactured so as to taste like butter, look like butter, and have the substance of butter is not only unjust to the dairy industry and a fraud upon the American public but deprives those who use it as a substitute for butter of the necessary amount of vitamin A which butter contains.

For these reasons Canada and other nations prohibit the sale of oleomargarine. But the profit to be made from selling butter substitutes is so great that the oleomargarine industry has grown to such proportions that its influence has prevented the passage of such legislation in the United States, and we have had one of the hardest fights that has occurred in Congress in many years to restore the tax of 10 cents a pound on oleomargarine.

FRANKLIN W. FORT

Mr. LUCE. Mr. Speaker, Hon. FRANKLIN W. FORT, of New Jersey, retires after six years of noteworthy service in the House. Few Members of Congress have ever more quickly impressed their associates with the qualities making for confidence and respect. Sound judgment, tireless energy, mastery of every subject to which he addressed himself, serious conception of responsibilities, high ideals—these were the characteristics that speedily made him a valuable and valued Member of the House. The House may well regret that he is leaving, and hope that his absence from public service will be but temporary.

APPROPRIATIONS MADE BY THE SEVENTY-FIRST CONGRESS

Mr. THATCHER. Mr. Speaker and Members of the House, we hear much loose talk just now about a $10,000,000,000 Congress, and the impression is being made in the country at large that the cost of operating our National Government has reached the staggering total of $10,000,000,000. Any such suggestion is gross exaggeration. Undoubtedly enough is being spent on the manifold activities that have been created in our Federal organization and for which both parties and the people at large are responsible. Group after group makes its appeal for the creation of new and independent bureaus, boards, and agencies and for the enactment of legislation calling for increased Federal expenditure; and many of these appeals are successful. Some of these establishments, and some of these measures, may be meritorious; but as to others the case is not so clear. Both Houses of Congress and both parties in both Houses must share the responsibility for the increased costs thus arising. That responsibility they can not shift by denouncing the national administration and the majority party for the total of expenditures which must follow by reason of the laws which all have contributed to make.

However, it is well to see what the essential facts are as to the appropriations which are being made. To what extent do they represent normal expenditures and to what extent abnormal? When emergency conditions are taken into consideration the total, though large enough, is not out of line of what is customary.

Roughly speaking, the total of appropriations made by the Seventy-first Congress during the two years of its existence—March 4, 1929, to March 4, 1931—is thus made up:

For the first and second sessions	$4,861,385,393.26
For the third session	5,180,107,522.24
Making a grand total of	10,041,493,415.50

However, it should be borne in mind that there are certain items, in the nature of Federal receipts or revenues, and certain other reimbursable matters, which enter into the equation and serve to reduce the total expenditures to a net total substantially less than those carried in the appropriations measures. Notable among these receipts are those arising from the operation of the Postal Service, which, for the fiscal year 1931 (beginning July 1, 1930), will amount to something like $714,000,000, and for the fiscal year 1932 (beginning July 1, 1931), will run, as it is now estimated, to something like $730,000,000, making a total for the two years of about $1,444,000,000. Deducting these postal receipts from the total appropriations made by the Seventy-first Congress, there remains a net total of appropriations for the 2-year period from March 4, 1929, to March 4, 1931, of $8,597,493,415.50. This means an annual average for this period of $4,298,746,707.75; that is say, an annual total of appropriations of less than one-half of $10,000,000,000.

It must be borne in mind, also, that the World War has imposed upon our Nation obligations of tremendous character. The war debts must be paid; and we are paying thereon, in principal and interest, more than a billion dollars a year. These payments are covered by the appropriations which Congress must make. Then we are paying out enormous sums to the veterans of the World War and for their hospitalization and the like. The total of appropriations made at this session for veterans' administration purposes is nearly $1,000,000,000; to be exact, $953,216,227.

I am one of those who believe that a Republic must be just and generous to its defenders; else not long may we have a Republic to defend. The Congress, as a whole, has acted in this spirit. This huge sum, of course, helps to swell the total of appropriations we have to make. I am sure that most of those in Congress who criticize the Budget totals will not include within their criticisms the sums paid for veterans' activities and needs.

Then there are the large appropriations of an emergency character made at the present session; appropriations induced by the desire of Congress and the administration to meet abnormal conditions of drought, unemployment, and agricultural depression. How many of the critics of the administration and the majority party will criticize these appropriations—except to decry them as being too small, as being insufficient to meet the contemplated needs?

It should also be borne in mind that in the various appropriation bills many items of expenditure are provided for that pertain to fiscal years other than those in which the appropriations are made. Thus, for instance, the appropriation bill for the Treasury Department for the fiscal year 1931 carried certain sums immediately available for expenditure in the fiscal year 1930. The same is true as regards the Treasury Department appropriation bill for the fiscal year 1932; and the same situation obtains as to all the regular annual supply measures. In the appropriation bills for 1932 there are carried items aggregating something like $350,000,000 for construction purposes, and the funds were made immediately available for expenditure in the fiscal year 1931—the current fiscal year.

I submit herewith a table setting forth the appropriations made at this session. Therein are shown all the regular appropriations for the fiscal year 1932, together with the deficiency appropriations for the fiscal year 1931 and prior fiscal years. The total of all these appropriations is $5,180,107,522.24; of which total approximately the sum of $714,000,000, as I have already stated, will be met by postal revenues; leaving a net total of appropriations for the session of $4,466,107,522.24.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,263,952.00	−2,919,296.00
State, Justice, Commerce, and Labor	138,650,960.34	137,423,954.34	− 1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	− 7,560,280.00
War Department	450,347,891.00	445,765,735.00	−4,582,156.00
Military activities	338,933,359.00	334,655,975.00	−4,277,384.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,529.62	109,303,822.12	+13,421,293.50
Second deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43
Emergency construction appropriations, 1931	150,000,000.00	116,000,000.00	−34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[4] 7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.
[4] Estimated.

The appropriations made at this session fall into the following general classifications:

Appropriations made during the third session, Seventy-first Congress, including regular annual appropriations for the fiscal year 1932 and supplemental and deficiency appropriations for the fiscal year 1931 and prior fiscal years, divided into main groups of appropriation purposes

Veterans' Administration	$953,216,227
Postal Service	844,373,285
Interest on the public debt	581,000,000
Sinking fund and other public debt retirement funds	468,509,905
Military activities of War Department	341,868,381
Navy Department and Navy Establishment	375,667,900
Federal Farm Board, agricultural marketing revolving fund	250,000,000
Federal-aid highways	239,080,307
Public buildings, construction, sites, and expenses incident to new program	76,905,200
Rivers and harbors	82,500,000
Flood control	39,400,000
Shipping Board construction loan fund	35,000,000
Forest highways, forest roads and trails, park roads, and roads over public lands	30,500,000
Miscellaneous emergency construction not included in the foregoing groups	15,000,000
Drought-relief loans, including rural sanitation and medical supplies	69,000,000
All other activities of the Government, including permanent appropriations other than interest and sinking fund	778,086,317
	[1] 5,180,107,522

A study of this "breakdown" or analysis discloses the fact that the very large total of more than $550,000,000 is made up of items of an emergency character, relative to conditions of drought, unemployment, and agricultural relief. These emergency items follow:

For agricultural marketing revolving fund for the making of loans, through the Federal Farm Board, to cooperative marketing associations	$250,000,000
(The appropriation for this purpose the year before was $100,000,000.)	
For construction of Federal-aid roads	132,680,307
(The appropriations at this session for this purpose, including $80,000,000 in the emergency construction act, aggregate $239,080,307, compared to $106,400,000 appropriated for like purposes at last session, making an increase of $132,680,307.)	
For loans for seed, feed, fertilizer, and rehabilitation of agriculture in the drought and storm-stricken regions of the country, including rural sanitation and medical supplies	69,000,000
For forest roads and trails, forest highways, national park roads, and roads extending across public lands, including $10,500,000 in the emergency construction act, making a total for these purposes at this session, as compared with $21,220,628 for the last session, an increase of	9,278,372
For rivers and harbors and flood control: The appropriations made at this session for these purposes, including $25,600,000 in the emergency construction act, aggregate the sum of $121,900,000, as compared with a total of $103,400,000 at the last session, making an increase of	18,500,000
For Shipping Board construction loan fund, a new appropriation item made to supplement receipts credited to this fund in aid of our merchant marine	35,000,000
For emergency construction items for the Departments of Interior, Agriculture, Navy, Treasury, and War—no similar item at the last session	14,941,347
For advances to reclamation fund, to supplement regular receipts to such fund—no comparable item at the last session	5,000,000
Increase over last session in item for construction of public buildings, sites, rent of temporary quarters, architectural services, etc	15,826,225
Making a total of	550,226,251

This sum, deducted from the total appropriations made for this session, leaves a net total of $3,899,881,271.24, which represents the sum appropriated at this session, less postal receipts and emergency items. This is not an abnormal amount for normal purposes.

It must be borne in mind, however, that the amounts thus appropriated for public buildings and roads, for river and harbor work, and for the other items of construction will not represent a loss to the country, for the completed projects will become assets of the Nation and items of the country's wealth far surpassing their cost. The present creation of these works, induced by drought, business depression, and unemployment, may be accomplished at less cost now than at some future time under more normal conditions. In addition, unemployment is thereby measurably relieved, the pulse of business quickened, and the needs of the Nation met.

In strict justice to the facts involved it may be observed that some of those who are loudest in their denunciations of extravagance touching the matter of Federal appropriations and expenditures, are among the most active of those whose appeals and measures have made increased appropriations and expenditures necessary. In this they are consistently inconsistent. They make no denunciation until the legislation they espouse is enacted and the appropriations they seek are made. Not until everything is safe do their criticisms find expression. It is respectfully submitted that they, by their own acts, are estopped from criticizing. In all fairness to the record, if they wish to criticize, permit me to suggest that they direct their censure, not at the national administration, not at the party in nominal control of Congress, but at the Congress as a whole, with themselves fully included.

I believe that the Appropriations Committee of this body, which must start the great supply bills on their legislative journeys, has sought to keep down appropriations to the lowest levels permitted by basic authorizations. Its work has been well done. I believe that the Appropriations Committee of the other chamber has endeavored to cooperate in these matters. Both committees must be governed by the laws that Congress enacts, and so must the executive branch of the Government.

As for the President, he has certainly endeavored to minimize expenditures. He has had a difficult task—one that has not been exceeded perhaps in any other peace-time administration. Universal depression has poured against our shores and over our land its sickening tides, and we have felt their fearful effect. The entire earth is yet experiencing the dreadful aftermath of that unparalleled conflict, the World War. The inevitable wreck and ruin which thus came on the world can be overcome only by the toil and thrift and patient wisdom of the years to come. Partisanship and malevolence may give no weight to these matters, but a wise and just patriotism will give them weight. In passing, permit me to say that above all other nations a generous republic can not afford to wage war if, without dishonor, war may be avoided. In every respect the cost is too great. One of the last countries to feel the effects of this universal depression, ours will be one of the first to recover. We are essentially strong—strong in spirit, and strong in every character of resources. Our people have never failed to meet and master any emergency presented, however difficult or desperate. The unprecedented drought in a dozen of our great agricultural Commonwealths has greatly added to our problem, but a kind nature, supplanting a very cruel one, in due course will bring aid in that quarter. In the meantime measurable relief should flow from the enactments recently made by Congress and approved by the President.

Our laws are basically sound and are fashioned for the country's advantage. In the past the policies embodied in these laws have brought us prosperity and happiness, and the same should be true of the future. Meanwhile, in these hours of storm and stress, what better pilot could our good ship carry than he, who more than any other man of history, has distinguished himself as a leader in practical relief work, and whose training, experience, and achievements show him to be possessed of the highest constructive force and capacity?

CONGRESS SHOULD NOT EXCLUDE FILIPINOS FOR A SINGLE HOUR PREVIOUS TO THE GRANTING OF THEIR INDEPENDENCE

Mr. SABATH. Mr. Speaker, I desire to extend my remarks on the subject of immigration, about which I have frequently addressed the House, by expressing my deep satisfaction over the fact this Congress is closing its career without having barred Filipinos previous to the granting of their independence.

[1] Final figures subject to correction.

As long as we retain the Philippine Islands under the American flag they are entitled to all the benefits that the sovereignty of that flag implies. We should not exclude Filipinos for a single hour previous to the granting of their independence. Nor should we limit by a single pound the amount of sugar or coconut oil or any other Philippine product that they may desire to ship into this country free of tariff duties until we have kept our solemn agreement with these people to make them free.

When we grant the Filipinos the independence we have been dangling before them ever since they have been under the American flag the solution of the Filipino immigration problem will come simultaneously and automatically. They will then be automatically barred under existing immigration laws. Likewise, their agricultural products will immediately become subject to the provisions of the tariff laws of the United States. So that it will not only be to the everlasting glory of the United States to keep the faith with the Filipino people, but it will be to the best interest of several very important groups of American citizens.

If I could have had my way, the Philippine Islands would to-day be independent. Ever since I have been in Congress I have been advocating legislation that would confer upon the 13,000,000 Filipinos the incomparable blessings of liberty. Although it would not make me a single additional vote in my district, I have introduced bill after bill, during the years, looking toward Philippine independence. Why, it may be asked, have I taken such a deep interest in these people who live on the other side of the globe, and whom I shall never see? My answer is one of many angles. One of them is that I want to be free myself, and am willing for the other fellow also to be free. If independence is the great thing that we all assert it to be—and it is—why should we Americans desire to monopolize it? Why not let other aspiring peoples also share it?

But may I also point out that the holding of far-distant and alien peoples against their will is a fundamental violation of the principles on which this Government was founded. The immortal Declaration of Independence proclaims the doctrine that governments derive their just powers from the consent of the governed. We never have had the consent of the people of the Philippine Islands to govern them, and never will have. They resisted the extension of American sovereignty over them as long as they had any guns to resist with, and have been clamoring to be free ever since the Filipino flag was hauled down and the American flag hoisted in its place. It is as natural for them not to desire to be governed by Americans as it would be for Americans not to want to be governed by Filipinos.

Ever since I have been in the House of Representatives—and I trust I may be pardoned for mentioning that of the 435 Members of the Seventy-second Congress only 7 have served for a longer period than myself—I have sympathized with the independence aspirations of the Filipinos. In the Congress just closing I introduced H. R. 7267, which would have granted early independence. I also introduced H. R. 10061, providing that the United States pay $5,000 indemnity to the heirs of Fermin Tobera, the innocent and unoffending Filipino youth, who lost his life by being murdered while asleep in his bed during anti-Filipino race riots near Watsonville, Calif., January 22, 1930.

I agree with the position taken by the two Resident Commissioners from the Philippines—the Hon. PEDRO GUEVARA and the Hon. CAMILO OSIAS—that Filipinos should not be barred previous to the grant of independence.

Dr. Hilario C. Moncado, president of the Filipino Federation of America (Inc.), has made two trips to Washington from the federation headquarters at Los Angeles to appear before committees of Congress in opposition to any restriction of Filipino immigration before Philippine independence has been granted. I have a personal acquaintance with Doctor Moncado, who is a very able and talented Filipino. I have had also occasion to come in contact with members of his organization on the Pacific coast. Doctor Moncado is a stanch advocate of immediate, absolute, and complete Philippine independence, and the thousands of members of his organization in California bear an excellent reputation for honesty and morality. It was at the request of Doctor Moncado that I introduced the Fermin Tobera bill.

I hope sincerely that Philippine independence will come soon. There is no need for further delay. The Filipinos have able leaders, and there is an abundance of testimony to show that the masses of the people are as well equipped to govern themselves as are many other peoples that are to-day enjoying their freedom.

ADJUSTED-SERVICE CERTIFICATES

Mr. JOHNSON of South Dakota. Mr. Speaker, during the discussion of the legislation providing for the full payment of adjusted-service certificates or the making of loans upon them I was unable, by reason of illness, to attend the sessions of the House or to take part in some of the debates.

Because of the fact that the law allowing holders of adjusted-service certificates to borrow 50 per cent upon them was the law passed, and due to the fact that the full payment of these certificates, including the payment of the 50 per cent loaned, will be considered in the next Congress, I have felt it my duty to analyze the entire legislation.

In other words, the law just passed is simply preliminary legislation.

As first chairman of the Committee on World War Veterans' Legislation, which committee was created in 1924, it has been my duty to take some part in the discussion of all of the legislation enacted, and as a member of the committee in the next Congress it will probably be my duty to discuss some of the legislation in the next Congress.

As one of the first advocates of the issuance of adjusted-service certificates in 1919, I have become somewhat familiar with the legislative action taken.

The first person who ever advocated the issuance of these certificates was Sergeant Shaffer, who at that time lived in Virginia. This proposal was a cash payment of a dollar a day to each person who served in the military or naval service during the World War.

As the measure was further considered by veterans' organizations a fourfold plan was developed, which it is not necessary to discuss at this time. Later a compromise law was enacted providing for the issuance of adjusted-service certificates based on length of service, with payment at the rate of $1.25 per day for overseas service, $1 per day for service in the United States, the addition of 25 per cent to this basic rate because payment was delayed, with a maximum of $625 for men who served overseas, and $500 for those who did not have overseas service. Certain age percentages were inserted which I shall not discuss at this time. It was understood at the time of the passage of this bill by those who secured its passage that cash payment of these certificates before the date they were due would not be demanded.

Of this I am very familiar, because I personally drafted the three Republican caucus or conference calls which resulted in the enactment of the law, and it could not have been enacted without these calls. Everyone is familiar with the fact that the law enacted providing for a loan of 50 per cent of the face value of the certificates was a compromise statute. Time only will tell whether it was a wise compromise, but the fact is apparent that the average service man who takes advantage of the loan feature, however much he may need the money at the present time, will not be able to repay the sum borrowed, and as a result will lose much of the value of his certificate.

The average value of each certificate is about a thousand dollars. Each individual holding a certificate, therefore, can borrow on the average, $500.

Apparently this would leave the borrower $500 additional when the certificate is due, but if he does not repay the loan of $500 there will remain to him when the certificate is due the sum of $74.10.

The law was passed as much for the benefit of the families of the service men as for the service men. It is apparent that the recently adopted law will in most cases be of no assistance to them. In this connection it might be well,

however, to discuss the proposed full payment law which will be brought up in the next Congress, because its introduction was responsible for the law passed which, in my judgment, will result in great injury to the families of service men. That law providing for full payment, if adopted, would have cost the Government of the United States immediately $5,066,000,000. That estimate was never presented on the floor of the House and Senate so far as I have been able to determine, and the lesser estimates did not take into consideration the factor which should be fully apparent, which is that the Government must pay interest upon the bonds which it would have been compelled to issue to have paid the full face value of the so-called bonus certificates. Had such bonds been issued they could not have been short-time paper, but necessarily bonds that would run as many years as the bonus certificates would run.

The value of the certificates before any loans were made upon them at maturity was $3,400,000,000. There was a paper credit of $770,000,000—but not a dollar of cash—in the Treasury as an alleged sinking fund for the payment of those certificates. Therefore while some have said that only a bond issue of approximately $2,630,000,000 would have been required to pay the certificates, as a matter of fact the bond issue required would have been $3,400,000,000.

No such bond could have been sold at a less rate of interest than 3½ per cent. The yearly interest upon such bonds, which certainly must run 14 years, the life of the certificates would be $119,000,000. The total interest charge, therefore, would have been $1,666,000,000. This interest charge, added to the $3,400,000,000, or the face of the certificates, to a certainty would have been $5,066,000,000. The added cost to the Government over and above the cost of the original bonus would, therefore, be $1,666,000,000, although the cost at once to the Government in actual cash outlay would be $3,400,000,000. It must certainly be conceded that even this rich Government could not expend that amount of money, and should not expend it at a time when economic conditions are such as they are, especially when the Government is now expending yearly for the benefit of service men the sum of $866,000,000 annually. This, however, is a small part of the cost of laws proposed by former service men and veterans organizations.

At this point I desire to discuss for a moment with former service men and responsible men in veterans' organizations the total cost of the demands they have made upon the United States Government in the present Congress.

It happens that as a Member of Congress many years ago I introduced the bill in the House of Representatives which created the American Legion, and have been a member of the three responsible veterans' organizations recognized by law—the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans.

At their conventions held in 1930 those organizations made certain immediate demands upon the American Government in addition to $3,400,000,000 for the cash payment of the bonus and the $866,000,000 paid each year for them.

In preparing this data I have had competent statisticians analyze the bills presented by two of the service organizations, the American Legion and the Disabled American Veterans, and I introduced bills in the House of Representatives at the request of all three organizations, and "by request," so that their claims and demands and desires could be presented to Congress.

I did not at any time concur in all of the demands made.

The data prepared also covers the cost of bills presented by individual Members of Congress at the request of veterans. Time did not permit an analysis of the program submitted by the Veterans of Foreign Wars, an organization of many members, but these demands to a great extent duplicate the others.

It will be noted that the approximate total cost of these measures is $36,841,516,800. These measures will be discussed in detail later. This figure must be immediately reduced in any fair statement because of the fact that many of the bills duplicate each other and provide for the same expenditures.

If the estimate should be reduced one-third, it might be reasonably accurate, but so that there can be no question of fairness in the total estimate of the demands made upon Congress this year by veterans' organizations and veterans through their Members of Congress I have reduced it two-thirds. Therefore, in making allowance for overlapping of demands I have reduced the $36,841,516,800 to $12,280,505,600, or 33⅓ per cent.

The request, therefore, of veterans upon the Government of the United States in this one Congress has certainly been the sum of $12,280,505,600.

I know of no responsible veteran in the United States who will attempt to justify these demands. Speaking to fellow members, therefore, of veterans' organizations, I suggest that these demands upon the United States must be lessened or the average citizen living to-day and his children will say that while these men and women who served during the World War undoubtedly were great patriots during the World War, their demands have reached such proportions as to be a menace to the very Government they fought to save.

Some of these observations are made that they may be read by some future chairmen of the Committee on World War Veterans' Legislation. There will be many more such chairmen long after I retire or am retired from the House of Representatives. I want to say to them now that their lot will not be particularly happy in the work that they have as chairmen, because they will be compelled also to say "No" to those who make exorbitant and unfair demands. Speaking not cynically but rather philosophically, I would say to them, if I could be present at the deliberations of the committee many years from now, they will find that there will be less trouble and less demands from those who actually fought or suffered than from groups which took no part in the conflict. Every service man and woman ought also to remember that at least one President of the United States was elected to "purge the pension roll." It could easily be possible that some future President may have to face a similar situation.

Most Members of the House or Senate who have held the chairmanship of any committee having to do with appropriations for veterans of any war have been retired from legislative service because they would not surrender to the demands for legislation authorizing the payment of moneys to veterans of some war. There may have in the past been some justification for complaint, but that complaint can not reasonably exist with reference to veterans of the World War. Those who were injured or became ill in the World War have been paid compensation. The act of July 3, 1930, in effect gives a pension to those who suffered in civil life and not the result of war injuries or diseases.

Laws have been passed affording hospitalization to every veteran of the World War, and hospitals either have been built or are being built to care for the increasing number of disabled veterans. There are to-day approximately 50,000 veterans receiving hospital care.

Veterans have been given 11 distinct preferences which the ordinary citizen does not possess.

In accordance with the traditions of our Government, widows and orphans of veterans who die from nonservice-connected disabilities will undoubtedly secure a pension, and that measure would have been enacted in this Congress had it not been for the law passed with reference to adjusted compensation. I introduced such a bill myself and saw it fail of passage for that reason.

In addition to the $3,400,000,000 immediately demanded for cash bonus payment by the executive committee of the American Legion this year, they have requested legislation that would cost the Government for the first year a minimum of $153,190,000, or a maximum of $181,000,000.

The Disabled American Veterans, in addition to their request for full payment of adjusted compensation at an immediate cost of $3,400,000,000, have requested legislation which would have cost the Government during the first year a minimum of $224,710,200, or a maximum of $275,661,200.

The demands of the Veterans of Foreign Wars duplicated those of the others named.

The following is a statement showing in detail the requests of the first two named organizations, together with a statement showing the demands made by Members of Congress at the request of veterans and veterans' organizations:

Legislative program of American Legion

[H. R. 15621, 71st Cong.]

Section	Cost for the first year	
	Minimum	Maximum
1. Would amend sec. 5 to provide that there shall be no discrimination against any veteran entitled to home treatment on the ground that he left hospital against medical advice	(1)	
Authorizing the director to rotate personnel of rating boards with medical, adjudicatory, and cooperating personnel within the several offices	(2)	
2. Would amend sec. 19 to authorize insurance suits under sec. 305	(2)	
Would amend sec. 19 to establish presumption of disagreement as basis of insurance suit after lapse of six months from filing claim, if director has not allowed claim or granted disagreement	(2)	
Would extend for 1 year statute of limitations for filing suits on term insurance. Would authorize Department of Justice to confess judgment	(2)	
3. Would amend sec. 30 to authorize review of the confidential records of the bureau by any attorney of record, representing a veteran in an insurance suit	(2)	
4. Would amend sec. 200 to apply conclusive presumption of soundness and presumption of service connection of specified disabilities to all rights arising under the act, rather than limiting this provision as at present to sec. 200 and sec. 304	(2)	
Authorizing presumption of service connection of additional group of specified chronic constitutional diseases	$6, 264, 000	
Providing for the payment of disability allowance to veterans permanently disabled to a degree of 10 per cent or more at the following rates: 10 per cent, $20; 20 per cent, $25; 50 per cent, $35; 75 per cent, $50; and 100 per cent, $60. Certain amounts are specified for payment at ages of 62 years, 68 years, 72 years, and 75 years	62, 398, 000	
Provision is made for paying disability allowance of $30 per month to the widow of a veteran who dies of nonservice connected disability, and $6 for each child under 16 years of age in such cases	25, 423, 000	
Authorizing disability allowance under a total rating to all veterans rated total and permanent for insurance purposes	(1)	
5. Would amend sec. 201 (2) to revive widow's right to death compensation upon renewed widowhood	(2)	
6. Would amend sec. 201 (6) to recognize rights of widows who remarry the veteran before July 2, 1941	(2)	
7. Would amend sec. 202 (1) to establish presumption of dependency of parents of living veterans who reach the age of 60 years	4, 433, 000	
8. Would amend sec. 202 (3) to provide additional compensation for dependents of veterans receiving compensation on a permanent basis, and would establish presumption of dependency of parents at age 60	19, 870, 000	
9. Would amend sec. 202 (4) to authorize payment from June 7, 1924, under the present schedule of disability ratings	18, 000, 000	
10. Would amend sec. 202 (7) to authorize a minimum rate of temporary total for active tuberculosis	1, 629, 000	
Authorizing a presumption of active tuberculosis in all cases in which arrested or apparently cured tuberculosis was manifested prior to Jan. 1, 1925	1, 300, 000	
11. Would amend section 202 (10) to authorize the following benefits for all veterans without regard to service origin of disabilities:		
(a) Out-patient treatment for all veterans	6, 000, 000	$23, 000, 000
(b) Mandatory right to hospital treatment	2, 800, 000	11, 280, 000
(c) Family allowances for all hospitalized veterans	4, 670, 000	7, 000, 000
(d) Dental treatment and prosthetic appliances	(2)	
12. Would amend sec. 205 to provide that service connection can not be broken after death of beneficiary	(2)	
13. Would amend sec. 301 to extend the time for conversion of yearly renewable term insurance	(2)	
14. Would amend sec. 304 by extending for one year the time within which term insurance may be converted by veterans suffering from service connected disabilities	(2)	
15. Would amend sec. 305 by permitting revival of lapsed insurance even though death or permanent disability occur after July 2, 1932	(2)	
16. Would add sec. 312 to authorize issuance of substandard insurance policies to service-connected disabled persons	(2)	
17. Would amend sec. 500 to authorize an increase in attorneys' fees in certain insurance suits under sec. 19, and payment of court costs by the Government	(2)	
18. Authorizing the payment to the Director or the Acting Director of the Veterans' Bureau of a salary of $12,000 per annum	3, 000	
Total available estimates	153, 190, 000	181, 000, 000

[1] Probably no increase. [2] No estimate possible.

Legislative program of disabled American veterans

[H. R. 10620, 71st Cong.]

Section	Cost for the first year	
	Minimum	Maximum
1. Would amend sec. 6 to establish employment service	(1)	
2. Would amend sec. 200 to provide disability allowance at the following rates: 10 per cent, $20; 25 per cent, $25; 50 per cent, $35; 75 per cent, $50; 100 per cent, $60	$62, 398, 000	
Would amend sec. 200 to authorize payment of disability allowance at the rate of $30 per month to widows, and $6 each to children of veterans who have died from nonservice-connected disabilities; revival of right of remarried widow upon renewed widowhood	25, 423, 000	
3. Would amend sec. 201 to authorize death compensation to dependents of veterans receiving compensation without regard to cause of death of such veterans	7, 819, 000	
4. Would amend sec. 202 (2) to authorize permanent total ratings on all cases in which there has been 12 months temporary total rating	965, 000	
5. Would amend sec. 202 (3) to authorize:		
(a) Dependency payments on disability cases rated on a permanent basis	11, 870, 000	
(b) Permanent total ratings on epilepsy, grand mal	716, 000	
6. Would amend sec. 202 (4) to give minimum rating of 10 per cent permanent partial to all veterans gassed or wounded in action	(2)	
7. Would amend sec. 202 (5) to authorize $75 monthly for nurse or attendant	911, 000	
8. Would amend sec. 202 (7) to provide payment of $30 per month for insane veterans without dependents who have been maintained by the Government in an institution for 6 months	509, 200	
9. Would amend 202 (10) to authorize:		
(a) Out-patient treatment for all veterans	6, 000, 000	$23, 000, 000
(b) Mandatory right to hospital treatment	2, 800, 000	11, 280, 000
10. Would add sec. 215 to authorize payment of $4.75 per diem to tuberculosis patients in lieu of hospitalization rights	5, 296, 000	20, 767, 000
11. Would amend sec. 302 to provide that Government shall bear cost of insurance payable on account of permanent and total disability on policies of term or converted insurance, without regard to service origin of disability	100, 000, 000	
12. Would amend sec. 304 to extend period for reinstatement of insurance by disabled risks, and reduction of the interest rate on premium liens on such policies	(1)	
13. Would amend sec. 500 to provide that the Government should pay court costs, including witness fees and attorney's fees in all cases of suits on insurance contracts decided in favor of the veteran	(1)	
14. Would authorize a salary of $12,000 per annum, effective July 23, 1930, to the Director or Acting Director of the U. S. Veterans' Bureau	3, 000	
Total available estimates	224, 710, 200	275, 661, 200

[1] No estimate possible.
[2] No estimate possible; probably no increase.

Bills introduced by Members of Congress

Recommended appropriation:

H. R. 13548. This bill would authorize the Administrator of Veterans' Affairs to waive recoveries in certain instances and would extend the provision with reference to recoveries to all forms of benefits under the jurisdiction of the Administrator.

H. R. 13559.[1] This bill would establish a board of veterans' appeals independent of the United States Veterans' Administration and would not be under the jurisdiction of the Administrator $350, 000

H. R. 17001. This bill would amend section 5, World War veterans' act, to authorize the Director to make decisions of law and fact which would not be subject to the provisions of the budget and accounting act of 1921, or any amendment thereto.

H. R. 17009.[1] This bill would create a commission under the President, subject to his appointment, to study the hospitalizing of war veterans 10, 000

S. 6020. This bill would authorize the establishment of a permanent medical service in the United States Veterans' Bureau with provision for specified salary ranges for disability retirement after 15 years' service, the cost to be paid out of the appropriations for carrying out the provisions of the World War veterans' act.

GENERAL

Estimate of cost:

H. R. 16656. This bill would provide a maximum payment of compensation, pension, disability allowance, or retirement pay under disabled emergency officers' retirement act of 50 per cent of the amount to which the veteran would otherwise be entitled when such veteran is institutionalized.

[1] Not under jurisdiction of Veterans' Administration.

Estimate of cost—Continued.

The bill further provides that no reduction will be made where the amount of the benefit would be $20 or less. The bill would further provide for apportionment for dependents of amounts due the veteran while institutionalized, the total amount payable to all not to exceed $80 per month..... (a)

Compensation and treatment

Section	Cost for the first year	
	Minimum	Maximum
S. 5482. This bill would amend sec. 202 (7), World War veterans' act, 1924, as amended, to provide for a permanent and total rating from the date of enactment in all cases where an ex-service person is shown to have had a tuberculous disease of a compensable degree for a period of 5 or more consecutive years and whose disability on account of such disease during such period has been rated total and temporary	$8, 536, 000	
H. R. 13573. This amendment would include in those eligible for disability allowance the veterans who served 60 days or more with rates ranging from $25 for 25 per cent to $60 for 100 per cent permanent disability. The estimated additional cost over and above the disability allowance provided in the act of July 3, 1930, would approximate $31,767,000 for the first year. This bill also provides for the payment of an allowance to the widows and children of deceased veterans regardless of the cause of death. It is estimated that this provision would cost approximately $25,817,000 for the first year	57, 584, 000	
H. R. 14444. This bill limits the payment of disability allowance to veterans serving 90 days or more at rates ranging from $25 for 25 per cent to $60 for 100 per cent permanent disability. It is estimated that the additional cost of this provision would approximate $30,900,000 for the first year. This bill further provides for the payment of an allowance for the widows and children of deceased veterans regardless of the cause of death, at $30 for the widow and $6 for each minor child. It is estimated that this provision would cost approximately $25,423,000 for the first year	56, 323, 000	
H. R. 14703. This bill provides for additional compensation of $25 per month for veterans who suffered the loss of the use of one or more eyes as the result of injuries received in active service in line of duty between Apr. 6, 1917, and Nov. 11, 1918	791, 000	
H. R. 14919. This bill would amend section 202 (10) to further authorize the Director so far as Government facilities permit, to furnish hospitalization and necessary traveling expenses or out-patient treatment by the regional offices to veterans of any war, military occupation or military expedition, since 1897 not dishonorably discharged		$24, 177, 000
H. R. 15000. This bill would provide for hospitalization in a Government hospital of all persons discharged from the United States Army, Navy, or Marine Corps who have contracted tuberculosis in line of duty	(1)	
H. R. 15431. This bill provides for disability allowance ranging from $25 for 25 per cent, to $60 for 100 per cent permanent disability, for World War veterans serving 60 days or more. This bill further provides for an allowance to the widows and children of all deceased veterans regardless of the cause of death, at a rate of $30 for the widow and $6 for each child	57, 583, 000	
H. R. 15779. This bill would include under the compensation provisions of Title II, World War veterans' act, 1924, as amended, those persons who contracted injury or disease in the military or naval service while engaged in any war, military campaign, expedition or occupation since July 2, 1921	(1)	
H. R. 15868. This bill provides for disability allowance at rates ranging from $10 for 10 per cent disability, to $60 for 100 per cent disability. Estimated cost $52,747,000. Provides payment to widows, children, and parents of deceased veterans regardless of cause of death. Cost $23,584,000. Provides salary of director of $12,000, effective July 23, 1930	76, 334, 000	
H. R. 15998. This bill would amend section 202 (10), World War veterans' act, 1924, as amended, to extend the benefits of hospitalization, as far as existing facilities will permit, to all persons who served in the military or naval forces of the Confederate States	306, 600	
H. R. 16209. Provides for payment of burial expenses and transportation of body for persons on pension rolls as Civil War veterans who die after discharge without sufficient assets to meet such expenses	(1)	
H. R. 16250. This bill would provide for the payment of benefits to dependents under section 201, World War veterans' act, 1924, as amended, to the surviving dependents of any ex-service man who would have been entitled to receive disability allowance	22, 033, 000	
H. R. 16251. This bill would amend the second paragraph, sec. 200, World War veterans' act, 1924, as amended, so as to increase the rates for disability allowance from $12 to $20, $18 to $30, $24 to $40, and $40 to $60 per month	23, 877, 000	
H. R. 16252. This bill would amend sec. 200, World War veterans' act, 1924, as amended, to award $72 per month disability allowance to those persons entitled thereto who are helpless or blind or require regular aid or attendance of another person	(1)	
H. R. 16306. This bill provides for the payment of compensation at the rates provided in sec. 201 to the dependents of deceased veterans regardless of the cause of death	22, 033, 000	

[1] No estimate possible.

[a] No cost indicated.

Compensation and treatment—Continued

Section	Cost for the first year	
	Minimum	Maximum
H. R. 16306—Continued. This bill further provides for payment of an allowance of $50 per month to beneficiaries in constant need of a nurse or attendant	(1)	
H. R. 16385. This bill would amend sec. 13 of the act of July 3, 1930 (sec. 202 (3), World War veterans' act, 1924, as amended July 3, 1930), to provide payment of the additional $25 per month for the specified disabilities resulting from injury received in active service between Apr. 6, 1917, and July 2, 1921, instead of incurrence between Apr. 6, 1917, and Nov. 11, 1918	(1)	
H. R. 16954. This bill would place on the pension rolls widows and children of any service man who served 90 days or more during the World War with enlistment prior to Nov. 11, 1918, or who having served less than 90 days was discharged for disability incurred in service in line of duty. Death need not be service connected. The rates would be: Widow, $30 per month provided she has 1 minor child of the veteran under 16. If 2 minor children, $36 per month, 3 or more minor children under 16 years, $42 per month. Where the minor child or children attain the age of 16 years, the rate of pension to the widow would be $20 per month. Where there is no widow, each minor child under 16 years, $10 per month, the children to succeed to the widow's pension on remarriage. Provision is made for helpless children over 16 years at the same rates as minor children	(1)	
H. R. 17063. Upon death of veteran with service as provided under existing law (disability allowance) widow would receive $20 per month with $6 for each child under 16 years, with provision for helpless child	$17, 946, 000	
H. R. 17116. With 90 days' service in World War and death from disability not service connected, widow and 1 child would receive $26 per month, with $6 for each additional child. If no widow, but 1 child, $20, with $6 for each additional child. Dependent father or mother 65 years of age or more, $15 per month or both $20 per month, regardless of time of dependency. Widow's allowance would continue to death or remarriage, but not longer than the time the children would reach the age of 16 years or marry, or helpless child would cease to be helpless. The bill would provide for apportionment where the children are not in custody of the widow. Widow must have married the deceased no later than 9 years after July 2, 1921	10, 913, 000	

[1] No estimate possible.

Insurance

	Cost for the first year	
	Minimum	Maximum
S. 5418. This proposed amendment would extend to June 1, 1931, the time for filing suit on converted insurance and would decrease the time limit for suits under war risk term insurance	(1)	
S. 5809. This bill would amend sec. 19, World War veterans' act, so as to permit suit without prior disagreement by presumption of disagreement if liability on the policy is denied in the action. The bill would further provide that failure of the bureau to act on insurance claims for a period of 6 months after receipt of the same shall constitute a disagreement. This proposed legislation would involve the courts and the bureau in a deluge of suits	(1)	
H. R. 15005. This bill would amend sec. 300, World War veterans' act, to permit members of Officers' Reserve Corps when called to active duty to apply for insurance up to the amount of $10,000	(1)	
H. R. 16152. This bill would amend sec. 309, World War veterans' act, so as to change the requirement of death after Feb. 24, 1919, to death prior to receipt of the $60 bonus	(1)	

[1] No estimate possible.

Emergency officers' retirement act

[1]	Cost for the first year	
	Minimum	Maximum
H. R. 14451. This bill would extend the time limit for filing applications for benefits under the emergency officers' retirement act to one year after the passage of the proposed amendatory act. Due to the fact that it is impossible to anticipate the date on which the act might be approved and to estimate the number of claims which might be filed during the period of one year following such approval, the estimated cost would be the minimum and takes into consideration only those claims now on file	$1, 142, 000	
H. R. 15271. This amendment would extend all of the provisions of the emergency officers' retirement act to May 24, 1931	(1)	

Emergency officers' retirement act—Continued

	Cost for the first year	
	Minimum	Maximum
S. 4698. This amendment provides for the apportionment of retirement pay	(1)	
S. 5748. This amendment would extend the benefits of the emergency officers' retirement act to emergency officers of the war with Spain, the Philippine insurrection and the Boxer rebellion, claim to be filed within 12 months after the passage of the act	$5,000,000	

[1] No estimate possible.

Adjusted compensation

Recommended appropriation:

S. 5060. Would authorize payment of face value of adjusted-service certificates after deducting any loan thereon — $3,423,000,000

S. 5811. Would create an emergency loan value for adjusted-service certificates equal to the amount of by which 50 per cent of the face value exceeds the loan basis — 1,700,000,000

S. 5882. Would establish a cash-surrender value based on adjusted-service credit, increased by 25 per cent, plus interest at 4 per cent per annum, compounded annually from date of certificate to a date not more than 30 days prior to the date of check issued the veteran in payment of surrender. Deduction of any loan provided for — 1,989,000,000

S. 6269. Would amend the adjusted-compensation act to authorize a loan value at any time after date of issuance of the certificate and prior to the expiration of the 2-year period — (1)

H. R. 13519. Would provide 4 per cent interest on loans and an appropriation for paying loans — 5,000,000

H. R. 13557. Identical with S. 5060, except as to the method of financing the payment by the United States Government — 3,423,000,000

H. R. 14563. Would authorize payment of one-third of the face value of adjusted-service certificates upon surrender thereof within a reasonable time after the passage of the act, one-third within 1 year after the payment of the first one-third, and the remaining one-third 2 years after the payment of the first one-third — 3,423,000,000

H. R. 14567. Would authorize upon surrender of certificate an amount equal to the original capital amount on which the certificate was based and allowing 6 per cent interest thereon from Nov. 11, 1918, to date of settlement — 2,785,000,000

H. R. 14993. Would authorize issuance of Government bonds equal to face value of adjusted-service certificates with the prior deduction of any loan — 3,423,000,000

H. R. 15062. Would authorize the payment of 25 per cent of the face value of any certificate to be held as a lien without interest and independent of any loan heretofore made — 855,750,000

H. R. 15065. Would authorize reduction of interest on loans made on adjusted-service certificates to 4 per cent — (1)

H. R. 15272. Would provide election to authorize the payment of face value as provided in S. 5060 — 3,423,000,000

H. R. 15354. Would authorize payment of adjusted-compensation certificates in full to dependents of deceased veterans who died prior to passage of the act, in lieu of adjusted-service credit provided for dependents in title 6 — 50,000,000

H. R. 15495. Would authorize a loan basis for the calendar year 1931 not in excess of 90 per cent of the reserve value of the certificate on the last day of the current certificate year as of 1936 — 722,250,000

H. R. 15589. Would establish a cash-surrender value consisting of the amount of the adjusted-service credit, increased by 25 per cent, plus interest at 4 per cent compounded annually from date of certificate to a date not exceeding 30 days prior to date of check in payment thereof. Prior loans to be deducted — 2,120,000,000

[1] No estimate available.

Recommended appropriation—Continued.

H. R. 15993. Would provide for payment of the face value, as in S. 5060, except the veteran could elect to take a cash-surrender value later by receiving the face value plus 4 per cent, compounded annually, from the date of certificate to date of surrender — $3,423,000,000

H. R. 16832. Would authorize the payment of 50 per cent of the face value of the certificates, to be charged as a noninterest-bearing lien against the certificate at maturity; prior loans would be deducted — 1,700,000,000

H. R. 16949. Would amend section 202 (b) of the World War adjusted compensation act so as to permit benefits of the law to individual holding permanent commission in any branch of the military or naval forces who entered service after Apr. 6, 1917, and was discharged before July 2, 1921 — (1)

H. R. 17027. Would authorize loans not to exceed 50 per cent of face value of certificates, the interest on all loans, including those previously made, to be 3 per cent per annum — 1,711,500,000

H. R. 17054. Would authorize minimum loan value of 50 per cent of the face value of certificates with 4½ per cent interest on loans made after the proposed act, deduction of prior loans provided for — 1,700,000,000

Hospital construction

Authorized appropriation:

H. R. 16982 (Rogers-Smoot bill). Authorizing additional hospital, domiciliary, and out-patient dispensary facilities for World War veterans was enacted into law Mar. 4, 1931 (Public 868, 71st Cong.), $5,000,000 of the amount authorized by Public 868 was appropriated by Public Resolution No. 133, enacted Mar. 4, 1931 — 20,877,000

OTHER BILLS SUBMITTED

S. J. Res. 217. Would authorize personnel quarters, elevators, and kitchen equipment, United States Veterans' Hospital No. 53, Dwight, Ill.

S. J. Res. 218. Would authorize the use of the Mayo Clinic as a diagnostic center and for treatment of certain serious ailments and delicate or special surgery — (2)

S. 5071. Would authorize erection of a United States Veterans' Bureau hospital in South Carolina — 1,000,000

S. 5074. Would authorize addition to United States Veterans' Bureau Hospital No. 105, North Chicago, Ill — 2,000,000

S. 5091. Would authorize addition to United States Veterans' Bureau Hospital, Livermore, Calif — 1,000,000

S. 5093. Would authorize erection of a United States Veterans' Bureau hospital in the southern part of California — 2,000,000

S. 5102. Would authorize erection of a United States Veterans' Bureau hospital near Thermopolis, Wyo — 1,000,000

S. 5113. Would authorize addition to United States Veterans' Bureau Hospital, Camp Custer, Mich — 2,000,000

S. 5140. Would authorize erection of United States Veterans' Bureau hospital in Iowa — 1,200,000

S. 5145. Would authorize erection of convalescent hospital on military reservation at Fort Snelling, Minn — 800,000

S. 5166. Would authorize erection of administration building, United States Veterans' Bureau Hospital No. 77, Portland, Oreg — 100,000

S. 5185. Would authorize addition to United States Veterans' Bureau Hospital, Aspinwall, Pa — 800,000

S. 5216. Would authorize erection of United States Veterans' Bureau hospital for women in the State of California — 1,000,000

S. 5248.[2] Would authorize appropriations for additional hospital facilities at Fitzsimons General Hospital at Denver, Colo — 2,000,000

S. 5575. Would amend the act approved July 1, 1930, to provide for additional construction at National Home for Disabled Volunteer Soldiers, Johnson City, Tenn., and United States Veterans' Bureau Hospital, Oteen, N. C — 650,000

S. 5949. Would authorize enlargement of United States Veterans' Bureau Hospital in the State of Connecticut.

S. 6091. Would authorize purchase of West Baden Springs Hotel, West Baden, Orange County, Ind — 2,500,000

[1] No estimate available. [2] No estimate possible.

Authorized appropriations—Continued.

S. 6147. Would authorize erection of United States Veterans' Bureau hospital, northern West Virginia	$1,000,000
S. 6155. Would authorize Administrator of Veterans' Affairs to accept certain lands in Biloxi, Miss., for site of national home for disabled volunteer soldiers.	
H. R. 13524.[a] Would provide for erection of addition to the United States Marine Hospital, Pittsburgh, Pa	750,000
H. R. 13568. Would authorize the erection of addition to United States Veterans' Bureau Hospital, Indianapolis, Ind	1,500,000
H. R. 14059. Would provide additional hospital facilities by appropriation to remain available until expended in the discretion of the director with approval of the President (see Pub. 868)	52,000,000
H. R. 14443. Would authorize additional hospital facilities at National Soldiers' Home, Los Angeles County, Calif	2,000,000
H. R. 14445. Would authorize additional construction at National Soldiers' Home, Hot Springs, S. Dak	600,000
H. R. 14449. Would authorize conversion and reconstruction of United States Veterans' Bureau Hospital No. 49, Philadelphia, Pa., into a diagnostic center.	
H. R. 14453. Would provide for erection of United States Veterans' Bureau hospital in the State of Iowa	1,200,000
H. R. 14455. Would direct the Secretary of War to lease to Veterans' Bureau grounds and property at Fort Bayard, N. Mex., for United States Veterans' Bureau Hospital No. 55.	
H. R. 14457. Would authorize erection of addition to United States Veterans' Bureau Hospital, San Fernando, Calif	1,000,000
H. R. 14561. Would authorize addition to United States Veterans' Bureau Hospital, Gulfport, Miss	600,000
H. R. 14562. Would authorize erection of a United States Veterans' Bureau hospital in middle Tennessee	850,000
H. R. 14569. Would authorize addition to United States Veterans' Bureau Hospital, Alexandria, La	1,000,000
H. R. 14571. Would authorize erection of a United States Veterans' Bureau hospital, northwestern part of the State of Arkansas	1,600,000
H. R. 14574. Would authorize additional construction at Edward Hines, Jr., Hospital, Hines, Ill	2,000,000
H. R. 14682. Would authorize additional construction at National Soldiers' Home, Milwaukee, Wis	2,000,000
H. R. 14691. Would authorize erection of a United States Veterans' Bureau hospital in the inland part of California	1,000,000
H. R. 15067. Would authorize erection of a United States Veterans' Bureau hospital in the Ozark section of the State of Missouri	750,000
H. R. 15140. Would authorize addition to United States Veterans' Bureau Hospital, Knoxville, Iowa	280,000
H. R. 15262. Would authorize erection of a United States Veterans' Bureau hospital in the State of New Hampshire	1,500,000
H. R. 15365. Would authorize additional construction at the Danville Branch, National Soldiers' Home	600,000
H. R. 15435. Would authorize addition to United States Veterans' Bureau Hospital, Atlanta, Ga	1,500,000
H. R. 16075. Would authorize erection of a United States Veterans' Bureau hospital in the western part of the State of New York, near Buffalo	1,500,000
H. R. 16114. Would authorize addition to United States Veterans' Bureau Hospital No. 91, Tuskegee, Ala	1,000,000
H. R. 16253. Would authorize addition to United States Veterans' Bureau Hospital No. 97, Chillicothe, Ohio	750,000
H. R. 16591. Would authorize erection of a United States Veterans' Bureau hospital at or near Cresson, Cambria County, Pa	2,500,000
H. R. 16658. Would authorize additional hospital and domiciliary facilities at the branches of the Bureau of National Homes (see Pub. 868)	2,850,000

[a] Not under jurisdiction of the Veterans' Administration.

Authorized appropriations—Continued.

H. R. 16702. Would authorize the improvement of United States Veterans' Bureau Hospital at Rutland, Mass	$620,000
H. R. 16782. Would authorize erection of a United States Veterans' Bureau hospital at Lava Hot Springs, Idaho	150,000
H. R. 16853. Would authorize erection of addition to United States Veterans' Bureau Hospital, Whipple, Ariz	540,000
H. R. 16854. Would authorize additional facilities at United States Veterans' Bureau Hospital, Tucson, Ariz	450,000
H. R. 16946. Would authorize erection of a United States Veterans' Bureau hospital, northwestern Ohio	400,000

These remarks are not made with any desire to be captious or to criticize my fellow service men, but rather with a desire that as the years pass service men will take into consideration the entire problem of the relations between the Government, the taxpayer, and the veteran, and that chairmen and members of the Veterans' Committee and Members of the House and Senate of the United States will consider the problem in its entirety. I am sure that most of the requests for legislation have been made with honesty of purpose, and that the sponsors did not realize the cumulative effect of the requests. It is my hope that this statement will clarify in their minds the true situation, and when considering in the future demands to be made on the Congress for legislation they will make them within reasonable limits.

WORK OF THE COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. SANDERS of New York. Mr. Speaker, I wish to give a brief résumé of the work of the Committee on the Post Office and Post Roads of the House of Representatives during the Seventy-first Congress.

During this Congress a number of bills and resolutions, 170 in all, were referred to the committee. Hearings were held on many of them, at which representatives of the Post Office Department were present to give information, and interesting and valuable testimony was also submitted by others concerned with the pending legislation.

Nineteen of these measures have become laws during the Congress just ending, having been approved by the House, the Senate, and the President, and two others have been passed by both Houses and have been sent to the President within the last day or two. These new laws are as follows:

BILLS ENACTED INTO LAW DURING SEVENTY-FIRST CONGRESS

H. R. 101 (Public Law No. 661). An act for the award of the air mail flyer's medal of honor

This measure authorizes an award to air mail pilots in recognition of heroism or some extraordinary achievement. The dangers with which air mail pilots contend in their flying on fixed day and night schedules and their skill and courage in meeting these dangers are well known, and it is believed only fitting and proper that Congress recognize these outstanding services.

H. R. 1234 (Public Law No. 247). An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels

The purpose of this legislation is to control the practice of leaving collect-on-delivery parcels in post offices of address longer than is justified by imposing demurrage charges on undelivered collect-on-delivery parcels which the addressees have failed to accept within a reasonable period.

H. R. 5190 (Public Law No. 359). An act to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service

It is sometimes necessary that field officers of the Post Office Department arrange for emergency star-route service without awaiting the issuance of specific orders to take effect on the date thereof or later, and in order that payment may be made for service rendered in such entirely

legitimate cases a modification of the law appeared essential.

As the act approved May 18, 1916, authorizing the Postmaster General to employ temporary service without the issuance of a formal advertisement did not specifically authorize the retroactive authorization, the Comptroller General ruled that the provisions of section 3960, Revised Statutes, would prohibit such retroactive authorization. The above act (Public Law No. 359) corrects this situation by adding a proviso to the act of May 18, 1916, to the effect that the provisions of section 3960, Revised Statutes, shall not apply to any service authorized under this act.

H. R. 6603 (Public Law No. 672). An act to provide a shorter work week for postal employees, and for other purposes

Prior to the passage of this act only certain postal employees were enjoying the benefits of a Saturday half holiday, the decision in each case resting with the individual postmaster in carrying out the Post Office Department's orders to curtail employment on Saturdays to an extent consistent with local conditions. This new act makes the shorter weekly working hours general throughout the Postal Service and affects practically all postal employees—supervisory employees, special clerks, clerks, and laborers in first and second class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village delivery service, and employees of the Railway Mail Service—providing that where the needs of the service require them to perform service in excess of four hours on Saturday they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday on which the excess service was performed.

The magnitude of the Postal Service is little realized, but out of the entire 595,456 employees in the Government service last year, approximately 375,000 (including postmasters, substitutes, and those having contractual relations) were in the Postal Service, and of this number about 160,000 regular employees will be directly affected by this shorter work week act, while the substitutes will derive more employment.

H. R. 7395 (Public Law No. 183). An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers

A previous act permitted users of Government-stamped envelopes to deface the postage stamps thereon under certain conditions; the above act extends this permission to Government postal cards.

This practice relieves the Postal Service from the time and expense involved in canceling the stamps on the envelopes and cards at the time of mailing and expedites the handling and dispatch of such mail.

H. R. 8649 (Public Law No. 585). An act to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles, and for other purposes

This measure amends existing law so as to provide the opportunity, after mailing, of securing return-receipt cards for registered and insured mail matter upon payment of a fee of 5 cents. It also provides a new service whereby mailers of such mail matter may secure the address as well as the signature of the addressee upon payment of a fee of 20 cents at the time of mailing for each return card carrying such information.

H. R. 8650 (Public Law No. 184). An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed

This act authorizes the Postmaster General to prescribe regulations under which undeliverable parcels containing perishable matter may be sold and the amount realized, less a commission of 10 per cent, but in no case less than 15 cents, remitted to the sender or other rightful owner. It covers all undeliverable mail containing perishable matter, whether ordinary, registered, insured, or collect on delivery. It further provides for a charge of 10 cents for postal services in effecting delivery of collect-on-delivery mail upon terms differing from those stipulated at the time of mailing.

H. R. 8806 (Public Law No. 586). An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies

This legislation gives the Postmaster General specific authority to impose fines upon steamship and aircraft carriers of foreign mail for failing to exercise due care in the protection of the mails while in their custody, and to make collection from the carriers, through civil suits if necessary, for reimbursement of the owners for lost, damaged, or rifled mail.

H. R. 9227 (Public Law No. 464). An act to establish additional salary grades for mechanic's helpers in the motor-vehicle service

This measure establishes three grades for mechanic's helpers in the motor vehicle service, of $1,600, $1,700, and $1,800 per annum—previously there was but one salary grade, $1,600—as it frequently happens that mechanic's helpers are required to wait several years for advancement to either general mechanic at $1,900 per annum or special mechanic at $2,100 per annum as vacancies occur.

H. R. 9300 (Public Law, No. 385). An act to authorize the Postmaster General to hire vehicles from village-delivery carriers

In 1929 legislation was enacted authorizing the hire of vehicles from letter carriers for use in the city delivery and collection service, confirming the practice which had been in effect for several years. The vehicles used in the village delivery and collection service quite generally are rented from the carriers operating them, and the above act (Public Law 385) has the effect of legally authorizing such rental.

An excerpt from a letter written by Postmaster General Brown under date of March 8, 1930, in connection with the village delivery service may be of interest:

> Village delivery service was inaugurated under an act of Congress passed August 24, 1912, for the fiscal year ended June 30, 1913, the sum of $100,000 being appropriated for that purpose, the appropriation act reading as follows:
>
> "After June 30, 1912, experimental mail delivery may be established, under such regulations as the Postmaster General may prescribe, in towns and villages having post offices of the second and third class that are not by law now entitled to city delivery service, and the sum of $100,000 is hereby appropriated to enable postmasters to employ the necessary assistance to deliver the mails in such villages, and the amount to be expended at any office shall not exceed $100,000 a year."
>
> The demand for village delivery service has grown, until at the present time there are 751 post offices having this character of service. Patrons of the village delivery service up until the past few years have been required to call at the post offices for parcel-post packages too large or bulky for delivery by the regular foot carrier. However, within the past few years the department has liberalized service facilities somewhat, and at the present time there are 33 village delivery post offices having regular parcel-post delivery by vehicle, and it is our practice to extend this service whenever the quantity of such large parcels justifies the employment of a vehicle.

H. R. 10676 (Public Law No. 778). An act to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate

Prior acts provided that upon payment of the required fee parcel-post packages should be given the same special handling during transit as is accorded first-class mail matter, and, if also desired, immediate delivery at the point of destination. Experience has shown that it is not always possible to give parcel post the same treatment given to first-class mail matter, due to local or contractual conditions. In some cases first-class mail is dispatched by catcher pouches on moving trains when it is impossible to dispatch parcel-post matter in like manner, while on many star routes supplementing railroad service the contract specifically provides for transporting first-class mail only, or perhaps first class and newspaper mail, and it is impossible, particularly where the mail covered by contract is carried

in passenger busses, to arrange for the transportation of special handling and special delivery parcel-post matter except at great expense.

The present act eliminates these inconsistencies in existing law, occasioned by the impracticability in certain cases of granting to other classes of mail matter every facility given first-class mail matter, by providing for "the most expeditious handling and transportation practicable."

H. R. 11007 (Public Law No. 386). An act to amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stat. 556; U. S. C., title 39, sec. 631), making appropriations for the Post Office Department for the fiscal year ending June 30, 1913

This measure permits railway postal clerks, in the discretion of the general superintendent of the Railway Mail Service, to reside at points convenient to their runs even though they are not directly on the routes covered, simply bringing the law in line with improved transportation facilities of the present day.

H. R. 11082 (Private Law No. 91). An act granting a franking privilege to Helen H. Taft

It is customary to accord the franking privilege to the widows of Presidents of the United States. H. R. 11082 provides that all mail matter sent by post by Helen H. Taft, widow of the late William Howard Taft, under her written autograph signature, be conveyed free of postage during her natural life.

H. R. 11704 (Public Law No. 178). An act to amend the air mail act of February 2, 1925, as amended by the acts of June 3, 1926, and May 17, 1928, further to encourage commercial aviation

The principal features of this act are that it authorizes the Postmaster General to award contracts for the transportation of air mail by aircraft to the lowest responsible bidder at fixed rates per mile for definite weight spaces instead of awarding contracts on the basis of poundage alone without regard to distance; and further authorizes the Postmaster General, in cases where the volume of air mail moving between the designated points does not exceed 25 cubic feet, or 225 pounds, to award to the lowest responsible bidder who has owned and operated an air-transportation service on a fixed daily schedule over a distance of not less than 400 miles, and for a period of not less than six months prior to the advertisement for bids, a contract at a rate not to exceed 40 cents per mile for a weight space of 25 cubic feet, or 225 pounds.

During the fiscal year 1930 there were 16,228,453 miles scheduled, 14,939,468 miles flown, and 7,719,698 pounds of mail transported by plane.

H. R. 12285 (Public Law No. 486). An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer

This measure provides that whenever motor-truck parts are needed by the Post Office Department in the operation of motor trucks the Postmaster General is authorized to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising, under such arrangements as in the opinion of the Postmaster General will be most advantageous to the Government.

The Postal Service owns and maintains 16 different types of motor trucks, for each of which approximately 1,500 different kinds of parts are purchased, a total of 24,000 separate items. A ruling by the Comptroller General stopped the practice of buying practically all parts required in repairing the different types of trucks from the manufacturers of the trucks under agreements stipulating discounts from list prices ranging from 10 per cent to 40 per cent. The above act gives legislative authority to purchase parts under agreements with the truck manufacturers, and covers the procurement of repair parts not only for trucks actually purchased by the Post Office Department under competitive bids but also for the trucks operating in the Postal Service which were purchased by the War Department and later transferred to the Postal Service as surplus equipment in accordance with an act of Congress.

S. 3054 (H. R. 740, Public Law No. 336). An act to increase the salaries of certain postmasters of the first class

This act remedies the inequality in the schedule of salaries for postmasters at post offices which have receipts of more than $1,500,000 a year. The salaries of approximately 52 first-class postmasters were increased by the provisions of this act at the time it went into effect.

S. 3272 (H. R. 8651, Public law No. 318). An act to authorize the dispatch from the mailing post office of metered permit matter of the first class, prepaid at least 2 cents but not fully prepaid, and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed

The metered permit matter of the first class referred to is matter on which the postage is paid in connection with a metered device set by the postmaster for a given number of impressions paid for at the time of setting, and which automatically locks upon the exhaustion of such impressions. In cases of inadvertence where the postage on such matter is not fully prepaid, but is prepaid at least 2 cents, this act provides that the mail matter shall be accorded the same treatment as is provided for such short-paid first-class matter mailed with postage stamps affixed.

Provision is also made for the acceptance of metered permit matter of the third class, except bulk mailings at the special rate, in such quantities as may be prescribed by the Postmaster General, and for continuing to classify typewriting as handwriting.

S. 3273 (H. R. 8569, Public Law No. 555). An act to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of certain classes of mail matter and to fix the fees chargeable therefor

Prior to July 1, 1929, certificates of mailing covering ordinary domestic matter were furnished for parcels of the fourth class only. Beginning July 1, 1929, such certificates were authorized to cover domestic ordinary mail of any class. Senders' receipts for ordinary mail of any class are furnished upon request and the payment of 1 cent for each piece of mail. These receipts merely furnish evidence of mailing and do not provide for indemnity or special treatment of the matter involved. During the fiscal year ended June 30, 1930, 8,612,649 certificates of mailing for domestic ordinary articles were issued, for which charges amounting to $86,126.49 were received, an increase of 1,739,533 receipts and $17,395.33 compared with the preceding year, or 25.31 per cent.

Special requests have been made for additional receipts or certificates of mailing covering registered, insured, and collect-on-delivery mail, the issuance of which is authorized in the above act (Public Law No. 555), and there is a growing tendency on the part of branches of large firms to obtain additional receipts for the main office as an evidence of mailing.

S. 3599 (H. R. 10344, Public Law No. 316). An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues

The purpose of this measure is to show in fair and accurate manner the service performed by the Post Office Department, and to give proper credit for certain services which are essentially nonpostal and are really public-welfare and national-policy projects.

This act does not change the method of accounting in the Treasury Department or the General Accounting Office, but simply authorizes them to show separately, in stating the amount of the postal deficit, the sum expended for the services set forth in the measure. The amount involved is that which would have been collected at regular postage rates on the several kinds of mail carried free of charge; the difference between the postage collected on certain publications given a preferential rate and that which would have been collected at zone rates; the estimated excess of the cost of the air-mail service over the revenues derived from air mail; and the estimated amount paid to vessels of American registry for carrying foreign mail over what would have been paid to vessels of foreign registry.

The following table from the Postmaster General's annual report for the fiscal year ended June 30, 1930, shows the credits for these items:

Extraordinary items contributing to the deficiency of postal revenues (act of June 9, 1930), fiscal years 1929 and 1930 compared

Item	Fiscal year 1930	Fiscal year 1929	Increase
Revenue credits for free services, etc.:			
Franked matter for—			
Members of Congress	$718,010.00		
Other than Members of Congress	154,545.00		
Total franked	872,605.00	$957,904.00	[1] $85,359.00
Penalty matter for branches of the Government other than the Post Office Department, including free registration	9,347,505.00	8,169,170.00	1,178,335.00
Publications going free in county	753,263.00	747,115.00	6,148.00
Free mail for the blind	63,779.00	56,991.00	6,788.00
Differentials in second-class postage favoring religious, educational, scientific, philanthropic, agricultural, labor, and fraternal organizations	414,388.00	323,527.98	90,860.02
Total revenue credits for free services, etc	11,451,540.00	10,254,787.98	1,196,772.02
Credits for nonpostal expenditures:			
Excess cost of airplane service over the postage revenues derived from air mail	13,863,174.10	7,963,663.72	5,899,510.38
Differentials in ocean mail rates favoring vessels of American registry	14,355,004.29	11,225,364.27	3,129,640.02
Total credits for nonpostal expenditures	28,218,178.39	19,189,027.99	9,029,150.40
Grand total	39,669,718.39	29,443,795.97	10,225,922.42

[1] Decrease.

In addition to the measures already enacted into law, S. 543 and House Joint Resolution 357 have been passed by both the House and the Senate and sent to the President for consideration.

MEASURES PASSED BY BOTH THE HOUSE AND THE SENATE

S. 543 (H. R. 10123). An act to increase the pay of mail carriers in the village delivery service

The present rate of salary of carriers in the village delivery service is from $1,150 to $1,350 per annum. S. 543 establishes three grades for these carriers, with salaries of $1,250, $1,350, and $1,450 per annum, increases the pay of substitutes from 50 cents to 60 cents per hour, and provides that upon appointment as regular carriers credit shall be given for substitute service.

H. J. Res. 357. An act classifying certain official mail matter

This measure provides that "hereafter the limit of official matter mailed by any person having the franking privilege to his own address shall be the same as that for public documents."

This is not an extension of the franking privilege to correspondence between Members to any person or upon departmental business, but is merely an extension of that privilege to a Member's official files and stationery exceeding 4 pounds in weight.

Several measures were approved by the committee and reported to the House, but failed of final passage. These bills include:

BILLS REPORTED FAVORABLY BY COMMITTEE BUT NOT ACTED UPON BY THE HOUSE

H. R. 229. An act granting equipment allowance to third-class postmasters

Of the 10,943 postmasters of the third class, all but those in Government-leased quarters are required to furnish the fixtures and equipment for their offices, and the box rents are remitted to the Government even though these boxes are part of the equipment personally owned or rented by the postmaster.

This bill provides that third-class postmasters shall be paid 50 per cent of the box rents as an allowance for personally owned or rented post-office fixtures and equipment, the provisions of the bill to become inoperative when the department furnishes the fixtures and equipment.

H. R. 14908. To amend the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes

The purpose of this bill as introduced was to defer any reduction in the salary of supervisory employees at first-class post offices, resulting from diminished postal receipts, until the receipts had fallen below the existing classification for two consecutive years.

In view of the number of postmasters and postal employees whose salaries will be affected by the postal receipts for the calendar year 1930, the committee looked favorably upon legislation which would take care of postal salaries based upon those receipts, amended the bill so as to be effective only during the fiscal year 1932, and included postmasters, assistant postmasters, and all employees other than those in the automatic grades.

H. R. 16256 (S. 5752). To fix more equitably the responsibility of postmasters

At present the postmaster is held responsible for the accounting for and refunding of losses of postal funds caused by subordinates in excess of the amount covered by their personal bond. The guilty employee is personally held for the loss first, and, if his bond is not sufficient, then the postmaster, under his bond, is held for the balance, although he is not personally to blame nor has handled any of the funds involved in the loss.

The above measure proposes to relieve postmasters of liability for any loss of public funds of the United States due to the negligence or dishonesty of any subordinate or subordinates, unless in the opinion of the Postmaster General such postmaster by the exercise of due diligence could have prevented such loss. A similar Senate bill (S. 5752) passed the Senate and was referred to the House.

The two following bills were reported to the House by this committee and were recommitted to the committee:

BILLS REPORTED TO THE HOUSE AND RECOMMITTED TO THE COMMITTEE ON THE POST OFFICE AND POST ROADS

H. R. 12412. Authorizing the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train

Railroad companies in many cases are withdrawing the local train service and substituting motor-bus service. In most instances the railroads are willing to provide mail service in their busses and accept pay therefor at the same rate that would be allowed for similar service by railroad, but the Comptroller General has advised that there is considerable doubt whether, as to such mail, the route retains its character as a "railroad route" within the meaning of the appropriation for railroad transportation and mail-messenger service.

Under the provisions of the above bill the Postmaster General is authorized to permit railroad and electric car companies to carry the mail by motor vehicle over highways in lieu of their train service, the compensation allowed not to be in excess of the rate paid for train service as fixed by the Interstate Commerce Commission.

S. 3178 (H. R. 11096). An act to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded

The bill as passed by the Senate and referred to this committee authorized the collection of 2 cents additional postage on insufficiently or improperly addressed mail to which directory service is accorded. This committee, believing it would not be fair to penalize the addressee for mistakes made by the sender of the mail matter, reported the bill with an amendment offering these corrected or completed addresses to the mailers for the sum of 5 cents each, this new postal service to be furnished only upon request of the mailer and the charge to be collected upon delivery of a notice conveying the information.

The following bills reported by the committee were passed by the House and referred to the Senate:

BILLS FAVORABLY REPORTED BY THE HOUSE COMMITTEE ON THE POST OFFICE AND POST ROADS, PASSED BY THE HOUSE, AND REFERRED TO THE SENATE COMMITTEE ON POST OFFICES AND POST ROADS

H. R. 3087. An act granting leaves of absence with pay to substitutes in the Postal Service

Under a ruling of the Comptroller General substitutes in the Postal Service are not considered postal employees, and, therefore, are not granted the leave of absence and sick leave with pay accorded regular postal employees. This bill attempts to correct the situation by providing that hereafter,

when substitute postal employees have worked a total of 1,224 hours, they shall be entitled throughout their period of substitution in each fiscal year to leave with pay at the rate of 1¼ days for each 204 hours' service rendered; and sick leave with pay at the rate of five days for each 1,224 hours' service to be cumulative throughout period of substitution and continued, if not used, to the credit of the substitute after his appointment to the regular force.

H. R. 8568. An act to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn

Because of the tendency of money-order patrons to travel from place to place an insistent demand was created for an arrangement by which money orders could be paid at any money-order post office, and a law was enacted providing that "postal money orders may be issued payable at any money-order post office," thus assuring the convenience of the traveling public. To safeguard the department in such cases, however, it is necessary that the postmaster paying an order not drawn on his office shall notify the postmaster at the issuing office and await his acknowledgment before claiming credit for the payment, and the expense of preparing, mailing, and acknowledging the notice actually exceeds the initial cost of issuing and paying the order.

The purpose of the law was solely to aid travelers needing funds in a strange locality, but of late years many firms receiving money orders have been using them as exchange by sending them from the office on which drawn to other places, where they are finally presented, and where the labor of notifying the issuing office must be performed. This additional service is rendered without charge, as there is no provision of law for exacting a fee, but it appears unjust to the department to require it to perform this entirely distinct function without compensation, and the purpose of this bill is to compensate the department for such extra work.

BILLS FAVORABLY REPORTED BY THE HOUSE COMMITTEE ON THE POST OFFICE AND POST ROADS, PASSED BY THE HOUSE, AND FAVORABLY REPORTED TO THE SENATE BY THE SENATE COMMITTEE ON POST OFFICES AND POST ROADS

H. R. 5659. An act to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders

In connection with this proposed legislation the following is quoted from the last annual report of the Postmaster General:

The necessity still exists for curtailing the expense resulting from the action of patrons who inquire of the department whether money orders have been paid instead of ascertaining that fact from the payees of the orders. The work required to search the records to satisfy a patron that a money order has been paid is considerably more than that involved in issuing and paying the order. The contract of the Post Office Department with the sender of a money order provides merely for the delivery of the money to the person designated and does not obligate the department to furnish information regarding the date and place of payment and the name of the person to whom paid. When the public requires service additional to that involved in the issue and payment of the order the expense thus incurred by the department should be borne by the person making the inquiry.

Inquiries are also made, after mailing, concerning registered, insured, and collect-on-delivery mail, putting the department to expense in procuring the information.

AN ANALYSIS OF H. R. 15603, TO FURTHER PROTECT RESTRICTED INDIANS

Mr. HASTINGS. Mr. Speaker, under the general leave to extend my remarks in the RECORD, I include herewith: First, my letter addressed to W. F. Semple dated March 12, 1931, analyzing H. R. 15603; second, a copy of the bill as originally reported; third, the bill as agreed upon; and, fourth, the trust agreement amendment not concurred in by the Senate because of the legislative jam.

The matter referred to above is as follows:

TAHLEQUAH, OKLA., *March 12, 1931.*

Mr. W. F. SEMPLE,
Durant, Okla.

MY DEAR MR. SEMPLE: I have your letter of March 6 further discussing the extension of restriction act, H. R. 15603. For your examination and study I am inclosing you herewith my files of this bill which I ask you to return as soon as you have examined it.

Here is the history of this bill. It was introduced on January 5, 1931, and favorably reported to the House on January 7, 1931, in its original form. When it came up for consideration on Calendar Wednesday, finding that I could not defeat its consideration, I requested to have it rereferred to the House Committee on Indian Affairs. Under the terms of the original bill no fractional interest of a restricted Indian in inherited land could be sold without the approval of the Secretary of the Interior, and it also took away the jurisdiction of the district court in partition proceedings. We were able to go before the House Committee on Indian Affairs and to eliminate these provisions, and the bill was redrafted in the form which you will find in the CONGRESSIONAL RECORD under date of March 3, and which you will find on pages 3 and 4 of the inclosed copy.

This substitute bill was prepared with the greatest of care, after consultation with the Governor of the Chickasaw Nation, the principal chief of the Choctaw Nation, and the attorneys of all of the tribes who were represented in Washington, and a hearing held before the House Committee on Indian Affairs, of which Mr. CARTWRIGHT is a member, and which hearings was participated in by Congressman MCKEOWN and myself and representatives of the Indian Bureau, and reported by the House Committee on Indian Affairs as revised and unanimously agreed to by all.

Let us analyze section 1: The first part, before the proviso, as you will note, only refers to "funds and other securities" and has no reference whatever to lands, and, of course, would not reenact the provision repealed by the act of May 10, 1928, giving heirs born since March 4, 1906, any preferential rights. Of course, if any of the money of restricted heirs was accumulated "including heirs born since March 4, 1906," that money or those securities in which the money was invested would continue under the supervision of the Secretary of the Interior, and it should.

Second, let us examine the proviso in its amended form. This deals with land where the entire tract was acquired "by inheritance, devise, gift, or purchase with restricted funds." Note that it must be the entire tract, that the lands acquired must both be restricted and tax exempt. Hence it does not increase restrictions or tax exemptions. This proviso simply places the restricted Indian who acquires land under it exactly in the same status as an original restricted allottee; no more nor no less.

The second proviso limits the amount of land so acquired so that it will not exceed 160 acres. That is the limit placed in the act of May 10, 1928. The second proviso subjects this land to taxation of minerals, including oil and gas, as provided in section 3 of the act of May 10, 1928.

This is all that section 1 does. You are entirely mistaken in urging that this proviso repeals the provision of the act of May 10, 1928, and restores any preferential right to any heir born since March 4, 1906. I wrote it. I discussed it in detail with the bureau officials. I discussed it on the floor of the House on the night of March 3, 1931. No other interpretation than as I have stated in this letter can possibly be placed upon this section, and I am sure no attempt would have been made to place any other interpretation upon it. I feel sure upon further study that you will agree with me that these accumulated funds and the securities purchased with restricted funds should not be turned over to non-English speaking restricted Indians to be improvidently spent. Permit me to invite your attention to the last line of the first proviso as follows: "Unless the restrictions are removed in the meantime in the manner provided by law." This was to continue the authority of the Secretary of the Interior to remove, upon application, the restrictions of any Indian, either an original allottee or one who had acquired restricted and tax-exempt land, under the terms of the first proviso.

Now let us examine section 2. This section requires the approval of "conveyance of any interest in land of any full-blood heir" "in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of the State of Oklahoma." This means, of course, that it will be done in the courtroom and not outside and after notice to the probate attorneys. Congress appropriates $40,000 for probate attorneys, and I feel sure that everyone will agree that the probate attorneys should have notice and an opportunity to appear in court when these inherited lands are being sold by full-blood heirs.

Finally, section 2 provides for an appeal from the county court to the district court. I do not see how anyone could object to the provision of section 2. It is limited to full-blood Indian heirs. There has been some criticism leveled against some of the county judges with reference to the approval of sales of these inherited lands. I think most of the criticism has been unfair and perhaps unjust, but I think no fair-minded person will object to the provisions of this section which requires the approval to be made in open court and after notice, and the appeal is a further safeguard in the protection of the interest of full-blood Indian heirs.

I note that you state that certain provisions of the original bill brought forth bitter opposition, "not only with white people but among the Indians themselves." These restricted Indians are the wards of the Nation, and it is the duty of Congress to enact legislation that will permit the Interior Department and the Bureau of Indian Affairs to properly protect them. I agree with you that most of these Indians are impatient of any legislative restraint, and have always been, but it is our duty, which we can not shirk, to protect them against their own improvidence.

The bill had passed the Senate in the amended form, which I inclose you, with an additional amendment authorizing the Secretary of the Interior to approve trust agreements made with restricted Indians. The House Committee on Indian Affairs, not having favorably reported upon such an amendment, the chair-

man, Mr. LEAVITT, on the night of March 3 moved to suspend the rules and pass the bill eliminating the trust amendment authorizing trust agreements, so that the bill came up for consideration in the House in the form of the amended bill which I inclose you, and which will be shown by reference to the CONGRESSIONAL RECORD (pp. 7219–7221), upon a motion of Chairman LEAVITT to suspend the rules and to pass the bill in the form whic I inclose you, and the bill passed the House, as you will observe, by a vote of 245 in favor to 55 against it. However, the amendment eliminating the trust-agreement amendment was not concurred in by the Senate because of the legislative jam in the Senate and because of conditions with which you are familiar, and hence the bill failed of final enactment.

I appreciate that there was much misunderstanding throughout the country as to the provisions of this bill, but I feel sure that these objections will be removed when a clear understanding is had of its provisions.

There are approximately 10,000 restricted Indians who were original allottees still living, and many of them have sold parts of their allotments and now only own a small acreage. The Cherokee agreement continues tax exempt the homestead of each allottee, regardless of degree of blood, as long as the land is held by the original allottee, and the Seminole agreement makes the homestead tax exempt in perpetuity, so that the act of May 10, 1928, and the bill under discussion, if it had been enacted, would have continued certain tax-exempt lands in addition to the tax-exempt land provided in the Cherokee and Seminole agreements. In lieu of these tax-exempt lands and to compensate the State of Oklahoma for taxes not collected from them Congress appropriated for this coming fiscal year $400,000 in aid of the public schools in eastern Oklahoma and in addition appropriates for boarding schols attended by Indians at Chilocco, Wyandotte, Sapulpa, Eufaula, Sequoyah Orphan Training School, Carter Seminary, Wheelock and Jones Academy, and for the Haskell Institute, 40 per cent of the children of whose attendance is from the Five Civilized Tribes, also for hospitals at Claremore, Talihina, and Shawnee, Pawnee, and elsewhere. In addition more than $200,000 is provided for the maintenance of the Superintendent for the Five Civilized Tribes and his agents throughout eastern Oklahoma and $40,000 for probate attorneys.

These appropriations aggregate approximately $3,000,000, so that I feel sure that everyone will agree that Congress is fairly generous in contributing money to our State in lieu of the taxes not collected from tax-exempt Indian lands.

Sincerely yours,

W. W. HASTINGS.

(2) A bill to extend the restrictive period against alienation, lease, mortgage, or other encumbrance of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes.

Be it enacted, etc., That from and after the passage of this act restricted members of the Five Civilized Tribes of Indians in Oklahoma may dispose of their restricted property to their children or otherwise by deed or by will, subject only to approval by the Secretary of the Interior, and any and all interests in lands or other restricted property acquired by persons of one-half or more Indian blood from restricted members of the Five Civilized Tribes shall be and remain restricted: *Provided*, That the Secretary of the Interior may remove the restrictions from such lands in whole or in part under such rules and regulations as to the terms of sale and disposal of the proceeds as said Secretary may prescribe: *Provided further*, That any nontaxable lands owned by restricted members of the Five Civilized Tribes acquired by heirs or devisees of one-half or more Indian blood, born since March 4, 1906, including lands conveyed with the approval of the Secretary of the Interior to such heirs or devisees, shall remain inalienable and nontaxable until the restrictions therefrom are removed by the Secretary of the Interior as provided by law: *Provided further*, That no such restricted grantee, heir, or devisee shall hold in excess of 160 acres of nontaxable land.

SEC. 2. That hereafter restricted lands belonging to members of the Five Civilized Tribes of one-half or more Indian blood may be mortgaged or partitioned with the approval of the Secretary of the Interior, and not otherwise, under such rules and regulations as he may prescribe.

SEC. 3. That the funds and other securities under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians, including heirs of one-half or more Indian blood, born since March 4, 1906, shall on and after April 26, 1931, remain subject to the jurisdiction of said Secretary, to be expended for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe.

(3) The bill as agreed upon:

That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall, after April 26, 1931, remain restricted and tax exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law;

Provided further, That such restricted and tax-exempt land, held by anyone, acquired as herein provided, shall not exceed 160 acres; and

Provided further, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired, shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928. (45 Stat. 495.)

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

(4) The trust agreement added in the Senate:

And provided further, That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized and empowered to approve trust agreements relating to restricted funds or other restricted property; and in the event any such trust agreement is annulled, canceled, set aside, or held to be void, the principal, together with all interest due, shall revert to the control and supervision of the Secretary of the Interior.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the veterans' administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, at Des Moines, Iowa.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, communicated to the House by Mr. Latta, one of his secretaries, informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 28, 1931:

H. R. 3820. An act to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes;

H. R. 921. An act for the relief of Andrew Kline;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9326. An act to amend the act "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, as amended;

H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard

University title to certain property in the District of Columbia;

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River, at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 16561. An act granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving Mass.;

H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW., in the District of Columbia;

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

H. R. 922. An act for the relief of William S. Murray;

H. R. 923. An act for the relief of Louis J. Stroud;

H. R. 925. An act for the relief of George Curren;

H. R. 3643. An act for the relief of Alfred W. Mayfield;

H. R. 11015. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.; and

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes.

On March 2, 1931:

H. R. 9674. An act to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. J. Res. 250. Joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War;

H. R. 395. An act for the relief of Alfred Chapleau;

H. R. 687. An act for the relief of John S. Conkright;

H. R. 752. An act for the relief of Wesley B. Johnson;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1610. An act for the relief of Norman Dombris;

H. R. 1891. An act for the relief of Vincent Baranasies;

H. R. 3255. An act for the relief of Sylvester S. Thompson;

H. R. 3256. An act for the relief of David F. Richards, otherwise known as David Richards;

H. R. 9564. An act for the relief of Thomas W. Bath;

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers' Cooperative Dairy & Produce Co., a corporation, bankrupt;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 10676. An act to provide for the special delivery and the special handling of mail matter;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons or for other purposes;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States; and

H. R. 17071. An act authorizing the construction of a bridge across the Mahoning River near New Castle, Lawrence County, Pa.

On March 3, 1931:

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin;

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico;

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931;

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War Veterans' Convention at New Orleans;

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park in the State of Michigan, and for other purposes;

H. R. 14. An act to make the Star Spangled Banner the national anthem of the United States of America;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 21 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstead, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.; and

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

On March 4, 1931:

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind;

H. R. 11368. An act to fix the annual compensations of the secretary and the Governor of the Territory of Alaska;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 531. An act for the relief of John Maika;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs;

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931;

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes;

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; and

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes;

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather;

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs;

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931;

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa;

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; and

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes.

RETIRING MEMBERS

Mr. TILSON. Mr. Speaker, I can not let the session close without saying a word of appreciation of my esteemed, honored, and much-beloved colleague, SCHUYLER MERRITT, who is retiring to-day. [Applause.]

No Member of this House ever had a better colleague than SCHUYLER MERRITT. He is an unusual man and has rendered unusual service here during the years he has been in Congress. His going is a very distinct loss to me personally. I know that I strike a responsive chord in the hearts of all the Members of this House who have come in contact with him during his long years of service here in saying that his ability and his services have been appreciated by all of his colleagues in this House, and that as he leaves this Chamber everyone wishes him long life and happiness. [Applause.]

Connecticut loses in the new Congress another veteran Member in the person of E. HART FENN, who was not a

candidate for reelection. He had rendered notable service in our State before coming to Congress, and during his service here has lived up to the best tradition of our great little State.

Mr. PARKER. Mr. Speaker, I wish to most heartily concur in all that the majority leader has said regarding the gentleman from Connecticut [Mr. MERRITT]. I doubt if any man has left Congress in years whose departure is more generally regretted.

The Committee on Interstate and Foreign Commerce, of which I have the honor of being chairman, loses two more valuable members besides Mr. MERRITT.

Mr. DENISON, of Illinois, has performed a tremendously useful service as chairman of the subcommittee on bridges, and there is hardly a Member in the House who is not personally indebted to the painstaking care that Mr. DENISON has given to this laborious position. His departure will be deplored by the membership of the House.

Mr. MERRITT has been a member of the committee for many years and has endeared himself to the membership of the committee on both sides of the aisle. He has brought to the committee ability and distinction.

Mr. JOHNSON of Indiana, while a newer member of the committee, has given most careful attention to the committee work and his presence will be sincerely missed in the next Congress. [Applause.]

TRIBUTE TO THE SPEAKER AND HIS RESPONSE

Mr. CRISP. Mr. Speaker, I offer a resolution, which I have sent to the Clerk's desk.

The SPEAKER. The Chair requests that the gentleman from Tennessee [Mr. BYRNS] take the chair.

Mr. BYRNS assumed the chair as Speaker pro tempore. [Applause, the Members rising.]

The SPEAKER pro tempore (Mr. BYRNS). The gentleman from Georgia offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 394

Resolved, That the thanks of the House are presented to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Mr. CRISP. Mr. Speaker, I doubt not but what I have had more discussions with the Speaker on parliamentary points of order and made as many parliamentary inquiries as any man in the House. I desire to say that in every instance, in my judgment, the Speaker impartially and fairly construed the rules of the House and ruled in accordance with the rules of the House. My complaint is against the rules and not against the present occupant of the chair. [Applause.]

I recall that when our distinguished Speaker first assumed the chair he made this statement, that as a Representative from one of the congressional districts of Ohio he was a partisan; that as the Speaker of this House he would know no partisanship but would be the Speaker of the entire body and faithfully, fairly, courteously, and impartially discharge the duties of that great office. [Applause.] I desire to say that he has kept faith and lived up to that promise. [Applause.] He will take rank as one of the great Speakers of this House. [Applause.]

Mr. Speaker, I move the adoption of the resolution.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

The SPEAKER resumed the chair. [Applause, the Members rising.]

The SPEAKER. Mr. BYRNS, Mr. CRISP, and you, my colleagues: I need not say that I am profoundly grateful for this demonstration of your affection. Perhaps this is the last time I will address you from this rostrum. [Laughter and applause.] I do not mean to insinuate that I regard it as a probability, but I must admit it is a possibility. The decision lies with none of us here. It is a decision that lies with an All-Wise Providence. It is only an All-Wise Providence who is going to determine which of the two great political parties will organize the next House of Representatives.

With whatever Providence may decree I am abundantly satisfied. [Applause.] I ought to be, for but three Speakers of the House in all history will have had a longer term of consecutive service than I have had.

I have enjoyed practically every minute of it, except a few minutes last night. [Laughter and applause.] But even during those few minutes when some Members struck me as being, perhaps, a trifle bothersome, I esteemed them all, as I have esteemed every Member here during my service of six years, without one single exception. [Applause.] If I am to retire from this office, I do so with profound gratitude to my colleagues, not so much for having elevated me to this, the greatest office in any legislative branch in any government of the world, but more for the evidence of the esteem and confidence you have had in me.

And now, the hour of 12 o'clock having arrived, I declare this Congress adjourned sine die. [Applause.]

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

879. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1932, for the War Department, for the expenses of the Army Band, Des Moines, Iowa, amounting to $7,500 (H. Doc. No. 799); to the Committee on Appropriations and ordered to be printed.

880. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Board for Vocational Education for the fiscal year 1932, in the sum of $120,000 (H. Doc. No. 800); to the Committee on Appropriations and ordered to be printed.

881. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year 1932, in the amount of $8,171, to defray the expenses of the United States Marine Band in attending the National Convention of the United Spanish-American War Veterans to be held at New Orleans, La., on September 6 to 10, inclusive, 1931 (H. Doc. No. 801); to the Committee on Appropriations and ordered to be printed.

882. A letter from the Governor of the Federal Reserve Board, transmitting Seventeenth Annual Report of the Federal Reserve Board, covering operations during the year 1930 (H. Doc. No. 556); to the Committee on Banking and Currency and ordered to be printed.

883. A letter from the president of the American Group of the Interparliamentary Union, transmitting report of the American Group of the Interparliamentary Union for the fiscal year 1930; to the Committee on Foreign Affairs.

884. A letter from the vice chairman of the National Legislative Committee transmitting the proceedings of the Twelfth National Convention of the American Legion, held at Boston, Mass., October 6 to 9, 1930, inclusive; to the Committee on World War Veterans' Legislation and ordered to be printed, together with illustrations.

885. A letter from the Secretary of the Treasury transmitting the report of the Secretary of the Treasury on the War Finance Corporation (in liquidation) covering the period from December 1, 1929, to December 31, 1930; to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the office of the Comptroller General (Rept. No. 2945). Ordered to be printed.

Mr. McFADDEN: Committee on Banking and Currency. A report pursuant to House Resolution 141, in connection with an investigation of chain and branch banking conducted by the committee on Banking and Currency (Rept. No. 2946). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 17373) to protect the copyrights and patents of foreign exhibitors at A Century of Progress (Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933; to the Committee on Patents.

MEMORIALS

Under clause 3 of Rule XII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Idaho, memorializing the Congress of the United States, for the navigation development of the Columbia River and its tributaries; to the Committee on Rivers and Harbors.

Memorial of the State Legislature of the State of Idaho, memorializing the Congress of the United States for the passage of Senate Resolutions Nos. 442 and 443 advising the President as to the depressed conditions of our commerce with China and other silver-using countries, and suggesting that the President take certain steps looking to remedial action; to the Committee on Ways and Means.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to pass the proposed amendment to the Constitution of the United States for the seating of Congress in January following its election; to the Committee on Election of President, Vice President, and Representatives in Congress.

Memorial of the Legislature of the State of South Carolina, memorializing Congress for the enactment of legislation to aid in the treatment of crippled children; to the Committee on Interstate and Foreign Commerce.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to at once make adequate appropriations to give employment to the millions of unemployed workmen of the country; to the Committee on the Judiciary.

Memorial of the Legislature of the State of Colorado, memorializing Congress to enact proper legislation for reestablishing some monetary value to silver; to the Committee on Banking and Currency.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to enact legislation for the public operation and development of Muscle Shoals; to the Committee on Military Affairs.

Memorial of the Legislature of the State of Minnesota, memorializing Congress that the International Joint Commission are urged to refuse all requests for the construction of dams and the flooding of any part of the Rainy Lake watershed and adjacent areas of similar nature; to the Committee on the Public Lands.

Memorial of the Legislature of the State of Montana, memorializing Congress to pass Senate bill 5109, providing for the liquidation and refinancing of agricultural indebtedness through Federal agencies; to the Committee on Agriculture.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to take immediate steps for the completion of the Great Lakes-St. Lawrence waterway; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10342. By Mr. CULLEN: Petition of the New York Lumber Trade Association protesting against proposed restoration of a consular invoice as being an extra burden on the users of lumber in industries and home building; to the Committee on Ways and Means.

10343. By Mr. EVANS of California: Petition of O. H. Skeen and approximately 33 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10344. Also, petition of Isaac N. Marsh and approximately 35 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10345. Also, petition of Jennie B. Maxwell and approximately 53 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10346. Also, petition of Rachel A. Hunt and approximately 65 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10347. By Mr. WELSH of Pennsylvania: Petition of M. G. Corfield, protesting against the passage of Senate bill 4582 to amend the tariff act of 1930; to the Committee on the Judiciary.